



DEPARTMENT OF CITY PLANNING

APPEAL REPORT

City Planning Commission

Date: September 12, 2024
Time: After 8:30 A.M.
Place: Los Angeles City Hall
Council Chamber, Room 340
200 North Spring Street
Los Angeles, CA 90012

The meeting's telephonic number and access code number will be provided no later than 72 hours before the meeting on the meeting agenda published at [Commissions, Boards, and Hearing – 9/12/2024 City Planning Commission](#) and/or by contacting cpc@lacity.org.

Public Hearing: May 15, 2024
Additional Limited Public
Hearing: September 12, 2024
Appeal Status: Further Appealable to City
Council
Expiration Date: October 23, 2024

Appellants:

- 1) The Grove, LLC
- 2) Peter Hayden (A.F. Gilmore)
- 3) Patti Shwayder (Mayer
Beverly Park Limited
Partnership)
- 4) Save Beverly Fairfax
- 5) Beverly Wilshire Homes
Association
- 6) Fix the City
- 7) Danielle Peters (Neighbors
for Responsible TVC
Development)
- 8) Greg Goldin (Miracle Mile
Residents Association)
- 9) Barbara Gallen (Park La
Brea Impacted Residents)

**PROJECT
LOCATION:** 7716-7860 Beverly Boulevard

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

Case No.: VTT-83387-1A
CEQA No.: ENV-2021-4091-EIR
Related Cases: CPC-2021-4089-AD-GPA-ZC-HD-
SP-SN; CPC-2021-4090-DA
Council No.: 5 - Yaroslavsky
Plan Area: Wilshire
Plan Overlay: N/A
Certified NC: Mid City West Neighborhood
Council
Existing GPLU: City: Community Commercial,
Neighborhood Commercial,
Limited Commercial; County:
Major Commercial
Proposed GPLU: Community Commercial
Existing Zoning: City: C2-1-O, C1.5-2D-O; County:
C-MJ
**Proposed
Zoning:** TVC-O-SN Zone (TVC 2050
Specific Plan Zone, Oil Drilling
District, Signage Supplemental
Use District)
Applicant: Television City Studios, LLC
Representative: Francis Park, Park & Velayos, LLP

**Appellant
Representatives:**

- 1) Latham & Watkins LLP
- 2) Loeb & Loeb LLP
- 3) Sheppard Mullin Richter &
Hampton LLP
- 4) Carstens, Black & Minter, LLP
- 5) Carstens, Black & Minter, LLP
- 6) Fix the City
- 7) Danielle Peters (Neighbors for
Responsible TVC Development)
- 8) Greg Goldin (Miracle Mile
Residents Association)
- 9) Barbara Gallen (Park La Brea
Impacted Residents)

REQUESTED ACTIONS:

Appeals of the May 28, 2024, Advisory Agency determination which:

1. Pursuant to **Public Resources Code (PRC) Sections 21082.1(c) and 21081.6**, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, No. ENV-2021-4091-EIR (State Clearing House [SCH] No. 2021070014), dated July 14, 2022, the Final EIR, dated November 21, 2023, and the Erratum, dated April 5, 2024 (TVC 2050 Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- 1) The TVC 2050 Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The TVC 2050 Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The TVC 2050 Project EIR reflects the independent judgement and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared TVC 2050 Project EIR Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the TVC 2050 Project EIR.

2. Pursuant to **Section 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC)**, the Advisory Agency **APPROVED Vesting Tentative Tract Map No. 83387**, (stamped map, dated May 17, 2024) for the merger and re-subdivision of four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil.

RECOMMENDED ACTIONS:

1. **Deny** the appeals, and sustain the following actions of the Advisory Agency:
2. **Find** that the City Planning Commission has reviewed and considered the information contained in the EIR No. ENV-2021-4091-EIR (SCH No. 2021070014), which includes the Draft EIR, dated July 14, 2022, the Final EIR, dated November 21, 2023, and Erratum, dated April 5, 2024 (TVC 2050 Project EIR), as well as the whole of the administrative record; and

CERTIFY the following:

- 1) The TVC 2050 Project EIR has been completed in compliance with the CEQA;
- 2) The TVC 2050 Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- 3) The TVC 2050 Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPT the following:

- 1) The related and prepared TVC 2050 Project EIR Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the TVC 2050 Project EIR.

3. **Approve** Vesting Tentative Tract No. VTT-83387 for the merger and re-subdivision of four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil; and
4. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning



Milena Zasadzien,
Principal City Planner



Mindy Nguyen
Senior City Planner



More Song
Deputy Advisory Agency



Paul Caporaso
City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 272, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Environmental Impact Report (EIR) links:

Draft EIR: <https://planning.lacity.gov/development-services/eir/tvc-2050-project-0>

Final EIR: <https://planning.lacity.gov/development-services/eir/tvc-2050-project-2>

Erratum: <https://planning.lacity.gov/development-services/eir/tvc-2050-project-1>

APPEAL ANALYSIS

BACKGROUND

On May 28, 2024, the Deputy Advisory Agency (DAA) approved a Vesting Tentative Tract Map (VTTM) for the merger and re-subdivision of three lots into four lots, as shown on the map stamp-dated May 17, 2024 (Exhibit B); and a Haul Route for the export of up to 772,000 cubic yards of soil, for the TVC 2050 Project (Project).

The Project would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and the modernization and expansion of media production facilities within the approximately 25-acre Television City studio site (Project Site). The proposed Specific Plan would establish standards to regulate land use, massing, design, and development, and permit up to a maximum of 1,724,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout, as well as associated circulation improvements, parking, landscaping, and open space. More specifically, the Specific Plan would permit up to 1,459,623 square feet of new development, the retention of a minimum of 264,377 square feet of existing uses, and the demolition of up to 479,303 square feet of existing media production facilities. The designated Historic-Cultural Monument (HCM No. 1167 CHC 2018-479-HCM) located on-site would be retained and rehabilitated as part of the Project. In addition, a Sign District would be established to permit studio-specific on-site signage.

APPEAL

The DAA issued a Letter of Determination (LOD) on May 28, 2024, certifying the Project's EIR and approving the VTTM for the TVC 2050 Project (Exhibit B). Nine appeals were filed and received in a timely manner by the following parties:

- 1) The Grove, LLC
- 2) Peter Hayden, on behalf of A.F. Gilmore
- 3) Patti Shwayder, on behalf of Mayer Beverly Park Limited Partnership
- 4) Save Beverly Fairfax
- 5) Beverly Wilshire Homes Association
- 6) Fix the City
- 7) Danielle Peters, on behalf of Neighbors for Responsible TVC Development
- 8) Greg Goldin, on behalf of Miracle Mile Residents Association
- 9) Barbara Gallen, on behalf of Park La Brea Impacted Residents Group

Pursuant to LAMC Section 13B.7.3.G.2, appeals of a VTTM are made to the Appeal Board, which in this case is the City Planning Commission (CPC). Pursuant to Once the CPC renders their decision on the appeal, the decision may be further appealed to the City Council, if an appeal is filed pursuant to LAMC Section 13.A.2.8 within 10 days of the issuance of the CPC LOD, pursuant to the Subdivision Map Act.

APPEAL POINTS AND STAFF RESPONSES

The corresponding Memorandum (Exhibit D) is provided to the City Planning Commission to address the appeal points raised by the Appellants, and to provide clarity where necessary for purposes of assisting the Commission in their consideration of the Project and the appeals.

The VTTM appeals primarily focus appeal points on claims about the legal inadequacy of the VTTM process and insufficient findings for approval; and on CEQA topics such as arguments that

the EIR was inadequate, generally citing negative effects from construction, traffic, impacts to historic resources, land use inconsistencies, ambiguity in the project description, and insufficient mitigations or alternatives.

These CEQA issues were previously responded in the Final EIR's Response to Comments, and further responded to in detail in Exhibit D to this report, which includes each Appellant's Appeal Points with the corresponding Appeal Responses. As the VTTM appeals also introduce new claims outside of CEQA topics, related to the adequacy of the VTTM that was approved by the DAA on May 28, 2024, this Appeal Report provides a topical response below, with a detailed description of the VTTM and how the contents of and process for the VTTM fully complied with all applicable regulations (hereafter referenced as the "VTTM Topical Response").

VTTM TOPICAL APPEAL RESPONSE: ADEQUACY OF VTTM AND VTTM PROCESS

The Project includes, among other requested entitlements, a merger and re-subdivision of four lots into three lots under Case No. VTT-83387. The Applicant's Representative prepared the initial entitlement filing application including coordination of required submittal forms and documentation, between technical consultants (architect, civil engineer, transportation consultant, etc.) as well as City staff (Public Works Engineering, Sanitation, Planning, etc.). The VTTM was distributed to City Agencies for comment, and recommended conditions of approval were provided for the DAA's consideration. The VTTM was approved by the DAA, with Conditions of Approval and all legal requisite findings (VTTM Approval).

Appellants 1-6 and 9 included comments in their Appeals regarding the VTTM and concerns about the development rights granted by the VTTM, the process and procedures, as well as LAMC requirements for VTTM. A detailed description of the VTTM and how the contents of and process for the VTTM fully complied with all applicable regulations is provided below; while specific responses to each Appellant and Appeal Point are included in the Memorandum attached to this Appeal Report (Exhibit B).

VTTM and Development Rights

The VTTM Approval does not grant any Project development rights, other than to permit the subdivision of land. As noted in the DAA's LOD dated May 28, 2024 (VTTM LOD), "the subdivider is hereby advised that the Los Angeles Municipal Code (LAMC) may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning Code as it applies to this particular property". Further, LAMC Section 17.15 C.1 describes development rights applicable to a VTTM stating that the development rights granted in association with a vested subdivision application means that future development shall be "in substantial compliance with the ordinances, policies, and standards in effect on the date the application is deemed complete [...] Such rights shall not include exemptions from subsequent changes in the Building and Safety and Fire regulations contained in Chapters V and IX of the LAMC and policies and standards relating thereto." Consistent with the explanation above, the Project is not granted rights to develop a specific buildings or structures through the approval of the VTTM. Rather, the Project must seek approval of all applicable and associated entitlements and permits, primarily through the Department of City Planning (City Planning) and the Department of Building and Safety (LADBS), to secure the rights to develop the Project Site and the subdivision on which it is situated. The vesting rights contained in LAMC Section 17.15 C.1 dictate which ordinances, policies, and standards are to be used by the City Planning to apply to the Project.

VTTM Processes and Procedures

The VTTM dated March 26, 2021 (Original VTTM) and associated application materials were filed with City Planning on May 13, 2021, and deemed complete on June 3, 2021. At that time, the procedures for filing and processing VTTMs were set forth under LAMC Section 17.15 B.1.¹ The VTTM filing complied with all applicable procedures, including all the information and technical requirements listed in LAMC Sections 17.06 B and C. Compliance with these requirements is included below as **Table 1**. In accordance with LAMC Section 17.06 A.1, on March 28, 2024, City Planning circulated the Original VTTM to the Subdivision Committee, which includes the Bureaus of Engineering (BOE), Sanitation, and Street Lighting, the Department of Public Works, the Grading and Zoning Divisions of the LADBS, the Department of Transportation (LADOT), the Fire Department, the Department of Water and Power, the Department of Recreation and Parks, and the Department of General Services. LAMC Section 17.06 A.1 states that such departments may provide a report or recommendations to the Advisory Agency as they find necessary within 39 calendar days after the filing of the map or within such additional time as the Advisory Agency may approve. Furthermore, LAMC Section 17.06 A.1 states that “[f]ailure of any member of said committee to submit his report in writing within the time limits specified above shall be construed as indicating that said member has no recommendation to submit concerning the Tentative Map.” Thus, City Planning complied with the circulation requirements of LAMC Section 17.06 A. At the expiration of the 39-day period described above, which expired on or around May 6, 2024, the Advisory Agency had satisfied its circulation obligations pursuant to LAMC Section 17.03 B and was free to act on the VTTM.

Following the publication of the Final Environmental Impact Report (Final EIR) in November 2023, refinements were made to the Project in response to feedback from the community. On February 23, 2024, a Project Refinements Letter and associated Modified Project plans were submitted to City Planning and incorporated into the public record for the Project. These refinements reduced the size of the Project by decreasing the proposed floor area, height, and massing of the Project, among other refinements (referred to as the “Modified Project”). Materials reflecting these refinements were submitted to City Planning on March 27, 2024, including updated development plans and an updated draft VTTM dated March 25, 2024 (Updated VTTM). Subsequent to the submittal of these materials, an Erratum was published by City Planning in April 2024, which analyzed the environmental impacts of the Modified Project. The Erratum included the updated development plans as Appendix A, and the Erratum concluded that the Modified Project would not result in any new significant impacts or substantially increase the severity of any previously identified impact presented in the EIR, or any changes to the Project Design Features (PDFs) or mitigation measures in the Final EIR.

On April 19, 2024, City Planning published a Notice of Public Hearing (Hearing Notice) for a joint public hearing by the DAA and Hearing Officer on behalf of the CPC, to be held on May 15, 2024 (Hearing). The Hearing Notice stated that the DAA will consider the EIR, inclusive of the Erratum, for the merger and re-subdivision of four lots into three lots, and a haul route for the export of up to 772,000 cubic yards of soil.

The VTTM Staff Recommendation Report (Tract Report) prepared prior to the public hearing, discussed the Modified Project and the refinements made, and incorporated all Project plans, including the Modified Project plans included in the Erratum, by reference. The architectural plans

¹ Effective January 22, 2024, the Processes and Procedures Ordinance created Chapter 1A of the LAMC, which consolidated and reorganized all administrative functions previously scattered throughout the Zoning Code. However, no substantive changes to technical requirements of subdivision applications occurred.

for the Modified Project included a site plan, floor plan, elevations, and renderings, all of which provide details regarding the proposed buildings' envelopes, size, floor area, heights, and identified locations of accessory improvements including vehicular driveways, landscaped areas, fences, and walls. The Original VTTM was also attached as Exhibit A to the Tract Report, and the Modified Project was discussed in detail in the Tract Report. During the Hearing, the Applicant stated on the record that an Updated VTTM had been submitted to City Planning prior to the hearing, that included updated building footprints to reflect the Modified Project plans.² These modifications are limited only to lot lines proposed within the interior of the site, and not related to the overall subdivision boundary or associated dedications and improvements along the VTTM frontages. No changes were made to the number of lots, external lot lines, street design, street lighting, or grading. Specifically, the Original VTTM proposed a rectangular Ground Lot 1 totaling 184,078 square feet in area, measuring approximately 152 feet from the northern lot line to the southern lot line and approximately 1,212 feet from the eastern lot line to the western lot line. The Updated VTTM adjusted the westernmost 285.1 feet of Ground Lot 1's southern lot line by 41.5 feet to the south and the easternmost 316.6 feet of Ground Lot 1's southern lot line by 41.2 feet to the south. The inner 610.3 feet of Ground Lot 1's southern lot line remained unchanged from the Original VTTM. Ultimately, these slight revisions result in an irregularly shaped Ground Lot 1 totaling 209,238 square feet of area in the Updated VTTM. The purpose of the adjustments to the proposed boundaries of Ground Lot 1 were to accommodate refined building locations in the Modified Project, including two proposed office buildings on Beverly Boulevard so such improvements are contained in one legal lot and do not cross a boundary encroaching on another legal lot. See Figure 1 below.

² Although submitted on March 27, 2024, City Planning stamped the Updated VTTM on May 17, 2024.

Table 1
Compliance with LAMC Section 17.06
Applicable to both the Original VTTM and Updated VTTM

LAMC § 17.06	Text of Code	Compliance	Original VTTM vs. Updated VTTM
B.1	The tract number.	The same tract number is centered along the top of both Sheets 1 and 2 of the Original and Updated VTTM.	No Change
B.2	Sufficient legal description of the property to define its boundaries.	The full legal description of the property is included on the left of Sheet 1 of the Original and Updated VTTM.	No Change
B.3	Names, addresses and telephone numbers of the record owner, subdivider, and person preparing the map.	Contact information regarding applicable parties is provided within the title block column on Sheet 1 of the Original and Updated VTTM.	No Change
B.4	North point, engineering scale, date and area.	The north arrow, scale, and date are provided within the title block column of Sheet 2 of the Original and Updated VTTM.	No Change
B.5	The widths and approximate locations of all existing and proposed public easements or rights of way, or private street easements, within and adjacent to the property involved.	All existing easements and rights-of-way are described on Sheet 1 with corresponding references to Sheet 2; and all proposed easements are displayed on Sheet 2 of the Original and Updated VTTM. There are no existing or proposed private streets.	No Change
B.6	Locations, widths, and approximate grades of existing and proposed highways, streets, alleys or ways, whether public or private within and adjacent to the property involved.	All widths and grades of existing public streets are provided on Sheet 2 of the Original and Updated VTTM.	No Change
B.7	Existing street names, and names or designations for all proposed streets and highways.	Existing street names and designations are displayed on Sheet 1 and physical locations are displayed on Sheet 2 of the Original and Updated VTTM.	No Change
B.8	Approximate radii of all center line curves for streets, highways, alleys or ways.	Center Lines of all relevant rights-of-way are displayed on Sheet 2 of the Original and Updated VTTM.	No Change

LAMC § 17.06	Text of Code	Compliance	Original VTTM vs. Updated VTTM
B.9	Lot layout, approximate dimensions of each lot and number of each lot.	Layouts and dimensions of proposed lots are displayed on Sheet 2 of the Original and Updated VTTM.	No Change
B.10	The locations of potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and direction of flow of all watercourses, flood control channels, and mud or debris paths where ravines or swales will exist within and adjacent to the property involved; building setbacks from such hazards, the proposed method of providing flood, erosion and mud or debris control; and areas where access and emergency paths will be located in the event flood design capacity is exceeded. Lot lines shall be located so that the flow of watercourses and mud and debris paths, access and emergency paths, and setbacks shall be adjacent to lot lines or in areas or restrictions against construction.	The Project Site contains no potentially dangerous areas; therefore, this requirement is not applicable.	No Change
B.11	The existing contour of the land at intervals of not more than five feet, and of not more than two-foot intervals if the slope of the land is less than five per cent.	Existing contour of the land at applicable intervals are displayed on Sheet 2 of the Original and Updated VTTM.	No Change
B.12	The approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells.	The buildings and structures to be retained and removed are displayed on Sheet 2 of the Original and Updated VTTM. There are no existing wells on the Project Site.	No Change
B.13	The approximate location and general description of any large or historically significant trees or shrubs and of any protected trees or shrubs and an indication as to the proposed retention or	The Project Site contains sparse vegetation and trees, none of which is large or historically significant. Nevertheless, trees and shrubbery are displayed on	No Change

LAMC § 17.06	Text of Code	Compliance	Original VTTM vs. Updated VTTM
	destruction of the trees or shrubs.	Sheet 2 of the Original and Updated VTTM.	
B.14	If any streets shown on the Tentative Map are proposed to be private streets, they shall be clearly indicated. Such streets shall conform to the requirements of Article 8 of this chapter or shall have been previously approved in accordance with the then applicable provisions of the said article.	There are no existing or proposed private streets on the Project Site; therefore, this requirement is not applicable.	No Change
B.15	The proposed method of providing sewage disposal and drainage for the property.	Proposed utility information is displayed on Sheet 1 of the Original and Updated VTTM.	No Change
B.16	A statement regarding existing and proposed zoning.	Existing and proposed zoning designations are displayed on Sheet 1 of the Original and Updated VTTM.	No Change
C	Protected Tree Reports for Tentative Tract Maps. No application for a tentative tract map approval for a subdivision where a protected tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree. The report shall be prepared by a tree expert and shall include all protected trees identified pursuant to Subdivision 13. of Subsection B. (Map Requirements) of this Section.	The Project Site contains zero protected trees on-site or in an adjoining right-of-way; therefore, this requirement is not applicable.	No Change

Notably, both the Original VTTM and Updated VTTM do not differ in any material way with respect to technical requirements described in LAMC Sections 17.06 B and C, as demonstrated in Table 1, above.

As the Updated VTTM retained the requested merger and re-subdivision, City Planning determined that recirculation to the members of the Subdivision Committee was not required;

however, City Planning confirmed with BOE and LADBS-Zoning that their recommended conditions would not change due to the revisions of the VTTM. Further, there is no provision in the LAMC that requires recirculation as minor changes may be made to a map subsequent to its initial submittal and prior to final approval. The LAMC allows minor revisions to the VTTM without recirculation, provided such revisions do not constitute a “Revised Tentative Map.” As the Original VTTM and Updated VTTM are substantially similar in the context of the technical requirements of the LAMC, and the associated merger and re-subdivision remained consistent across both maps, the Updated VTTM does not constitute a “Revised Tentative Map”, as defined by LAMC Section 17.02, which is “[a] map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved or a modification of the boundary of the property.” Additionally, as stated in BOE’s technical guidance on tentative subdivisions, after an initial action on a tentative map, any of the conditions may be modified if approved by the Advisory Agency, and the reasons for the modification can vary from hardship to a change in circumstance.³

Regarding the VTTM conditions related to merger and dedication requirements, the Original VTTM included a proposed a 7-foot merger along Fairfax Avenue and a waiver of dedication of 3 feet along The Grove Drive. As stated on page 2 of the Tract Report, prior to the Hearing, the Applicant withdrew the 7-foot merger request but continued to request the 3-foot waiver of dedication. The result of this request was a revised BOE Report submitted to City Planning on May 10, 2024, which is noted on page 6 of the Tract Report. After deliberation with the Subdivision Committee members during and after the Hearing, BOE provided Condition of Approval Nos. 3 and 4, to require a 3-foot dedication along The Grove Drive and a 5-foot sidewalk easement to be dedicated along Fairfax Avenue to complete a 15-foot-wide sidewalk. Additionally, LADOT provided Condition of Approval No. 13, which requires the sidewalk on the west side of The Grove Drive (south of the new project driveway) be narrowed by two feet in order to widen The Grove Drive, with BOE concurring as provided in Condition of Approval No. S-3(j)c.i., which also identifies that the new sidewalk will be 11 feet wide.

The DAA stated that the decision was going to be taken under advisement and the record would be left open to allow consultation with other City departments and to review additional comments from the public and the Applicant. During this time, no comments were received from the public regarding the Updated VTTM.

On May 28, 2024, the DAA issued an LOD that certified the Project’s EIR, approved the Updated VTTM, date-stamped May 17, 2024, and adopted the Conditions of Approval agreed to by the members of the Subdivision Committee. In addition, Condition of Approval No. 8 was added to require a revised map be submitted for review by staff to confirm all required elements are shown and documented, as follows:

That a revised map be submitted satisfactory to the City Planning Department [and] the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easement adjoining the subdivision. This map will be used for final map checking purposes.

³ Los Angeles Bureau of Engineering, Technical Procedures—Tentative Subdivisions, updated March 1, 2023, accessed at <https://engpermitmanual.lacity.org/land-development/technical-procedures/01-tentative-subdivisions>.

VTTM Code Compliance

Appellants 1 and 3 contend that the Project must comply with certain requirements contained in LAMC Section 17.15 B.1(b), which states:

At the time a vesting tentative map is filed, a subdivider shall provide all information required in connection with the filing of a tentative map by this Code, including the information required by Section 17.06 B and C. Where the proposed subdivision is in a designated Hillside area, the Advisory Agency shall require the filing of a proposed grading plan pursuant to Section 17.05 L and may not waive the requirement to file preliminary soils report pursuant to Section 17.05 U. A subdivider shall also indicate whether the proposed subdivision is in the vicinity of the Mulholland Scenic Parkway and the dedication of land for such purposes may be necessary. In addition, if design review of the proposed subdivision is required by the applicable community or district plan or by a specific plan, the subdivider shall provide the information necessary for such review. The plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls.

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

Topical Response Conclusion

The Project's VTTM was appropriately approved in compliance with all provisions of the Subdivision Map Act and all applicable LAMC Sections referenced above.

CONCLUSION

In conclusion, per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing. The VTTM made the prescribed findings demonstrating that the proposed map is consistent with the Subdivision Map Act, including consistency with the applicable general and specific plans, that the site is physically suitable for the proposed type of development and density, that the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, not likely to cause serious public health problems, will not conflict with applicable public easements, and that the design of the proposed subdivision will provide future passive or natural heaven or cooling opportunities to the extent feasible. Therefore, Staff recommends that the appeal be denied and that the actions of the DAA be sustained. No new substantial evidence was presented relative to VTTM No. 83387, or to dispute the findings of the EIR. The EIR is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein.

As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the supposed inadequacy of the EIR, mitigation measures, statements of overriding consideration, or the supposed inadequacy of the findings, have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that revision of the Draft EIR is warranted. The DAA correctly made findings of approval consistent with the California Subdivision Map Act, LAMC Section 17.54, and the provisions of CEQA. Therefore, in consideration of all the facts, City Planning recommends that the CPC deny the appeals, sustain the decision of the DAA, and certify the EIR.

EXHIBIT A

Appeals

VTT-83387-1A

September 12, 2024

EXHIBIT A.1

The Grove, LLC Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

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

CASE INFORMATION

Case Number: VTT-83387, ENV-2021-4091-EIR

APN: 5512-001-003, 5512-002-002, 5512-002-001, 5512-002-009

Project Address: 7716-7860 Beverly Boulevard, Los Angeles, CA 90036

Final Date to Appeal: June 7, 2024

APPELLANT

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

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

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: The Grove, LLC

Company/Organization: The Grove, LLC

Mailing Address: 101 The Grove Drive

City: Los Angeles **State:** CA **Zip Code:** 90036

Telephone: 323-900-8064 **E-mail:** CRobertson@Caruso.com

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

☒ Self ☐ Other: _____

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

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Maria P. Hoye

Company: Latham & Watkins LLP

Mailing Address: 355 S. Grand Ave., Ste. 100

City: Los Angeles **State:** CA **Zip Code:** 90071

Telephone: 213-891-7540 **E-mail:** maria.hoye@lw.com

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

JUSTIFICATION / REASON FOR APPEAL

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

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☒ YES

☐ NO

If Yes, list the Condition Number(s) here: All Conditions

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: Chris Robertson Date: 6/5/2024

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$166

Reviewed & Accepted by (DSC Planner): S. Chan

Receipt No.: 200098774041 Date: 6/6/24

☒ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

Attachment A

Justification/Reason for Appeal of Advisory Agency's Decision Regarding the Vesting Tentative Tract Map and Certification of EIR for the TVC 2050 Project (Case Numbers VTT-83387, ENV-2021-4091-EIR)

The Grove, LLC ("Appellant") appeals the City's Advisory Agency's May 28, 2024, approval of the Vesting Tentative Tract Map ("VTTM") and related certification of the Final Environmental Impact Report ("EIR") for the TVC 2050 Project (Case Numbers VTT-83387 and ENV-2021-4091-EIR, together with the related Case Numbers CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; CPC-2021-4090-DA, the "Project"). This appeal is based on the reasons set forth herein and additional evidence and arguments that will be presented at or ahead of the appeal hearing.

The Advisory Agency issued a Letter of Determination ("LOD") on May 28, 2024, purportedly approving a VTTM, certifying the Project's Final EIR, and adopting Environmental Findings, a Statement of Overriding Considerations ("SOC") and an unknown Mitigation Monitoring Program ("MMP"). The Advisory Agency's process was inconsistent with the law, including CEQA, and the VTTM fails to comply with the requirements of the Subdivision Map Act and the Los Angeles Municipal Code ("LAMC").

Among a number of failures to comply with the law, the LOD purportedly approved a map that (i) was filed *after* the Advisory Agency's hearing, (ii) is different than the map attached to the publicly issued staff report, (iii) is different than the map made available to the public before the hearing, and (iv) is different than the map considered at the Advisory Agency hearing. The LOD approved a map that was *never circulated to the Subdivision Committee* as required by the LAMC. The LOD approved a map that lacks the information required of vesting tentative tract maps by law. And, finally, the LOD approved a map that is inconsistent with the Project described in the recently published modified Specific Plan and the Final EIR.

Each violation of the law noted above requires the City to start the process over. Given these failures, the approval of the VTTM is invalid on its face as is the Final EIR's certification.

The Advisory Agency abused its discretion and failed to proceed in the manner required by law in approving the VTTM, certifying the Final EIR, and adopting the Environmental Findings, SOC, and MMP. The Advisory Agency did not follow the LAMC's requirements and procedures, the Subdivision Map Act, or CEQA, and there is no substantial evidence supporting the Advisory Agency's findings.

Appellant is an interested person adversely affected by the Advisory Agency's determination. Appellant is the ground lessee of adjacent land and operates a business immediately adjacent to the Project. Appellant will be directly impacted by the Project.

A. The Advisory Agency's Decision Violates CEQA

We incorporate by reference our September 13, 2022, comments on the Draft EIR, Appellant's May 14, 2024, letter prior to the Advisory Agency hearing, and all opposition comments submitted to the Advisory Agency regarding the Project. As discussed therein, the

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

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

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

The City's response to the over six hundred comment letters on the Draft EIR was inadequate, often conclusory, and lacking any evidentiary support. The City failed to properly revise and recirculate the EIR as required under CEQA.

The purportedly adopted MMP was not included with the LOD. The LOD on page 13 references the MMP attached as Exhibit B, but there is no Exhibit B. Therefore, it is unclear what mitigation measures were adopted.

For all these reasons, the Advisory Agency abused its discretion and violated CEQA in certifying the Final EIR and adopting the Environmental Findings, SOC, and unknown MMP.

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

The LOD purports to approve a VTTM filed two days *after* the Advisory Agency's hearing that is substantially different from the map attached to and analyzed in the Advisory Agency's staff report and considered at the hearing. This was error.

The Advisory Agency hearing staff report attached a map dated March 26, 2021. The Advisory Agency met on May 15 to hold a hearing on the map dated March 26, 2021. Yet the "approved" VTTM is dated May 17, 2024. The "approved" VTTM was not made available to the public prior to the hearing. It also appears that this May 17th VTTM was never circulated to the Subdivision Committee. Approving a map that was never circulated to the Subdivision Committee, never made available to the public, and different from the version that was the subject of the Advisory Agency's staff report and hearing violates the LAMC, which requires the

Advisory Agency to submit the map to be approved to the Subdivision Committee and to consider the map at a public meeting. LAMC § 17.03.B.

This “approved” map is completely different from the one attached to the staff report. And this “approved” map is inconsistent with the project described in the Final EIR. The Bureau of Engineering, Department of Building and Safety – Grading Division, and Bureau of Street Lighting, only seem to have reviewed and commented on the map attached to the staff report. None of them commented on this new May 17, 2024, map the Advisory Agency purported to approve. This error cannot be cured by a Planning Commission hearing. The City needs to start again and circulate to the Subdivision Committee and public a new map consistent with the requirements of the Subdivision Map Act, the LAMC, and as described in the Final EIR, and hold a new Advisory Agency hearing.

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

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

By way of example only, the “approved” map is missing the grading, cut/fill and import/export quantities, building envelopes showing height, size, number of units, and location of buildings, driveways, and perimeter walls and fences. Because the “approved” map lacks the information required to file and process the map, it cannot acquire vesting rights back to Applicant’s initial filing in 2021 even if these deficiencies are corrected.¹

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

D. The Advisory Agency’s Decision Violates the Subdivision Map Act

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

¹ There is also confusion as to what has been approved regarding street widths. The Bureau of Engineering included a three-foot dedication along Grove Drive as a condition of approval. The LOD states that a waiver of a three-foot dedication along The Grove Drive has been requested and the waiver is shown on the VTTM. But the LOD is silent as to whether the waiver request is granted or denied. The VTTM could not have been approved without denial of the waiver, which the Advisory Agency did not include in the LOD.

subdivision or type of improvements is likely to cause serious public health problems, or (v) the design of the subdivision or type of improvements will conflict with certain public access easements. Gov. Code § 66474. The Advisory Agency abused its discretion in approving the VTTM.

Overall, the LOD's findings are inconsistent with the information in the Final EIR. For that reason alone, the Advisory Agency abused its discretion. The Project studied in the Final EIR is a different project from what is proposed in the VTTM, which as discussed above was not even the map that was considered by the Advisory Agency during the May 15 hearing.

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

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

Third, the Advisory Agency was required to deny the VTTM because the Final EIR for the Project is deficient and fails to address numerous significant environmental impacts that would result from the Project, which is also not clearly defined in the EIR. The record evidence does not provide support for a finding under the Subdivision Map Act that the Project would not cause substantial environmental damage,² or for the exemption from such a finding under

² *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1355 (finding "substantial environmental damage" is equivalent to "significant effect on the

Government Code Section 66474.01. Therefore, the design of the subdivision and improvements is likely to cause substantial environmental damage and the Advisory Agency's finding is unsupported by the evidence in the record.

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

Fifth, the Advisory Agency abused its discretion in finding the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. Examples of passive or natural heating opportunities in subdivision design are described in Government Code Section 66473.1, including design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, and to permit orientation of a structure to take advantage of shade or prevailing breezes. While the LOD states the applicant has "prepared and submitted materials which consider the local climate, contours and configuration of the lot(s) to be subdivided and other design and improvement requirements," these documents are not included with the LOD or in the publicly available documents for the Project, and it is unclear what these include. As discussed above, the Project is not clearly defined, and the VTTM considered by the Advisory Agency is not even the same map that was approved with the LOD. The Advisory Agency's finding is unsupported by the evidence in the record.

For the foregoing reasons, the Appellant respectfully requests that the City set a hearing on this appeal and that the City Planning Commission grant the appeal and vacate the Advisory Agency's approval of the Project.

environment" as used in CEQA, and documents prepared for CEQA could provide a sufficient factual record for making Subdivision Map Act findings).

EXHIBIT A.2

Peter Hayden (A.F. Gilmore)

Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

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

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☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-83387; CEQA: ENV-2021-4091-EIR

APN: 5512-001-003, 5512-002-002, 5512-002-009, 5512-002-001

Project Address: 7716-7860 Beverly Boulevard

Final Date to Appeal: June 7, 2024

APPELLANT

For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:

Check all that apply.

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

For Building and Safety Appeals only:

Check all that apply.

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☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

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Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: Peter Hayden

Company/Organization: A.F. Gilmore Company

Mailing Address: 6301 W. 3rd Street

City: Los Angeles **State:** CA **Zip Code:** 90036

Telephone: (323) 954-4232 **E-mail:** phayden@afgilmore.com

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

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☐ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Allan Abshez

Company: Loeb & Loeb LLP

Mailing Address: 10100 Santa Monica Boulevard, Suite 2200

City: Los Angeles **State:** CA **Zip Code:** 90067

Telephone: (310) 282-2099 **E-mail:** aabshez@loeb.com

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

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☐ Part

Are specific Conditions of Approval being appealed?

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☒ NO

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On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____

Date: _____

6-5-2024

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THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

THE DEPUTY ADVISORY AGENCY'S FINDINGS ARE INVALID AS A MATTER OF LAW AND DO NOT SUPPORT TENTATIVE MAP APPROVAL

1. The Proposed Map is Not Consistent with Applicable General and Specific Plans.

The Deputy Advisory Agency's findings that the proposed map is consistent with applicable general and specific plans are not supported by substantial evidence because the Deputy Advisory Agency evaluated the Project against the Applicant's requested – but not adopted – proposed planning and zoning amendments rather than against “applicable” General and Specific Plans as required by Government Code Section 66474.

The Subdivision Map Act does not permit local planning authorities to base tentative tract and parcel map approvals upon ‘proposed’ General and Specific Plans. Government Code Section 66474.2(a) expressly provides that “the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.” (emphasis added). Government Section 66474.2(c) prohibits the application of Applicant requested changes unless they have been “adopted.”

Thus, the Deputy Advisory Agency's finding regarding consistency with applicable general and specific plan is *prima facie* invalid. Because of the Project's numerous inconsistencies with applicable general and specific plans. Government Code Section 66474 mandates that the tentative map be disapproved.

The Deputy Advisory Agency's assumed approval of the Applicant's proposed General Plan Amendment, Zone Change and Specific Plan in derogation of Sections 66474 and 66474.2 also evidences its impermissible bias as a decision-maker, the abandonment of its function as an impartial quasi-adjudicatory agency, that the public was denied due process and a fair hearing. Accordingly, the decision of the Deputy Advisory Agency should be overturned in its entirety and returned to the Planning Department for further action.

It is the responsibility of the Deputy Advisory Agency – not the public – to conduct the analysis required by Section 66474, but – by way of examples only – the Project is demonstrably inconsistent with applicable general and specific plans in the many ways discussed below, each of which independently compels tentative map denial.

The majority of the Project Site is presently zoned C2-1 and C1.5-1, which limits building floor area to 1.5:1. The Project's ‘admitted’ floor area (and the Project's actual floor area is larger than the Applicant concedes as discussed below) exceeds the applicable 1.5:1 limit. Thus, the Project is inconsistent with applicable FAR limits.

In addition, the Project's building heights are not consistent with the Project Site's existing Mixed-Use Boulevard designation, which provides that Mixed-Use Boulevards are generally characterized by one- to two-story commercial structures, with up to three- to six-story mixed use buildings “between Centers.” The Project Site is not located “between Centers” and the Project Buildings exceed the one- to two-story limitation for Mixed Use Boulevards.

The Applicant's intent, as disclosed in its original applications and as acknowledged by the Draft Environmental Impact Report (EIR) published by the City, is to create a 'Regional Center' development at the Project Site. While the Applicant is no longer requesting such a designation under the Wilshire Community Plan, the development proposed by the Project remains a 'Regional Center.' in size, scale, character and massing.

As discussed above, Mixed-Use Boulevards are generally characterized by one- to two-story commercial structures, and up to three- to six-story mixed use buildings between Centers. Many of the Project's proposed height zones permit buildings from 145-225 feet in height, which are the heights intended for Regional Center development according to the Framework Element of the General Plan. The Project Site is not located in a Regional Center.

Furthermore, the Project relies on proposed exemptions from numerous provisions of the currently applicable Zoning Code that are intended to control design, improvement, and use. These include, applicable regulations pertaining to the measurement of height, permitted use, definition of floor area, setbacks, vehicle and bicycle parking, sign regulations, open space and landscape requirements. The Project's proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

The Project also proposes exemptions from the Mini-Shopping Centers and Commercial Corner Development requirements that are contained in LAMC Code Sections 12.22.A.23 and 12.24.W.27. The Project's proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

The Project also relies on exemption from Street Dedication and Improvement that are required by LAMC Section 12.37. The Project's proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

2. The Design and Improvement of the Proposed Subdivision Are Not Consistent with Applicable General and Specific Plans. The Deputy Advisory Agency's findings that the design and improvement of the proposed subdivision is consistent with applicable general and specific plans are not supported by substantial evidence because the Deputy Advisory Agency evaluated the Project against the Applicant's requested – but not adopted – proposed planning and zoning amendments rather than against “applicable” General and Specific Plans as required by Government Code Section 66474.

The Subdivision Map Act does not permit local planning authorities to base tentative tract and parcel map approvals upon ‘proposed’ General and Specific Plans. Government Code Section 66474.2(a) expressly provides that “the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.” (emphasis added). Government Section 66474.2(c) prohibits the application of Applicant requested changes unless they have been “adopted.”

Thus, the Deputy Advisory Agency's finding regarding consistency with applicable general and specific plan is *prima facie* invalid. Because of the Project's numerous inconsistencies with

applicable general and specific plans. Government Code Section 66474 mandates that the tentative map be disapproved.

As discussed above in detail, the design and improvement of the Project does not comply with the design and improvement requirements that apply to the C2-1 and C1.5-1 zones or those that apply to Mixed-Use Boulevards, or are otherwise applicable to regulate design, improvement and use.

The Deputy Advisory Agency's assumed approval of the Applicant's proposed General Plan Amendment, Zone Change and Specific Plan also evidences its impermissible bias as a decision-maker, the abandonment of its function as an impartial quasi-adjudicatory agency, that the public was denied due process and a fair hearing. Accordingly, the decision of the Deputy Advisory Agency should be overturned in its entirety and returned to the Planning Department for further action.

3. The Site is **Not Physically Suitable for the Proposed Type of Development/The Site is **Not** Physically Suitable for the Proposed Density of Development.**

The Applicant's intent, as disclosed in its original applications and as acknowledged by the Draft Environmental Impact Report (EIR) published by the City, is to create a 'Regional Center' development at the Project Site. However, The Project Site is not located in a Regional Center. While the Applicant is no longer requesting such a designation under the Wilshire Community Plan, the development proposed by the Project remains a 'Regional Center.' in size, scale, character and massing. The Project Site is not suitable for the type and density of 'Regional Center' development proposed by the Applicant.

Since 1952, the Project Site was operated as a television studio and supporting offices for CBS Corporation. The Project Site is currently improved as a television studio. According to the Final EIR, the Project Site is improved with 743,680 square feet of television-studio related uses. Existing buildings including studios buildings, are well set back from surrounding property lines. The main studio building is 5 stories in height. Remaining primary buildings are two to three stories in height. The 18 ancillary buildings at the Project Site are one-story in height.

The existing development at the Project Site accords with the designation of the Project Site as Mixed-Use Boulevard: generally characterized by one- to two-story commercial structures, and up to three- to six-story mixed use buildings between Centers.

The Applicant proposes to dramatically intensify development at the Project Site and change the Project Site's historic use from a television studio owned and operated by a single company to a regionally-scaled commercial office center, film and media center.

The Applicant concedes that is proposing to significantly increase the intensity of development at the Project Site from 743,680 square feet to 1,724,000 square feet – an approximately 1 million square foot increase over existing development. However, the floor area proposed is larger because the Applicant is seeking to exclude from the definition of Floor Area (and contrary to the requirements of the Los Angeles Municipal Code) floor area that the Applicant calls 'basecamp' that will in fact be occupied by employees and used for production purposes.

The Applicant concedes approximately 209,790 square feet of basecamp floor area.¹ Thus, the additional amount of development from today's level conceded by the Applicant is approximately 1.2 million square feet.

The Applicant's website proclaims that "TVC will rehabilitate and preserve William Pereira's original 1952 Television City facilities." However, the Project actually proposes to demolish 77% of Television City, retaining only the shell of what is called the CBS Primary Studio complex, which the Applicant agreed to retain in order to gain the support of the Los Angeles Conservancy for the remainder of its Project, which has nothing to do with historic preservation. Of the approximately 2 million square feet of development proposed by the Applicant, only approximately 12 percent (247,820 square feet) will consist of retained CBS facilities.

An additional reason that the Project Site is not suitable for the type and density of development proposed is that as a 'Regional Center' development it is heavily automobile and truck dependent, but is not located proximate to any major freeway. The closest freeway, the I-10, is located approximately 3 miles to the south of the Project Site – accessible only via neighborhood streets that are already subjected to daily gridlock and cut-through traffic. Fairfax Avenue, south of Olympic Boulevard, which provides connection to the I-10 is designated an Avenue III by the Mobility Plan – the narrowest type of arterial street. All of the streets proximate to Fairfax Avenue experience cut-through traffic as a result of such gridlock.

The Applicant concedes that 6,836 persons will be employed at the Project Site(although the number of employees is foreseeably larger because of the improper exclusion of 'basecamp' floor area). Approximately 4,930 vehicular parking spaces will be provided to serve commuters. While the Applicant proposes a 'mobility hub' and a TDM program to reduce automobile trips, nothing in the Specific Plan or the Deputy Advisory Agency's decision requires Project employees not to drive their cars or restricts Project development if TDM goals are not met.

In addition, Unlike the historic operation of CBS, the Applicant's Project would be heavily truck dependent. The Final EIR concedes 83 production trucks, including 18-wheelers, producing 166 truck trips per day. Such a truck-dependent facility should be located proximate to freeway access – not nearly 3 miles from the nearest freeway. As discussed above, Fairfax Avenue, south of Olympic Boulevard, which provides connection to the I-10 is designated an Avenue III by the Mobility Plan – the narrowest type of arterial street. Fairfax Avenue is not suited to carry the daily truck burden resulting from the Project. Such truck traffic will further encourage gridlock and cut-through traffic on surrounding streets.

Indeed, according to LADOT Transportation Assessment of the Project (Draft EIR, Appendix M), the Project would cause an "Excessive Traffic Burden" on nearby residential streets, including the Beverly Fairfax National Historic District. In addition to compounding gridlock along Fairfax, Beverly and Third Streets, LADOT has determined that TVC 2050 will cause excessive cut-through traffic to residential streets north of Beverly and west of Fairfax.

¹ The actual amount of 'basecamp' is not regulated by Specific Plan, and the actual amount of basecamp square footage is likely greater than conceded by the Applicant.

The Project proposes 915,440 square feet of production support and office space to support its sound stages. In addition, the Applicant proposes 550,000 square feet of “General Office” which the proposed Specific Plan expressly admits need not have anything to do with production activities. This type of development constitutes over 30% of the Project’s admitted square footage (as discussed the floor area of the Project is actually larger than the Applicant concedes). General Office unassociated with production activities is not a use historically associated with CBS Television City, and General Office unassociated with production activities is not necessary to achieve studio-serving Project objectives.

The Project’s massive size and scale is incompatible with surrounding development, would overwhelm the surrounding community, and set a precedent for the extension of similarly scaled development where it is not anticipated by the Wilshire Community Plan or the General Plan Framework.

Project building height zones permit buildings from 130-225 feet in height, which are the heights intended for Regional Center development according to the Framework Element of the General Plan. According to the Final EIR, Buildings up to 145 feet in height would be permitted along Fairfax Avenue and Beverly Boulevard.



4. The Design of the Subdivision and the Proposed Improvements **Are Likely** to Cause Serious Public Health Problems.

LADOT’s Transportation Assessment states that the Project will result excessive burden to residential local and collector streets due to cut-through traffic seeking to avoid gridlocked arterial streets. Moreover, LADOT states that it may not be possible to implement calming measures in areas where it traffic calming measures are implemented without diverting traffic to another residential street. (“Traffic calming measures may also include more restrictive physical/operational improvements such as turn restrictions, cul-de-sacs, traffic diverters, and street blockers. However, those more restrictive measures themselves have the potential to

divert traffic to another residential street.”) Thus, LADOT concedes that it may not be possible to mitigate the effects of cut-through traffic caused by the Project.

Cut-through traffic results in speeding on residential streets exposes the residents of those streets, including elderly persons, disabled persons, children, and bicyclists, to the risk of collisions, injury and death.

On April 24, 2023, a speeding driver killed a 35-year old woman and seriously injured her 6-year old daughter on Colgate Avenue near Hancock Park Elementary School. According to LADOT, “[e]very year, more than 200 people are killed while trying to move throughout city. Nearly half the people killed in traffic crashes were walking or bicycling, and an alarming number of those killed are children and older adults. In fact, traffic collisions are a leading cause of death for children in Los Angeles.” (emphasis added; see <https://ladotliveablestreets.org/programs/vision-zero>)

The Transportation Assessment for the Project fails to analyze the full scope of residential streets that may experience cut-through traffic resulting from the Project. Cut-through traffic would also be experienced by adjacent to streets leading to and from I-10 as a result of the Project, including streets nearby Fairfax Avenue and Curson Avenue.

As acknowledged by LADOT, cut-through traffic causes serious public health problems: injury and death. Because cut-through traffic caused by the Project will foreseeably result in injury and death, the Project will likely cause serious public health problems. Accordingly, Government Code Section 66474 mandates that the tentative map be disapproved.

THE TENTATIVE MAP MUST ALSO BE DISAPPROVED BECAUSE THE WILSHIRE COMMUNITY PLAN IS SEVERELY OUT OF DATE,

The tentative map cannot be found consistent with what the City concedes is an out-of-date, and therefore invalid, community plan. Approval of the Project outside of the context of an update to the Wilshire Community Plan conflicts with the most central premises of the City’s community planning update process:

- Integrate land use, infrastructure, and transportation improvement;
- Direct growth to centers while preserving established residential neighborhoods;
- Create healthier, more livable neighborhoods and economically vital business districts that can provide more job and housing opportunities for city residents; and
- Facilitate improved design of new and renovated structures and public spaces.²

The California Attorney General has highlighted the impropriety approving subdivisions without consideration of future planning needs, stating that the proposed subdivision “must be judged with an eye toward future generations’ land use requirements in recognition of the deleterious

² <https://www.laconservancy.org/save-places/los-angeles-community-plans/>

effects of premature land use characterization.” 59 Ops.Cal.Atty.Gen. 129, 132 (1976) Approving the Project, granting it vested rights for a period of 20 years, and exempting it from compliance with general and specific plan regulations that generally apply throughout the City in advance of a long-overdue update to the Wilshire Community Plan conflicts with applicable general planning principles and the Subdivision Map Act.

The Los Angeles City Council has also found that “amendments to community plans may at times need to be considered in the course of reviewing proposed developments. However, such considerations should take place within the parameters of an identified community plan update process framework.” Approval the tentative map conflicts with the directive of the Los Angeles City Council.

THE ADVISORY AGENCY’S DECISION FAILS TO COMPLY WITH GOVERNMENT CODE SECTION 66412.3

Government Code Section 66412.3 expressly provides that “[i]n carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.”

The Final EIR concedes that the Project will result in a net increase of approximately 5,702 employees over existing conditions, and that the Project does not include the development of housing. The Final EIR dismisses public comments about the Project’s housing impacts as “economic and social effects,” not physical effects on the environment, and attempts to trivialize the new employment growth resulting from the Project as not substantial despite its obvious, and common sense impact upon housing resources in the Project vicinity.

The Deputy Advisory Agency’s decision fails to discuss whatsoever the housing needs of the region, which is an acknowledged housing crisis. The Deputy Advisory Agency fails to address the City’s 456,643 unit RHNA (which includes approximately 260,000 below-market units), and the City’s deficient progress towards building housing to accommodate such RHNA. The Deputy Advisory Agency’s decision fails to address the fact that according to the City’s Housing Element, “under current assumptions, [the City] is likely unable to meet its total RHNA targets for new construction,” and that only approximately 62,000 of the needed 260,000 below-market units may be constructed.

In summary, the Deputy Advisory Agency’s decision ignores and fails to address and mitigate the housing impacts of the Project as required by Government Code Section 66412.3. Therefore, the Deputy Advisory Agency’s decision should be set aside.

THE DEPUTY ADVISORY AGENCY’S ASSUMED APPROVAL OF THE APPLICANT’S PROPOSED GENERAL PLAN AMENDMENT, ZONE CHANGE AND SPECIFIC PLAN ALSO EVIDENCES ITS IMPERMISSIBLE BIAS AS A DECISION-MAKER, THE ABANDONMENT OF ITS FUNCTION AS AN IMPARTIAL QUASI-ADJUDICATORY AGENCY, THAT THE PUBLIC WAS DENIED DUE PROCESS AND A FAIR HEARING.

The decision of the Deputy Advisory Agency, which fails to comply with the basic and express requirements of Government Code Section 66474, demonstrates that the public was deprived of a fair hearing and due process on May 15, 2024. Although charged to do so under State law, the Deputy Advisory Agency did not independently evaluate the facts as required by Government Code Section 66474. Rather, the Deputy Advisory Agency issued a decision assuming approval of the Project by the City Council. Such decision was plainly designed for no other purpose than to expedite and facilitate the City's assumed approval of the Applicant's proposal (and specifically its requested planning and zoning changes).

Thus, the May 15, 2024 hearing conducted by the Deputy Advisory Agency was not a *bona fide* public hearing and was an exercise in futility. The Deputy Advisory Agency's course of conduct and decision tainted the process, resulted in prejudice to the public, and a different result would have been probable if the Deputy Advisory Agency had discharged its responsibilities as required by Government Code Section 66474; specifically, the Deputy Advisory Agency would have been required to deny the tentative map as required by Government Code Section 66474.

THE FINAL EIR DOES NOT COMPLY WITH CEQA AND ITS CERTIFICATION SHOULD BE SET ASIDE. BECAUSE CEQA HAS NOT BEEN COMPLIED WITH, THE REMAINDER OF THE DEPUTY ADVISORY AGENCY'S DECISIONS ARE INVALID.

The City has received voluminous public comment providing substantial evidence that the EIR does not comply with CEQA. Among the violations of CEQA identified by such public comment are the following. The EIR is not based on an accurate, stable and finite project description. The Project description and plans have been manipulated to conceal the actual size of the Project. The Project description is incomplete because the proposed development agreement has not been disclosed to the public and has not been analyzed by the EIR. The Project objectives have been manipulated to serve the Applicant and improperly constrain consideration of a reasonable range of alternatives in the EIR. The EIR indicates that development may occur as late as 2043, but the EIR fails to evaluate impacts upon 2043 conditions. The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from direct physical changes in the environment caused by the Project. The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from indirect physical changes in the environment caused by the Project, including but not limited to historic resources such as the Rancho La Brea adobe. The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from economic and social changes caused by the Project. The EIR fails to analyze, disclose, and mitigate environmental impacts from the Projects housing impacts. The EIR fails to analyze, disclose, and mitigate the Project significant and unavoidable impacts to the environment. The EIR fails to respond to Draft EIR comments on environmental issues provided by the Appellant and other members of the public with good faith, reasoned analysis supported by facts. The EIR fails to adequately respond to comments regarding permitting the Applicant "a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities" or the facts underlying such objective. The EIR's mitigation measures are impermissibly vague and unenforceable. The EIR fails to analyze a reasonable range of alternatives. The Draft EIR should have been, but was not, recirculated as required by CEQA Guidelines Section 15088.5(a). The Project violates CEQA by piecemealing and improperly deferring CEQA analysis of the residential development

for the Project authorized by Section 5.1.E of the Draft Specific Plan. Adoption of the Overriding Considerations by the Deputy Advisory Agency violates CEQA because the Project conflicts with applicable general and specific plans.

EXHIBIT A.3

Patty Shwayder (Mayer Beverly Park Limited Partnership) Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

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

CASE INFORMATION

Case Number: VTT-83387 and ENV-2021-4091-EIR

APN: 5512-001-003, 5512-002-002, 5512-002-001, and 5512-002-009

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

Final Date to Appeal: June 7, 2024

APPELLANT

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

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

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: Patti Shwayder

Company/Organization: Mayer Beverly Park Limited Partnership

Mailing Address: 4582 S. Ulster Street, Suite 1700

City: Denver **State:** CO **Zip Code:** 80237

Telephone: (303) 757-8101 **E-mail:** patti.shwayder@aircommunities.com

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

☒ Self ☐ Other: _____

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

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Jack Rubens

Company: Sheppard Mullin Richter & Hampton LLP

Mailing Address: 333 S. Hope Street, Floor 43

City: Los Angeles **State:** CA **Zip Code:** 90071

Telephone: (213) 617-4216 **E-mail:** jrubens@sheppardmullin.com

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

JUSTIFICATION / REASON FOR APPEAL

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

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☒ YES

☐ NO

If Yes, list the Condition Number(s) here: See "Appeal Justification" attached.

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: Patti Shwayder

Digitally signed by Patti Shwayder
Date: 2024.06.05 13:32:18 -06'00'

Date: 6/5/2024

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
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SPECIFIC CASE TYPES

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

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

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

1. Appeal Fee

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Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

June 5, 2024

Our File Number: 85XT-361787

BY ONLINE APPLICATION SYSTEM PORTAL

City Planning Commission
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012
Online Portal: <https://planning.lacity.org/oas>

Re: Appeal of Advisory Agency's Certification of Final EIR and
Approval of Vesting Tentative Tract Map No. 83387 for
TVC 2050 Project (VTT-83387 and ENV-2021-4091-EIR)

Dear President Lawshe and Honorable Commissioners:

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp. ("AIR Communities"), which owns and operates the Broadcast Center Apartments ("Broadcast Center") located adjacent to the site of the proposed TVC 2050 Project (the "Project") at 7716-7860 Beverly Boulevard (the "Project Site"). AIR Communities and its affiliates also own nearby Palazzo West, Palazzo East and the Villas at Park La Brea, which collectively provide, with Broadcast Center, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.

Our client respectfully appeals the determinations of the Advisory Agency to certify the Final Environmental Impact Report (the "FEIR") for the Project and approve Vesting Tentative Tract Map No. VTT-83387 (the "VTTM"), and the adopted findings, statement of overriding considerations and mitigation and monitoring program (the "MMP") related thereto, all as set forth in the Advisory Agency's letter of determination (the "VTTM Determination") with a mailing date of May 28, 2024.

This appeal is based on our prior letters and comments to the City, which we incorporate by reference herein, submitted on behalf of AIR Communities regarding the Draft Environmental Impact Report (the "DEIR") for the Project, the FEIR, the erratum to the FEIR (the "Erratum") and the proposed TVC 2050 Specific Plan (the "Specific

Plan"), as well as our additional stated reasons in this letter. We intend to provide additional written support for this appeal prior to the public hearing.

Our detailed comment letter on the DEIR, dated September 13, 2022 ("DEIR Comment Letter"), identified dozens of deficiencies in the DEIR with supporting documentation by experts. Notably, (1) the DEIR included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review and (2) the City failed to make available to the public the Specific Plan for the Project prior to the end of the comment period for the DEIR.

The FEIR did not ameliorate our client's concerns with the DEIR and the FEIR, which incorporates the DEIR, and is unlawful for numerous reasons, including the reasons stated in our May 14, 2024 letter to the City. Specifically, (a) the project description continues to be neither accurate, finite nor stable, (b) even if the revised project description was accurate, finite and stable, the Draft EIR must be fully revised and recirculated, (c) the FEIR failed to adequately respond, or in some cases respond at all, to many of the technical issues raised in the DEIR Comment Letter, and (d) the text of the current draft of the Specific Plan is problematic in numerous respects.

In addition, the Advisory Agency's approval of the VTTM was premature and problematic for multiple reasons. First, the VTTM does not contain all of the information required by Sections 17.06 B and 17.15 B(1)(b) of the Los Angeles Municipal Code (the "LAMC"). For example, the VTTM does not provide the building envelope showing the height, size, and approximate location of all buildings, or the locations of all proposed driveways and exterior garden walls. Also notably absent from the VTTM are the multiple new driveways conceptually proposed on Fairfax Avenue, Beverly Boulevard and The Grove Drive and conceptually depicted in the "Conceptual Site Plan" in Figure 1 of the Erratum. The VTTM only shows one driveway off of Beverly Boulevard.

Second, the VTTM approval is void *ab initio* because the VTTM approved by the Advisory Agency is dated May 17, 2024, which is two days *after* the public hearing that occurred on May 15. How can the Advisory Agency approve a VTTM that was not available to the City or the public prior to the issuance of the FEIR or the public hearing? The Staff Report for the proposed VTTM prepared by the Advisory Agency repeatedly references the March 26, 2021 version of the VTTM (the "2021 VTTM"), which we understand from the Department of City Planning ("Planning") was the version of the VTTM circulated to the City departments making up the "Subdivision Committee" for its review and formulation of project conditions. The correspondence received from the Subdivision Committee are all dated prior to the public hearing and prior to May 17. Therefore, the Subdivision Committee did not consider the approved VTTM prior to

submitting its comments and recommended conditions and there is no evidence that the Subdivision Committee ever reviewed it. This is in violation of LAMC Section 17.03 B, which requires the Advisory Agency to submit the VTTM to the Subdivision Committee prior to consideration at a public hearing.

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

Third, the Advisory Agency made findings in the VTTM Determination that the VTTM is consistent with the City's General Plan. These findings are unsupported, inaccurate and unlawful. In order to allow the size and scale of the Project, the applicant must obtain a "General Plan Amendment" to modify the underlying land use designation. As such, the Project as proposed is not consistent with the General Plan. Under Section 66474 of the Subdivision Map Act, the City must deny the VTTM request if "the proposed map is not consistent with applicable general and specific plans as specified in Section 65451." The VTTM is also inconsistent with the requirement in LAMC Section 17.05 C that "[e]ach Tentative Map shall substantially conform to all other elements of the General Plan." The VTTM Determination also does not include any condition requiring approval of the General Plan Amendment or compliance with the applicable General Plan goals, objectives and policies, prior to recordation of the final map.

For all of these reasons, we respectfully request on behalf of our client that the City Planning Commission grant our appeal in all respects. We also request that Planning revise and recirculate the DEIR to address the numerous and unresolved deficiencies identified in our comment letters and by other members of the public.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Chang', with a stylized, flowing script.

Lauren K. Chang

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

EXHIBIT A.4

Save Beverly Fairfax Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

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

CASE INFORMATION

Case Number: VTT-83387

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

Project Address: 7716-7860 West Beverly Boulevard

Final Date to Appeal: June 7, 2024

APPELLANT

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

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

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: Save Beverly Fairfax

Company/Organization: Carstens, Black & Minter, LLP

Mailing Address: 2200 Pacific Coast Highway, Suite 318

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

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

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

☒ Self ☐ Other: _____

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

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

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

Company: Carstens, Black & Minter, LLP

Mailing Address: 2200 Pacific Coast Highway, Suite 318

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

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

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

JUSTIFICATION / REASON FOR APPEAL

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

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☒ NO

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

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: 72e49f0a-b9d5-4a9f-b078-a48aa894b3aa

Digitally signed by 72e49f0a-b9d5-4a9f-b078-a48aa894b3aa
Date: 2024.06.05 14:11:34 -07'00'

Date: 06/05/2024

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

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www.cbcearthlaw.com

Amy Minter
Email Address:
acm@cbcearthlaw.com

June 5, 2024

STATEMENT OF REASONS FOR APPEAL

TVC 2050 Project

Case Nos. Vesting Tentative Tract Map 83387
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN and
ENV-2021-4091-EIR

7716-7860 West Beverly Boulevard, Los Angeles 90036

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

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

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

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

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

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

Unstable Project Description

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

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

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

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

Sign District Ordinance

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

Inadequate and Unenforceable Mitigation

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

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

Inadequate Analysis of Air Quality and Health Risks

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

Analysis of Dewatering Impacts is Improperly Deferred

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

Analysis of Traffic Impacts is Inadequate

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

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

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

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

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

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

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

Land Use Impacts Are Not Adequately Disclosed or Analyzed

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

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

The EIR's Alternatives Analysis Is Inadequate

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

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

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

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

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

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

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

Recirculation of the EIR was Required

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

The Project Site Does Not Include a Legal Helipad

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

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

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

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

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

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

Conclusion

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

Attachment 1: August 25, 2022 DEIR Comments

Attachment 2: April 17, 2024 Erratum Comments

Attachment 3: May 14, 2024 FEIR Comments

ATTACHMENT 1



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August 25, 2022

Via Email (paul.caporaso@lacity.org)

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

Dear Paul Caporaso:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The Project Description Violates CEQA.

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

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

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

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

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

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

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

i. Envelope of Land Use Categories

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

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

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

ii. Land Use Exchanges

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

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

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

iii. Project Design and Architecture

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

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

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

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

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

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

iv. Rooftop Terraces

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

v. Parking

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

vi. Signage

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

vii. Haul Routes

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

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

viii. Mitigation, Monitoring, and Reporting Plan

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

2. The Project Timeline is Unstable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Conclusion

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

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

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

Thank you for your time and consideration in this matter.

Sincerely,

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

Amy Minteer
Sunjana Supekar

ATTACHMENT 2



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April 17, 2024

Via Email (paul.caporaso@lacity.org)

Paul Caporaso
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paul.caporaso@lacity.org

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

Dear Paul Caporaso:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

Amy Minter

cc:

Councilmember Katy Yaroslavsky (Councilmember.Yaroslavsky@lacity.org)

Vivian Rescalvo (vrescalvo@gmail.com)

ATTACHMENT 3



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May 14, 2024

Via Email (paul.caporaso@lacity.org)

Deputy Advisory Agency
City of Los Angeles
Department of City Planning
c/o Paul Caporaso
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Re: Comments on FEIR and “Erratum” for TVC 2050 Project; ENV-2021-4091-EIR; CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; 7716-7860 West Beverly Boulevard, Los Angeles 90036

Dear Paul Caporaso:

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

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

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

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

A. The Project Description Remains Unstable.

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

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

1. Project Uses and Land Exchange Program

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

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

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

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

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

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

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

shifted to different uses.

2. Sound Stages

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

3. Project Design and Architecture/Height

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

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

4. Rooftop Terraces

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

5. Parking

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

6. Haul Routes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The FEIR’s VMT Assumptions Remain Unsupported.

i. The FEIR’s Trip Lengths are Unsupported.

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

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

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

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

https://ladot.lacity.gov/sites/default/files/documents/vmt_calculator_user_guide-2020.05.18.pdf.) The Project falls under each of these categories.

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

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

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

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

iii. The FEIR Fails to Support Trip Distribution Assumptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. The EIR’s Alternatives Analysis Remains Inadequate.

1. CEQA Requires Meaningful Consideration of Alternatives.

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

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

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

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

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

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

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

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

...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The EIR Improperly Rejected Less Impactful Alternatives.

a. The EIR Improperly Rejects the Environmentally Superior Alternative.

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

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

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

b. The EIR Improperly Rejects Alternative 2.

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

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

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

c. The EIR Improperly Rejects Alternative 3.

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Minter", is written over a light blue rectangular background.

Amy Minter

EXHIBIT A.5

Beverly Wilshire Homes Association Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

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

CASE INFORMATION

Case Number: VTT-83387

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

Project Address: 7716-7860 West Beverly Boulevard

Final Date to Appeal: June 7, 2024

APPELLANT

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

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

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: Beverly Wilshire Homes Association

Company/Organization: Carstens, Black & Minter, LLP

Mailing Address: 2200 Pacific Coast Highway, Suite 318

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

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

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

☒ Self ☐ Other: _____

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

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Michelle N. Black

Company: Carstens, Black & Minter, LLP

Mailing Address: 2200 Pacific Coast Highway, Suite 318

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

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

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

JUSTIFICATION / REASON FOR APPEAL

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

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☒ NO

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

On a separate sheet provide the following:

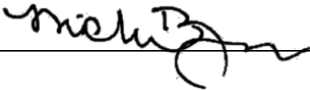
☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 06/06/2024

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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



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Michelle Black
Email Address:
mnb@cbcearthlaw.com

June 6, 2024

STATEMENT OF REASONS FOR APPEAL

TVC 2050 Project; Case Nos. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN and ENV-2021-4091-EIR; 7716-7860 West Beverly Boulevard, Los Angeles 90036

On behalf of the Beverly Wilshire Homes Association, we hereby submit this summary of the reasons for the Association's appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. The Association also appeals the advisory agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project (Project).

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

The TVC 2050 Project would enact the TVC 2050 Specific Plan aimed at modernizing and expanding production facilities on the 25-acre Television City site located at 7716-7860 Beverly Boulevard. The Vesting Tentative Tract Map authorizes the merger and re-subdivision of four site lot into three as well as a haul route that would be used to export of up to 772,000 cubic yards of soil. The full Project requires additional approvals that will be considered by the Planning Commission and City Council, including:

- Annexation of a portion of the Project Site located within unincorporated Los Angeles County;

Statement of Appeal for TVC 2050

VTT 83387; ENV-2021-4091-EIR

Beverly Wilshire Homes Association

June 6, 2024

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- General Plan Amendment to change the site's land use designation to Community Commercial;
- Inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation;
- Vesting Zone Change and Height District Change from C1.5-2D-O and C2-1-O to the TVC Zone;
- Approval of the TVC 2050 Specific Plan; and
- Establishment of the "SN" Sign.

The Beverly Wilshire Homes Association appreciates the goal of modernizing Television City's production facilities but asserts that the City's administrative process has lacked the transparency required for full community understanding and the mitigation of impacts on that community. Notably, the Specific Plan was not even available for public review until nearly two years after the completion of the draft EIR. The EIR claimed impacts of the Project would be mitigated by the design and other standards included in the Specific Plan, but those standards were not made public during the EIR comment period. Further changes have been made to the Project since the release of the final EIR. The Beverly Wilshire Homes Association detailed its objections to the Project and to the City's CEQA process for the in the attached comment letters. (**Attachment 1**, September 13, 2022 DEIR Comments; **Attachment 2**, May 14, 2024 FEIR Comments.) These comments detail the reasons for the Association's appeal. The Beverly Wilshire Homes Association incorporates by reference the comment letters submitted by Save Beverly Fairfax, The Grove, LLC, Mayer Beverly Park, LP and A.F. Gilmore and relies upon these comments for its appeal.

I. The EIR Has an Unstable Project Description.

The Specific Plan was not released to the public or to decisionmakers until more than a year after the draft EIR was completed. Without the benefit of the Specific Plan, the EIR could not possibly have disclosed, analyzed, or mitigated the impacts of that Plan. The Sign District Ordinance was not provided until six months after the final EIR was completed, meaning it too was absent from the analysis and the public discourse. Even so, the EIR relied upon the details of the undisclosed Plan to claim that certain environmental impacts would not be significant. This makes no sense. Moreover, without being able to review the Specific Plan, members of the public were deprived of the right to provide informed comment on both the Specific Plan and the EIR.

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What little was known about the Project was that it is a 20-year blank check for 1.46 million square feet of new development, 225 feet tall, in a congested corridor. It is unclear which of more than 50 allowable uses will be built within the site, especially given the Project's land exchange program. The type and timing of development proposed is unknown. The Project allows for general office and retail uses, far more than the studio production facilities touted by Project proponents. In fact, over one-third of Project development could be for non-production uses. The Project remains broad and ill-defined with an EIR based on a "hypothetical development mix." Such projects have been found to provide only a "blurred view of the project," in violation of CEQA. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12-13.) The EIR further fails to provide sufficient information regarding project design and architecture, height, rooftop decks, parking, and haul routes.

II. Traffic Analysis is Inadequate.

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

- VMT analysis relies upon unsupported and artificially low assumptions regarding trip lengths and per-employee VMT, which results in the EIR's failure to fully disclose Project impacts.
- The EIR for the regional-serving Project improperly relied on the City's VMT calculator, which is not intended for such projects.
- Trip distribution assumptions are unsupported.
- Traffic safety has not been analyzed, despite the heavy pedestrian activity in the area and the Project's constant changes in the locations of vehicular and pedestrian entrances and exits.
- Cut-through traffic has not been analyzed.
- Impacts on emergency services has been deferred.

III. Dewatering Impact Analysis and Mitigation is Deferred.

The EIR claims dewatering impacts will be only temporary, but this does not absolve the City of analyzing the impact. Further, the final EIR's response to comments indicates that planning for the Project's excavation and dewatering will not occur until

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after Project approval. Thus, the EIR improperly defers analysis and mitigation of dewatering impacts in violation of CEQA.

IV. The Sign District Ordinance Was Released After the Completion of CEQA Analysis.

The Draft Sign District Ordinance and Conceptual Sign Plans was not released until April 30, 2024, six months after completion of the *final EIR*. As a result, the impacts of the sign program – which would be a significant change from existing conditions by allowing signage not currently allowed – was excluded from CEQA analysis. The failure to analyze signage impacts is impermissible, as would be any piecemealing of separate Sign District analysis.

V. PDFs are Not Enforceable Mitigation Measures.

The Beverly Wilshire Homes Association's DEIR comments detail the Project's impermissible reliance on project design features (PDFs), which compresses the analysis and mitigation of impacts and results in the EIR's failure to analyze the efficacy of these mitigating features. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) Even the Project mitigation measures delineated in the Mitigation Monitoring and Reporting Program (MMRP) fail to comply with CEQA because they are not fully enforceable. (Pub. Resources Code, § 21081.6, subd. (b).) The MMRP expressly provides that City staff can modify or delete mitigation measures that are difficult to comply with.

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

The South Coast Air Quality Management District and Save Beverly Fairfax detailed concerns about the EIR's air quality analysis, especially regarding sensitive receptors residing within several hundred feet of the Project Beverly Wilshire Homes Association joins in these concerns about the Project's deficient Health Risk Analysis and the assumptions contained therein.

VII. The EIR Has Not Analyzed the Project's Land Use Impacts.

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

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VIII. The EIR Fails to Analyze Meaningful Alternatives.

The EIR interprets the Project's detailed objectives so narrowly as to eliminate the consideration of anything but the proposed Project thereby ensuring "the results of [the EIR's] alternatives analysis would be a foregone conclusion." (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.) This violates CEQA. A reduced density of development alternative is feasible and should have been analyzed in the EIR, especially given that the Project's significant impacts are largely tied to its size. The purpose of an alternatives analysis is to analyze alternatives to a project that will "avoid or substantially lessen" those significant impacts. (Pub. Resources Code section 21002.) The EIR's rejection of Alternatives 2, 3, and 5 is unsupported.

IX. Recirculation was Required, Not an Erratum.

The Project was modified after the release of the final EIR, and many, many new technical reports were disclosed, for the first time, in April 2024. Beverly Wilshire Homes Association joins Save Beverly Fairfax's April 17, 2024 requesting EIR recirculation pursuant to CEQA Guidelines Section 15088.5. An Erratum is not contemplated or allowed by CEQA.

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

Government Code Sections 66473.5 and 66474(a) require tract maps to be consistent with applicable general plans and specific plans. Save Beverly Fairfax's comments detail how and why the Project is not consistent with General Plan uses for Community Commercial development, emergency service requirements; the 2035 Mobility Plan, and the Wilshire Community Plan. The Association joins and relies on these comments.

Conclusion

The Beverly Wilshire Homes Association urges the City to grant its appeal of the Advisory Agency approvals for this Project. The Association reserves the right to supplement this appeal justification prior to the Planning Commission's hearing of this matter.

Statement of Appeal for TVC 2050

VTT 83387; ENV-2021-4091-EIR

Beverly Wilshire Homes Association

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Attachment 1: September 13, 2022 DEIR Comments

Attachment 2: May 14, 2024 FEIR Comments

ATTACHMENT 1



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San Diego Office
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September 13, 2022

By U.S. Mail and Email: paul.caporaso@lacity.org

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Los Angeles, CA 90012

Re: Draft Programmatic Environmental Impact Report for the TVC 2050
Specific Plan, Case No. ENV-2021-4091-EIR, State Clearinghouse
No. 2021070014

Dear Paul Caporaso,

These comments are submitted on behalf of the Beverly Wilshire Homes Association in connection with the draft environmental impact report (DEIR) prepared for the TVC 2050 Specific Plan ("Project"). The Beverly Wilshire Homes Association is a non-profit, incorporated organization of property owners, residents and businesses within the area bounded by La Brea to La Cienega and Rosewood to the north side of Wilshire Blvd. From 1956 to the present, the Association has been the voice of the community. The Association's mission is to improve the quality of life for its members and the community.

If approved, the TVC 2050 Specific Plan would permit up to 1,626,180 square feet of *new* development at the existing 25-acre Television Studio site on top of the retention of up to 247,820 square feet of existing uses, for a total of nearly 1.9 million square feet of development. While the proponent claims that the Project is critical to maintaining local television production, the 1.6 million square feet of additional development is not limited to television production. Instead, these allowable uses include retail, parking, and general office uses, as well as the sound stages, production support, and production offices television production requires. Critical to the community, the Project would establish a Sign District to expand allowable signage and amend the General Plan to designate the site as a Regional Center, allowing vast increases in development.

The Project's scale, which would more than double the current development on

the site, exceeds the appropriate scale for the site and the neighborhood. Project heights could reach 225 feet. It would be twice the size of the Beverly Center and twice as tall. The Project contains no enforceable standards to prevent increasing neighborhood traffic and parking scarcity. The Project would excavate 772,000 cubic yards of dirt, resulting in unanalyzed air quality impacts and requiring dewatering that the DEIR assumes, without analysis, will not cause adverse impacts. Unfortunately, however, the Project's size is not its greatest problem.

Although termed a "*Specific Plan*" by the proponent and the City, the TVC 2050 Specific Plan is vague. Instead of being clearly defined, Project uses are interchangeable to the point that it is unclear what exactly the proponent plans to build. The result is essentially a 20-year blank check for 1.6 million new square feet of pre-approved development, that can be up to 225 feet tall, in one of the City's densest corridors. From a legal perspective, the Project description is inadequate and results in the DEIR's failure to adequately disclose, analyze, and mitigate the potentially significant and adverse environmental impacts of the Specific Plan. The City cannot describe, discuss, and mitigate what it does not yet know. CEQA provides that an EIR be a document of accountability, full of useful information and providing full disclosure about a Project's consequences. The EIR is woefully uninformative.

If the City wishes to proceed with this Project, the TVC 2050 Specific Plan must be defined in a CEQA-compliant fashion, and an EIR that discloses, analyzes, and mitigates the potential impacts of that well-defined project must be prepared and circulated. However, in the interest of preserving its legal rights if the City chooses to certify this inadequate EIR, the Association provides the following CEQA comments. The Association also joins in the comments of Save Beverly Fairfax, submitted to the City on August 25, 2022.

I. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate the TVC 2050 Specific Plan's Adverse Environmental Impacts as Required by CEQA.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the*

University of California (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) In part because the DEIR fails to adequately describe the Project, the DEIR fails to adequately disclose, analyze, and mitigate the Project’s significant adverse environmental impacts.

Although an EIR need not be perfect, the City “must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines § 15144.) If important information cannot be obtained, the EIR must explain why. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-522.) That the EIR has failed to define a Project is not a sufficient reason to omit the required environmental disclosures.

Throughout the administrative process, members of the public, businesses, and citizen groups have documented their concerns about the vagueness of the Project. While the Association appreciates the City’s efforts to incorporate the goals of a broad stakeholder community, the resulting Specific Plan is unclear about what exactly can or will be built. Consequently, the Draft EIR prepared for this Specific Plan fails to adequately define a “project” as needed for CEQA review. The failure to define the Project cascades into the DEIR’s failure to provide sufficient information about the Project’s likely environmental impacts. Without adequate disclosure, the DEIR further fails to adequately analyze and mitigate the Project’s impacts. In short, the Project, as described, is not ripe for environmental review.

A. The City’s Enforcement of a Deadline for Public Comment That Predates the Preparation of the Specific Plan Violates the Spirit of CEQA’s Public Comment Provisions.

The EIR was prepared to analyze the TVC 2050 Specific Plan. The review of a specific plan under CEQA requires availability of that plan to the City and to the public. Using the Specific Plan as a guide, the City and members of the public review the DEIR to confirm that components of the Specific Plan that may have adverse environmental impacts are disclosed, analyzed, and, if necessary, mitigated in the concurrently available DEIR. However, the Department of City Planning has told us that the Specific Plan has not yet been drafted and is, therefore, not available for public review. Thus, in a seemingly unprecedented move, the City is requiring public review and comment regarding whether the environmental review is adequate for a Specific Plan *that is not yet available for public review*.

The City's process turns on its head one of the basic tenets of CEQA, that of public participation. As the Court explained in *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-444, "The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." (Citations omitted.) Other courts have confirmed that environmental review derives its vitality from public participation. (See, *Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.) The City's failure to provide – or to prepare – the Specific Plan prior to circulation of the DEIR for public comment "precludes 'informed decisionmaking and informed public participation'" because the public cannot provide meaningful comment when the project has not been identified. (*Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 290 [citations omitted]; *stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17-19.)

For this reason, and for the reasons detailed below, the City must release the draft Specific Plan and recirculate the DEIR for comment to enable meaningful public comment. The City's failure to do so thus far violates CEQA.

B. Since There is Not Yet a Specific Plan, the DEIR Does Not Adequately Define the Project.

As discussed above, the DEIR attempts to review a project that does not yet exist. Adequate CEQA review requires a complete and accurate project description. It has long been established that "[a]n accurate, stable and finite project description is the Sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–193.) To the contrary, a "curtailed or distorted project description may stultify the objectives of the reporting process" and does not allow "outsiders and public decision-makers [to] balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance." (*Ibid.*)

Since the Specific Plan is not yet fully formed, the City cannot ensure that the DEIR's project description matches the Project, or that the EIR analyzes all aspects of that Project. The EIR's "bona fide subject" must be "[t]he defined project and not some different project." (*Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929, 938.) CEQA also prohibits a project description that fails to describe key elements of a Project. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35.) Providing the Specific Plan to the public

at a later time is insufficient, as, “CEQA’s informational purpose ‘is not satisfied by simply stating information will be provided in the future.’” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th at 440-41.

The DEIR attempts to rely on a vague and unstable project description that fails to clarify the type and timing of development proposed. The DEIR provides standards and guidelines it claims will be in the draft Specific Plan, but, without a Specific Plan available for review, these claims cannot be confirmed. (DEIR pp. I-9 to I-10, stating the unwritten “[“primary development regulations set forth in the Specific Plan would address land use, design, historic preservation, childcare, alcohol sales, and parking, as well as associated implementation procedures.”].) Beyond the limit of total development square footage, there are few limits on the amount of each type of development allowed, or even the types of development allowed beyond “all [] uses permitted in the C2 zone unless expressly prohibited in the Specific Plan.” (DEIR pp. II-15.) Given that the Specific Plan has not yet been drafted, the Project appears to permit any allowable use in the C2 zone. The DEIR contains this exhaustive list of allowable uses:

[M]otion picture, television, and broadcast studios and related incidental uses, including, but not limited to: production activities; indoor and outdoor stages; sets and façades; digital, film, video, audio, video game, eSports, and media production; recording and broadcasting; sound labs; film editing; film video and audio processing; sets and props production; computer design; computer graphics; animation; and ancillary facilities related to those activities. The following types of related uses and facilities would also be permitted, as detailed in the Specific Plan: basecamps, communication facilities, conference facilities, modular offices and trailers, studio support facilities, parking, various ancillary commercial and retail uses to serve the on-site employees and visitors, catering facilities, special events, audience and entertainment shows, museum exhibits and theaters, childcare and educational facilities, fitness facilities, emergency medical facilities to serve the on-site employees and visitors, fueling stations and vehicle repair related to on-site uses and activities, infrastructure, maintenance and storage facilities, mills/manufacturing, sleeping quarters for certain on-site personnel, recreational facilities, restaurants and special event areas including the sale of alcoholic beverages, security facilities, signs, storage and warehouses, helipad, ***and all other uses permitted in the C2 zone unless expressly prohibited in the Specific Plan.***

(DEIR, II-15, emphasis added.) Notably, the public cannot know which C2 uses are prohibited because there is not yet a Specific Plan. The DEIR lists possible amounts of studio and production-related development but confirms that the “ultimately constructed”

mix “will depend upon market demands.” (DEIR, p. II-13.) The DEIR also expressly provides for exchanges of square footage between land uses, further blurring the lines between land use types and amounts. (DEIR, p. II-16.) There are no limits provided for production support floor area. The Project could conceivably build largely retail or all office, if later desired. Thus, despite being sold to the City and to the public as a necessary means of ensuring continued television production in Los Angeles, the Project contains no commitments to building the production space promised.

Nor does the Project actually commit to renovating the sound stages allegedly at the center of the Project. The DEIR claims the four existing sound stages “would be renovated and modernized to the extent feasible, subject to industry market demand.” (DEIR, p. II-17.) The qualifications of “to the extent feasible” and “subject to industry market demand” provide no assurance that these promised renovations will ever actually occur.

A land use plan is provided, but, again, it is conceptual and merely “illustrates one possible development scenario that could be developed.” (DEIR pp. II-13, II-14.) The DEIR also discusses design, parking, and height standards, but it is unknown what these standards will be applied to, or whether they are actually contained in the as-yet completed Specific Plan. The DEIR also undercuts its proposed height limits (already a massive increase at up to 225 feet), stating, “height zones do not represent the actual development footprint of Project buildings.” (DEIR, II-15, 16, 18.) It is unclear whether the development will occur over the 32-month construction schedule proposed or the 20 years of the Development Agreement sought. (DEIR p. II-33.) The only thing that is clear is that the Project would provide proponents with entitlements to build nearly 1.9 million square feet of development, nearly 2 ½ times what is currently located onsite, of a type to be determined later, at the proponent’s discretion.

As to actual activities and what will happen when, little information is included. An EIR’s purpose is to eliminate this confusion:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that

journey.

(*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.) The TVC 2050 Specific Plan EIR contains no such road map. Under any definition, the DEIR fails to contain a stable or finite project description. Without a clear Project to serve as the basis of environmental analysis, the DEIR cannot possibly provide the adequate disclosure, analysis, and mitigation of the Project's likely impacts required by CEQA. In effect, the DEIR provides only a "blurred view of the project," a deficiency that required rescission of the EIR and project entitlements in another Los Angeles development in the recent decision, *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12–13 ("*Millennium*").

Like with the Millennium Hollywood Project, for which the Court found the EIR contained little "actual information" and no concrete development project, the TVC 2050 Specific Plan DEIR analyzes a conceptual building envelope and conceptual development possibilities (height zones, parking standards, and various aesthetic standards), but no concrete development project. (*Millennium*, supra, 39 Cal.App.5th 1, 18.) The Millennium Court characterized the design standards – standards that would conceivably be applied to some defined project in the future – as "a range of construction choices," not the required, defined project. (*Ibid.*) The Court concluded, "These concepts and development scenarios—none of which may ultimately be constructed—do not meet the requirement of a stable or finite proposed project." (*Id.* at 17-18.)

The City's approach seems to assume that this is sufficient for environmental review if proposed development is "within the envelope of impacts identified in this Draft EIR." (DEIR, II-16.) However, the Millennium Court roundly rejected the claim that, "so long as the worse-case-scenario environmental effects have been assumed, analyzed, and mitigated, and so long as no development takes place that exceeds those mitigation measures, CEQA's purpose has been fully satisfied." (*Id.* at 18.) Processing of the Project should cease until a stable and finite project description is provided, in the form of a complete and publicly available Specific Plan, and that project description is incorporated into a recirculated DEIR.

The project description fails to provide adequate information regarding the activities allowed under the Specific Plan to allow for useful environmental review. The Project is essentially unripe. The Association understands the importance of flexibility in land use planning, but the document proposed here is a *Specific* Plan. It is not an imaginary plan. Importantly, the DEIR never discloses that the Specific Plan does not yet exist. The City must draft a Specific Plan that provides clear direction about the types of uses that will be permitted in order to provide at least a modicum of certainty in future

planning. The DEIR should be revised as necessary and then recirculated for informed public comment.

C. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate Traffic Impacts.

The DEIR's failure to provide a concrete and definite Project Description results in the DEIR's inability to accurately or adequately predict, disclose, and mitigate the Project's impacts with regard to traffic and circulation, emergency access, and general safety. The Project's uses broadly include all uses allowed in the C2 zone, the locations of these undefined uses are unknown, and uses are interchangeable and may be transferred. While a thorough criticism of the Project's likely impacts on traffic is premature at this point, the Association comments on what it can below.

The Association, its members, and the larger neighborhood are deeply concerned that the Project will exacerbate traffic congestion on Fairfax, Beverly, La Brea Avenue, and 3rd Street. The DEIR claims that studio expansion is expected to generate an additional 787 vehicle trips during morning rush hour and an additional 855 trips during afternoon rush hour, but the variability in future uses makes this prediction speculative, at best. The DEIR also claims that the Project will include up to 5,300 parking spaces, but it fails to commit to any actual number of spaces, arrangement of spaces, or to even commit to providing these spaces onsite. As these areas already experience significant traffic congestion, without concrete and enforceable mitigation, the Project will worsen conditions, hurting residents and local businesses when Angelenos avoid the area due to traffic congestion and endangering anyone who must rely on slower emergency response times for police, fire, and ambulance services.

Outside of CEQA, the Project's traffic, traffic hazards, safety, and emergency response impacts must be analyzed for compliance with the Community Plan and applicable provisions of the Los Angeles Municipal Code.

1. Traffic Hazards are Not Analyzed.

The DEIR fails to analyze traffic hazards. For example, the City has identified the intersection of Beverly Boulevard and Fairfax Avenue as a "high injury" intersection. The Project would worsen the Level of Service to level E, "poor" performance. Yet the DEIR fails to analyze whether the Project's diminution of Level of Service at this intersection significantly affects the level of hazard presented at this high-injury intersection. As discussed in the comments submitted by Save Beverly Fairfax, the DEIR also fails to analyze the potential traffic and safety/hazard impacts of queuing on

surrounding streets while increased numbers of visitors to the expanded site wait for safety check point verification.

2. Assumptions Made in the DEIR's Vehicle Miles Traveled Analysis Lack Support.

The DEIR's traffic section and conclusions about the Projects impacts on traffic are based on an analysis of the Project's Vehicle Miles Traveled (VMT). Unfortunately, as discussed further in the comments submitted by Save Beverly Fairfax, the VMT analysis makes unsubstantiated assumptions about trip lengths, trip distribution, and VMT per employee. These assumptions must be substantiated, or the analysis must be repeated with supportable numbers, and the traffic analysis recirculated.

3. Analysis of Cut-Through Traffic Impacts is Improperly Deferred.

The Association also joins Save Beverly Fairfax's concern about the DEIR's deferral of analysis of cut-through impacts. Although the DEIR seems to assume that the degradation of Project-area intersections to Levels of Service E and F will prompt motorists to take less-congested routes through the neighborhood, the DEIR never discloses this analysis to the public or to decisionmakers. The Association is particularly concerned about impacts to Hayworth, Edinburgh, and Laurel. That the Project will worsen traffic to the point that neighborhood streets will require mitigation is something that must be disclosed and discussed publicly *before* the Project may be approved. This goes to the safety of the neighborhood and its residents and to the general livability. It violates CEQA to assume later mitigation without first disclosing and analyzing the potential impact.

4. Haul and Construction Traffic Impacts are Not Disclosed, Analyzed, or Mitigated.

The project requires export of 772,000 cubic yards of material (DEIR p. II-1) but the DEIR fails to disclose the number of truck trips that will be required for and associated with this level of movement. Based on the average size of trucks used for this purpose (10- to 13- ton capacity), the dirt export will require 60,000 to 100,000 trips by heavy construction vehicles. This level of construction traffic would need to proceed up Venice and Fairfax. Based on the location given in the DEIR, construction vehicles would be staged in and around Loyola High School, the Normandie Recreation Center, and St. Thomas the Apostle School on and near Venice Boulevard and near Kaiser Permanente Hospital. (DEIR p. II-35 [“In addition, the Project includes two potential off-site truck staging areas located within the City on the north side of Venice Boulevard,

west of Guthrie Avenue and on the north side of Venice Boulevard, east of Normandie Avenue.”].)

The human health impacts, especially to school children, of construction vehicle traffic and staging must be analyzed, but were not. Diesel particulate matter is a known human carcinogen, as “[d]iesel exhaust also contains more than 40 cancer-causing substances.” (See, California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>.) In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518 (“*Friant Ranch*”), the California Supreme Court agreed with the Court of Appeal that an EIR for a development “was inadequate under CEQA because its analysis failed to correlate the increase in emissions that the Project would generate to the adverse impacts on human health.” The Court continued, “a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.” (*Id.* at 519.) This is absent here. The DEIR utterly fails to perform a Friant Ranch-type analysis correlating project activities with potential human health impacts for the area located near the Project site, or for the school-adjacent staging area several miles southeast. In fact, the EIR fails to provide *any* analysis of human health impacts. The City must perform the required analysis, revise the DEIR, and recirculate it for public review and comment.

D. The DEIR Fails to Provide Sufficient Information to Assess the Project’s Impacts on Parking.

The Project area already experiences heavy traffic, a substantial amount of which is caused by people looking for scarce parking. Heavy traffic reduces emergency response times and diminishes neighborhood safety, which requires analysis under CEQA. There is not enough parking in the area to accommodate existing uses. The existing parking shortfall will likely increase as new developments take advantage of Metro D-line subway proximity and reduced parking requirements for transit-oriented development near the Wilshire/Fairfax Station. As it is, CBS has been known to rent parking spaces from the Grove.

Despite the fact that parking is a known, hot-button issue in the community, the DEIR fails to provide enough information for the community – and the decisionmakers – to evaluate whether Project parking will be sufficient. This is curious, given that providing adequate parking is an explicit Project Objective. (DEIR p. II-11.) The DEIR states that it would provide approximately 5,300 parking spaces, but it never actually commits to this number. (DEIR p. II-30.) The DEIR does not explain where the spaces

would be, noting spaces “*may* be provided in a combination of above-ground structures, subterranean structures, and/or surface spaces and may be designed to accommodate semi-automated or fully automated parking operations.” (*Ibid.*) Nor does the DEIR even commit to providing the spaces at any particular time, as “parking may be provided on-site incrementally to meet the needs of individual buildings and uses the spaces would serve, as appropriate and feasible.” (*Ibid.*) Finally, the DEIR does not even commit to providing the parking spaces *onsite*. Instead, “parking may be located anywhere within the Project Site *or off-site* upon the submittal of an off-site parking agreement or covenant satisfactory to the Director of the Department of City Planning. Furthermore, temporary off-site parking due to displacement resulting from production filming and related activities may be provided, with shuttle service to the Project Site as needed.” (*Ibid.*)

Just as the DEIR fails to describe the uses planned for the site, it fails to explain how it will ensure that parking will be adequate. Members of the public and the City’s decisionmakers are expected to trust that the proponent will provide enough parking, that the parking will be useable and effective, and that the proponent will not decide to rely on offsite parking and shuttle services later. The DEIR also apparently assumes that if the Project provides shuttles to the subway, people will decide not to drive themselves. But 72% of Los Angeles-area commuters drive to work alone, regardless of the availability of transit. (See, <https://centerforjobs.org/ca/special-reports/california-commuters-continue-to-choose-single-occupant-vehicles>.) If the proponent chooses to rely on nearby offsite parking, as the Specific Plan seems to allow, the Project will actually *reduce* parking in the neighborhood and *worsen* the existing parking deficit and related traffic. The DEIR does not disclose or discuss this possibility, let alone provide mitigation.

That the Specific Plan will allegedly set forth a process for implementing a parking plan is no panacea, as the DEIR contains no details about this plan, what it will achieve, or how it will achieve those undisclosed goals. (DEIR p. II-30.) Even if this parking plan could substitute for adequate disclosure and analysis, it would amount to impermissible deferred mitigation under CEQA.

Failure to provide sufficient parking will affect not only traffic and emergency response times but also land use if the Project does not comply with City of Los Angeles codes governing parking. The DEIR must be revised and recirculated to confirm that it will comply with all applicable regulations.

E. The DEIR Fails to Analyze and Mitigate Impacts to Neighboring Properties Caused by Dewatering Required for Construction.

The DEIR further fails to disclose, analyze, and mitigate the impacts of the Project's massive excavations. "Construction would require an estimated 772,000 cubic yards of cut, potentially 50,000 cubic yards of imported fill and up to 772,000 cubic yards of export." (DEIR p. II-1.) The DEIR provides, "Project excavations for below-grade parking would extend to a maximum depth of approximately 45 feet. As discussed in the Geotechnical Investigation, the historic high groundwater level on the Project Site is approximately eight feet bgs [below ground surface], which was conservatively assumed for analytical purposes." Thus, the Project will excavate 37 feet below the historic water level. Although the DEIR claims the opposite, excavation for developable subterranean space will require large amounts of dewatering, amounts of dewatering sufficient to lower the water table beyond the borders of the Project site. (DEIR pp. I-19, IV.D-19, IV.D-24)

It is well established that the drying of previously wet soils can lead to the destabilization of buildings constructed on those soils. (See, e.g., <https://ctexaminer.com/2022/07/21/dewatering-undermining-the-lofts-apartments-has-a-long-history-in-stamford/>, <https://allamericanenviro.com/process-dewatering-construction-sites/>.) A Miami condominium project was recently halted when dewatering caused soil to sink at the property next door. (<https://www.local10.com/news/local/2021/11/17/city-plans-to-temporarily-pause-construction-of-miamis-deepest-underground-parking-garage/>.) Several experts also believe that the Surfside condominium tower collapse was caused, in part, by dewatering required to construct the neighboring condominium building. (<https://www.bizjournals.com/southflorida/news/2022/03/08/eighty-seven-park-stantec-sued-due-to-surfside.html> ["The complaint also alleged that the process of dewatering, removing groundwater and stormwater, during construction at Eighty Seven Park impacted the water table beneath Champlain Towers South, damaging its foundation."])

However, since the DEIR assumes that only minimal and temporary dewatering will be required, the DEIR contains neither analysis nor mitigation, or even monitoring, of the potential impacts of years of dewatering. The DEIR fails to disclose, analyze, and mitigate these very real and concerning offsite geotechnical impacts, in violation of CEQA. The DEIR must be revised and recirculated to protect the safety of those working and residing near the Project site.

F. The DEIR Failed to Analyze Risks to Human Health, as Required by the Supreme Court in the *Friant Ranch* Decision.

The DEIR must also be revised and recirculated after the City completes a Friant Ranch-type analysis that connects identified Project emissions levels with human health impacts. This type of analysis is required by Supreme Court precedent, has been done in the past, and can be done here.

The most important analysis would study the impact of the Project's NOx emissions on ozone formation in the South Coast Air Basin, and the resulting cumulative impact of these air emissions on human health. In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, at 519-522 ("*Friant Ranch*"), the Supreme Court held that CEQA requires such an analysis correlating increased project air emissions to the probable resulting human health effects. Specifically, the Court determined:

The EIR's discussion of health impacts of the named pollutants provides only a general description of symptoms that are associated with exposure to the ozone, particulate matter (PM), carbon monoxide (CO), and nitrogen dioxide (NOx), and the discussion of health impacts regarding each type of pollutant is at most a few sentences of general information. The disclosures of the health effects related to PM, CO, and sulfur dioxide fail to indicate the concentrations at which such pollutants would trigger the identified symptoms. As in Bakersfield, "[a]fter reading the EIRs, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin." (*Bakersfield, supra*, 124 Cal.App.4th at p. 1220, 22 Cal.Rptr.3d 203.) And as mentioned above, a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact. (See *Cleveland National Forest, supra*, 3 Cal.5th at pp. 514–515, 220 Cal.Rptr.3d 294, 397 P.3d 989.)

(*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519.)

No such analysis appears in the DEIR. A number of public agencies have performed a *Friant Ranch*-type analysis, demonstrating both that it is technically feasible and that it can produce useful information. A prime example of this application is the Sacramento Metropolitan Air Quality Management District (SMAQMD), which, in 2020, produced Guidance to Address The *Friant Ranch* Ruling For CEQA Projects in The Sac Metro Air District (SMAQMD Guidance), available at <http://www.airquality.org/LandUseTransportation/Documents/SMAQMDFriantRanch>

[FinalOct2020.pdf](#); last visited 3/23/21. The SMAQMD Guidance states that, *inter alia*, it:

Provides insight on the health effects that may result from a project emitting at the maximum thresholds of significance (TOS) levels in the Five-Air-District Region for oxides of nitrogen (NO_x), volatile organic compounds (VOCs), and PM, in addition to levels of CO and oxides of sulfur (SO_x) calculated proportional to NO_x (as described in Section 4.1). This information can be used in environmental documents to provide a conservative estimate of the health effects of criteria pollutant emissions at the significance thresholds or below.

(SMAQMD Guidance, p. 2.)

SMAQMD performed photochemical grid modeling, looking at over 40 locations in its jurisdiction where new projects could be sited (based on General Plan classification and zoning, among other factors), estimated generic emissions from such new projects, and then calculated the amount by which ambient air concentrations of pollutants would change when those emissions were added to the mix.

The District then was able to run a health impacts model using those ambient concentrations predictions as inputs (SMAQMD used the Benefits Mapping and Analysis Program [BenMAP] used by U.S. EPA [SMAQMD Guidance, pp. 4-5]), enabling it to predict what health hazards could result, e.g., predicting rates of increases in asthma attacks based on increased ozone concentrations when a new project's NO_x or VOC emissions were added to the District's inventory, or increased incidences of myocardial infarctions when PM_{2.5} emissions rose. (SMAQMD Guidance, pp. 6-7.) Generic modeling was set up for new sources emitting at SMAQMD's significance threshold levels, and at higher levels. SMAQMD has made this modeling system available to the public, enabling a developer to choose a relevant location, input the emissions data for its own proposed project, and run the model, thereby getting reasonable estimates of health impacts for its particular project. (SMAQMD Guidance, Appendix F).

The City and the Project proponent could also arrange to run a comparable air quality and health effects modeling effort as California State University at Dominguez Hills (CSUDH) did for the EIR it performed on its recent Long Range Development Plan. We note that CSUDH is also located in Los Angeles County, like the Project. There is no reason CSUDH could do the appropriate analysis, but the present Project proponent cannot. The CSUDH EIR described its modeling in this way:

An analysis of the potential health effects of the project's criteria pollutant emissions was prepared by Ramboll US Corporation. (See EIR Appendix B.4, which contains detailed information regarding the methodology, input parameters, limitations and uncertainties associated with this analysis.) The analysis focuses on health effects attributable to ozone and particulate matter, as those are the criteria pollutants considered by the USEPA in its Benefits Mapping and Analysis Program (BenMAP), the analytical model it relies on and publicly distributes for use in estimating the health effects of air pollution. A photochemical grid model (CAMx) was used to estimate the incremental increase in ambient air quality concentrations as a result of project-related emissions.

(California State University Dominguez Hills Campus Master Plan EIR, p. 3.2-2, available at <https://www.csudh.edu/Assets/csudh-sites/fpcm/docs/campus-master-plan/2019-09-11-FEIR.pdf>; last visited 3/23/21.)

Comparison to the CSUDH EIR is appropriate because of its geographic proximity in the South Coast Air Basin and recent preparation. In preparing the Final EIR for its campus master plan, CSUDH was prompted by a comment letter that complained of the lack of an analysis responding to the *Friant Ranch* opinion to hire an additional air quality consultant (Ramboll) to perform computerized modeling of the master plan's expected air pollutant emissions over the entire South Coast Air Basin, and to identify health impacts that might be caused by these emissions.

To create a worst-case analysis, the VOC emissions from the year of project construction with the highest VOC use (principally from architectural coatings) were added to the full build-out operational emissions of all other criteria pollutants from both stationary and mobile (vehicle) sources. (CSUDH FEIR, Appendix B4, p. 4.) Annual emissions were distributed in a grid model used by the SCAQMD to represent the South Coast Air Basin, appropriately allocated over time, and the model estimated the change in concentrations of ozone and PM_{2.5} that would result from the addition of the master plan's emissions. (*Id.*) Those results were then evaluated using BenMAP, a health-effects prediction model used by USEPA in its evaluation of the health impacts of potential air pollution control strategies. The Final EIR reported the results of the modeling for ozone and PM_{2.5}, because those are the pollutants for which USEPA generally uses BenMAP, and because those pollutants have the most serious health impacts. (*Id.*, p. 2.)¹

¹ This process is very similar to the use of CAMx and BenMAP by SMAQMD. See also 2020 Mineta San Jose International Airport Master Plan Amendment Integrated EIR,

The CSUDH's Final EIR reported the results of the analysis at FEIR, p. RTC-31:

Based on the Ramboll analysis, PM_{2.5}-related health effects attributed to the project include asthma-related emergency room visits (4.38 incidences per year), asthma-related hospital admissions (0.38 incidences per year), cardiovascular-related hospital admissions (excepting myocardial infarctions) (1.05 incidences per year), respiratory-related hospital admissions (2.44 incidences per year), mortality (10.31 incidences per year), and nonacute myocardial infarctions (less than 0.53 incidences per year). Ozone-related health effects attributed to the project include respiratory-related hospital admissions (0.67 incidences per year), mortality (0.28 incidences per year), and asthma-related emergency room visits (lower than 3.38 incidences per year.)

The CSUDH FEIR characterized these results as conservatively estimated, but acknowledged “regulatory agencies, including the USEPA, have judged that, even so, the results supply sufficient information to the public to allow them to understand the health effects of increases or decreases in air pollution.” (*Id.*)

As described above, multiple examples demonstrate that a *Friant Ranch* analysis can be done. It is both appropriate and necessary to do such an analysis here.

G. Project Design Features Must Be Incorporated Into the Mitigation Monitoring and Reporting Plan.

The DEIR contains project design features (PDFs) that are used to justify the DEIR's claims that the Project will not have significant and adverse environmental impacts. While the DEIR claims that these PDFs are part of the Project itself, “A mitigation measure is not part of the project.” (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 433.) An EIR cannot incorporate “the proposed mitigation measures into its description of the project and then conclude [] that any potential impacts from the project will be less than significant.” (*Lotus*, 223 Cal.App.4th 645, 655-657.)

Instead, these PDFs appear to be no more than mitigation measures by another

Supplemental Air Quality Analysis, at Introduction, p. 2, available at <https://www.sanjoseca.gov/Home/ShowDocument?id=61650>; last visited 3/23/21.

name. Mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Resources Code § 21081.6(b).) “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4th 1491.)

In addition, the DEIR’s reliance on the PDFs as part of the project appears to be an attempt to skirt CEQA’s requirement to disclose a Project’s potential impacts before mitigating them. Agencies cannot use project design features to avoid publicly evaluating alternatives and mitigation measures during the CEQA process. Doing so “precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences.” (*Lotus, supra*, 223 Cal.App. 4th 645.) This analytical shortcut is “not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation.” (*Id.* at 658.)

The DEIR must incorporate these PDFs, as proper mitigation measures, into the Mitigation Monitoring and Reporting Plan (MMRP). The DEIR must then analyze the impacts of both including, and of *not* including, these measures in the Project. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 [EIR must evaluate efficacy of proposed mitigation measures]; CEQA Guidelines § 15126.4 [EIR must evaluate any significant impacts caused by proposed mitigation measures].) Recirculation must occur.

Finally, as discussed above, the DEIR fails to include a defined project description sufficient to enable useful environmental review or the formulation of mitigation measures. The DEIR must be recirculated after the development of a project ripe for review, along with concrete and useful mitigation measures that address the potentially significant environmental impacts of implementing that ripe project.

II. The Regional Center General Plan Designation is Inappropriate for the Site, and the City’s Proposed Amendment of the General Plan for this Project is Impermissible Spot-Zoning.

The Project includes a General Plan amendment that would change the site’s

General Plan designation from Community Commercial, Limited Commercial, and Neighborhood Commercial to Regional Center Commercial. (DEIR p. II-36.) The Project would also designate unincorporated land as part of the Regional Center for annexation into the City. (*Ibid.*) The Project proponent claims in marketing materials that this designation matches the site's existing use and function. (DEIR p. IV.H-44.) In reality, once the Project site becomes designated as a Regional Commercial Center, it will be treated not as the community and neighborhood commercial currently present, but as a regional draw along the lines of Century City. Given that proposed height maximums for the Project reach 225 feet, an eventual transition to a more Century City-like high-rise development is hardly far-fetched.

The City's General Plan Framework Element designates Regional Centers at Figure 3-1. (See, <https://planning.lacity.org/cwd/framwk/chapters/03/F31MtoMp.pdf>.) The Framework Element defines Regional Centers as:

A focal point of regional commerce, identity and activity and containing a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Generally, different types of Regional Centers will fall within the range of floor area ratios from 1.5:1 to 6.0:1. Some will only be commercially oriented; others will contain a mix of residential and commercial uses. Generally, Regional Centers are characterized by 6- to 20-stories (or higher). Regional Centers are usually major transportation hubs.

(General Plan Framework, Long Range Land Use Diagram, Fig. 3-1.) Notably, the City provides that Regional Centers are “generally...6- to 20- stories (or higher)” with floor area ratios of up to 6.0:1. The Framework Element, which provides for future growth in the City based on the adequacy of supporting infrastructure, notably does not provide for a Regional Center along Beverly or Fairfax. (See, <https://planning.lacity.org/cwd/framwk/chapters/03/F31MtoMp.pdf>.)

This General Plan Amendment represents a major change to the identity of the area, and to its future growth potential, that should occur in the context of comprehensive planning, such as an update of the Wilshire Community Plan. The Wilshire Community Plan was last updated in 2001 and is due for a comprehensive update. A change of this magnitude must occur with the expertise of the planning department and proceed through the normal public process. It should not happen through spot-zoning for a single developer. Successful land use planning is comprehensive and cohesive. “Case-by-case reconsideration of regional land-use policies, in the context of a project-specific EIR, is

the very antithesis of that goal.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 572 -573.)

Furthermore, once an area is designated as a Regional Center in the General Plan, impacts cascade into the surrounding area. Increased development intensities spread out from the designation, as has been seen at Century City and the Beverly Center. If the City chooses to stay this course and amend the entire General Plan for a single, undefined development, the DEIR must be updated to provide a full and accurate assessment of induced growth that is not currently present.

III. The Project Fails to Satisfy Sign District Requirements.

As discussed in the comment letter submitted by Save Beverly Fairfax on August 25, 2022, the Project fails to meet City requirements for a Sign District. Los Angeles Municipal Code section 13.11, subdivision (C) provides that the development regulations for signage within a Sign District must be determined at the time the Sign District is established. As a draft ordinance has not yet been proposed or provided to the public, any discussion of a Sign District is premature. Moreover, as the DEIR purports to analyze the impacts of this as-yet-undisclosed Sign District, the DEIR must be revised and recirculated once the draft Sign District ordinance becomes publicly available. The DEIR cannot adequately disclose, analyze, and mitigate the impacts of portions of the Project that remain unformed and undisclosed.


Conclusion

The TVC 2050 Specific Plan is not a defined “project” for purposes of CEQA. As currently written, the document hinders CEQA’s purposes of providing informed decision making and informed public review. Currently, neither the decision makers nor the public know what exactly the Specific Plan is meant to achieve or the environmental consequences of project approval. If the City’s goal is to ensure continued television production in Los Angeles, and not just the development of 1.6 million square feet of new retail, the Specific Plan’s land use restrictions should reflect that priority. Once the proponent has settled on an actual plan, the City must perform the studies and analysis needed to adequately disclose, analyze, and mitigate the Project’s likely environmental impacts in a revised DEIR. This DEIR must be recirculated for meaningful public comment which has, up to this point, been denied. The City’s failure to take these important steps would result in an EIR vulnerable to legal challenge.

Paul Caporaso
Department of City Planning
City of Los Angeles
September 13, 2022
Page 20

The Association looks forward to revision of the DEIR and the Specific Plan and to continued participation in the City's process regarding this important Project.

Sincerely,



Michelle N. Black

ATTACHMENT 2



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May 14, 2024

Via Email (paul.caporaso@lacity.org)

Paul Caporaso
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
paul.caporaso@lacity.org

Re: Comments on FEIR and “Erratum” for TVC 2050 Project; ENV-2021-4091-EIR; 7716-7860 West Beverly Boulevard, Los Angeles 90036

Dear Paul Caporaso:

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

First and foremost, we are disappointed with the City’s piecemealed release of environmental review documents relating to the Project. As discussed in our previous comments, the Specific Plan was not publicly available during the draft EIR comment period, preventing the public and decisionmakers from reviewing those documents together. This is critical, as the EIR relies heavily on design and other standards contained in the Specific Plan for its conclusions that the Project will not have significant impacts. Since the draft EIR comment period, the Project has been modified, but these modifications were only disclosed to the public in April 2024 – five months after the release of the final EIR. For example, the Sign District details were just disclosed for the first time, two years after the close of DEIR comments. Consequently, the public has been unable to review the modifications to the Project and to understand the potential environmental impacts of these changes. We ask the City to recirculate the EIR ***and all of its pieces*** with updated analyses.

Second, the City’s reliance on an Addenda has no basis in the California Environmental Quality Act (CEQA). The April 5, 2024 notice sent to Project stakeholders, states, “The Erratum outlines modifications and reductions proposed for the TVC 2050 Project, which were made in response to community input.” But an “erratum” is not a CEQA process. When an agency modifies an environmental impact report prior

to certification, CEQA requires **recirculation** of an EIR. (CEQA Guidelines § 15088.5.) Recirculation is required whenever “significant new information” is added to the EIR prior to certification. (CEQA Guidelines § 15088.5(a).) Certification has not yet occurred. Moreover, there is significant new information in the form of Project changes (relocation of lane access to the mobility hub, elimination of hundreds of parking spaces, a new zoning designation). The Erratum contains a multitude of new technical and expert reports purporting to address the Project’s impacts (Appendices B through H) relating to historic resources, transportation, geotechnical impacts, hazards, utilities, noise, and fire access. Instead of inventing a new process, the City must recirculate the revised EIR for public comments, and the City must respond to those public comments with good faith, reasoned analysis as required by CEQA.

Finally, the FEIR fails to either address or resolve the issues Beverly Wilshire Homes Association raised in its detailed 2022 comments on the TVC 2050 Project. The Project Description remains unstable, which cascades into a failure to adequately disclose, analyze, and mitigate the Project’s environmental impacts. The EIR defers its analysis of dewatering impacts to future reports and processes. It does the same with regard to traffic and traffic congestion management plans that ***will not even be prepared after Project approval*** outside the gaze of the public. The EIR also fails to fully analyze and mitigate air quality impacts, especially those affecting the nearest sensitive receptors – the surrounding community. As discussed further in the letter submitted by Save Beverly Fairfax, the EIR also fails to adequately analyze the newly disclosed sign district or acknowledge the illegality of helipad use on the site. The Beverly Wilshire Homes Association shares in the concerns detailed in the Save Beverly Fairfax letter.

Project review is not complete. Neither the public nor the City’s decisionmakers can really know what the Project proposes and what the impacts to the community will be. All we know is that it will permit well over one million square feet of new development in what is already one of the most congested and developed corridors in the City. The Beverly Wilshire Homes Association urges the City not to certify the FEIR and to require recirculation of the EIR before proceeding with the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Black", with a stylized flourish at the end.

Michelle Black

EXHIBIT A.6

Fix the City Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS

APPEAL APPLICATION Instructions and Checklist



RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

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

CASE INFORMATION

Case Number: VESTING TENTATIVE TRACT MAP NO. 83387, Related Case CPC-2021-4089-AD-GPA-ZCHD-SP-SN; CPC-2021-4090-DA

APN: 5512002002

Project Address: 7716 Beverly Boulevard

Final Date to Appeal: June 7, 2024

APPELLANT

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

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

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: FIX THE CITY (LAURA LAKE, PH.D.)

Company/Organization: FIX THE CITY

Mailing Address: 10558 KINNARD AVENUE

City: LOS ANGELES **State:** CA **Zip Code:** 90024

Telephone: 310-497-5550 **E-mail:** LAURA.LAKE@GMAIL.COM

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

☐ Self ☒ Other: FIX THE CITY

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

☐ YES

☐ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): SEE ABOVE

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

JUSTIFICATION / REASON FOR APPEAL

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

☒ Entire ☐ Part

Are specific Conditions of Approval being appealed?

☐ YES ☐ NO

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

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: Mike for Fix The City Date: JUNE 6, 2024

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

June 5, 2024

Attachment

JUSTIFICATION OF APPEAL OF TVC PROJECT VTTM 83387

Vesting Tentative Tract No. 83387, Related Case: CPC-2021-4089-AD-GPA-ZCHD-SP-SN; CPC-2021-4090-DA, 7716 Beverly Boulevard (TVC) Specific Plan and Development Agreement, FEIR

This is both a CEQA appeal and an appeal of the VTTM determination. Fix The City filed extensive comments on the DEIR for this project which we incorporate by reference, along with all other testimony and evidence submitted to date. Our concerns and objections remain, despite the minor changes proposed for this fatally flawed project.

Fix the City is an incorporated entity established to promote public safety, support the infrastructure, challenge unsustainable development, and hold city government accountable, particularly with regard to land-use issues. Fix the City will be directly impacted by the Project and related studio expansion projects, and has standing to appeal the Advisory Agency's determination.

We request that the cumulative impacts of multiple studio expansion projects be addressed in the approval for TVC regarding their impacts on housing production.

As stated in our September 12, 2022, comments on the Draft EIR, which we incorporate here, the EIR fails to disclose what the project really is and ignores impacts of the project on the City's Housing Element and on public services including emergency response. The tract map has no information regarding the scope of the development. ***The tract map and EIR fail to provide required disclosure.***

The City has provided no stable information as to what the project is in the EIR or as part of the tract map, has changed the project multiple times, releasing modified plans and documents, yet *still* fails to provide enough detail on the project for the community and the Advisory Agency to know whether the site is physically suitable for the proposed development – or even what the proposed development is. The tract map is inadequate and completely devoid of information necessary to determine what is the proposed density, intensity and location of use and whether it can be accommodated in this area, including for provision of emergency services, as discussed in detail below. The entire analysis in the EIR is speculative and prohibited by CEQA, and the Advisory Agency's CEQA determination was an abuse of discretion. Further, the Advisory Agency's process and the tract map itself also violated the LAMC.

The City's process violated the LAMC. The Advisory Agency's determination approving the tract map, certifying the EIR, and adopting the findings, SOC, and MMP,

FIX THE CITY

is inconsistent with the Los Angeles Municipal Code and improper. The Advisory Agency's determination is based on a different map than was presented at the hearing. The tract map included in the staff report was different from the tract map included with the determination. The tract map included in the determination was filed after the May 15 hearing, so it could not have been the map considered at the hearing and the subject of the determination. And the Advisory Agency should not be approving the map and certifying the EIR when the other approvals, including the General Plan and zoning determinations, have not been heard by the Planning Commission. The Advisory Agency cannot approve a tract map as consistent with a Specific Plan when there is no information provided as part of the tract map as to the scope of the development it is vesting and the Specific Plan provides little clarity as to what actually will be developed.

The project remains inconsistent with the Housing Element. The project proposes to remove thousands of potential residential units from the site that are included in the City's Housing Element. The project is, therefore, inconsistent with the Housing Element, and violates LAMC Section 11.5.8 which requires a comprehensive assessment of such changes that propose to reduce the capacity for creation and preservation of affordable housing and access to local jobs. This failure does not meet the intent of the City's February 2023 interdepartmental memo regarding implementation of the Housing Crisis Act of 2019.

The project is inconsistent with the General Plan and the tract map findings cannot be made. As explained in detail in our comments on the Draft EIR, the project is inconsistent with the General Plan and Wilshire Community Plan, and, therefore, the Advisory Agency erred in finding that the tract map is consistent with the General Plan. For example, substantial evidence in the record, including 26,000 pages of evidence from the City's own websites submitted with our Draft EIR comment letter, demonstrates there is already inadequate infrastructure and city services, including emergency services, in the project area, so a finding of consistency with the General Plan cannot be made.

The tract map violates the LAMC. Further, the tract map is defective because it fails to provide information that is required to be included in the map. For example:

- The tract map shows only one driveway when the EIR analyzes multiple driveways (which will create congestion, and inadequate queuing capacity and pedestrian hazards and delay emergency response vehicles). All proposed driveways must be included in the tract map under the LAMC and considered by the City departments, including Department of Transportation, Building and Safety, Public Works and the Fire Department.
- The EIR also discusses potential subsidence from operational groundwater pumping but does not provide any analysis of such subsidence. The map fails to account for this potential, including failing to show information regarding grading

FIX THE CITY

and cut and fill. Without that information, it is impossible to analyze potential impacts from subsidence. Subsidence could impact surrounding streets and buildings, including historic buildings. The map also fails to account for other hazards, including pollution, gases, and effects on the groundwater table.

- The EIR also discusses a helipad, but does not analyze how it could interfere with emergency services, such as the Cedars emergency helipad, its flight schedule and interference with flight paths for other helicopters, or whether the helipad is for emergency use at all or is a heliport. The helipad is not shown at all on the tract map nor is there any operational information, so it is impossible to analyze potential impacts to emergency services and other impacts from the helipad, or to even know where it would be.
- Fire District No. 1 has specific development requirements under LAMC Section 91.7204, but these requirements have not been addressed or even mentioned in the EIR or on the tract map.
- The EIR discusses a CUP for sale of alcohol but fails to explain where that sale would occur on the property and what use it would be connected to. This information is necessary to plan for emergency services, and the location and description of the uses with alcohol sales should be more particularly specified.

More detailed objections follow:

1. VTTM LOD VIOLATES HOUSING ELEMENT OF THE GENERAL PLAN

Approving the VTTM by the Advisory Agency violates CEQA because it constitutes **piecemeal approval**.

Approval of the TVC Vesting Tentative Map (VTT) commercial development alternative under the CEQA analysis ***eliminates housing production capacity***, in violation of city and state policies and laws designed to increase housing capacity. No mitigation for this impact is provided, as mandated by state and city laws discussed below.

There is no mention of the General Plan Housing Element in the entire LOD. The Advisory Agency is not lawfully permitted to cherry-pick which elements of the General Plan it cites as consistent. Consistency with all of the elements of the General Plan is mandatory. No such finding has been or can be made.

2. THE LOD VIOLATES CHARTER SECTION 564 AND LAMC 13A.2.C

In order to coordinate the approval process for a multiple approval project, as required by both the City Charter (Section 564) and the LAMC (formerly Section 12.36), the Advisory Agency must make a recommendation but not a determination, so that when

FIX THE CITY

the CPC hears this case, all approvals and appeals are coordinated. This is important to avoid violating CEQA's prohibition of piecemeal approvals and permits a single appeal process for all approvals at the same time.

Los Angeles City [Charter Section 564](#), states:

“Sec. 564. Projects Requiring Multiple Approvals.

If a project requires approvals by both the Zoning Administrator and either an Area Planning Commission or the City Planning Commission, those approvals that would otherwise be heard and determined by the Zoning Administrator shall be heard and determined by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals required for the project. Approvals for a project that requires both quasi-judicial and legislative actions shall be heard and determined by the City Planning Commission, except as provided in Section [565](#).”

Multiple discretionary approvals require that the City Planning Commission be the initial decision-maker, and not the Advisory Agency in a separate hearing and separate appeal.

As evidenced by the related case, several other discretionary approvals are required for this project. Thus, the VTTM LOD must be rescinded. All discretionary approvals must be heard at the same time under LAMC 12.36 (amended as [Div.13A.2.C: Multiple Entitlement Requests](#), Ordinances 187,712 and 187,930):

“In order to facilitate the development process, applications for multiple entitlements for the same project shall be submitted and processed concurrently as provided in Sec. 13A.2.10.”

The VTTM is not being processed concurrently when it comes to the appeal process.

3. REQUIRED MAP ACT FINDINGS CANNOT BE MADE

The LOD incorrectly claims that the VTTM is consistent with the General Plan and Specific Plans (p. 110). It is not consistent with the Wilshire Community Plan, the Land Use Element of the General Plan, as discussed above, and it is not consistent with the areas targeted for growth under the General Plan Framework. Therefore, the VTTM cannot be approved.

4. UNSTABLE PROJECT DESCRIPTION VIOLATES CEQA

Three Different VTT Maps Used In The Approval Process

Three different VTT maps during the approval process:

FIX THE CITY

- The May 17, 2024, VTT map attached to the LOD, is not the map presented to the public at the public hearing before the Advisory Agency.
- The map at the hearing was dated May 15, 2024.
- The map attached to the Staff Report presented to the Advisory Agency on May 15, 2024, was dated 2021.

This is evidence of an unstable project description and a bait-and-switch with the public and the decision-makers.

In addition, changing the map after approval and including a new map with the LOD is unlawful by denying the public and decision-makers due process. The map attached to the LOD *was not the map used for the approval*, and the map provided prior to the public hearing was different from the map used at the hearing.

These changes require a new hearing and explanation for what changes occurred, who approved or recommended them, and why they are necessary for this project.

The project has been tweaked and adjusted but remains a mystery as to what will ultimately be built on this site. The VTTM permits commercial uses, entertainment uses, studio uses, but does not make a commitment for those uses, and fails to show the actual configuration on the map. A single driveway on Beverly seems unlikely. The internal circulation is not shown on the map. The curb cuts are not shown. It is not clear what “rooftop additions” are or where they may be placed, nor what their impacts might be.

A VTTM is a contract with the city and public to build in a certain manner. It provides certainty for the applicant and for the public. Given the uncertainty regarding what and when the project will be constructed, it is premature to approve the map.

The project description has been unstable and unclear regarding completion dates and what will ultimately be built on the site. Rather than a VTTM, the document approved by the Advisory Agency is a blank check that leaves the public and the city uninformed, impacts unanalyzed, and mitigation not disclosed. CEQA requires transparency. This VTTM fails to provide transparency to the City and the public.

The findings for the VTTM on pages 110-111 describe the driveways as *approximate*. This is a final map. It cannot be approximate for driveways which directly impact traffic circulation for the project, and more importantly, for the community. Also, the VTTM is not consistent with the targeted growth areas identified in the General Plan Framework.

An example of the yet-to-be-disclosed project description is reference in the BOE conditions of approval regarding 1-foot future street/alley dedications (LOD, p. 14). This is a vesting map; all plans should be included, not referenced in vague terms. Where on the site are future streets/alleys proposed, and why? What will they access?

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5. THE VTTM IS LIMITED TO COMMERCIAL DEVELOPMENT (THE PREFERRED CEQA ALTERNATIVE) IN VIOLATION OF THE HOUSING ELEMENT OF THE CITY OF LOS ANGELES AND STATE LAW

There is no explanation for how this vesting map can lawfully limit development to commercial uses without upzoning another site to compensate for the loss of housing capacity. Please see the [February 15, 2023 Interdepartmental Memo on Implementing the Housing Crisis Act of 2019, Section XI](#):

“The Housing Crisis Act generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site’s housing development capacity from what was allowed on January 1, 2018 (G. C. Sec. 66300(b)(1)(A)). These actions include the adoption of plans that result in a net downzoning or otherwise reduce housing capacity and population” (p.16).

This VTT cannot be lawfully approved unless it complies with state law to offset the loss of potential housing.

The claim on p. 36 of the LOD that the project complies with relevant policies and land use plans is incorrect. This Vesting map is limited to commercial uses. This vesting map effectively forecloses residential development and the Mixed-Use Boulevard designation.

Page 39 of the LOD clearly states that the project does not contain any residential uses. Note that the project includes the VTT, the Specific Plan, and the Development Agreement, all subject to CEQA analysis. The VTT is an integral part of the project. But it has been approved in isolation from the other project components, in violation of CEQA. If the commercial project is built, there cannot be housing on this site, and the Housing Element and state law will be violated unless the loss is offset elsewhere at the same time as required by the law.

While the LOD references SCAGS Transportation Planning (p. 21), it *omits SCAGs regional housing plans and forecasts, used as a trigger to declare a Housing Local Emergency by Mayor Bass*. Indeed, a word search of the LOD reveals no mention of the Housing Element. The LOD fails to address the loss of potential housing capacity due to a VTT limited to commercial development.

Given the Mayor’s Declaration of Local Housing Emergency under LAAC 8.33, this failure to off-set the loss of housing capacity represents a flagrant violation of state law designed to *increase*, not decrease, housing production. Residential development was examined as EIR Alternative 4 and rejected. Consistency with the General Plan (Housing Element) is a CEQA Checklist Land Use requirement. A finding of compliance with the General Plan (Housing Element) cannot be made for this VTT, Specific Plan, EIR, and DA.

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The Preferred CEQA Alternative is entirely commercial and therefore requires compliance with identifying an *alternative site which must be upzoned* to compensate for the loss of potential housing on the project site.

The Finding for the VTTM cannot be made that it is in compliance with the General and Specific Plans of the City (LOD, p. 110). It is not in compliance with the Housing Element of the General Plan of Los Angeles.

6. NO COMPLIANCE WITH LAMC 11.5.8

The requested General Plan Amendment on LOD pp. 110-111 cannot be approved without compliance with [LAMC 11.5.8](#) and for the Specific Plan amending the General Plan. General Plan amendments require a monitoring program of affordable covenanted housing be in place prior to approving any General Plan Amendment such as the TVC Specific Plan. No such analysis or monitoring program has been presented publicly.

7. NO COMPLIANCE WITH FIRE DISTRICT NO. 1

LOD p. 113 mentions different hazards including liquefaction, flooding, and methane. It failed to address the project site is within Fire District No. 1, which imposes additional safety regulations. The VTTM does not address those restrictions and is therefore incomplete.

8. THE VTT IS VAGUE – A WISH LIST – NOT A PROJECT

There is no commitment that the entitlements requested and approved will be built – that this will be a studio expansion and not merely commercial development ready to be flipped.

- The location of the sale of alcohol on the site needs to be shown on the map so that emergency service access is analyzed.
- The rooftop additions need to be described and analyzed.
- The circulation system in the VTT must be shown (1-foot easements for future streets and alleys on p. 14, need to be shown on the map and analyzed for circulation impacts.
- The driveways and curb cuts must be shown along with queuing capacity. Without this information, there is no way to analyze the circulation impacts of the project's VTT.
- The turning radius for large trucks must be accommodated in the circulation system.

9. HELICOPTER USE NOT DOCUMENTED

There is no explanation or analysis of existing helicopter traffic on site or in the area. Please provide the flight logs for the past five years to demonstrate the claimed

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helicopter use, particularly for commuter use, which may require FAA approval as a Heliport rather than Helipad. This is not explained or documented in the record. Additional helicopter traffic would impose a hardship on the adjacent community, both residential and commercial, with excessive noise and pollution, and interfere with emergency helicopter services such as Cedar Sinai helicopter traffic.

Helicopter flights generate on and off-site noise that is not analyzed in the EIR, and no mitigation is proposed to protect adjacent properties and residential neighborhoods from the noise impacts. Please revise the noise analysis in the EIR to show where the noise impacts would occur, and how they could be mitigated, other than not permitting helicopter landings and take-offs on this project site.

10. COMPLIANCE WITH FIRE DISTRICT NO. 1

There is no discussion or finding of compliance with the limitations imposed by being located in [Fire District No. 1](#). (LAMC 91.7208). For example, the prohibition on catering trucks. Studios rely on catering trucks. Will they be in compliance with Fire District 1 regulations?

11. LACK OF SUBSTANTIAL EVIDENCE OF ADEQUATE EMERGENCY SERVICES

The EIR admits that the project will increase demand for emergency services. However, it fails to state that these police and fire services are adequate now and can accommodate the additional demand from intensification of development permitted by this project. The Wilshire Community Plan Policy 16-2.1 requires findings of adequacy for the infrastructure serving the project area:

“Policy 16-2.1 No increase in density shall be effected [sic] by zone change, plan amendment, subdivision or any other discretionary action, unless the Decision-makers make the following findings or a statement of overriding considerations”:

“Program: Decision-makers shall adopt findings with regard to infrastructure adequacy as part of their action on discretionary approvals of projects which could result in increased density or intensity.”

There is no evidence of adequacy for infrastructure provided in the EIR or findings of adequacy required to approve this VTTM, the Specific Plan or the Development Agreement.

12. COMPLIANCE WITH ETHICS REGULATIONS TO DISCLOSE PAYMENT TO THOSE TESTIFYING AT PUBLIC HEARINGS?

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When members of the public testify at public hearings, they must declare in writing if they are paid or compensated to testify. It is not known whether the supporters who testified benefitted financially from goods or services provided by the Applicant. If they were paid or received gifts of value, they were required to declare on their Speakers Card that they were paid by the Applicant. For example, residents were solicited to sign petitions in support in exchange for free event passes. Astroturfing with compensation represents a breach of Ethics regulations. Did anyone who provided public comment receive compensation?

13. PROJECT COMPLETION DATE UNKNOWN

The failure to disclose the timing of the buildout makes cumulative analysis of traffic impacts problematical. Instead of an actual project, the approvals appear to be blank checks for the applicant to cash-out entitlements for completely different projects and uses, defeating the CEQA analysis required to approve the project. This is not a project, per se, but a wish list. The applicant seeks a commitment for approval from the city, without making a commitment to adhere to the approvals sought.

14. INCONSISTENT WITH GENERAL PLAN FRAMEWORK TARGETED GROWTH

As stated in our EIR comments, this site is inconsistent with the General Plan Framework because it is not targeted for increased density and is not shown on the map of targeted growth areas.

15. NO FINDING FOR SUBDIVISION APPROVAL UNDER WILSHIRE COMMUNITY PLAN POLICY 16-2.1. FOR ADEQUATE INFRASTRUCTURE AND SERVICES

CEQA requires measuring the incremental impact of a project. It does not address whether infrastructure or emergency services are adequate and can accommodate the added demand of discretionary approvals.

Unlike CEQA, the Wilshire Community Plan requires a finding of adequacy for infrastructure and emergency services to approve increased density or intensity (Policy 16-2.1).

That is why the required finding of adequacy under the Wilshire Community Plan is essential to safeguard public safety and the livability of the city. The Wilshire Community Plan (Policy 16-2.1) mandates a finding of adequate infrastructure and city services that can accommodate the additional demands placed on the infrastructure and city services, particularly police and fire.

For example, the LOD acknowledges increased demand for emergency services in Appendix K and speculates how the tax revenue from the project might augment those services, the City has failed to make a finding of adequate infrastructure under Policy

16-2.1. Similarly, the response times reported for LAFD do not meet the best practices standard under NFPA for emergency services, e.g., under five minutes for EMT.

This Community Plan required finding has not and cannot make based on substantial evidence. Since this is a mandatory finding, it cannot be ignored in favor of Community Plan wish-list goals cited in the LOD (p. 106). Therefore, the VTTM cannot be lawfully approved.

16. UNDERGROUND UTILITIES

The LOD states that electrical lines will be above-ground. For safety reasons, they should be buried. This would enhance the aesthetics of the project.

17. PUBLIC HEALTH IMPACTS

The LOD (pp. 116-117) states that the project will not pose public health impacts. There was no reference to the explosion on Third Street and whether the mitigation measures for methane were in place at that site. If they were, clearly, there is a risk to public health and safety, and increased density in a methane leakage area is a major concern.

Respectfully,

Laura Lake

Laura Lake, Ph.D.
FIX THE CITY



**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**

DATE: February 15, 2023

TO: Department of Building and Safety Staff
Department of City Planning Staff
Interested Parties

FROM: Vincent P. Bertoni, AICP
Director of Planning
Department of City Planning

Osama Younan *o.y.*
General Manager
Department of Building and Safety

SUBJECT: IMPLEMENTATION OF THE HOUSING CRISIS ACT OF 2019

On October 9, 2019, the Governor signed into law the Housing Crisis Act of 2019 (HCA or Housing Crisis Act) through Senate Bill (SB) 330 (2019). SB 330 created new statewide rules under Title 7 of the California Government Code regarding the production, preservation, and planning for housing. The HCA has been in effect since January 1, 2020. Subsequently, on September 16, 2021, the Governor signed into law SB 8 (2021), the first major clarification of the HCA. SB 8 has been in effect since January 1, 2022.

This memorandum serves as interim guidance for staff in the Departments of City Planning and Building and Safety regarding City policies and processes as they relate to the implementation of the HCA, as amended by SB 8, and does not create any new City ordinances or regulations. It reflects most but does not cover all circumstances and may be subject to additional information, interpretation and consideration based on individual application circumstances and changes in state or local law. Further, this memorandum provides a summary of pertinent sections of the HCA for reference purposes only and is not intended to conflict with State Law.

This memorandum supplements the "Implementation of State Law SB 330 - Housing Crisis Act of 2019" memorandum dated January 17, 2020.

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I. SUMMARY OF THE HOUSING CRISIS ACT, AS AMENDED BY SB 8

The Housing Crisis Act establishes a statewide temporary housing emergency, aiming to increase certainty in the development review process, preserve existing affordable housing, enhance protections for occupants, and prevent certain actions that would reduce the availability of housing. For the duration of the emergency period, the HCA, as amended by SB 8, does the following:

General Applicability and Effective Dates

- (1) Extends certain rights and responsibilities through 2034 to Housing Development Projects¹ that submit a City Planning application, building permit, or HCA Vesting Preliminary Application before January 1, 2030,
- (2) Clarifies that certain provisions of the HCA apply to Housing Development Projects that involve no discretionary approvals (i.e. ministerial or by-right) (Government Code (G.C.) Section (Sec.) 65905.5(b)(3)) submitted to the City on or after January 1, 2022 (G.C. Sec 65905.5(f)),
- (3) Clarifies that certain provisions of the HCA apply to Housing Development Projects consisting of the development of a single unit (G.C. Sec. 65905.5(b)(3)(C)),

¹ See Section III of this memorandum for the definition of "Housing Development Project."

Housing Replacement and Occupant Protections

- (4) Requires that a Housing Development Project not result in a net loss of residential units (G.C. Sec. 66300(d)(1)),
- (5) Provides that Protected Units² must be replaced with new units consisting of the same number of bedrooms at the same income level of the Protected Unit, with specified exceptions for single-family dwellings being built and single-family dwellings being replaced (G.C. Sec. 66300(d)(2)),
- (6) Provides that all occupants of Protected Units are provided a right to remain in their units up to six months prior to the start of construction activities (G.C. Sec. 66300(d)(2)(C)),
- (7) Allows lower-income occupants of Protected Units applicable relocation assistance and a right of first refusal (right to return) at a rent or cost affordable to their income level, with specified exceptions (G.C. Sec. 66300(d)(2)(D)),

Project Review Streamlining

- (8) Creates a new vesting process for zoning and land use ordinances, policies, and standards in place when a HCA Vesting Preliminary Application is submitted, with limitations (G.C. Sec. 65941.1),
- (9) Requires that the historic status or designation of any site be determined at the time that a complete application is submitted (G.C. Sec. 65913.10),
- (10) Limits the number of public hearings allowed for Housing Development Projects that meet all applicable zoning and land use standards (G.C. Sec. 65905.5),
- (11) Shortens the review period for Housing Development Projects associated with an Environmental Impact Report (G.C. Sec. 65950),
- (12) Places limitations on the enforcement and imposition of design standards established on or after January 1, 2020, that are not objective design standards (G.C. Sec. 66300(b)(1)(C)),

Planning and Zoning for Housing

- (13) Places limitations on the City's ability to reduce the housing capacity of land (G.C. Sec. 66300(b) and (i)),

Local Jurisdiction Implementation Provisions

- (14) Requires the City to provide available tenant and unit information necessary to determine compliance with the housing replacement obligations and occupant protections of Government Code Section 66300, as part of the regular project review process (G.C. Section 65940(a)(2)), and
- (15) Prohibits approval of a Housing Development Project unless the replacement requirements and occupant protections are applied (G.C. Section 66300(d)(1) and (2)).

² See Section VII of this memorandum for the definition of "Protected Unit."

II. GENERAL APPLICABILITY AND EFFECTIVE DATES

The Housing Crisis Act, as amended by SB 8, applies to the following projects, as specified in the Act, through 2034 when submitted to the City before January 1, 2030³:

- Discretionary Housing Development Projects with a final approval on or after January 1, 2020
- On or after January 1, 2022, ministerial Housing Development Projects with an application submitted to Los Angeles City Planning (City Planning) or for which the Los Angeles Department of Building and Safety (LADBS) accepts a complete building permit Plan Check application,
- A Housing Development Project that submits a complete HCA Vesting Preliminary Application.

III. GENERAL PROCEDURES

To implement the Housing Crisis Act and Title 7 of the Government Code, as amended by SB 8, certain development review criteria apply to proposed Housing Development Projects.

Housing Replacement and Occupant Protections

A Housing Development Project must obtain a SB 8 Replacement Unit Determination (RUD) letter from the Los Angeles Housing Department (LAHD) prior to submitting a complete application to City Planning or receiving clearance from LAHD in the LADBS permitting process⁴ for a project that does not require an application to City Planning. Alternatively, if the project qualifies, it may obtain and complete a No Net Loss Property Owner Declaration in lieu of the SB 8 RUD.

³ The replacement obligations of the HCA do not apply to discretionary Housing Development Projects that submitted a complete application to the Department of City Planning before January 1, 2020 nor to ministerial Housing Development Projects that submitted either their building permit Plan Check application to LADBS or their City Planning application before January 1, 2022. See [Section V](#) of this memorandum for more information on the applicability of the HCA housing replacement requirements.

⁴ Government Code Section 66300 does not apply to a Housing Development Project in a Very High Fire Hazard Severity Zone, as determined by the State Fire Marshal. However, a site located within a VHFHSZ that is also identified on the City's Housing Element sites inventory (GC 65583.2(g)(3)) may still require replacement units as a condition of any development on the site. Go to the "Housing" tab on zimas.lacity.org for additional HCA and Housing Element housing replacement information on specific sites.

Optional Vesting

Most housing projects qualify to submit an optional HCA Vesting Preliminary Application to lock-in local planning and zoning rules at the time a complete vesting preliminary application is submitted. These vesting rights do not apply to changes in State law or to changes in building code. HCA vesting rights must be initiated prior to filing a City Planning application or submitting a building permit Plan Check application. In order to initiate a request for HCA vesting rights, submit a Housing Crisis Act Vesting Preliminary Application ([CP-4062](#)) Form and the required materials through City Planning's [Online Application Portal](#).

Preliminary Zoning Assessment

A Housing Development Project consisting of two or more residential units that is associated with a City Planning application for its development must receive a completed Preliminary Zoning Assessment from LADBS to determine zoning compliance and identify any issues that may need to be resolved through an application to City Planning. The PZA primarily consists of an informational zoning Plan Check conducted by LADBS staff, accompanied by completion of Referral Form CP-4064.

These procedures are further described in Sections [VIII](#), [IX](#), [X](#), the Housing Development Project Applicability Matrix, and the Housing Replacement and Occupant Protection Matrix provided by the departments.

IV. HOUSING DEVELOPMENT PROJECT DEFINITION AND TYPES

“Housing Development Project” Definition

For the purpose of applying the HCA, a Housing Development Project is defined in California Government Code Section 65905.5(b)(3) to include a project that creates one or more residential unit(s), Supportive Housing, or Transitional Housing.⁵

Housing Development Project Types

In order to determine whether a development type is a Housing Development Project as defined in Government Code Section 65905.5, a list of common development types and the applicability of related procedures is provided in a “Housing Development Project Applicability Matrix” that is made available by the departments. The applicability matrix includes many, but not all, Housing Development Project types and may be amended from time to time. See [Section III](#) of this memorandum for more information on general procedures.

⁵ This definition does not change the definition of Housing Development Project in the Housing Accountability Act (HAA) under Government Code Section 65589.5(h), which defines a Housing Development Project subject to the HAA as a residential-only project with two or more units, a mixed-use development with a minimum of two-thirds residential floor area, or transitional or supportive housing.

In addition, a project that results in a net increase in residential units is a Housing Development Project, regardless of the building permit type under which the construction occurs. For example, a Housing Development Project would result from the interior conversion of a commercial building to an apartment or conversion of a single-family dwelling to a duplex. A residential project or a mixed-use project on a site that includes residential units and results in a net decrease in residential units is also a Housing Development Project, regardless of the building permit type under which the construction occurs. For example, the conversion of a duplex to a single-family dwelling is a Housing Development Project that results in a net loss of units. Residential projects consisting only of alterations, no new residential units, and no net increase or decrease in residential units shall not be considered a Housing Development project.

V. HCA HOUSING REPLACEMENT

General Provisions

The Housing Crisis Act, as amended by SB 8, requires that certain housing replacement provisions and occupant protections apply on sites where a Housing Development Project is proposed (G.C. Sec. 66300(d)). A Housing Development Project must not result in a net loss of units. “[Protected Units](#)” must be replaced with units consisting of the same number of bedrooms and at a rent or cost consistent with the income level of the household, with specified exceptions. Additional protections to occupants of certain Protected Units also apply.

Until January 1, 2034, the replacement provisions of Government Code Section 66300(d) apply to Housing Development Projects that, before January 1, 2030, submit a City Planning application, a building permit Plan Check application, or a HCA Vesting Preliminary Application.

However, the replacement obligations of Government Code Section 66300 do not apply to discretionary Housing Development Projects that submitted a complete application to the Department of City Planning before January 1, 2020, nor to ministerial Housing Development Projects that submitted either their building permit Plan Check application to LADBS or their City Planning application before January 1, 2022.

The replacement provisions and occupant protections of the Housing Crisis Act also do not apply to Housing Development Projects in a Very High Fire Hazard Severity Zone, as determined by the State Fire Marshal (G.C. Sec. 66300(f)(4))⁶.

⁶ A site within a Very High Fire Hazard Severity Zone that is also identified on the City’s Housing Element sites inventory may still require replacement units as a condition of any development on the site. See Section IX of this memorandum for additional information on replacement under Housing Element law. Go to the “Housing” tab on zimas.lacity.org for additional HCA and Housing Element housing replacement information on specific sites.

Definition of “Protected Unit”

A Protected Unit, as defined in Government Code Section 66300(d)(2)(F)(vi) includes the following types of residential dwelling units:

- A residential unit occupied by a lower-income household
- An affordable rent-restricted unit
- A unit subject to the Rent Stabilization Ordinance (RSO) or AB 1482 (2019)
- A unit withdrawn from rent or lease in accordance with Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (the “Ellis Act”) within the ten-year period preceding submittal to the City

5-year and 10-year Look-back Periods for Prior Units

A Housing Development Project must include at least as many residential dwelling units as the greatest number of Protected Units (i.e. the “highpoint” (G.C. Sec. 65915(c)(3)(B)) that existed on the project site within the five-year period preceding submittal to the City. Further, the “Protected Unit” replacement provisions of Government Code Section 66300(d)(2) apply to any residential unit withdrawn from rent in accordance with Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (the “Ellis Act”) within a ten-year period prior to submittal to the City.

Replacement of All Residential Units

Housing Development Projects requiring the demolition of one or more residential units must replace at least as many residential units as will be demolished, pursuant to Government Code Section 66300, as amended by SB 8. Housing Development Projects consisting of a single unit may require additional replacement units if demolishing more than one unit. For example, a duplex must be replaced by at least two units.

Replacement of Legal Residential Units Non-Conforming as to Zoning Density

A site with legal non-conforming units as to density must be replaced without regard to the underlying zoning limitations on density and without any further action from the Department of City Planning on the matter of density, consistent with Government Code Section 66300(d)(1). All other applicable development standards and processes still apply in addition to any applicable exceptions.

Replacement of “Protected Units”

Government Code Section 66300, as amended by SB 8, provides that when a Housing Development Project consists of two or more units, it must replace a Protected Unit with a new unit of equivalent size and at an income level commensurate with the income category of the household that occupied the Protected Unit and include additional protections for their occupants—including a right to return, a right to remain up to six months before the start of construction, and relocation assistance. These provisions are in addition to the no net loss provisions described above.

When only one single unit replaces one single unit, the replacement unit may be of any size and income level consistent with State and City rules and regulations.

Replacement Units with the Same Number of Bedrooms

A Protected Unit must be replaced on-site in the Housing Development Project with a new unit of “equivalent size,” consistent with Government Code Section 66300(d)(2)(F)(iii) and (vii). The replacement unit must include at least the same total number of bedrooms as the unit being replaced. The replacement unit is not required to be the same square-footage or include the same number of total rooms. A Housing Development Project with two or more units may replace a single Protected Unit consisting of more than three bedrooms with a unit containing only three bedrooms. There are limited exceptions to the forgoing in situations involving a single-family dwelling (G.C. Sec. 66300(d)(2)(D) and (F)).

A Housing Replacement and Occupant Protections Matrix is provided by the departments as a consolidated reference related to these provisions.

VI. HCA OCCUPANT PROTECTIONS

Right to Remain for All Occupants

Before a unit can be demolished or occupants are evicted for the purpose of building a Housing Development Project, the occupants shall have the right to occupy their units until six months before the start of construction activities on the new project. If demolition of the unit does not proceed, then the occupant may return to the unit. (G.C. Sec. 66300(d)(2)(C))

For the purpose of applying Government Code Section 66300(d)(2)(C), the term “Start of Construction Activities” is understood to mean the call for the first inspection on any construction permit, such as for grading or foundation work related to the proposed Housing Development Project. These inspections are those that are defined in the Los Angeles Building Code LAMC section 91.108.5 (item 1) and 91.108.9 (starting with item 2).⁷

⁷ See LADBS Information Bulletin P/GI 2020-016, and subsequent updates, entitled [*Definition of “Commenced Construction” and Similar Phrases*](#).

Right of First Refusal (Right to Return) for Lower-income Occupants

Existing lower-income occupants are provided with a right to return for a comparable unit in the new Housing Development Project affordable to the household at an affordable rent or an affordable cost at the household income level. (G.C. Sec. 66300(d)(2)(D)(ii))

The right to return does not apply where a Housing Development Project consisting of only one single housing unit will be located on a site where only one single Protected Unit is demolished for the development of the Housing Development Project. The right to return also does not apply to Housing Development Projects that consist of one-hundred percent lower income units (except manager's units) except where the occupant of a Protected Unit is qualified for residence in one of the units in the new development and for whom providing a comparable unit would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development. These circumstances might arise in Transitional and Supportive Housing projects.

Relocation Assistance for Lower-Income Occupants

The developer of a Housing Development Project must provide the maximum amount of relocation required by state, federal, and local laws.

See the Housing Replacement and Occupant Protections Matrix provided by the departments for additional information on the HCA occupant protections applicable to specific project types.

VII. RELATIONSHIP OF HCA REPLACEMENT TO OTHER REPLACEMENT PROVISIONS IN STATE LAW

The HCA is one of several laws that include unit replacement requirements and occupant protections. Where more than one provision of State or local law relating to unit replacement and occupant protections applies, all provisions are applied, typically with the most restrictive provision superseding.

Housing Element Law

Housing Element law requires that all projects located on sites identified on the City's Housing Element sites inventory include replacement units as applicable, as a condition of any development on the site. This requires a determination for any new development that occurs on a site identified in the inventory that currently has residential uses or has had residential uses that were vacated or demolished within the past five years, which are either subject to rent restriction (e.g., covenant), rent stabilization, or occupied by low- or very low-income households. Replacement units must be provided in a manner consistent with Government Code Section 65915(c)(3) of the Density Bonus law or the Housing Crisis Act, whichever prevails for the site. Unlike the Housing Crisis Act, Housing Element law requires that a new development of a single-family dwelling replace a single-family dwelling occupied by a lower-income tenant. A complete copy of the Housing Element sites inventory may be accessed on [City Planning's website](#).

Density Bonus Law

Density Bonus law requires that certain affordable housing projects replace existing units at a rent level commensurate with the income of the household that occupied the unit to be demolished and that the new project include at least the same total number of bedrooms as those in the residential units to be demolished. The replacement of lower income Protected Units under the HCA shall count toward the provision of affordable units in a Housing Development Project using Density Bonus law or the Transit Oriented Communities (TOC) program, consistent with Government Code Section 66300(d)(2)(F)(vii).

Mello Act

The Mello Act requires that residential units that existed within the past three years in the Coastal Zone be replaced on-site whenever feasible for various development types. In certain instances, a right of first refusal may be available to certain occupants. Where a provision of the Mello Act and the HCA overlap, the provisions that result in the largest number of affordable replacement units and the deepest affordability levels apply, including the replacement provisions and occupant protections for Protected Units under the HCA. In the instance where on-site replacement of units would be deemed infeasible under the Mello Act rules, a project subject to unit replacement under both the HCA and the Mello Act are required to replace units on-site as a provision of the HCA.

VIII. IMPLEMENTATION OF HCA HOUSING REPLACEMENT AND OCCUPANT PROTECTIONS

In the City of Los Angeles, the Housing Crisis Act, as amended by SB 8, is implemented jointly among the Department of Building and Safety, the Department of City Planning, and the Los Angeles Housing Department. Generally, referrals to and from LAHD to affirm the unit replacement provisions and occupant protections of the HCA apply to Housing Development Projects under review by LADBS or City Planning.

Replacement Unit Determinations for City Planning Applications and Building Permit Clearance

In order to comply with Government Code Section 65940(a)(2) and to provide Housing Development Project applicants the information necessary to determine housing replacement obligations and occupant protections under Government Code Section 66300, an applicant for a Housing Development Project must obtain a Replacement Unit Determination (RUD) letter from LAHD, except for those developments that are eligible to use the No Net Loss Property Owner Declaration described in the following subsection. LAHD is responsible for determining the applicable replacement obligations and occupant protections for any project type that requires a RUD. The RUD letter shall be a filing requirement for City Planning applications or a building permit clearance requirement for Housing Development Projects that do not involve a City Planning application for its development.

The replacement obligations for a Protected Unit⁸ are measured by the income of the tenant household for the past five years. In the absence of occupant income information, affordability will default to the current percentage of lower income households per the Comprehensive Housing Affordability Strategy (CHAS) database, updated annually by the federal Department of Housing and Urban Development. Information on the current CHAS defaults can be found on the [LAHD Replacement Unit Determination application form](#). All replacement calculations resulting in fractional units shall be rounded up to the next whole number. These percentages and the rent and income levels for each AMI are adjusted annually by LAHD.

No Net Loss Property Owner Declaration

In lieu of obtaining a SB 8 RUD letter from LAHD, projects that meet specified criteria may submit a SB 8 No Net Loss Property Owner Declaration along with applicable building records to City Planning staff as part of the project's City Planning application or to LADBS staff to obtain clearance from LADBS on a ministerial Housing Development Project that does not require a City Planning application. Where a Housing Development Project does not meet the criteria to use the No Net Loss Declaration, a SB 8 RUD letter from the Los Angeles Housing Department (LAHD) must be obtained. Additional information on which projects qualify to use the No Net Loss Property Owner Declaration may be found on the No Net Loss Property Owner Declaration form, which can be found on the websites of [LADBS](#) and [City Planning](#).

⁸ See Section VI of this memorandum for the definition of "Protected Unit."

Verification of Replacement Obligations and Occupant Protections

The City is required to comply with Government Code Section 66300(d)(2), which provides that the City cannot approve a Housing Development Project that requires the demolition of an occupied or vacant Protected Unit unless the unit replacement provisions or occupant protections are applied. To do this, City Planning and LADBS staff will verify that the project will not result in a net loss of residential units and that the relevant unit replacement provisions and occupant protections are applied prior to an approval through a City Planning process or prior to the building permit issuance for Housing Development Projects that do not require a City Planning application. This verification will be conducted in combination with the RUD letter or No Net Loss Declaration, available building records, other legal documents, the proposed project plans, and relevant clearances.

IX. HOUSING CRISIS ACT VESTING PRELIMINARY APPLICATION

The Housing Crisis Act, as amended by SB 8, creates a vesting procedure for all Housing Development Projects. All Housing Development Projects requiring an application to City Planning or those automatically eligible to submit for building permit Plan Check to LADBS on or after January 1, 2022, without a City Planning application may submit the optional HCA Vesting Preliminary Application (Preliminary Application). For projects seeking HCA vesting rights, applicants must submit a complete Preliminary Application prior to filing the City Planning application or submitting for building permit Plan Check to LADBS. A Preliminary Application completed before January 1, 2030, is valid until January 1, 2034, provided that HCA vesting rights are maintained and have not otherwise lapsed or terminated.

The HCA Vesting Preliminary Application provides a project certain rights to proceed with development based on the City ordinances, policies and standards adopted and in effect when a complete Preliminary Application is submitted. However, these provisions do not apply to changes in State law nor to changes in building code. HCA vesting does not restrict the City's authority to require mitigation measures under the California Environmental Quality Act. In addition, the Preliminary Application does not require the submittal of a land use application and is not itself a land use approval.

In order to establish and maintain HCA vesting rights, the applicant must adhere to certain time limits and limitations on project scope changes. If the time limits are not met or if the changes in the project scope exceed specified thresholds, then the Preliminary Application shall expire and have no further force or effect.

Time Limits to Retain Vesting Rights for Housing Development Projects with a City Planning Application

Once the Preliminary Application is complete, the City Planning application must be submitted within 180 days of submitting a complete Preliminary Application.

If a City Planning application is filed, then within ninety (90) days of receiving a hold or “deemed incomplete” letter from City Planning staff, the applicant must submit all outstanding information needed in order to determine the application is complete.

If a Housing Development Project is associated with a City Planning application for its development, then construction of the Housing Development Project must commence within two and one-half years—or three and one-half years for one hundred percent affordable Housing Development Projects—following the date that the project receives final approval. Final approval means that a project has obtained all necessary approvals to be eligible to apply for, and obtain, a building permit or permits, and all appeal periods or statutes of limitations have been exhausted or resolved in favor of the Housing Development Project (G.C. Sec. 65589.5(o)(2)(D)(ii)).

Time Limits to Retain Vesting Rights for Housing Development Projects without a City Planning Application

A project that does not require a City Planning application must submit for building permit Plan Check to LADBS within 180 days of submitting a complete Preliminary Application in order to retain vesting rights.

The ninety (90) day period for the applicant to provide missing information to the City in order to retain vesting rights does not apply to a Housing Development Project that does not require a City Planning application for its development.

A project that does not require a City Planning application and that uses a valid Preliminary Application must also commence construction of the Housing Development Project within two and one-half years – or three and one-half years for one hundred percent affordable Housing Development Projects – following the building permit Plan Check submittal to LADBS in order to retain vesting rights.

If the project is discovered to require a City Planning application at any point during the permitting process, then the project may still use the Preliminary Application issued as long as the City Planning application is submitted within 180 days of the date that a complete Preliminary Application was submitted. The previous Plan Check submittal to LADBS would not be held against the project.

See Appendix A of this memorandum for additional information on the relationship of the HCA to projects that require no discretionary approvals.

Project Scope Changes and Retaining Vesting Rights

Any change in the residential unit count is limited to less than twenty (20) percent of the unit count identified on the completed Preliminary Application—exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision.

Any change in the Building Area, as defined in the California Building Standards Code (Title 24 of the California Code of Regulations) is limited to less than twenty (20) percent of the Building Area identified on the completed Preliminary Application—exclusive of any increase resulting from the receipt of a density bonus, concession, waiver, or similar provision.

Administrative Procedures

A HCA Vesting Preliminary Application may be submitted through City Planning's [Online Application Portal](#). The required information can be found on form [CP-4062](#).

X. ADDITIONAL PROJECT REVIEW STREAMLINING PROVISIONS

Preliminary Zoning Assessment for City Planning Applications

In order to implement the HCA and State housing laws as they pertain to the expeditious review of housing projects, a Preliminary Zoning Assessment (PZA) by LADBS is required for all projects creating two or more units as part of an application to City Planning for its development. The Preliminary Zoning Assessment does not apply to Housing Development Projects that do not involve an application to City Planning nor to a project consisting of only one unit.

The Preliminary Zoning Assessment primarily consists of an informational zoning Plan Check conducted by LADBS staff accompanied by a summary of zoning compliance on the PZA referral form ([CP-4064](#)). The PZA is intended to identify and determine whether a project is in compliance with applicable zoning and land use requirements necessary to achieve the proposed project and to ascertain if any land use approvals need to be obtained through an application to City Planning. The informational zoning Plan Check done through the PZA process does not constitute a zoning approval and does not require compliance with development standards in order to be completed.

If Plan Check is conducted in LADBS' Affordable Housing Section, then the completed PZA referral form shall be accompanied by architectural plans stamped and signed by LADBS Plan Check staff following the completion of the informational zoning Plan Check. If Plan Check is conducted by LADBS staff outside the Affordable Housing Section, then, following the completion of the informational zoning Plan Check, the completed PZA referral form shall be accompanied by architectural plans signed by the LADBS Plan Check staff with the relevant Plan Check application number, date, and note indicating that the zoning review is complete. LADBS Plan Check staff will also sign the PZA referral form once the informational zoning Plan Check verifications are complete.

Historic-Cultural Monument Determinations

To facilitate the Housing Development Project review process, the HCA requires the City to determine that a property is a “historic site” by the time a Housing Development Project’s City Planning application is deemed complete (G.C. Sec. 65913.10). However, the requirements of the California Environmental Quality Act (CEQA) still apply, and the lead agency may still determine at any time that the proposed project may affect a “historic resource” pursuant to CEQA.

City Planning regularly receives nominations for Historic-Cultural Monument (HCM) designation, some of which affect a property that may have a future Housing Development Project proposal. If the HCM nomination is received prior to any Housing Development Project application being deemed complete or a building permit Plan Check application to LADBS is submitted for a project that does not require a City Planning application, City Planning will continue processing the HCM nomination. However, once a City Planning application is deemed complete or a building permit Plan Check application is submitted to LADBS for a project that does not require a City Planning application, a later HCM designation cannot be applied to the project site for as long as the application and permits for a Housing Development Project remain active and valid, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

See Appendix A of this memorandum for additional information on the relationship of the HCA to projects that require no discretionary approvals.

Five Hearing Limit

The HCA prevents the City from conducting more than five public hearings in connection with the land use approval of a Housing Development Project that meets objective planning and zoning standards. Through 2034, the five-hearing limit applies to all Housing Development Projects that submit a complete application to City Planning or a complete HCA Vesting Preliminary Application before January 1, 2030.

A “hearing,” as defined in Government Code Section 65905.5 includes required meetings, hearings and continued hearings and meetings such as those associated with the City Planning Commission, Area Planning Commissions, Design Review Boards, Preservation Boards, Zoning Administrators, the Advisory Agency, and hearing officers. A meeting where a decision is made on consent counts as a hearing. A “hearing” also includes appeal hearings, except for those related to the approval or disapproval of a legislative action. A joint hearing held concurrent among multiple decision-makers counts as one hearing. The five hearings are counted from the “deemed complete” date of the City Planning application. The law requires that a decision be made on the project no later than the fifth and final meeting. Meetings that do not count toward this limit are meetings held pursuant to CEQA law, CEQA appeal hearings, State agency hearings, hearings to review a legislative approval, Neighborhood Council meetings, and other meetings that are not required by law, ordinance or regulation for the approval of the City Planning application.

Time Limits for Housing Development Projects with Multiple Entitlements and an Environmental Impact Report

Consistent with Government Code Section 65950 in the Permit Streamlining Act as of January 1, 2020, the period in which the lead agency shall approve or disapprove a Housing Development Project following the certification of an Environmental Impact Report (EIR) is reduced from 120 days to ninety (90) days. In addition, the period is reduced from ninety (90) days to sixty (60) days for a Housing Development Project that is at least forty-nine (49) percent low-income and publicly subsidized. This provision applies to any land use approval for a Housing Development Project in which the EIR is not certified concurrent with the final decision, such as if a Housing Development Project has multiple entitlements (e.g., a subdivision with another entitlement application), where the Advisory Agency or other decision-maker may certify an EIR prior to the final approval of a Housing Development Project. The time limits from the adoption of a Negative Declaration or a Mitigated Negative Declaration or the determination of a Categorical Exemption under CEQA to the final decision remain unchanged by the Housing Crisis Act. These periods may be extended if mutually agreed upon by the lead agency and the project applicant.

Limitations on the Enforcement of Non-Objective Design Standards

Consistent with Government Code Section 66300(b)(1)(C), the City shall not enact a development policy, standard, or condition that would have the effect of imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards. These limitations apply only to Housing Development Projects outside a Very High Fire Hazard Severity Zone, consistent with Government Code Section 66300(f)(4).

XI. LIMITATIONS ON REDUCING HOUSING CAPACITY

Downzoning Limitations

The Housing Crisis Act generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site's housing development capacity from what was allowed on January 1, 2018 (G. C. Sec. 66300(b)(1)(A)). These actions include the adoption of plans that result in a net downzoning or otherwise reduce housing capacity and population. In addition, the HCA generally prohibits local limits on the amount of housing or population through moratoria on housing development, or limits on approvals, permits, or housing units that can be approved or constructed.

Through 2030, these provisions require an analysis by City Planning demonstrating that any legislative action would not lessen housing intensity or change other development standards⁹ in a way that would individually or cumulatively reduce a site's residential development capacity.

These restrictions apply to any zone where housing is an allowable use.

Any proposed ordinance that would have the effect of limiting or restricting housing development must be reviewed and approved by the California Department of Housing and Community Development.

Exceptions to Downzoning Limitations

The HCA does provide certain exceptions to these downzoning limitations. The downzoning limitations do not impact zoning efforts that reduce intensity for certain parcels, as long as density is concurrently increased on other parcels and therefore result in no net loss in housing capacity or intensity. The concurrent up-zoning may be done within 180 days of the downzoning action if the action is associated with a request by a project applicant for a Housing Development Project. In addition, moratoria may be enacted to prevent imminent threat to the health and safety of persons in, or within the immediate vicinity of, the area. Downzoning may also be done to preserve existing restricted affordable housing or to facilitate the production of housing for lower-income households. Consistent with Government Code Section 66300(f)(4), which exempts Very High Fire Hazard Severity Zones, as determined by the State Fire Marshal, from the provisions of Government Code Section 66300, Housing Development Projects in Very High Fire Hazard Severity Zones remain subject to City-initiated actions to limit housing development capacity via modified development standards, such as those described in Government Code Section 66300(b).

⁹ Other development standards may include, but are not limited to height, density, floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, maximum lot coverage limitations. (G. C. Sec. 66300(b)(1)(A))

XII. CITY CONTACTS

Los Angeles Department of Building and Safety

For questions regarding HCA administration for Housing Development Projects that are not associated with a City Planning application, contact the LADBS Plan Check engineer assigned to a project in Plan Check or to LADBS.AHS@lacity.org for projects not already in Plan Check. Additional information for projects submitted to LADBS can be found by visiting the [Permit and Inspection Report](#) page.

Los Angeles City Planning

For information on HCA implementation within City Planning processes, contact Planning.HCA@lacity.org or the planner assigned to the project. For questions on the City Planning application filing requirements, contact Planning.Figcounter@lacity.org or Planning.MBC2@lacity.org. City Planning's [Housing Crisis Act resource page](#) can also be used to find relevant information, forms, tools, and matrices.

APPENDIX A

RELATIONSHIP OF THE HCA TO HOUSING DEVELOPMENT PROJECTS THAT INVOLVE NO DISCRETIONARY CITY PLANNING APPROVALS

Many of the provisions of the Housing Crisis Act, as amended by SB 8, apply to “Housing Development Project[s],” which, in part, are defined as “projects that involve no discretionary approvals” (G.C. Sec. 65905.5(b)(3)(B)).¹⁰ When this definition is read with the Housing Crisis Act text that triggers new obligations based on the submission or approval of a land use application to City Planning under the Permit Streamlining Act (G.C. Secs. 65905.5(a), 66300(d), 65913.10(a), 65589.5(o)), the Housing Crisis Act could be read to exempt a significant class of Housing Development Projects considered by the City’s development review process. Exempting that class of projects would not align with the broad new definition of Housing Development Project, or the purpose of some of the SB 8 amendments.

Under the City’s code framework, the category of projects that “involve no discretionary approvals,” includes projects that do not require a land use application to City Planning subject to the Permit Streamlining Act (PSA) and the Housing Accountability Act (HAA). These projects are not issued a land use approval or entitlement.

¹⁰ See Section III of this memorandum for additional information on the definition of “Housing Development Project.”

If a land use approval from City Planning is not required under the City's code framework, a project is eligible to apply for, and obtain, building permits without a City Planning approval. Projects that do not require a City Planning application for their development may, under the City's code, immediately submit for Plan Check to LADBS. For these projects, LADBS is authorized to review zoning and land use standards as a part of the Plan Check regulatory review for issuance of the building permits. (LAMC Sec. 12.26.A.) No separate land use approval or entitlement is generated by LADBS in this process. Additionally, the City's codes do not require a public hearing as a part of the Plan Check process prior to the issuance of building permits.

Since this class of projects only seeks building permits, the regulatory review process is governed by the Los Angeles Building Code (LAMC, Chapter IX), which originates from authority in the Health and Safety Code (Division 13). The review and issuance of a building permit is not governed by the PSA or the HAA review timelines, provisions that concern the review and issuance of land use approvals or entitlements necessary to be eligible to apply for and obtain a building permit.¹¹ Application of the PSA and the HAA review timelines to the building permit review process conducted by LADBS would create the undesirable result of, for example: building permits being issued to projects that are deemed consistent with regulations as a matter of law, a shortened Plan Check review period, or specific adverse impact findings being required for the denial of building permits that do not meet objective regulatory standards.¹² Further, there is nothing in SB 8 which attempts to control the review and issuance of building permits, or amends the Health and Safety Code.

However, these projects that do not involve a land use application to City Planning still fit the SB 8 definition of a Housing Development Project that involves "no discretionary approvals" (G.C. Sec. 65095.5). To implement the intent of SB 8 and harmonize State law text with the City's existing code framework, the City will apply certain provisions of the Housing Crisis Act, as amended by SB 8, to projects that do not require a land use application to City Planning.

For example, the replacement provisions of G.C. Sec. 66300(d) will apply to a project that only needs to apply for LADBS building permits, and does not involve a City Planning application, because such a project fits the definition of Housing Development Project (G.C. Sec. 65905.5(b)(3)). Applying G.C. Sec. 66300 to this category of projects will maximize the development of housing within the jurisdiction by applying the replacement requirements to Housing Development Projects that do not involve a PSA application to City Planning. (G.C. Sec. 66300(f).) State law language that says the replacement provisions only apply to projects that submit a PSA application on or after January 1, 2020 (G.C. Sec. 66300(d)(4)) will be applied as language that expresses a time point where the replacement and unit creation provisions begin to apply, but not language that limits the provisions only to those projects that submit a PSA application to City Planning.

¹¹ See Government Code Section 65589.5(h)(6)(A) and (o)(2)(D)(ii), derived from the Housing Accountability Act, regarding disapproval or approval of a land use application as it relates to a building permit.

¹² See, generally, Government Code Sections 65589.5(j)(1-2), 65943(a), 65950, 65956; and compare LAMC Sec. 98.0603.

Therefore, for the purpose of implementing the HCA within the City's unique code framework the City interprets and applies the SB 8 amendments in a way that: 1) implements the new definition of Housing Development Project; 2) implements the intent of the Housing Crisis Act, as amended by SB 8, to suspend certain restrictions on housing development and expedite the permitting of housing¹³; 3) considers and follows the City's existing land use approval and building permit issuance code framework; 4) upholds the existing regulatory framework that controls the issuance of building permits in the LAMC and Health and Safety Code; and 5) avoids the undesirable consequences of applying the PSA, and certain provisions in the HAA, to the building permit review process.

Consistent with the above reasons, the City will apply G.C. Sections 65589.5(o), 65905.5, 65913.10, 65941.1, and 66300, established by the HCA, to a project that meets the definition of Housing Development Project in G.C. Section 65905.5(b)(3), but does not require a City Planning application. For these referenced provisions, the City will utilize as an implementation timepoint the date that a Housing Development Project Plan Check application submittal is accepted by LADBS for those projects that do not require a City Planning application.

HCA Vesting Preliminary Applications for Projects that Require No City Planning Application

In the interest of expediting the permitting of housing, Housing Development Projects that do not require a City Planning application are expected to take the next step toward building housing within the same timeframe as those projects that do require a City Planning Application (i.e. an application under G.C. Secs. 65940 and 65943). This implementation policy applies State law within the context of the City's current development code framework in order to expedite the permitting of housing proposed under the Preliminary Application, and to avoid delays in housing project construction. The policy recognizes that Government Code Section 65941.1 is a new section that describes a submission that is distinct from a land use or development application under the PSA, and also recognizes that there is nothing which requires the submission of a land use application to City Planning under the PSA for the use of vesting rights (G.C. Secs. 65941.1(d), 65589.5(o)).

Since the PSA does not apply to a building permit application, the ninety (90) day period for the applicant to provide missing information to the City in order to retain vesting rights does not apply to a Housing Development Project that does not require a City Planning application for its development. Such a project is eligible to apply for and obtain building permit permits without a City Planning application.

¹³SB 8, Ch. 161 Stat. 2021, Sec. 13 [Ch. 654 Stats.2019, Sec.2(c), re intent]

While a project that requires no City Planning application is not associated with a “final approval” of a City Planning application, and no land use approval is issued through Plan Check (G.C. Sec. 65589.5(o)(2)(D)(ii)), calculating the time period to commence construction from the date of Plan Check submittal is consistent with the City’s existing code framework, and the overall intent of the Housing Crisis Act.¹⁴ This implementation policy utilizes the next development timepoint for projects that do not require a City Planning application. It is a time point that also exists for projects that require a City Planning application and occurs within the 2.5 (or 3.5) years following the “final approval” of a land use application to City Planning as defined by State law (G.C. Sec. 65589.5(o)(2)(D)(ii)). This policy requires Housing Development Projects that do not require a City Planning application to commence construction within the same timeframe as those projects that do require a City Planning Application (i.e. an application under G.C. Secs. 65940 and 65943). Calculating from this time point expedites the permitting of housing proposed under the Preliminary Application and avoids delays in housing project construction.

¹⁴ Calculating this time period from the date of Plan Check submittal is consistent with Los Angeles Municipal Code Sections 12.25-A, 12.26-A, 91.107.3, 91.105.3, 91.107.3, 98.0603, 98.0403.1(a)3 and 8, which requires a project to obtain permits or commence construction within a specified period following a City Planning approval or a complete Plan Check submittal, and calculates the Plan Check period from the date of a complete Plan Check submittal.

EXHIBIT A.7

Danielle Peters (Neighbors for Responsible TVC Development) Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Area Planning Commission (APC) | <input type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> City Council |
| <input type="checkbox"/> Zoning Administrator (ZA) | <input type="checkbox"/> Director of Planning (DIR) | |

CASE INFORMATION

Case Number: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

APPELLANT

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

- | | | | |
|---|---|------------------------------------|---|
| <input type="checkbox"/> Person, other than the Applicant, Owner or Operator claiming to be aggrieved | | | |
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site |

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

☐ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ **YES** ☐ **NO**

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

JUSTIFICATION / REASON FOR APPEAL

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

☐ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☐ NO

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

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ **Date:** _____

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

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

While NFRTD supports modernizing the Television City production facilities, this must be done through a process that actually produces modernized studio and entertainment facilities that consider the surrounding community. Many of the objections we have regarding this Project stem from size, Project Description, and the lack of required transparency in the administrative processes. NFRTD has submitted a number of letters to the City regarding these continued concerns and hereby incorporates them by reference.

Our additional comments, which are summarized below, establish the reasoning for this appeal. In this appeal, NFRTD also relies upon and incorporates by reference the detailed comment letters submitted by Beverly Wilshire Homeowners Association, The Grove LLC, Save Beverly Fairfax, Mayer Beverly Park LP and A.F. Gilmore, as well as our prior letters to the Planning Department dated February 14, 2023, July 25, 2023, and August 10, 2023, as well as a letter we sent to the City Attorney dated March 6, 2023.

THE PROJECT IS TOO BIG

The Project continues to be TOO BIG and TOO TALL. The residential neighborhoods surrounding TVC are unsuitable for a project with the density of a studio PLUS office park. An Office Park component *in addition to* an updated, modern, and efficient operational studio is just too much.

Of course, we are assuming that the Applicant is actually proposing a Studio. Project uses in the Project Description are interchangeable throughout the site in the EIR to the point that it is unclear and the type and timing of development proposed is not disclosed. The Courts have already rejected the City’s attempts to create a “hypothetical development mix” for Millennium Hollywood and the City is obligated to comply with the law for TVC2050 as well.

The Applicant has acknowledged, in its Project Description, that it can operate the studio of the 21st Century with 1,174,000 s.f., which includes *all* requested Soundstage, Production Support, Production Office, Retail, and Basecamp spaces, and simply eliminates the Office Park component. **The Office Park needs to go.**

THE PROJECT CREATES UNSAFE TRAFFIC IMPACTS

While the Applicant continues to pitch its “Mobility Hub” as a solution to traffic woes, the traffic study is very clear that traffic will increase significantly in the area. While we don’t like it, we are willing to accept that traffic will be a way of life in our City forever. What we are unwilling to accept is the continued deterioration of our neighborhoods via unnecessary and uncontrolled

cut-through traffic and inadequate emergency access. The Traffic Study used traffic counts from 2012 and 2015...it is 2024! This data predates COVID and is over a decade old.

The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But the Fire Department doesn't just assist with fires confined to the lot. Fire Department calls include emergencies such as accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment on the lot itself doesn't resuscitate neighbors or get them to the hospital in an emergency. Ambulances and Paramedics—operated by the Fire Department— get caught in gridlocked traffic just like the rest of us, and can't access side streets, either, thanks to the prevalence of driving software. The Applicant's solution to traffic just doesn't work and isn't safe.

THE PROJECT INCLUDES AN ABSURD TWENTY-YEAR CONSTRUCTION TIMELINE

The Development Agreement associated with the Specific Plan requests a **20-year** construction period. This is absurd. We believe a three-year construction period is appropriate and enough for the surrounding community to support and tolerate. For point of reference, California cities are obligated to update their General Plans every 10-15 years, while private developer gets a 20-year plan? This is unreal.

THE CITY HAS CONTINUALLY FAILED TO MEET STATE REQUIREMENTS FOR DISCLOSURE AND TRANSPARENCY

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

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, nearly two years after the DEIR and six months after the FEIR was released. We were forced to comment on a Sign Plan we had never seen to meet City deadlines. The proposed Sign District would allow for signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review and completely lacking public input related to public meetings and CEQA analysis.

Even preparing and submitting this appeal required us to create two logins, download "Adobe Sign" software, upload several documents, and demonstrate a capacity for computer usability

that required expert assistance. This again fails to meet a standard for public disclosure and participation.

THE PROJECT INCLUDES AN ILLEGAL HELIPAD

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

The site has never received any required permit to allow helipad use on the Project site, and any existing non-conforming rights were abandoned when the prior owner submitted site plans throughout the 1980 and 1990s showing no helipad. After the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. So now the Applicant wants to move the helipad it hasn't acknowledged in 30 years, increase its use, and argue that it's had the right all along? This is nonsensical.

WE HAVE NO GUARANTEE OF COMPLIANCE WITH DEVELOPER PROMISES

We are confident that the TVC 2050 Project will include a number of Conditions of Approval. However, we have learned that, especially after implementation of the Academy Museum Project, conditions are little comfort if there is no enforcement mechanism. We continue to demand an enforcement mechanism and Area Planning Commission Plan Approvals to keep the Applicant in check. Conditions of Approval with no enforcement mechanism are deferred mitigation, at best, which is illegal.



Nicole Kuklok-Waldman <nicole@collaborate-la.com>

PRA Request - TVC 2050 Project Specific Plan

Nicole Kuklok-Waldman <nicole@collaborate-la.com>

Tue, Sep 26, 2023 at 11:43 AM

To: Paul Caporaso <paul.caporaso@lacity.org>, mindy.nguyen@lacity.org, milena.zasadien@lacity.org
Cc: Alescia Ellis <alescia@collaborate-la.com>, lisa.webber@lacity.org, Dylan Sittig <dylan.sittig@lacity.org>, vrescalvo@gmail.com

Hello Paul, Mindy, and Milena,

Thank you for meeting with me on September 14, 2023 regarding the confusion that has occurred related to the public availability of several documents related to the TVC 2050 Project, 7716-7860 West Beverly Boulevard, CPC-2021-4089.

I just want to summarize how we got here and where we are now.

On April 17, 2023, I submitted a request for a copy of the Specific Plan for the TVC 2050 Project. The City responded that the document was being prepared and was therefore privileged.

In June 2023, I called the City's Automated Records Department and was told the ZA-11412, showing as a case on the Project's ZIMAS profile, was located in box number 56726. When I went to the City's records center on June 27, 2023, and researched old paper entitlements related to the Beverly site, including ZV-11412, I could not locate the file at that time in box number 56726 and was told it had likely been lost.

On July 25, 2023, Danielle Peters and Shelley Wagers sent an email to Paul Caporaso, requesting that the City hold a series of community meetings when the Specific Plan was released and prior the hearings on the Final EIR for the Project.

On August 1, 2023, Paul Caporaso responded to Danielle and Shelley's letter indicating that the Specific Plan had been in the file since the file was deemed complete, which according to City records was on June 3, 2021.

On August 10, 2023, I responded to Danielle Peters and Shelley Wagers responded to Paul Caporaso, stating that I, Nicole Kuklok-Waldman, previously requested a copy of the Specific Plan on April 17, 2023, and had been told it did not exist.

On August 28, 2023, Paul Caporaso responded to my email and attached a copy of the Specific Plan, a PDF that had been created on that same day by the Developer's Attorney, Francis Park, which included details after the date of June 3, 2021, the date the file was deemed complete, with apologies for misunderstanding my previous request.

Around September 1, 2023, I requested a copy of ZA-11412 from the City's Automated Records Department. I was told that ZA-11412, and that the box number at Piper Tech, the records storage center, was 56726, the same as the box I researched in June, 2023, and was unable to locate.

On September 7, 2023, I sent an email to Paul Caporaso requesting a copy of ZA-11412, noting that the box did not contain the requested file and asking where he had obtained the file.

On September 7, 2023, Paul Caporaso sent me a copy of ZA-11412 with additional materials including a table of contents, not from the original 1950 document. The file was obtained from the Developer's environmental consultant, Stephanie Eyestone and was sent to me via email.

On September 13, 2023, the Beverly Press reported that, in response to allegations that documents were not provided appropriately by the Planning Department, that the Planning Department responded as follows:

"The document [the Draft Specific Plan] has been in the project's case file since it was submitted by the applicant in 2021. With the exception of any Covid protocol restrictions, members of the public have been able to access the document with an in-office appointment. Additionally, members of the public have been able to submit a California Public Records Act request for a copy of any documents in the project's case file. This document was obtained by members of the public via a PRA request. As previously stated, this is not a city-created or city-reviewed document. The city anticipates that the final EIR will be made available before the end of 2023."

On September 14, 2023, we had a previously scheduled call in which you confirmed that the copy of the Specific Plan you sent to me on August 28, 2023 was from the Developer because you could not find a copy or it was easier. That copy, you confirmed, had been completed in December 2021, not June 2021, as you had previously indicated, and indicated you had previously been mistaken. You were certain this was the correct copy of the Specific Plan although this data file was not in your possession until August 28, 2023.

You also confirmed that the copy of ZA-11412 that you provided me had not been in your possession but had been obtained from the Environmental Consultant for the Applicant, Stephanie Eyestone, on September 7, 2023, at your request after my request. That document was attached to a number of documents post-dating ZA-11412 and intended for clarification.

You noted that your research of the 1989 case file box yielded different results than my search, and you indicated that the Records Center had located this file and was sending it to you. You confirmed that Planning had not reviewed the prior entitlements or files and that you believed that was not necessary for a baseline or for California Environmental Quality Act purposes, especially with respect to the Helipad permit. I disagreed, noting that you did not know if any Helipad activity was legal or illegal with which to create an environmental baseline based on existing conditions. We discussed how the Planning Department did not complete an entitlement review or research of original documents from the 1989 file.

You indicated that you did not think a draft specific plan had any consequence since the Planning Department was working on a revised specific plan. I indicated I disagreed since the specific plan was mentioned in the EIR repeatedly and defined key terms including Floor-Area-Ratio differently than the code definition.

I indicated I felt that the City's statement to the Beverly Press, of which all three of you were aware, was disingenuous and offensive. I stated you forgot to note in that statement that I requested a document in April via Public Records Act request that was not provided until September, despite my request. I also reminded you I had done records research in June and the box was missing so I had asked for file reviews despite this statement. You indicated it wasn't personal.

On September 21, 2023, I conducted file review, in-person, including the 1989 file. At that file review, I was given copies of documents as requested. Paul and Brenda, the assistant at Major Projects, were lovely and helpful.

I would like to therefore confirm that I have requested, via the Public Records Act, at least two documents that were not in the possession of the City, as you sent me the Developer's copy of the Specific Plan and ZA-11412, despite your statement to the Beverly Press that these documents have been in the case file. This statement by the Planning Department to Beverly Press was not truthful. I would also like to note that I have filed Public Records Act requests to which the City did not properly respond. While Paul Caporaso has taken responsibility for his errors, the Planning Department continues to deny responsibility for theirs.

Very Truly Yours,

6/6/24, 9:08 AM

CoLLaborate Mail - PRA Request - TVC 2050 Project Specific Plan

Nicole Kuklok-Waldman

[Quoted text hidden]

EXHIBIT A.8

Greg Goldin (Miracle Mile Residents Association) Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Area Planning Commission (APC) | <input type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> City Council |
| <input type="checkbox"/> Zoning Administrator (ZA) | <input type="checkbox"/> Director of Planning (DIR) | |

CASE INFORMATION

Case Number: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

APPELLANT

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

- | | | | |
|---|---|------------------------------------|---|
| <input type="checkbox"/> Person, other than the Applicant, Owner or Operator claiming to be aggrieved | | | |
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site |

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

☐ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ **YES** ☐ **NO**

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

JUSTIFICATION / REASON FOR APPEAL

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

☐ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☐ NO

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

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ **Date:** _____

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
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NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

OFFICERS
PRESIDENT
GREG GOLDIN
VICE PRESIDENT
KARI GARCIA
VICE PRESIDENT
KIMBERLY KLEIN
VICE PRESIDENT
SAMANTHA FRIEDLAND
TREASURER/SECRETARY
JOSEPH STEINS
EX OFFICIO
JAMES O'SULLIVAN



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SINCE 1983

POST OFFICE BOX 361295, LOS ANGELES CA 90036

WWW.MIRACLEMILELA.COM INFO@MIRACLEMILELA.COM

June 6, 2024

Department of City Planning
City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: Appeal of the Advisory Agency's Approval of Vesting Tentative Tract No. 83387 (TVC 2050 Project)

To Whom It May Concern:

The Miracle Mile Residential Association (MMRA) submits this summary of our reasons for appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. We also appeal the Advisory Agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

While MMRA supports modernizing the Television City production facilities, this must be done through the through a process that actually produces modernized studio and entertainment facilities that consider the surrounding community. Many of the objections we have regarding this Project stem from size, Project Description, and the lack of required transparency in the administrative processes. On September 22, 2022, the MMRA submitted a previous letter to the city regarding these continued concerns and hereby incorporates them by reference.

Our additional comments, which are summarized below, establish the reasoning for this appeal. In this appeal, the MMRA also relies upon and incorporates by reference the detailed comment letters submitted by Neighbors for Responsible TVC Development, Beverly Wilshire Homeowners Association, The Grove LLC, Save Beverly Fairfax, Mayer Beverly Park LP and A.F. Gilmore.

THE PROJECT IS TOO BIG

The Project continues to be too big and too tall. The residential neighborhoods surrounding TVC are unsuitable for a project with the density of a studio plus an office park. An office park component in addition to an updated, modern, and efficient operational studio is just too much will literally entomb the surrounding



@MIRACLEMILELA



@MIRACLEMILERA



@MIRACLEMILEMMRA





neighborhood in additional traffic and air pollution, blockade it from emergency services, while subjecting it to a 20-year-long construction schedule.

Of course, this assumes that the Applicant is actually proposing a Studio. Project uses in the Project Description are interchangeable throughout the site in the EIR to the point that it is vague and open-ended, and the type and timing of development proposed is never disclosed. The Courts have already rejected the city's attempts to create a "hypothetical development mix" for Millennium Hollywood and the city is obligated to comply with the law for TVC2050 as well.

The Applicant acknowledges in its Project Description that it can operate the studio of the 21st Century with 1,174,000 square feet, which includes all requested Soundstage, Production Support, Production Office, Retail, and Basecamp spaces, and simply eliminates the Office Park component. The Office Park needs to go.

THE PROJECT CREATES UNSAFE TRAFFIC IMPACTS

While the Applicant continues to pitch its "Mobility Hub" as a solution to traffic woes, the traffic study is very clear that traffic will increase significantly in the area. Unlike the historic operation of CBS, the Applicant's Project would be heavily truck-dependent. The Final EIR concedes 83 production trucks, including 18-wheelers, producing 166 truck trips per day. Such a truck-dependent facility should be located proximate to freeway access – not nearly 3 miles from the nearest freeway. Fairfax Avenue, south of Olympic Boulevard, provides connection to the I-10 Fwy. and is designated an Avenue III by the Mobility Plan – the narrowest type of arterial street. Fairfax Avenue quite simply is not suited to carry the daily truck burden resulting from the Project. Such truck traffic will further encourage gridlock and cut-through traffic on surrounding streets.

The Miracle Mile neighborhood is also destined to be heavily impacted, both by the Applicant's proposed "jitney shuttle" on Orange Grove, using our residential streets to ferry their commercial users to the nearest subway station, as well as the traffic impacts of adding more trips north and south on Fairfax to and from the 10 Fwy.

The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But emergencies aren't just fires, and they are not confined to the lot. Emergencies are accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment on the lot itself doesn't resuscitate neighbors or get them to the hospital in

Miracle Mile Residential Association

Post Office Box 361295, Los Angeles CA 90036

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an emergency. Ambulances and Paramedics—operated by the Fire Department— get caught in gridlocked traffic just like the rest of us, and can’t access side streets, either, thanks to the prevalence of driving software. The Applicant’s solution to traffic just doesn’t work and isn’t safe.

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The Development Agreement associated with the Specific Plan requests a 20-year construction period. This is absurd. We believe a three-year construction period is appropriate and enough for the surrounding community to support and tolerate. For point of reference, California cities are obligated to update their General Plans every 10-15 years, while private developer gets a 20-year plan? This is unreal.

THE CITY HAS CONTINUALLY FAILED TO MEET STATE REQUIREMENTS FOR DISCLOSURE AND TRANSPARENCY

The Planning Department has failed compliance with California Law and common sense when it comes to procedure for the Project. The city failed to produce a copy of a Draft Specific Plan for months, despite numerous community requests and a Public Records Act Request. When the PRA error was pointed out to the City, the Planning Department told the Beverly Press that it denied responsibility for the error yet quickly made the document public via its website. The copy of the Draft Specific Plan that was uploaded to the City’s website contained metadata stating that the city obtained it from Applicant’s counsel the week prior.

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, nearly two years after the DEIR and six months after the FEIR was released. To meet city deadlines, we were forced to comment on a Sign Plan we had never seen. The proposed Sign District would allow signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review and completely lacking public input related to public meetings and CEQA analysis.

Even preparing and submitting this appeal required us to create two logins, download “Adobe Sign” software, upload several documents, and demonstrate a capacity for computer usability that required expert assistance. This again fails to meet a standard for public disclosure and participation.

Miracle Mile Residential Association

Post Office Box 361295, Los Angeles CA 90036

www.MiracleMileLA.com info@MiracleMileLA.com



@MIRACLEMILELA



@MIRACLEMILERA



@MIRACLEMILEMMRA





THE PROJECT INCLUDES AN ILLEGAL HELIPAD

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

The site has never received any required permit to allow helipad use on the Project site, and any existing non-conforming rights were abandoned when the prior owner submitted site plans throughout the 1980 and 1990s showing no helipad. After the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. So now the Applicant wants to move the helipad it hasn't acknowledged in 30 years, increase its use, and argue that it's had the right all along? This is nonsensical.

WE HAVE NO GUARANTEE OF COMPLIANCE WITH DEVELOPER PROMISES

We are confident that the TVC 2050 Project will include a number of Conditions of Approval. However, we have learned that, especially after implementation of the Academy Museum Project, conditions are little comfort if there is no enforcement mechanism. We continue to demand an enforcement mechanism and Area Planning Commission Plan Approvals to keep the Applicant in check. Conditions of Approval with no enforcement mechanism are deferred mitigation, at best, which is illegal.

Finally, the MMRA incorporates by reference any other appeals made to this Approval of Vesting Tentative Tract No. 83387, and reserves the right to amend and further expand its appeal.

Thank you,

Greg Goldin
President, MMRA

Miracle Mile Residential Association

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EXHIBIT A.9

Barbara Gallen (Park La Brea Impacted Residents Group) Appeal

VTT-83387-1A

September 12, 2024

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

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

PURPOSE

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

APPELLATE BODY

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

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Area Planning Commission (APC) | <input type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> City Council |
| <input type="checkbox"/> Zoning Administrator (ZA) | <input type="checkbox"/> Director of Planning (DIR) | |

CASE INFORMATION

Case Number: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

APPELLANT

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

- | | | | |
|---|---|------------------------------------|---|
| <input type="checkbox"/> Person, other than the Applicant, Owner or Operator claiming to be aggrieved | | | |
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site |

For Building and Safety Appeals only:

Check all that apply.

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

For Housing Appeals only:

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

☐ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ **YES** ☐ **NO**

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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

JUSTIFICATION / REASON FOR APPEAL

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

☐ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☐ NO

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

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____

Paula Chen, President, Los Angeles City Planning
tylon

Date: _____

GENERAL NOTES

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

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

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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

APPEAL DOCUMENTS

1. Hard Copy

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

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

2. Electronic Copy

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

3. Appeal Fee

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

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

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

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

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

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

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

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

WAIVER OF DEDICATION AND / OR IMPROVEMENT

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

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

[VESTING] TENTATIVE TRACT MAP

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

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

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

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

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

Second Level Appeal

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

1. Appeal Fee

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

2. Noticing Requirement

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

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

NUISANCE ABATEMENT / REVOCATIONS

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

1. Appeal Fee

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

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

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

June 7, 2024
STATEMENT OF REASONS FOR APPEAL

**TVC 2050 Project; Case Nos. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN and ENV-2021- 4091-EIR;
7716-7860 West Beverly Boulevard, Los Angeles 90036**

Park La Brea Impacted Residents Group (PLBIRG), a California unincorporated association, submits this summary of the reasons for the association's appeal of the Advisory Agency's approval of VTT No. 83387 for the TVC 2050 Project. The Association also appeals the advisory agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under CEQA for the TVC 2050 Project (Project).

PLBIRG is a registered California unincorporated association made up of multi-family residents residing in the Park La Brea apartment community which is bounded by Sixth Street on the south, Hauser and Cochran on the east, Colgate and 3rd Street on the north, and Hauser and Fairfax Avenue on the west. Since 2018 PLBIRG has advocated on behalf of Park La Brea residents with regard to public safety, traffic and land use issues occurring on the external perimeter of the Park La Brea boundaries which affect the well being, safety and quality of life of our residents. The TVC 2050 Project is situated less than .75 miles from Park La Brea; moreover, its de facto southern perimeter for purposes of public street vehicle access to the project is 3rd Street, which is less than ¼ mile from our homes.

PLBIRG remains concerned that the development of the Project authorized by the VTT will have adverse impacts on the community. These impacts were obscured by an impermissibly opaque administrative process that prevented the full disclosure of Project details and intentions and their likely impacts, thereby preventing full environmental analysis and the mitigation of those likely impacts.

PLBIRG incorporates by reference the comment letters submitted by Park La Brea Impacted Residents Group, Fix the City, Mayer Beverly Park, LP, A.F. Gilmore, The Grove, LLC, Beverly Wilshire Homes Association, Save Beverly Fairfax, Miracle Mile Residential Association and Neighbors for Responsible TVC Development with regard to the Draft Environmental Impact Report. PLBIRG also incorporates by reference all appeals submitted by these and any other groups and individuals with regard to the approval of VTT No. 83387, and relies upon all of these comments and appeals for its appeal.

Finally, PLBIRG reserves the right to amend and further expand its appeal prior to the planning commission hearing.

Park La Brea Impacted Residents Group
a California Unincorporated Association

Statement of Appeal for TVC 2050

VTT 83387

Park La Brea Impacted Residents Group

June 7, 2024

EXHIBIT B

Letter of Determination
and Tract Map

VTT-83387-1A

September 12, 2024

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

ELIZABETH ZAMORA
VICE-PRESIDENT

MARIA CABILDO
CAROLINE CHOE

MARTINA DIAZ

ILISSA GOLD

KAREN MACK

MICHAEL R. NEWHOUSE

JACOB NOONAN

CITY OF LOS ANGELES
CALIFORNIA



KAREN BASS
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Mailing Date: May 28, 2024

Last Day to File an Appeal: June 7, 2024

Television Studios LLC (Applicant)
4060 Ince Boulevard
Los Angeles, CA 90232

Francis Park (Representative)
Park & Velayos
801 South Figueroa Street, Suite 450
Los Angeles, CA 90017

RE: Vesting Tentative Tract No. 83387
Related Case: CPC-2021-4089-AD-GPA-ZC-
HD-SP-SN; CPC-2021-4090-DA
7716-7860 Beverly Boulevard
Wilshire Community Plan Area
Existing Land Use: Community Commercial,
Limited Commercial, Neighborhood Commercial
Existing Zone: C2-1-O, C1.5-2D-O
Council District: 5 - Yaroslavy
CEQA: ENV-2021-4091-EIR

Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this Project, which includes the Draft EIR, ENV-2021-4091-EIR (SCH No. 2021070014), dated July 2022, the Final EIR dated November 2023, and Erratum dated April 2024 (TVC 2050 Project EIR), as well as the whole of the administrative record; and

CERTIFIED the following:

1. The TVC 2050 Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2. The TVC 2050 Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
3. The TVC 2050 Project EIR reflects the independent judgement and analysis of the lead agency.

ADOPTED all the following:

1. The related and prepared TVC 2050 Project EIR Environmental Findings;
2. The Statement of Overriding Considerations; and
3. The Mitigation Monitoring Program prepared for the TVC 2050 Project EIR.

Pursuant to LAMC Sections 17.03 and 17.15, the Advisory Agency **APPROVED**:

Vesting Tentative Tract Map No. 83387 (revised map, stamp-dated May 17, 2024) for the merger and re-subdivision of four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

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

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

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

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

satisfactory to the City Engineer.

8. That a revised map be submitted satisfactory to the City Planning Department the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easement adjoining the subdivision. This map will be used for final map checking purposes.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

9. Prior to issuance of any grading and/or building permit, a comprehensive geotechnical report shall be submitted to the Department of Building and Safety, Grading Division for review and approval, per the Soils Report Approval Letter correspondence dated August 4, 2021 (Log # 117112-01).

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

10. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
 - a. Provide lot cut date for the existing Parcels. Any lot cut after July 29, 1962 is required to obtain a Certificate of Compliance from City Planning prior to obtaining the Zoning clearance. Show compliance with the above requirement or obtain City Planning approval to waive the requirement for the Certificate of Compliance.
 - b. Provide copy of building records, plot plan, and certificate of occupancy of all existing structures (to remain) to verify the last legal use and the number of parking spaces required and provided on each site.
 - c. Obtain permits for the demolition or removal of existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
 - d. No structures (solar structures) and parking spaces shall be located across the proposed property lines.
 - e. Obtain building alteration permits for the removal of a portion of existing structures on site. Provide copies of permits and final inspection cards to show completion of the works.
 - f. Comply with the floor area requirements for the C zone. Revise the map to show all existing buildings to remain and all new buildings with issued permits.
 - g. Comply with the parking requirements per zoning codes. Revise the map to show all the required and provided parking spaces within its own lot.
 - h. The submitted Map dimensions for the existing Parcel B do not agree with ZIMAS. Revise the Map to address the discrepancy or obtain approval from Department of City Planning.
 - i. Provide exact lot area for each proposed Lot. Revise the Map.

- j. Obtain Zone Change to change the zone to the proposed TVC Zone and show compliance with zoning conditions prior to obtaining Zoning clearance.
- k. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with respect to the new property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.
- l. Provide a copy of affidavits AFF-65016, AFF-63676, AFF-15018, AF-92-48740-MB, PKG-LAYOUT-128-A, AFF-10265, AF-94-473023-MB, AF-00-1998796, AF-00-1998794, AF-00-1998792, AF-00-0682373, AF-00-0682372, AF-00-0682371 and AF-00-0682370. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- m. Provide a copy of ZA cases ZA-1989-11412, ZA-1986-338-CUB, ZA-16888, ZA-15900, ZA-15709, ZA-15547, ZA-15509, BZA-1999-2694, BZA-1990-4334-CUZ and BZA-1990-4268-CUB. Show compliance with all the conditions/requirements of the ZA cases as applicable.
- n. Provide a copy of CPC cases CPC-2021-4090-DA, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-1989-617-HD, CPC-1989-616-ZC, CPC-1986-823-GPC and CPC-1958-9061. Show compliance with all the conditions/requirements of the CPC cases as applicable.
- o. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedications. "Area" requirements shall be re-checked as per net lot area after street dedications. No structures shall be projected into the public right of way.

Notes:

This property is located in a Methane Zone.

This property is located in Fire District No. 1.

This property is located in a Liquefaction Area.

This property is located in Historical Preservation Review Area.

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

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

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Helen Nguyen

at (213) 482-0427 or helen.nguyen@lacity.org to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

11. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. Reservoir space will increase to 40-feet and 60-feet when driveway is serving more than 100 and 300 parking spaces respectively or as shall be determined to the satisfaction of the Department of Transportation (LADOT).
12. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.
13. With the Bureau of Engineering's concurrence, the sidewalk on the west side of The Grove Drive (south of the new project driveway) be narrowed by two feet in order to widen The Grove Drive as illustrated on the Revised VTT Map No. 83387 stamped by City Planning on May 17, 2024. The new sidewalk will be 11 feet wide.
14. Project shall comply with requirements of the Department of Transportation's attached assessment report (DOT CASE No. CEN21-51171) dated, November 16, 2021, to the attention of Milena Zasadzien, Senior City Planner, Department of City Planning.
15. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org
16. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance

FIRE DEPARTMENT

17. Access for Fire Department apparatus and personnel to and into all structures shall be required.
18. Address identification: New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
19. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75)
20. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
21. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

22. Fire Lane Requirements:

- a. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - b. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 - c. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 - d. Submit plot plans indicating access road and turning area for Fire Department approval.
 - e. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 - f. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 - g. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 - h. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 - i. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
23. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
24. Site plans shall include all overhead utility lines adjacent to the site.
25. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
26. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
27. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
28. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
29. Standard cut-corners will be used on all turns.
30. Where above ground floors are used for residential purposes, the access requirement shall

be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

31. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
32. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
33. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
 - a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - c. In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
34. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
35. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

36. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.
37. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
38. Entrance to the main lobby shall be located off the address side of the building.
39. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
40. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
41. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
42. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

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

DEPARTMENT OF WATER AND POWER

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

BUREAU OF STREET LIGHTING

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

BUREAU OF STREET SERVICES

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

BUREAU OF SANITATION

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

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

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

INFORMATION TECHNOLOGY AGENCY

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

URBAN FORESTRY DIVISION

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

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

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

49. Prior to the issuance of a building permit or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. Limit the proposed development to three ground lots;
 - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit; and
 - c. That the subdivider considers the use of natural gas and/or solar energy and consults with the LADWP and Southern California Gas Company regarding feasible energy

conservation measures.

50. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2021-4089-AD-GPA-ZC-HD-SP-SN shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2021-4089-AD-GPA-ZC-HD-SP-SN is not approved, the subdivider shall submit a tract modification.
51. Haul Route Conditions and Staging: All trucks must be staged on jobsite. No staging of trucks on city streets at any time. Flag control is required at the Project Site during hauling operations.

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

- a. The approved haul routes are as follows:

Route:

- i. Loaded (1): From the Project Site, departing trucks would exit from Beverly Boulevard (at the Genesee Avenue signal) heading west and then turn left (south) on Fairfax Avenue, turn left (east) on Washington Boulevard, turn right to enter eastbound I-10, and continue on I-10 E to export site outside of City limits.
- ii. Loaded (2): From the Project Site, departing trucks would exit from Beverly Boulevard (at the Genesee Avenue signal) heading west and then turn left (south) on Fairfax Avenue, turn left (east) on San Vicente Boulevard, turn right (south) on La Brea Avenue, turn right to enter eastbound I-10, and continue on I-10 E to the export site outside of City limits.
- iii. Loaded (3): From the Project Site, departing trucks would exit on Fairfax Avenue heading north, turn right (east) on Beverly Boulevard (or exit the Project Site via a right turn on Beverly Boulevard at the Genesee Avenue signal heading east), turn right (south) on La Brea Avenue, turn right to enter eastbound I-10, and continue on I-10 E to the export site outside of City limits.
- iv. Unloaded (1): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at Washington Boulevard/Fairfax Avenue, turn right (north) on Fairfax Avenue, and turn right (east) to enter the Project Site from Fairfax Avenue (or continue north and make a right (east) on Beverly Boulevard and then access the Project Site from Beverly Boulevard at the Genesee Avenue signal).
- v. Unloaded (2): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at La Brea Avenue, turn right (north) on La Brea Avenue, turn left (west) on San Vicente Boulevard, turn right (north) on Fairfax Avenue and enter the Project Site from Fairfax Avenue (or continue north and make a right turn on to Beverly Boulevard to access the Project Site from Beverly Boulevard at the Genesee Avenue signal).
- vi. Unloaded (3): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at La Brea Avenue, turn right (north) on La Brea Avenue, turn left (west) on Beverly Boulevard, and enter the site from Beverly Boulevard at the Genesee Avenue signal.

- b. The hauling operations are restricted to Monday thru Friday: 9:00 AM to 3:30 PM,

Saturdays: 8:00 AM to 4:00 PM. No hauling on Sundays or Holidays. (Hauling between 7:00 AM to 9:00 AM and 3:30 PM to 4:00 PM requires additional approvals from the Bureau of Engineering District Engineer per LAMC 62.61.)

- c. The vehicles used for hauling shall be Bottom Dump trucks.
 - d. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.
 - e. All trucks are to be watered at the export site to prevent excessive blowing of dirt.
 - f. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
 - g. Total amount of dirt to be hauled shall not exceed 772,000 cubic yards.
 - h. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
 - i. Flagpersons shall be required at the job site to assist the trucks in and out of the Project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
 - i. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.
 - ii. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified at least four business days prior to beginning operations in order to have temporary "No Parking" signs posted along streets in the haul route.
 - iii. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
 - iv. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
 - v. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.
 - vi. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.
52. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
- f. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.
- g. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

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

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

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

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

requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

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

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

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

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

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

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

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

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider

or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.

- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed. In the event that the City Council adopts the TVCSP, the improvements shall be constructed or be suitably guaranteed in accordance with the TVCSP or construction shall be in accordance with Mobility Plan 2035 Street standards:
 - a. Improve Beverly Boulevard adjoining the subdivision by the construction of a variable 12-foot to 15-foot wide concrete sidewalk with tree wells, and the repair and/or replacement of any damaged/cracked or off-grade concrete curb, gutter, sidewalk, and roadway pavement including any necessary removal and reconstruction of existing improvements. Reconstruct all the existing curb ramps at the intersection of Fairfax Ave and Beverly Blvd following the BOE standard per Special Order 04-0222 including any necessary removal and reconstruction of existing improvements.
 - b. Improve Fairfax Avenue being dedicated and adjoining the subdivision by the construction of a 15-foot-wide concrete sidewalk with tree wells, and the repair and/or replacement of any damaged/cracked or off-grade concrete curb, gutter, sidewalk, and roadway pavement, including any necessary removal and reconstruction of existing improvements. Reconstruct all the existing curb ramps at the intersection of Fairfax Ave and Beverly Blvd following the BOE standard per Special Order 04-0222 including any necessary removal and reconstruction of existing improvements.
 - c. Improve The Grove Drive being dedicated and adjoining the subdivision by the construction of the following:
 - i. A concrete curb, a concrete gutter, and 11-foot-wide concrete sidewalk with tree wells.
 - ii. Suitable surfacing to join the existing pavement to complete a 32-foot-wide half roadway, as necessary for up to a two-foot-wide street widening for the installation of a new left-turn lane improvement, in accordance with recommendations from LADOT.
 - iii. Any necessary removal and reconstruction of existing improvements.
 - iv. The necessary transitions to join the existing improvements.

Notes:

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

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

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

I. Introduction

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

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

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

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

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

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the EIR for the Project as fully set forth

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

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

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

II. Environmental Review Process

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

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

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

Draft EIR. The Draft EIR was published on July 14, 2022, in accordance with CEQA Guidelines Section 15087. The Draft EIR evaluated in detail the potential environmental effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No

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

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

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

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

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

III. Record of Proceedings

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

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, Final EIR and Appendices, Erratum and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;

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

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

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

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

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

IV. Project Description

Project Overview

The Original Project, as analyzed in the Draft EIR and Final EIR, would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and the modernization and expansion of media production facilities within the approximately 25-acre Television City studio (Project Site). The proposed Specific Plan would permit a total of up to a maximum of 1,874,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout, as well as associated circulation improvements, parking, landscaping, and open space. More specifically, the Specific Plan would permit up to 1,626,180 square feet of new development, the retention of up to 247,820 square feet of existing uses, and the demolition of up to 495,860 square feet of existing media production facilities. The Specific Plan would establish standards to regulate land use, massing, design, and development. The designated Historic-Cultural Monument (HCM No. 1167; CHC-2018-476-HCM) located on-site would be retained and rehabilitated as part of the Project. In addition, a Sign District would be established to permit studio-specific on-site signage.

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

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

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

Maximum Impact Scenarios

Section II, Project Description, of the Draft EIR also describes the proposed Land Use Exchange Program included in the Specific Plan. Under the Original Project, sound stage and production support floor area may be increased up to a maximum of 450,000 square feet each in exchange for an equivalent decrease in the floor area of other studio land uses, provided that the total floor area does not exceed 1,874,000 square feet. In response to comments on the Draft EIR, the Land

Use Exchange Program was revised to limit production support floor area to a maximum of 450,000 square feet (there was no maximum limit in the Draft EIR). As modified in the Erratum, the provisions of the Land Use Exchange Program for the Modified Project would continue to be consistent with those in the Final EIR, except that the maximum floor area for general office uses would be limited to 550,000 square feet, reduced from 700,000 square feet in the Original Project (refer to the Draft TVC 2050 Specific Plan for Modified Project that was made publicly available on the Department of City Planning's website on April 5, 2024), and, as noted above, the Project's maximum square footage has been reduced to 1,724,000 square feet of floor area.

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

Findings

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

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

V. No Impact or Less than Significant Impact Without Mitigation

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

conclusions of the EIR.

Aesthetics

Impact Summary

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

Agriculture and Forestry Resources

Impact Summary

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

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

Impact Summary

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

The Project's localized operational emissions were evaluated based on local significance thresholds (LSTs) developed by SCAQMD, which address emissions from on-site sources such as water heaters, cooking appliances, and HVAC systems. As shown on Table IV.A-10 of the Draft EIR, the Project's localized operational emissions would not exceed the SCAQMD's LSTs, and therefore would result in a less than significant impact. See also Erratum pages 33 and 34.

Given the anticipated 32-month duration of construction activities under a single-phase buildout, the Project would not result in a long-term (i.e., 70-year) source of toxic air contaminant (TAC) emissions (such as diesel particulate) that would contribute to "individual cancer risk," or the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on standard risk assessment methodology. (See Draft EIR, pp. IV.A-68-69.) Although it is not necessary to evaluate long-term cancer impacts from short-term

construction activities, a quantitative Health Risk Assessment (HRA), included as Appendix FEIR-10 of the Final EIR, confirmed the Draft EIR's conclusion that any construction-related health risks from the Project would be less than significant. Project operations would not result in substantial generation of TAC emissions, and the Draft EIR concluded the Project would not expose sensitive receptors to substantial pollutant concentrations and the potential for TAC impacts during Project operation would be less than significant. (See Draft EIR, pp. IV.A-71-73; Final EIR Response to Comment No. 26-E.1-2 [Final EIR pages II-849 to II-851]; and Erratum pages 33 and 34.)

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

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

Project Design Features

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

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

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

Biological Resources

Impact Summary

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

Cultural Resources (Historical Resources and Human Remains)

Impact Summary

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

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

Additionally, the Project would not affect the eligibility of the nearby historical resources (i.e., the Gilmore Adobe, The Original Farmers Market, Chase Bank, Fairfax Theater, and Air Raid Siren No. 25) since the Project would not cause any physical alterations to those resources and the settings of these resources that are critical to conveying their historical significance are largely contained to their respective properties. As such, impacts to historical resources would be less

than significant. (Draft EIR page IV.B-41 through IV.B-57; Appendix C.1 to Draft EIR; Topical Response No. 5 in Section II of the Final EIR; and Erratum pages 34 to 42)

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

Project Design Features

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

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

Rehabilitation of the Primary Studio Complex

- Preserve the existing character-defining features of the Primary Studio Complex, as detailed in designated Historic-Cultural Monument (HCM) No. 1167 (CHC-2018-476-HCM), and restore those character-defining features which, in some cases, have been compromised in the past (prior to this Project).¹
- Remove the non-historic Support Building addition on the west side of the Studio Building, thereby restoring the original volume of the Studio Building, revealing the currently obstructed portions of the Studio Building's original west wall and restoring areas that have previously been removed.
- Remove up to two bays of the Studio Building's west wall to allow for an interior east-west passage through the Primary Studio Complex.
- Remove the non-historic Mill Addition constructed in 1969 on the east side of the Service Building.

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

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

Rooftop Addition above the Primary Studio Complex

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

Adjacent New Buildings

- Locate new buildings immediately adjacent to the Primary Studio Complex to the east and south of the Service Building and to the west of the Studio Building.
- For any new construction immediately east of the Service Building that exceeds the height of the Service Building, any occupiable structure will be set back southerly from the north façade of the Service Building by a minimum of 60 feet and separated from the east façade of the Service Building by a minimum of 15 feet.
- For any new construction immediately west of the Studio Building that exceeds the height of the Service Building, any occupiable structure will be set back southerly from the north façade of the Service Building by a minimum of 150 feet and separated from the west façade of the Studio Building by a minimum of 10 feet.
- Limit new construction on the west and east of the Primary Studio Complex to 225 feet in height above Project Grade.

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

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

Energy

Impact Summary

The Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the City of Los Angeles Department of Water and Power (LADWP) and the Southern California Gas Company (SoCalGas). Further, the Project would comply with all applicable energy conservation policies and plans, including the California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; solar panels; plumbing fixtures and fittings that comply with the performance requirements specified in the Los Angeles Green Building Code; weather-based irrigation systems; water-efficient plantings with drought-tolerant species; shade trees in public areas; green walls in some outdoor areas; vegetated roofs or cool roof systems to help reduce energy use; short- and long-term bicycle parking; electric vehicle (EV) charging infrastructure; a TDM Program; the proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate. Lastly, the Project's increase in electricity and natural gas demand would represent only a small fraction of demand in the LADWP and SoCalGas service areas. Impacts would be less than significant. (Draft EIR pages IV.C-22 through IV.C-43 and Erratum pages 43 and 44)

Geology and Soils (Not Including Paleontological Resources)**Impact Summary**

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

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

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

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

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

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

As discussed in the Geotechnical Investigation, the on-site geologic materials are in the low to very high expansion range. Any required import materials would have an expansion index of less than 50 in accordance with Project Design Feature GEO-PDF-1. Impacts would be less than significant. (Draft EIR pages IV.D-25 through IV.D-26 and Erratum page 47)

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

Project Design Features

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

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

Greenhouse Gas Emissions

Impact Summary

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

City's Green New Deal. The Project also includes Project Design Features GHG-PDF-1 and GHG-PDF-2 to further reduce GHG emissions. As such, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and impacts would be less than significant. (Draft EIR pages IV.E-52 through IV.E-85 and Erratum pages 48 and 49)

Project Design Features

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

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

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

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

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

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

Construction and operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used on construction sites and studio campuses. All hazardous materials would be acquired, handled, used, stored, and disposed of in accordance with all applicable federal, state, and local requirements. Impacts would be less than significant. (Draft EIR pages IV.F-39 through IV.F-42 and Erratum page 49)

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

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

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

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

Project Design Features

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

Project Design Feature HAZ-PDF-2: The Project Applicant will update, and the Project will comply with, the Television Studios Emergency Action Plan and

associated emergency exit and assembly maps. The Emergency Action Plan will include procedures for earthquakes, emergency evacuation, fires, medical emergencies, and active shooters.

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

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

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

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

Hydrology and Water Quality

Impact Summary

The Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit that requires site-specific stormwater treatment. In addition, Project construction would occur in accordance with all applicable City grading regulations. During operation, the Project would include the installation of a capture and use system to be used for irrigation purposes consistent with the City's LID manual. With adherence to applicable regulatory requirements, impacts related to surface water quality would be less than significant. (Draft EIR pages IV.G-28 through IV.G-30 and Erratum pages 51 and 52) Project construction activities could encounter groundwater, and temporary dewatering would likely be required. However, any discharge of groundwater during Project construction would comply with the applicable NPDES permit or industrial user sewer discharge permit and

applicable Los Angeles Regional Water Quality Control Board (LARWQCB) requirements. During operation, any potential hazardous materials associated with the Project would be acquired, handled, used, contained, stored, and disposed of in accordance with manufacturers' instructions and all applicable regulatory requirements such that no hazardous materials would contaminate or otherwise affect groundwater. Impacts would be less than significant. (Draft EIR pages IV.G-30 through IV.G-33 and Erratum pages 52 and 53)

As noted above, Project construction would include dewatering. However, due to the limited and temporary nature of dewatering operations, and with compliance with all applicable regulatory requirements, impacts to regional groundwater levels would be less than significant. Although not required at this stage of the permitting process, a detailed dewatering report was prepared. (Refer to Appendix FEIR-13, Appendix D, to the Final EIR.) That report confirmed that the subsidence effects of construction dewatering for the Project would be negligible. That report also confirmed that the amount of groundwater that would be removed from the groundwater basin would only be approximately .04 percent of the basin's storage capacity. In addition, the Project's construction dewatering would not affect any existing groundwater wells, which are located over one mile away from the Project Site. During operation, the Project Site would be comprised of approximately 90 percent impervious surfaces, and, as such, limited groundwater recharge would occur. Further, the Project's new below-grade parking structures will be designed so that a permanent dewatering system will not be required. Thus, impacts related to dewatering and subsidence would be less than significant. (Draft EIR pages IV.G-33 through IV.G-34; Final EIR, Appendix FEIR-13; and Erratum pages 52 and 53)

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

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

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

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

Land Use and Planning

Impact Summary

The Project Site is currently developed with studio-related uses and is located in an urbanized area that is developed with a mix of land uses. The proposed uses would be consistent with the

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

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

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

Mineral Resources

Impact Summary

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

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

Impact Summary

Operation of the Project includes on-site stationary noise sources such as mechanical equipment

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

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

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

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

With respect to vibration, the Project would generate ground-borne vibration during building demolition and site excavation/grading activities when heavy construction equipment such as large bulldozers, drill rigs, and loaded trucks would be used. In accordance with Project Design Feature NOI-PDF-2, however, the Project would not use impact pile driving methods and would thus avoid any vibration associated with those methods. As discussed on page IV.I-60 of the Draft EIR, the Project's on-site vibration impacts during construction will not cause building damage to nearby structures. As set forth in Table IV.I-20 of the Draft EIR, estimated off-site vibration velocity levels at the nearest off-site structures will be below the thresholds of significance established by the Federal Transit Authority (FTA), including the lower FTA thresholds of significance that were

applied to analyze five off-site historical resources in the vicinity of the Project Site. Accordingly, the Project's potential vibration impact related to building damage due to on-site construction would be less than significant. (See also Response to Comment Nos. 26-139 [Final EIR pages II-750 to II-752] and 363-2 [Final EIR pages II-2301 to II-2302]; and Erratum page 65).

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

Project Design Features

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

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

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

Population and Housing

Impact Summary

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

The Project's net increase in employment would be consistent with expected employment growth

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

projected by SCAG's RTP/SCS. Impacts would be less than significant. (Draft EIR pages VI-28 through 29 and Erratum page 76)

Public Services

Impact Summary

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

The Project would introduce a new employee and visitor population to the Project Site. The Project would include Project Design Features POL-PDF-1 through POL-PDF-7, which would reduce the demand for police services. In addition to these security features, the Project would generate revenues to the City's General Fund (in the form of property taxes, sales tax revenue, etc.) that could be applied toward the provision of new police facilities and related staffing in the community, as deemed appropriate. Impacts would be less than significant. (Draft EIR pages IV.J.2-13 through IV.J.2-17 and Erratum page 66)

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

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

Project Design Features

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

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

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

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

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

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

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

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

Transportation

Impact Summary

The Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG) identify the following City plans, policies, programs, ordinances, and standards relevant for determining consistency for purposes of the Project's transportation impacts: Mobility Plan, Wilshire Community Plan, Plan for a Healthy Los Angeles, LAMC, Vision Zero, and the Citywide Design Guidelines. As detailed in the Draft EIR, at pages IV.K-45 through IV.K-72 and Tables IV.K-1 and IV.K-2; in the Final EIR, at pages III-67 through III-69; and in the Erratum at page 68, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project

includes PDFs requiring off-site Vision Zero safety improvements to existing pedestrian infrastructure at bus stops around the Project Site perimeter and to contribute to the funding of pedestrian facilities and safety improvements within the Project's Transportation Study Area (Project Design Feature TR-PDF-3); contribution towards transportation systems management improvements to better accommodate intersection operations and increase network capacity in the Study Area (Project Design Feature TR-PDF-4); and the installation of left-turn signal phases at three key intersections (Project Design Feature TR-PDF-5). Impacts would therefore be less than significant.

As discussed in the Draft EIR, LADOT's Vehicle Miles Traveled (VMT) Calculator was used to evaluate the Project's VMT and compare it to the VMT impact criteria. The VMT Calculator has built-in land use characteristics for certain land uses, but it does not include sound stage and production-related uses. Accordingly, as directed by LADOT, land use and travel demand characteristics were manually entered for the Project's studio-related uses, including sound stage, production support, production office, and general office uses, as a combined custom studio land use representing approximately 1,854,000 square feet of total permitted floor area. The Project's proposed 20,000 square feet of retail space was assessed using a built-in rate. The VMT analysis conservatively excluded all but two of the Project's TDM measures set forth in Project Design Feature TR-PDF-2, incorporating only bicycle parking per LAMC requirements and secure bike parking and showers. Based on this analysis, the Project's average work VMT per employee did not exceed the applicable threshold of significance, as described in the Draft EIR at pages IV.K-73-77; in the Final EIR at page III-69; and in the Erratum at pages 69 and 70. The Project's VMT impacts would therefore be less than significant. The Draft EIR also analyzed two maximum transportation impact scenarios and concluded VMT impacts would be less than significant for each scenario. As detailed in Topical Response No. 8, at Final EIR pages II-115 through II-129, the VMT analysis properly used the VMT Calculator, addressed all allowable uses under the proposed Specific Plan as clarified in the Final EIR at pages III-8 through III-13, and used appropriate assumptions regarding employee trip length.

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

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

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

Project Design Features

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

- The Project Applicant will designate a construction manager to serve as a liaison with the surrounding community and respond to any construction-related inquiries. Publicly visible signs will be posted at various locations with the liaison's contact information to contact regarding dust complaints. The South Coast Air Quality Management District's phone number will also be included to ensure compliance with applicable regulations.
- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.
- Prohibition of construction worker or equipment parking on adjacent streets or in predominantly residentially zoned areas.
- Temporary pedestrian, bicycle, and vehicular traffic controls (e.g., flag people trained in pedestrian and bicycle safety at the Project Site's driveways) during all construction activities adjacent to Fairfax Avenue, Beverly Boulevard, and The Grove Drive, to ensure traffic safety on the public right-of-way.
- Scheduling of construction-related activities to reduce the effect on traffic flow on surrounding major roadways.
- Containment of construction activity within the Project Site boundaries, to the extent feasible.
- Coordination with the Los Angeles Department of Transportation (LADOT) Parking Meter Division to address any potential loss of metered parking spaces.
- Implementing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Rerouting construction trucks to reduce travel on congested streets.
- Provision of dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, subject to LADOT approval.

- Prohibition of haul truck staging on any streets adjacent to the Project Site, unless specifically approved as a condition of an approved haul route.
- Spacing of trucks so as to discourage a convoy effect.
- Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind.
- Maintenance of a log, available on the Project Site at all times, documenting the dates of hauling and the number of trips (i.e., trucks) per day.
- Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities and posting of the telephone number at the Project Site readily visible to any interested party during site preparation, grading, and construction.
- Obtaining the required permits for truck haul routes from the City prior to the issuance of any building permit for the Project.

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

- **Educational Programs/On-Site Coordinator:** A coordinator will reach out to employees directly to promote the benefits of TDM. The coordinator will provide information on public transit and any related incentives, flexible work schedules and telecommuting programs, pedestrian and bicycle amenities, rideshare/carpool/vanpool programs, and parking incentives. Marketing activities, including printed/posted materials and digitally distributed information, will ensure that employees and visitors at the Project Site are aware of the benefits of the TDM Program and all of the mobility options available on-site and in the surrounding area.
- **Transportation Information Center/Kiosks via Mobility Hub:** The Project will install a transportation information center at a Mobility Hub. The transportation information center will provide employees and visitors with information regarding transit, commute programs, and non-vehicular travel planning. Informational digital bulletin boards and wayfinding information will be displayed along pedestrian paths to direct pedestrians to the Mobility Hub, nearby transit stops, bicycle parking, and bikeshare facilities.

- **Bicycle Parking and Amenities:** In order to facilitate bicycle use, the Project will provide short-term and long-term bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC), as well as valet service, showers, lockers, and bicycle service areas and repair stands within the Project Site. The Project will incorporate features for bicyclists, such as exclusive access points and secured bicycle parking facilities. The Project Applicant will also contribute toward the implementation of bicycle improvements within the Study Area in accordance with the Mobility Plan.
- **Pedestrian Amenities:** The Project will incorporate features for pedestrians, such as landscape improvements, exclusive access points, and upgraded pedestrian facilities and bus stops. Additionally, the Project Site will be designed to be a safe, friendly, and convenient environment for pedestrians. The Project will provide more pedestrian-friendly sidewalks and areas along Fairfax Avenue, Beverly Boulevard, and The Grove Drive and maintain internal walkways throughout the Project Site. The Project Applicant will also contribute toward pedestrian facilities improvements as part of Vision Zero.
- **Shuttle Service:** The Applicant will either operate or fund a van or shuttle service for employees and visitors between the proposed Metro D (Purple) Line Wilshire/Fairfax Station and the Project Site. The shuttle will operate during typical commuter peak periods and provide service from or near the Project Site to the Wilshire/Fairfax Station. The shuttle service will enhance employee and visitor access to the Metro D (Purple) Line and, therefore, result in greater reductions in vehicle trips and vehicle miles traveled (VMT). Additionally, the Mobility Hub could support future shuttle services to connect to existing and future transit stations (e.g., the Metro B [Red] Line or Metro K [Crenshaw North] Line Extension).
- **Ride-Share Matching and Carpool/Vanpool Program:** The on-site TDM coordinator will provide ride-share matching services to match interested employees with similar commuters into carpools and vanpools.
- **Neighborhood Enhancements:** The Project will enhance the transportation mobility around the immediate Project Site area to encourage alternative transportation modes and connections to the Project Site from off-site locations. The Project will also enhance the existing crosswalks at the signalized intersections along Beverly Boulevard at Fairfax Avenue and Stanley Avenue/The Grove Drive to current LADOT standards with new continental crosswalks and black and white contrast markings.³

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

- **First-Mile/Last-Mile Options:** In recent years, there has been a proliferation of new options for personal transportation that help to address first-mile/last-mile connectivity issues with public transit. These options include motorized scooters, skateboards, and bicycles, as well as human-powered bicycles. Some of these options involve personal ownership (various types of electric skateboards, bicycles, and scooters) and some are publicly available for short-term rentals (electric scooters, Metro Bike Share pedal-powered bicycles). These services are rapidly evolving and gaining widespread acceptance, and it is anticipated that by the time the Project is completed, the landscape for these services, as well as the regulatory issues surrounding some of them, may look substantially different. The Applicant is committed to forward-thinking in the design and implementation of the Project and will provide support for such services at the Mobility Hub, as appropriate. Specifically, as required by LADOT, the Mobility Hub will include space to accommodate support uses, storage, maintenance, and staging facilities. These services will give employees and visitors a variety of travel mode choices and, therefore, encourage the use of non-automobile modes to and from the Project Site and reduce VMT.
- **Carpool/Vanpool Parking and Loading via Mobility Hub:** The Mobility Hub will provide safe and convenient passenger loading areas for employee carpools/vanpools along with access to the Project Site's internal roadway network to get to the parking structures. Additional passenger loading areas are also proposed on Fairfax Avenue, Beverly Boulevard, and the Southern Shared Access Drive for carpools, vanpools, shuttles, ride-share, taxi, and other commercial and non-commercial vehicles. Bus or shuttle loading and unloading would not occur within 75 feet of the Broadcast Center Apartments without a noise barrier in place.
- **Guaranteed Ride Home Program:** A Guaranteed Ride Home program assures that transportation service will be provided to individuals who commute without their personal automobiles. This program overcomes one of the primary concerns of those who may choose alternative modes of transportation, which is how to get home or to a child's school in the case of an emergency. In the event of personal or family emergencies, the individual will be reimbursed for a taxi ride, ride-share ride, or short-term car rental. This program will cover all employees participating in the carpool/vanpool program or using transit to and from the Project Site. A support service, such as Guaranteed Ride Home, is an important part of TDM implementation that assures an individual will not be dependent on a carpool or transit schedule in the event of an emergency.
- **Transit Infrastructure Improvements:** The Project will improve the existing transit infrastructure at bus stops located within the immediate vicinity of the Project Site along Fairfax Avenue and Beverly Boulevard. This will include, where applicable, upgrades to provide adequate

benches, shelters, lighting, light-emitting diode (LED) displays, and signage.

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

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

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

- Fairfax Avenue and Beverly Boulevard—Signal upgrades, 351 cabinet with new signal controller, system loop, flashing yellow arrow at Beverly Boulevard for the westbound left-turn.
- Fairfax Avenue and Oakwood Avenue—Northbound and southbound system loops.
- Fairfax Ave and 3rd Street—Signal upgrades, new cabinet, flashing yellow arrow for eastbound and westbound left turn.
- The Grove Drive and 3rd Street—New signal controller for leading pedestrian interval.
- The Grove Drive and Beverly Boulevard—Closed Circuit TV (CCTV) camera, new cabinet and signal controller for leading pedestrian interval.
- The Grove Drive Corridor—Signal communication including conduit, 25 pair interconnect, 24SM single mode fiber, pull boxes, and ground cables.
- Beverly Boulevard and Genesee Avenue—System loops for eastbound and westbound, and new cabinet and westbound left turn phasing (if warranted).

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

- Beverly Boulevard and Gardner Street—System loops for eastbound and westbound.
- Beverly Boulevard and Curson Avenue—System loops for eastbound and westbound.

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

Tribal Cultural Resources

Impact Summary

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

Utilities and Service Systems

Impact Summary

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

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

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

The Project's estimated net increase in solid waste disposal represents only a small fraction of the remaining capacity at the Class III landfills serving the County. The Project would also comply with all applicable state and local regulations related to solid waste. Impacts would be less than

significant. (Draft EIR pages VI-33 through VI-35 and Erratum pages 76 and 77)

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

Project Design Features

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

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

Wildfire

Impact Summary

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

VI. Less than Significant Impacts with Mitigation

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

Air Quality (Localized Construction Emissions)

Impact Summary

Construction of the Project has the potential to generate temporary emissions through heavy-duty construction equipment like excavators and cranes, and through vehicle trips generated from workers and haul and delivery trucks traveling to and from the Project Site. Fugitive dust emissions would also result from demolition and various soil-handling activities. The localized effects from on-site daily construction emissions were determined at sensitive receptor locations

potentially impacted by the Project by using SCAQMD's LST methodology. This methodology uses on-site mass emissions rate look-up tables and Project-specific modeling, where appropriate, to assess whether the Project's localized emissions would exceed the SCAQMD's LSTs as to the following criteria pollutants: NO_x, CO, PM₁₀, and PM_{2.5}. The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and are based on the ambient concentrations of each pollutant for each source receptor area and the distance to the nearest sensitive receptor.

As set forth in Revised Table IV.A-9 on page III-27 of the Final EIR and discussed on pages 32 and 33 of the Erratum, the Project's maximum construction emissions would not exceed the SCAQMD's LSTs for CO or NO_x, but would exceed the LSTs for PM₁₀ and PM_{2.5}, primarily due to demolition and excavation and grading activities. As such, the Project's localized construction emissions would result in a potentially significant impact.

Project Design Features

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

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

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

Mitigation Measures

Mitigation Measure AIR-MM-1: Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and

operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

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

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

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

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

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

Finding

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

Rationale for Finding

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

Reference

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

Cultural Resources (Archaeological Resources)

Impact Summary

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

Mitigation Measures

Mitigation Measure CUL-MM-1: Prior to the start of ground disturbance activities during Project construction, including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, removing peat, clearing, augering, stripping topsoil or a similar activity (Ground Disturbance Activities), a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (Qualified Archaeologist) shall be retained by the Applicant to prepare a written Cultural Resource Monitoring and Treatment Plan (CRMTP) in

accordance with the Secretary of the Interior's Standards for Archeological Documentation, to reduce potential Project impacts on unanticipated archaeological resources unearthed during construction, with an emphasis on potential historical-period materials. The Applicant shall also coordinate with the Gabrieleño Band of Mission Indians—Kizh Nation who shall act in the capacity of the Tribal Consultant. A copy of the executed contract shall be submitted to the Department of City Planning prior to the issuance of any permit necessary for the Ground Disturbance Activities.

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

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

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

examples of the types of resources that would require notification of the archaeological monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing that the training was completed for all construction workers involved in Ground Disturbance Activities.

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

Finding

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

Rationale for Finding

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

Reference

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

Geology and Soils (Paleontological Resources)

Impact Summary

There are no previously encountered fossil vertebrate localities located within the Project Site and no fossil localities have been identified within 2,000 feet of the Project Site. However, localities have been documented elsewhere in the area from the same geologic units that occur beneath portions of the Project Site. Therefore, potential impacts to unique paleontological resources would be potentially significant.

Mitigation Measures

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

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

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

The Paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation efforts based on the types and depths of ground disturbance activities and the geologic and paleontological sensitivity of the Project Site. The Paleontological Resource Mitigation and Treatment Plan shall also include a description of the professional qualifications required of key staff, communication protocols during construction, fossil recovery protocols, sampling protocols for microfossils, laboratory procedures, reporting requirements, and curation provisions for any collected fossil specimens. The Paleontological Resource Mitigation and Treatment Plan shall be reviewed by the curatorial staff of the

Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County and/or the La Brea Tar Pits and Museum. The Draft Paleontological Resource Mitigation and Treatment Plan will be provided to the curatorial staff no later than four weeks before the start of excavation. A Worker Environmental Awareness Program, or WEAP, shall be conducted at the preconstruction meeting for the Project.

No monitoring would be required during excavation within artificial fill. This Qualified Professional Paleontologist shall supervise a Qualified Paleontological Resource Monitor who shall monitor all ground disturbance activities within high sensitivity deposits (e.g., Pleistocene age deposits), including asphaltic deposits in order to identify potential paleontological remains. As defined by the SVP (2010), a Qualified Paleontological Resource Monitor has the following qualifications (or their equivalent):

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

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

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

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

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been

required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

To address potential impacts to paleontological resources, monitoring will be required during excavation within Pleistocene age older alluvial deposits and the Palos Verdes Sand. The monitoring program would follow the guidelines outlined by the Society of Vertebrate Paleontology and include sediment sampling protocols for microfossil recovery. No monitoring would be required during excavation within artificial fill, as these deposits do not contain paleontological resources in their original stratigraphic context and thus have a low sensitivity. With the implementation of Mitigation Measure GEO-MM-1, impacts related to paleontological resources would be reduced to a less than significant level.

Reference

Section IV.D, Geology and Soils, of the Draft EIR pages IV.D-26 and IV.D-27; Appendix F, Paleontological Resources Review Memorandum, of the Draft EIR; and page 47 of the Erratum.

Hazards and Hazardous Materials (Release of Hazardous Materials)

Impact Summary

The Project Site is located within a designated methane zone mapped by the City, and the subsurface investigation conducted in 2018 identified elevated methane concentrations in on-site soils. Sampling across the Project Site identified the presence of methane. A Site Design Level V methane system will be required for any new construction at the Project Site in accordance with Division 71 of Article 1, Chapter 9 of the LAMC, Section 91.7107 and the City of Los Angeles Methane Hazard Mitigation Standards. The Project's methane controls would include an impervious membrane, ventilation systems, monitoring and maintenance plan, and an emergency and contingency plan.

Elevated concentrations of fuel-related constituents were detected in soil and groundwater downgradient of the former Texaco station. VOCs were also detected in groundwater at the Project Site. Therefore, impacts associated with hazardous waste generation, handling, and disposal during construction would be potentially significant.

Project Design Features

Project Design Feature HAZ-PDF-1: The Project Applicant will update, and the Project will comply with, the Consolidated Contingency Plan for the Project Site. This will include spill prevention measures such the use of secondary containment storage and storing materials away from drains in leak-proof containers with tight-fitting lids. Spill response measures will include the evacuation of unnecessary employees from a spill area, the use of absorbent materials in the case of small spills or evacuating all employees, calling 911, and reporting to Los Angeles Fire Department (LAFD) in the case of large spills. Absorbent materials used to clean small spills will be placed in a leak-proof container that is compatible with the waste, labeled as hazardous waste, and lawfully disposed of as such. Notifications will be made to the Health Hazardous Waste Materials

Division of the LAFD and the California Office of Emergency Services (Cal OES) as necessary.

Project Design Feature HAZ-PDF-2: The Project Applicant will update, and the Project will comply with, the Television Studios Emergency Action Plan and associated emergency exit and assembly maps. The Emergency Action Plan will include procedures for earthquakes, emergency evacuation, fires, medical emergencies, and active shooters.

Project Design Feature HAZ-PDF-3: The Project Applicant will update, and the Project will comply with, the Television Studios Safety Manual. This manual will include, among other measures, safety procedures and requirements for personnel working at heights and procedures that ensure the safety of crew members when servicing or repairing equipment that is capable of a spontaneous release of stored mechanical, electrical, or hydraulic energy, or which could be inadvertently energized.

Project Design Feature HAZ-PDF-4: The Project Applicant will update, and the Project will comply with, the Television Studios Injury and Illness Prevention Program (IIPP). The IIPP will include protocols regarding responsibility, compliance, employee communication, hazard assessment, accident/exposure investigation, hazard correction, training and construction, and recordkeeping.

Project Design Feature HAZ-PDF-5: Prior to demolition, existing buildings and structures will be tested to determine if they include asbestos-containing materials (ACMs). If present, ACMs will be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with applicable federal, state, and local regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to the South Coast Air Quality Management District (SCAQMD) and LAFD for review and approval.

Project Design Feature HAZ-PDF-6: Prior to demolition, existing buildings and structures will be sampled to determine if they contain lead-based paint (LBP). If LBP is present, standard handling and disposal practices will be implemented pursuant to Occupational Safety and Health Act regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to LAFD for review and approval.

Mitigation Measures

Mitigation Measure HAZ-MM-1: Soil Management Plan (SMP)—The Project Applicant shall implement the SMP prepared by Geosyntec, provided as Appendix B of the Site Summary Report, which shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the commencement of excavation and grading activities. The entire Project Site shall be subject to the general protocols described in the SMP regarding prudent precautions and general observations and

evaluations of soil conditions to be implemented throughout earthwork, grading, excavation, or other soil disturbance activities on the Project Site.

The protocols in the SMP include, but are not limited to, the following:

- Special precautions shall be taken to manage soils that will be disturbed during Project earthwork activities in areas containing Chemicals of Concern (COCs) above screening levels (SLs). These areas include the former Texaco gas station and other select areas of the Project Site with elevated total petroleum hydrocarbons (TPH) and arsenic in shallow soil, as shown in the Site Summary Report. Soil in these areas of the Project Site with residual COCs above SLs shall either be excavated prior to commencing excavation and grading operations in these areas or segregated and stockpiled prior to off-site disposal.
- The following requirements and precautionary actions shall be implemented when disturbing soil at the Project Site other than imported backfill: no soil disturbance or excavation activities shall occur without a Project Site-specific Health and Safety Plan (HASP). Any soil that is disturbed, excavated, or trenched due to onsite construction activities shall be handled in accordance with applicable local, state, and federal regulations. Prior to the re-use of the excavated soil or the disposal of any soil from the Project Site, the requirements and guidelines in the SMP shall be implemented. The General Contractor shall conduct, or have its designated subcontractor conduct, visual screening of soil during activities that include soil disturbance. If the General Contractor or subcontractor(s) encounter any soil that is stained or odorous (Suspect Soil), the General Contractor and subcontractor(s) shall immediately stop work and take measures to not further disturb the soils (e.g., cover suspect soil with plastic sheeting) and inform the property owner's representative and the environmental monitor. The environmental monitor, an experienced professional trained in the practice of the evaluation and screening of soil for potential impacts working under the direction of a licensed Geologist or Engineer, shall be identified by the property owner prior to the beginning of work.
 - If Suspect Soil is encountered on the Project Site, the environmental monitor shall collect samples for analysis to characterize the soil for potential on-site re-use or off-site disposal per the provisions provided in the SMP.
 - Prior to excavation activities, the General Contractor or designated subcontractor shall establish specific areas for stockpiling Suspect Soil, should it be encountered, to control contact by workers and dispersal into the environment, per the provisions provided in the SMP.

- In the event of soil import to the Project Site, soil must be screened and evaluated in accordance with the Department of Toxic and Substance Control (DTSC) advisory regarding clean imported fill material. The General Contractor or designated subcontractor shall require that the source of the imported soil provide documentation of such evaluation.
- The General Contractor shall ensure that on-site construction personnel comply with all applicable federal, state, and local regulations, as well as the State of California Construction Safety Orders (Title 8). Additionally, if Suspect Soil is expected to be encountered, personnel working in that area shall comply with California Occupational Safety and Health Administration regulations specified in CCR Title 8, Section 5192. The General Contractor shall prepare a Project-specific HASP. It is the responsibility of the General Contractor to review available information regarding Project Site conditions, including the SMP, and potential health and safety concerns in the planned area of work. The HASP should specify COC action levels for construction workers and appropriate levels of personal protective equipment (PPE), as well as monitoring criteria for increasing the level of PPE. The General Contractor and each subcontractor shall require its employees who may directly contact Suspect Soil to perform all activities in accordance with the General Contractor and subcontractor's HASP. If Suspect Soil is encountered, to minimize the exposure of other workers to potential contaminants on the Project Site, the General Contractor or designated subcontractor may erect temporary fencing around excavation areas with appropriate signage as necessary to restrict access and to warn unauthorized on-site personnel not to enter the fenced area. It is anticipated that all soil will be immediately loaded onto trucks for disposal and stockpiling on-site would not be necessary. If soil needs to be temporarily stored on-site, the stockpiled soil will be stored on the Project Site interior away from public interfaces on the perimeter.
- The General Contractor shall implement the following measures as provided in the SMP to protect human health and the environment during construction activities involving contact with soils at the Project Site: decontamination of construction and transportation equipment; dust control measures; storm water pollution controls and best management practices; and proper procedures for the handling, storage, sampling, transport and disposal of waste and debris.
- In the event volatile organic compound (VOC)-contaminated soil is encountered during excavation onsite, a South Coast Air Quality Management District (SCAQMD) Rule 1166 permit shall be obtained before resuming excavation. Rule 1166 defines VOC-contaminated soil as a soil which registers a concentration of 50 ppm or greater of VOCs as measured before suppression materials have been applied and at a distance of no more than three inches from the surface of the excavated

soil with an organic vapor analyzer calibrated with hexane. Either a SCAQMD Various Locations permit and plan, or a Project Site-specific permit and plan shall be required, depending upon the volume of soil to be excavated. Notifications, monitoring, and reporting related to the SCAQMD Rule 1166 permit shall be the responsibility of the General Contractor. If a Rule 1166 permit is required, an air monitoring plan may be required by the SCAQMD. Air monitoring plans are intended to protect the surrounding community from harmful exposure to VOCs and typically entail stationary monitoring stations for sample collection for laboratory analysis. Protection of onsite construction workers shall be accomplished by the development and implementation of the HASP.

- Known below-grade structures at the Project Site (i.e., storm water infrastructure) shall be removed from the ground or cleaned, backfilled, and left in place as appropriate during grading and excavation. If unknown below-grade structures are encountered during Project Site grading and excavation, the General Contractor shall promptly notify the property owner's representative the same day the structure is discovered. Based on an evaluation of the unknown below-grade structure by the appropriate professional (e.g., environmental monitor, geotechnical engineer), the property owner shall address the below-grade structure in accordance with applicable laws and regulations.

Mitigation Measure HAZ-MM-2: During construction activities at the Project Site, controls shall be in place to mitigate the effects of subsurface gases and impacted soil and groundwater on workers and the public. During construction, the following shall be implemented:

- Monitoring devices for methane and benzene shall be present to alert workers of elevated gas concentrations when basement or subsurface soil disturbing work is being performed;
- Contingency procedures shall be in place if elevated gas concentrations are detected such as the mandatory use of PPE, evacuating the area, and/or increasing ventilation within the immediate work area where the elevated concentrations are detected;
- Workers shall be trained to identify exposure symptoms and implement alarm response actions;
- Soil and groundwater exposed during excavations shall be minimized to reduce the surface area which could off-gas. This shall be achieved by staggering exposed excavation areas;
- Soil removed as part of construction shall be sampled and tested for off-site disposal in a timely manner. If soil is stockpiled prior to disposal, it shall be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP);
- Fencing shall be erected to limit public access and allow for gas dilution; and

- A HASP shall be prepared to describe the proposed construction activities and hazards associated with each activity. Hazard mitigation shall be presented in the HASP to limit construction risks to workers. The HASP shall include emergency contact numbers, maps to the nearest hospital, gas monitoring action levels, gas response actions, allowable worker exposure times, and mandatory PPE requirements. The HASP shall be signed by all workers on-site to demonstrate their understanding of the construction risks.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

Mitigation measures would reduce impacts to a less than significant level. Specifically, testing and proper disposal of all excavated soil at the Project Site will follow the procedures and regulations described in the Soil Management Plan required by Mitigation Measure HAZ-MM-1.. (See Appendix B of the Site Summary Report [Appendix G.1 of the Draft EIR]). Per the Soil Management Plan set forth in Mitigation Measure HAZ-MM-1, a SCAQMD Rule 1166 permit would be obtained in the event VOC-contaminated soils are encountered, and the approved mitigation plan would be implemented. As such, compliance with existing regulations and implementation of Mitigation Measure HAZ-MM-1 would ensure the Project would not create or exacerbate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the handling and disposal of VOC-contaminated soil that may be encountered on-site.

With regard to methane, Mitigation Measure HAZ-MM-2 requires the installation of controls during Project construction to mitigate the effects of subsurface gases on workers and the public. These measures would include monitoring devices for methane and benzene to alert workers of elevated gas concentrations, contingency procedures if elevated gas concentrations are detected, worker training to identify exposure symptoms and implement alarm response actions, and the minimization of soil and groundwater during excavations. Additionally, soil removed as part of construction would be sampled and tested for off-site disposal in a timely manner and if soil is stockpiled prior to disposal, it would be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP). Furthermore, fencing would be erected to limit public access and allow for gas dilution. Lastly, a HASP would be prepared to describe the proposed construction activities and hazards associated with each activity. As such, implementation of Mitigation Measure HAZ-MM-2 would ensure potential impacts related to subsurface gases and associated potential impacts to soil and groundwater would be less than significant.

With the implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, impacts related to the release of hazardous materials into the environment would be reduced to a less than significant level.

Reference

Section IV.H, Hazards and Hazardous Materials, of the Draft EIR pages IV.F-42 through IV.F-56; the Site Summary Report and Phase I Environmental Site Assessment included as Appendix G of the Draft EIR; and pages 49 and 50 of the Erratum.

VII. Significant and Unavoidable Impacts

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XII below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

Air Quality (Construction/Regional Emissions)

Impact Summary

Construction of the Project has the potential to generate temporary emissions through heavy-duty construction equipment like excavators and cranes, and through vehicle trips generated from workers and haul and delivery trucks traveling to and from the Project site. Fugitive dust emissions would also result from demolition and various soil-handling activities. Mobile source emissions, primarily NO_x, could result from the use of construction equipment, such as dozers, loaders, and cranes. During the finishing phase of the Project, paving and the application of architectural coatings (e.g., paints) could potentially release VOCs. Each of these potential sources were considered in the construction air quality impact assessment.

The Project's regional emissions were evaluated against regional emissions thresholds established by SCAQMD. Daily regional emissions during construction were estimated by applying Project-specific mobile source and fugitive dust emissions factors based on the anticipated construction equipment types and the construction schedule. To be conservative, this analysis evaluates the Project's air quality impacts during construction based on reasonably expected maximum construction emissions even though such emissions would not occur throughout the entire construction phase. The analysis utilized CalEEMod (Version 2020.4.0), an emissions inventory software program recommended by SCAQMD.

The Project Applicant is seeking a Development Agreement which could extend the full buildout year to approximately 2043. Moreover, the construction equipment and truck fleet mix will emit less pollution in future years due to more stringent emissions control regulations. As construction

air quality impacts are evaluated on a worst-case day, the 32-month construction duration (2023–2026) was conservatively analyzed, which assumes more intensive activities on a daily basis, as well as overlapping activities. In addition, the long-term buildout scenario was also evaluated to provide a comprehensive analysis. While the Specific Plan would provide limited development flexibility as to the floor area mix of the permitted studio land uses, the overall square footage of development and earthwork activities would be the same under any potential buildout scenario. The Project's highest estimated daily construction emissions expected to occur during each year of construction are set forth in Table IV.A-6 on page IV.A-63 of the Draft EIR. As shown in Table IV.A-6, construction-related daily maximum regional construction emissions would exceed daily significance thresholds only for NO_x, resulting in a short-term significant impact related to NO_x. In addition, according to SCAQMD guidance, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, the project would also cause a cumulatively considerable net increase of these criteria pollutants. Because the Project would exceed SCAQMD's daily regional significance threshold for NO_x, as explained above, the Project would also have a cumulatively significant impact related to NO_x.

Project Design Features

The Project incorporates the following PDFs regarding air quality:

Project Design Feature AIR-PDF-1: Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

Project Design Feature AIR-PDF-2: All new emergency generators will meet the emissions standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

Project Design Feature AIR-PDF-3: The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and five miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

Mitigation Measures

The following mitigation measures shall be undertaken by the Project Applicant:

Mitigation Measure AIR-MM-1: Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of the construction. The inventory shall include the horsepower rating, engine production year, and certification

of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

Mitigation Measure AIR-MM-2: The Project's truck operator(s)/construction contractors(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014 model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

Mitigation Measure AIR-MM-3: Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

Mitigation Measure AIR-MM-4: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Mitigation Measure AIR-MM-5: To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed in Section IV.A of the Draft EIR, as revised at pages III-23-30 of the Final EIR, Project construction would result in a significant and unavoidable Project-level and cumulative impact related to regional NO_x emissions. This impact would primarily occur over a nine-month duration during concurrent demolition and grading/excavation operations. Implementation of Mitigation Measures AIR-MM-1 through AIR-MM-5 would reduce construction emissions, including NO_x emissions, but peak daily regional NO_x emissions would still exceed the SCAQMD regional threshold. In response to public comments on the Draft EIR, as part of the Final EIR, Mitigation Measure AIR-MM-1 was updated to require construction equipment that meets Tier 5 requirements, when such equipment is commercially available; to use small electrical off-road equipment, to the extent commercially available; and to use electrical pumps for dewatering. Mitigation Measure AIR-MM-2 was revised to require use of model year 2014 or newer heavy-duty trucks that meet CARB's 2013 optional low-NO_x standard, where commercially available. In addition, Mitigation Measure AIR-MM-5 was added that requires use of renewable diesel fuel in construction equipment in lieu of conventional diesel fuel, to the extent commercially available. Prohibition of the use of portable generators was also suggested in public comments and in response to this suggestion, Project Design Feature GHG-PDF-3 was included that provides for the installation of additional electrical hookups at all basecamp areas to eliminate the need for portable generators.

Use of zero emission (ZE) or near-zero emission (NZE) trucks and other equipment was suggested in public comments. As explained in Response to Comment No. 26-39, it is not within the Project Applicant's control and influence to ensure that only ZE or NZE vehicles operate at the Project Site during construction. During construction, numerous independent contractors will operate haul trucks and delivery trucks, who may themselves subcontract other entities, including small businesses, to provide hauling and deliveries to meet those needs. There is simply no feasible mechanism to fairly apply and enforce such a requirement given the scale of Project construction. Public comments also suggested a variety of mitigation recommendations related to the control of fugitive dust, including that construction vehicles be rinsed prior to exiting the Project Site. However, these recommended mitigation measures are not necessary as compliance with SCAQMD Rule 403 requires the use of best available control technologies (BACT) for dust control, including measures for the prevention of dust track out onto public roads.

Public comment also suggested that cement be blended with the maximum feasible amount of flash or other emission-reducing products. However, this public comment did not provide substantial evidence of how the use of flash in concrete would reduce significant Project-related air quality impacts. Furthermore, flash contains hazardous contaminants, including mercury, cadmium, and arsenic, which could negatively impact communities in the vicinity of the Project Site if carried off-site by local winds. Public comments also suggested that low-VOC emission coatings be used beyond local requirements. However, as discussed on page IV.A-17 in Section

IV.A, Air Quality, of the Draft EIR, SCAQMD Rule 1113—Architectural Coatings limits the allowable VOC content of architectural coatings in the SCAQMD's jurisdiction and is regularly amended to reduce allowable VOC content of architectural coatings based on the commercial availability of low-VOC products. There are no feasible mitigation measures, other than those discussed above and incorporated into the Project, that would further reduce or avoid this impact.

Additionally, although the Modified Project would reduce the amount of square footage to be developed, the Modified Project would not change the quantity, depth or location of grading and excavation activities that would occur within the Project Site. In addition, construction activities, including types of equipment, hours of operation, and haul routes, would be consistent with those set forth in the EIR (refer to Appendix FEIR-8 of the Final EIR, Details of Buildout and Construction). The depth of grading would also be within the grading envelopes specified in Figure 3 of Appendix FEIR-13. As, such, while the overall duration of construction activities under the Modified Project could be reduced somewhat due to the reduction in floor area, the intensity of air emissions from grading and construction activities would be similar to the Original Project on days when maximum construction activities occur. As maximum daily conditions are used for measuring impact significance, regional impacts on these days would be similar to those of the Original Project and would be significant and unavoidable. Although temporary, this impact would be significant and unavoidable.

Reference

See Draft EIR Section IV.A, as revised in Final EIR at pages III-23-30, and Appendix B of the Draft EIR for a complete evaluation of air quality impacts, thresholds, and evaluation methods conducted for the Project. Also refer to Response to Comment Nos. 1-2, 26-39, 26-40, 26-E.1-38, and 26-E.1-39 of the Final EIR and Erratum page 32. The air quality-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the MMP at pages IV-3 through IV-7 of the Final EIR.

Air Quality (Concurrent Construction and Operation)

Impact Summary

The Project Applicant is seeking a Development Agreement with a 20-year term, which could extend the full buildout year to approximately 2043. The Development Agreement would confer a vested right to develop the Project in accordance with the Specific Plan and the MMP throughout the term of the Development Agreement. The Specific Plan and MMP would continue to regulate development of the Project and require implementation of all applicable PDFs and mitigation measures associated with any development activities during and beyond the term of the Development Agreement. Extending the buildout year to approximately 2043 has the potential to result in concurrent construction and operational activities.

From a construction standpoint, the overall amount of demolition, excavation/export, and square footage of building construction would not change. However, a long-term buildout would benefit from future improvements in equipment efficiencies, including more stringent regulatory requirements, that would reduce future emissions during Project construction. Based on SCAQMD factors, the construction equipment and truck fleet mix would emit less pollution in future years due to more stringent emissions control regulations. As construction air quality impacts are evaluated on a worst-case day, the 32-month construction scenario (2023–2026) assumes more intensive construction activities on a daily basis, as well as overlapping activities and construction phases.

From an operational standpoint, a long-term buildout would also result in an overall reduction in operational emissions due to more stringent requirements that will apply in the future, including subsequent versions of Title 24 requirements which typically include increasingly stringent energy conservation requirements and associated reductions in energy use. More stringent fuel economy requirements in subsequent years would similarly decrease Project-related fuel usage.

The analysis of concurrent construction and operational activities was considered in five-year increments, with construction activities conservatively assumed to occur at approximately 50 percent of the maximum daily intensity as would occur during the 32-month construction scenario (2023–2026). As shown in Table IV.A-12 on page IV.A-76 of the Draft EIR, concurrent construction and operation of the Project would result in NO_x and VOC emissions that would exceed the SCAQMD regional significance threshold and cause a significant and unavoidable air quality impact. As shown in Revised Table IV.A-13 on page III-30 of the Final EIR, concurrent construction (mitigated) and operational localized emissions would not exceed the SCAQMD LSTs and would result in a less than significant localized impact with mitigation.

Project Design Features

The Project incorporates the following PDFs regarding air quality:

Project Design Feature AIR-PDF-1: Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

Project Design Feature AIR-PDF-2: All new emergency generators will meet the emissions standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

Project Design Feature AIR-PDF-3: The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and five miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

Mitigation Measures

The following mitigation measures shall be undertaken by the Project Applicant:

Mitigation Measure AIR-MM-1: Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of the construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier

specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

Mitigation Measure AIR-MM-2: The Project's truck operator(s)/construction contractors(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014 model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

Mitigation Measure AIR-MM-3: Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

Mitigation Measure AIR-MM-4: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Mitigation Measure AIR-MM-5: To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been

required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed in Section IV.A of the Draft EIR, as revised at pages III-23-30 of the Final EIR, concurrent construction (mitigated) and operation of the Project would result in NO_x and VOC emissions that exceed the SCAQMD regional significance threshold and result in a significant and unavoidable air quality impact. Implementation of Mitigation Measures AIR-MM-1 through AIR-MM-5 would reduce construction emissions, including NO_x emissions, but peak daily regional NO_x emissions would still exceed the SCAQMD regional threshold. Refer to the rationale for finding discussion above under Air Quality (construction/regional emissions) regarding mitigation measures for regional construction emissions that were updated or added in response to public comments, as well as suggested mitigation measures that were determined to be infeasible. There are no feasible mitigation measures, other than those discussed above and incorporated into the Project, that would further reduce or avoid this impact. Refer to the rationale for finding discussion above under Air Quality (construction/regional emissions) regarding why the Project would not reduce this impact to a less than significant level. This impact would be significant and unavoidable.

Reference

See Draft EIR Section IV.A, as revised in the Final EIR at pages III-23-30, and Appendix B of the Draft EIR for a complete evaluation of air quality impacts, thresholds, and evaluation methods conducted for the Project. Also refer to Response to Comment Nos. 1-2, 26-39, 26-40, 26-E.1-38, and 26-E.1-39 of the Final EIR and Erratum page 32. The air quality-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the MMP at pages IV-3 through IV-7 of the Final EIR.

Noise (Construction/On-Site Noise)

Impact Summary

Project construction may occur in one phase, with a total construction period of approximately 32 months. The significance criterion used is whether Project-related construction noise exceeds the ambient exterior noise levels by 5 dBA (hourly Leq) or more at a noise-sensitive use.

Project construction would generally commence with the demolition of certain existing buildings and parking areas, followed by grading and excavation. Building foundations would then be constructed, followed by building construction, paving/concrete installation, and landscape installation. Up to approximately 772,000 cubic yards of soil is estimated to be exported from the Project Site, and potentially 50,000 cubic yards of soil would be imported to the Project Site during the excavation stage. Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. Each stage of construction would involve various types of equipment with distinct noise characteristics. Noise

from construction equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

Revised Table IV.I-10 on page III-56 of the Final EIR sets forth the estimated construction noise levels for various construction stages at off-site receptor locations. As shown on Revised Table IV.I-10, the estimated noise levels at all stages of Project construction combined, without mitigation, would exceed the significance criterion (cause an exceedance of the ambient Leq noise level by 5 dBA or more at a noise-sensitive receptor) at seven out of the eight off-site receptor locations, resulting in a potentially significant noise impact.

Based on the *L.A. CEQA Thresholds Guide*, noise from construction projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction site, so that noise from construction activities for two projects within 1,000 feet of each other can contribute to a cumulative noise impact for receptors located midway between the two sites. The Draft EIR analyzed seven related projects within 1,000 feet of the Project Site and concluded that there would be potentially significant cumulative impacts to nearby sensitive uses located in proximity to the Project Site and three related project sites, in the event of concurrent construction activities. Cumulative noise impacts from on-site construction would therefore be potentially significant.

Project Design Features

The Project incorporates the following PDFs regarding noise:

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices, consistent with manufacturers' standards. All equipment will be properly maintained to assure that no additional noise due to worn or improperly maintained parts will be generated.

- Construction contractors will schedule construction activities to avoid the simultaneous operation of construction equipment within 100 feet of receptor location R1 (Broadcast Center Apartments) to minimize noise levels resulting from operating several pieces of high-noise-level emitting equipment such as drilling rigs, excavators, and concrete pumps.
- Construction equipment staging areas will be located at least 100 feet from receptor location R1. Contractors will place stationary noise sources on the Project Site at least 100 feet from receptor location R1.
- A telephone hotline for use by the public will be established to report any adverse noise conditions associated with the construction of the Project. The hot-line telephone number shall be posted at the Project Site during construction in a manner visible to passersby with a minimum spacing of one sign for each 200 feet of the perimeter. In the event that the noise complaint is Project construction-related, the Applicant shall:
 - Document and respond to each noise complaint;

- Conduct an investigation to attempt to determine the source of noise related to the complaint;
 - Take all reasonable measures to reduce the noise at its source; and
 - Submit a monthly summary report of the Project-related noise complaints to the City Planning Department or Building and Safety.
- Hydraulic tools will be used instead of pneumatic tools within 100 feet from receptor location R1, when commercially available.
- All impacts tools will be shrouded or shielded within 100 feet from receptor location R1.
- Construction equipment will not be idled for extended periods of time (more than 5 minutes) within 100 feet of receptor location R1, as specified by CARB.
- Music (i.e., workers' radios) from the construction site will not be audible at off-site noise-sensitive receptors.
- Large 40-yard dumpsters will not be located within 200 feet from receptor location R1; or, if located within 200 feet of receptor location R1, a sound barrier blocking the line of sight to the dumpster from receptor location R1 will be required.
- Within 100 feet from any sensitive receptor location, the Project would utilize electric or battery powered construction equipment for the following pieces of equipment: tower cranes; mounted placing booms; scissor lifts; welding machines once permanent power is in place; swing stages; light towers for limited durations; concrete saw; and some light material forklifts (except for heavy material lifting) once concrete is in place.

Project Design Feature NOI-PDF-2: Project construction will not include the use of driven (impact) pile systems.

Project Design Feature NOI-PDF-3: Outdoor mounted mechanical equipment will be enclosed or screened by the building design (e.g., a roof parapet or mechanical screen) from the view of off-site noise-sensitive receptors.

Project Design Feature NOI-PDF-4: Outdoor amplified sound systems for outdoor gatherings (non-production uses) on roof decks, if any, will be designed so as not to exceed a maximum noise level of 85 A-weighted decibels (dBA) (Leq-1hr) at a distance of 25 feet from the amplified speaker sounds systems in any roof deck gathering areas located within 15 feet from the northern, southern and western property lines and within 40 feet from the eastern property line, and 95 dBA (Leq-1hr) at a distance of 25 feet from the amplified speaker sound systems within the interior portions of the Project Site.⁵ A qualified noise consultant will provide written

⁵ Based on the conceptual site plan shown in Section II, Project Description, of the Draft EIR, the potential roof decks along the perimeter were assumed to be at least 75 feet above adjacent grade and the roof decks within the interior portion of the Project Site were assumed to be at least 50 feet above grade.

documentation that the design of the system complies with these maximum noise levels.

Project Design Feature NOI-PDF-5: Outdoor studio production activities will be prohibited within 200 feet of the Shared Eastern Property Line adjacent to the existing multi-family residence located immediately east of the Project Site (receptor location R1) between the hours of 10 P.M. and 7 A.M.

Mitigation Measures

The following mitigation measure shall be undertaken by the Project Applicant:

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the adjacent residential and park uses to the east, the temporary sound barrier shall be designed to provide a minimum 16-A-weighted decibels (dBA) noise reduction at the ground level of receptor locations R1 and R2. In addition, the temporary sound barrier along the Shared Eastern Property Line (between the Project Site and the Broadcast Center Apartments (R1)) shall be 30 feet high. The sound barriers shall be constructed when construction activities are located within 700 feet and 560 feet of receptor locations R1 and R2, respectively.
- Along the northern property line of the Project Site between the construction areas and the motel (receptor location R3) and school (receptor location R4) on the north side of Beverly Boulevard and the residential uses along Orange Grove Avenue, Ogden Drive, Genesee Avenue, and Spaulding Avenue (represented by receptor location R5), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum 9-dBA, 5-dBA and 8-dBA noise reduction at the ground level of receptor locations R3, R4, and R5 respectively. The sound barriers shall be constructed when construction activities are located within 280 feet, 300 feet, and 490 feet of receptor locations R3, R4 and R5, respectively.
- Along the western and a portion of the southern property lines of the Project Site between the construction areas and residential uses on Hayworth Avenue (receptor location R7) and the residential and motel uses on the west side of Fairfax Avenue (receptor location R8), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum of 15-dBA and 10-dBA noise reduction at the ground level of receptor locations R7 and R8, respectively. The sound barriers shall be constructed when construction activities are located

within 700 feet and 340 feet of receptor locations R7 and R8, respectively.

- Along an approximately 250-foot segment of the southern portion of the Project property line between the construction areas and the Gilmore Adobe, a temporary sound barrier shall be designed to break the line-of-sight and provide a minimum of 15 dBA noise reduction at the ground level of the Gilmore Adobe.⁶ The sound barrier shall be constructed when construction activities are located within 700 feet of the Gilmore Adobe.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed in Section IV.I of the Draft EIR, as revised in pages III-50-66 of the Final EIR, implementation of Mitigation Measure NOI-MM-1 would reduce the Project's construction noise levels to the extent feasible, so that estimated construction-related noise levels at six out of the eight off-site sensitive receptor locations (receptor locations R2, R3, R4, R5, R7, and R8) would be reduced below the significance criterion and to a less than significant level (noise levels at receptor location R6 would be below the significance criterion without mitigation). In response to public comments on the Draft EIR, Mitigation Measure NOI-MM-1 was updated to increase the height of the sound barrier adjacent to receptor location R1 and to extend sound barriers along specific locations along the property line. The temporary sound barrier specified for receptor location R1 would provide a noise reduction up to 5 dBA at level 3, which is a noticeable noise reduction. However, it would not be effective in reducing the construction-related noise levels at the higher levels of the residential building (up to five stories) due to the higher elevation relative to the Project Site. In order to be effective, the temporary noise barrier would need to be as high as the building (i.e., five stories), which is not financially or logistically feasible. As explained in Appendix FEIR-17 of the Final EIR, providing a 50-foot-high sound barrier would be extremely difficult to implement due to wind loading, which typically requires lateral bracing. Lateral bracing is not possible at this location due to the footprint of the new construction and the location of the existing Broadcast Center Apartment building. Further, lateral bracing would interfere with construction sequencing, causing the overall duration of construction to lengthen considerably. In response to public comments, various suggested measures to be implemented by the contractor were incorporated in Project Design Feature NOI-PDF-1 to address noise during construction, including scheduling of equipment, location of staging areas, use of a hot line, use of hydraulic tools instead of pneumatic tools, prohibition of audible music, locations of dumpsters, and use of

⁶ The Gilmore Adobe (also referred to as the Rancho La Brea Adobe) is a commercial use. A commercial use is not a sensitive receptor for purposes of the noise analysis under CEQA. Nonetheless, the Gilmore Adobe was treated hypothetically as a residential use for informational purposes in response to comments on the Draft EIR.

electric or battery powered construction equipment for specified pieces of equipment. With respect to other mitigation measures suggested during the Draft EIR's public comment period, as discussed in detail in Appendix FEIR-17, there is currently no silent construction equipment available in the United States for the construction required for the Project; the use of alternative crushers, saws, hoppers, storage bins, etc. would extend the duration of construction, substantially increasing costs; and there is currently no electric/battery powered or hybrid equipment available in the United States for use in the heavy-duty requirements for mass excavation and shoring operations. Consequently, even with Mitigation Measure NOI-MM-1, the construction-related noise at receptor location R1 would exceed the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise impact at receptor location R1 below the significance threshold. In addition, concurrent construction activities at the Project Site and three related project sites located within 1,000 feet of the Project could cause significant cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site and the related projects. Additionally, although the Modified Project would reduce the amount of square footage developed, the on- and off-site construction activities and the associated construction noise levels were conservatively assumed to be similar to the Original Project during maximum activity days. As such, noise levels during the maximum activity days, which are used for measuring noise impacts under CEQA, would be similar to those of the Original Project. Accordingly, construction noise impacts associated with on-site noise sources would remain significant and unavoidable at a project and cumulative level.

Reference

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR for a detailed discussion of the feasibility of noise-related mitigation measures suggested during the Draft EIR's public comment period. Refer also to page 60 of the Erratum.

Noise (Construction/Off-Site Noise)

Impact Summary

Off-site construction-related noise sources may include materials delivery, concrete mixing, and haul trucks, as well as construction worker vehicles accessing the Project Site during construction. The most significant noise sources associated with off-site construction-related noise would be from material delivery/concrete/haul trucks. The significance threshold for off-site construction noise impacts is whether Project-related construction noise exceeds the ambient exterior noise levels by 5 dBA (hourly Leq) or more at a noise-sensitive location.

The Project's construction delivery/haul trucks would travel from the Project Site to the I-10 freeway on approved truck routes via three optional routes. The highest number of construction trucks would occur during the mat foundation stage, which would occur for up to five days. During this stage, there would be a maximum of approximately 500 concrete trucks coming to and leaving the Project Site (1,000 total trips) on a concrete pour day. There would be up to approximately 320 construction trucks (300 haul trucks and 20 delivery trucks) during the grading/excavation stage (total of 640 truck trips). There would also be approximately 50 to 970 construction workers traveling to and from the Project Site per day during the various construction stages, generating approximately 100 to 1,940 trips per day. Revised Table IV.I-11 on page III-59 of the Final EIR sets forth the estimated number of construction-related truck trips, including

haul/concrete/material delivery trucks and the estimated noise levels along the anticipated truck routes. As set forth in Revised Table IV.I-11, the Project's construction-related truck trip noise levels exceed the significance threshold along Fairfax Avenue during the grading excavation stage, where the threshold would be exceeded by 0.5 dBA Leq. In addition, the mat foundation pour could occur during nighttime hours if permitted by the Executive Director of the Board of Police Commissioners. Estimated noise levels due to concrete trucks used for mat foundation pour traveling at nighttime would exceed the significance criteria at three total locations along Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard. Temporary noise impacts from off-site trucks along the haul routes would therefore be potentially significant.

Off-site construction haul trucks would also have the potential to result in cumulative impacts if trucks for related projects use the same haul routes as the Project, as this would incrementally increase noise levels. Related projects in the vicinity of Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard between the Project Site and the I-10 could utilize the same haul routes as the Project. In addition, there are related projects in the vicinity of Beverly Boulevard which could use Beverly Boulevard as a haul route. It is estimated that cumulative truck traffic on the foregoing streets could increase ambient noise levels by 5 dBA or more and exceed the significance criterion. As such, cumulative noise impacts from off-site construction would be potentially significant.

Mitigation Measures

There are no feasible mitigation measures applicable to the Project's off-site construction-related noise impacts.

Finding

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

As discussed in Section IV.I of the Draft EIR, as revised in pages III-50-66 of the Final EIR, there are no feasible mitigation measures to reduce off-site construction-related truck traffic noise impacts. Conventional mitigation measures, such as temporary noise barriers, would be infeasible because the barriers would obstruct the access to and visibility of the properties along the anticipated haul routes. Additionally, although the Modified Project would reduce the amount of square footage developed, the on- and off-site construction activities and the associated construction noise levels were conservatively assumed to be similar to the Original Project during maximum activity days. As such, noise levels during the maximum activity days, which are used for measuring noise impacts under CEQA, would be similar to those of the Original Project. As such, the Project would have significant and unavoidable off-site noise impacts associated with construction trucks along Fairfax Avenue during daytime hauling activities during the grading/excavation stage of construction, as well as along Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard for any potential nighttime truck operations for mat pour foundations. The Project would also have significant and unavoidable cumulative off-site noise impacts associated with construction trucks traveling along Fairfax Avenue, La Brea Avenue, San Vicente Boulevard, and Beverly Boulevard.

Reference

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft

EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR for a detailed discussion of the feasibility of noise-related mitigation measures suggested during the Draft EIR's public comment period. See also page 60 of the Erratum.

Noise (Construction/On-Site Vibration [Human Annoyance])

Impact Summary

Construction activities can generate varying degrees of ground vibration, depending on the construction procedures and the type of equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source.

The Project's potential construction-related human annoyance impacts from on-site ground-borne vibration were assessed in accordance with FTA guidance, which establishes a 72-decibel notation (VdB) threshold for residential and hotel uses and a 75 VdB threshold for school uses, assuming a minimum of 70 vibration events occurring during a typical construction day. As set forth in Table IV.I-21 on page IV.I-64 of the Draft EIR, construction-related vibration impacts were estimated for five different types of construction equipment (large bulldozer, caisson drilling, loaded trucks, jack-hammer, and small bulldozer) at eight off-site locations including residential and hotel uses (receptor locations R1, R3, and R5 to R8) and school uses (receptor location R4). Receptor location R2 was included for informational purposes only, as the FTA human annoyance criteria do not apply to people in an outdoor environment. As shown in Table IV.I-21, the estimated ground-borne vibration levels from construction equipment would be below the significance criteria for human annoyance at all off-site sensitive receptor locations except receptor location R1, where the criteria would be exceeded during the demolition and grading/excavation stages where large construction equipment (i.e., large bulldozer, caisson drilling, and loaded trucks) would be operating within 80 feet of the receptor location. When such equipment is operating at a distance of 80 feet or greater from receptor location R1, ground-borne vibration impacts would be below the significance criteria. As such, potentially significant ground-borne vibration impacts would be limited to construction along the eastern property line, which would be within 80 feet of receptor R1. On-site vibration impacts to human annoyance during construction would therefore be potentially significant.

Project Design Features

The Project incorporates the following PDFs regarding vibration:

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices, consistent with manufacturers' standards. All equipment will be properly maintained to assure that no additional noise due to worn or improperly maintained parts will be generated.

- Construction contractors will schedule construction activities to avoid the simultaneous operation of construction equipment within 100 feet of receptor location R1 (Broadcast Center Apartments) to minimize noise levels resulting from operating several pieces of high-noise-level

emitting equipment such as drilling rigs, excavators, and concrete pumps.

- Construction equipment staging areas will be located at least 100 feet from receptor location R1. Contractors will place stationary noise sources on the Project Site at least 100 feet from receptor location R1.
- A telephone hotline for use by the public will be established to report any adverse noise conditions associated with the construction of the Project. The hot-line telephone number shall be posted at the Project Site during construction in a manner visible to passersby with a minimum spacing of one sign for each 200 feet of the perimeter. In the event that the noise complaint is Project construction-related, the Applicant shall:
 - Document and respond to each noise complaint;
 - Conduct an investigation to attempt to determine the source of noise related to the complaint;
 - Take all reasonable measures to reduce the noise at its source; and
 - Submit a monthly summary report of the Project-related noise complaints to the City Planning Department or Building and Safety.
- Hydraulic tools will be used instead of pneumatic tools within 100 feet from receptor location R1, when commercially available.
- All impacts tools will be shrouded or shielded within 100 feet from receptor location R1.
- Construction equipment will not be idled for extended periods of time (more than 5 minutes) within 100 feet of receptor location R1, as specified by CARB.
- Music (i.e., workers' radios) from the construction site will not be audible at off-site noise-sensitive receptors.
- Large 40-yard dumpsters will not be located within 200 feet from receptor location R1; or, if located within 200 feet of receptor location R1, a sound barrier blocking the line of sight to the dumpster from receptor location R1 will be required.
- Within 100 feet from any sensitive receptor location, the Project would utilize electric or battery powered construction equipment for the following pieces of equipment: tower cranes; mounted placing booms; scissor lifts; welding machines once permanent power is in place; swing stages; light towers for limited durations; concrete saw; and some light material forklifts (except for heavy material lifting) once concrete is in place.

Project Design Feature NOI-PDF-2: Project construction will not include the use of driven (impact) pile systems.

Mitigation Measures

There are no feasible mitigation measures applicable to the Project's human annoyance impacts from ground-borne vibration caused by on-site construction.

Finding

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench, or a thin wall of sheet piles installed into the ground (essentially a subterranean sound barrier to reduce noise). To be effective, however, wave barriers must typically be very deep and long, rendering them cost prohibitive and infeasible for temporary applications such as construction, as confirmed in Appendix FEIR-17 of the Final EIR. (See also Caltrans, Transportation and Construction Induced Vibration Guidance Manual, June 2004.) Constructing a wave barrier would also generate the same ground-borne vibration that is sought to be mitigated. Thus, as explained on pages IV.I-66-67 of the Draft EIR, there are no feasible mitigation measures to reduce construction-related human annoyance impacts from on-site ground-borne vibration.

Additionally, although the overall amount and duration of construction activities would be reduced for the Modified Project, the on- and off-site construction activities and the associated vibration levels would be expected to be similar to those of the Original Project as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, peak vibration levels generated by construction equipment and construction truck trips for the Modified Project would be similar to those of the Original Project.

Reference

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50 through III-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR. See also pages 64 and 65 of the Erratum.

Noise (Construction/Off-Site Vibration [Human Annoyance])

Impact Summary

Heavy-duty construction trucks would generate ground-borne vibration as they travel along the Project's anticipated haul routes, including travel by construction delivery/haul trucks from the Project Site to the I-10 on approved truck routes via Washington Boulevard, Fairfax Avenue, San Vicente Boulevard, Beverly Boulevard, and/or La Brea Avenue.

The Project's potential construction-related human annoyance impacts from off-site ground-borne vibration were assessed in accordance with FTA guidance, which establishes a 72 VdB threshold for residential and hotel uses and a 75 VdB threshold for school uses. Buses and trucks rarely

create vibration that exceeds 70 VdB at 50 feet from a receptor unless there are bumps in the road. The estimated vibration levels generated by construction trucks traveling along anticipated haul routes were assumed to be within 24 feet of the sensitive uses (residential and motel uses) along Fairfax Avenue, Beverly Boulevard, La Brea Avenue, and San Vicente Boulevard. As set forth in the noise calculation worksheets included in Appendix J of the Draft EIR, temporary vibration levels could reach approximately 72.6 VdB periodically as trucks pass sensitive receptors, exceeding the 72 VdB threshold. Accordingly, vibration impacts to human annoyance from off-site construction trucks traveling along the anticipated haul routes would be potentially significant.

Because related projects would use similar construction trucks as the Project, trucks from related projects are expected to generate similar vibration levels along Fairfax Avenue, La Brea Avenue, Beverly Boulevard, and San Vicente Boulevard. There are residential and motel uses along these truck routes at which the significance threshold could be exceeded as trucks pass by within 24 feet, as explained above, and related projects could use the same haul routes as the Project. As such, to the extent related projects use the same haul routes as the Project, cumulative vibration impacts with respect to human annoyance from temporary and intermittent vibration from haul trucks would be potentially significant.

Mitigation Measures

There are no feasible mitigation measures applicable to the Project's off-site construction-related vibration impacts to human annoyance.

Finding

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench, or a thin wall of sheet piles installed into the ground (essentially a subterranean sound barrier to reduce noise). To be effective, however, wave barriers must typically be very deep and long, rendering them cost prohibitive and infeasible for temporary applications such as construction, as confirmed in Appendix FEIR-17 of the Final EIR. (See also Caltrans, Transportation and Construction Induced Vibration Guidance Manual, June 2004.) Constructing a wave barrier would also generate the same ground-borne vibration that is sought to be mitigated. In addition, it would not be feasible to install a wave barrier along the public roadways to address off-site construction vibration impacts. Thus, as explained on pages IV.I-66-67 of the Draft EIR, there are no feasible mitigation measures to reduce off-site construction-related human annoyance impacts from ground-borne vibration. Impacts would therefore be significant and unavoidable at a project and cumulative level.

Additionally, although the overall amount and duration of construction activities would be reduced for the Modified Project, the on- and off-site construction activities and the associated vibration levels would be expected to be similar to those of the Original Project as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, peak vibration levels generated by construction equipment and

construction truck trips for the Modified Project would be similar to those of the Original Project.

Reference

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also pages 64 and 65 of the Erratum.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of potentially feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of Project alternatives focused on avoiding or substantially reducing the Project's significant impacts. The Modified Project results in the same Significant and Unavoidable Impacts as the Original Project, and, therefore, the impacts resulting from the Modified Project compared against each alternative is the same as the conclusions in the EIR for the Original Project.

Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

Project Objectives

Section 15124(b) of the CEQA Guidelines states that a project description shall contain a "Statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, pages II-10 through II-12, the project objectives are focused on the underlying purpose of the Project, which is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot. To achieve this underlying purpose, the Project Objectives are as follows:

1. Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able

to respond to evolving market demands, support content creation, and maximize studio production capabilities.

2. Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
3. Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
4. Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
5. Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
6. Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
7. Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
8. Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
9. Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
10. Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
11. Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
12. Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability

and growth in an evolving entertainment market, while generating tax and property revenues to the City.

Alternatives Analyzed

Alternative 1—No Project/No Build

Description of Alternative

In accordance with the CEQA Guidelines, the “no project” alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states in part that “[i]n certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, for purposes of this analysis, Alternative 1, the No Project/No Build Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment, as described in Section II, Project Description, of the Draft EIR, would be maintained. Thus, the physical conditions of the Project Site would generally remain as they are today. Specifically, the existing buildings and surface parking areas would remain on the Project Site, and no new construction, aside from ongoing production activities, would occur.

Impact Summary

Alternative 1 would avoid the Project’s significant and unavoidable impacts with respect to regional construction emissions; on- and off-site noise sources during construction; and on- and off-site vibration (related to the significance threshold for human annoyance) during construction. In addition, Alternative 1 would avoid the Project’s less-than-significant-with-mitigation impacts, including those related to localized air quality emissions during construction, paleontological resources, hazards, and groundwater quality. Impacts associated with the remaining environmental issues would be less than those of the Project.

Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the No Project Alternative, as described in the Draft EIR.

Rationale for Finding

No changes to existing land uses or operations on-site would occur under Alternative 1. Alternative 1 would avoid the Project’s significant and unavoidable impacts with respect to regional construction emissions; on- and off-site noise sources during construction; and on- and off-site vibration (related to the significance threshold for human annoyance) during construction. In addition, Alternative 1 would avoid the Project’s less-than-significant-with-mitigation impacts, including those related to localized air quality emissions during construction, paleontological resources, hazards, and groundwater quality. Impacts associated with the remaining environmental issues also would be less than those of the Project. Alternative 1 would not result in greater impacts for any environmental issue. Under Alternative 1, the existing uses would remain on the Project Site and no new development would occur. As such, Alternative 1 would not meet the Project’s underlying purpose or any of its objectives.

Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-19 through V-31.

Alternative 2—Development in Accordance with Existing Zoning Alternative

Description of Alternative

Alternative 2 would involve buildout of the Project Site in accordance with the existing zoning and land use regulations for the Project Site. Alternative 2 would include a total of an estimated 1,600,666 square feet of studio-related development and an FAR of 1.49:1. Alternative 2 assumes the construction of an estimated 856,986 square feet of new studio-related general office uses and the retention of an estimated 743,680 square feet of existing development. No demolition would occur under Alternative 2. New development would include a 15-story office building (maximum height of 203 feet) with four levels of subterranean parking and three levels of above-ground parking, and a six-level parking structure (maximum height of 66 feet) with two levels of subterranean parking. Approximately 4,550 parking spaces would be provided. Alternative 2 contemplates the development of additional office space to better support the existing studio and production requirements. Modern studios require a higher programmatic percentage of office space, significantly more than was traditionally provided. Currently at the Project Site, there is a lack of such additional office space within the existing studio facilities. This alternative is also responsive to public comments requesting that taller structures be located along Fairfax Avenue, furthest away from the Broadcast Center Apartments.

Impact Summary

Alternative 2 would not avoid or substantially reduce the Project's significant and unavoidable impacts with respect to Project-level and cumulative regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (related to the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 2 although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 2.

Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 2 as described in the EIR.

Rationale for Finding

Alternative 2 would not avoid or substantially reduce the Project's significant and unavoidable impacts with respect to Project-level and cumulative regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (related to the significance threshold for human annoyance) during construction because the significance thresholds for these impacts are based on daily thresholds. These impacts would continue to be significant and unavoidable under Alternative 2, although the

duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts also would be less than or similar to those of the Project under Alternative 2. While the amount of development under this alternative would be less than under the Project, Alternative 2 would still generally meet the underlying purpose of the Project. However, Alternative 2 would be less effective than the Project in meeting the underlying purpose as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity.

Regarding the Project objectives, Alternative 2 would meet the following Project objective generally as effectively as the Project:

- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.

Alternative 2 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of development under this alternative:

- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.

Alternative 2 would not meet the following objectives, due to the nature of the alternative and the location of proposed development under this alternative's conceptual layout:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.

Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-32 through V-61; Final EIR, Appendix FEIR-4.

Alternative 3—Reduced Density Alternative

Description of Alternative

Alternative 3 would involve a 20-percent reduction in the Project's proposed development program set forth in Section II, Project Description, of the Draft EIR. Alternative 3 consists of the same general site plan as the Project but with certain reduced building heights and square footages. Alternative 3 would include a total of an estimated 1,499,200 square feet of development (FAR of 1.4:1), including an estimated 280,000 square feet of sound stages, 83,200 square feet of production support, 560,000 square feet of production office, 560,000 square feet of general office, and 16,000 square feet of retail uses. Alternative 3 would involve the construction of an estimated 1,251,380 square feet of new development, the demolition of 495,860 square feet of existing studio-related uses and the retention of an estimated 247,820

square feet of existing studio-related uses. Approximately 4,240 parking spaces would be provided.

Impact Summary

Alternative 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 3 because the significance thresholds for these impacts are based on daily thresholds, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 3.

Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 3, as described in the Draft EIR.

Rationale for Finding

Alternative 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 3, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. While the amount of development under this alternative would be less than under the Project, Alternative 3 would generally meet the underlying purpose of the Project. However, Alternative 3 would be less effective than the Project in meeting this purpose as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity. Reducing the size of the Project by a total of 20 percent and reducing the amount of both sound stage and production support floor area under Alternative 3 does not allow for an operationally feasible mix of studio uses that meets the needs of modern productions. The demands of the entertainment industry are continually evolving, and the industry has seen the demand of "high-tech" sound stages increase drastically in recent years. These sound stage types are typically smaller than traditional media sound stages. The Modified Project meets the current needs of the entertainment industry by proposing a total of 22 sound stages that vary in type and size, ranging from approximately 1,800 square feet to 18,000 square feet, whereas Alternative 3 proposed 14 traditional sound stages ranging from approximately 12,000 square feet to 18,000 square feet. The Modified Project would retain two existing medium-format sound stages, located on the second level of the HCM, which were proposed to be demolished in both the Original Project and Alternative 3, thereby increasing the floor area being retained within the HCM. In addition, the Modified Project retains the same maximum permitted floor area of sound stages as the Original Project.

A secondary, but critical component of this technological and industry shift, as mentioned above, results in the increased demand for production support space. Space accommodating additional

mill and set/production construction activities, editing bays, VFX rooms, and server rooms, for example, have all increased in demand on an equal or greater basis to sound stage area. Alternative 3 proposed 83,200 square feet of production support space, whereas the Modified Project proposes 215,440 square feet of production support (an approximately 250% increase). With such a small proportion of production support space provided under Alternative 3, productions would be required to lease space off-site and either provide remote access and/or move materials back and forth via production vehicles, increasing trips on public roadways and hindering their production operations.

Based on the reduced overall size of Alternative 3 as well as the reduced sound stage area coupled with the reduced production support area, Alternative 3 does not provide an operationally feasible mix of studio uses. As a result, Alternative 3 would face difficulties in attracting and retaining major movie and television production work in the City of Los Angeles, compromising several Project objectives.

Regarding the Project objectives, Alternative 3 would meet the following Project objectives generally as effectively as the Project:

- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.

Alternative 3 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of development under this alternative:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-62 through V-90; Final EIR, Appendix FEIR-4.

Alternative 4—Mixed-Use Alternative

Description of Alternative

Alternative 4 would involve a mixed-use development with studio, residential, and retail uses. Alternative 4 would be developed in accordance with the existing zoning and land use designations for the Project Site and would seek a maximum FAR of up to 3.75:1, per Transit Oriented Community (TOC) Tier 3. Alternative 4 would include a total of 3,696,370 square feet of development (FAR of 3.45:1), including approximately 2,772,000 square feet of residential uses and 924,370 square feet of commercial uses. Alternative 4 assumes the construction of 3,047,400 square feet of new development, the demolition of 94,710 square feet of existing studio-related uses, and the retention of 648,970 square feet of existing studio-related uses. In addition to residential uses, this alternative would include 36,000 square feet of sound stages, 41,400 square feet of production support, 138,000 square feet of general office uses, and 60,000 square feet of retail uses. The residential uses would include 3,680 units within three residential towers, with a mix of studios and one-, two- and three-bedroom units, of which 14 percent (516 units) would be affordable units for Very Low-Income households. The residential towers would be located along the western side of the Project Site, fronting Fairfax Avenue, and would consist of 30 stories over a six-level parking podium (maximum height of 400 feet), with ground floor retail uses and four levels of subterranean parking. New development on the eastern portion of the Project Site would

include a six-story office building (maximum height of 90 feet) with two levels of subterranean parking, a four-story production support building (maximum height of 60 feet) connected to two single-story sound stages (maximum height of 60 feet), and a four-level parking structure (maximum height of 45 feet) with three levels of subterranean parking. Approximately 5,880 parking spaces would be provided.

Alternative 4 was analyzed in response to public comments received during the NOP comment period requesting the inclusion of housing in the Project. Alternative 4 was designed to locate all of the residential uses along the Fairfax Avenue frontage within a 30-story mixed-use structure with ground floor retail. A smaller office tower and parking structure would be located on the eastern portions of the Project Site. The location of the residential component along the Fairfax Avenue frontage preserves the HCM-required historic viewshed and allows for on-going operations of the existing HCM and studio uses to continue without interruption. The number of units chosen for this Alternative is consistent with City goals related to housing production.

Impact Summary

Alternative 4 would not avoid the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 4. The duration of the construction noise and vibration impacts, and the concurrent construction and operational regional air quality impacts, would increase due to the increase in building footprint and overall construction activities. The duration of the regional air quality impact during construction would decrease due to the reduction in overall grading. Moreover, the significant and unavoidable impacts with respect to regional emissions associated with concurrent construction and operations and on- and off-site construction noise would be greater under Alternative 4. In addition, regional operational emissions of VOCs and NOx under Alternative 4 would result in new significant and unavoidable air quality impacts that would not occur under the Project. In addition, Alternative 4 would result in greater less-than-significant impacts than the Project, including localized air emissions and TACs during operation, GHG emissions during operation, hazards and hazardous materials during operation, surface water quality and groundwater quality during operation, operational noise and vibration, fire protection, police protection, VMT, freeway safety, water supply and infrastructure during operation, wastewater, and energy and telecommunications infrastructure. In addition, Alternative 4 would result in substantially increased building heights and overall density than the Project, which could be considered incompatible with the predominantly low- and mid-rise land uses in the surrounding area. Furthermore, although not considered significant impacts on the environment, Alternative 4 would result in greater aesthetic and shading impacts than the Project. Impacts associated with the remaining environmental issues would be less than or similar to those of the Project.

Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 4, as described in the Draft EIR.

Rationale for Finding

Alternative 4 would not avoid the Project-level and cumulative significant and unavoidable impacts

with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 4. The duration of the construction noise and vibration impacts and the concurrent construction and operational regional air quality impacts would increase due to the increase in building footprint and overall construction activities. The duration of the regional air quality impact during construction would decrease due to the reduction in overall grading. Moreover, the significant and unavoidable impacts with respect to regional emissions associated with concurrent construction and operations and on- and off-site construction noise would be greater under Alternative 4. In addition, regional operational emissions of VOCs and NOx under Alternative 4 would result in new significant and unavoidable air quality impacts that would not occur under the Project. In addition, Alternative 4 would result in greater less-than-significant impacts than the Project, including localized air emissions and TACs during operation, GHG emissions during operation, hazards and hazardous materials during operation, surface water quality and groundwater quality during operation, operational noise and vibration, fire protection, police protection, VMT, freeway safety, water supply and infrastructure during operation, wastewater, and energy and telecommunications infrastructure. In addition, Alternative 4 would result in substantially increased building heights and overall density than the Project, which could be considered incompatible with the predominantly low- and mid-rise land uses in the surrounding area. Furthermore, although not considered significant impacts on the environment, Alternative 4 would result in greater aesthetic and shading impacts than the Project.

Given that this alternative would substantially reduce the amount of studio-related uses within the Project Site, Alternative 4 would not meet the underlying purpose of the Project, which is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot. Alternative 4 would be less effective than the Project in meeting this purpose as a result of the reduced amount of studio-related uses. Regarding the Project objectives, Alternative 4 would meet the following Project objectives generally as effectively as the Project:

- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Alternative 4 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of studio-related development under this alternative:
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct,

enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.

- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

Alternative 4 would not meet all or portions of the following objectives, due to the nature of the alternative and the location of proposed development under this alternative's conceptual layout:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.

Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-91 through V-126; Final EIR, Appendix FEIR-4.

Alternative 5—Above-Ground Parking Structure

Description of Alternative

Alternative 5 has been designed to eliminate subterranean parking in order to reduce excavation and export. Alternative 5 would include the same development program, square footages, and general layout as the Project, except that all parking would be located in above-ground structures. As a result, building heights would increase. Alternative 5 would involve the same demolition and retention of existing uses and the same FAR as the Project. Approximately 5,300 parking spaces would be provided.

Impact Summary

Alternative 5 would reduce the Project-level and cumulative significant and unavoidable construction-related regional air quality NOx impacts to a less-than-significant level with mitigation because the elimination of subterranean parking would reduce excavation and the export of soil. However, Alternative 5 would not avoid the Project's significant and unavoidable impacts with respect to regional NOx and VOC emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; or Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable and would be similar to the Project's, with the exception of (a) the air quality impact related to concurrent construction and operations, which would be less than under the Project due to the reduction in earthwork; and (b) off-site construction noise, which would only occur during nighttime hours over the course of five days and, thus, would be substantially reduced in comparison to the Project. The duration of the regional NOx and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 5.

Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 5, as described in the Draft EIR.

Rationale for Finding

Alternative 5 would reduce the Project-level and cumulative significant and unavoidable construction-related regional air quality NOx impacts to a less-than-significant level with mitigation by eliminating subterranean parking in order to reduce excavation and the export of soil. However, Alternative 5 would not avoid the Project's significant and unavoidable impacts with respect to regional NOx and VOC emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; or Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable and would be similar to the Project's, with the exception of (a) the air quality impact related to concurrent construction and operations, which would be less than under the Project due to the reduction in earthwork; and (b) off-site construction noise, which would only occur during nighttime hours over the course of five days and, thus, would be substantially reduced in

comparison to the Project. The duration of the regional NOx and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule.

The mix of land uses and associated floor area provided under Alternative 5 would be the same as the Project, and, therefore, Alternative 5 would still generally meet the underlying purpose of the Project. However, Alternative 5 would be less effective than the Project in meeting this purpose since the elimination of subterranean parking would compromise the Project's internal circulation plan and create operational inefficiencies. The Project's parking, basecamp, loading, and circulation areas that are at and below grade would allow for sound stages to be serviced and supported more efficiently. By eliminating these areas and elevating sound stages on parking podiums, maneuvering sets and equipment around the studio lot would become more challenging and inefficient. Further, the disruption of a single, contiguous production plane would create difficult circulation paths for production vehicles, as well as loading and engineering challenges. Lastly, Alternative 5 would result in sub-optimal production operations that would jeopardize the economic viability of these sound stages. Specifically, in today's market, producers of movies and television shows need the ability to use multiple sound stages instead of just a single sound stage. Motion pictures typically require larger, more elaborate sets, as well as "shots" that necessitate wider frames, which require sound stage sizes of 30,000 square feet or more. The ability to have multiple, linked sound stages allows two 18,000 square foot sound stages to be combined, creating an overall production footprint of 36,000 square feet. Integrated use of multiple sound stages can only be achieved if the sound stages are located on the same level. Locating some sound stages on top of above-ground parking structures while other sound stages are located at ground level would not allow producers to easily use multiple sound stages for their productions. Regarding the Project objectives, Alternative 5 would meet the following Project objectives generally as effectively as the Project:

- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.

Alternative 5 would partially meet the following Project objectives or would not meet the objectives as well as the Project:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-127 through V-157; Final EIR, Appendix FEIR-4.

Alternatives Rejected as Infeasible

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

Alternative Site: The objectives of the proposed Project are closely tied to the need to improve existing operations on the currently underutilized Project Site by creating a cohesive and integrated studio campus environment with new technologically advanced facilities. To meet the Project's objective to provide an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities, the Project Applicant has identified improvements that are needed to bring the existing studio in line with modern production techniques and trends and to meet the significant and unmet demand for production space in Los Angeles. To this end, a central guiding principle behind the Project is to maximize the number of state-of-the-art sound stages on-site, combined with an adequate and complementary mix of production support facilities and production offices in order to meet the existing unmet and anticipated future demands of the entertainment industry. This goal is influenced by the inherent challenges posed by the existing development on-site, including the age and layout of the existing facilities, as well as the need to rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation. Many of the existing production facilities on-site have been developed in an ad hoc manner over the years, resulting in inefficiencies and space constraints. Development on an alternative site would result in no changes to existing on-site conditions, which would therefore provide no potential to achieve the basic Project objectives related to: modernizing and enhancing production facilities within Television City; rehabilitating the Primary Studio Complex and restoring the currently obstructed public views of the HCM; optimizing the currently underutilized Project Site to address past ad hoc building additions; and enhancing the identity of the Project Site as an iconic entertainment and production facility. Furthermore, development on an alternative site would split studio operations into two locations, which would substantially reduce operational efficiency and functionality and increase VMT and related air quality and GHG impacts.

As all of the Project's significant and unavoidable impacts are related to construction activities, development on another site would not avoid or substantially lessen the Project's significant impacts. It is anticipated that development on an alternative site would still produce the significant construction-related air quality, noise, and vibration impacts as the Project, albeit in a different location. Moreover, depending on localized and site-specific conditions, development at another location could result in additional significant impacts, such as new traffic impacts in an area where transit options are not as plentiful or readily available. Finally, the Project Applicant already owns the Project Site, and it is not reasonable to assume that Television City's operations could be feasibly divided and transferred to another site.

Based on the above, an alternative site is not considered feasible as it would fail to achieve the basic project objectives related to modernizing the Project Site, providing new environmentally friendly and state-of-the-art sustainable facilities on the Project Site, creating an integrated, studio campus environment with a synergistic mix of uses, rehabilitating and preserving the integrity of the HCM, and enhancing the role of the Project Site in the entertainment industry. In addition, the development of an alternative site would not avoid or substantially lessen the Project's significant impacts. Thus, in accordance with Section 15126.6(f) of the CEQA Guidelines, this alternative was rejected from further consideration.

- **Alternatives that Remove or Substantially Modify the Primary Studio Complex:** Given that the Primary Studio Complex is designated as an HCM, any alternative that would remove or substantially alter the HCM such that its historic integrity and eligibility would be compromised was rejected as infeasible. Similarly, alternatives that would introduce substantial development within the Viewshed Restoration Area were eliminated from consideration since they would be inconsistent with the HCM designation. Thus, any alternatives that would compromise the HCM were rejected as infeasible.
- **Alternatives that Eliminate the Project's On-Site Construction Noise and Vibration Impacts:** An analysis was performed to determine whether the Project's significant impacts related to on-site construction noise and on-site vibration could be substantially reduced or avoided through an alternative development program. As shown in Table IV.I-10 in Section IV.I, Noise, of the Draft EIR, all stages of Project construction would cause a significant noise impact affecting the adjacent residential use (R1 [i.e., Broadcast Center Apartments]) given its proximity to on-site construction activities. In order to eliminate this impact, construction activities would need to be moved approximately 700 feet westerly from the Shared Eastern Property Line; in other words, new development could not occur on approximately 2/3 of the Project Site, which would eliminate the development of any new sound stages. Accordingly, this alternative was rejected as infeasible.

Another alternative that was considered involved moving construction activities away from the adjacent residential building combined with the use of a tall sound wall. If development were moved approximately 100 feet westerly from the Shared Eastern Property Line, then a 30-foot-tall sound wall extending nearly 1,000 feet along the Shared Eastern Property Line would need to be erected in order to substantially reduce noise impacts at the fourth story of the apartment building. Not only would this be cost prohibitive, but a wall of this size would block views and sunlight for all of the west and south facing residential units of the adjacent building for the duration of the construction period. Further, this type of buffer zone alternative would preclude development of up to two acres of the Project Site, eliminate two to four new sound stages, and reduce the size of the floor plates of the new offices. Therefore, this alternative was rejected from further consideration, although the 30-foot-tall sound wall itself was added to Mitigation Measure NOI-MM-1 as part of the Final EIR.

With respect to on-site vibration, as discussed in Section IV.I, Noise, of the Draft EIR and shown in Table IV.I-21 therein, Project construction activities involving a large bulldozer, caisson drilling, jackhammer, or loaded trucks would exceed the vibration threshold with respect to human annoyance at the adjacent residential building (R1). As ground-borne vibration generated by human activities attenuates rapidly with distance from the vibration source, this impact could be reduced to a less-than-significant level by moving construction activities using heavy equipment at least 80 feet westerly from the Shared Eastern Property Line. While the Project's significant and unavoidable vibration impact would be reduced to a less-than-significant level, this alternative would render a substantial portion of the Project Site undevelopable (for the reasons discussed in the prior buffer zone alternative), and a significant construction-related noise impact would continue to occur. As such, this alternative was rejected from further consideration.

- **Tier 3 TOC Alternative Use with Maximum FAR:** As previously discussed, the Project Site is located in TOC Tier 3, which allows a maximum FAR of 3.75:1. Based on a site area of 1,071,011 square feet, this would allow 4,016,291 square feet of development, including over 4,500 residential units (TOC Tier 3 allows a 70 percent density bonus). The building heights, parking needs, and other space constraints associated with this maximum FAR scenario would yield both building massing and an overall density that would be greater than the surrounding predominantly low- and mid-rise land uses and would result in substantial increases in environmental impacts (e.g., operational air quality impacts, public services, and utilities impacts, etc.). Therefore, this alternative was rejected from further consideration.

Reference

Section V, Alternatives pages V-10 through V-14, of the Draft EIR; Final EIR, Appendix FEIR-4.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant environmental impacts.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives indicates that Alternative 5, the Above-Ground Parking Alternative, would be the Environmentally Superior Alternative. As discussed above, although Alternative 5 would not eliminate all of the Project’s significant and unavoidable impacts, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NO_x emissions from a significant and unavoidable level to a less-than-significant level with mitigation by eliminating subterranean parking that reduces excavation and the export of soil. Alternative 5 would also reduce the Project-level and cumulative air quality impacts related to concurrent construction and operations and would substantially reduce the Project’s off-site construction noise impact, although these impacts would remain significant and unavoidable. Alternative 5 would result in the same significant and unavoidable impacts related to on-site noise during construction and on- and off-site vibration during construction (based on the significance threshold for human annoyance). In addition, Alternative 5 would result in the same significant cumulative impacts that cannot feasibly be mitigated with regard to on-site construction noise and off-site construction vibration (based on the significance threshold for human annoyance). The duration of the regional NO_x and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule.

Of the Project’s less-than-significant-with-mitigation impacts, Alternative 5 would result in similar less-than-significant-with-mitigation impacts as the Project with regard to geologic hazards. Alternative 5 would also reduce several of the construction-related less-than-significant-with-

mitigation impacts associated with the Project, including localized emissions during construction; archaeological resources; paleontological resources; and hazards and hazardous materials during construction. Of the Project's less-than-significant impacts, those related to construction activities or occurring during construction would generally be less than the Project's impacts due to the reduction in soil import/export, while those related to operational activities would be the same as under the Project. Under Alternative 5, no environmental impacts would be greater than the Project. Thus, of the range of alternatives analyzed, Alternative 5, the Above-Ground Parking Alternative, would be the Environmentally Superior Alternative.

However, Alternative 5 would not meet the underlying purpose of the Project as effectively as the Project since the elimination of subterranean parking would compromise and require changes to the Project's internal circulation plan, resulting in reduced integration of the production staging, loading, and basecamp areas with sound stages and filming areas, thereby making studio operations less efficient and flexible. These sub-optimal production operations would jeopardize the economic viability of the sound stages. Additionally, Alternative 5 would only partially meet the following Project objectives or would not meet the objectives as well as the Project, generally due to the elimination of the Project's subterranean parking and resulting effects on internal circulation and production efficiencies, as well as the increased building massing:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements. Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

IX. Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

Building Materials and Solid Waste

Construction of the Project would include the consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

The Project's potential impacts related to solid waste are addressed in the Initial Study prepared for the Project, which is included as Appendix A to the Draft EIR. As discussed therein, pursuant to the requirements of SB 1374, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. Furthermore, pursuant to LAMC Sections 66.32 through 66.32.5 (Ordinance No. 181,519), the Project's general contractor and/or subcontractors would be required to deliver all remaining construction and demolition waste generated by the Project to a certified construction and demolition waste processing facility. In addition, during operation, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of a specified size. The Project would also comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source-sorted receptacles to facilitate recycling, recycling of organic waste, and participation in the City's Curbside Recycling Program. Overall, the Project would adhere to State and local solid waste policies and objectives that further goals to divert waste. Thus, the consumption of nonrenewable building materials, such as aggregate materials and plastics, would be reduced and the Project would not result in significant impacts regarding solid waste.

Water

Consumption of water during construction and operation of the Project is addressed in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout, and such water demand during construction would be offset by the removal of the existing uses on the Project Site. During operation, the estimated water demand for the Project would not exceed the available supplies projected by LADWP, as confirmed by the Water Supply Assessment prepared by LADWP for the Project and

included as Appendix N of the Draft EIR. The Project would also be required to reduce indoor water use by at least 20 percent, in accordance with the City of Los Angeles Green Building Code. In addition, the Project would implement Project Design Feature WAT-PDF-1, which includes water conservation measures in excess of code requirements, such as high efficiency toilets, high efficiency shower heads, ENERGY STAR Certified residential dishwashers, drip/subsurface irrigation, and proper hydro-zoned irrigation. Thus, as evaluated in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in significant impacts related to water supply.

Energy Consumption

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and, thus, the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.C, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. In addition, trucks and equipment used during construction activities would comply with CARB's anti-idling regulations, as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, construction of the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources. Thus, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and SoCalGas. In addition, as discussed in Section IV.C, Energy, of the Draft EIR, the Project would comply with all applicable energy conservation policies and plans, including the City's All-Electric Buildings Ordinance, as applicable, California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, and the 2020–2045 RTP/SCS. Applicable requirements of Title 24, the CALGreen Code, and the Green Building Code that would be implemented by the Project include specific lighting requirements to conserve energy, window glazing to reflect heat, enhanced insulation to reduce heating and ventilation energy usage, and enhanced air filtration. In addition, compliance with Title 24 standards would ensure the use of the most energy efficient and energy conserving technologies and construction practices. The Project would also implement measures to comply with Title 24 energy efficiency requirements, including Project Design Features GHG-PDF-1 and WAT-PDF-1 included in Section IV.E, Greenhouse Gas Emissions, and Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, respectively.

Regarding transportation uses, the Project design would reduce VMT in comparison to developments located in non-infill, non-urban areas and encourage the use of alternative modes of transportation. The Project would also be consistent with regional planning strategies that address energy conservation. As discussed above and in Section IV.H, Land Use and Planning, of the Draft EIR, SCAG's 2020–2045 RTP/SCS focuses on creating livable communities with an emphasis on sustainability and integrated planning, and identifies mobility, economy, and sustainability as the three principles most critical to the future of the region. The 2020–2045

RTP/SCS focuses on reducing fossil fuel use by decreasing VMT, reducing building energy use, and increasing the use of renewable sources. The Project would be consistent with the energy efficiency policies emphasized in the 2020–2045 RTP/SCS. Notably, the Project is a commercial development located in a High Quality Transit Area (HQTAs), as designated by the 2020–2045 RTP/SCS. The 2020–2045 RTP/SCS identifies HQTAs as generally walkable transit villages or corridors that are within 0.5 miles of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. Local jurisdictions are encouraged to focus housing and employment growth within HQTAs to reduce VMT. The Project would provide new development in proximity to neighborhood services and would be well-served by existing public transportation, as evidenced by the Project Site's location within a designated HQTAs. The Project's generation of new job opportunities within an HQTAs is also consistent with numerous policies in the 2020–2045 RTP/SCS related to locating new jobs near transit.

Based on the above, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F of the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to Section IV.C, Energy, of the Draft EIR for further analysis regarding the Project's consumption of energy resources.

Environmental Hazards

The Project's potential use of hazardous materials is addressed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. As evaluated therein, operation of the Project would be expected to involve the use and storage of potentially hazardous materials typical of those used in studio campuses, including paints, stains, adhesives, solvents and other materials used in set design and fabrication, fuels, pesticides for landscaping, cleaning and maintenance supplies, materials for pyrotechnic activities, and other general products related to studio operations. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Additionally, the existing plans and protocols currently implemented at the Project Site with regard to the handling of hazardous materials and wastes would be updated pursuant to Project Design Features HAZ-PDF-1 through HAZ-PDF-4. Furthermore, the Project Site is currently designated as a small quantity generator under Resource Conservation and Recovery Act (RCRA), and the Applicant implements the life cycle provisions of both RCRA and the Hazardous Waste Control Law (HWCL) by maintaining the required inspection logs, manifests, and records, which are subject to review by the Los Angeles County Department of Health Services. In addition, the Applicant currently employs staff members trained in the appropriate standards for the management of hazardous waste and the clean-up of releases and uses licensed firms for the transport of hazardous waste. The Project would allow for the continued operation of the Project Site under these provisions and the required records, training, and licensed transport would continue to be maintained, thus minimizing risks.

Additionally, any asbestos or lead based paint encountered during demolition and construction would be handled and disposed of according to Project Design Features HAZ-PDF-5 and HAZ-PDF-6 and any contaminated soil would be handled and disposed of according to the Soil Management Plan prepared for the Project, as detailed in Mitigation Measure HAZ-MM-1. With regard to methane, Mitigation Measure HAZ-MM-2 requires the installation of controls during Project construction to mitigate the effects of subsurface gases on workers and the public. These measures would include monitoring devices for methane and benzene to alert workers of elevated gas concentrations, contingency procedures if elevated gas concentrations are detected, worker

training to identify exposure symptoms and implement alarm response actions, and the minimization of soil and groundwater during excavations. Additionally, soil removed as part of construction would be sampled and tested for off-site disposal in a timely manner and, if soil is stockpiled prior to disposal, it would be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP). Furthermore, fencing would be erected to limit public access and allow for gas dilution. Lastly, a Health and Safety Plan (HASP) would be prepared to describe the proposed construction activities and hazards associated with each activity. As such, implementation of Mitigation Measure HAZ-MM-2 would ensure potential impacts related to subsurface gases and associated potential impacts to soil and groundwater would be less than significant.

Therefore, any associated risk due to the use or disposal of hazardous materials would be reduced to a less-than-significant level through implementation of Project Design Features HAZ-PDF-1 through HAZ-PDF-6 and Mitigation Measures HAZ-MM-1 and HAZ-MM-2. As such, it is not expected that the Project would cause irreversible damage from environmental accidents.

X. Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Population

As discussed in Section II, Project Description, of the Draft EIR, the Project would involve the continuation of the existing studio use and the modernization and expansion of Television City to meet the contemporary needs and changing demands of the entertainment industry, while rehabilitating and preserving the integrity of the HCM. Since the Project does not propose a housing component, it would not directly induce a new residential population, which would contribute to population growth in the vicinity of the Project Site or the Wilshire Community Plan area.

Employment

The Project would have the potential to generate indirect population growth in the vicinity of the Project Site as a result of the employment opportunities generated by the Project. During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. The Project would draw from the existing regional pool of construction workers who typically move from project to project as work is available. Project-related construction workers would not be anticipated to relocate their household's permanent place of residence as a consequence of working on the Project and, therefore, no new permanent residents are expected to be generated during construction of the Project. Accordingly, Project construction would not induce substantial population growth.

As discussed in the Initial Study included as Appendix A to the Draft EIR, the Project would generate an estimated total of 7,832 employees at buildout, for a net increase of 5,702 employees over existing conditions. Per the employment data from the 2020–2045 RTP/SCS, an estimated 1,947,472 employees are projected within the City of Los Angeles in 2026, the Project's earliest buildout year, with 49,586 new employees projected in the City between 2021 and 2026. The Project's net increase in employment would represent approximately 0.29 percent of the total number of employees in the City in 2026 and approximately 11.50 percent of the growth between 2021 and 2026. In the event of phased development of the Project, which could potentially extend to 2043, the Project's net increase in employment would represent approximately 0.27 percent of the total number of employees in the City in 2043 and approximately 2.61 percent of the total projected growth between 2021 and 2043. As the Modified Project would result in a slight reduction in employment due to the reduction in office uses, the Modified Project would also be consistent with expected growth in the City. Overall, the provision of new jobs would constitute a small percentage of the City's anticipated employment growth and would not be considered "unplanned growth."

Furthermore, while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site. Accordingly, this potential indirect increase in population would not be substantial. Specifically, some employment opportunities may be filled by people already residing in the vicinity of the Project Site, and it is anticipated that other employees would commute to the Project Site from other communities both in and outside of the City, as under existing conditions. Therefore, given that the Project would not directly contribute to substantial population growth in the Project area through the development of residential uses, and since many of the employment opportunities generated by the Project would be filled by people already residing in the Project vicinity or who would commute to the Project Site, the potential growth associated with Project employees who may relocate their place of residence would not be substantial. Further, as the Project would be located in an urbanized area with an established network of roads and other urban infrastructure, the Project would not require the extension of such infrastructure in a manner that would indirectly induce substantial population growth. A variety of public transit options are located within 0.5 mile from the Project Site. Specifically, a number of bus lines provide transit service throughout the Project area, with bus stops located adjacent to the Project Site on both Beverly Boulevard and Fairfax Avenue as well as within a one-block radius; these include Los Angeles County Metropolitan Transportation Authority (Metro) Bus Lines 14, 16, 17, 217, 218, and 316, several of which have headways of 15 minutes or less during the morning and afternoon peak commute periods; and LADOT DASH Fairfax Line. Furthermore, Metro transit facilities planned in the area include the Metro D (Purple) Line extension. The first section of the Metro D (Purple) Line extension, which includes a new Wilshire/Fairfax Station, is currently under construction. The new Wilshire/Fairfax Station will be located approximately 0.8 miles south of the Project Site, with a station portal on the southeast corner of Wilshire Boulevard and Orange Grove Avenue. In addition, as part of the TDM Program set forth in Project Design Feature TR-PDF-2, a Mobility Hub would be located on-site to support first-mile/last-mile connections; encourage employee and visitor use of public transit, carpooling, vanpooling, and biking/scooter to work; and to support other TDM strategies, as previously discussed.

Utility Infrastructure Improvements

The area surrounding the Project Site is already developed with a mix of residential, commercial, and industrial uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. As

discussed in Sections IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, IV.M.2, Utilities and Service Systems—Wastewater, and IV.M.3, Utilities and Service Systems—Electric Power, Natural Gas, and Telecommunications Infrastructure, of the Draft EIR, while the Project would require local infrastructure to connect the Project Site to the mainlines, such improvements would be limited to serving Project-related demand and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

Conclusion

Overall, the Project would be consistent with the growth forecast for SCAG's City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT. In addition, the Project would not require any major roadway improvements or open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

XI. Energy Conservation

The Project would be designed and constructed to incorporate features to support and promote environmental sustainability. Specifically, the Project would support environmental sustainability by incorporating sustainable building features and construction protocols required by the Los Angeles Green Building Code (LAMC Chapter IX, Article 9), the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11; referred to as the CALGreen Code), and the California Building Energy Efficiency Standards (California Code of Regulations, Title 24, Part 6; California Energy Code), pursuing U.S. Green Building Council's LEED Gold certification or equivalent green building standards. The Project would also comply with the City's All-Electric Buildings Ordinance, as applicable. The Project represents an infill development located in close proximity to existing and proposed transit lines and would utilize existing infrastructure to service the proposed uses. The Project also involves the re-use of certain existing buildings and facilities. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; solar panels; plumbing fixtures and fittings that comply with the performance requirements specified in the Los Angeles Green Building Code; weather-based irrigation systems; water-efficient plantings with drought-tolerant species; shade trees in public areas; green walls in some outdoor areas; vegetated roofs or cool roof systems to help reduce energy use; short- and long-term bicycle parking; electric vehicle (EV) charging infrastructure; a TDM Program; the proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate.

XII. Statement of Overriding Considerations

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the

Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: regional construction-related emissions of nitrogen oxides (NOx) (Project-level and Cumulative); on- and off-site noise during construction (Project-level and Cumulative); on- and off-site vibration during construction based on the significance threshold for human annoyance (Project-level); off-site vibration during construction based on the significance threshold for human annoyance (Project-level and cumulative); and emissions of NOx and volatile organic compounds (VOC) under a long-term buildout scenario due to concurrent construction and operations (Project-level and Cumulative).⁷

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that temporary significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, and unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that the Project's benefits, as listed below, outweigh and override the temporary significant and unavoidable impacts relating to construction-related emissions, noise and vibration, and concurrent construction and operation-related emissions as identified above.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. In accordance with CEQA Guidelines Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional and statewide level. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project would invest in the economic growth of the production and entertainment industry in the City of Los Angeles by preserving the historic Television City studio as a production facility and providing approximately 1,724,000 square feet of sound stage and production support facilities, production office, general office and retail uses.
2. The Project would contribute to Los Angeles' status as the creative capital of the world, help meet both the existing and future demands of the entertainment industry for modern technologically advanced sound stages, provide the opportunity for more productions to be filmed in the City and region, and create a wide range of new production, entertainment and construction jobs in the City.

⁷ While Project buildout is anticipated in 2026, the Project Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043.

3. During construction, the Project will provide widespread economic benefits and will be a key component of Los Angeles' iconic production and entertainment industry. The planned expenditure of approximately \$1.25 billion (in 2024 dollars) to develop the Project could result in a total economic output of approximately \$2.1 billion, accompanied by approximately 7,750 total development-related jobs, of which approximately 2,950 would be directly involved in the construction of the Project. Approximately 1,660 countywide jobs will be indirectly supported by purchases of goods and services such as raw building materials or computer software, and approximately 3,150 jobs are supported by induced effects.⁸
4. The Project will support the economic development goals of the City's General Plan Framework Element to establish a balance of land uses that provide for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality through the development of a mix of integrated and supporting land uses within a single site. Specifically, the Project represents the continuation and modernization of an existing studio use that will help maintain and grow existing production and entertainment jobs for the local community, and will sustain economic viability and growth by modernizing and expanding Television City to meet the contemporary needs and changing demands of the entertainment industry while generating tax and property revenues to the City.
5. The Project will support the goals of the Wilshire Community Plan to encourage strong and competitive commercial sectors that promote economic vitality and serve the needs of the Wilshire community through well-designed, safe, and accessible areas, while preserving historic and cultural character. The Project will modernize and expand Television City to meet the contemporary needs and changing demands of the entertainment industry while rehabilitating and preserving the integrity of the Primary Studio Complex on-site (Historic-Cultural Monument [HCM] No. 1167). The Project will preserve all of the existing historic character-defining features of the Primary Studio Complex and restore those character-defining features that have been compromised in the past prior to the Project, consistent with the HCM designation.
6. The Project would support the Transportation Element of the City's General Plan (Mobility Plan 2035) and reduce traffic effects through the implementation of various improvements to encourage the use of public transit, including a Mobility Hub and a Transportation Demand Management (TDM) Program, monetary contributions toward transportation systems management (TSM) improvements within the Project Site area, Vision Zero safety improvements, among other improvements. Thus, the Project is ideally located to help achieve the City's goal of reducing vehicle miles of travel associated with travel between homes and employment opportunities in the region.
7. The Project supports Smart Growth policies. As an infill development, the Project will modernize and improve site by providing additional studio facilities and job-producing uses. The Project would represent the intensification of urban density within a City-designated Transit Priority Area and in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and would not result in urban sprawl. The Project would also provide new jobs in close proximity to

⁸ Los Angeles County Economic Development Corporation (2021). The Television City Expansion Project, An Economic Impact Study.

existing housing, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.

The Project's design will support sustainability goals and will incorporate features of the U.S. Green Building Council's LEED program to be capable of meeting the standards of LEED Gold or equivalent green building standards, will include photovoltaic panels on the Project Site capable of generating a minimum of 2,000,000 kilowatt-hours annually, and newly constructed buildings would be all-electric.

General Findings

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts: air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services (fire and police), transportation, tribal cultural resources, utilities and service systems (water, wastewater, and energy infrastructure), alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the

comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR and Erratum document revisions, clarifications, corrections, and modifications to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, Erratum, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - The Responses to Comments contained in Section II of the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
 - The City has thoroughly reviewed the public comments received regarding the Project, the Final EIR, and the Erratum as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
 - None of the information submitted after publication of the Final EIR and Erratum, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR and Erratum, or a feasible mitigation measure or alternative not included in the Final EIR or Erratum.
 - The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the MMP. Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and PDFs adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during

implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMP.

8. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning, 221 N. Figueroa Street, Room 1350, Los Angeles, CA 90012.
10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of VTTM No. 83387, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) **THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision and merger of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan through zoning regulations, including Specific Plans and standards for the subdivision of land.

Pursuant to LAMC Section 17.05 C, vesting tract maps are to be designed in conformance with applicable tract map regulations to ensure compliance with the various elements of the General Plan. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B.

The General Plan Framework identifies the Project Site as located along a Mixed Use Boulevard along Fairfax Boulevard. These connect the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density, and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- to two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulate, but are not limited to permitted uses of land, the maximum permitted density, height, and other standards. The Project Site is located within the Wilshire Community Plan, which designates the Project Site for Commercial land uses, with corresponding zones of C2 and C1.5.

The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation from Community Commercial, Neighborhood Commercial, and Limited Commercial to Community Commercial and to establish a new Footnote to identify the TVC Zone as a corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los Angeles.

The TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally included in commercial zones. In conjunction with the dedications associated with the proposed VTTM, the Project Site area

would consist of approximately 25 acres. Contingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the approximately 25-acre Project Site, resulting in a maximum project FAR of less than 2:1.

Contingent upon approval of the request for a General Plan Amendment Zone Change and Height District Change, and the Specific Plan, the proposed merger and re-subdivision of the site to create three lots for a studio campus development would be consistent with these regulations, and the VTTM would be consistent with the use and floor area permitted by the General Plan and the proposed Specific Plan.

Furthermore, pursuant to LAMC Section 17.06 B, a tentative tract map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. The VTTM indicates the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, LAMC Section 17.15 B requires that vesting tentative tract maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, driveways, and proposed exterior garden walls. The VTTM provides the building envelope, height, and approximate location of the building and driveways among other required map elements. Therefore, as conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 B and would be consistent with the applicable General Plan and Specific Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

LAMC Section 17.05 enumerates design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (net area). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The Project Site is currently zoned C2-1-O and C1.5-2D-O. The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation from Community Commercial, Neighborhood Commercial, and Limited Commercial to

Community Commercial and to establish a new Footnote to identify the TVC Zone as a corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los Angeles. In conjunction, a Zone Change and Height District Change to the TVC Zone, and the establishment of the TVC 2050 Specific Plan with site-specific development regulations is also proposed.

The TVC Zone and TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally included in commercial zones. In conjunction with the dedications associated with the proposed tract map, the Project Site area would consist of approximately 25 acres. Contingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the Project Site, with a FAR of less than 2:1. The design and improvements associated with the proposed re-subdivision of the site to create three lots for a studio campus development would be consistent with these regulations, and the VTTM would be consistent with the General Plan and the proposed Specific Plan, as well as the density and floor area permitted by the Specific Plan and zone.

The design and layout of the map is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Department of Recreation and Parks, that have the authority to make dedication, and/or improvement recommendations. Several public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval.

Specifically, the Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and pursuant to the letter dated May 10, 2024, requires dedication along The Grove Drive, and improvements along Beverly Boulevard, Fairfax Avenue, and The Grove Drive. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate provided the conditions included in its Soils Report Approval Letter correspondence dated August 4, 2021, are complied with. The Bureau of Street Lighting determined that no street lighting improvements shall occur unless widening is required per BOE. If widening is required, streetlights must be relocated and upgraded with six along Fairfax Avenue, nine along Beverly Boulevard, and five along The Grove Drive. All Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy, as applicable.

Therefore, as conditioned and upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan and Specific Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site consists of four lots totaling 1,065,726 gross square feet of lot (approximately 25 acres) and is currently developed with an existing television studio complex and ancillary buildings, totaling 743,7680 square feet of floor area, and surface

parking lots. The request for VTTM No. 83387 is for merger and re-subdivision of four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil to allow for the TVC 2050 Project. With the approval of the proposed subdivision, the Project Site would consist of approximately 25 acres, and under the proposed entitlements, the Specific Plan would allow for up to 1,724,000 square feet of floor area of studio-related uses within the Project Site, with a FAR of less than 2:1.

There are currently 181 trees on or adjacent to the Project Site, including 150 on-site trees and 31 street trees within the existing public right-of-way. The Project would remove all on-site trees and three street trees located along Beverly Boulevard. In addition, the Project would provide a minimum of approximately 28,900 square feet of open space, which would include landscaping such as trees and shrubs, lighting, wayfinding signage, and pedestrian amenities such as benches and shade structures. The Project also includes public right-of-way and on-site street frontage improvements that would include both new and widened sidewalks; planting areas for street trees, shrubs, and groundcover; fencing, walls, and landscaped buffers; and berms and other visual screening to conceal parking areas.

The Project Site is located within an urbanized area, has been previously developed, and is relatively flat throughout its entirety. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Landslide, or Tsunami Inundation Zone. The Project Site is located within a designated Methane Zone mapped by the City and would therefore be subject to the Methane Requirements in Division 71 Section 91.7103 of the LAMC. The northwestern portion of the Project Site is also located within an area of minimal flood hazard while the remainder of the Project Site is located within Zone X, a flood hazard zone with a 0.2 percent annual chance of flooding. Additionally, a majority of the Project Site is located within an area prone to liquefaction, although results of the liquefaction analysis performed as a part of the Geotechnical Investigation provided in Appendix E of the Draft EIR demonstrates that the potential for liquefaction on the Project Site is low. As noted in the Conditions of Approval, the Los Angeles Department of Building and Safety, Grading Division, has reviewed the geology/soils reports prepared for the Project and issued a Soils Approval Letter. The Soils Approval Letter includes specific design and engineering conditions that will ensure the Project can be built safely and that the site will be suitable for the proposed development.

Regarding potential hazards on the site, the Phase I ESA, prepared in 2018, identified one Recognized Environmental Condition (REC), one Historical REC (HREC), and one Controlled REC (CREC) on-site, as well as several other conditions. No active regulatory cases were identified for the Project Site, and the various RECs identified in the Phase I ESA were evaluated as part of a Phase II ESA and supplemental investigations, including, a Limited Phase II Investigation in October 2018 and Supplemental Phase II Investigations in November 2018, August 2019, and May 2020, which revealed concentrations of naturally occurring methane up to 90.7 percent by volume and detected occurring hydrogen sulfide.

In order to address potential adverse effects associated with contaminated soils, the EIR's Hazards and Hazardous Materials analysis determined that with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts with respect to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be reduced to a less-than-significant level. Project construction would also be required to comply with all applicable regulations protecting public health related to the removal of potential ACMs and LBP-containing

materials, including but not limited to Section 19827.5 of the California HSC and California Occupational Safety and Health Administration's (Cal/OSHA) Lead in Construction Standards and SCAQMD Rule 403. Health and safety issues related to methane will be adequately addressed through regulatory compliance with LAMC Chapter IX, Article 1, Section Division 71, 91.7103, also known as the Los Angeles Methane Seepage Regulations, which establish requirements for buildings and paved areas located in methane zones. In the event that VOC-contaminated soils are encountered during construction or construction occurs in areas of known or potential contamination, appropriate handling, off-site disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements, including SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil).

The Phase I ESA found three surrounding properties of potential concern to the Project Site. Records associated with additional off-site properties were reviewed, and determined they are not RECs and pose no concern with respect to the Project Site. Due to the absence of RECS on surrounding properties, these sites are not expected to represent a significant environmental concern for the Project Site. Therefore, development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Finally, prior to the issuance of any permits, then Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department to ensure compliance with building, fire, and safety codes. In general, compliance with existing regulations, VTTM conditions, and MMs identified in the EIR ensure that the proposed development could be feasibly and safely constructed and operated on the site. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The General Plan Framework identifies the Project Site as located along a Mixed Use Boulevard along Fairfax Boulevard. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- to two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. The adopted Wilshire Community Plan designates the Project Site for Community Commercial, Neighborhood Commercial, and Limited Commercial land uses. The Project Site is zoned C2-1-O and C1.5-2D-O, which allows for a range of commercial uses. Height District 1 allows does not restrict height but imposes a maximum FAR of 1.5:1 within commercial zones, and Height District 2 with D Limitations pursuant to Ordinance No. 171,432 does not restrict height but imposes a maximum average site FAR of 1.5:1 and a maximum building FAR of 3:1.

The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation to Community Commercial over the entire site

and to establish a new Footnote to identify the TVC Zone as a corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los Angeles. The requested Community Commercial land use designation corresponds to the CR, C2, C4, RAS3, RAS4, P, and PB Zones, and a proposed Footnote to the land use designation would include the proposed TVC Zone. Thus, the requested TVC Zone would be consistent with the requested land use designation.

The TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally permitted in commercial zones. In conjunction with the dedications associated with the proposed VTTM; the Project Site area would consist of approximately 25 acres. Contingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the Project Site, with an FAR of less than 2:1.

The physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding Beverly-Fairfax neighborhood. The Project Site vicinity is characterized by a concentration of both low- to medium-density commercial and residential uses, as well as more recently developed medium- to high-density mixed-use residential and commercial uses further south along Wilshire Boulevard and Fairfax Avenue.

In general, the major arterials in the Project vicinity, including Beverly Boulevard, 3rd Street, and Fairfax Avenue, are lined with commercial, institutional, and multi-family residential uses, with mixed residential neighborhoods interspersed between the major arterials. Immediately east of the Project Site is the Broadcast Center Apartments, a six-story apartment complex with a ground floor grocery store and café. To the east, across The Grove Drive, is a U.S. Post Office and Pan Pacific Park, which includes a variety of active and passive recreational uses, an outdoor amphitheater, and the Holocaust Museum LA. To the south are commercial uses, including The Grove, an outdoor shopping and entertainment center that includes groupings of one- to three-story retail shops, a movie theater, restaurants, and a seven-level (plus rooftop) parking garage; The Original Farmers Market complex (HCM No. 543), comprised of one- and two-story restaurants and other food-related businesses, including a four-story mixed-use office and retail building; and the approximately four-story Farmers Market Storage Facility (which is roughly the same height as the adjacent seven-level garage), the Gilmore Adobe, and surface parking. Further to the south across 3rd Street are a neighborhood-serving shopping center with surface parking, four- and five-story residential buildings, Hancock Park Elementary School, and several 13-story apartment buildings at Park La Brea. Along Fairfax Avenue to the immediate west are low-rise community-serving commercial uses, including a gas station, bank, dry cleaner, and several restaurants and retail stores, interspersed with small surface parking lots, and low- to mid-rise apartments further to the west, and Fairfax High School along Fairfax Avenue to the north. Similar development of up to three stories is located to the north along Beverly Boulevard, including retail shops, restaurants, a bank, gas station, religious temple, several small hotels, personal fitness facilities, Ohel Chana High School, and Morasha Hebrew Academy, with low-rise apartments further to the north.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The Project's floor area, density, and massing are

appropriately scaled and situated given the existing uses in the surrounding area. The site is a relatively flat infill lot in a developed urban area with adequate infrastructure. The area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site, as described in detail in the EIR, does not contain wetlands or riparian areas or have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. The Project Site is situated in an established, fully developed mixed commercial and residential area, and is currently developed with 743,680 square feet of studio-related uses. Existing development on-site is comprised of four main buildings in addition to approximately 30 one-story ancillary buildings and structures. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and/or directly adjacent to the Project Site and the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act.

Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area, as defined by the City. Moreover, the Project Site and immediately surrounding area are not within or near a designated Significant Ecological Area. The Project Site does not contain any natural open spaces, act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

Regarding trees, as discussed in the associated Tree Report, the Project Site has been operating as a studio since the 1960s. There are currently 181 trees on or adjacent to the Project Site, including 150 on-site trees and 31 street trees within the existing public right-of-way. The Project would remove all on-site trees and three street trees located along Beverly Boulevard. In addition, the Project would provide a minimum of approximately 28,900 square feet of open space, and improvements along the public right-of-way, which would include landscaping such as trees and shrubs. The on-site replacement of trees would be provided at a minimum 1:1 ratio for non-protected trees and the Project would be subject to the street tree replacement requirements of the City's Urban Forestry Division. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

Therefore, as noted above, the Project Site is presently improved with existing studio-related buildings and parking areas, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project Site is located within an urbanized area, has been previously developed, and is relatively flat throughout its entirety. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Landslide, or Tsunami Inundation Zone. The Project Site is located within a designated Methane Zone mapped by the City and would therefore require the entire Project Site be subject to the Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. The northwestern portion of the Project Site is also located within an area of minimal flood hazard while the remainder of the Project Site is located within Zone X, a flood hazard zone with a 0.2 percent annual chance of flooding.

Regarding other hazards, the Phase I ESA, prepared in 2018, identified one Recognized Environmental Condition (REC), one Historical REC (HREC), and one Controlled REC (CREC) on-site, as well as several other conditions. No active regulatory cases were identified for the Project Site, and the various RECs identified in the Phase I ESA were evaluated as part of a Phase II ESA and supplemental investigations, including, a Limited Phase II Investigation in October 2018 and Supplemental Phase II Investigations in November 2018, August 2019, and May 2020, which revealed concentrations of naturally occurring methane up to 90.7 percent by volume and detected occurring hydrogen sulfide.

In order to address potential adverse effects associated with contaminated soils, the EIR's Hazards and Hazardous Materials analysis determined that with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts with respect to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be reduced to a less-than-significant level. Project construction would also be required to comply with all applicable regulations protecting public health related to the removal of potential ACMs and LBP-containing materials, including but not limited to Section 19827.5 of the California HSC and California Occupational Safety and Health Administration's (Cal/OSHA) Lead in Construction Standards and SCAQMD Rule 403. Health and safety issues related to methane will be adequately addressed through regulatory compliance with LAMC Chapter IX, Article 1, Section Division 71, 91.7103, also known as the Los Angeles Methane Seepage Regulations, which establish requirements for buildings and paved areas located in methane zones. In the event that VOC-contaminated soils are encountered during construction or construction occurs in areas of known or potential contamination, appropriate handling, off-site disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements, including SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil).

The Phase I ESA found three surrounding properties of potential concern to the Project Site. Records associated with additional off-site properties were reviewed, and determined they are not RECs and pose no concern with respect to the Project Site. Due to the absence of RECS on surrounding properties, these sites are not expected to represent a significant environmental concern for the Project Site. With implementation of mitigation measures and adherence to existing regulations, the design and improvement of the subdivision would not result in serious public health problems related to hazardous materials.

Regarding seismic safety, a majority of the Project Site is located within an area prone to liquefaction, although results of the liquefaction analysis performed as a part of the Geotechnical Investigation provided in Appendix E of the Draft EIR demonstrates that the potential for liquefaction on the Project Site is low. With adherence to State and City building requirements, along with the recommendations from the LADBS Geology and Soils Report Approval Letter, the subdivision and proposed improvements would not result in serious public health problems related to seismic safety.

Furthermore, the Project can be adequately served by existing utilities. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which meets Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation will be conducted as part of the required building permit process for the project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are public infrastructure easements contained within the Project Site and any proposed development near the easements must secure Department of Public Works approval. There are no other recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The Project Site is surrounded by public streets and private properties, that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Project Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the lot(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning

in effect at the time the tentative map was filed. The topography of the Project Site has been considered in the maximization of passive or natural heating and cooling opportunities. In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the Project Site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for VTTM No. 83387.

VINCENT P. BERTONI, AICP
Advisory Agency



More Song, City Planner
Deputy Advisory Agency

Note: This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS). The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>.
Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Blvd Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Blvd Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](http://BuildLA.appointments.lacity.org) portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA
Appointment Portal for
Condition Clearance

VESTING TENTATIVE TRACT MAP No. 83387

FOR MERGER AND RESUBDIVISION PURPOSES

LEGAL DESCRIPTION

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCS-1032821-SA1 DATED SEPTEMBER 17, 2020)
REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL A:

LOT 1 OF TRACT NO. 15680, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 424 PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

THAT PORTION OF THE RANCHO LA BREA, PARTLY WITHIN AND PARTLY WITHOUT THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET WIDE, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60 FEET WIDE, AS SHOWN ON MAP OF TRACT NO. 5177, RECORDED IN BOOK 109 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.21 FEET, MORE OR LESS, TO THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21553 PAGE 68, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED, TO THE SOUTHWESTERLY CORNER OF SAID LAND; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.18 FEET, MORE OR LESS, TO A POINT IN SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE THAT IS DISTANT SOUTHERLY 483.73 FEET FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE 483.73 FEET TO THE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE RANCHO LA BREA, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO PAN PACIFIC AUDITORIUM, INC., A CORPORATION RECORDED IN BOOK 15347 PAGE 179, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 89° 48' 30" WEST, PARALLEL WITH THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET WIDE, 647.82 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60.00 FEET WIDE, AS SHOWN ON THE MAP OF TRACT NO. 5177, RECORDED IN BOOK 109 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THAT IS DISTANT SOUTHERLY 889.08 FEET FROM THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION OF SAID WESTERLY LINE OF SAID GENESEE AVENUE, 405.35 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.18 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21553 PAGE 68, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LAND DESCRIBED IN SAID DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTHERLY 404.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS MORE PARTICULARLY DESCRIBED AND CREATED BY THAT CERTAIN INSTRUMENT ENTITLED "QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 00-1430068, OFFICIAL RECORDS, AS AMENDED BY INSTRUMENT ENTITLED "FIRST AMENDMENT TO QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-1384639, OFFICIAL RECORDS, OVER THE FOLLOWING DESCRIBED LAND:

A PORTION OF LOTS 4, 5 AND 6 OF TRACT NO. 45628, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 1265 PAGES 33 TO 39 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4 OF SAID TRACT NO. 45628, AS SHOWN ON SAID MAP FILED IN BOOK 1265 PAGES 33 TO 39 INCLUSIVE OF MAPS, IN SAID RECORDER'S OFFICE, SAID CORNER LYING ON THE WESTERLY LINE OF THE GROVE DRIVE, 60.00 FEET IN WIDTH, AS SHOWN ON SAID MAP; THENCE ALONG SAID WESTERLY LINE OF THE GROVE DRIVE SOUTH 0° 00' 53" WEST 19.19 FEET TO A LINE LYING 19.19 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES FROM, THE NORTHERLY LINE OF SAID LOT 4, 5 AND 6; THENCE ALONG SAID PARALLEL LINE SOUTH 89° 47' 40" WEST 283.75 FEET, THENCE SOUTH 89° 59' 13" WEST 265.80 FEET; THENCE SOUTH 0° 05' 35" EAST 1.97 FEET; THENCE SOUTH 89° 47' 40" WEST 35.81 FEET; THENCE NORTH 35° 10' 19" WEST 25.05 FEET TO A POINT ON SAID NORTHERLY LINE OF SAID LOT 6 LYING THEREON NORTH 89° 47' 40" EAST 7.20 FEET FROM THE EASTERLY NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE OF LOTS 4, 5 AND 6 NORTH 89° 47' 40" EAST 600.12 FEET TO SAID POINT OF BEGINNING.

APN: 5512-001-003 and 5512-002-001 and 5512-002-002 and 5512-002-009

EXCEPTIONS

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCS-1032821-SA1 DATED SEPTEMBER 17, 2020)

(14) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 23, 1940 AS BOOK 17291, PAGE 190 OF OFFICIAL RECORDS.

IN FAVOR OF: PAN PACIFIC AUDITORIUM, INC., A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

15. AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED DECEMBER 16, 194 AS BOOK 18971, PAGE 245 OF OFFICIAL RECORDS.

IN FAVOR OF: J. E. ELLIOTT
AFFECTS: AS DESCRIBED THEREIN

16. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 21, 1950 AS BOOK 34532, PAGE 281 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF LOS ANGELES
AFFECTS: AS DESCRIBED THEREIN
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

(18) AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT NO. 15680 RECORDED JANUARY 02, 1952 ON FILE IN BOOK 424, PAGE 3 AND 4, OF TRACT MAPS.

FOR: DRAINAGE, SANITARY SEWER AND INCIDENTAL PURPOSES.

(AFFECTS PARCEL A)

(19) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1804, BOOK 56458, PAGE 324 OF OFFICIAL RECORDS.

IN FAVOR OF: A. F. GILMORE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(20) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1805, BOOK 56458, PAGE 326 OF OFFICIAL RECORDS.

IN FAVOR OF: FRANCES L. HILEN AND ELIZABETH J. HILTY
AFFECTS: AS DESCRIBED THEREIN

(25) AN OFFER OF DEDICATION FOR PUBLIC STREET OR HIGHWAY AND INCIDENTAL PURPOSES, RECORDED MARCH 26, 1964 AS INSTRUMENT NO. 5529 OF OFFICIAL RECORDS.

TO: CITY OF LOS ANGELES
SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED AUGUST 28, 1964 AS INSTRUMENT NO. 6601 OFFICIAL RECORDS.

(26) AN EASEMENT FOR PIPE LINES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 30, 1969 AS INSTRUMENT NO. 2516 OF OFFICIAL RECORDS.

IN FAVOR OF: PACIFIC LIGHTING SERVICE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(27) AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 01, 1971 AS INSTRUMENT NO. 4463 OF OFFICIAL RECORDS.

(28) AN EASEMENT FOR COVERED STORM DRAIN AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 03, 1983 AS INSTRUMENT NO. 83-1308294 OF OFFICIAL RECORDS.

IN FAVOR OF: LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AFFECTS: AS DESCRIBED THEREIN

(32) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MAINTENANCE OF BUILDING" RECORDED JANUARY 08, 1988 AS INSTRUMENT NO. 88-23584 OF OFFICIAL RECORDS.

(41) THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 00-1430068 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-1384639 OF OFFICIAL RECORDS.

(42) AN OFFER OF DEDICATION FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 09, 2001 AS INSTRUMENT NO. 01-2152518 OF OFFICIAL RECORDS.

TO: THE CITY OF LOS ANGELES
SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED APRIL 30, 2002 IN OFFICIAL RECORDS AS INSTRUMENT NO. 02-0995136.

COMMENTS

SITE ADDRESS 7800, 7860, 7716, 7716 AND 7720 BEVERLY BOULEVARD, LOS ANGELES, CA

APN NO'S. 5512-001-003, 5512-002-002, 5512-002-001, AND 5512-002-009

BOUNDARY LINES WERE ESTABLISHED FROM THE RECOVERED CITY, COUNTY AND/OR PRIVATE SURVEY MONUMENTS WHOSE CHARACTER AND SOURCE ARE SO NOTED ON THE SURVEY.

BASIS OF BEARINGS THE BEARING OF N89°43'51"E ALONG THE CENTERLINE OF BEVERLY BOULEVARD, SHOWN AS N89°48'30"E ON THE MAP OF TRACT NO. 15680, AS RECORDED IN BOOK 424, PAGES 3 AND 4 OF MAPS RECORDS OF LOS ANGELES COUNTY WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

(1) INDICATES PRELIMINARY TITLE REPORT EXCEPTION NUMBER PLOTTED HEREON.

GROSS AREA (EXISTING)

TO STREET CENTERLINE: 1,178,809 SQ. FT. OR 27.062 ACRES, MORE OR LESS
OVERALL SITE: 1,063,726 SQ. FT. OR 24.405 ACRES, MORE OR LESS
LOT 1: 183,022 SQ. FT. OR 4.222 ACRES, MORE OR LESS
LOT 2: 510,768 SQ. FT. OR 11.725 ACRES, MORE OR LESS
LOT 3: 370,937 SQ. FT. OR 8.538 ACRES, MORE OR LESS

NET AREA (POST PROPOSED MERGER AND WAIVER OF DEDICATION)

OVERALL SITE: 1,071,011 SQ. FT. OR 24.587 ACRES, MORE OR LESS
LOT 1: 209,235 SQ. FT. OR 4.803 ACRES, MORE OR LESS
LOT 2: 504,954 SQ. FT. OR 11.589 ACRES, MORE OR LESS
LOT 3: 356,819 SQ. FT. OR 8.192 ACRES, MORE OR LESS

UTILITIES ALL VISIBLE ABOVE-GROUND UTILITY FEATURES SHOWN ON THIS MAP WERE OBTAINED BY CONVENTIONAL MEANS. ABOVE-GROUND UTILITIES WERE COMBINED WITH CITY OF LOS ANGELES SUBSTRUCTURE MAPS TO PLOT UNDERGROUND UTILITY LINES SHOWN HEREON. NO REPRESENTATION IS MADE AS TO THE COMPLETENESS OF SAID UTILITY INFORMATION AND ANY USER OF THIS INFORMATION SHOULD CONTACT THE UTILITY OR GOVERNMENT AGENCY DIRECTLY.

FLOOD INSURANCE RATE MAP ZONE "X" AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE, FLOOD INSURANCE RATE MAP (FIRM) MAP PANEL, MAP NO. DB037C1605F EFFECTIVE DATE SEPTEMBER 26, 2009.

ZONING INFORMATION EXISTING ZONING: C1.5-2D-0 AND C2-1-0 COMMERCIAL ZONE (CITY OF LOS ANGELES). INFORMATION FROM ZIMAS WEBSITE PULLED ON 03/25/2024.

PROPOSED ZONING: TVC

STREET DESIGNATIONS BEVERLY BLVD AVENUE 1 (100')
FAIRFAX AVENUE AVENUE 8 (86')
GROVE DRIVE COLLECTOR STREET (86')

PROJECT NOTES

PROJECT CONSISTS OF 3 GROUND LOTS.

THOMAS BROTHERS GUIDE: PAGE 833 - GRID B1

CADASTRAL MAP: 1386177

COMMUNITY PLAN AREA: WALSHIRE

EXISTING UTILITIES: UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM CITY SUBSTRUCTURE MAPS OBTAINED ON THE WAYGATE LAS WEBSITE. CERTAIN UTILITIES SUCH AS TRAFFIC SIGNAL LINES AND ABANDONED LINES MAY NOT BE SHOWN HEREON.

PROPOSED UTILITIES: SEWAGE AND DRAINAGE WILL BE PROVIDED BY THE CITY OF LOS ANGELES INFRASTRUCTURE SYSTEMS.

THE SITE SHALL TIE INTO EXISTING SEWER INFRASTRUCTURE.

LOT CONFIGURATIONS AND SIZES ARE APPROXIMATE IN NATURE AND WILL BE FINALIZED DURING THE FINAL MAP PHASE.

WE RESERVE THE RIGHT TO CONSOLIDATE LOTS.

PROPOSED RECIPROCAL INGRESS/EGRESS EASEMENTS (IF ANY) ARE YET TO BE DETERMINED.

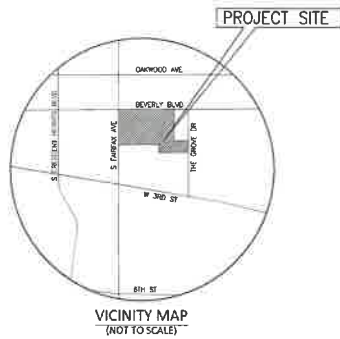
THE SITE DOES NOT CONTAIN ANY PROTECTED TREES. ALL TREES ARE TO BE REMOVED.

WE RESERVE THE RIGHT TO PHASE THE FINAL MAP.

WE PROPOSE A 7' MERGER ALONG FAIRFAX AVENUE.

WE PROPOSE A 3' WAIVER OF DEDICATION ALONG THE GROVE DRIVE.

A TOTAL OF 181 TREES AND PALMS WERE INVENTORIED FOR THE TELEVISION CITY SPECIFIC PLAN PROJECT. THERE ARE 62 PRIVATE TREES/PALMS AND 88 OFF-SITE TREES WHOSE CANOPIES OVERHANG THE SUBJECT PROPERTY AND WILL BE REMOVED AS PART OF THIS PROJECT. THIRTY-ONE (31) CITY OF LOS ANGELES RIGHT-OF-WAY TREES ARE ALSO ASSOCIATED WITH THE PROJECT BUT WILL NOT BE REMOVED. (CARLBERG ASSOCIATES TREE INVENTORY REPORT - AUGUST 21, 2020)



kpff

780 FLOWER ST., SUITE 2100
LOS ANGELES, CA 90017
P: 213.266.5294
WWW.KPFF.COM

OWNERS:

TELEVISION CITY STUDIOS LLC
4080 INCE BOULEVARD
CULVER CITY, CA 90232
ATTN: BRENT KOUJAN
(310) 473-8900

SUBDIVIDER:

TELEVISION CITY STUDIOS LLC
4080 INCE BOULEVARD
CULVER CITY, CA 90232
ATTN: BRENT KOUJAN
(310) 473-8900

LAND SURVEYOR:

KPFF CONSULTING ENGINEERS, INC.
700 S. FLOWER STREET, SUITE 2100
LOS ANGELES, CA 90017
CONTACT: CHRIS JONES, PLS
(213) 418-0201

LOS ANGELES DEPT. OF CITY PLANNING

SUBMITTED FOR FILING

TENTATIVE MAP

MAY 17 2024

REVISED MAP

FINAL MAP UNIT

DEPUTY ADVISORY AGENCY

REVISIONS

DATE ISSUED FOR

DATE 03/26/2024

PROJECT NUMBER 2000630

DRAWN BY NLAK

CHECKED BY CJ

SCALE AS SPECIFIED

PROJECT DESCRIPTION

7800, 7860, 7716, 7716, 7720 BEVERLY BLVD
LOS ANGELES, CA 90009

VESTING TENTATIVE TRACT MAP NO. 83387

SHEET NUMBER

SHEET 1 OF 2

PREPARED UNDER THE DIRECTION OF:

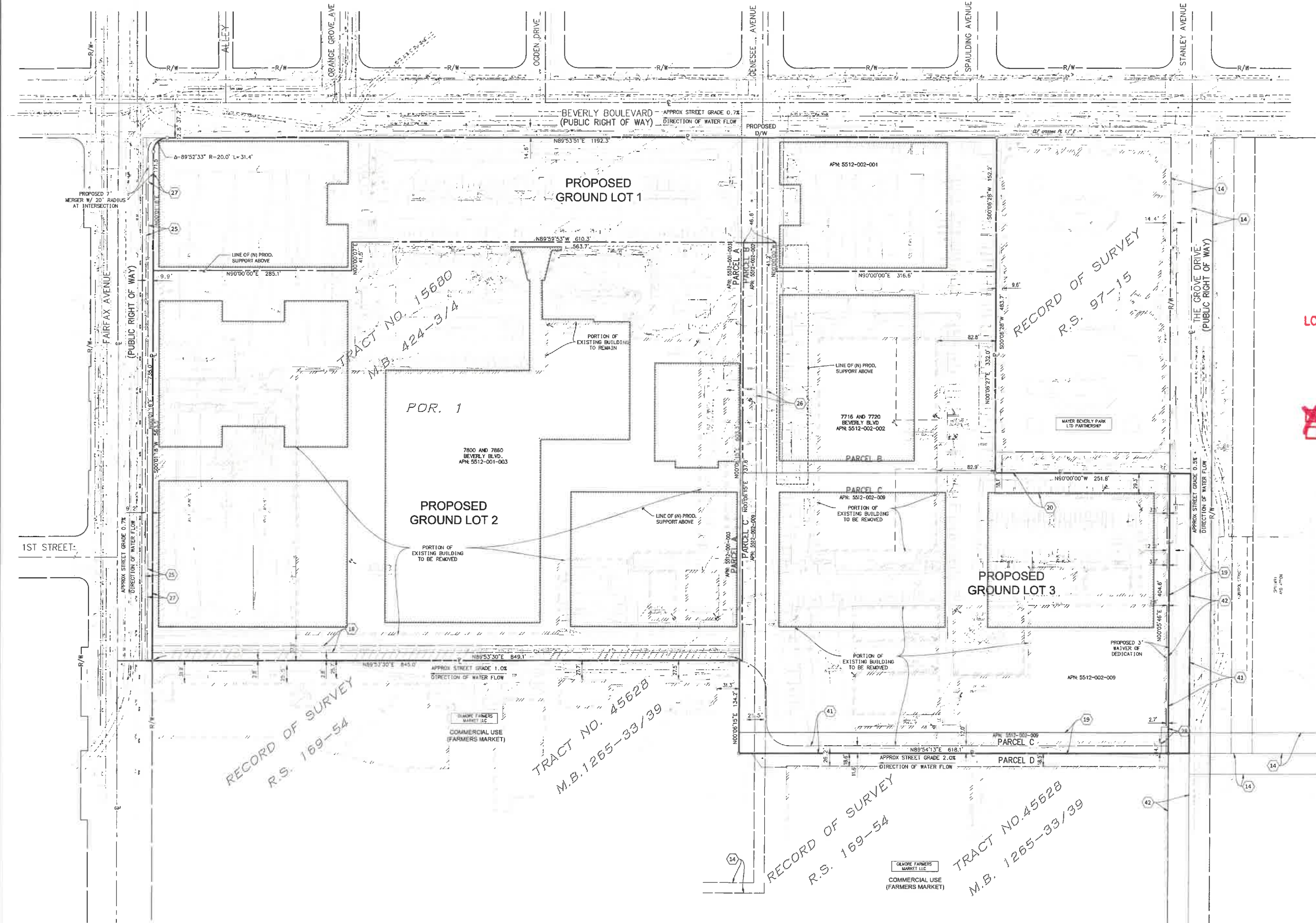
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03/26/2024



VESTING TENTATIVE TRACT MAP No. 83387

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LOS ANGELES DEPT. OF CITY PLANNING
SUBMITTED FOR FILING
TENTATIVE MAP

MAY 17 2024

REVISED MAP ☐ EXTENSION OF TIME
FINAL MAP UNIT ☐ MODIFIED
DEPUTY ADVISORY AGENCY



REVISIONS
DATE ISSUED FOR

DATE 03/25/2024

PROJECT NUMBER 2000630

DRAWN BY NLM/K

CHECKED BY CJ

SCALE AS SPECIFIED

PROJECT DESCRIPTION
7800, 7860, 7716, 7718, 7720 WEST BEVERLY BLVD
LOS ANGELES, CA 90036

VESTING TENTATIVE TRACT MAP NO. 83387

SHEET NUMBER

SHEET 2 OF 2

EXHIBIT C

Mitigation Monitoring Plan

VTT-83387-1A

September 12, 2024

IV. Mitigation Monitoring Program

1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

2. Organization

As shown on the following pages, each identified PDF and MM for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- **Enforcement Agency:** The agency with the power to enforce the PDF or MM.

- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation, and development are made.
- **Monitoring Phase:** The phase of the Project during which the PDF or MM shall be monitored.
- **Monitoring Frequency:** The frequency at which the PDF or MM shall be monitored.
- **Action Indicating Compliance:** The action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

3. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

4. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will

determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

5. Mitigation Monitoring Program

A. Air Quality

(1) Project Design Features

Project Design Feature AIR-PDF-1: Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature AIR-PDF-2: All new emergency generators will meet the emission standards included in Table 1 of SCAQMD Rule 1470 and

USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit (provide proof of compliance); field inspection sign-off

Project Design Feature AIR-PDF-3: The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and 5 miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-off

(2) Mitigation Measures

Mitigation Measure AIR-MM-1: Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology

documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier V requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit (provide proof of compliance); field inspection sign-off

Mitigation Measure AIR-MM-2: The Project's truck operator(s)/construction contractor(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014 model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

- **Enforcement Agency:** City of Los Angeles Department of City Planning; South Coast Air Quality Management District

- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Mitigation Measure AIR-MM-3: Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Mitigation Measure AIR-MM-4: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Mitigation Measure AIR-MM-5: To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

B. Cultural Resources

(1) Project Design Features

Project Design Feature CUL-PDF-1: Project Parameters—The following Project Parameters set forth the maximum permitted development footprint and building heights for new adjacent construction and additions to the Primary Studio Complex to ensure that the historic significance of the Primary Studio Complex is not adversely impacted by new construction. These Project Parameters will not limit the land uses or floor areas permitted under the proposed Specific Plan. Conceptual diagrams illustrating the Project Parameters set forth below are included in Section 9 of the Historical Resources Technical Report—TVC 2050 Project (Historic Report), provided in Appendix C of the Draft EIR.

Rehabilitation of the Primary Studio Complex and new construction adjacent to the Primary Studio Complex will comply with the following Project Parameters:

Rehabilitation of the Primary Studio Complex

- Preserve the existing character-defining features of the Primary Studio Complex, as detailed in designated Historic-Cultural Monument (HCM) No. 1167 (CHC-2018-476-HCM), and restore those character-defining features which, in some cases, have been compromised in the past (prior to this Project).¹
- Remove the non-historic Support Building addition on the west side of the Studio Building, thereby restoring the original volume of the Studio Building, revealing the currently obstructed portions of the Studio Building's original west wall and restoring areas that have previously been removed.
- Remove up to two bays of the Studio Building's west wall to allow for an interior east-west passage through the Primary Studio Complex.

¹ The character-defining features of the Primary Studio Complex are set forth in the findings that were adopted as part of the HCM designation (CHC-2018-476-HCM), which is included in Appendix C of the Historic Report of the Draft EIR (Draft EIR Appendix C.1).

- Remove the non-historic Mill Addition constructed in 1969 on the east side of the Service Building.
- Retain and rehabilitate the three-story office portion of the Service Building and its steel frame and glass curtain walls on the primary (north) and east façades.
- Remove the portion of the Service Building south of the three-story office, much of which has been altered since 1963.
- Replace the portion of the Service Building south of the three-story office with new construction that partially restores the original volume of the Service Building.
- Remove and/or extend the south façade of the Studio Building by up to 20 feet south.
- Remove portions of the roof of the Studio Building above the interior east-west passage to create a partial open-air corridor.

Rooftop Addition above the Primary Studio Complex

- Design any rooftop addition as a single rectangular volume.
- Design any rooftop addition to be a separate and distinct volume rather than as an integrated extension of the Primary Studio Complex.
- Limit the height of any rooftop addition to 36 feet in height when measured from the top of the parapet of the Studio Building (approximately 84 feet above Project Grade) to the roof of the rooftop addition.
- Set back any rooftop addition a minimum of 55 feet from the north façade of the Studio Building.
- Engineer the structural support of any rooftop addition so that it could be removed without impairing the essential form and integrity of the Primary Studio Complex.

Adjacent New Buildings

- Locate new buildings immediately adjacent to the Primary Studio Complex to the east and south of the Service Building and to the west of the Studio Building.
- For any new construction immediately east of the Service Building that exceeds the height of the Service Building, any occupiable structure will be set back southerly from the north façade of the Service Building by a minimum of 60 feet and separated from the east façade of the Service Building by a minimum of 15 feet.
- For any new construction immediately west of the Studio Building that exceeds the height of the Service Building, any occupiable

structure will be set back southerly from the north façade of the Service Building by a minimum of 150 feet and separated from the west façade of the Studio Building by a minimum of 10 feet.

- Limit new construction on the west and east of the Primary Studio Complex to 225 feet in height above Project Grade.
- Design new construction to the west and east of the Primary Studio Complex as distinct volumes.
- Permit up to six open-air bridges at the interior floor levels (three on the east and three on the west) to provide pedestrian access to the Primary Studio Complex and any rooftop addition from the adjacent new buildings.
- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during construction
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning/ Office of Historic Resources and subsequent issuance of applicable building permit

Project Design Feature CUL-PDF-2: Historic Structure Report—The Applicant will prepare a Historic Structure Report (HSR) that will further document the history of the Primary Studio Complex and guide its rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation (Rehabilitation Standards). The HSR will be completed prior to the development of the architectural and engineering plans for the Project. The HSR will be prepared based upon the National Park Service's Preservation Brief #43: The Preparation and Use of Historic Structure Reports. The HSR will thoroughly document and evaluate the existing conditions of the character-defining features of the Primary Studio Complex and make recommendations for their treatment. The HSR will also address changes to the buildings to suit new production techniques and modern amenities as well as their on-going maintenance after Project completion. The HSR will set forth the most appropriate approach to treatment and outline a scope of recommended work before the commencement of any construction. As such, the report will serve as an important guide for the rehabilitation of the Primary Studio Complex and will provide detailed information and instruction above and beyond

what is typically available prior to the rehabilitation of a historical resource.

- **Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during construction
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning/ Office of Historic Resources and subsequent issuance of applicable building permit

(2) Mitigation Measures

Mitigation Measure CUL-MM-1: Prior to the start of ground disturbance activities during Project construction, including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, removing peat, clearing, augering, stripping topsoil or a similar activity (Ground Disturbance Activities), a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (Qualified Archaeologist) shall be retained by the Applicant to prepare a written Cultural Resource Monitoring and Treatment Plan (CRMTP) in accordance with the Secretary of the Interior's Standards for Archeological Documentation, to reduce potential Project impacts on unanticipated archaeological resources unearthed during construction, with an emphasis on potential historical-period materials. The Applicant shall also coordinate with the Gabrieleño Band of Mission Indians—Kizh Nation who shall act in the capacity of the Tribal Consultant. A copy of the executed contract shall be submitted to the Department of City Planning prior to the issuance of any permit necessary for the Ground Disturbance Activities.

The CRMTP shall include the professional qualifications required of key staff, applicable regulatory requirements, monitoring protocols, provisions for evaluating and treating archaeological materials discovered during ground-disturbing activities, situations under which monitoring may be reduced or discontinued, and reporting requirements. Applicable regulations shall include but not be limited to Public Resources Code (PRC) Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1. The monitoring protocols shall include but not be limited to halting Ground Disturbance Activities

within at least a 25-foot radius in the event resources are discovered so that the significance can be determined. Treatment provisions shall include but not be limited to the following: statement of the preference for preservation in place (i.e., avoidance) per CEQA Guidelines Section 15126.4(b)(3); description of methods for the adequate recovery of scientifically consequential information; requirements to coordinate with the Tribal Consultant to ensure that consideration is given to the cultural values ascribed to a resource beyond that which is scientifically important in the event the resource is Native American in origin; and procedures for curating any archaeological materials at a public, non-profit curation facility, university or museum with a research interest in the materials. The CRMTP shall be approved by the Department of City Planning prior to commencement of any Ground Disturbance Activities.

Prior to commencing any Ground Disturbance Activities at the Project Site, the Applicant shall retain an archaeological monitor who is qualified to identify archaeological resources and shall work under the direction of the Qualified Archaeologist. The Tribal Consultant shall designate a Native American monitor who will work in tandem with the archaeological monitor to identify resources. If no Native American monitor is designated within 30 days, the activity shall commence without the designated Native American monitor.

Prior to the commencement of any Ground Disturbance Activities, the archaeological monitor shall provide Worker Environmental Awareness Program (WEAP) training to construction workers involved in Ground Disturbance Activities that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction workers shall be informed about proper procedures to follow should a worker discover a cultural resource during Ground Disturbance Activities. In addition, construction workers shall be shown examples of the types of resources that would require notification of the archaeological monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing that the training was completed for all construction workers involved in Ground Disturbance Activities.

The Qualified Archaeologist shall coordinate the proper implementation of this mitigation measure during the demolition and excavation phases of the Project. The archaeological and Native American monitor shall observe all Ground Disturbance Activities until the Qualified Archaeologist and Tribal Consultant, in consultation with the archaeological and Native American monitors, determines monitoring is no longer necessary, as specified in the CRMTP. If Ground Disturbance Activities are occurring simultaneously at multiple locations on the Project Site, the Qualified Archaeologist shall

determine if additional monitors are required for other locations where such simultaneous Ground Disturbance Activities are occurring.

Within 30 days of concluding the archaeological monitoring, the Qualified Archaeologist shall prepare a memo stating that the archaeological monitoring requirement of the mitigation measure has been fulfilled and summarize the results of any archaeological finds. The memo shall be submitted to the Applicant and the Department of City Planning. In the event that archaeological resources are identified, a full technical report shall be prepared documenting the methods and results of all work completed under the CRMTP, including, if any, treatment of archaeological materials, results of artifact processing, analysis, and research, and evaluation of the resource(s) for the California Register of Historical Resources. The report shall be prepared under the supervision of the Qualified Archaeologist and submitted to the Department of City Planning within one year of completion of the monitoring, unless other arrangements are required given the nature of the discovery. The final report shall be submitted to the South Central Coastal Information Center.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety; Metro
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** To be determined by consultation with the Qualified Archaeologist if resource(s) are discovered
- **Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a Qualified Archaeologist; issuance of building permit(s)

C. Geology and Soils

(1) Project Design Features

Project Design Feature GEO-PDF-1: All development activities conducted on the Project Site will incorporate the professional recommendations contained in the Preliminary Geotechnical Engineering Investigation and all associated Addenda and/or alternative recommendations set forth in a site-specific, design-level geologic and geotechnical investigation(s) approved by the City Engineer, provided such recommendations meet and/or surpass relevant state and City laws, ordinances, and Code requirements, including California Geological Survey's Special Publication 117A and the City's Building Code. Such

professional recommendations will include, but will not be limited to, the following and may be revised or superseded in accordance with an approved final geotechnical investigation(s):

- Excavated fill materials will be removed and exported or properly removed and recompacted as controlled fill for foundation and/or slab support of lightly loaded structures.
- Imported soil materials will have an Expansion Index of less than 50.
- At-grade structures with column loads less than 500 kips will be supported on conventional foundations bearing in an engineered fill pad.
- Foundation piles will be used for high-load office buildings and parking structures.
- Temporary dewatering will be utilized during construction.
- Permanent structures will be designed for hydrostatic pressure such that the temporary construction dewatering system will be terminated at the completion of construction.
- Temporary shoring, such as conventional shoring piles and tiebacks, will be installed for excavation of the subterranean levels.
- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

Mitigation Measure GEO-MM-1: The services of a Qualified Professional Paleontologist who meets the Society of Vertebrate Paleontology ([SVP] 2010) standards, shall be retained prior to ground disturbance activities associated with Project construction in order to develop a site-specific Paleontological Resource Mitigation and Treatment Plan. As defined by the SVP (2010), a Qualified Professional Paleontologist, also Principal Investigator, or Project Paleontologist, is described as:

A practicing scientist who is recognized in the paleontological community as a professional and can demonstrate familiarity and proficiency with paleontology in a stratigraphic context. A paleontological Principal Investigator shall have the equivalent of the following qualifications:

1. A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the project occurs. An advanced degree is less important than demonstrated competence and regional experience.
2. At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts.
3. Proficiency in recognizing fossils in the field and determining their significance.
4. Expertise in local geology, stratigraphy, and biostratigraphy.
5. Experience collecting vertebrate fossils in the field.”

The Paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation efforts based on the types and depths of ground disturbance activities and the geologic and paleontological sensitivity of the Project Site. The Paleontological Resource Mitigation and Treatment Plan shall also include a description of the professional qualifications required of key staff, communication protocols during construction, fossil recovery protocols, sampling protocols for microfossils, laboratory procedures, reporting requirements, and curation provisions for any collected fossil specimens. The Paleontological Resource Mitigation and Treatment Plan shall be reviewed by the curatorial staff of the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County and/or the La Brea Tar Pits and Museum. The Draft Paleontological Resource Mitigation and Treatment Plan will be provided to the curatorial staff no later than four weeks before the start of excavation. A Worker Environmental Awareness Program, or WEAP, shall be conducted at the preconstruction meeting for the Project.

No monitoring would be required during excavation within artificial fill. This Qualified Professional Paleontologist shall supervise a Qualified Paleontological Resource Monitor who shall monitor all ground disturbance activities within high sensitivity deposits (e.g., Pleistocene age deposits), including asphaltic deposits in order to identify potential paleontological remains. As defined by the SVP (2010), a Qualified Paleontological Resource Monitor has the following qualifications (or their equivalent):

1. BS or BA degree in geology or paleontology and one year experience monitoring in the state or geologic province of the specific project. An associate degree and/or demonstrated experience showing ability to recognize fossils in a biostratigraphic context and recover vertebrate fossils in the field may be substituted for a degree. An undergraduate degree in geology or paleontology is preferable, but is less important than documented experience performing paleontological monitoring, or
2. AS or AA in geology, paleontology, or biology and demonstrated two years of experience collecting and salvaging fossil materials in the state or geologic province of the specific project, or
3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in the state or geologic province of the specific project.
4. Monitors must demonstrate proficiency in recognizing various types of fossils, in collection methods, and in other paleontological field techniques.

In the event of a paleontological resource discovery, the monitor has the authority to divert and/or re-direct ground-disturbing activities in the area of the find, and rope off a protective barrier of at least 50 feet in length to evaluate the unanticipated find.

If significantly disturbed deposits or younger deposits too recent to contain paleontological resources are encountered during construction, the Qualified Professional Paleontologist may reduce or curtail monitoring in those affected areas, after consultation with the Applicant and the Los Angeles Department of City Planning's Office of Historic Resources.

Post-construction, a report shall be prepared detailing paleontological resources discovered during construction. The paleontological resources must be prepared, identified, curated, and donated to a repository, such as the Natural History Museum of Los Angeles County or the La Brea Tar Pits and Museum.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during grading and excavation activities; to be determined by consultation with the Qualified Paleontologist if resource(s) are discovered
- **Action Indicating Compliance:** If unanticipated discoveries are found, submittal of compliance report by a Qualified Paleontologist

D. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The design of new buildings will incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program to be capable of meeting the standards of LEED Gold under LEED v4 or equivalent green building standards. Specific sustainability features that are integrated into the Project design will include, but will not be limited to, the following:

- a. Incorporate energy-saving technologies and components to reduce the Project's electrical use profile. Examples of these components include the use of light-emitting diode (LED) and other efficient lighting technology, energy saving lighting control systems, such as light- and motion-detection controls (where applicable), and energy efficient heating, ventilation, and air conditioning (HVAC) equipment;
 - b. Use of Energy Star-labeled appliances (e.g., refrigerators, air conditioners, and water heaters) consistent with California Code of Regulations (CCR) Title 20 (Appliance Efficiency Regulations);
 - c. Reduce indoor water use by at least 20 percent;
 - d. Plumbing fixtures (water closets and urinals) and fittings (faucets) that exceed Los Angeles Municipal Code (LAMC) performance requirements; and
 - e. Weather-based irrigation system and water-efficient landscaping with use of drought tolerant plants in up to 60 percent of the proposed landscaping.
- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
 - **Monitoring Agency:** City of Los Angeles Department of Building and Safety
 - **Monitoring Phase:** Pre-construction; construction
 - **Monitoring Frequency:** Once at Project plan check; once during field inspection
 - **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-2: Upon buildout of the Project, the Project will provide photovoltaic panels on the Project Site capable of generating a minimum of 2,000,000 kilowatt-hours annually.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-3: The use of portable gasoline or diesel generators at basecamps or elsewhere on-site will be prohibited. Installation of a backbone electrical grid will be provided so that plugs (i.e., electrical hookups) are available at basecamp areas. In addition, four EV chargers will be installed for the four shuttle parking spaces in the Mobility Hub.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-4: The use of portable combustion equipment (e.g., street sweeper, forklifts, aerial lifts) including landscape equipment will be prohibited on-site.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

E. Hazards and Hazardous Materials

(1) Project Design Features

Project Design Feature HAZ-PDF-1: The Project Applicant will update, and the Project will comply with, the Consolidated Contingency Plan for the Project Site. This will include spill prevention measures such the use of secondary containment storage and storing materials away from drains in leak-proof containers with tight-fitting lids. Spill response measures will include the evacuation of unnecessary employees from a spill area, the use of absorbent materials in the case of small spills or evacuating all employees, calling 911, and reporting to Los Angeles Fire Department (LAFD) in the case of large spills. Absorbent materials used to clean small spills will be placed in a leak-proof container that is compatible with the waste, labeled as hazardous waste, and lawfully disposed of as such. Notifications will be made to the Health Hazardous Waste Materials Division of the LAFD and the California Office of Emergency Services (Cal OES) as necessary.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature HAZ-PDF-2: The Project Applicant will update, and the Project will comply with, the Television Studios Emergency Action Plan and associated emergency exit and assembly maps. The Emergency Action Plan will include procedures for earthquakes, emergency evacuation, fires, medical emergencies, and active shooters.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature HAZ-PDF-3: The Project Applicant will update, and the Project will comply with, the Television Studios Safety Manual. This manual will include, among other measures, safety procedures and requirements for personnel working at heights and procedures that ensure the safety of crew members when servicing or repairing equipment that is capable of a spontaneous release of stored mechanical, electrical, or hydraulic energy, or which could be inadvertently energized.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature HAZ-PDF-4: The Project Applicant will update, and the Project will comply with, the Television Studios Injury and Illness Prevention Program (IIPP). The IIPP will include protocols regarding responsibility, compliance, employee communication, hazard assessment, accident/exposure investigation, hazard correction, training and construction, and recordkeeping.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance)
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit

Project Design Feature HAZ-PDF-5: Prior to demolition, existing buildings and structures will be tested to determine if they include asbestos-containing materials (ACMs). If present, ACMs will be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with applicable federal, state, and local regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to the South Coast Air Quality Management District (SCAQMD) and LAFD for review and approval.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Fire Department; South Coast Air Management District
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of building permit; field inspection sign-off

Project Design Feature HAZ-PDF-6: Prior to demolition, existing buildings and structures will be sampled to determine if they contain lead-based paint (LBP). If LBP is present, standard handling and disposal practices will be implemented pursuant to Occupational Safety and Health Act regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to LAFD for review and approval.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of building permit; field inspection sign-off

(2) Mitigation Measures

Mitigation Measure HAZ-MM-1: Soil Management Plan (SMP)—The Project Applicant shall implement the SMP prepared by Geosyntec, provided as Appendix B of the Site Summary Report, which shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the commencement of excavation and grading activities. The entire Project Site shall be subject to the general protocols described in the SMP regarding prudent precautions and general observations and evaluations of soil conditions to be implemented throughout earthwork, grading, excavation, or other soil disturbance activities on the Project Site.

The protocols in the SMP include, but are not limited to, the following:

- Special precautions shall be taken to manage soils that will be disturbed during Project earthwork activities in areas containing Chemicals of Concern (COCs) above screening levels (SLs). These areas include the former Texaco gas station and other select areas of the Project Site with elevated total petroleum hydrocarbons (TPH) and arsenic in shallow soil, as shown in the Site Summary Report. Soil in these areas of the Project Site with residual COCs above SLs shall either be excavated prior to commencing excavation and grading operations in these areas or segregated and stockpiled prior to off-site disposal.
- The following requirements and precautionary actions shall be implemented when disturbing soil at the Project Site other than imported backfill: no soil disturbance or excavation activities shall occur without a Project Site-specific Health and Safety Plan (HASP). Any soil that is disturbed, excavated, or trenched due to onsite construction activities shall be handled in accordance with applicable local, state, and federal regulations. Prior to the re-use of the excavated soil or the disposal of any soil from the Project Site, the requirements and guidelines in the SMP shall be implemented. The General Contractor shall conduct, or have its designated subcontractor conduct, visual screening of soil during activities that include soil disturbance. If the General Contractor or subcontractor(s) encounter any soil that is stained or odorous (Suspect Soil), the General Contractor and subcontractor(s) shall immediately stop work and take measures to not further disturb the soils (e.g., cover suspect soil with plastic sheeting) and inform the property owner's representative and the environmental monitor. The environmental monitor, an experienced professional trained in the practice of the evaluation and screening of soil for potential impacts working under the direction of a licensed Geologist or Engineer, shall be identified by the property owner prior to the beginning of work.
 - If Suspect Soil is encountered on the Project Site, the environmental monitor shall collect samples for analysis to characterize the soil for potential on-site re-use or off-site disposal per the provisions provided in the SMP.
 - Prior to excavation activities, the General Contractor or designated subcontractor shall establish specific areas for stockpiling Suspect Soil, should it be encountered, to control contact by workers and dispersal into the environment, per the provisions provided in the SMP.
 - In the event of soil import to the Project Site, soil must be screened and evaluated in accordance with the Department of Toxic and Substance Control (DTSC) advisory regarding clean imported fill material. The General Contractor or designated

subcontractor shall require that the source of the imported soil provide documentation of such evaluation.

- The General Contractor shall ensure that on-site construction personnel comply with all applicable federal, state, and local regulations, as well as the State of California Construction Safety Orders (Title 8). Additionally, if Suspect Soil is expected to be encountered, personnel working in that area shall comply with California Occupational Safety and Health Administration regulations specified in CCR Title 8, Section 5192. The General Contractor shall prepare a Project-specific HASP. It is the responsibility of the General Contractor to review available information regarding Project Site conditions, including the SMP, and potential health and safety concerns in the planned area of work. The HASP should specify COC action levels for construction workers and appropriate levels of personal protective equipment (PPE), as well as monitoring criteria for increasing the level of PPE. The General Contractor and each subcontractor shall require its employees who may directly contact Suspect Soil to perform all activities in accordance with the General Contractor and subcontractor's HASP. If Suspect Soil is encountered, to minimize the exposure of other workers to potential contaminants on the Project Site, the General Contractor or designated subcontractor may erect temporary fencing around excavation areas with appropriate signage as necessary to restrict access and to warn unauthorized on-site personnel not to enter the fenced area. It is anticipated that all soil will be immediately loaded onto trucks for disposal and stockpiling on-site would not be necessary. If soil needs to be temporarily stored on-site, the stockpiled soil will be stored on the Project Site interior away from public interfaces on the perimeter.
- The General Contractor shall implement the following measures as provided in the SMP to protect human health and the environment during construction activities involving contact with soils at the Project Site: decontamination of construction and transportation equipment; dust control measures; storm water pollution controls and best management practices; and proper procedures for the handling, storage, sampling, transport and disposal of waste and debris.
- In the event volatile organic compound (VOC)-contaminated soil is encountered during excavation onsite, a South Coast Air Quality Management District (SCAQMD) Rule 1166 permit shall be obtained before resuming excavation. Rule 1166 defines VOC-contaminated soil as a soil which registers a concentration of 50 ppm or greater of VOCs as measured before suppression materials have been applied and at a distance of no more than

three inches from the surface of the excavated soil with an organic vapor analyzer calibrated with hexane. Either a SCAQMD Various Locations permit and plan, or a Project Site-specific permit and plan shall be required, depending upon the volume of soil to be excavated. Notifications, monitoring, and reporting related to the SCAQMD Rule 1166 permit shall be the responsibility of the General Contractor. If a Rule 1166 permit is required, an air monitoring plan may be required by the SCAQMD. Air monitoring plans are intended to protect the surrounding community from harmful exposure to VOCs and typically entail stationary monitoring stations for sample collection for laboratory analysis. Protection of onsite construction workers shall be accomplished by the development and implementation of the HASP.

- Known below-grade structures at the Project Site (i.e., storm water infrastructure) shall be removed from the ground or cleaned, backfilled, and left in place as appropriate during grading and excavation. If unknown below-grade structures are encountered during Project Site grading and excavation, the General Contractor shall promptly notify the property owner's representative the same day the structure is discovered. Based on an evaluation of the unknown below-grade structure by the appropriate professional (e.g., environmental monitor, geotechnical engineer), the property owner shall address the below-grade structure in accordance with applicable laws and regulations.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District; California Department of Toxic Substances Control
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Mitigation Measure HAZ-MM-2: During construction activities at the Project Site, controls shall be in place to mitigate the effects of subsurface gases and impacted soil and groundwater on workers and the public. During construction, the following shall be implemented:

- Monitoring devices for methane and benzene shall be present to alert workers of elevated gas concentrations when basement or subsurface soil disturbing work is being performed;

- Contingency procedures shall be in place if elevated gas concentrations are detected such as the mandatory use of PPE, evacuating the area, and/or increasing ventilation within the immediate work area where the elevated concentrations are detected;
- Workers shall be trained to identify exposure symptoms and implement alarm response actions;
- Soil and groundwater exposed during excavations shall be minimized to reduce the surface area which could off-gas. This shall be achieved by staggering exposed excavation areas;
- Soil removed as part of construction shall be sampled and tested for off-site disposal in a timely manner. If soil is stockpiled prior to disposal, it shall be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP);
- Fencing shall be erected to limit public access and allow for gas dilution; and
- A HASP shall be prepared to describe the proposed construction activities and hazards associated with each activity. Hazard mitigation shall be presented in the HASP to limit construction risks to workers. The HASP shall include emergency contact numbers, maps to the nearest hospital, gas monitoring action levels, gas response actions, allowable worker exposure times, and mandatory PPE requirements. The HASP shall be signed by all workers on-site to demonstrate their understanding of the construction risks.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

F. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices, consistent with manufacturers' standards. All equipment will be properly maintained to

assure that no additional noise due to worn or improperly maintained parts will be generated.

- Construction contractors will schedule construction activities to avoid the simultaneous operation of construction equipment within 100 feet of receptor location R1 (Broadcast Center Apartments) to minimize noise levels resulting from operating several pieces of high-noise-level emitting equipment such as drilling rigs, excavators, and concrete pumps.
- Construction equipment staging areas will be located at least 100 feet from receptor location R1. Contractors will place stationary noise sources on the Project Site at least 100 feet from receptor location R1.
- A telephone hot-line for use by the public will be established to report any adverse noise conditions associated with the construction of the Project. The hot-line telephone number shall be posted at the Project Site during construction in a manner visible to passersby with a minimum spacing of one sign for each 200 feet of the perimeter. In the event that the noise complaint is Project construction-related, the Applicant shall:
 - Document and respond to each noise complaint;
 - Conduct an investigation to attempt to determine the source of noise related to the complaint;
 - Take all reasonable measures to reduce the noise at its source; and
 - Submit a monthly summary report of the Project-related noise complaints to the City Planning Department or Building and Safety.
- Hydraulic tools will be used instead of pneumatic tools within 100 feet from receptor location R1, when commercially available.
- All impact tools will be shrouded or shielded within 100 feet from receptor location R1.
- Construction equipment will not be idled for extended periods of time (more than 5 minutes) within 100 feet of receptor location R1, as specified by CARB.
- Music (i.e., workers' radios) from the construction site will not be audible at off-site noise-sensitive receptors.
- Large 40-yard dumpsters will not be located within 200 feet from receptor location R1; or, if located within 200 feet of receptor location R1, a sound barrier blocking the line of sight to the dumpster from receptor location R1 will be required.

- Within 100 feet from any sensitive receptor location, the Project would utilize electric or battery powered construction equipment for the following pieces of equipment: tower cranes; mounted placing booms; scissor lifts; welding machines once permanent power is in place; swing stages; light towers for limited durations; concrete saw; and some light material forklifts (except for heavy material lifting) once concrete is in place.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at plan check (provide proof of compliance); periodically during construction
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Project Design Feature NOI-PDF-2: Project construction will not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); periodically during construction
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Project Design Feature NOI-PDF-3: Outdoor mounted mechanical equipment will be enclosed or screened by the building design (e.g., a roof parapet or mechanical screen) from the view of off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction, construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once at field inspection

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant prior to Certificate of Occupancy

Project Design Feature NOI-PDF-4: Outdoor amplified sound systems for outdoor gatherings (non-production uses) on roof decks, if any, will be designed so as not to exceed a maximum noise level of 85 A-weighted decibels (dBA) (L_{eq-1hr}) at a distance of 25 feet from the amplified speaker sound systems in any roof deck gathering areas located within 15 feet from the northern, southern and western property lines and within 40 feet from the eastern property line, and 95 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified speaker sound systems within the interior portions of the Project Site². A qualified noise consultant will provide written documentation that the design of the system complies with these maximum noise levels.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once at field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant prior to Certificate of Occupancy

Project Design Feature NOI-PDF-5: Outdoor studio production activities will be prohibited within 200 feet of the Shared Eastern Property Line adjacent to the existing multi-family residence located immediately east of the Project Site (receptor location R1) between the hours of 10 P.M. and 7 A.M.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once at field inspection

² Based on the conceptual site plan shown in Section II, Project Description, of the Draft EIR, the potential roof decks along the perimeter were assumed to be at least 75 feet above adjacent grade and the roof decks within the interior portion of the Project Site were assumed to be at least 50 feet above grade.

- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant prior to Certificate of Occupancy

(2) Mitigation Measures

Mitigation Measure NOI-MM-1: A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the adjacent residential and park uses to the east, the temporary sound barrier shall be designed to provide a minimum 16-A-weighted decibels (dBA) noise reduction at the ground level of receptor locations R1 and R2. In addition, the temporary sound barrier along the Shared Eastern Property Line (between the Project Site and the Broadcast Center Apartments (R1)) shall be 30 feet high. The sound barriers shall be constructed when construction activities are located within 700 feet and 560 feet of receptor locations R1 and R2, respectively.
- Along the northern property line of the Project Site between the construction areas and the motel (receptor location R3) and school (receptor location R4) on the north side of Beverly Boulevard and the residential uses along Orange Grove Avenue, Ogden Drive, Genesee Avenue, and Spaulding Avenue (represented by receptor location R5), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum 9-dBA, 5-dBA and 8-dBA noise reduction at the ground level of receptor locations R3, R4, and R5 respectively. The sound barriers shall be constructed when construction activities are located within 280 feet, 300 feet, and 490 feet of receptor locations R3, R4 and R5, respectively.
- Along the western and a portion of the southern property lines of the Project Site between the construction areas and residential uses on Hayworth Avenue (receptor location R7) and the residential and motel uses on the west side Fairfax Avenue (receptor location R8), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum 15-dBA and 10-dBA noise reduction at the ground level of receptor locations R7 and R8, respectively. The sound barriers shall be constructed when construction activities are located within 700 feet and 340 feet of receptor locations R7 and R8, respectively.
- Along an approximately 250-foot segment of the southern portion of the Project property line between the construction areas and the Gilmore Adobe, a temporary sound barrier shall be designed to

break the line-of-sight and provide a minimum 15 dBA noise reduction at the ground level of the Gilmore Adobe.³ The sound barrier shall be constructed when construction activities are located within 700 feet of the Gilmore Adobe.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; submittal of compliance report from noise consultant

G. Public Services—Police Protection

(1) Project Design Features

Project Design Feature POL-PDF-1: During Project construction, the Applicant will implement security measures including security fencing, low-level security lighting, locked entry, and security patrols.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; field inspection sign-off

Project Design Feature POL-PDF-2: During operation, the Project will incorporate a 24/7 security plan to ensure the safety of its employees and visitors.

³ The Gilmore Adobe (also referred to as the Rancho La Brea Adobe) is a commercial use. A commercial use is not a sensitive receptor for purposes of the noise analysis under CEQA. Nonetheless, the Gilmore Adobe was treated hypothetically as a residential use for informational purposes in response to comments on the Draft EIR.

The Project's security plan will include, but will not be limited to, the following design features:

- Security fencing, walls, landscaping, and/or other elements to create a physical barrier at the Project Site perimeter;
- Points of entry will be secured by elements such as guard booths, key card passes, and pedestrian and vehicular access controls;
- A 24-hour security camera network to provide visual surveillance of outdoor areas, parking facilities, and other activity areas;
- Private on-site security staff, including at guard booths to control entry, and regular security patrols of the Project Site; and
- Appropriate staff training on security protocols, including site and building access control, managing and monitoring fire/life/safety systems, and patrolling the Project Site.
- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and submittal of compliance documentation by Applicant; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-3: The Project will include appropriate lighting of buildings and walkways to provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into buildings.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-4: The Project will include appropriate lighting of parking areas, elevators, and lobbies to maximize visibility and reduce areas of concealment.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-5: The design of the Project's entrances to and exits from buildings, open spaces around buildings, and pedestrian walkways will be open and in view of surrounding sites.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-6: Prior to the issuance of a building permit, the Applicant will consult with Los Angeles Police Department's (LAPD's) Crime Prevention Unit regarding the incorporation of feasible crime prevention features appropriate for the design of the Project.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction

- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); prior to the issuance of applicable building permit
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature POL-PDF-7: Upon completion of Project construction and prior to the issuance of a certificate of occupancy, the Applicant will submit a diagram of the Project Site to LAPD's Wilshire Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); prior to the issuance of applicable building permit
- **Action Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

H. Transportation

(1) Project Design Features

Project Design Feature TR-PDF-1: A detailed Construction Traffic Management Plan, including street closure information, a detour plan, haul routes, and a staging plan, will be prepared and submitted to the City for review and approval prior to commencing construction. The Construction Traffic Management Plan will formalize how Project construction will be carried out and identify specific actions that will reduce effects on the surrounding community. The Construction Traffic Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site and will include, but not be limited to, the following elements, as appropriate:

- The Project Applicant will designate a construction manager to serve as a liaison with the surrounding community and respond to any construction-related inquiries. Publicly visible signs will be posted at various locations with the liaison's contact information to

contact regarding dust complaints. The South Coast Air Quality Management District's phone number will also be included to ensure compliance with applicable regulations.

- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.
- Prohibition of construction worker or equipment parking on adjacent streets or in predominantly residentially zoned areas.
- Temporary pedestrian, bicycle, and vehicular traffic controls (e.g., flag people trained in pedestrian and bicycle safety at the Project Site's driveways) during all construction activities adjacent to Fairfax Avenue, Beverly Boulevard, and The Grove Drive, to ensure traffic safety on the public right-of-way.
- Scheduling of construction-related activities to reduce the effect on traffic flow on surrounding major roadways.
- Containment of construction activity within the Project Site boundaries, to the extent feasible.
- Coordination with the Los Angeles Department of Transportation (LADOT) Parking Meter Division to address any potential loss of metered parking spaces.
- Implementing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Rerouting construction trucks to reduce travel on congested streets.
- Provision of dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, subject to LADOT approval.
- Prohibition of haul truck staging on any streets adjacent to the Project Site, unless specifically approved as a condition of an approved haul route.
- Spacing of trucks so as to discourage a convoy effect.
- Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind.
- Maintenance of a log, available on the Project Site at all times, documenting the dates of hauling and the number of trips (i.e., trucks) per day.
- Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities and posting of the telephone

number at the Project Site readily visible to any interested party during site preparation, grading, and construction.

- Obtaining the required permits for truck haul routes from the City prior to the issuance of any building permit for the Project.
- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit (provide proof of compliance); once during field inspection
- **Action Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off

Project Design Feature TR-PDF-2: The Project will implement a series of transportation demand management (TDM) measures that exceed the requirements established in the current TDM Ordinance. The TDM strategies will be implemented for the Project Site as a whole and will be available to both the existing and new employees on-site. The TDM Program will be subject to review and approval by the City, and the Project Applicant will record a Covenant and Agreement to ensure that the TDM Program will be maintained. The following TDM strategies will be implemented as proposed under the TDM Program:

- **Educational Programs/On-Site Coordinator:** A coordinator will reach out to employees directly to promote the benefits of TDM. The coordinator will provide information on public transit and any related incentives, flexible work schedules and telecommuting programs, pedestrian and bicycle amenities, rideshare/carpool/vanpool programs, and parking incentives. Marketing activities, including printed/posted materials and digitally distributed information, will ensure that employees and visitors at the Project Site are aware of the benefits of the TDM Program and all of the mobility options available on-site and in the surrounding area.
- **Transportation Information Center/Kiosks via Mobility Hub:** The Project will install a transportation information center at a Mobility Hub. The transportation information center will provide employees and visitors with information regarding transit, commute programs, and non-vehicular travel planning. Informational digital bulletin boards and wayfinding information will be displayed along pedestrian paths to direct pedestrians to the Mobility Hub, nearby transit stops, bicycle parking, and bikeshare facilities.

- **Bicycle Parking and Amenities:** In order to facilitate bicycle use, the Project will provide short-term and long-term bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC), as well as valet service, showers, lockers, and bicycle service areas and repair stands within the Project Site. The Project will incorporate features for bicyclists, such as exclusive access points and secured bicycle parking facilities. The Project Applicant will also contribute toward the implementation of bicycle improvements within the Study Area in accordance with the Mobility Plan.
- **Pedestrian Amenities:** The Project will incorporate features for pedestrians, such as landscape improvements, exclusive access points, and upgraded pedestrian facilities and bus stops. Additionally, the Project Site will be designed to be a safe, friendly, and convenient environment for pedestrians. The Project will provide more pedestrian-friendly sidewalks and areas along Fairfax Avenue, Beverly Boulevard, and The Grove Drive and maintain internal walkways throughout the Project Site. The Project Applicant will also contribute toward pedestrian facilities improvements as part of Vision Zero.
- **Shuttle Service:** The Applicant will either operate or fund van or shuttle service for employees and visitors between the proposed Metro D (Purple) Line Wilshire/Fairfax Station and the Project Site. The shuttle will operate during typical commuter peak periods and provide service from or near the Project Site to the Metro D Line Wilshire/Fairfax Station. The shuttle service will enhance employee and visitor access to the Metro D (Purple) Line and, therefore, result in greater reductions in vehicle trips and vehicle miles traveled (VMT). Additionally, the Mobility Hub could support future shuttle services to connect to existing and future transit stations (e.g., the Metro B [Red] Line or Metro K [Crenshaw North] Line Extension).
- **Ride-Share Matching and Carpool/Vanpool Program:** The on-site TDM coordinator will provide ride-share matching services to match interested employees with similar commuters into carpools and vanpools.
- **Neighborhood Enhancements:** The Project will enhance the transportation mobility around the immediate Project Site area to encourage alternative transportation modes and connections to the Project Site from off-site locations. The Project will also enhance the existing crosswalks at the signalized intersections along Beverly Boulevard at Fairfax Avenue and Stanley Avenue/The

Grove Drive to current LADOT standards with new continental crosswalks and black and white contrast markings.⁴

- **First-Mile/Last-Mile Options:** In recent years, there has been a proliferation of new options for personal transportation that help to address first-mile/last-mile connectivity issues with public transit. These options include motorized scooters, skateboards, and bicycles, as well as human-powered bicycles. Some of these options involve personal ownership (various types of electric skateboards, bicycles, and scooters) and some are publicly available for short-term rentals (electric scooters, Metro Bike Share pedal-powered bicycles). These services are rapidly evolving and gaining widespread acceptance, and it is anticipated that by the time the Project is completed, the landscape for these services, as well as the regulatory issues surrounding some of them, may look substantially different. The Applicant is committed to forward-thinking in the design and implementation of the Project and will provide support for such services at the Mobility Hub, as appropriate. Specifically, as required by LADOT, the Mobility Hub will include space to accommodate support uses, storage, maintenance, and staging facilities. These services will give employees and visitors a variety of travel mode choices and, therefore, encourage the use of non-automobile modes to and from the Project Site and reduce VMT.
- **Carpool/Vanpool Parking and Loading via Mobility Hub:** The Mobility Hub will provide safe and convenient passenger loading areas for employee carpools/vanpools along with access to the Project Site's internal roadway network to get to the parking structures. Additional passenger loading areas are also proposed on Fairfax Avenue, Beverly Boulevard, and the Southern Shared Access Drive for carpools, vanpools, shuttles, ride-share, taxi, and other commercial and non-commercial vehicles. Bus or shuttle loading and unloading would not occur within 75 feet of the Broadcast Center Apartments without a noise barrier in place.
- **Guaranteed Ride Home Program:** A Guaranteed Ride Home program assures that transportation service will be provided to individuals who commute without their personal automobiles. This program overcomes one of the primary concerns of those who may choose alternative modes of transportation, which is how to get home or to a child's school in the case of an emergency. In the event of personal or family emergencies, the individual will be

⁴ While LADOT recommended in their Assessment Letter for the Transportation Assessment (Draft EIR Appendix M.2) to improve the visibility of crosswalks, all crosswalks adjacent to the Project Site have since been improved with continental crosswalks.

reimbursed for a taxi ride, ride-share ride, or short-term car rental. This program will cover all employees participating in the carpool/vanpool program or using transit to and from the Project Site. A support service, such as Guaranteed Ride Home, is an important part of TDM implementation that assures an individual will not be dependent on a carpool or transit schedule in the event of an emergency.

- **Transit Infrastructure Improvements:** The Project will improve the existing transit infrastructure at bus stops located within the immediate vicinity of the Project Site along Fairfax Avenue and Beverly Boulevard. This will include, where applicable, upgrades to provide adequate benches, shelters, lighting, light-emitting diode (LED) displays, and signage.
- **Enforcement Agency:** City of Los Angeles Department of Transportation, City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of building permit (provide proof of compliance); once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Approval of TDM program from LADOT; issuance of Certificate of Occupancy; submittal of compliance documentation by Applicant

Project Design Feature TR-PDF-3: The Project will include the following off-site Vision Zero safety improvements:⁵

- Where applicable, the Project will improve the existing pedestrian infrastructure at the bus stops located around the Project Site perimeter along Fairfax Avenue and Beverly Boulevard to include adequate benches, shelters, lighting, LED displays, and signage to the extent feasible under the City of Los Angeles' current bus shelter contract.
- The Project Applicant will contribute toward the funding of pedestrian facilities and safety improvements within the Study Area, including a pedestrian hybrid beacon at Stanley Avenue and Melrose Avenue.

⁵ While LADOT recommended in their Assessment Letter for the Transportation Assessment (Draft EIR Appendix M.2) to improve the visibility of crosswalks, all crosswalks adjacent to the Project Site have since been improved with continental crosswalks.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy for the appropriate development phase according to the Transportation Improvement Program Schedule in the Transportation Assessment
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy for the appropriate development phase according to the Transportation Improvement Program Schedule in the Transportation Assessment

Project Design Feature TR-PDF-4: The Project Applicant will contribute \$1.34 million toward transportation systems management (TSM) improvements within the Project area that may be considered to better accommodate intersection operations and increase network capacity throughout the Study Area. LADOT's Automated Traffic Surveillance and Control (ATSAC) Section has identified the following improvements within the Project area along Fairfax Avenue, Beverly Boulevard, and The Grove Drive:

- Fairfax Avenue and Beverly Boulevard—Signal upgrades, 351 cabinet with new signal controller, system loop, flashing yellow arrow at Beverly Boulevard for the westbound left-turn.
- Fairfax Avenue and Oakwood Avenue—Northbound and southbound system loops.
- Fairfax Ave and 3rd Street—Signal upgrades, new cabinet, flashing yellow arrow for eastbound and westbound left turn.
- The Grove Drive and 3rd Street—New signal controller for leading pedestrian interval.
- The Grove Drive and Beverly Boulevard—Closed Circuit TV (CCTV) camera, new cabinet and signal controller for leading pedestrian interval.
- The Grove Drive Corridor—Signal communication including conduit, 25 pair interconnect, 24SM single mode fiber, pull boxes, and ground cables.
- Beverly Boulevard and Genesee Avenue—System loops for eastbound and westbound, and new cabinet and westbound left turn phasing (if warranted).
- Beverly Boulevard and Gardner Street—System loops for eastbound and westbound.

- Beverly Boulevard and Curson Avenue—System loops for eastbound and westbound.
- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of applicable Certificate of Occupancy for the earliest of the three Project features identified in the Transportation Improvement Program Schedule in the Transportation Assessment
- **Action Indicating Compliance:** Written verification of payment of fees to the City of Los Angeles Department of Transportation or implementation of TSM improvements; issuance of Certificate of Occupancy for the earliest of the three Project features identified in the Transportation Improvement Program Schedule in the Transportation Assessment

Project Design Feature TR-PDF-5: The Project will install left-turn signal phases at the following three key intersections: Fairfax Avenue and 3rd Street, Martel Avenue/Hauser Boulevard and 3rd Street, and La Brea Avenue and 3rd Street.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy for the appropriate development phase according to the Transportation Improvement Program Schedule in the Transportation Assessment
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy for the appropriate development phase according to the Transportation Improvement Program Schedule in the Transportation Assessment

I. Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

Project Design Feature WAT-PDF-1: In addition to any existing applicable regulatory requirements, the Project design will incorporate the following water conservation features to support water conservation:

- High-Efficiency Toilets with a flush volume of 1.1 gallons per flush or less.
- Showerheads with a flow rate of 1.5 gallons per minute or less.
- ENERGY STAR Certified Residential Dishwashers—standard with 3.0 gallons/cycle or less.
- Drip/Subsurface Irrigation (Micro-Irrigation).
- Proper Hydro-Zoning/Zoned Irrigation (groups plants with similar water requirements together).
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check (provide proof of compliance); once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

EXHIBIT D

Appeal Points and Responses

VTT-83387-1A

September 12, 2024

EXHIBIT D.1

Appeal Points and Responses, prepared by Eyestone Environmental

VTT-83387-1A

September 12, 2024

TO: Paul Caporaso
City of Los Angeles Department of City Planning

FROM: Eyestone Environmental

SUBJECT: TVC 2050 Project—Response to Appeal Comments
VTT-83387-1A, ENV-2021-4091-EIR

DATE: September 3, 2024

CC: Milena Zasadzien and Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, Erratum No. 1 to the EIR (Erratum) was published on April 5, 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. The Draft EIR, Final EIR and Erratum are collectively referred to herein as the EIR and was prepared in accordance with CEQA and City policy.

On behalf of Save Beverly Fairfax, Carstens, Black & Minter submitted a letter dated April 17, 2024, that stated that the Project refinements made in response to public comments required recirculation of the Draft EIR. In response, on behalf of the Applicant, Park & Velayos submitted a response letter dated May 8, 2024, demonstrating that recirculation of the EIR was not required by CEQA. Refer to the Response to Save Beverly Fairfax April 2024 Letter, which is included in Exhibit D.2 of the Appeal Report.

A joint public hearing for the Project with the Deputy Advisory Agency (DAA) and Hearing Officer on behalf of the City Planning Commission (CPC) was held on May 15, 2024. In association with this joint hearing, the City received seven written comment letters from Ronald Benson; Carstens, Black & Minter on behalf of Save Beverly Fairfax; Caruso (The Grove, LLC); Keith Nakata; Loeb & Loeb on behalf of the A.F. Gilmore Company; Park La Brea Impacted Residents Group (Barbara Gallen—PLBIRG); Sheppard Mullin on behalf of AIR Communities. On behalf of the Applicant, responses to these letters were included as part of a Memorandum dated May 15, 2024 (hereafter referred to as the May 2024 Hearing Response Memorandum), which is included in Exhibit D.2 of the Appeal Report.

The Advisory Agency issued a Letter of Determination (LOD) on May 28, 2024, certifying the EIR and approving the Vesting Tentative Tract Map (VTTM). Subsequently, nine appeals were filed by the following parties:

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September 3, 2024

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- Appellant 1: The Grove, LLC, represented by Latham & Watkins LLP
- Appellant 2: Peter Hayden, on behalf of A.F. Gilmore, represented by Loeb & Loeb LLP
- Appellant 3: Patti Shwayder, on behalf of Mayer Beverly Park Limited Partnership, represented by Sheppard Mullin Richter & Hampton LLP
- Appellant 4: Save Beverly Fairfax, represented by Carstens, Black & Minter, LLP
- Appellant 5: Beverly Wilshire Homes Association, represented by Carstens, Black & Minter, LLP
- Appellant 6: Fix the City
- Appellant 7: Danielle Peters, on behalf of Neighbors for Responsible TVC Development
- Appellant 8: Greg Goldin, on behalf of Miracle Mile Residents Association
- Appellant 9: Barbara Gallen, on behalf of Park La Brea Impacted Residents Group

The Appeal Justifications submitted by the Appellants are included as Exhibit A of the Appeal Report. The Appeal Justifications are generally duplicative of the comments received during the Draft EIR public comment period, and of the comments received as part of the joint hearing that were responded to by the Applicant in the May 2024 Hearing Response Memorandum, included as Exhibit D.2 of the Appeal Report. Unless otherwise noted below, the issues raised in these comments have been thoroughly responded to as part of the Final EIR.

This memorandum provides responses to each of the appeal points provided by the respective Appellants. Responses related to transportation are based on input from Gibson Transportation Consulting, Inc. As demonstrated by the responses below, and the responses within the Final EIR, none of the comments that have been received constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Specifically, none of the comments received disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the EIR, nor do the comments contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.



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Appellant No. 1

Maria P. Hoyer
o/b/o The Grove, LLC
Latham & Watkins LLP
355 S. Grand Ave., Ste. 100
Los Angeles, CA 90071-3104

Appeal Point No. 1-1

The Grove, LLC ("Appellant") appeals the City's Advisory Agency's May 28, 2024, approval of the Vesting Tentative Tract Map ("VTTM") and related certification of the Final Environmental Impact Report ("EIR") for the TVC 2050 Project (Case Numbers VTT-83387 and ENV-2021-4091-EIR, together with the related Case Numbers CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; CPC-2021-4090-DA, the "Project"). This appeal is based on the reasons set forth herein and additional evidence and arguments that will be presented at or ahead of the appeal hearing.

The Advisory Agency issued a Letter of Determination ("LOD") on May 28, 2024, purportedly approving a VTTM, certifying the Project's Final EIR, and adopting Environmental Findings, a Statement of Overriding Considerations ("SOC") and an unknown Mitigation Monitoring Program ("MMP"). The Advisory Agency's process was inconsistent with the law, including CEQA, and the VTTM fails to comply with the requirements of the Subdivision Map Act and the Los Angeles Municipal Code ("LAMC").

Among a number of failures to comply with the law, the LOD purportedly approved a map that (i) was filed **after** the Advisory Agency's hearing, (ii) is different than the map attached to the publicly issued staff report, (iii) is different than the map made available to the public before the hearing, and (iv) is different than the map considered at the Advisory Agency hearing. The LOD approved a map that was **never circulated to the Subdivision Committee** as required by the LAMC. The LOD approved a map that lacks the information required of vesting tentative tract maps by law. And, finally, the LOD approved a map that is inconsistent with the Project described in the recently published modified Specific Plan and the Final EIR.

Each violation of the law noted above requires the City to start the process over. Given these failures, the approval of the VTTM is invalid on its face as is the Final EIR's certification.

The Advisory Agency abused its discretion and failed to proceed in the manner required by law in approving the VTTM, certifying the Final EIR, and adopting the Environmental Findings, SOC, and MMP. The Advisory Agency did not follow the LAMC's requirements and procedures, the Subdivision Map Act, or CEQA, and there is no substantial evidence supporting the Advisory Agency's findings.

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Appellant is an interested person adversely affected by the Advisory Agency's determination. Appellant is the ground lessee of adjacent land and operates a business immediately adjacent to the Project. Appellant will be directly impacted by the Project.

A. The Advisory Agency's Decision Violates CEQA

We incorporate by reference our September 13, 2022, comments on the Draft EIR, Appellant's May 14, 2024, letter prior to the Advisory Agency hearing, and all opposition comments submitted to the Advisory Agency regarding the Project.

Appeal Response No. 1-1

This comment generally introduces the letter and summarizes the points made below. Refer to Appeal Response Nos. 1-2 through 1-15, below for specific issues raised by the Appellant. As demonstrated therein, the Advisory Agency did not abuse its discretion, as the VTTM approval, the certification of the EIR, and the adoption of the CEQA Findings, SOC and MMP were completed in accordance with the LAMC and State law. Furthermore, as these appeals were filed subsequent to the effective date of Processes and Procedures Ordinance, whether the decision-maker erred and abused in their discretion is no longer the standard of review on which appeals are based. Instead, pursuant to LAMC Section 13.A.2.8.E.1 (Standard of Review), "Unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing." Refer also to the VTTM Topical Response included in the Appeal Report (VTTM Topical Response) regarding the adequacy and appropriateness of the VTTM approval and associated processes.

The Appellant's September 13, 2022, comments regarding the Draft EIR are fully responded to as part of Letter No. 26 within Section II, Responses to Comments, of the Final EIR (refer to pages II-496 through II-164). In addition, the Appellant's May 2024 written comments and other opposition comments that were submitted to the DAA and Hearing Officer were responded to by the Applicant as part of the May 2024 Hearing Response Memorandum, included as Exhibit D.2 of the Appeal Report.

Appeal Point No. 1-2

As discussed therein, the Project's Final EIR does not comply with CEQA. The Project, which has not been properly described, would have significant impacts on the surrounding community that are not disclosed and are not mitigated.

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An EIR must inform the public of what the Project actually is, the Project's significant impacts, and the feasible mitigation measures or alternatives that avoid or reduce these impacts. The Final EIR falls short of those mandates, failing even to meet the most basic requirement of describing the Project. The Final EIR lacks crucial data, analyses, and mitigation measures that should have been included across all technical sections. These errors are compounded by the alleged approval of a map that is not consistent with the "project" the EIR assessed.

Appeal Response No. 1-2

The Final EIR was prepared by City Planning, as Lead Agency, in accordance with CEQA and the CEQA Guidelines. Responses to specific issues raised by the Appellant are addressed below. Note that the Draft EIR provides a description of the Project that fully complies with CEQA as discussed in detail in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. In addition, the Draft EIR includes a comprehensive analysis of the potential impacts associated with the Project as well as feasible mitigation measures to reduce the significant impacts of the Project. In addition, this comment provides no substantial evidence to support the claim that the map is not consistent with the Project the EIR assessed. Further, the Updated VTTM is consistent with the Project as described in the Erratum, dated April 5, 2024, as it reflects building footprint modifications per Project refinements submitted by the Applicant on February 23, 2024.

Appeal Point No. 1-3

Moreover, after the Final EIR was released by the City, the Project applicant and the City continued to change the Project. On April 5, 2024, the City released hundreds of pages of new information for a modified Project, including a modified Specific Plan with several technical appendices, a draft Sign District, and an Erratum to the Final EIR with several technical appendices. The Final EIR, including the Erratum, and additional new information compound the fact that the EIR fails as an informational document by failing to provide a clear project description. *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 13 ("Analyzing a 'set of environmental impact limits,' instead of analyzing the environmental impacts for a defined project, [is] not consistent with CEQA.")

Appeal Response No. 1-3

To address the Project refinements, an Erratum was published in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. As the associated Specific Plan and Sign District, and required appendices, reflect the scope of development analyzed in the EIR, modifications were necessary to reflect the Project's refinements. Additionally, it should be noted that the previous iterations of the Specific Plan and Sign District were consistently referred to as drafts, implying that further modifications would occur. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR

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(pages II-71 to II-75) and Response to Comment No. 9-13 of the Final EIR regarding how the Project description is distinguishable in all material respects from the project description at issue in the *Millennium* case. As discussed therein, the project at issue in the *Millennium* case is not similar to the Project because, among other reasons, *Millennium* project involved development of individual buildings rather than a specific plan project.

Appeal Point No. 1-4

The City's response to the over six hundred comment letters on the Draft EIR was inadequate, often conclusory, and lacking any evidentiary support.

Appeal Response No. 1-4

Section II, Responses to Comments, of the Final EIR, which is nearly 3,000 pages, provides detailed responses to issues raised in the 608 public comment letters received during the Draft EIR review period. The comment does not provide any specific evidence to support the claim that the Final EIR is inadequate, conclusory, and lacking evidentiary support, so no further response can be provided.

Appeal Point No. 1-5

The City failed to properly revise and recirculate the EIR as required under CEQA.

The purportedly adopted MMP was not included with the LOD. The LOD on page 13 references the MMP attached as Exhibit B, but there is no Exhibit B. Therefore, it is unclear what mitigation measures were adopted.

Appeal Response No. 1-5

As discussed in Response to Comment No. 9-4 of the Final EIR, the Draft EIR was completed in full compliance with CEQA and recirculation of the Draft EIR is not warranted. Further, all of the mitigation measures and PDFs were included within the CEQA Findings as part of the LOD. In addition, no changes to the MMP have been made since it was published in the Final EIR dated November 21, 2023, and the November 21, 2023 MMP was included as part of the Tract Report. The MMP is not missing and the MMP includes all of the same mitigation measures that were included in the EIR. Also note that a draft of the MMP was also included as part of the Final EIR.

Appeal Point No. 1-6

For all these reasons, the Advisory Agency abused its discretion and violated CEQA in certifying the Final EIR and adopting the Environmental Findings, SOC, and unknown MMP.

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Appeal Response No. 1-6

The comment provides no substantial evidence to support the claim that the Advisory Agency abused its discretion. Refer also to Appeal Response No. 1-1 regarding the De Novo standard of review for which appeals are considered under the Processes and Procedures Ordinance.

Appeal Point No. 1-7

B. The Advisory Agency Illegally Approved a Map Filed After the Advisory Agency's May 15 Public Hearing

The LOD purports to approve a VTTM filed two days **after** the Advisory Agency's hearing that is substantially different from the map attached to and analyzed in the Advisory Agency's staff report and considered at the hearing. This was error.

The Advisory Agency hearing staff report attached a map dated March 26, 2021. The Advisory Agency met on May 15 to hold a hearing on the map dated March 26, 2021. Yet the "approved" VTTM is dated May 17, 2024. The "approved" VTTM was not made available to the public prior to the hearing. It also appears that this May 17th VTTM was never circulated to the Subdivision Committee. Approving a map that was never circulated to the Subdivision Committee, never made available to the public, and different from the version that was the subject of the Advisory Agency's staff report and hearing violates the LAMC, which requires the Advisory Agency to submit the map to be approved to the Subdivision Committee and to consider the map at a public meeting. LAMC § 17.03.B.

This "approved" map is completely different from the one attached to the staff report. And this "approved" map is inconsistent with the project described in the Final EIR. The Bureau of Engineering, Department of Building and Safety—Grading Division, and Bureau of Street Lighting, only seem to have reviewed and commented on the map attached to the staff report. None of them commented on this new May 17, 2024, map the Advisory Agency purported to approve. This error cannot be cured by a Planning Commission hearing. The City needs to start again and circulate to the Subdivision Committee and public a new map consistent with the requirements of the Subdivision Map Act, the LAMC, and as described in the Final EIR, and hold a new Advisory Agency hearing.

Appeal Response No. 1-7

Refer to the VTTM Topical Response for a narrative regarding the VTTM and the DAA's approval complied with all applicable regulations and procedures. As described therein, the Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC because they are substantially identical in that they both demonstrate compliance with the technical requirements of the LAMC, were submitted to and made a part of the public record on March 27, 2024, prior to the

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May 15, 2024, public hearing, and the minor revisions to an interior lot line in Updated VTTM were insignificant thus not requiring recirculation to the Subdivision Committee. The Appellant fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.

Appeal Point No. 1-8

C. The “Approved” Map Lacks the Details a Vesting Tentative Tract Map Requires

LAMC Sections 17.06 and 17.15 detail what must be included in a VTTM. This detail is lacking from both the original map attached to the Advisory Agency hearing staff report and the “approved” map.

By way of example only, the “approved” map is missing the grading, cut/fill and import/export quantities, building envelopes showing height, size, number of units, and location of buildings, driveways, and perimeter walls and fences. Because the “approved” map lacks the information required to file and process the map, it cannot acquire vesting rights back to Applicant’s initial filing in 2021 even if these deficiencies are corrected.¹

These failings also violate the Subdivision Map Act, which requires more specific information to be included on VTTMs compared to tentative maps. Gov. Code § 66498.8(d); see *also* Gov. Code § 66452(b).

¹ There is also confusion as to what has been approved regarding street widths. The Bureau of Engineering included a three-foot dedication along Grove Drive as a condition of approval. The LOD states that a waiver of a three-foot dedication along The Grove Drive has been requested and the waiver is shown on the VTTM. But the LOD is silent as to whether the waiver request is granted or denied. The VTTM could not have been approved without denial of the waiver, which the Advisory Agency did not include in the LOD.

Appeal Response No. 1-8

Refer to the VTTM Topical Response regarding the adequacy and appropriateness of the VTTM approval and associated processes. As described therein, the Project’s VTTM complies with all applicable provisions of LAMC Sections 17.06 B and C and 17.15 B.1. These sections set forth the information required to be displayed on a VTTM and when a proposed VTTM must provide associated architectural plans in conjunction with its application identifying details regarding building envelope, height, size, number of units, and locations of buildings, driveways, and perimeter walls and fences. The items specified by Section 17.15 B.1 of the LAMC (building envelope, height, size, number of units, and location of buildings, driveways, fences and walls) are referring to details shown on architectural plans, not items that must be displayed on a VTTM. The Appellant also fails to realize that grading plan including cut/fill and import/export quantities is required only for VTTMs located in

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Hillside Areas. For any tentative map located outside of a Hillside Area, LAMC Section 17.05 L grants the Advisory Agency an option to require detailed grading plans at their discretion. However, it is not a minimum requirement requiring the Project to submit grading plans including cut/fill and import/export quantities in conjunction with an application for any tentative map. Nonetheless, both the Original Project and Modified Project's grading plans including cut/fill and import/export quantities were analyzed in detail in the Draft EIR, Final EIR, and Erratum which comprised the CEQA determination the DAA relied on in their determination. Specifically, page 21 of the Erratum identifies that the Modified Project contains no changes to the grading envelope of the Original Project which was analyzed in full in the Draft EIR and Final EIR.

California Government Code Sections (GCS) 66498.8(d) and 66452(b) require any application for a VTTM to be filed and processed in the same manner as a tentative map except as otherwise provided by a local ordinance or state law. Section 66498.8(d) states that, where 66498.8(a) requires a locality to adopt ordinances or resolutions necessary to implement the Subdivision Map Act, the ordinances or resolutions may not require more information than that related to the conferred rights under the Act, except where necessary to determine what type of CEQA clearance should be required for the VTTM, or to comply with federal or state requirements. Section 66452(b) simply states that "[a] vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by this division or by a local ordinance adopted pursuant to this division." This is the opposite of what the Appellant implies that Section 66452(b) requires. As demonstrated above, the Project's VTTM complies with all applicable requirements of the local ordinance. Compliance with Article 7 of Chapter 1 of the LAMC therefore constitutes compliance with GCS 66498.8(d) and 66452(b).

The Appellant also includes comments regarding street widths. The VTTM dated March 26, 2021 proposed a 7-foot merger along Fairfax Avenue and a waiver of dedication of three feet along The Grove Drive. As stated on page 2 of the Tract Report, prior to the public hearing, the Applicant withdrew the 7-foot merger request but continued to request the 3-foot waiver of dedication. During the hearing, the Hearing Officer stated that staff does not recommend approval of any relief from the 3-foot dedication along The Grove Drive. The DAA approval dated May 28, 2024, requires the 3-foot dedication as Condition of Approval No. 3 (page 2 of the LOD) and included Condition of Approval No. 8 (page 3 of the LOD) to require a revised map to be submitted satisfactory to the Department of City Planning and the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easements adjoining the subdivision.

Appeal Point No. 1-9

D. The Advisory Agency's Decision Violates the Subdivision Map Act

The Subdivision Map Act requires a public agency considering approval of a map to make certain findings. A map must be denied if (i) the map, or the design or improvement of the proposed

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subdivision is inconsistent with the applicable general and specific plans, (ii) the site is not physically suitable for the type or proposed density of development, (iii) the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (iv) the design of the subdivision or type of improvements is likely to cause serious public health problems, or (v) the design of the subdivision or type of improvements will conflict with certain public access easements. Gov. Code § 66474. The Advisory Agency abused its discretion in approving the VTTM.

Appeal Response No. 1-9

This comment provides a summary of GCS 66474 regarding the Subdivision Map Act. As demonstrated by the responses below, the Project fully complies with the Subdivision Map Act. Refer also to Appeal Response No. 1-1 regarding the De Novo standard of review for which appeals are considered under the Processes and Procedures Ordinance, and the VTTM Topical Response regarding the adequacy and appropriateness of the VTTM approval and associated processes. Findings required by the Subdivision Map Act are included on pages 110 to 119 of the LOD.

Appeal Point No. 1-10

Overall, the LOD's findings are inconsistent with the information in the Final EIR. For that reason alone, the Advisory Agency abused its discretion. The Project studied in the Final EIR is a different project from what is proposed in the VTTM, which as discussed above was not even the map that was considered by the Advisory Agency during the May 15 hearing.

Appeal Response No. 1-10

Following publication of the Final EIR, the Project was modified in response to public comment. These changes are detailed and analyzed in the Erratum for the Project which was made available on the City's website in April 2024, well in advance of the May 15, 2024, hearing. The Erratum demonstrates that no new impacts or a substantial increase in significant impacts already identified in the Draft EIR would occur as a result of the modifications to the Project which lessen the development scope of the Project. Further, as discussed in Appeal Response Nos. 1-11 and 1-15 below, the DAA's findings were made in accordance with Government Code Section 66474.

The plans for the Modified Project were provided to City Planning on March 27, 2024, which included the Updated VTTM. Refer to the VTTM Topical Response for details regarding Project compliance with the processes and procedures applicable to VTTMs set forth in the LAMC and regarding consistencies between the Original VTTM and Updated VTTM. While the Original VTTM was the basis for discussion with members of the Subdivision Committee during the hearing, the Updated VTTM was reviewed during the advisement period following the hearing. The Updated VTTM is included within the LOD and is consistent with the Modified Project and the Erratum.

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Appeal Point No. 1-11

As to the specific findings, **first**, the VTTM is inconsistent with the applicable General and Specific Plans, and would conflict with the objectives and policies of the General Plan. (Gov. Code § 66473.5; LAMC § 17.05.C). The TVC 2050 Specific Plan is still in draft form, and it would be impossible for the Advisory Agency to determine that the VTTM is consistent with what may ultimately be in the Specific Plan in order to make the required findings. The VTTM conditions relative to approval of the Specific Plan do not specify a version of the Specific Plan that must be approved. Unlike finding consistency with a proposed established zone, the Advisory Agency does not have a basis to confirm consistency with an unspecified Specific Plan. It's a moving target. Further, the map is inconsistent with the current draft Specific Plan. And as discussed in previous comments, the City has failed to analyze the potential impacts from the proposed General Plan Amendment to the Wilshire Community Plan, and the Final EIR and LOD failed to address potential consequences to adjacent properties from changing these land use designations. For this and other reasons, the Advisory Agency's finding regarding General Plan consistency is unsupported by the evidence in the record.

Appeal Response No. 1-11

The DAA found that the proposed VTTM and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the LOD. The Appellant does not provide any evidence of inconsistency and in fact does not identify any specific objective or policy with which the subdivision would conflict. The DAA approved the VTTM contingent upon the approval of the requested General Plan Amendment, Zone Change, Specific Plan and Sign District under related Case No. CPC-2021-4089-AD-GPA-ZC-HC-SP-SN per Condition of Approval No. 50, on page 10 of the LOD. LAMC Section 17.15 D.1 (now Section 13B.7.3 I.5 of Chapter 1A) states, "Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, the inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency." In compliance with the LAMC, the DAA included Condition of Approval No. 10.J, requiring the subdivider to obtain a Zone Change to the TVC Zone prior to clearing of the conditions and recording of the final map, as well as Condition of Approval No. 10.N, requiring compliance with the other entitlement approvals. Condition of Approval No. 50 further requires that a tract modification be submitted in the event CPC-2021-4089-AD-GPA-ZC-HC-SP-SN is not approved, at which point the DAA would make new requisite plan consistency findings, as necessary. This is consistent with LAMC Section 17.05 (C), Conformance to General Plan, which states that "[e]ach Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map".

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Regarding the comments about the Specific Plan, refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 26-5, of the Final EIR. The LOD itself states that the Draft TVC 2050 Specific Plan for the Modified Project (Draft Specific Plan) was made publicly available on City Planning's website on April 5, 2024.

Regarding the comment that the map is inconsistent with the Draft Specific Plan, the Appellant does not provide any evidence to support this contention. As discussed in the VTTM Topical Response, the VTTM approval is limited to the subdivision of land. The Updated VTTM does not conflict in any way with the April 5, 2024, version of the Draft Specific Plan or any other prior drafts as documented in the Final EIR, Erratum, Tract Report, and LOD. As stated on page 112 of the LOD, "[c]ontingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the Project Site, with a FAR of less than 2:1. The design and improvement associated with the proposed re-subdivision of the site to create three lots for a studio campus development would be consistent with these regulations, and the VTTM would be consistent with the General Plan and the proposed Specific Plan, as well as the density and floor area permitted by the Specific Plan and zone."

The CEQA land use impacts associated with the proposed General Plan Amendment were analyzed in Section IV.H, Land Use and Planning, of the Draft EIR and Section 2.2.8.2 of the Erratum, which is discussed on pages 35 to 36 of the LOD. As stated therein, impacts related to conflicts with applicable plans, policies and regulations would be less than significant. As discussed in the Erratum, the majority of the Project Site (approximately 60%) is currently designated Community Commercial, and the proposed General Plan Amendment would change the land use designations of the remainder of the Project Site to a unified Community Commercial designation. The Project is proposing an FAR of approximately 1.61:1, which represents an approximately seven percent increase from the existing 1.5:1 FAR. Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1.¹ The proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial. As documented in the EIR and LOD, the potential impacts to adjacent properties related to the General Plan Amendment have been thoroughly analyzed.

It should be noted that the DAA acted upon the VTTM and EIR only, and no decision was made on the remaining entitlements, including, among others, the proposed General Plan Amendment and

¹ General Plan Framework Element, Chapter 3—Land Use.

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Specific Plan, which will be considered by the City Planning Commission and City Council at a later date.

Appeal Point No. 1-12

Second, the site is not physically suitable for the type or proposed density of development, and the Advisory Agency's finding is unsupported by the evidence in the record. As discussed in previous comments, the proposed General Plan amendment and adoption of the TVC 2050 Specific Plan would increase the density of the Project Site, increase the FAR, and lead to growth inducing impacts not studied in the Final EIR. The Final EIR failed to analyze the actual Project, which is still undefined, and instead studied an undefined envelope of impacts that the Project might include. Further, the basic information required by the Subdivision Map Act to even evaluate the type and density of development proposed is lacking. Based on the information in the record, it is impossible for the Advisory Agency to find that the site is physically suitable for the type or proposed density of development, and therefore the Advisory Agency abused its discretion.

Appeal Response No. 1-12

The DAA determined that the Project Site is physically suitable for the type and proposed density of development based on substantial evidence and the findings provided on pages 112-116 of the LOD. As discussed above, an 1.5 FAR is currently permitted on the Project Site under existing zoning, and the Project is proposing an approximate seven percent increase for an 1.61 FAR. As stated on pages 115-116 of the LOD, the Project's floor area, density, and massing are appropriately scaled and situated given the existing uses in the surrounding area. The Project Site is a relatively flat infill lot in a developed urban area with adequate infrastructure, and the area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed development. The EIR, which is incorporated in the LOD by reference as part of the CEQA Findings, also include substantial evidence demonstrating that the Project is consistent with the applicable land use and density provisions of the General Plan and Wilshire Community Plan (see, e.g., Draft EIR Appendix I, Land Use Plans Consistency Analysis Tables; Erratum pages 55–59).

The potential growth-inducing impacts of the Project were analyzed in the EIR in accordance with CEQA Guidelines Section 15126.2(e). Refer to pages VI-14 to VI-17 in Section VI, Other CEQA Considerations, of the Draft EIR. The Draft EIR concluded that the direct and indirect growth-inducing impacts would be less than significant. The Final EIR references the Draft EIR's growth-inducing impact analysis in Response to Comment No. 48-2. In addition, the Erratum analyzed the growth-inducing impacts associated with the Modified Project on page 76 and similarly concluded that impacts would be less than significant. Further, the CEQA findings in the LOD discuss growth-inducing impacts on pages 102-104 and conclude that impacts would be less than significant.

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The comment regarding the Project Description is similar to the Appellant's prior comments, which is addressed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 26-11, of the Final EIR.

Appeal Point No. 1-13

Third, the Advisory Agency was required to deny the VTTM because the Final EIR for the Project is deficient and fails to address numerous significant environmental impacts that would result from the Project, which is also not clearly defined in the EIR. The record evidence does not provide support for a finding under the Subdivision Map Act that the Project would not cause substantial environmental damage,² or for the exemption from such a finding under Government Code Section 66474.01. Therefore, the design of the subdivision and improvements is likely to cause substantial environmental damage and the Advisory Agency's finding is unsupported by the evidence in the record.

² *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1355 (finding "substantial environmental damage" is equivalent to "significant effect on the environment" as used in CEQA, and documents prepared for CEQA could provide a sufficient factual record for making Subdivision Map Act findings).

Appeal Response No. 1-13

As discussed above in Appeal Response Nos. 1-2 and 1-4, the Final EIR is not deficient and the EIR provides a comprehensive evaluation of Project impacts along with mitigation measures to reduce the potentially significant impacts. Also refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding how Section II, Project Description, of the Draft EIR provides a clearly defined Project description consistent with CEQA requirements. On pages 2 through 31, the Erratum includes a detailed description of the refinements made to the Project in response to public comment.

The DAA's finding did not rely on an exemption under Government Code Section 66474.01. The DAA found that the design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, which is discussed in the Findings on page 116 of the LOD. This finding is supported by substantial evidence in the EIR, which the LOD incorporates by reference and are referenced on page 116 of the LOD. As discussed on pages VI-22 to VI 24 in Section VI, Other CEQA Considerations, of the Draft EIR, and on page 76 of the Erratum, the Project's impacts on biological resources would be less than significant. This is consistent with the case referenced in this comment, in which the court found that "[f]indings are required to state only ultimate rather than evidentiary facts" and "great specificity is not required. It is enough if the findings form an analytical bridge between the evidence

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and the agency's decision."² It should be noted that the Appellant has failed to provide any evidence of environmental damage, substantial or otherwise.

Appeal Point No. 1-14

Fourth, the Advisory Agency was required to deny the VTTM because the design of the subdivision or type of improvements are likely to cause serious public health problems as discussed in previous comments.

Appeal Response No. 1-14

This comment claims the Project is likely to cause public health problems, but provides no evidence to support this claim. However, in response to public comments, a detailed quantitative Health Risk Assessment (HRA) was prepared for informational purposes and was included as Appendix FEIR-10 of the Final EIR. The HRA demonstrates that the Draft EIR correctly determined that health risk impacts associated with construction and operation of the Project would be less than significant.

Appeal Point No. 1-15

Fifth, the Advisory Agency abused its discretion in finding the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. Examples of passive or natural heating opportunities in subdivision design are described in Government Code Section 66473.1, including design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, and to permit orientation of a structure to take advantage of shade or prevailing breezes. While the LOD states the applicant has "prepared and submitted materials which consider the local climate, contours and configuration of the lot(s) to be subdivided and other design and improvement requirements," these documents are not included with the LOD or in the publicly available documents for the Project, and it is unclear what these include. As discussed above, the Project is not clearly defined, and the VTTM considered by the Advisory Agency is not even the same map that was approved with the LOD. The Advisory Agency's finding is unsupported by the evidence in the record.

For the foregoing reasons, the Appellant respectfully requests that the City set a hearing on this appeal and that the City Planning Commission grant the appeal and vacate the Advisory Agency's approval of the Project.

² Topanga Ass'n for a Scenic Community v. County of Los Angeles (1989) 214 Cal.App.3d 1348, 1356, 1362.

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Appeal Response No. 1-15

As stated on pages 20 to 21 of the LOD, the following materials were incorporated by reference and made part of the record supporting the determination:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, Final EIR and Appendices, Erratum and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments' (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061);
- The Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

The DAA found that the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to GCS 66473.1, provides examples of passive or natural heating opportunities in the subdivision design, including the design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes. As discussed on pages 118-119 of the LOD, the topography of the Project Site has been considered in the maximization of passive or natural heating and cooling opportunities. In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the Project Site in relation to adjacent development.

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As discussed in the EIR and Erratum, the Project has committed to develop in accordance with LEED Gold or equivalent standards. These standards include guidance and requirements for elements such as site design and passive or natural heating and cooling. As illustrated in the EIR, Erratum, and Project plans, all of which are incorporated by reference in the LOD, the Project includes elements such as east-west orientation of the mixed-use media buildings located along the western edge of the Project Site fronting Fairfax Avenue and the northeastern portion of the Project Site front Beverly Boulevard, provides ample distance, ranging from 30 feet to 60 feet between these buildings and the next adjacent building with the integration of pedestrian promenades that promote walkability, access to natural light, and utilization of prevailing cross-breezes, and allocates a significant portion of the Project Site to bolster a reduction of the heat-island effect through limitation of paved asphalt parking areas combined with the introduction of landscape canopies that provide shade and improved thermal comfort for individuals. As discussed in the EIR and Erratum, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; solar panels; plumbing fixtures and fittings that comply with the performance requirements specified in the Los Angeles Green Building Code; weather-based irrigation systems; water-efficient plantings with drought-tolerant species; shade trees in public areas; green walls in some outdoor areas; vegetated roofs or cool roof systems to help reduce energy use; short- and long-term bicycle parking; electric vehicle charging infrastructure; a TDM Program; the proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate. The LEED standards and other design elements listed above are well beyond the requirements associated with the filing and approval of a VTTM.

Further, in accordance with GCS 66473.1(c), the DAA considered the local climate, contours, and configuration of the lots to be subdivided. This information is included in the Preliminary Solar Feasibility Report (also known as a Preliminary Solar Access Report) dated March 12, 2021, which was submitted as part of the VTTM Application and made part of the record in 2021. This is consistent with Condition of Approval No. 49.b, which requires that a solar access report be submitted to the satisfaction of the Advisory Agency prior to the issuance of a grading permit. Additionally, as stated in Response to Comment No. 26-E.1-38 of the Final EIR, and as committed to by the Project through Project Design Feature GHG-PDF-2, the Project will incorporate, at a minimum, two million kilowatt-hours of annual photovoltaic generation capacity, which would reduce the Project's electrical demand.

Regarding the Project definition, refer to Appeal Response No. 1-2, above.

Regarding the VTTM, refer to the VTTM Topical Response regarding the VTTM compliance with all applicable processes and procedures of the LAMC, and to Appeal Response No. 1-10 regarding the version of the VTTM made a part of the public record and considered by the DAA at the May 15, 2024, public hearing.

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Appellant No. 2

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Appeal Point No. 2-1

THE DEPUTY ADVISORY AGENCY'S FINDINGS ARE INVALID AS A MATTER OF LAW AND DO NOT SUPPORT TENTATIVE MAP APPROVAL

1. The Proposed Map is Not Consistent with Applicable General and Specific Plans.

The Deputy Advisory Agency's findings that the proposed map is consistent with applicable general and specific plans are not supported by substantial evidence because the Deputy Advisory Agency evaluated the Project against the Applicant's requested—but not adopted—proposed planning and zoning amendments rather than against “applicable” General and Specific Plans as required by Government Code Section 66474.

The Subdivision Map Act does not permit local planning authorities to base tentative tract and parcel map approvals upon ‘proposed’ General and Specific Plans. Government Code Section 66474.2(a) expressly provides that “the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.” (emphasis added). Government Section 66474.2(c) prohibits the application of Applicant requested changes unless they have been “adopted.”

Thus, the Deputy Advisory Agency's finding regarding consistency with applicable general and specific plan is *prima facie* invalid. Because of the Project's numerous inconsistencies with applicable general and specific plans. Government Code Section 66474 mandates that the tentative map be disapproved.

The Deputy Advisory Agency's assumed approval of the Applicant's proposed General Plan Amendment, Zone Change and Specific Plan in derogation of Sections 66474 and 66474.2 also evidences its impermissible bias as a decision-maker, the abandonment of its function as an impartial quasi-adjudicatory agency, that the public was denied due process and a fair hearing. Accordingly, the decision of the Deputy Advisory Agency should be overturned in its entirety and returned to the Planning Department for further action.

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It is the responsibility of the Deputy Advisory Agency—not the public—to conduct the analysis required by Section 66474, but—by way of examples only—the Project is demonstrably inconsistent with applicable general and specific plans in the many ways discussed below, each of which independently compels tentative map denial.

The majority of the Project Site is presently zoned C2-1 and C1.5-1, which limits building floor area to 1.5:1. The Project's 'admitted' floor area (and the Project's actual floor area is larger than the Applicant concedes as discussed below) exceeds the applicable 1.5:1 limit. Thus, the Project is inconsistent with applicable FAR limits.

Appeal Response No. 2-1

Refer to Appeal Response No. 1-11, above. As discussed therein, the proposed map is consistent with applicable general and specific plans.

Refer also to the VTTM Topical Response, above. As discussed therein, the DAA's approval complied with the Subdivision Map Act, including GCS 66474. This comment further mischaracterizes GCS 66474.2, which governs whether an approving agency must apply existing versus proposed development regulations when making a determination on a tentative map. Specifically, Section 66474.2(a) states: "***Except as otherwise provided in subdivision (b) or (c)***, in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code" (emphasis added). Section 66474.2(c) states: "If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply." In other words, State law requires that any proposed land use ordinance or other development regulations adopted in conjunction with a project be applicable to the future development occurring within the boundaries of the subdivision. In this instance, development of the Project occurring within the boundaries of the subdivision will be subject to the regulations of the proposed land use ordinances and resolutions. The DAA appropriately considered the proposed development regulations in making its determination, and appropriately conditioned the VTTM approval upon the approval of the other proposed entitlements, as discussed in Appeal Response No. 1-11, above.

As discussed in Appeal Response No. 2-9, below, the comment that the DAA assumed approval of the proposed General Plan Amendment, Zone Change and Specific Plan is incorrect. Further, the Appellant provides no evidence to support its claim of bias by the decision-maker.

Regarding the comment about the Project floor area refer to Topical Response No. 2, Definition of Floor Area Is Appropriate, and Response to Comment No. 5-7, of the Final EIR. As discussed above

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in Appeal Response No. 1-12, the Project is proposing an FAR of approximately 1.61, which represents an approximate seven percent increase from the existing 1.5 FAR. The Appellant appears to be asserting that the Project is inconsistent with the General Plan due to the minor increase in FAR. However, to be “consistent” with an applicable plan, the subdivision map must be “compatible with the objectives, policies, general land uses, and programs specified in” the applicable plan, and perfect conformity is not required (Government Code Section 66473.5). Rather, the subdivision map need only be “in agreement or harmony with” the applicable plan.³ In other words, a project must merely refrain from frustrating the general plan’s goals and policies in general. The City has broad discretion to balance the many competing policies expressed in the General Plan. The required finding is whether the subdivision map is compatible with, and does not frustrate, the General Plan’s goals and policies, and not whether it complies with an existing zoning regulation as the comment incorrectly asserts. The LOD correctly concluded, based on substantial evidence, that the map is consistent with applicable general and specific plans (see pages 110–111).

Appeal Point No. 2-2

In addition, the Project’s building heights are not consistent with the Project Site’s existing Mixed-Use Boulevard designation, which provides that Mixed-Use Boulevards are generally characterized by one- to two-story commercial structures, with up to three- to six-story mixed use buildings “between Centers.” The Project Site is not located “between Centers” and the Project Buildings exceed the one- to two-story limitation for Mixed Use Boulevards.

Appeal Response No. 2-2

Refer to Appeal Response No. 1-11. While the General Plan Framework Element (adopted in 1996) identifies Fairfax Avenue and Beverly Boulevard as Mixed-Use Boulevards (see Framework Element page 3-9) , the Framework Element describes itself as a general guide that does not convey entitlements, that the General Plan and local community plans are implemented through the land use designations and zoning regulations applicable to the site. The TVC Zone is a mixed-use zone and the Project would be compatible with the scale, density and height of surrounding areas. Refer to the land use consistency analysis on pages 55-59 of the Erratum and Appendix I of the Draft EIR. Thus, the Project is consistent with the Mixed-Use Boulevard district described in the Framework Element, as discussed on page 110 of the LOD.

Appeal Point No. 2-3

The Applicant’s intent, as disclosed in its original applications and as acknowledged by the Draft Environmental Impact Report (EIR) published by the City, is to create a ‘Regional Center’

³ *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 718.

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development at the Project Site. While the Applicant is no longer requesting such a designation under the Wilshire Community Plan, the development proposed by the Project remains a 'Regional Center.' in size, scale, character and massing. As discussed above, Mixed-Use Boulevards are generally characterized by one- to two-story commercial structures, and up to three- to six-story mixed use buildings between Centers.

Appeal Response No. 2-3

Refer to Appeal Response No. 1-11, above, and Response to Comment No. 11-3 of the Final EIR regarding the Regional Commercial designation under the Wilshire Community Plan and how that designation would not increase the size of the Project allowed under the requested entitlements. As discussed in the Erratum, in response to public comments, the size of the Project was reduced and the proposed land use designation for the Project Site was changed to Community Commercial. The majority of the Project Site (approximately 60%) is currently designated Community Commercial, and the proposed General Plan Amendment would change the land use designations of the remainder of the Project Site to a unified Community Commercial designation. As discussed on pages 55–56 of the Erratum, with the modifications, the Project proposes an FAR of approximately 1.61, which is less than the 1.75 FAR proposed under the Original Project and represents an approximate seven percent increase from the existing 1.5 FAR. Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1,⁴ and the Modified Project's proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial.

Refer to Appeal Response No. 2-2, above, regarding Mixed Use Boulevards.

Appeal Point No. 2-4

Many of the Project's proposed height zones permit buildings from 145-225 feet in height, which are the heights intended for Regional Center development according to the Framework Element of the General Plan. The Project Site is not located in a Regional Center.

Appeal Response No. 2-4

The proposed height limits are consistent with the Community Center designation as well as the surrounding community. The proposed Specific Plan would establish height subareas with maximum

⁴ General Plan Framework Element, Chapter 3—Land Use.

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height limits, which protect the HCM, open up views of the HCM from Beverly Boulevard, and concentrate building mass and height toward the center of the Project Site. Furthermore, the proposed building heights would be compatible with existing building heights in the Project vicinity that include a range of low- to high-rise buildings and the proposed height subareas establish building height maximums that do not currently exist within the Project Site. As discussed on page 55 of the Erratum, TVC is identified as a part of the Beverly-Fairfax Community Commercial Center in the Wilshire Community Plan, which is approximately 34 acres in size and generally bounded by Beverly Boulevard on the north, 3rd Street on the south, Gardner Avenue on the east, and Fairfax Avenue on the west. As stated in the Wilshire Community Plan, the Beverly-Fairfax Community Commercial Center “includes the Farmer’s Market shopping complex; CBS Television City Studios; and the Pan Pacific Regional Park.”

Appeal Point No. 2-5

Furthermore, the Project relies on proposed exemptions from numerous provisions of the currently applicable Zoning Code that are intended to control design, improvement, and use. These include, applicable regulations pertaining to the measurement of height, permitted use, definition of floor area, setbacks, vehicle and bicycle parking, sign regulations, open space and landscape requirements. The Project’s proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

The Project also proposes exemptions from the Mini-Shopping Centers and Commercial Corner Development requirements that are contained in LAMC Code Sections 12.22.A.23 and 12.24.W.27. The Project’s proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

The Project also relies on exemption from Street Dedications and Improvement that are required by LAMC Section 12.37. The Project’s proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

Appeal Response No. 2-5

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the purpose of a specific plan. Specific plans are a common type of land use ordinance that allow for development regulations that are tailored to the existing conditions of a site than the base zoning regulations. While a specific plan includes certain modifications to the code, it enacts rules and regulations to limit, guide and clarify why those modifications are necessary.

Citywide specific plans and other overlays are commonly used to prescribe height and floor area limitations differing from standard LAMC provisions. The proposed Specific Plan includes regulations

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regarding height, floor area, permitted uses, parking, signage, setbacks, landscaping, and open space that are specific to the purpose and intent of the development site and uses. A comprehensive analysis of the Project's potential to conflict with applicable land use plans and policies is provided in Appendix I of the Draft EIR and Table 3 of the Erratum. As demonstrated therein, the Project would not conflict with the applicable land use goals and objectives set forth in the General Plan Framework Element, Conservation Element, Mobility Plan 2035, Wilshire Community Plan, and the 2020–2045 RTP/SCS. Refer to Appeal Response No. 1-11, above, regarding the VTTM's consistency with applicable general and specific plans.

Appeal Point No. 2-6

The Project also proposes exemptions from the Mini-Shopping Centers and Commercial Corner Development requirements that are contained in LAMC Code Sections 12.22.A.23 and 12.24.W.27. The Project's proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

The Project also relies on exemption from Street Dedications and Improvement that are required by LAMC Section 12.37. The Project's proposed exemptions from these regulations represent additional inconsistencies with applicable general and specific plans.

Appeal Response No. 2-6

Refer to Appeal Response No. 2-5, above, regarding the purpose of a specific plan and consistency with applicable general and specific plans. As discussed therein, as with many other specific plans in the City, the Specific Plan would supersede certain LAMC code provisions (see Section 1.3 B of the Specific Plan). As discussed in the LOD and EIR, with approval of the proposed Specific Plan and other proposed approvals, the Project would be consistent with the LAMC and applicable general and specific plans.

Appeal Point No. 2-7

2. The Design and Improvement of the Proposed Subdivision Are **Not** Consistent with Applicable General and Specific Plans. The Deputy Advisory Agency's findings that the design and improvement of the proposed subdivision is consistent with applicable general and specific plans are not supported by substantial evidence because the Deputy Advisory Agency evaluated the Project against the Applicant's requested—but not adopted—proposed planning and zoning amendments rather than against "applicable" General and Specific Plans as required by Government Code Section 66474.

The Subdivision Map Act does not permit local planning authorities to base tentative tract and parcel map approvals upon 'proposed' General and Specific Plans. Government Code Section 66474.2(a)

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expressly provides that “the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.” (emphasis added). Government Section 66474.2(c) prohibits the application of Applicant requested changes unless they have been “adopted.”

Thus, the Deputy Advisory Agency’s finding regarding consistency with applicable general and specific plan is *prima facie* invalid. Because of the Project’s numerous inconsistencies with applicable general and specific plans. Government Code Section 66474 mandates that the tentative map be disapproved.

Appeal Response No. 2-7

Refer to Appeal Response No. 2-1, above, regarding how the DAA’s approval of the VTTM complies with GCS 66474 and 66474.2.

Appeal Point No. 2-8

As discussed above in detail, the design and improvement of the Project does not comply with the design and improvement requirements that apply to the C2-1 and C1.5-1 zones or those that apply to Mixed-Use Boulevards, or are otherwise applicable to regulate design, improvement and use.

Appeal Response No. 2-8

Refer to Appeal Response No. 2-2, above, regarding the Mixed-Use Boulevard designation.

Refer to Appeal Response No. 1-11, above. As discussed therein, the DAA found, contingent on the approval of the General Plan Amendment, Specific Plan, and other requested entitlements per Condition of Approval No. 50, that the proposed map and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the LOD.

Appeal Point No. 2-9

The Deputy Advisory Agency’s assumed approval of the Applicant’s proposed General Plan Amendment, Zone Change and Specific Plan also evidences its impermissible bias as a decision-maker, the abandonment of its function as an impartial quasi-adjudicatory agency, that the public was denied due process and a fair hearing. Accordingly, the decision of the Deputy Advisory Agency should be overturned in its entirety and returned to the Planning Department for further action.

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Appeal Response No. 2-9

As stated in the hearing notice, Tract Report, and re-stated during the public hearing, the DAA acted upon the VTTM and EIR only, and no decision was made on the remaining entitlements, which will be considered by the CPC and City Council at a later date. As discussed in Appeal Response No. 1-11, above, the DAA appropriately conditioned approval of the VTTM on the approval of the other entitlements under Case No. CPC-2021-4089-AD-GPA-ZC-HDSP-SN per Condition of Approval No. 50, which is consistent with the LAMC and the Subdivision Map Act.

Further, the Appellant provides no evidence to support its erroneous assertion regarding bias by the decision-maker. Approval of the VTTM also does not thwart the public participation process for the other entitlements or limit the ability for other decision-makers to exert their independent judgement in consideration of the merits of the requested entitlements. Required public hearings for both subdivision and zoning entitlements were held, and the decision-makers and recommending bodies for the General Plan Amendment and Zone Change and Height District Change will continue to consider public input on the requested entitlements.

Appeal Point No. 2-10

3. The Site is **Not** Physically Suitable for the Proposed Type of Development/The Site is **Not** Physically Suitable for the Proposed Density of Development.

The Applicant's intent, as disclosed in its original applications and as acknowledged by the Draft Environmental Impact Report (EIR) published by the City, is to create a 'Regional Center' development at the Project Site. However, The Project Site is not located in a Regional Center. While the Applicant is no longer requesting such a designation under the Wilshire Community Plan, the development proposed by the Project remains a 'Regional Center.' in size, scale, character and massing. The Project Site is not suitable for the type and density of 'Regional Center' development proposed by the Applicant.

Appeal Response No. 2-10

This comment is substantively similar to Appeal Point Nos. 1-12, 2-3 and 2-4. Refer to Appeal Response Nos. 1-12, 2-3, and 2-4, above.

Appeal Point No. 2-11

Since 1952, the Project Site was operated as a television studio and supporting offices for CBS Corporation. The Project Site is currently improved as a television studio. According to the Final EIR, the Project Site is improved with 743,680 square feet of television-studio related uses. Existing

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buildings including studios buildings, are well set back from surrounding property lines. The main studio building is 5 stories in height. Remaining primary buildings are two to three stories in height. The 18 ancillary buildings at the Project Site are one-story in height.

Appeal Response No. 2-11

The Project Site currently provides facilities for a wide variety of production and media types, which include, in addition to television studio uses, the facilities for productions including, but not limited to, live-audience recorded programs, live-broadcast programs, recorded episodic shows, motion pictures, music recordings, concert rehearsals, and greenscreen/motion capture. As discussed in Response to Comment No. 16-56 of the Final EIR, the Project Site is currently located in zones with minimal to zero setback requirements.

Appeal Point No. 2-12

The existing development at the Project Site accords with the designation of the Project Site as Mixed-Use Boulevard: generally characterized by one- to two-story commercial structures, and up to three- to six-story mixed use buildings between Centers.

Appeal Response No. 2-12

This comment is similar to Appeal Point No. 2-2. Refer to Appeal Response No. 2--2, above.

Appeal Point No. 2-13

The Applicant proposes to dramatically intensify development at the Project Site and change the Project Site's historic use from a television studio owned and operated by a single company to a regionally-scaled commercial office center, film and media center.

Appeal Response No. 2-13

The Project would continue the existing studio use and does not include a regionally-scaled office center. In addition, collectively, the permitted office uses would operate as ancillary uses and help facilitate and support the studio and the primary studio land uses that already occur on-site. General office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition. All modern studio campuses are comprised of a large percentage of office. Comparatively, the percentage of general and production office as a percentage of total program is as follows: approximately 78 percent for Sunset Bronson, approximately 83 percent for The Culver Studios, approximately 67 percent for Paramount Pictures, approximately 75 percent for Sunset Gower, and

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approximately 73 percent for the TVC Project. There is no intent by the Project to develop general office space unrelated to studio uses and operations.

Refer to Response to Comment No. 11-3 of the Final EIR and Appeal Response No. 1-11, above, regarding the size of the Project. As discussed therein, the Project would be compatible with surrounding uses and the proposed FAR is lower than the FAR permitted for surrounding properties. Specifically, the Project is proposing an FAR of approximately 1.61:1, which represents an approximate seven percent increase from the existing 1.5:1 FAR. Located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses with permitted FARs ranging from 3:1 to 6:1 for individual parcels (1.5:1 sitewide). The Broadcast Center Apartments has an FAR of approximately 2:1. Further, commercially zoned properties to the north and west of the Project Site are permitted an FAR of 3:1.

Appeal Point No. 2-14

The Applicant concedes that [sic] is proposing to significantly increase the intensity of development at the Project Site from 743,680 square feet to 1,724,000 square feet—an approximately 1 million square foot increase over existing development. However, the floor area proposed is larger because the Applicant is seeking to exclude from the definition of Floor Area (and contrary to the requirements of the Los Angeles Municipal Code) floor area that the Applicant calls ‘basecamp’ that will in fact be occupied by employees and used for production purposes.

The Applicant concedes approximately 209,790 square feet of basecamp floor area.⁵ Thus, the additional amount of development from today’s level conceded by the Applicant is approximately 1.2 million square feet.

⁵ The actual amount of ‘basecamp’ is not regulated by Specific Plan, and the actual amount of basecamp square footage is likely greater than conceded by the Applicant.

Appeal Response No. 2-14

The comment regarding the floor area definition is repetitive of the Appellant’s comments on the Draft EIR, which were responded to in detail in the Final EIR. Refer also to Topical Response No. 2, Definition of Floor Area Is Appropriate, and Response to Comment No. 5-7, of the Final EIR.

As discussed in the Erratum, the Modified Project reduced the proposed basecamp area by 209,790 square feet compared to the Original Project. The Modified Project is proposing a total of 161,810 square feet of basecamp area, which is less than the existing basecamp area. The environmental impact of the proposed basecamp area was comprehensively studied in the EIR and Erratum in accordance with CEQA. Refer to Response to Comment No. 26-121 of the Final EIR. Further, the

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existing basecamp area is not counted as floor area under the LAMC, and the proposed Specific Plan would similarly not include basecamp in the definition of floor area.

Appeal Point No. 2-15

The Applicant's website proclaims that "TVC will rehabilitate and preserve William Pereira's original 1952 Television City facilities." However, the Project actually proposes to demolish approximately 77% of Television City, retaining only the shell of what is called the CBS Primary Studio complex, which the Applicant agreed to retain in order to gain the support of the Los Angeles Conservancy for the remainder of its Project, which has nothing to do with historic preservation. Of the approximately 2 million square feet of development proposed by the Applicant, only approximately 12 percent (247,820 square feet) will consist of retained CBS facilities.

Appeal Response No. 2-15

These comments are similar to those responded to in the Final EIR. Refer to Topical Response No. 5.D, Analysis of Impacts to the Primary Studio Complex, and Response to Comment No. 26-E.2-5, of the Final EIR. As discussed therein, upon completion of the Project, the Primary Studio Complex would continue to convey its overall historic character, appearance, and association with its historical period when it became the first large-scale, purpose-built television facility. Moreover, to support the preservation of the Primary Studio Complex and maintain its overall integrity, the Project would include an Historic Structure Report (HSR) as a PDF to guide the rehabilitation of the Primary Studio Complex in compliance with the Rehabilitation Standards.

Furthermore, the Project may remove up to approximately 64 percent of the existing floor area, not 77 percent, as stated by the Appellant; and the existing development to remain would represent approximately 15 percent of total on-site development, not 12 percent as stated by the Appellant. More importantly, the ratio of existing square footage to be retained is not a data point that determines whether the Project would result in significant impacts to the Primary Studio Complex. Rather, refer to the comprehensive analysis provided in Section IV.B, Cultural Resources, of the Draft EIR, which is based on coordination with the City's Office of Historic Resources. Further, Appendix B of the Erratum includes an evaluation of potential impacts to historical resources associated with the Modified Project, which concluded that, as with the Original Project, impacts would be less than significant. As stated in the Erratum, with the proposed modifications, the proposed Specific Plan would permit a maximum total of 1,724,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout.

Appeal Point No. 2-16

An additional reason that the Project Site is not suitable for the type and density of development proposed is that as a 'Regional Center' development it is heavily automobile and truck dependent,

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but is not located proximate to any major freeway. The closest freeway, the I-10, is located approximately 3 miles to the south of the Project Site—accessible only via neighborhood streets that are already subjected to daily gridlock and cut-through traffic. Fairfax Avenue, south of Olympic Boulevard, which provides connection to the I-10 is designated an Avenue III by the Mobility Plan—the narrowest type of arterial street. All of the streets proximate to Fairfax Avenue experience cut-through traffic as a result of such gridlock.

The Applicant concedes that 6,836 persons will be employed at the Project Site (although the number of employees is foreseeably larger because of the improper exclusion of ‘basecamp’ floor area). Approximately 4,930 vehicular parking spaces will be provided to serve commuters. While the Applicant proposes a ‘mobility hub’ and a TDM program to reduce automobile trips, nothing in the Specific Plan or the Deputy Advisory Agency’s decision requires Project employees not to drive their cars or restricts Project development if TDM goals are not met.

Appeal Response No. 2-16

The Original Project as proposed in the Draft EIR included a request for a “Regional Commercial”⁵ designation; however, the Modified Project identified in the Erratum requested a designation of “Community Commercial” and proposed a reduced density compared to the Original Project. Refer to Appeal Response Nos. 2-3 and 2-4, above, regarding the proposed Community Commercial land use designation.

The Project would create new jobs at the Project Site, expanding on the long-running existing studio operations at the Project Site. As described in Response to Comment No. 28-12 of the Final EIR, CEQA transportation analysis is based on VMT rather than traffic congestion or cut-through traffic. Therefore, traffic added to streets in the vicinity do not result in significant transportation impacts under CEQA because the Project is properly located within the region to meet the VMT targets for the area. While Fairfax Avenue does have residential uses south of Olympic Boulevard, its Avenue III designation is not a neighborhood street designation. It is an arterial street, formerly known in the General Plan as a “secondary highway.” Arterial streets “serve to move people and goods long distances from one end of the City to the other.”⁶ Fairfax Avenue carries this designation because it is intended by the City to function as a high-capacity route to access I-10.

⁵ As described in Response to Comment No. 5-8, Footnote 96, on page II-251 of the Final EIR, many comments referred to the term “Regional Center.” However, the correct term used in the Wilshire Community Plan is “Regional Commercial.”

⁶ City of Los Angeles, Mobility Plan 2035, p. 72.

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Response to Comment No. 28-12 of the Final EIR also identifies the number of Project trips (inclusive of truck trips) using Fairfax Avenue south of Wilshire Boulevard (which would be further dispersed south of Olympic Boulevard). Figure 21 on page 77 of the Transportation Assessment (Appendix M.1 of the Draft EIR) shows that the Project would add only 41 trips in the morning peak hour and 45 trips in the afternoon peak hour to Fairfax Avenue south of Wilshire Boulevard. This represents only 5% of the total Project volumes. The Modified Project analyzed in the Erratum would produce even fewer trips and commits to a 30% reduction in trips through an enhanced TDM Program which would further reduce Project trip generation. The TDM Program, is included as Project Design Feature TR-PDF-2 in the Mitigation Monitoring Program (Section IV of the Final EIR). As stated therein, the TDM Program will be subject to review and approval by the City, and the Applicant will be required to record a Covenant and Agreement to ensure the TDM Program will be maintained. The Mitigation Monitoring Program was approved by the DAA and is also included as Environmental Standards (Appendix B) to the Specific Plan.

In addition, as discussed in Topical Response No. 9, Neighborhood Traffic Management Plan, Section C, Boundaries of the NTMP Areas, of the Final EIR, the non-CEQA neighborhood traffic analysis conducted for the Project in the Transportation Assessment included the entirety of the area that could meet the City's criteria warranting a Neighborhood Traffic Management Plan (NTMP). Project trips on Fairfax Avenue south of Olympic Boulevard—over a mile south of the Project Site and well outside of the geographic study area used in the non-CEQA assessment of traffic operations—would not meet the City's criteria for requiring an NTMP.

As discussed above in Appeal Response No. 2-14, basecamp areas are not counted as floor area under the LAMC. However, as discussed therein, the environmental impact of the proposed basecamp area was comprehensively studied in the EIR, which includes the Erratum, in accordance with CEQA. Refer to Response to Comment No. 26-121 of the Final EIR, which states that the square footage of basecamp and outdoor production areas are already reflected in the LADOT-approved trip rates for studio land uses used in the Transportation Assessment. With regard to the number of employees generated by the Project, the estimated employment generation for the Project is based on generation factors from LADOT. Basecamp areas are ancillary to sound stage and production support uses, and basecamp areas would not generate any employees.

The Project would be required to comply with the TDM Program, which is included as Project Design Feature TR-PDF-2 in the Mitigation Monitoring Program (Exhibit B of the Tract Report and Section IV of the Final EIR). As stated therein, the TDM Program will be subject to review and approval by the City, and the Applicant will record a Covenant and Agreement to ensure the TDM Program will be maintained. The Mitigation Monitoring Program, which is included in Section IV of the Final EIR, was approved by the DAA and is also included as Environmental Standards (Appendix B) to the Specific Plan.

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Appeal Point No. 2-17

In addition, Unlike [sic] the historic operation of CBS, the Applicant's Project would be heavily truck dependent. The Final EIR concedes 83 production trucks, including 18-wheelers, producing 166 truck trips per day.

Appeal Response No. 2-17

This comment was addressed in Topical Response No. 10.E, Truck Trips, and Appendix FEIR-6, of the Final EIR. As discussed therein, a net increase of 23 heavy truck trips would be associated with the Project. In addition, the overall truck trips, including light truck trips, would make up approximately 1.2 percent of the total Project Site daily trip generation. The Modified Project analyzed in the Erratum would have even fewer truck trips. As such, operation of the Project would not be heavily truck dependent.

Appeal Point No. 2-18

Such a truck-dependent facility should be located proximate to freeway access—not nearly 3 miles from the nearest freeway.

Appeal Response No. 2-18

As discussed in Appeal Response No. 2-17, above, operation of the Project would not be heavily truck dependent. In addition, as discussed in Section IV.K, Transportation, of the Draft EIR, traffic associated with the Project, including the small percentage of trucks, would not result in any significant impacts associated with transportation.

Furthermore, Television City, Paramount Pictures, Raleigh Studios, Sunset Gower Studios, Sunset Bronson Studios, Radford Studio Center, and Fox Studios were all established over 70 years ago, at a time when most communities were being newly established, and have long since seen significant changes in adjacent community use, intensity, and built form. Like Television City and the adjacent community that surrounds the Project Site, Sunset Gower Studios, Sunset Bronson Studios, and Paramount Pictures, and Raleigh Studios are all in urbanized Hollywood. The same may be said of Amazon Studios in Culver City, Manhattan Beach Studios in Manhattan Beach, and Fox Studios in Century City. All of the aforementioned studios and adjacent communities have a mix of uses, including residential, and are located in urbanized, infill locations, contrary to the suggestion that major production studios need be located adjacent to a freeway.

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Appeal Point No. 2-19

As discussed above, Fairfax Avenue, south of Olympic Boulevard, which provides connection to the I-10 is designated an Avenue III by the Mobility Plan—the narrowest type of arterial street. Fairfax Avenue is not suited to carry the daily truck burden resulting from the Project. Such truck traffic will further encourage gridlock and cut-through traffic on surrounding streets.

Appeal Response No. 2-19

This comment is substantively similar to Appeal Point No. 2-16. Refer to Appeal Response No. 2-16, above.

Appeal Point No. 2-20

Indeed, according to LADOT Transportation Assessment of the Project (Draft EIR, Appendix M), the Project would cause an “Excessive Traffic Burden” on nearby residential streets, including the Beverly Fairfax National Historic District. In addition to compounding gridlock along Fairfax, Beverly and Third Streets, LADOT has determined that TVC 2050 will cause excessive cut-through traffic to residential streets north of Beverly and west of Fairfax.

Appeal Response No. 2-20

This comment repeats the Appellant’s prior comments which were already addressed as part of the Final EIR. Refer to Topical Response No. 5.E, Impacts to Historical Resources in the Vicinity of the Project Site, and Response to Comment No. 28-19, of the Final EIR. As stated therein, historical impacts and transportation impacts are analyzed separately, have different thresholds, and are not equivalent in their definition of integrity. While the transportation analysis makes clear that a potential result of the Project, which would include an NTMP and would not result in significant transportation impacts under CEQA, is more vehicle trips within the Beverly Fairfax Historic District, no evidence has been identified to suggest that a potential increase of vehicle trips would result in the substantial adverse change of the physical characteristics of the Beverly Fairfax Historic District.

Notably, the neighborhood cut-through analysis included in the Transportation Assessment is a non-CEQA analysis, and congestion is no longer a CEQA transportation impact per SB 743. In non-CEQA analysis required by the City, LADOT deems a residential street “excessively burdened” by a Project-related increase in daily traffic if it exceeds the thresholds identified in LADOT’s Transportation Assessment Guidelines (TAG). Section 5C of the Transportation Assessment identified and applied the lowest threshold (120 daily trips) to the residential streets around the Project Site and found the Project could exceed that threshold in the neighborhoods north and west of the Project Site, as noted in the comment.

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As discussed in Response to Comment No. 28-18 in the Final EIR, LADOT did not conclude there would be an “excessive traffic burden” in their Assessment Letter evaluating the Transportation Assessment (presented in Appendix M.2 of the Draft EIR). Rather, LADOT acknowledged that the Transportation Assessment included analysis of residential streets that could be used as a cut-through route and concluded that preparation and implementation of a NTMP, funded by the applicant, is needed to address the potential effects. The NTMP is not required as mitigation under CEQA, but would be funded by the Project in order to minimize potential residential cut-through trips generated by the Project. This is consistent with the TAG and is the long-standing LADOT procedure for addressing a project’s potential effects on cut-through traffic on residential streets. LADOT TAG, August 2022, pages 3-21 to 3-22.

Appeal Point No. 2-21

The Project proposes 915,440 square feet of production support and office space to support its sound stages. In addition, the Applicant proposes 550,000 square feet of “General Office” which the proposed Specific Plan expressly admits need not have anything to do with production activities. This type of development constitutes over 30% of the Project’s admitted square footage (as discussed the floor area of the Project is actually larger than the Applicant concedes). General Office unassociated with production activities is not a use historically associated with CBS Television City, and General Office unassociated with production activities is not necessary to achieve studio-serving Project objectives.

Appeal Response No. 2-21

Refer Appeal Response No. 2-13, above. As discussed therein, general office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition. All modern studio campuses are comprised of a large percentage of office and there is no intent by the Project to develop general office space unrelated to the entertainment industry. The permitted uses, including the office uses, would operate as ancillary uses and help facilitate and support the continued operation of the studio.

Refer to Topical Response No. 2, Definition of Floor Area Is Appropriate, and Response to Comment No. 5-7, of the Final EIR regarding the Project’s floor area.

Appeal Point No. 2-22

The Project’s massive size and scale is incompatible with surrounding development, would overwhelm the surrounding community, and set a precedent for the extension of similarly scaled development where it is not anticipated by the Wilshire Community Plan or the General Plan Framework.

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Appeal Response No. 2-22

This comment was addressed in the previous Appeal Response, and Response to Comment Nos. 11-3, 26-7, and 28-23 of the Final EIR. As discussed therein, the height and scale of proposed buildings would be compatible with existing buildings in the Project vicinity, and the Appellant's assertion regarding the precedent the Project would set is incorrect. Relative to building heights, there are existing and proposed developments ranging in height from 75 feet (8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately one mile of the Project Site. The perimeter of the Project Site, per the Modified Project, is proposed to have four buildings with an 88-foot base height and a one-story penthouse up to 103 feet in height, which is less than or equal to the height of other developments in the area, such as the Academy Museum of Motion Pictures (approximately 128 feet), 6300 3rd Street (approximately 100 feet), and 640 Curson Avenue (approximately 245 feet). The Park La Brea development, which is located less than 0.4 miles from the Project Site, has 18 approximately 147-foot-tall buildings, while the Project proposes only five such buildings taller than 100 feet. In addition, the tallest component of the Project, at 225 feet, would occupy less than approximately three percent of the total Project Site area and would be located in the center of the Project Site over 300 feet from adjacent uses.

Appeal Point No. 2-23

Project building height zones permit buildings from 130-225 feet in height, which are the heights intended for Regional Center development according to the Framework Element of the General Plan. According to the Final EIR, Buildings up to 145 feet in height would be permitted along Fairfax Avenue and Beverly Boulevard.



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Appeal Response No. 2-23

This comment listing proposed building heights is noted for the record. As discussed in Response to Comment Nos. 11-3, 26-7, and 28-23 of the Final EIR, and Appeal Response No. 2-22, above, the height and scale of proposed buildings would be compatible with existing buildings in the general Project Site vicinity.

Appeal Point No. 2-24

4. The Design of the Subdivision and the Proposed Improvements **Are Likely** to Cause Serious Public Health Problems.

LADOT's Transportation Assessment states that the Project will result excessive burden to residential local and collector streets due to cut-through traffic seeking to avoid gridlocked arterial streets. Moreover, LADOT states that it may not be possible to implement calming measures in areas where it [sic] traffic calming measures are implemented without diverting traffic to another residential street. ("Traffic calming measures may also include more restrictive physical/operational improvements such as turn restrictions, cul-de-sacs, traffic diverters, and street blockers. However, those more restrictive measures themselves have the potential to divert traffic to another residential street.") Thus, LADOT concedes that it may not be possible to mitigate the effects of cut-through traffic caused by the Project.

Appeal Response No. 2-24

Refer to Appeal Response No. 2-20, above, as well as Topical Response No. 9, Neighborhood Traffic Management Plan, and Response to Comment Nos. 28-17 and 28-18, of the Final EIR. As stated therein, any cut-through effects on residential streets caused by the Project are not considered impacts pursuant to CEQA, and measures that minimize any such effects are not CEQA mitigation measures but rather circulation measures required by LADOT.

The comment also mischaracterizes the statements in Section 5C of the Transportation Assessment. First of all, the Transportation Assessment does not state that it may not be possible to implement calming measures without diverting traffic to another street. Rather, it states that certain types of traffic calming measures which physically restrict traffic movements have the potential to divert traffic to other streets. There are numerous non-restrictive traffic calming measures which can be explored. Second, the Transportation Assessment does not "concede that it may not be possible to mitigate the effects of cut-through traffic caused by the Project." It describes the NTMP process, and notes that "in some cases, the community may decide ... the [identified traffic calming measures] themselves may be undesirable, and no improvements are implemented." (p. 174) The improvement

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program would be identified, but the ultimate decision to accept the identified improvement measures lies in the vote of the community members affected by cut-through traffic.

As such, the Project's proposal to fund the implementation of an NTMP in order to minimize potential residential cut-through trips generated by the Project is fully in accordance with LADOT's TAG.

Appeal Point No. 2-25

Cut-through traffic results in speeding on residential streets exposes the residents of those streets, including elderly persons, disabled persons, children, and bicyclists. [sic] to the risk of collisions, injury and death.

On April 24, 2023, a speeding driver killed a 35-year old woman and seriously injured her 6-year old daughter on Colgate Avenue near Hancock Park Elementary School. According to LADOT, "[e]very year, more than 200 people are killed while trying to move throughout city. Nearly half the people killed in traffic crashes were walking or bicycling , and an alarming number of those killed are children and older adults. In fact, traffic collisions are a leading cause of death for children in Los Angeles." (emphasis added; see <https://ladotliveablestreets.org/programs/vision-zero>)

Appeal Response No. 2-25

Pedestrian, bicycle, and traffic safety are fully addressed in Section IV.K, Transportation, of the Draft EIR and impacts were concluded to be less than significant. In addition, similar comments to this comment were responded to as part of the Final EIR. Refer to Topical Response Nos. 9, Neighborhood Traffic Management Plan, and 12, Safety and Congestion, and to Response to Comment Nos. 34-8, 85-2, 90-3, 129-2, and 253-4, of the Final EIR. As discussed therein, pedestrian and bicycle safety would be enhanced with the Project and the Project also includes an NTMP to reduce potential cut-through traffic.

Appeal Point No. 2-26

The Transportation Assessment for the Project fails to analyze the full scope of residential streets that may experience cut-through traffic resulting from the Project. Cut-through traffic would also be experienced by adjacent to [sic] streets leading to and from I-10 as a result of the Project, including streets nearby Fairfax Avenue and Curson Avenue.

Appeal Response No. 2-26

This comment is similar to other comments addressed in the Final EIR. Refer to Topical Response No. 9.C, Boundaries of the NTMP Areas, and to Response to Comment Nos. 10-2 and 28-17, of the

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Final EIR for a detailed discussion of potential cut-through traffic, which is not an environmental impact under CEQA. Nonetheless, as discussed therein, the Project would implement an NTMP to reduce potential cut-through traffic.

Appeal Point No. 2-27

As acknowledged by LADOT, cut-through traffic causes serious public health problems: injury and death. Because cut-through traffic caused by the Project will foreseeably result in injury and death, the Project will likely cause serious public health problems. Accordingly, Government Code Section 66474 mandates that the tentative map be disapproved.

Appeal Response No. 2-27

Refer to Appeal Response Nos. 2-24 and 2-26, above. Cut-through trips are not environmental impacts under CEQA. However, pursuant to the TAG, a residential street cut-through evaluation has been prepared as part of the non-CEQA transportation analysis and the Project includes an NTMP to reduce potential cut-through traffic. The environmental impacts associated with Project trips, including safety hazards and vehicle emissions, were fully evaluated in the EIR. Refer to Section IV.A, Air Quality, IV. E, Greenhouse Gas Emissions, and IV.K, Transportation, of the Draft EIR. The comment does provide any basis for disapproval of the VTTM.

The Appellant appears to conflate the Project analyzed in the EIR with the VTTM finding. The required finding under GCS 66474(f) is whether “*the design of the subdivision or type of improvements* is likely to cause serious public health problems” (emphasis added). “Design” and “improvement” are specifically defined in the Government Code.⁷ As discussed on pages 116 to 118 of the LOD , the

⁷ “Design” is defined under Government Code Section 66418 as “(1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5.” “Improvement” is defined under Government Code Section 66419 as “any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof” and “any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.”

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design of the subdivision and types of improvements are not likely to cause serious public health problems, and the Appellant does not offer any evidence to the contrary.

Comment No. 2-28

THE TENTATIVE MAP MUST ALSO BE DISAPPROVED BECAUSE THE WILSHIRE COMMUNITY PLAN IS SEVERELY OUT OF DATE, [sic]

The tentative map cannot be found consistent with what the City concedes is an out-of-date, and therefore invalid, community plan. Approval of the Project outside of the context of an update to the Wilshire Community Plan conflicts with the most central premises of the City's community planning update process:

- Integrate land use, infrastructure, and transportation improvement;
- Direct growth to centers while preserving established residential neighborhoods;
- Create healthier, more livable neighborhoods and economically vital business districts that can provide more job and housing opportunities for city residents; and
- Facilitate improved design of new and renovated structures and public spaces.²

The California Attorney General has highlighted the impropriety approving subdivisions without consideration of future planning needs, stating that the proposed subdivision “must be judged with an eye toward future generations’ land use requirements in recognition of the deleterious effects of premature land use characterization.” 59 Ops.Cal.Atty.Gen. 129, 132 (1976) Approving the Project, granting it vested rights for a period of 20 years, and exempting it from compliance with general and specific plan regulations that generally apply throughout the City in advance of a long-overdue update to the Wilshire Community Plan conflicts with applicable general planning principles and the Subdivision Map Act.

The Los Angeles City Council has also found that “amendments to community plans may at times need to be considered in the course of reviewing proposed developments. However, such considerations should take place within the parameters of an identified community plan update process framework.” Approval [sic] the tentative map conflicts with the directive of the Los Angeles City Council.

² <https://www.laconservancy.org/save-places/los-angeles-community-plans/>

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Appeal Response No. 2-28

The comments about the Wilshire Community Plan update are similar to the Appellant's prior comments, which were addressed in Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 28-20, of the Final EIR.

The Appellant claims that there is a conflict due to a future plan update that has not yet been initiated. The Subdivision Map Act requires that a map be consistent with applicable general and specific plans (GCS 66473.5). As discussed in Response to Comment No. 28-20 of the Final EIR, an "applicable" plan is a plan that has already been adopted and, thus, legally applies to a project. Further, it would be unprecedented and potentially illegal for the City to require that an individual project be delayed until the completion of an update to a Community Plan. Moreover, the Framework Element makes clear that the City does not require updates to its Community Plans within a fixed time frame.

Notably, the California Attorney General opinion referenced in this comment undermines the Appellant's claim. As discussed therein, the Subdivision Map Act had previously left the term "consistent" undefined; however, Chapter 1536, Statutes of 1974, added the following definition:

A proposed subdivision shall be consistent with a general plan or a specific plan *only if the local agency has officially adopted such a plan* and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan. (GCS 66473.5) (emphasis added)

Thus, consistency with plans is based on existing adopted plans under the Subdivision Map Act. The opinion explains that the evaluation of a subdivision's consistency with adopted plans will ensure that a subdivision is judged with an eye toward future generations' land use requirements. The DAA complied with this requirement and found that the proposed map and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110–112 of the LOD. Also contained in the LOD is Condition of Approval No. 50, which requires the subdivider to file a modification to the VTTM ("tract modification") should the associated City Planning Case (involving a General Plan Amendment and Zone Change, among other entitlements) not be approved. Also refer to Appeal Response Nos. 1-11 and 2-1, above.

Appeal Point No. 2-29

THE ADVISORY AGENCY'S DECISION FAILS TO COMPLY WITH GOVERNMENT CODE SECTION 66412.3

Government Code Section 66412.3 expressly provides that "[i]n carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to

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this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.”

The Final EIR concedes that the Project will result in a net increase of approximately 5,702 employees over existing conditions, and that the Project does not include the development of housing. The Final EIR dismisses public comments about the Project’s housing impacts as “economic and social effects,” not physical effects on the environment, and attempts to trivialize the new employment growth resulting from the Project as not substantial despite its obvious, and common sense impact upon housing resources in the Project vicinity.

The Deputy Advisory Agency’s decision fails to discuss whatsoever the housing needs of the region, which is an acknowledged housing crisis. The Deputy Advisory Agency fails to address the City’s 456,643 unit RHNA (which includes approximately 260,000 below-market units), and the City’s deficient progress towards building housing to accommodate such RHNA. The Deputy Advisory Agency’s decision fails to address the fact that according to the City’s Housing Element, “under current assumptions, [the City] is likely unable to meet its total RHNA targets for new construction,” and that only approximately 62,000 of the needed 260,000 below-market units may be constructed.

In summary, the Deputy Advisory Agency’s decision ignores and fails to address and mitigate the housing impacts of the Project as required by Government Code Section 66412.3. Therefore, the Deputy Advisory Agency’s decision should be set aside.

Appeal Response No. 2-29

The responses to comments regarding housing in the Final EIR are consistent with CEQA, and the Appellant provides no evidence to the contrary. Under CEQA Guidelines Section 15131(a), economic or social effects of a project “shall not be treated as significant effects on the environment” and the focus of the analysis must be on “physical changes.” CEQA Guidelines Section 15131(b) states that economic and social effects may be used to determine the significance of a physical change caused by a project. As discussed in the Final EIR, substantial evidence must be provided to demonstrate a reasonably foreseeable physical impact on the environment resulting from the economic or social change, and neither the comments on the Draft EIR nor this comment include any such evidence.

GCS 66412.3 of the requires the Advisory Agency to consider the effect of its actions adopted pursuant to the Subdivision Map Act in the context of regional housing needs. It should be noted that the approved VTTM governs the division of land and not land use regulations, and, therefore, the VTTM does not have any effect on regional housing needs. As identified in pages II-1234 through II-1235 of the Final EIR, incorporated in whole as a part of the CEQA Findings section of the LOD dated May 28, 2024, sufficient consideration to the regional housing needs was made by the DAA. TVC

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has been an operating studio within the Project Site since 1952. As is typical of studio environments, the land uses are centered around production operations, including associated parking, loading, storage, and related basecamp activities. The Project Site does not currently contain housing, and the Project does not propose residential uses. The Project's underlying purpose is to maintain TVC as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot. At the earliest feasible buildout, the Project's net increase in employment would represent only approximately 0.29 percent of the total number of employees in the City of Los Angeles in 2026. Growth-inducing impacts were analyzed in Section VI, Other CEQA Considerations, of the Draft EIR and page 76 of the Erratum. As discussed therein, direct and indirect growth-inducing impacts would be less than significant.

With the reduction in size, the Modified Project would generate approximately 4,626 net new employees. While some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site. Accordingly, this potential indirect increase in population to the immediate vicinity would not be substantial. As the Project does not include development of residential uses, it would not directly contribute to substantial population growth in the Project area. Additionally, many of the employment opportunities generated by the Project would be filled by people already residing in the vicinity of the Project Site or who would commute to the Project Site, similar to existing conditions. Thus, the potential growth associated with Project employees who may relocate their place of residence would not be substantial. As such, the Project would not induce substantial unplanned population growth in an area, either directly or indirectly and such impacts would be less than significant.

The Project is not in conflict with the City of Los Angeles' Regional Housing Needs Assessment (RHNA) requirement because the Project would not result in a loss of housing capacity under the proposed zoning and land use designations as compared to existing conditions. In accordance with GCS 66300(b)(1), the proposed Specific Plan would not prohibit the development of housing on the Project and would permit allow residential uses in accordance with the density and all other development standards in effect prior to the effective date of the Specific Plan, and as may be permitted pursuant to any applicable State or local law or regulation. The Project Site is currently zoned C1.5 and C2, which permits multifamily residential density at a rate of one dwelling unit per 400 square feet of lot area. The Specific Plan, which also involves a Zone Change to the TVC Zone, also permits a residential density consistent with the C1.5 and C2 Zones. Therefore, no change to the City's housing capacity will result from construction of the Project and no offsetting action is required. Further, the Appellant should note that although RHNA numbers are intended to address the lack of a sufficient Statewide housing supply, they do not force every current and future development project to be comprised of housing units.

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Appeal Point No. 2-30

THE DEPUTY ADVISORY AGENCY'S ASSUMED APPROVAL OF THE APPLICANT'S PROPOSED GENERAL PLAN AMENDMENT, ZONE CHANGE AND SPECIFIC PLAN ALSO EVIDENCES ITS IMPERMISSIBLE BIAS AS A DECISION-MAKER, THE ABANDONMENT OF ITS FUNCTION AS AN IMPARTIAL QUASI-ADJUDICATORY AGENCY, THAT THE PUBLIC WAS DENIED DUE PROCESS AND A FAIR HEARING.

The decision of the Deputy Advisory Agency, which fails to comply with the basic and express requirements of Government Code Section 66474, demonstrates that the public was deprived of a fair hearing and due process on May 15, 2024. Although charged to do so under State law, the Deputy Advisory Agency did not independently evaluate the facts as required by Government Code Section 66474. Rather, the Deputy Advisory Agency issued a decision assuming approval of the Project by the City Council. Such decision was plainly designed for no other purpose than to expedite and facilitate the City's assumed approval of the Applicant's proposal (and specifically its requested planning and zoning changes).

Thus, the May 15, 2024 hearing conducted by the Deputy Advisory Agency was not a bona fide public hearing and was an exercise in futility. The Deputy Advisory Agency's course of conduct and decision tainted the process, resulted in prejudice to the public, and a different result would have been probable if the Deputy Advisory Agency had discharged its responsibilities as required by Government Code Section 66474; specifically, the Deputy Advisory Agency would have been required to deny the tentative map as required by Government Code Section 66474.

Appeal Response No. 2-30

Refer to Response to Comment Nos. 1-11, 2-1, and 2-9, above, and the VTTM Topical Response regarding how the DAA properly approved the VTTM. The Appellant provides no evidence of impermissible bias, and the public hearing and approval complied with the LAMC and Subdivision Map Act, respectively. The Appellant does not provide any evidence that the public was denied a fair hearing and in fact does not identify any specifics about the hearing or the DAA's actions that supports its claim.

Appeal Point No. 2-31

THE FINAL EIR DOES NOT COMPLY WITH CEQA AND ITS CERTIFICATION SHOULD BE SET ASIDE. BECAUSE CEQA HAS NOT BEEN COMPLIED WITH, THE REMAINDER OF THE DEPUTY ADVISORY AGENCY'S DECISIONS ARE INVALID.

The City has received voluminous public comment providing substantial evidence that the EIR does not comply with CEQA. Among the violations of CEQA identified by such public comment are the following.

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Appeal Response No. 2-31

There has been no substantial evidence provided to support the claim that the EIR has not been completed in accordance with CEQA. Rather, the EIR is comprehensive and has been prepared in full compliance with CEQA and the DAA's decision is fully supported by substantial evidence. Additionally, 608 public comment letters were fully responded to in the Final EIR prepared for the Project.

Appeal Point No. 2-32

The EIR is not based on an accurate, stable and finite project description.

Appeal Response No. 2-32

This comment repeats the Appellant's comments on the Draft EIR, which were fully responded to in the Final EIR. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 26-5, of the Final EIR. As discussed therein, the Project Description is accurate, stable, and finite.

Appeal Point No. 2-33

The Project description and plans have been manipulated to conceal the actual size of the Project.

Appeal Response No. 2-33

This comment repeats the Appellant's comments on the Draft EIR, which were fully responded to in the Final EIR. Refer to Topical Response Nos. 1 and 2, and Response to Comment Nos. 5-7, 9-12, and 11-3, of the Final EIR regarding the adequacy of the Project Description and the Conceptual Site Plan and other graphics included in the Draft EIR. As discussed therein, the Project's definition of floor area included in the EIR and in the proposed Specific Plan is based on the LAMC definition, with a few additional clarifications to account for the unique nature of studio uses and functions, as was done in the Paramount Pictures Specific Plan (Ordinance No. 184,539), which is the most recent and direct precedent for this Project. The Draft EIR analyzed the maximum amount of development that would be permitted under the Specific Plan. In addition, the Draft EIR also evaluated all Project components including basecamp areas, parking areas, and the Mobility Hub.

Appeal Point No. 2-34

The Project description is incomplete because the proposed development agreement has not been disclosed to the public and has not been analyzed by the EIR.

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Appeal Response No. 2-34

This comment repeats the Appellant's comments on the Draft EIR, which were fully responded to in the Final EIR. Refer to Response to Comment Nos. 9-24, 28-7, and 268-2 of the Final EIR. As discussed therein, the Development Agreement would only allow for development consistent with the Project described in the Certified EIR. Other provisions of the Development Agreement would be contractual matters between the City of Los Angeles and the Applicant and do not constitute environmental impacts under CEQA. Accordingly, the Development Agreement is not required to be included as part of the EIR.⁸ As stated in the responses to comments in the Final EIR, a draft Development Agreement will be made publicly available on City Planning's website prior to the CPC meeting on the Project entitlements, which includes, among others, the Development Agreement.

Appeal Point No. 2-35

The Project objectives have been manipulated to serve the Applicant and improperly constrain consideration of a reasonable range of alternatives in the EIR.

Appeal Response No. 2-35

This comment repeats the Appellant's comments on the Draft EIR, which were fully responded to in the Final EIR. Refer to Topical Response No. 16, Project Alternatives Analysis, and Response to Comment Nos. 26-178, 26-179, and 28-24, of the Final EIR. As discussed therein, the Project objectives address a range of issues and are not impermissibly narrow. Furthermore, the Project objectives do not impede the development and evaluation of a reasonable range of alternatives in conformance with the requirements of CEQA.

Appeal Point No. 2-36

The EIR indicates that development may occur as late as 2043, but the EIR fails to evaluate impacts upon 2043 conditions.

⁸ See, e.g., *Native Sun/Lyon Communities v. City of Escondido* (1993) 15 Cal.App.4th 892, in which the court concluded that an EIR was sufficient where the proposed development agreement was referenced in the project description but the contents of the agreement were not discussed in the EIR, because the reference in the project description "alerted persons interested in [the agreement] to its relevance in the decisionmaking process." Id. at p. 910.

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Appeal Response No. 2-36

The EIR fully evaluated both the 32-month and long-term buildout scenarios. Refer to Response to Comment No. 9-24 of the Final EIR. As discussed therein, while the Draft EIR conservatively assumes a 32-month construction duration with overlapping activities and construction phases, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR.

Appeal Point No. 2-37

The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from direct physical changes in the environment caused by the Project.

Appeal Response No. 2-37

The Appellant claims the EIR fails to analyze, disclose, and mitigate significant environmental impacts, but does not specify how or provide any substantial evidence to support this claim. As such, no further response is warranted.

Appeal Point No. 2-38

The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from indirect physical changes in the environment caused by the Project, including but not limited to historic resources such as the Rancho La Brea adobe.

Appeal Response No. 2-38

Refer to Topical Response No. 5.E of the Final EIR. As discussed therein, the EIR evaluated both direct and indirect impacts to historical resources in accordance with CEQA, and demonstrates that the Project would not physically alter any of the identified historical resources in the vicinity of the Project Site, including the Rancho La Brea Adobe. Furthermore, no evidence of material alteration of any of the historical resources in the vicinity of the Project Site was identified by the Appellant.

Appeal Point No. 2-39

The EIR fails to analyze, disclose, and mitigate significant environmental impacts resulting from economic and social changes caused by the Project. The EIR fails to analyze, disclose, and mitigate environmental impacts from the Projects housing impacts. The EIR fails to analyze, disclose, and mitigate the Project significant and unavoidable impacts to the environment. The EIR fails to respond

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to Draft EIR comments on environmental issues provided by the Appellant and other members of the public with good faith, reasoned analysis supported by facts.

Appeal Response No. 2-39

As demonstrated by Appeal Response Nos. 2-1 through 2-38 above and 2-40 through 2-45, below, the Appellant has provided no substantial evidence to support the claims in this comment regarding unmitigated impacts or lack of supported responses.

Appeal Point No. 2-40

The EIR fails to adequately respond to comments regarding permitting the Applicant “a reasonable, risk-adjusted return on investment commensurate with the Project Applicant’s fiduciary responsibilities” or the facts underlying such objective.

Appeal Response No. 2-40

Refer to Topical Response No. 4, Appropriateness of Economic Objective, of the Final EIR. As discussed therein, CEQA does not prohibit a public agency from adopting an economic project objective.

Appeal Point No. 2-41

The EIR’s mitigation measures are impermissibly vague and unenforceable.

Appeal Response No. 2-41

The Appellant claims the EIR’s mitigation measures are impermissibly vague and unenforceable, but does not specify how or provides any substantial evidence to support this claim. As such, a detailed response cannot be provided. However, Section IV, Mitigation Monitoring Program, of the Final EIR, which was certified as part of the DAA’s May 28, 2024, approval, includes each mitigation measure and PDF, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. The MMP fully complies with CEQA, and implementation of the MMP would be required as part of the Conditions of Approval for the Project.

Appeal Point No. 2-42

The EIR fails to analyze a reasonable range of alternatives.

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Appeal Response No. 2-42

Refer to Topical Response No. 16 of the Final EIR. As discussed therein, the alternatives analysis included in Section V, Alternatives, of the Draft EIR fully complies with CEQA. There are no requirements governing the nature or scope of the “reasonable range” of alternatives to be discussed, other than the “rule of reason” (CEQA Guidelines Section 15126.6(a) & (f)). What constitutes a “reasonable range” of alternatives will vary with the facts of each project and should be guided only by the purpose of offering substantial environmental advantages over the project proposal which may be feasibly accomplished in a successful manner considering the economic, environmental, social, and technological factors involved (PRC Sections 21002, 21061.1; CEQA Guidelines Section 15364).

Appeal Point No. 2-43

The Draft EIR should have been, but was not, recirculated as required by CEQA Guidelines Section 15088.5(a).

Appeal Response No. 2-43

As stated in CEQA Guidelines Section 15088.5(a), “significant new information” requiring recirculation includes, for example, a disclosure showing that: (1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The Appellant fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. Also refer to Response to Comment No. 9-4 of the Final EIR.

Appeal Point No. 2-44

The Project violates CEQA by piecemealing and improperly deferring CEQA analysis of the residential development for the Project authorized by Section 5.1.E of the Specific Plan.

Appeal Response No. 2-44

The Project Site does not currently contain housing, and the Project does not propose residential uses. The Project’s underlying purpose is to maintain TVC as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated

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future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot.

As discussed in Appeal Response No. 2-29, above, in accordance with GCS 66300(b)(1), the proposed Specific Plan would not prohibit the development of housing on the Project and would allow residential uses in accordance with the density and all other development standards in effect prior to the effective date of the Specific Plan, and as may be permitted pursuant to any applicable State or local law or regulation. The Project Site is currently zones C1.5 and C2, which permits multifamily residential density at a rate of one dwelling unit per 400 square feet of lot area. This proposed accommodation is in compliance with the aforementioned GCS and represents the continuation of existing rights previously reviewed during the last Community Plan Update. As the Project Site does not contain any residential units nor does the Project propose new residential dwelling units, and no change to the housing capacity of the Project Site will occur, no deferral of CEQA analysis or piecemealing has occurred.

Appeal Point No. 2-45

Adoption of the Overriding Considerations by the Deputy Advisory Agency violates CEQA because the Project conflicts with applicable general and specific plans.

Appeal Response No. 2-45

Refer to Appeal Response Nos. 1-11 and 2-1, above, regarding consistency with applicable general and specific plans.



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Appellant No. 3

Lauren K. Chang
o/b/o AIR Communities
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Los Angeles, CA 90071-1422

Appeal Point No. 3-1

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp. ("AIR Communities"), which owns and operates the Broadcast Center Apartments ("Broadcast Center") located adjacent to the site of the proposed TVC 2050 Project (the "Project") at 7716-7860 Beverly Boulevard (the "Project Site"). AIR Communities and its affiliates also own nearby Palazzo West, Palazzo East and the Villas at Park La Brea, which collectively provide, with Broadcast Center, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.

Our client respectfully appeals the determinations of the Advisory Agency to certify the Final Environmental Impact Report (the "FEIR") for the Project and approve Vesting Tentative Tract Map No. VTT-83387 (the "VTTM"), and the adopted findings, statement of overriding considerations and mitigation and monitoring program (the "MMP") related thereto, all as set forth in the Advisory Agency's letter of determination (the "VTTM Determination") with a mailing date of May 28, 2024.

This appeal is based on our prior letters and comments to the City, which we incorporate by reference herein, submitted on behalf of AIR Communities regarding the Draft Environmental Impact Report (the "DEIR") for the Project, the FEIR, the erratum to the FEIR (the "Erratum") and the proposed TVC 2050 Specific Plan (the "Specific Plan"), as well as our additional stated reasons in this letter. We intend to provide additional written support for this appeal prior to the public hearing.

Our detailed comment letter on the DEIR, dated September 13, 2022 ("DEIR Comment Letter"), identified dozens of deficiencies in the DEIR with supporting documentation by experts. Notably, (1) the DEIR included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review and (2) the City failed to make available to the public the Specific Plan for the Project prior to the end of the comment period for the DEIR.

The FEIR did not ameliorate our client's concerns with the DEIR and the FEIR, which incorporates the DEIR, and is unlawful for numerous reasons, including the reasons stated in our May 14, 2024 letter to the City. Specifically, (a) the project description continues to be neither accurate, finite nor

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stable, (b) even if the revised project description was accurate, finite, and stable, the Draft EIR must be fully revised and recirculated,

Appeal Response No. 3-1

Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3, 9-4, and 26-5 in Section II, Responses to Comments, of the Final EIR. As discussed therein, the Project Description is accurate, stable, and finite and recirculation is not required, and the Appellant has not provided substantial evidence to the contrary.

Appeal Point No. 3-2

(c) the FEIR failed to adequately respond, or in some cases respond at all, to many of the technical issues raised in the DEIR Comment Letter, and (d) the text of the current draft of the Specific Plan is problematic in numerous respects.

Appeal Response No. 3-2

The Final EIR includes over 200 pages of detailed responses to the Appellant's comments; refer to Response to Comment Nos. 35-1 to 35-177 on pages II-1246 to II-1480 of the Final EIR.

The Appellant asserts that the Draft Specific Plan (dated April 2024) is problematic, but doesn't specify how or provides any substantial evidence to support this claim. As such, no further response is warranted.

Appeal Point No. 3-3

In addition, the Advisory Agency's approval of the VTTM was premature and problematic for multiple reasons. First, the VTTM does not contain all of the information required by Sections 17.06 B and 17.15 B(1)(b) of the Los Angeles Municipal Code (the "LAMC"). For example, the VTTM does not provide the building envelope showing the height, size, and approximate location of all buildings, or the locations of all proposed driveways and exterior garden walls. Also notably absent from the VTTM are the multiple new driveways conceptually proposed on Fairfax Avenue, Beverly Boulevard and The Grove Drive and conceptually depicted in the "Conceptual Site Plan" in Figure 1 of the Erratum. The VTTM only shows one driveway off of Beverly Boulevard.

Second, the VTTM approval is void *ab initio* because the VTTM approved by the Advisory Agency is dated May 17, 2024, which is two days **after** the public hearing that occurred on May 15. How can the Advisory Agency approve a VTTM that was not available to the City or the public prior to the

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issuance of the FEIR or the public hearing? The Staff Report for the proposed VTTM prepared by the Advisory Agency repeatedly references the March 26, 2021 version of the VTTM (the “2021 VTTM”), which we understand from the Department of City Planning (“Planning”) was the version of the VTTM circulated to the City departments making up the “Subdivision Committee” for its review and formulation of project conditions. The correspondence received from the Subdivision Committee are all dated prior to the public hearing and prior to May 17. Therefore, the Subdivision Committee did not consider the approved VTTM prior to submitting its comments and recommended conditions and there is no evidence that the Subdivision Committee ever reviewed it. This is in violation of LAMC Section 17.03 B, which requires the Advisory Agency to submit the VTTM to the Subdivision Committee prior to consideration at a public hearing.

We relatedly contacted Planning prior to the public hearing on May 15, 2024 to confirm if the 2021 VTTM would be considered by the Advisory Agency, or if the 2021 VTTM had been, or was going to be, revised for consistency with the Project, as modified in April 2024. Planning indicated that the hearing would be held on the 2021 VTTM “as it is the map that was circulated to the various departments.”

Third, the Advisory Agency made findings in the VTTM Determination that the VTTM is consistent with the City’s General Plan. These findings are unsupported, inaccurate and unlawful. In order to allow the size and scale of the Project, the applicant must obtain a “General Plan Amendment” to modify the underlying land use designation. As such, the Project as proposed is not consistent with the General Plan. Under Section 66474 of the Subdivision Map Act, the City must deny the VTTM request if “the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.” The VTTM is also inconsistent with the requirement in LAMC Section 17.05 C that “[e]ach Tentative Map shall substantially conform to all other elements of the General Plan.” The VTTM Determination also does not include any condition requiring approval of the General Plan Amendment or compliance with the applicable General Plan goals, objectives and policies, prior to recordation of the final map.

For all of these reasons, we respectfully request on behalf of our client that the City Planning Commission grant our appeal in all respects. We also request that Planning revise and recirculate the DEIR to address the numerous and unresolved deficiencies identified in our comment letters and by other members of the public.

Appeal Response No. 3-3

The comments regarding the VTTM are similar to the comments from Appellant 1 and Appellant 2. Refer to the VTTM Topical Response regarding the VTTM compliance with all applicable processes and procedures of the LAMC. For additional information, refer to Appeal Response No. 1-10 regarding the version of the VTTM made a part of the public record and considered by the Deputy

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Advisory Agency at the May 15, 2024, public hearing. Refer also to Appeal Response Nos. 1-7, 1-8, 1-11, and 2-1, above.

The existing driveway into the Project Site located south of the Beverly Boulevard and Genesee Avenue intersection was included in the VTTM to differentiate the roadway from Genesee Avenue north of Beverly Boulevard and reduce any potential confusion that Genesee Avenue is one continuous public roadway into the Project Site.

Regarding the version of the VTTM considered by the Deputy Advisory Agency, refer to Appeal Response No. 1-10 and the VTTM Topical Response. As discussed therein, the Project provided Version 2 VTTM to City Planning on March 27, 2024, which was incorporated into the public record and for DAA consideration at the public hearing.

As demonstrated by the responses herein and the responses within the Final EIR, none of the comments that have been received constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5.

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Appellant No. 4

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Appeal Point No. 4-1

On behalf of Save Beverly Fairfax we provide this summary of our reasons for appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. We also appeal the Advisory Agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

Save Beverly Fairfax is a volunteer organization of neighborhood owners, residents and preservation advocates in the Beverly Fairfax Historic District ("Historic District") advocating for the protection of the architectural and cultural history of this historic neighborhood. Save Beverly Fairfax led the successful effort to list this historic neighborhood, on the National Register of Historic Places as a National Register Historic District. The Historic District, roughly bordered by Beverly Boulevard to the south, Melrose Avenue to the north, Fairfax Avenue to the west and Gardner Street to the east, is deeply rooted in Jewish American history and boasts a collection of largely intact Period Revival homes. The Project's location at 7716-7860 West Beverly Boulevard is adjacent to and directly south of the Historic District. Save Beverly Fairfax is deeply concerned with the design and development of this Project that could adversely impact this important historic neighborhood.

The TVC 2050 Project is intended to establish the TVC 2050 Specific Plan to modernize and expand production facilities within the 25-acre Television City site, located at 7716-7860 Beverly Boulevard. In addition to the Vesting Tentative Tract Map for the merger and re-subdivision of four lots on the site into three lots and a haul route for the export of up to 772,000 cubic yards of soil approved by the Advisory Agency, the Project includes additional approvals that will be considered by the Planning Commission and City Council along with this appeal. The additional Project approvals include:

- annexation of the 0.63-acre portion of the Project site located within unincorporated Los Angeles County into the City;
- a General Plan Amendment to amend the General Plan land use designations to Community Commercial across the entire site;

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- inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation;
- a Vesting Zone Change and Height District Change from C1.5-2D-O and C2-1-O to the TVC Zone;
- approval of the TVC 2050 Specific Plan; and
- and establishment of a “SN” Sign District to allow an expanded amount of signage on the Project site.

While Save Beverly Fairfax supports modernizing the Television City production facilities, this must be done through the proper process, with full disclosure, public participation and a project that mitigates impacts to the surrounding community. Many of the objections we have regarding this Project stem from the lack of required transparency in the administrative processes, with a project that has been a moving target that does not disclose the full costs of this development on the surrounding community. Save Beverly Fairfax detailed its objections to the Project and legal violations that would result from Project approval in the attached comment letters. (**Attachment 1**, August 25, 2022 DEIR Comments; **Attachment 2**, April 17, 2024 Erratum Comments; **Attachment 3**, May 14, 2024 FEIR Comments.) These detailed comments, which are summarized below, establish the reasoning for this appeal. Save Beverly Fairfax also relies upon in this appeal and incorporates by reference the detailed comment letters submitted by Beverly Wilshire Homeowners Association, The Grove LLC, Mayer Beverly Park LP and A.F. Gilmore.

Appeal Response No. 4-1

The City provided responses to previous comments made by the Appellant. Refer to Response to Comment Nos. 9-1 through 9-39 of the Final EIR. Specific issues raised by the Appellant in this appeal are addressed below.

The Appellant’s assertion that the Project Site is adjacent to and directly south of the Beverly Fairfax Historic District is incorrect. Rather, the Beverly Fairfax Historic District is located approximately 200 feet north of the Project Site and is separated by Beverly Boulevard and commercial buildings north of Beverly Boulevard (refer to Figure II-15 of the Final EIR).

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Appeal Point No. 4-2

Unstable Project Description

The EIR could not properly analyze the Project's impacts because the Specific Plan was not available until more than a year after the Draft EIR that claimed to analyze it was completed and the Sign District Ordinance was not provided until nearly six months after the Final EIR had been circulated.

Appeal Response No. 4-2

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 5-10, of the Final EIR, and Appeal Response No. 1-3, above. As discussed therein, the Project Description is accurate, stable, and finite; the EIR disclosed and analyzed all physical aspects of the Project in accordance with CEQA; and neither CEQA nor City policy require drafts of the proposed Specific Plan or Sign District to be included in the EIR.

Appeal Point No. 4-3

Further, what has been disclosed regarding this Project shows that it is far oversized for the site and for the surrounding residential community.

Appeal Response No. 4-3

Refer to Response to Comment Nos. 11-3 and 110-3 of the Final EIR, and Appeal Response Nos. 1-11, 1-12, and 2-22, above. As discussed therein, the Project represents the continuation of existing studio uses within the Project Site and the proposed FAR and height is consistent with surrounding development.

Appeal Point No. 4-4

The Project continues to lack a clear delineation [sic] the actual uses for the site. Project uses are interchangeable throughout the site to the point that it is unclear what exactly the proponent plans to build.

Appeal Response No. 4-4

Refer to Topical Response Nos. 1, Clearly Defined Project Description and Specific Plan, and 3, Permitted On-Site Uses, of the Final EIR. As discussed therein, the Project Description is accurate, stable, and finite and the permitted on-site uses are clearly defined.

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Appeal Point No. 4-5

Thus, the result is still essentially a 20-year blank check for 1.46 million square feet of new development, up to 225 feet tall, in one of the City's densest corridors. The type and timing of development proposed is not disclosed. Although the stated purpose of the Project is to provide for modernization of studio production facilities, the Project allows for general office and retail uses unrelated to studio production facilities. More than 1/3 of the development on the Project site could be for non-production facility uses and the amount of sound stage and production support that is included in the mix of uses will be dependent on industry demand.

Appeal Response No. 4-5

Refer to Topical Response Nos. 1, Clearly Defined Project Description and Specific Plan, and 3, Permitted On-Site Uses, and Response to Comment Nos. 9-13, 9-24, 26-14, 26-16, and 26-122, of the Final EIR regarding the Project Description, height, construction timeline, studio objectives, permitted uses, and mix of uses. As discussed therein, the EIR includes a defined set of physical parameters including building heights and permitted uses that are intended to support the continuation of an existing studio. These parameters are comprehensively evaluated as part of the EIR. In addition, the EIR evaluates both the buildout of the Project under the 32-month construction schedule with overlapping phases as well as the potential buildout of the Project over a 20-year period.

Appeal Point No. 4-6

The Project provides for a land use exchange program that makes it impossible to know what uses will ultimately be included in the site.

Appeal Response No. 4-6

Refer to Topical Response No. 1.E, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the Land Use Exchange Program. The proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the Erratum. The proposed Specific Plan would include a limited exchange program that provides for an increase of sound stage or production support uses for an equivalent amount of other permitted uses. In addition, the Specific Plan would include a regulatory framework for implementation of the Project, including, among other things, mandatory review processes by the City for implementation of the proposed Project. Future changes that are substantially different than the Initial Development Plans or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review.

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Appeal Point No. 4-7

A broad and ill-defined range of potential development choices and an EIR based on a “hypothetical development mix” provides only a “blurred view of the project” that is inadequate under CEQA. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12-13.)

Appeal Response No. 4-7

This comment is repetitive of the Appellant’s prior comments provided in Letter No. 9 of the Final EIR. Refer to Topical Response No. 1.F, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the Project Description being accurate, stable, and finite,. As discussed therein, the project at issue in the *Millennium* case is not similar to the Project because, among other reasons, *Millennium* involved an individual building development project rather than a specific plan project. In addition, the Project Description is distinguishable in all material respects from the project description at issue in *Millennium*.

Appeal Point No. 4-8

The EIR also fails to provide adequate information regarding project design, architecture, height, and features such as rooftop decks.

Appeal Response No. 4-8

Refer to Response to Comment Nos. 9-15 through 9-17, 9-19, 11-3, and 26-7 of the Final EIR. As demonstrated therein, sufficient detail regarding the design of the Project has been provided within Section II, Project Description, of the Draft EIR and the Project Description has been completed in full compliance with CEQA.

Appeal Point No. 4-9

There is also inadequate detail regarding parking and haul route to assess Project’s traffic safety impacts.

Appeal Response No. 4-9

Refer to Topical Response Nos. 12, Safety and Congestion, 13, Parking, and 14, Construction Vehicle Impacts, and Response to Comment No. 9-24, of the Final EIR. As demonstrated therein, sufficient detail was provided to evaluate the Project’s traffic safety impacts and the EIR included a thorough analysis of this topic. Also note that the Project’s haul routes have been approved by LADOT.

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Appeal Point No. 4-10

Sign District Ordinance

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, ***nearly two years after the DEIR and six months after the FEIR was released***. Thus, despite having significant impacts on the environment, these newly released documents were improperly excluded from CEQA analysis. These approvals would allow for signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review. The impacts of the specific Sign District and Conceptual Sign Plan was required to be analyzed as part of the whole of the project.

Appeal Response No. 4-10

As explained in the Appellant's prior comments in the Final EIR (see Response to Comment Nos. 9-6, 9-21, and 9-25 on pages II-273, II-291 to II-292, and II-294 to II-296 of the Final EIR), the physical environmental impacts associated with the proposed Sign District were fully disclosed and analyzed in the EIR. Further, the Draft TVC 2050 Sign District (Draft Sign District) was made available on April 5, 2024, 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing on May 15, 2024. CEQA nor City policy requires a proposed land use ordinance to be included in an EIR or made available prior to a public hearing.

In some instances, the proposed Sign District would permit future sign permits issued by the LADBS to be cleared by the City Planning without requiring a new discretionary entitlement and preparation of additional CEQA review. However, signage eligible for the Director Sign-Off process are within the scope of the Sign District analyzed in full by the EIR, including the Erratum. Signage outside of the scope of eligibility for the Director sign off process would be required to file a discretionary entitlement and conduct associated CEQA review as required therewith. Therefore, no new signage will be introduced to the Project Site that was not analyzed pursuant to CEQA. The Appellant provides no specific information identifying how the analysis contained in the EIR, including the Erratum, is inadequate to account for signage proposed under the various programs of the Sign District.

Appeal Point No. 4-11

Inadequate and Unenforceable Mitigation

The Project improperly relies upon project design features (PDFs) to mitigate project impacts without analyzing their efficacy. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) A "mitigation measure cannot be used as a device to avoid disclosing project impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663-664.)

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Appeal Response No. 4-11

This comment repeats the Appellant's prior comments which were fully responded to in the Final EIR. Refer to Response to Comment No. 9-34 of the Final EIR regarding the PDFs that would be implemented as part of the Project and that are included as part of the Project's MMP. As discussed therein, the PDFs are not intended to be mitigation and do not "mitigate" any significant impacts but are integral features of the Project (i.e., they are part of the Project that is analyzed in the EIR).

Appeal Point No. 4-12

Additionally, the mitigations that are contained in the Mitigation Monitoring and Reporting Program are not fully enforceable as required by CEQA. (Pub. Resources Code, § 21081.6, subd. (b).) If City staff later finds that the Project proponent has not fully complied with mitigation measures, they are allowed to modify or delete those measures.

Appeal Response No. 4-12

Refer to Response to Comment No. 9-34 of the Final EIR. As discussed therein, for each mitigation measure and PDF, the MMP provides details of the enforcement and monitoring agencies, timing, and action indicating compliance. Also, as correctly stated in the MMP, the City may determine whether the actual mitigation measure or PDF being implemented at the Project Site is in "substantial conformance" with the mitigation measures and PDFs provided in the MMP, which is standard language used in MMPs throughout the City and State. A determination of substantial conformance with previously approved CEQA documents does not trigger additional CEQA review, and any future modification or deletion of a mitigation measure or PDF would be required to comply with CEQA. Specifically, Section 4 of the MMP provides that "[a]fter review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency" (MMP pages 2-3). A modification or deletion would only be permitted if "the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 through 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMPs" (MMP page IV-3).

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Appeal Point No. 4-13

Inadequate Analysis of Air Quality and Health Risks

As detailed in Save Beverly Fairfax's comments on the Final EIR, as well as in comments from the South Coast Air Quality Management District, the EIR's air quality analysis is inadequate. The Draft EIR failed to include an analysis of the health risks caused by the Project's air emissions, an omission discussed by the California Supreme Court in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-522.) While the Final EIR did include a hasty quantitative health risk assessment, Save Beverly Fairfax identified the lack of and inconsistent discussions included within that assessment, which fails to ensure protections for nearby sensitive receptors such as homes.

Appeal Response No. 4-13

In response to comments and for informational purposes, a quantitative HRA was prepared as part of the Final EIR (refer to Appendix FEIR-10). The HRA confirms the less than significant conclusions regarding health risk in the Draft EIR. In addition, as discussed in Response to Comment No. 1-5 of the Final EIR, the HRA is based on a protocol that the Southern California Air Quality Management District (SCAQMD) concluded to be adequate to address the potential health risk related to the Project. Discussions were held with SCAQMD staff regarding appropriate methodology for analyzing health risk impacts which included the appropriate sensitive receptor locations, meteorology data, and health risk calculation consistent with the Office of Environmental Health and Hazard Assessment (OEHHA) guidelines. The SCAQMD has reviewed this protocol and approved the methodology and locations of sensitive receptors and health risk impacts. The HRA is not hasty, nor does it include inconsistent discussions as claimed by the Appellant. It should be noted that the SCAQMD did not comment that the air quality analysis was inadequate, contrary to the Appellant's assertion.

Regarding the Appellant's comments on the Final EIR referenced in this comment, responses are provided in Exhibit E of this Appeal Report.

Appeal Point No. 4-14

Analysis of Dewatering Impacts is Improperly Deferred

Based on an unsubstantiated claim that dewatering impacts from the Project's excavation down to 37 feet below the historic level of the water table, the EIR claims dewatering impacts on are only temporary. CEQA requires an analysis of temporary impacts. The EIR improperly defers this analysis, and mitigation of associated impacts, until post-approval in violation of CEQA's requirements.

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Appeal Response No. 4-14

The following key facts regarding the Project's dewatering are described and discussed in Appendix FEIR-13, Dewatering Simulation and Analysis for Temporary Excavation and Underground Parking Structure Construction Report, and in the responses provided in Section II, Responses to Comments, of the Final EIR:

- The proposed structures will be designed to resist the hydrostatic pressure, such that a permanent dewatering system (post-construction dewatering) will not be required.
- Hydrogeologic evaluations including assessments of groundwater quality at the Project Site have been performed as described in the Site Summary Report.
- Evaluations have been performed regarding hydraulic properties of the soils, the potential for ground subsidence or liquefaction, the potential to mobilize existing groundwater contaminants, proximity to production wells, and the volume of water to be dewatered.
- Geotechnologies reviewed the Project Site groundwater conditions and preliminary temporary construction dewatering findings and concluded the small amount of groundwater drawdown will have less than significant subsidence effects on the surrounding properties adjacent to the excavation given the long-term water level fluctuations due to seasonal changes and regulatory approved activities recorded from monitoring wells in the vicinity of the Project Site. The subsidence evaluation by Geotechnologies was presented in Appendix D of the dewatering report (Appendix FEIR-13).
- Defining the exact methods for dewatering prior to Project entitlement approval and the preparation of final construction plans is premature and not reasonable. As appropriate, the method of dewatering will be presented in a NPDES Permit application for LARWQCB or LA City Sanitation if a sanitary sewer industrial discharge permit is obtained, for review and approval; therefore, the means and methods for dewatering will be evaluated by the Local Agency and/or the LARWQCB and conform with all applicable regulatory requirements. Accordingly, temporary construction phase dewatering will be performed in a manner that will provide for less than significant impacts to neighboring properties and regional water resource needs.
- All shoring design, infiltration cut-off methods, if required, and dewatering methods will also be designed and submitted to the local jurisdictions for review and approval and will be performed, inspected, and monitored to comply with the applicable regulatory requirements.
- In accordance with Section 99.04.305.4 of Ordinance No. 184248, extracted groundwater would be reused on-site if feasible to do so or discharged to the sewer if not.

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- As the dewatering will be limited to temporary dewatering during construction, and the proposed construction will eliminate the need for permanent dewatering, there will be no long-term impact on the water table in the vicinity of the Project due to ongoing dewatering.

Also refer to Response to Comment No. 26-70 of the Final EIR.

Appeal Point No. 4-15

Analysis of Traffic Impacts is Inadequate

The EIR's analysis regarding VMT assumptions, traffic safety, cut-through traffic, fire protection, and parking for the Project is inadequate and unsupported.

Appeal Response No. 4-15

Refer to Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR, for a discussion of VMT assumptions; Topical Response No. 12, Safety and Congestion, and Response to Comment No. 9-29, of the Final EIR for a discussion of traffic safety; Topical Response No. 9 of the Final EIR for a discussion of cut-through traffic; Response to Comment No. 9-35 of the Final EIR for a discussion of fire protection; and Topical Response No. 13, Parking, and Response to Comment No. 26-125, of the Final EIR, for a discussion of parking. As discussed therein, each of these topics were thoroughly evaluated in the EIR.

Appeal Point No. 4-16

Much of this lack of adequate analysis is due to the EIR's reliance on an inadequate and unstable project description.

Appeal Response No. 4-16

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. As discussed therein, the Project Description is accurate, stable, and finite.

Appeal Point No. 4-17

The EIR's VMT analysis relies upon unsupported assumptions regarding trip lengths, failing to fully disclose Project impacts. These unsupported assumptions violation CEQA's requirement that "Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project." (CEQA Guidelines, § 15064.3, subd. (b)(4).) The EIR also fails to support its assumptions regarding per employee VMTs.

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Moreover, the Project is of a regional-serving nature, so the stated trip lengths are not accurate as they improperly rely upon the City's VMT Calculator, the guide for which states in no uncertain terms that it is not designed to "[e]valuate VMT impacts of land use plans (e.g., ... specific plans)," nor of "regional-serving retail projects, entertainment projects, or event centers." The Project falls under each of these categories.

The EIR fails to support the trip distribution assumptions it relies upon, which fails to provide adequate analysis of secondary impacts related to transportation, such as air quality, noise, and traffic safety. The EIR has an obligation under CEQA to analyze and disclose these impacts. Of great concern is that the EIR fails to address traffic safety impacts associated with the Project in an area where there is heavy pedestrian activity. With the moving target design of the Project, the entrances and exits have changed, without updated analysis of associated traffic safety impacts.

Appeal Response No. 4-17

Refer to Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR, for a discussion of LADOT-approved VMT assumptions, which were disclosed in the EIR in accordance with CEQA Guidelines Section 15064.3(b)(4), and use of the City's VMT model; Response to Comment No. 9-31 of the Final EIR regarding trip distribution; and Topical Response No. 12, Safety and Congestion, and Response to Comment No. 9-29, of the Final EIR for a discussion of traffic safety. As discussed therein, each of these topics were thoroughly evaluated in the EIR and impacts were determined to be less than significant.

Appeal Point No. 4-18

The EIR also wholly fails to assess cut-through traffic impacts. Cut-through traffic could have significant traffic safety, air quality and noise impacts. The EIR improperly defers the analysis and mitigation of these impacts to a post-approval process.

Appeal Response No. 4-18

Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR. As discussed therein, while cut-through trips are not environmental impacts under CEQA, a residential street cut-through analysis was included in the Transportation Assessment as required by LADOT.

Appeal Point No. 4-19

The EIR further defers analysis and mitigation of fire protection impacts relating to traffic to a post-approval review by the LAFD. CEQA requires that environmental review be conducted before project approval. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d

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376, 394.) An agency may not rely on “later” review to satisfy CEQA. This is particularly significant violation give [sic] the Project violates the requirements of the Los Angeles Municipal Code by being located outside of the required response distance from a fire station with an engine company.

Appeal Response No. 4-19

Refer to Topical Response Nos. 12.D, Emergency Access, and 14, Construction Vehicle Impacts, and Response to Comment Nos. 9-35, 26-147, and 35-134, of the Final EIR. As discussed therein, the Draft EIR correctly concluded that the Project’s impact on emergency access and fire-related services would be less than significant. As discussed in Section IV.J.1, Public Services—Fire Protection, of the Draft EIR, the Los Angeles Fire Department (LAFD) has reviewed the Project as part of the CEQA process and LAFD concluded that there would be adequate fire public services to serve the Project. The Draft EIR correctly concluded that the Project would result in less than significant impacts related to emergency access. Further review by the LAFD will be conducted as part of the building permit process, as required by the LAFD.

Appeal Point No. 4-20

Land Use Impacts Are Not Adequately Disclosed or Analyzed

After both the Draft and Final EIRs had been circulated, the Project was revised to include a General Plan Amendment for Community Commercial land use designation instead of the previously proposed Regional Commercial designation. This revision must be, but was not analyzed in the EIR. Due to this lack of analysis, the EIR fails to disclose the Project’s inconsistencies with the Community Commercial land use designation.

Appeal Response No. 4-20

Refer to Appeal Response Nos. 2-3, 2-4, and 2-16 above, regarding the proposed Community Commercial land use designation. In response to public comments, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site. The land use impacts associated with the proposed Community Commercial land use designation were analyzed in Section 2.2.8.2 of the Erratum, which confirmed that the Project is consistent with the Community Commercial designation, and impacts would be less than significant. The Project is proposing an FAR of approximately 1.61, which represents an approximate seven percent increase from the existing 1.5:1 FAR. Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1.⁹ The proposed FAR is consistent with and on the

⁹ General Plan Framework Element, Chapter 3—Land Use.

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lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial. In addition, all properties surrounding the Project Site are zoned for commercial uses, not residential uses as suggested by the comment. The closest residential use is the mixed-use six-story Broadcast Center Apartments building located immediately east of the Project Site, which is zoned C2 (Commercial) and has an FAR of approximately 2:1. With the exception of Broadcast Center Apartments, surrounding residential areas are separated from the Project Site by major thoroughfares such as Beverly Boulevard and Fairfax Avenue and the dense commercial uses that line them. As documented in the EIR and LOD, the potential impacts to adjacent properties related to the General Plan Amendment have been thoroughly analyzed and the Modified Project would not result in a new significant impact or substantially increase the severity of a previously identified impact presented in the EIR.

Appeal Point No. 4-21

The Project is not a community-serving project open to the general public, but rather a private project accessible only by on-site employees and visitors, which is inconsistent with the Community Commercial designation.

Appeal Response No. 4-21

Refer to Appeal Response Nos. 2-3, 2-4, and 2-16, regarding the proposed Community Commercial land use designation. As demonstrated by the analysis in Table 3 of the Addendum, the Modified Project is in conformance with the goals, objectives, and policies the Framework Element sets forth for properties designated as Community Commercial. Furthermore, the majority of the Project Site (approximately 60%), which has operated as a studio for over 70 years, is currently designated Community Commercial, and the Project would continue the existing studio use and unify the entire Project Site under the Community Commercial land use designation. Additionally, the Specific Plan includes provisions to require publicly accessible commercial uses along Fairfax Avenue.

Appeal Point No. 4-22

It also fails to limit height and scale to transition to adjacent residential zones.

Appeal Response No. 4-22

Comments similar to this comment were fully responded to as part of the Final EIR. Refer to Response to Comment Nos. 11-3 and 26-7 in Section II, Responses to Comments, of the Final EIR regarding how the size and height of Project is compatible with the height and scale of surrounding uses. Also refer to pages 15 through 17 and 58 of the Erratum for a description of the reduced building

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heights under the Modified Project. In particular, there are existing and proposed developments ranging in height from 75 feet (8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately one mile of the Project Site. In addition, all properties surrounding the Project Site are zoned for commercial uses, not residential uses as suggested by the comment. The closest residential use is the mixed-use six-story Broadcast Center Apartments building located immediately east of the Project Site, which is zoned C2 (Commercial). With the exception of Broadcast Center Apartments, surrounding residential areas are separated from the Project Site by major thoroughfares such as Beverly Boulevard and Fairfax Avenue and the dense commercial uses that line them. In addition, within the eastern portion of the Project Site, buildings have been moved further to the west (ranging from approximately 60 feet to 100 feet from the Shared Eastern Property Line), away from the Broadcast Center Apartments, and the sound stages have been relocated primarily to the southeastern portion of the Project Site. In addition, the required setback along the Shared Eastern Property Line west of the Broadcast Center Apartments has been increased from 30 feet to 45 feet. Further, building heights have been reduced, and the taller building heights are located within the central portion of the Project Site. Specifically, buildings to the west of the Broadcast Center Apartments in Subarea C would be limited to a base height limit of 88 feet, and a maximum height of 145 feet would be permitted in up to 40 percent of the Subarea C area (which is 15 feet less than the 160-foot maximum height limit under the Original Project). Buildings south of the Broadcast Center Apartments in Subarea B would be limited to a maximum height of 120 feet (which is 10 feet less than the 130-foot height limit under the Original Project).

Appeal Point No. 4-23

Save Beverly Fairfax also detailed significant concerns with the modified draft Specific Plan that have not been addressed, including, but not limited to; the exclusion of temporary basecamp structures from the definition of project floor area;

Appeal Response No. 4-23

The comment regarding basecamp and floor area is repetitive of comments on the Draft EIR. Refer to Topical Response No. 2, and Response to Comment Nos. 5-7 and 26-121, of the Final EIR. As discussed therein, the proposed Specific Plan's floor area definition is based on the LAMC definition, with a few additional clarifications to account for the unique nature of studio uses and functions, as has been done in other approved specific plans for studios in Los Angeles and the EIR analyzed the full scope of the physical impacts on the environment from the Project, including basecamp areas, in accordance with CEQA regardless of how floor area is defined.

Appeal Point No. 4-24

fails to consider grade height in address height;

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Appeal Response No. 4-24

This comment is repetitive of comments on the Draft EIR. Refer to Response to Comment No. 26-7 of the Final EIR. As discussed therein, the existing variations in grade height within the Project Site were fully accounted for in the EIR.

Appeal Point No. 4-25

excludes changes in use from the definition of project in a manner that is inconsistent with CEQA's requirements; defines future project approvals as ministerial, and thus avoiding CEQA review, for uses and projects not analyzed in the current EIR; and the elimination of the ability for the Area Planning Commission to review certain projects and approvals under the Specific Plan.

Appeal Response No. 4-25

The Appellant appears to claim that the proposed Specific Plan excludes any changes in use from the definition of a Project, which is incorrect. The Specific Plan includes limited exclusions from the definition of a Project, including "[a] change in use within or between any building, structure, or improvement, provided that the new use is a permitted use, does not involve a Land Use Exchange per Section 5.2.E, is not a change between Studio Land Use categories set forth in Table 5.2.B, and does not exceed the permitted Floor Area under Table 5.2.B" (Section 3). The Appellant provides no information substantiating that a change of use to a permitted use that was analyzed in the EIR and does not exceed the floor area analyzed in the EIR is inconsistent with CEQA. A specific plan, or any other land use or zoning ordinance, regulating allowable uses commonly contain ministerial, or "by-right," provisions which allow for changes of use without discretionary review. Any future ministerial review has not circumvented the CEQA review process because the list of allowable uses in the TVC Zone has already been fully analyzed in the EIR and the Appellant has provided no evidence to the contrary.

Further, specific plans often include tailored procedural requirements that differ from the LAMC requirements. In this case, the Specific Plan would incorporate nearly all of the procedural requirements from the LAMC, except that any appeal would be upgraded to the CPC for decision, a higher decision-making body than the Area Planning Commission (APC).

Notably, the Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Specific Plan, which are the same plans that were fully evaluated in the EIR and Erratum in accordance with CEQA, would be processed administratively under the Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans

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(Appendix A) would require a new discretionary approval by the City and CEQA compliance review. The Appellant has provided no evidence that this is contrary to CEQA or any other law.

Appeal Point No. 4-26

The EIR's Alternatives Analysis Is Inadequate

The EIR fails to include meaningful consideration of alternatives, despite this alternatives analysis being the “core of the EIR.” (CEQA Guidelines, §15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (CEQA Guidelines, §15002(a)(3).)

The inadequate and unstable project description disclosure has also infected the alternatives analysis, limiting transparency in the availability and feasibility of project alternatives due to lack of clarity regarding what exactly this project is. Additionally, the project objectives included in the EIR are interpreted in an artificially narrow manner that eliminates all but the proposed project and would improperly “ensure[] that the results of [the EIR’s] alternatives analysis would be a foregone conclusion.” (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.) This is a violation of CEQA.

Appeal Response No. 4-26

This comment is repetitive of the Appellant’s prior comments on the Draft EIR, which were addressed in the Final EIR. Refer to Topical Response Nos. 1, Clearly Defined Project Description and Specific Plan, 16, Project Alternatives Analysis, and Response to Comment Nos. 26-178 and 26-179, of the Final EIR.

Appeal Point No. 4-27

The meaningful consideration of alternatives and mitigation measures is of fundamental importance under CEQA, because projects with significant environmental impacts *may not* be approved “if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects ...” (Pub. Resources Code, §21002.) Here, the EIR admits that that the Project would have significant construction air quality impacts, significant cumulative construction and operation air quality impacts, and significant construction noise and vibration impacts. Moreover, as detailed in this letter, Save Beverly Fairfax’s previous comments, and the detailed comments submitted by the many other community members, the Project would have numerous other significant adverse impacts that the EIR fails to disclose.

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Thus, the Project cannot be approved as proposed if there are feasible alternatives [sic] would reduce the Project's significant impacts. Instead of providing the robust and transparent alternative analysis required by CEQA, the EIR has improperly assessed the potential impacts of alternatives, narrowly interpreted project objectives, and improperly defined alternatives in an attempt to reject less impactful feasible alternatives.

Appeal Response No. 4-27

Refer to Topical Response No. 16, Project Alternatives Analysis, and Response to Comment Nos. 26-178 and 26-179, of the Final EIR. As demonstrated therein, the Project's alternatives analysis and Project objectives fully comply with CEQA, and the Project would not result in significant impacts that were not already disclosed in the Draft EIR.

Appeal Point No. 4-28

A reduced density of development alternative is feasible—the project proponents have made no showing that the massive increase in development proposed is required. As the significant impacts are all tied to the amount of construction and development, a reduced density alternative is environmentally superior.

This includes the reduced density Alternatives 2 and 3, which are less impactful than the project. The EIR's analysis of these alternative's potential impacts is unsupported. The EIR claims impacts would be the same as the Project, but with significantly reduced construction timelines, the many Project-construction related impacts would clearly be reduced. The EIR also includes unsupported assumptions regarding what type of uses would be constructed under these reduced density alternatives as a basis for claiming the alternatives would not fully meet project objectives but provides no evidentiary support for such assumptions. Alternatives 2 and 3 are feasible and attempts to reject these alternatives are legally indefensible.

The EIR also improperly rejects Alternative 5, the designated environmentally superior alternative. Alternative 5 would meet all of the project objectives, although not as "effectively" or to the same extent as the Project, but this comparison is problematic due to the EIR's failure to provide a finite Project definition. It also lacks adequate information to provide a comparative analysis of the Project's ability to meet objectives with the ability of the alternatives. Moreover, less impactful alternatives need not meet all project objectives; "[i]f there are feasible alternatives ... that would accomplish most of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, the project may not be approved without incorporating those measures." (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1370, fn 19, citation to Pub. Resources Code, §§21000(g), 21002, Guidelines, §15091.)

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Appeal Response No. 4-28

The Appellant asserts that Alternatives 2 and 3 are environmentally superior to the proposed Project. However, that assertion is first inconsistent with the CEQA significance thresholds used by the City, as the lead agency, to evaluate the Project's construction impacts. CEQA affords the lead agency discretion in selecting significance thresholds. (Refer to CEQA Guidelines Section 15064(b).) As explained in the Draft EIR (p. I-6), the City uses Appendix G in the state's CEQA Guidelines as the basis for its significance thresholds for CEQA review documents. In addition, the City's 2006 Thresholds Guide informs the application of the significance thresholds in Appendix G to development projects in the City. (Draft EIR, p. I-6.)

With respect to the significance thresholds for air quality and noise impacts, Appendix G expressly encourages local lead agencies to use standards set by regulatory agencies. For example, Appendix G states with respect to air quality impacts that "where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon. ..." With respect to significance thresholds for noise impacts, Appendix G states that lead agencies should evaluate "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. ..." Those directives are consistent with CEQA Guidelines Section 15064.7(c), which provides that "when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies."

As explained in the Draft EIR, the City adopted significance thresholds for air quality impacts based on standards set by the SCAQMD. (Draft EIR, p. IV.A-32 to IV.A-38.) With respect to construction noise impacts, the Draft EIR explained that the City uses significance thresholds from the 2006 Thresholds Guide and the LAMC, as well as from the Federal Transit Administration concerning vibration impacts. (Draft EIR, p. IV.I-29 to IV.I-31.)

As discussed in Section V, Alternatives, of the Draft EIR, Alternatives 2 and 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternatives 2 and 3, although the duration of such impacts would be reduced due to the overall reduction in building square footage and associated construction activities.

The EIR evaluated the air quality and noise impacts associated with the construction of Alternatives 2 and 3 consistent with the above significance thresholds. Also, in addition to not being environmentally superior to the proposed Project, Alternatives 2 and 3 would be less effective than

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the Project in meeting the underlying purpose and objectives of the Project “as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity.” In addition, due to the reduced amount of development under this alternative, Alternatives 2 and 3 would only partially meet several of the Project objectives or would not meet the objectives as well as the Project. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 3.

With regard to Alternative 5, the EIR does not improperly reject Alternative 5. As discussed in detail in Section V, Alternatives, of the Draft EIR, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NOX emissions from a significant and unavoidable level to a less than significant level with mitigation by eliminating subterranean parking that reduces excavation and the export of soil. Alternative 5 would also reduce the Project-level and cumulative air quality impacts related to concurrent construction and operations and would substantially reduce the Project’s off-site construction noise impact, although these impacts would remain significant and unavoidable. Alternative 5 would result in the same significant and unavoidable impacts related to on-site noise during construction and on and off-site vibration during construction (based on the significance threshold for human annoyance). In addition, Alternative 5 would result in the same significant cumulative impacts that cannot feasibly be mitigated with regard to on-site construction noise and off-site construction vibration (based on the significance threshold for human annoyance). The duration of the regional NOX and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule. However, Alternative 5 would not meet the underlying purpose of the Project as effectively as the Project since the elimination of subterranean parking would compromise and require changes to the Project’s internal circulation plan, resulting in reduced integration of the production staging, loading, and basecamp areas with sound stages and filming areas, thereby making studio operations less efficient and flexible. These sub optimal production operations would jeopardize the economic viability of the sound stages. Additionally, Alternative 5 would only partially meet, or would not meet the objectives as well as the Project, generally due to the elimination of the Project’s subterranean parking and resulting effects on internal circulation and production efficiencies, as well as the increased building massing. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 5.

Appeal Point No. 4-29

Recirculation of the EIR was Required

As set forth in Save Beverly Fairfax’s April 17, 2024 comments, due to the many Project modifications and release of Project documentation such as the revised Specific Plan and Sign Ordinance **after** the Final EIR was circulated, the EIR should have been recirculated to analyze additional and changed impacts and significant new information. (CEQA Guidelines, §15088.5.) Instead, the City

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has attempted to rely on a form of review not allowed for under—an “Erratum.” A revised EIR must instead be recirculated for public comments and the City must respond to the comments as required by CEQA.

Appeal Response No. 4-29

Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. As discussed therein, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft Specific Plan itself to be included in the Draft or Final EIR. Nonetheless, in response to public comments, drafts of the proposed Specific Plan dated October 2023 and April 2024 and a draft of the proposed Sign District dated April 2024 were made publicly available on City Planning’s website for informational purposes.

In addition, refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the Draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR and Erratum fully evaluated the physical parameters of the proposed Specific Plan.

Refer to Appeal Response 4-10 above regarding the Sign District. Furthermore, an erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. Recirculation is only required if an erratum includes “significant new information” as provided in CEQA Guidelines Section 15088.5. As observed by the California Supreme Court, “the final EIR will almost always contain information not included in the draft EIR” given CEQA’s statutory requirements of circulation of the draft EIR “at the earliest possible time[.]” soliciting public comments, and providing detailed responses to comments prior to the certification of the final EIR, and “[r]ecirculation was intended to be an exception, rather than the general rule.” A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation. “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project.” The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, which is exactly how CEQA is supposed to work.

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Appeal Point No. 4-30

The Project Site Does Not Include a Legal Helipad

The EIR and the City's approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad on the Project. The site has never received the required permit to allow helipad use on the Project site. (LAMC §57.105.7.1.7.) The EIR cannot now assume a continuing illegal use of the site and use that as a basis to avoid environmental review. The EIR must analyze this as a new use, and must also, but fails to, assess the increased use in the helipad with the increased development and use of the Project site under the Specific Plan. Further, after the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. The impacts of this Project revision were not analyzed.

Appeal Response No. 4-30

As discussed throughout the EIR, a helipad has been a permitted use on the Project Site since 1951 under Case No. ZA-11412, which involved the approval of a conditional use and zone variance to permit production uses as well as "all uses incident, necessary or appurtenant to" production. This was a blanket use approval that was intentionally written broadly to encompass all studio-related uses that were both known and unknown, including a helipad. This intent is made clear in the 1951 approval itself, which states that "since the field of television and telecasting is one which is still in its early stages of development and no one knows or can foresee with any great degree of certainty what the future holds or what activities will be necessary to successfully operate a major television studio, it is essential...that the developers of such a project be assured of authority to do whatever may be or may become reasonably necessary for its successful operation in the light of future progress and new scientific developments." The existing helipad was approved in 1970 by the State of California Department of Aeronautics, and the helipad has been legally permitted since that time. A detailed memorandum on the existing helipad and its permit history (including, among other things, the 1951 approval) is included in Appendix FEIR-15 of the Final EIR. In addition, the 1970 permit is included as Attachment E to this memorandum.

Notably, the helipad has been included in all Project plans, materials, and environmental analyses, including the 2021 Entitlement Application, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum. The Draft EIR discussed the existing helipad and Case No. ZA-11412 in Section II, Project Description, and again in Section IV.F, Hazards and Hazardous Materials, Section IV.H, Land Use and Planning, Section IV.I, Noise, and Section IV.J.1, Public Services—Fire Protection.

The environmental impacts from the helipad were fully analyzed in the EIR and Erratum, which concluded that impacts related to the helipad would be less than significant. These analyses are consistent with CEQA and City policy. As discussed in the Erratum, under the Modified Project, the

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helipad would remain within the central portion of the Project Site, but at a higher elevation. Specifically, the helipad would be located approximately 180 feet higher than and 140 feet north of the existing location from a vertical and horizontal perspective, respectively. It would also be approximately 45 feet higher than the location proposed under the Original Project.

The modified location was analyzed in the Erratum, specifically in the technical expert report included as Appendix G. As discussed therein, raising the helipad to a higher elevation would increase the vertical distance between the helipad and surrounding uses, which would result in a reduced noise level, as compared to existing conditions. The report concluded that, as with the Original Project, operation of the helipad under the Modified Project would result in less than significant impacts.

As stated consistently throughout the EIR and Erratum, operation of the helipad under the Project would be consistent with existing conditions and would comply with all existing applicable regulatory requirements. Further, the relocation of the existing helipad under the Modified Project would require additional approvals from the Federal Aviation Administration and Department of Aeronautics. Moreover, any future changes to the location or operation of the helipad beyond what was studied in the EIR and Erratum would require CEQA compliance review.

Appeal Point No. 4-31

Required Findings for Approval of Vesting Tentative Tract Map Cannot be Made

The City also cannot make the required findings to approve the VTT 83387. Government Code §§ 66473.5 and 66474(a) require that tract maps be consistent with all applicable general plans and specific plans.

Appeal Response No. 4-31

This comment is addressed in Appeal Response Nos. 1-11 and 2-1, above.

Appeal Point No. 4-32

As set forth above, and in previous comments submitted by Save Beverly Fairfax, the Project is not consistent with General Plan uses for Community Commercial development. The project is inconsistent with the General Plan Framework due to lack of adequate emergency service.

Appeal Response No. 4-32

Refer to Appeal Response No. 4-21, above, for a discussion of the Project's consistency with the Community Commercial designation and Appeal Response No. 4--19, above, for a discussion of the

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adequacy of emergency services to serve the Project. In addition, as discussed in Response to Comment No. 16-5 of the Final EIR, LAFD and the Los Angeles Police Department (LAPD) have been consulted on the Project and the City has determined that potential impacts to fire protection and police protection services would be less than significant. The Project's consistency with applicable goals, objectives, and policies from the General Plan Framework, including those related to fire protection, are discussed in detail on pages 5 and 6 of Appendix I, Land Use Tables, of the Draft EIR.

Appeal Point No. 4-33

The Project is also inconsistent with the General Plan Mobility 2035 Plan. Further, the Project is inconsistent with the Wilshire Community Plan and mitigation required under that plan.

Appeal Response No. 4-33

Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR provides a detailed analysis of the Project's consistency with adopted plans and regulations applicable to the Project, including the Mobility Plan 2035 and the existing Wilshire Community Plan. The analysis demonstrates that the Project would not conflict either of these plans. The Erratum, which evaluates the refinements to the Project, also confirms this conclusion.

Appeal Point No. 4-34

The site, located adjacent to an historic residential neighborhood, schools, religious institutions and other sensitive uses, is also not suited for the massive amount of development proposed for this Project.

Appeal Response No. 4-34

The Project Site is not located adjacent to a historic neighborhood; refer to Appeal Response No. 4-1, above. Further, the Project's impacts on adjacent sensitive uses were fully analyzed in the EIR. Also refer to Response to Comment Nos. 11-3 and 110-3 of the Final EIR. As discussed therein, the Project represents the continuation of existing studio uses within the Project Site and the proposed FAR is consistent with surrounding development.

Appeal Point No. 4-35

Conclusion

For all of the reasons set forth herein and incorporated by reference, we urge the City to grant Save Beverly Fairfax's appeal of the Advisory Agency approvals for this Project. SCRA also reserves the

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right to supplement this appeal justification prior to the Planning Commission's consideration of this appeal.

Attachment 1: August 25, 2022, DEIR Comments

Attachment 2: April 17, 2024, Erratum Comments

Attachment 3: May 14, 2024, FEIR Comments

Appeal Response No. 4-35

Refer to Appeal Response Nos. 4-1 through 4-34, above. In addition, refer to the response to Comment Letter No. 5 in Section II, Responses to Comments, of the Final EIR for responses to the Appellant's comments on the Draft EIR, and to Exhibit D.2 of the Appeal Report for responses to the Appellant's comments on the Final EIR.

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Appellant No. 5

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o/b/o Beverly Wilshire Homes Association
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Appeal Point No. 5-1

On behalf of the Beverly Wilshire Homes Association, we hereby submit this summary of the reasons for the Association's appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. The Association also appeals the advisory agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project (Project).

The Beverly Wilshire Homes Association is a non-profit, incorporated organization of property owners, residents and businesses within the area bounded by La Brea to La Cienega and Rosewood to the north side of Wilshire Blvd. From 1956 to the present, the Association has been the voice of the community. The Association's mission is to improve the quality of life for its members and the community. The Association remains concerned that the development of the Project authorized by the VTT will have adverse impacts on the community. These impacts were obscured by an impermissibly opaque administrative process that prevented the full disclosure of Project details and their likely impacts, thereby preventing full environmental analysis and the mitigation of those likely impacts.

The TVC 2050 Project would enact the TVC 2050 Specific Plan aimed at modernizing and expanding production facilities on the 25-acre Television City site located at 7716-7860 Beverly Boulevard. The Vesting Tentative Tract Map authorizes the merger and re-subdivision of four site lot into three as well as a haul route that would be used to export of up to 772,000 cubic yards of soil. The full Project requires additional approvals that will be considered by the Planning Commission and City Council, including:

- Annexation of a portion of the Project Site located within unincorporated Los Angeles County;
- General Plan Amendment to change the site's land use designation to Community Commercial;

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- Inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation;
- Vesting Zone Change and Height District Change from C1.5-2D-O and C2-1-O to the TVC Zone;
- Approval of the TVC 2050 Specific Plan; and
- Establishment of the “SN” Sign.

The Beverly Wilshire Homes Association appreciates the goal of modernizing Television City’s production facilities but asserts that the City’s administrative process has lacked the transparency required for full community understanding and the mitigation of impacts on that community. Notably, the Specific Plan was not even available for public review until nearly two years after the completion of the draft EIR. The EIR claimed impacts of the Project would be mitigated by the design and other standards included in the Specific Plan, but those standards were not made public during the EIR comment period. Further changes have been made to the Project since the release of the final EIR. The Beverly Wilshire Homes Association detailed its objections to the Project and to the City’s CEQA process for the in the attached comment letters. (**Attachment 1**, September 13, 2022 DEIR Comments; **Attachment 2**, May 14, 2024 FEIR Comments.) These comments detail the reasons for the Association’s appeal. The Beverly Wilshire Homes Association incorporates by reference the comment letters submitted by Save Beverly Fairfax, The Grove, LLC, Mayer Beverly Park, LP and A.F. Gilmore and relies upon these comments for its appeal.

Appeal Response No. 5-1

This introductory comment is noted for the record. With regard to the concerns raised regarding full disclosure of Project details and their likely impacts, refer to Topical Response No. 1.F, the Project Description Is Accurate, Stable and Finite, of the Final EIR.

Responses to the Appellant’s comments on the Draft EIR are included in the responses to Comment Letter No. 11 in Section II, Responses to Comments, of the Final EIR.

Responses to the Appellant’s comment letter dated May 14, 2024, are included in Exhibit E of the Appeal Report.

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Appeal Point No. 5-2

I. The EIR Has an Unstable Project Description.

The Specific Plan was not released to the public or to decisionmakers until more than a year after the draft EIR was completed. Without the benefit of the Specific Plan, the EIR could not possibly have disclosed, analyzed, or mitigated the impacts of that Plan. The Sign District Ordinance was not provided until six months after the final EIR was completed, meaning it too was absent from the analysis and the public discourse. Even so, the EIR relied upon the details of the undisclosed Plan to claim that certain environmental impacts would not be significant. This makes no sense. Moreover, without being able to review the Specific Plan, members of the public were deprived of the right to provide informed comment on both the Specific Plan and the EIR.

What little was known about the Project was that it is a 20-year blank check for 1.46 million square feet of new development, 225 feet tall, in a congested corridor. It is unclear which of more than 50 allowable uses will be built within the site, especially given the Project's land exchange program. The type and timing of development proposed is unknown. The Project allows for general office and retail uses, far more than the studio production facilities touted by Project proponents. In fact, over one-third of Project development could be for non-production uses. The Project remains broad and ill-defined with an EIR based on a "hypothetical development mix." Such projects have been found to provide only a "blurred view of the project," in violation of CEQA. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12-13.) The EIR further fails to provide sufficient information regarding project design and architecture, height, rooftop decks, parking, and haul routes.

Appeal Response No. 5-2

This comment is substantively similar to Appeal Point Nos. 4-2 to 4-8. Refer to Appeal Response Nos. 4-2 to 4-8, above.

Appeal Point No. 5-3

II. Traffic Analysis is Inadequate.

The EIR's traffic analysis is deficient for reasons including, but not limited to:

- VMT analysis relies upon unsupported and artificially low assumptions regarding trip lengths and per-employee VMT, which results in the EIR's failure to fully disclose Project impacts.
- The EIR for the regional-serving Project improperly relied on the City's VMT calculator, which is not intended for such projects.

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- Trip distribution assumptions are unsupported.
- Traffic safety has not been analyzed, despite the heavy pedestrian activity in the area and the Project's constant changes in the locations of vehicular and pedestrian entrances and exits.
- Cut-through traffic has not been analyzed.
- Impacts on emergency services has been deferred.

Appeal Response No. 5-3

This comment is substantively similar to Appeal Point Nos. 4-15 to 4-19. Refer to Appeal Response Nos. 4-15 to 4-19, above.

Appeal Point No. 5-4

III. Dewatering Impact Analysis and Mitigation is Deferred.

The EIR claims dewatering impacts will be only temporary, but this does not absolve the City of analyzing the impact. Further, the final EIR's response to comments indicates that planning for the Project's excavation and dewatering will not occur until after Project approval. Thus, the EIR improperly defers analysis and mitigation of dewatering impacts in violation of CEQA.

Appeal Response No. 5-4

This comment is substantively similar to Appeal Point No. 4-4. Refer to Appeal Response No. 4-14, above.

Appeal Point No. 5-5

IV. The Sign District Ordinance Was Released After the Completion of CEQA Analysis.

The Draft Sign District Ordinance and Conceptual Sign Plans was not released until April 30, 2024, six months after completion of the *final EIR*. As a result, the impacts of the sign program—which would be a significant change from existing conditions by allowing signage not currently allowed—was excluded from CEQA analysis. The failure to analyze signage impacts is impermissible, as would be any piecemealing of separate Sign District analysis.

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Appeal Response No. 5-5

This comment is substantively similar to Appeal Point No. 4-10. Refer to Appeal Response No. 4-10, above.

Appeal Point No. 5-6

V. PDFs are Not Enforceable Mitigation Measures.

The Beverly Wilshire Homes Association's DEIR comments detail the Project's impermissible reliance on project design features (PDFs), which compresses the analysis and mitigation of impacts and results in the EIR's failure to analyze the efficacy of these mitigating features. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) Even the Project mitigation measures delineated in the Mitigation Monitoring and Reporting Program (MMRP) fail to comply with CEQA because they are not fully enforceable. (Pub. Resources Code, § 21081.6, subd. (b).) The MMRP expressly provides that City staff can modify or delete mitigation measures that are difficult to comply with.

Appeal Response No. 5-6

This comment is substantively similar to Appeal Point Nos. 4-11 to 4-12. Refer to Appeal Response Nos. 4-11 to 4-12, above.

Appeal Point No. 5-7

VI. The EIR Fails to Adequately Analyze of Air Quality and Health Risks.

The South Coast Air Quality Management District and Save Beverly Fairfax detailed concerns about the EIR's air quality analysis, especially regarding sensitive receptors residing within several hundred feet of the Project Beverly Wilshire Homes Association joins in these concerns about the Project's deficient Health Risk Analysis and the assumptions contained therein.

Appeal Response No. 5-7

This comment is substantively similar to Appeal Point No. 4-13. Refer to Appeal Response No. 4-13, above.

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Appeal Point No. 5-8

VII. The EIR Has Not Analyzed the Project's Land Use Impacts.

The Project was revised to change the General Plan land use designation to Community Commercial, but not until after the final EIR was released. The EIR therefore fails to analyze and disclose the Project's inconsistencies with that land use designation. The Project is not community-serving but private. It will not be accessible to the general public. Nor does it have required height and scale limits.

Appeal Response No. 5-8

This comment is substantively similar to Appeal Point Nos. 4-20 to 4-22. Refer to Appeal Response Nos. 4-20 to 4-22, above.

Appeal Point No. 5-9

VIII. The EIR Fails to Analyze Meaningful Alternatives.

The EIR interprets the Project's detailed objectives so narrowly as to eliminate the consideration of anything but the proposed Project thereby ensuring "the results of [the EIR's] alternatives analysis would be a foregone conclusion." (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.) This violates CEQA. A reduced density of development alternative is feasible and should have been analyzed in the EIR, especially given that the Project's significant impacts are largely tied to its size. The purpose of an alternatives analysis is to analyze alternatives to a project that will "avoid or substantially lessen" those significant impacts. (Pub. Resources Code section 21002.) The EIR's rejection of Alternatives 2, 3, and 5 is unsupported.

Appeal Response No. 5-9

This comment is substantively similar to Appeal Point Nos. 4-26 to 4-28. Refer to Appeal Response Nos. 4-26 to 4-28, above.

Appeal Point No. 5-10

IX. Recirculation was Required, Not an Erratum.

The Project was modified after the release of the final EIR, and many, many new technical reports were disclosed, for the first time, in April 2024. Beverly Wilshire Homes Association joins Save Beverly Fairfax's April 17, 2024 requesting EIR recirculation pursuant to CEQA Guidelines Section 15088.5. An Erratum is not contemplated or allowed by CEQA.

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Appeal Response No. 5-10

This comment is substantively similar to Appeal Point No. 4-29. Refer to Appeal Response No. 4-29, above.

Appeal Point No. 5-11

X. The City Cannot Make Findings Required to Approve a Vesting Tentative Map.

Government Code Sections 66473.5 and 66474(a) require tract maps to be consistent with applicable general plans and specific plans. Save Beverly Fairfax's comments detail how and why the Project is not consistent with General Plan uses for Community Commercial development, emergency service requirements; the 2035 Mobility Plan, and the Wilshire Community Plan. The Association joins and relies on these comments.

Appeal Response No. 5-11

This comment is substantively similar to Appeal Point Nos. 4-31 to 4-33. Refer to Appeal Response Nos. 4-31 to 4-33, above.

Appeal Point No. 5-12

Conclusion

The Beverly Wilshire Homes Association urges the City to grant its appeal of the Advisory Agency approvals for this Project. The Association reserves the right to supplement this appeal justification prior to the Planning Commission's hearing of this matter.

Attachment 1: September 13, 2022 DEIR Comments

Attachment 2: May 14, 2024 FEIR Comments

Appeal Response No. 5-12

These comments are noted for the record. The Appellant's comments on the Draft EIR were addressed in the responses to Comment Letter No. 11 of Section II, Responses to Comments, of the Final EIR and the Appellant's comments on the Final EIR were responded to in Exhibit E of the Appeal Report. As demonstrated by the responses, recirculation of the EIR is not warranted.

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Appellant No. 6

Laura Lake
Fix the City
10558 Kinnard Ave.
Los Angeles, CA 90024-6039

Appeal Point No. 6-1

This is both a CEQA appeal and an appeal of the VTTM determination. Fix The City filed extensive comments on the DEIR for this project which we incorporate by reference, along with all other testimony and evidence submitted to date. Our concerns and objections remain, despite the minor changes proposed for this fatally flawed project.

Fix the City is an incorporated entity established to promote public safety, support the infrastructure, challenge unsustainable development, and hold city government accountable, particularly with regard to land-use issues. Fix the City will be directly impacted by the Project and related studio expansion projects, and has standing to appeal the Advisory Agency's determination.

Appeal Response No. 6-1

This introductory comment is noted for the record. Refer to Appeal Response Nos. 6-2 through 6-31 below for responses to specific issues raised by the Appellant.

Appeal Point No. 6-2

We request that the cumulative impacts of multiple studio expansion projects be addressed in the approval for TVC regarding their impacts on housing production.

Appeal Response No. 6-2

Per Section 15130 of the CEQA Guidelines, a list of related project for the purpose of analyzing potential cumulative impacts is prepared by the lead agency with specific requirements. A such, a comprehensive list of related projects in the vicinity of the Project Site was provided in Section III, Environmental Setting, of the Draft EIR. A total of 68 related development projects were identified within the vicinity of the Project Site and were evaluated throughout the EIR. No other proposed studio projects were identified by the lead agency, and the Appellant has not named any specific project that has been improperly excluded or provided a basis for including a studio project not located within the vicinity of the Project Site.

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Refer to Appeal Response Nos. 2-29 and 2-44, above, and 6-3, below, regarding housing.

Appeal Point No. 6-3

As stated in our September 12, 2022, comments on the Draft EIR, which we incorporate here, the EIR fails to disclose what the project really is and ignores impacts of the project on the City's Housing Element and on public services including emergency response. The tract map has no information regarding the scope of the development. ***The tract map and EIR fail to provide required disclosure.***

The City has provided no stable information as to what the project is in the EIR or as part of the tract map, has changed the project multiple times, releasing modified plans and documents, yet *still* fails to provide enough detail on the project for the community and the Advisory Agency to know whether the site is physically suitable for the proposed development—or even what the proposed development is. The tract map is inadequate and completely devoid of information necessary to determine what is the proposed density, intensity and location of use and whether it can be accommodated in this area, including for provision of emergency services, as discussed in detail below. The entire analysis in the EIR is speculative and prohibited by CEQA, and the Advisory Agency's CEQA determination was an abuse of discretion. Further, the Advisory Agency's process and the tract map itself also violated the LAMC.

The City's process violated the LAMC. The Advisory Agency's determination approving the tract map, certifying the EIR, and adopting the findings, SOC, and MMP, is inconsistent with the Los Angeles Municipal Code and improper. The Advisory Agency's determination is based on a different map than was presented at the hearing. The tract map included in the staff report was different from the tract map included with the determination. The tract map included in the determination was filed after the May 15 hearing, so it could not have been the map considered at the hearing and the subject of the determination. And the Advisory Agency should not be approving the map and certifying the EIR when the other approvals, including the General Plan and zoning determinations, have not been heard by the Planning Commission. The Advisory Agency cannot approve a tract map as consistent with a Specific Plan when there is no information provided as part of the tract map as to the scope of the development it is vesting and the Specific Plan provides little clarity as to what actually will be developed.

Appeal Response No. 6-3

This comment references the Appellant's comment letter regarding the Draft EIR that was submitted to the City and responded to in the responses to Comment Letter No. 16 of Section II, Responses to Comments, of the Final EIR.

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Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the adequacy of the Project description in the Draft EIR. Subsequent to the completion of the Final EIR, refinements were made to the Project (referred to as the “Modified Project”) in response to feedback from the community, including the Appellant, which were analyzed in the Erratum in accordance with CEQA and City policy and guidelines. A discussion of the Project was included on pages 1 to 3 of the Tract Report and pages 21 to 23 of the LOD, both of which incorporate the EIR and Erratum therein by reference. As observed by the California Supreme Court, “the final EIR will almost always contain information not included in the draft EIR” given CEQA’s statutory requirements of circulation of the draft EIR “at the earliest possible time[,]” soliciting public comments, and providing detailed responses to comments prior to the certification of the final EIR, and “[r]ecirculation was intended to be an exception, rather than the general rule.”¹⁰ A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.¹¹ “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project.”¹² The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including the Appellant, which is representative of the intent and function of CEQA review and analysis.

Refer to Response to Comment No. 16-2 of the Final EIR regarding how the Project does not conflict with the Housing Element.

Refer to Appeal Response Nos 4-19 and 4-32, above, regarding emergency response.

Refer to the VTTM Topical Response regarding the VTTM compliance with all applicable processes and procedures of the LAMC, and Appeal Response No. 1-10 regarding the version of the VTTM made a part of the public record and considered by the Deputy Advisory Agency at the May 15, 2024, public hearing. As discussed therein, the VTTM includes all information required by LAMC Article 7 and the Subdivision Map Act.

With respect to the DAA’s decision and findings, refer to Appeal Response Nos. 1-8, 1-11, 1-12 and 3-3, above, and the VTTM Topical Response. The City’s process has been consistent with the LAMC.

¹⁰ Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1124, 1129, 1132.

¹¹ CEQA Guidelines § 15004(b).

¹² County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199. In Residents Against Specific Plan 380 v. County of Riverside (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.

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Appeal Point No. 6-4

The project remains inconsistent with the Housing Element. The project proposes to remove thousands of potential residential units from the site that are included in the City's Housing Element. The project is, therefore, inconsistent with the Housing Element, and violates LAMC Section 11.5.8 which requires a comprehensive assessment of such changes that propose to reduce the capacity for creation and preservation of affordable housing and access to local jobs.

This failure does not meet the intent of the City's February 2023 interdepartmental memo regarding implementation of the Housing Crisis Act of 2019.

Appeal Response No. 6-4

These comments are similar to the Appellant's previous comments on the Draft EIR, which were addressed in Response to Comment Nos. 16-2, 16-34, and 16-53 of the Final EIR. As stated therein, the Project does not involve a change in the number of residential dwelling units permissible under the Project Site's existing zone classification. Therefore, the Project does not violate LAMC Section 11.5.8.

As discussed in the City's February 2023 interdepartmental memorandum, the Housing Crisis Act (HCA) generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site's housing development capacity. Per Specific Plan Section 5.1.E, future residential uses may be developed in accordance with the density and all other development standards in effect prior to the effective date of the Specific Plan. Thus, the Project would not reduce the Project Site's housing development capacity, consistent with the HCA. In addition, the approval of the VTTM does not change in any way the housing capacity of this site, as discussed further in Appeal Response Nos. 2-29 and 2-44, above.

Appeal Point No. 6-5

The project is inconsistent with the General Plan and the tract map findings cannot be made. As explained in detail in our comments on the Draft EIR, the project is inconsistent with the General Plan and Wilshire Community Plan, and, therefore, the Advisory Agency erred in finding that the tract map is consistent with the General Plan. For example, substantial evidence in the record, including 26,000 pages of evidence from the City's own websites submitted with our Draft EIR comment letter, demonstrates there is already inadequate infrastructure and city services, including emergency services, in the project area, so a finding of consistency with the General Plan cannot be made.

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Appeal Response No. 6-5

Refer to Response to Comment Nos. 16-10 and 16-38 of the Final EIR. As discussed therein, the documents referenced by the Appellant in their original letter are not specific to the Project. Rather, they address the overall infrastructure status of parks, sidewalks, and water pipes citywide. In addition, with respect to emergency services, LAFD and LAPD have been consulted on the Project and the City has determined that potential impacts to fire protection and police protection services would be less than significant. Thus, there is no finding of inadequacy of City services that would result in a finding of inconsistency with the General Plan. Refer also to Response to Comment Nos. 16-5, 16-14, 28-16, and 184-7 of the Final EIR, regarding the Project's consistency with the General Plan.

Refer to Appeal Response Nos. 1-11 and 2-1, above, regarding the DAA's finding regarding consistency with general and specific plans.

Appeal Point No. 6-6

The tract map violates the LAMC. Further, the tract map is defective because it fails to provide information that is required to be included in the map. For example:

- The tract map shows only one driveway when the EIR analyzes multiple driveways (which will create congestion, and inadequate queuing capacity and pedestrian hazards and delay emergency response vehicles). All proposed driveways must be included in the tract map under the LAMC and considered by the City departments, including Department of Transportation, Building and Safety, Public Works and the Fire Department.
- The EIR also discusses potential subsidence from operational groundwater pumping but does not provide any analysis of such subsidence. The map fails to account for this potential, including failing to show information regarding grading and cut and fill. Without that information, it is impossible to analyze potential impacts from subsidence. Subsidence could impact surrounding streets and buildings, including historic buildings. The map also fails to account for other hazards, including pollution, gases, and effects on the groundwater table.
- The EIR also discusses a helipad, but does not analyze how it could interfere with emergency services, such as the Cedars emergency helipad, its flight schedule and interference with flight paths for other helicopters, or whether the helipad is for emergency use at all or is a heliport. The helipad is not shown at all on the tract map nor is there any operational information, so it is impossible to analyze potential impacts to emergency services and other impacts from the helipad, or to even know where it would be.

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- Fire District No. 1 has specific development requirements under LAMC Section 91.7204, but these requirements have not been addressed or even mentioned in the EIR or on the tract map.

Appeal Response No. 6-6

Refer to the VTTM Topical Response and Appeal Response No. 3-3, above. As discussed therein, the VTTM included all information required by the applicable provisions of Article 7 of Chapter 1 of the LAMC and the Subdivision Map Act. Neither the LAMC nor the Subdivision Map Act required information regarding grading, cut and fill, hazards, the helipad, or Fire District No. 1 to be shown on the VTTM.

Refer to Response to Comment No. 11-5 of the Final EIR regarding how subsidence impacts were fully disclosed and analyzed in the EIR, and the Draft EIR concluded that subsidence impacts. The LOD, which incorporates the EIR by reference, discusses the less than significant subsidence impacts on page 30.

Refer to Appeal Response No. 4-30, above, regarding the helipad. Regarding emergency services to the Project Site, emergency services were analyzed using existing and proposed uses on-site, which include the helipad. Refer to Response to Comment No. 16-87 of the Final EIR regarding the Cedars Sinai helipad. As discussed therein, the Cedars Sinai helipad would not be affected in any way when compared to existing conditions.

Also refer to Appeal Response No. 6-19, below, regarding how the Project would meet the requirements of the LAMC regarding Fire District No. 1. Page 4 of the LOD states that the Project Site is located in Fire District No. 1.

Appeal Point No. 6-7

- The EIR discusses a CUP for sale of alcohol but fails to explain where that sale would occur on the property and what use it would be connected to. This information is necessary to plan for emergency services, and the location and description of the uses with alcohol sales should be more particularly specified.

Appeal Response No. 6-7

Refer to Response to Comment Nos. 16-25, 26-22, and 26-128 of the Final EIR regarding the alcohol regulations in the Draft Specific Plan. The Project is not requesting a Class 2 Conditional Use Permit for the purposes of permitting the sale and dispensing of alcoholic beverages for on- and off-site consumption. Rather, the Project includes a Specific Plan containing regulations applicable to future

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establishments that will be situated within the Specific Plan area who wish to sell or dispense alcoholic beverages for on- and/or off-site consumption. The types and size of uses, including retail and related uses, are fully described in Section II, Project Description, of the Draft EIR and are analyzed throughout the EIR, and the Appellant has provided no information to the contrary. The sale and dispensing of alcoholic beverages is an ancillary function of the proposed uses already identified in the EIR. In particular, alcohol sales are first discussed on page IV.H-30 in Section IV.H, Land Use and Planning, of the Draft EIR.

Further, to build out a tenant space, any future establishment who pursues sale and/or dispensation of alcohol must apply for building permits from LADBS, a process which may include review and clearance from LAFD, and must effectuate the alcohol sales grant with City Planning, a process which requires recording a covenant binding the establishment to the standard alcohol conditions contained in Alcohol Conditions (Appendix C) of the Specific Plan including those conditions requiring LAPD regulation and oversight. This local process is in addition to the public notification and review associated with the actual license required from the California Department of Alcoholic Beverage Control which adds additional state level review and public notice prior to the opening of a use which serves alcohol.

Appeal Point No. 6-8

More detailed objections follow:

1. VTTM LOD VIOLATES HOUSING ELEMENT OF THE GENERAL PLAN

Approving the VTTM by the Advisory Agency violates CEQA because it constitutes **piecemeal approval**.

Approval of the TVC Vesting Tentative Map (VTT) commercial development alternative under the CEQA analysis **eliminates housing production capacity**, in violation of city and state policies and laws designed to increase housing capacity. No mitigation for this impact is provided, as mandated by state and city laws discussed below.

There is no mention of the General Plan Housing Element in the entire LOD. The Advisory Agency is not lawfully permitted to cherry-pick which elements of the General Plan it cites as consistent. Consistency with all of the elements of the General Plan is mandatory. No such finding has been or can be made.

Appeal Response No. 6-8

Refer to Appeal Response No. 6-4, above.

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Appeal Point No. 6-9

2. THE LOD VIOLATES CHARTER SECTION 564 AND LAMC 13A.2.C

In order to coordinate the approval process for a multiple approval project, as required by both the City Charter (Section 564) and the LAMC (formerly Section 12.36), the Advisory Agency must make a recommendation but not a determination, so that when the CPC hears this case, all approvals and appeals are coordinated. This is important to avoid violating CEQA's prohibition of piecemeal approvals and permits a single appeal process for all approvals at the same time.

Los Angeles City Charter Section 564, states:

“Sec. 564. Projects Requiring Multiple Approvals.

If a project requires approvals by both the Zoning Administrator and either an Area Planning Commission or the City Planning Commission, those approvals that would otherwise be heard and determined by the Zoning Administrator shall be heard and determined by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals required for the project. Approvals for a project that requires both quasi-judicial and legislative actions shall be heard and determined by the City Planning Commission, except as provided in Section 565.”

Multiple discretionary approvals require that the City Planning Commission be the initial decision-maker, and not the Advisory Agency in a separate hearing and separate appeal.

As evidenced by the related case, several other discretionary approvals are required for this project. Thus, the VTTM LOD must be rescinded. All discretionary approvals must be heard at the same time under LAMC 12.36 (amended as Div.13A.2.C: **Multiple Entitlement Requests**, Ordinances 187,712 and 187,930):

“In order to facilitate the development process, applications for multiple entitlements for the same project shall be submitted and processed concurrently as provided in Sec. 13A.2.10.”

The VTTM is not being processed concurrently when it comes to the appeal process.

Appeal Response No. 6-9

The Appellant cites Section 564 of the City Charter, claiming that the Project's VTTM should have an initial decisionmaker of the CPC heard concurrently with the Project's associated legislative and/or

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quasi-judicial approvals. However, Section 564 of the City Charter is not applicable to the Project. Section 564 addresses projects requiring approvals decided by both the Zoning Administrator and either the APC or CPC. The Project entitlements in this case do not include a Zoning Administrator determination. Instead, actions related to subdivisions are governed by Section 553 of the City Charter, which requires the designee of the Director of Planning to “make investigations and act on the design and improvement of all proposed subdivisions of land as the advisory agency under the State Subdivision Map Act.” Therefore, pursuant to the applicable section of the City Charter, the Advisory Agency, as the designee of the Director of Planning, was appropriately the initial decision maker related to the Project’s VTTM. The Project is subject to LAMC Section 12.36 C.5 (now known as LAMC Section 13A.2.C.6 of Chapter 1A). Therein, the Multiple Approvals Ordinance (MAO) requires initial decisions related to subdivisions to occur in accordance with Article 7 of Chapter 1 of the LAMC (now known as LAMC Section 13B.8 of Chapter 1A). Only appeals to the Advisory Agency’s action on a VTTM are to be heard concurrently with other actions required by the CPC pursuant to LAMC Section 12.36 C.5 (now known as LAMC Section 13A.2 C.6 (b)(ii) of Chapter 1A).

Appeal Point No. 6-10

3. REQUIRED MAP ACT FINDINGS CANNOT BE MADE

The LOD incorrectly claims that the VTTM is consistent with the General Plan and Specific Plans (p. 110). It is not consistent with the Wilshire Community Plan, the Land Use Element of the General Plan, as discussed above, and it is not consistent with the areas targeted for growth under the General Plan Framework. Therefore, the VTTM cannot be approved.

Appeal Response No. 6-10

Refer to Appeal Response Nos. 1-11, 2-5, 4-21 and 6-3, above, and 6-15, below, regarding the VTTM’s consistency with all applicable general and specific plans and areas targeted for growth.

Appeal Point No. 6-11

4. UNSTABLE PROJECT DESCRIPTION VIOLATES CEQA

Three Different VTT Maps Used In The Approval Process

Three different VTT maps during the approval process:

- The May 17, 2024, VTT map attached to the LOD, is not the map presented to the public at the public hearing before the Advisory Agency.
- The map at the hearing was dated May 15, 2024.

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- The map attached to the Staff Report presented to the Advisory Agency on May 15, 2024, was dated 2021.

This is evidence of an unstable project description and a bait-and-switch with the public and the decision-makers.

In addition, changing the map after approval and including a new map with the LOD is unlawful by denying the public and decision-makers due process. The map attached to the LOD *was not the map used for the approval*, and the map provided prior to the public hearing was different from the map used at the hearing.

These changes require a new hearing and explanation for what changes occurred, who approved or recommended them, and why they are necessary for this project.

The project has been tweaked and adjusted but remains a mystery as to what will ultimately be built on this site. The VTTM permits commercial uses, entertainment uses, studio uses, but does not make a commitment for those uses, and fails to show the actual configuration on the map. A single driveway on Beverly seems unlikely. The internal circulation is not shown on the map. The curb cuts are not shown. It is not clear what “rooftop additions” are or where they may be placed, nor what their impacts might be.

Appeal Response No. 6-11

Refer to the VTTM Topical Response regarding the Original VTTM and the Updated VTTM, along with associated timelines and milestones, that rendered the DAA’s determination appropriate and in compliance with all applicable local and State regulations. As discussed therein, the Updated VTTM does not constitute a revised map from the Original VTTM requiring additional circulation. Further, refer to the VTTM Topical Response regarding what development rights are actually granted to the Project as a result of the DAA’s determination on the VTTM. Refer to the VTTM Topical Response and Appeal Response No. 1-8, above, regarding details required to be shown on a VTTM. As discussed therein, the VTTM included all of the information required by the LAMC and Subdivision Map Act. The VTTM was not required to include cul-de-sacs, internal circulation, or building rooftops.

Regarding the Project and the five studio uses, refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR.

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Appeal Point No. 6-12

A VTTM is a contract with the city and public to build in a certain manner. It provides certainty for the applicant and for the public. Given the uncertainty regarding what and when the project will be constructed, it is premature to approve the map.

Appeal Response No. 6-12

A VTTM is not a contract with the City; rather, it is an entitlement for the subdivision of land. Refer to VTTM Topical Response regarding the scope of the VTTM approval.

Appeal Point No. 6-13

The project description has been unstable and unclear regarding completion dates and what will ultimately be built on the site. Rather than a VTTM, the document approved by the Advisory Agency is a blank check that leaves the public and the city uninformed, impacts unanalyzed, and mitigation not disclosed. CEQA requires transparency. This VTTM fails to provide transparency to the City and the public.

Appeal Response No. 6-13

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR and Appeal Response No. 6-3 above regarding the adequacy of the Project description and to the VTTM Topical Response regarding the VTTM process that was conducted in compliance with the Subdivision Map Act and LAMC, and for information regarding development rights which can and cannot be granted in an action by the DAA.

Appeal Point No. 6-14

The findings for the VTTM on pages 110-111 describe the driveways as *approximate*. This is a final map. It cannot be approximate for driveways which directly impact traffic circulation for the project, and more importantly, for the community.

Appeal Response No. 6-14

The approval granted by the DAA was for a VTTM not a Final Map. A Final Map is the instrument that implements the conditions identified within a Tentative Tract or VTTM. The Final Map is reviewed by the City Engineer and the various departments with identified conditions within the VTTM. It includes boundary evidence, monuments, center lines, geodetic controls, surveys, etc. to formalize the conditions outlined in the DAA approval. It is not necessary to provide every detail required of a Final Map on a Tentative Tract or VTTM. Refer to the VTTM Topical Response and Appeal Response

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Nos. 1-8 and 6-6, above, regarding the VTTM's compliance with all applicable local and state regulations, including technical requirements pertaining to details required to be displayed on a VTTM. Additionally, a full analysis related to the Project's transportation and circulation has been provided in the EIR.

Appeal Point No. 6-15

Also, the VTTM is not consistent with the targeted growth areas identified in the General Plan Framework.

Appeal Response No. 6-15

It is unclear which chapter, table, or issue of the Framework Element the Appellant is referring to. As identified previously, the Project's VTTM is fully compliant with the General Plan, including the Framework Element. Refer to Response to Comment Nos. 5-8 and 11-3 of the Final EIR. As discussed therein, a site's development intensity (including permitted height and FAR) are controlled by its zone and height district designations, not the General Plan. Further, as described in the VTTM Topical Response, approval of the VTTM does not grant development rights to the Project.

Regarding the Project's CEQA analysis, the potential growth-inducing impacts of the Project were analyzed in the EIR in accordance with CEQA Guidelines Section 15126.2(e). Refer to pages VI-14 to VI-17 in Section VI, Other CEQA Considerations, of the Draft EIR, which concluded that the direct and indirect growth-inducing impacts would be less than significant. The Final EIR references the Draft EIR's growth-inducing impact analysis in Response to Comment No. 48-2. In addition, the Erratum analyzed the growth-inducing impacts associated with the Modified Project on page 76 and similarly concluded that impacts would be less than significant. Further, the CEQA findings in the LOD discuss growth-inducing impacts on pages 102-104 and conclude that impacts would be less than significant.

Appeal Point No. 6-16

An example of the yet-to-be-disclosed project description is reference in the BOE conditions of approval regarding 1-foot future street/alley dedications (LOD, p. 14). This is a vesting map; all plans should be included, not referenced in vague terms. Where on the site are future streets/alleys proposed, and why? What will they access?

Appeal Response No. 6-16

The Appellant misinterprets the purpose of the tentative map review process, and how an action of the Advisory Agency translates into the preparation and recording of a final map. The Applicant

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submitted the Project's Original VTTM in 2021, which was circulated to, and reviewed by, the various members of the Subdivision Committee; refer to the VTTM Topical Response regarding the VTTM compliance with all applicable processes and procedures of the LAMC. For additional information, refer to Appeal Response No. 1-10 regarding the version of the VTTM made a part of the public record and considered by the DAA at the May 15, 2024 public hearing. Tentative maps and vesting tentative maps are intended to be revised over time to comply with comments and conditions submitted by the various Subdivision Committee members to the Advisory Agency. This could include items such as highway dedications or adding, removing, or relocating public access easements.

With regard to the specific example provided by Appellant, the BOE Conditions cited are included within the "Bureau of Engineering—Standard Conditions" section, specifically Condition S-1. The S-1 Conditions are imposed on all tracts to ensure that sewerage fees are paid, survey monuments are established, arrangements have been made with LADWP, drainage is designed satisfactory to the City Engineer, and that all necessary easements (be they slope, future street and/or alley, etc.) comply with City standards.

Appeal Point No. 6-17

5. THE VTTM IS LIMITED TO COMMERCIAL DEVELOPMENT (THE PREFERRED CEQA ALTERNATIVE) IN VIOLATION OF THE HOUSING ELEMENT OF THE CITY OF LOS ANGELES AND STATE LAW

There is no explanation for how this vesting map can lawfully limit development to commercial uses without upzoning another site to compensate for the loss of housing capacity. Please see the February 15, 2023 Interdepartmental Memo on Implementing the Housing Crisis Act of 2019, Section XI:

"The Housing Crisis Act generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site's housing development capacity from what was allowed on January 1, 2018 (G. C. Sec. 66300(b)(1)(A)). These actions include the adoption of plans that result in a net downzoning or otherwise reduce housing capacity and population" (p. 16).

This VTT cannot be lawfully approved unless it complies with state law to offset the loss of potential housing.

The claim on p. 36 of the LOD that the project complies with relevant policies and land use plans is incorrect. This Vesting map is limited to commercial uses. This vesting map effectively forecloses residential development and the Mixed-Use Boulevard designation.

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Page 39 of the LOD clearly states that the project does not contain any residential uses. Note that the project includes the VTT, the Specific Plan, and the Development Agreement, all subject to CEQA analysis. The VTT is an integral part of the project. But it has been approved in isolation from the other project components, in violation of CEQA. If the commercial project is built, there cannot be housing on this site, and the Housing Element and state law will be violated unless the loss is offset elsewhere at the same time as required by the law.

While the LOD references SCAGS [sic] Transportation Planning (p. 21), it *omits SCAGs [sic] regional housing plans and forecasts, used as a trigger to declare a Housing Local Emergency by Mayor Bass*. Indeed, a word search of the LOD reveals no mention of the Housing Element. The LOD fails to address the loss of potential housing capacity due to a VTT limited to commercial development.

Given the Mayor's Declaration of Local Housing Emergency under LAAC 8.33, this failure to off-set the loss of housing capacity represents a flagrant violation of state law designed to *increase*, not decrease, housing production. Residential development was examined as EIR Alternative 4 and rejected. Consistency with the General Plan (Housing Element) is a CEQA Checklist Land Use requirement. A finding of compliance with the General Plan (Housing Element) cannot be made for this VTT, Specific Plan, EIR, and DA.

The Preferred CEQA Alternative is entirely commercial and therefore requires compliance with identifying an *alternative site which must be upzoned* to compensate for the loss of potential housing on the project site.

The Finding for the VTTM cannot be made that it is in compliance with the General and Specific Plans of the City (LOD, p. 110). It is not in compliance with the Housing Element of the General Plan of Los Angeles.

Appeal Response No. 6-17

As discussed throughout the EIR and LOD, the Project would continue the existing studio use.

Refer to the VTTM Topical Response regarding how the City of Los Angeles has processed and approved the VTTM in accordance with all applicable local and State regulations. The Appellant contends that the VTTM cannot be approved in isolation because doing so is a violation of CEQA. However, it is Section 553 of the City Charter which first requires the convening of the Advisory Agency for any action related to a proposed subdivision of land, with an "appeal board" (in the City of Los Angeles, the City Planning Commission) serving as the appellate body above the Advisory Agency. Sections 66498.8(d) and 66452(b) of the California Government Code require a vesting tentative map to be adopted in accordance with local ordinance. Accordingly, the Project's VTTM has

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been approved in accordance with the Subdivision Map Act. Refer also to the VTTM Topical Response.

Contrary to the Appellant's assertion, the DAA's action on the VTTM does not effectively preclude housing development on the Project Site. See the VTTM Topical Response regarding development rights that are and are not granted in conjunction with a VTTM approval. As discussed therein, the development rights applicable to the site are determined through the Project Site's land use regulations to be considered by the City at a future date, and not whether the Project Site is subdivided or not. Additionally, the Appellant appears to be conflating proposed developments and a City's housing capacity. In compliance with local and State regulations, the Project results in no change to the City's housing capacity. Specifically, the Project Site is zoned C1.5 and C2, which permit multifamily residential uses at a rate of one dwelling unit per 400 square feet of lot area. The Specific Plan, in conjunction with a Zone Change to the TVC Zone, would also permit a residential density consistent with the C1.5 and C2 Zones. Therefore, no change to the City's housing capacity will result from construction of the Project and no offsetting action is required. Refer also to Appeal Response No. 6-4, above.

Appeal Point No. 6-18

6. NO COMPLIANCE WITH LAMC 11.5.8

The requested General Plan Amendment on LOD pp. 110-111 cannot be approved without compliance with LAMC 11.5.8 and for the Specific Plan amending the General Plan. General Plan amendments require a monitoring program of affordable covenanted housing be in place prior to approving any General Plan Amendment such as the TVC Specific Plan. No such analysis or monitoring program has been presented publicly

Appeal Response No. 6-18

Refer to Appeal Response Nos. 6-4 and 6-8, above. As discussed therein, the Project does not violate LAMC Section 11.5.8, which identifies processes and review procedures related to proposed General Plan Amendments. The General Plan Amendment will be heard by the CPC, who will vote on a recommendation of approval or disapproval of the proposed General Plan Amendment. Final action on the General Plan Amendment will be determined by the City Council.

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Appeal Point No. 6-19

7. NO COMPLIANCE WITH FIRE DISTRICT NO. 1

LOD p. 113 mentions different hazards including liquefaction, flooding, and methane. It failed to address the project site is within Fire District No. 1, which imposes additional safety regulations. The VTTM does not address those restrictions and is therefore incomplete.

Appeal Response No. 6-19

The LOD states that the Project Site is located in Fire District No. 1 on page 4. The special requirements for Fire District No. 1 are set forth in LAMC Section 91.7204 and pertain to types of construction, openings in exterior walls, roof covering, structural fire rating. The following items—exterior walls, architectural trim, permanent canopies, roof structures, plastic signs, and plastic veneer—while specifically identified within the aforementioned Code Section merely adopt Appendix D of the California Building Code which is regularly updated by the California Building Standards Commission. All projects in the City are subject to the applicable requirements of the LAMC as well as the Los Angeles Building Code (LABC). Compliance with the applicable requirements will be verified during the future new building plan check process with LADBS. Refer to the VTTM Topical Response regarding how the Project's VTTM displays all required information in accordance with local and State regulations.

Appeal Point No. 6-20

8. THE VTT IS VAGUE—A WISH LIST—NOT A PROJECT

There is no commitment that the entitlements requested and approved will be built—that this will be a studio expansion and not merely commercial development ready to be flipped.

Appeal Response No. 6-20

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR and Appeal Response No. 6-3, above, regarding the adequacy of the Project description and to Topical Response No. 3, Permitted On-Site Uses, of the Final EIR regarding the continued use of the Project Site as a studio. Also refer to the VTTM Topical Response. As discussed therein, approval of a VTTM is limited to the subdivision of land and does not grant a project development rights, and the Project's VTTM includes all required information in accordance with local and State regulations. Further, the DAA included Condition of Approval No. 50, which requires the Project to obtain a modification to the VTTM should the associated General Plan Amendment and Zone Change, among other entitlements, not be approved.

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Appeal Point No. 6-21

- The location of the sale of alcohol on the site needs to be shown on the map so that emergency service access is analyzed.

Appeal Response No. 6-21

Refer to Appeal Response No. 6-7 above regarding how the sale and dispensing of alcoholic beverages for on- and off-site consumption was fully analyzed in the EIR. Refer to the VTTM Topical Response and Appeal Response No. 1-8, above, regarding how the Project complies with all local and State regulations applicable to the preparation of its VTTM, including those requirements contained in LAMC Sections 17.06 B and C, and that the location of alcohol sales need not be displayed on a VTTM. Refer to Appeal Response No. 6-7 above regarding the sale of alcohol on-site.

Appeal Point No. 6-22

- The rooftop additions need to be described and analyzed.
- The circulation system in the VTT must be shown (1-foot easements for future streets and alleys on p. 14, need to be shown on the map and analyzed for circulation impacts.
- The driveways and curb cuts must be shown along with queuing capacity. Without this information, there is no way to analyze the circulation impacts of the project's VTT.

Appeal Response No. 6-22

The rooftop addition of the Original Project was fully described and analyzed in the EIR and Erratum. The rooftop addition was reduced as part of the Modified Project, as described and analyzed in pages 4, 15, and 35 in the Erratum. The Project's circulation elements were fully analyzed in the EIR and Erratum, and the Appellant has provided no information to show any deficiencies in this analysis. Approval of a VTTM does not correspond to the generation of transportation and circulation impacts. In addition, the VTTM approval does not conflict with or change in any way the transportation and circulation impacts/effects disclosed in the EIR, including the Erratum. These components, again, fully analyzed in the Draft EIR, Final EIR and Erratum, will be a part of the Project requiring other related approval actions from the City reliant on the Project's associated CEQA document.

As further described in the VTTM Topical Response, approval of a VTTM does not grant a project development rights. The Project's VTTM includes all required information in accordance with local and State regulations.

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Appeal Point No. 6-23

- The turning radius for large trucks must be accommodated in the circulation system.

Appeal Response No. 6-23

Refer to Response to Comment No. 26-E.4-15 of the Final EIR. As discussed therein, the use of large trucks is common in the City, including under existing conditions in the vicinity of the Project Site, and due to the adequate size of the Project driveways and turning radii, the addition of Project trucks would not result in a new significant safety hazard. Refer to the VTTM Topical Response regarding how the Project's VTTM displays all required information in accordance with local and State regulations.

Appeal Point No. 6-24

9. HELICOPTER USE NOT DOCUMENTED

There is no explanation or analysis of existing helicopter traffic on site or in the area. Please provide the flight logs for the past five years to demonstrate the claimed helicopter use, particularly for commuter use, which may require FAA approval as a Heliport rather than Helipad. This is not explained or documented in the record. Additional helicopter traffic would impose a hardship on the adjacent community, both residential and commercial, with excessive noise and pollution, and interfere with emergency helicopter services such as Cedar [sic] Sinai helicopter traffic.

Helicopter flights generate on and off-site noise that is not analyzed in the EIR, and no mitigation is proposed to protect adjacent properties and residential neighborhoods from the noise impacts. Please revise the noise analysis in the EIR to show where the noise impacts would occur, and how they could be mitigated, other than not permitting helicopter landings and take-offs on this project site.

Appeal Response No. 6-24

Refer to Appeal Response 4-30 above and Response to Comment No. 16-87 of the Final EIR regarding the continued use of the helipad within the Project Site. As discussed therein, a helipad has been a permitted use on the Project Site since 1951 and the new helipad location was evaluated throughout the EIR, including the Erratum, which evaluated its modified location and concluded that impacts would be less than significant. The Applicant is not requesting any change of helipad use for studio operations from existing conditions.

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Refer to Response to Comment No. 16-87 of the Final EIR regarding the Cedars Sinai helipad. As discussed therein, the Cedars Sinai helipad would not be affected in any way when compared to existing conditions.

Appeal Point No. 6-25

10. COMPLIANCE WITH FIRE DISTRICT NO. 1

There is no discussion or finding of compliance with the limitations imposed by being located in Fire District No. 1. (LAMC 91.7208). For example, the prohibition on catering trucks. Studios rely on catering trucks. Will they be in compliance with Fire District 1 regulations?

Appeal Response No. 6-25

Refer to Appeal Response No. 6-19 above. Catering trucks operating on the Project Site would be subject to and compliant with all applicable provisions of the LAMC including Section 91.7208.

Appeal Point No. 6-26

11. LACK OF SUBSTANTIAL EVIDENCE OF ADEQUATE EMERGENCY SERVICES

The EIR admits that the project will increase demand for emergency services. However, it fails to state that these police and fire services are adequate now and can accommodate the additional demand from intensification of development permitted by this project. The Wilshire Community Plan Policy 16-2.1 requires findings of adequacy for the infrastructure serving the project area:

“Policy 16-2.1 No increase in density shall be effected [sic] by zone change, plan amendment, subdivision or any other discretionary action, unless the Decision-makers make the following findings or a statement of overriding considerations”:

“Program: Decision-makers shall adopt findings with regard to infrastructure adequacy as part of their action on discretionary approvals of projects which could result in increased density or intensity.”

There is no evidence of adequacy for infrastructure provided in the EIR or findings of adequacy required to approve this VTTM, the Specific Plan or the Development Agreement.

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Appeal Response No. 6-26

Refer to Appeal Response No. 6-5, above, regarding the adequacy of emergency services for the Project Site. Also note that the Draft EIR includes a comprehensive discussion of land use policies that are applicable to the Project Site, including Policy 16-2.1 of the Wilshire Community Plan which addresses adequate transportation infrastructure, which is cited above. As discussed on pages IV.K-65 and IV.K-66 of the Draft EIR, the Project would be consistent with this Policy.

Appeal Point No. 6-27

12. COMPLIANCE WITH ETHICS REGULATIONS TO DISCLOSE PAYMENT TO THOSE TESTIFYING AT PUBLIC HEARINGS?

When members of the public testify at public hearings, they must declare in writing if they are paid or compensated to testify. It is not known whether the supporters who testified benefitted financially from goods or services provided by the Applicant. If they were paid or received gifts of value, they were required to declare on their Speakers Card that they were paid by the Applicant. For example, residents were solicited to sign petitions in support in exchange for free event passes. Astroturfing with compensation represents a breach of Ethics regulations. Did anyone who provided public comment receive compensation?

Appeal Response No. 6-27

This comment discusses ethics regulations related to public hearings. The hearing took place virtually over Zoom, and there were no speaker cards that speakers were required to fill out. The Applicant did not pay any of the public speakers to speak at the hearing, and the Applicant has disclosed all of its lobbying expenses on lobbying reports filed with the City Ethics Commission and has otherwise complied with all applicable ethics regulations.

Appeal Point No. 6-28

13. PROJECT COMPLETION DATE UNKNOWN

The failure to disclose the timing of the buildout makes cumulative analysis of traffic impacts problematical. Instead of an actual project, the approvals appear to be blank checks for the applicant to cash-out entitlements for completely different projects and uses, defeating the CEQA analysis required to approve the project. This is not a project, per se, but a wish list. The applicant seeks a commitment for approval from the city, without making a commitment to adhere to the approvals sought.

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Appeal Response No. 6-28

Refer to Response to Comment No. 9-24 of the Final EIR. As discussed therein, while the Draft EIR conservatively assumes a 32-month construction duration with overlapping activities and construction phases, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR.

Response to Comment No. 26-159 in the Final EIR explains that LADOT's VMT Calculator, which is used to analyze transportation impacts under CEQA, is based on the City of Los Angeles travel demand forecasting model (City TDF Model) which forecasts traffic growth to year 2040. The City TDF Model is consistent with the Southern California Association of Governments (SCAG) travel demand forecasting model (SCAG TDF Model) and is thus valid on a regional basis. The Project was found to have a less-than-significant impact with respect to VMT. The LADOT Transportation Assessment Guidelines, consistent with the State's *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research, December 2018), state that a project that does not have a project-level VMT impact using an efficiency metric (e.g., VMT per employee as used in the Project analysis) and are consistent with regional planning (i.e., the SCAG TDF Model) have a less-than-significant cumulative impact.

Further, as described in Response to Comment No. 26-159, the non-CEQA level of service analysis conducted in the Transportation Assessment (Appendix M.1 of the Draft EIR) assumed an average of approximately 12.8 percent growth for the analysis of future conditions, considering both an annual 1% growth rate between years 2021 and 2026 and traffic from 68 related projects. The SCAG TDF Model forecasts total growth by 2040 well below 12.8 percent for this area of Los Angeles, and therefore the traffic analysis in the Transportation Assessment accurately portrays the effects of the Project traffic on long-range cumulative conditions. Responses to Comment Nos. 5-12, 9-24, and 26-134 of the Final EIR also discuss short- vs. long-range cumulative impacts.

Appeal Point No. 6-29

14. INCONSISTENT WITH GENERAL PLAN FRAMEWORK TARGETED GROWTH

As stated in our EIR comments, this site is inconsistent with the General Plan Framework because it is not targeted for increased density and is not shown on the map of targeted growth areas.

Appeal Response No. 6-29

Refer to Appeal Response No. 6-15, above, regarding compliance with the Framework Element of the General Plan and "targeted growth."

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Appeal Point No. 6-30

15. NO FINDING FOR SUBDIVISION APPROVAL UNDER WILSHIRE COMMUNITY PLAN POLICY 16-2.1. FOR ADEQUATE INFRASTRUCTURE AND SERVICES

CEQA requires measuring the incremental impact of a project. It does not address whether infrastructure or emergency services are adequate and can accommodate the added demand of discretionary approvals.

Unlike CEQA, the Wilshire Community Plan requires a finding of adequacy for infrastructure and emergency services to approve increased density or intensity (Policy 16-2.1).

That is why the required finding of adequacy under the Wilshire Community Plan is essential to safeguard public safety and the livability of the city. The Wilshire Community Plan (Policy 16-2.1) mandates a finding of adequate infrastructure and city services that can accommodate the additional demands placed on the infrastructure and city services, particularly police and fire.

For example, the LOD acknowledges increased demand for emergency services in Appendix K and speculates how the tax revenue from the project might augment those services, the City has failed to make a finding of adequate infrastructure under Policy 16-2.1. Similarly, the response times reported for LAFD do not meet the best practices standard under NFPA for emergency services, e.g., under five minutes for EMT.

This Community Plan required finding has not and cannot make based on substantial evidence. Since this is a mandatory finding, it cannot be ignored in favor of Community Plan wish-list goals cited in the LOD (p. 106). Therefore, the VTTM cannot be lawfully approved.

Appeal Response No. 6-30

Refer to Appeal Response No. 6-5, above, regarding the adequacy of emergency services to accommodate the Project. Also refer to Appeal Response No. 6-26, above, regarding the Project's consistency with Policy 16-2.1 of the Wilshire Community Plan that pertains to transportation infrastructure.

With respect to response times, refer to Response to Comment Nos. 9-35, 16-9, 16-19, and 26-149 of the Final EIR. As discussed on page IV.J-16 through IV.J-18 of Section IV.J.1, Public Services—Fire Protection, of the Draft EIR, LAFD has not established response time standards for emergency response, nor adopted the National Fire Protection Association (NFPA) standard of 5 minutes for emergency medical services response and 5 minutes 20 seconds for fire suppression response.

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Based on coordination with LAFD and LAPD, the Draft EIR demonstrates that the Project would not result in a significant impact associated with emergency response.

Appeal Point No. 6-31

16. UNDERGROUND UTILITIES

The LOD states that electrical lines will be above-ground. For safety reasons, they should be buried. This would enhance the aesthetics of the project.

Appeal Response No. 6-31

Refer to Response to Comment No. 5-10 of the Final EIR. As discussed therein, because the Project is an employment center project located on an infill site, the Project's aesthetic impacts shall not be considered significant impacts on the environment and, therefore, do not require evaluation under CEQA. The Appellant also refers to page 17 of the LOD dated May 28, 2024, which states that undergrounding of utilities shall occur in compliance with LAMC Section 17.05 N, which requires that portions of a tract map situated in an A, R, or C Zone shall make arrangements to guarantee the undergrounding of utilities. However, the Project will be located in the TVC Zone, which is not an A, R, or C Zone, and Condition No. 50 would require obtaining a modification to the Project's VTTM should the Zone Change not be completed.

Appeal Point No. 6-32

17. PUBLIC HEALTH IMPACTS

The LOD (pp. 116-117) states that the project will not pose public health impacts. There was no reference to the explosion on Third Street and whether the mitigation measures for methane were in place at that site. If they were, clearly, there is a risk to public health and safety, and increased density in a methane leakage area is a major concern.

Appeal Response No. 6-32

Refer to Response to Comment Nos. 13-6 and 26-E.1-2 of the Final EIR. As discussed therein, the EIR includes a thorough evaluation of methane hazards and includes Mitigation Measure HAZ-MM-2 to ensure that potential impacts associated with methane would be less than significant. Also refer to Appeal Response No. 2-27, above.



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Appellant No. 7

Danielle Peters
Neighbors for Responsible TVC Development
6531 W. Fifth St.
Los Angeles, CA 90048-4711

Appeal Point No. 7-1

On behalf of Neighbors for Responsible TVC Development ("NFRTD"), we provide this summary of our reasons for appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. We also appeal the Advisory Agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

While NFRTD supports modernizing the Television City production facilities, this must be done through the through a process that actually produces modernized studio and entertainment facilities that consider the surrounding community. Many of the objections we have regarding this Project stem from size, Project Description, and the lack of required transparency in the administrative processes. NFRTD has submitted a number of letters to the City regarding these continued concerns and hereby incorporates them by reference.

Our additional comments, which are summarized below, establish the reasoning for this appeal. In this appeal, NFRTD also relies upon and incorporates by reference the detailed comment letters submitted by Beverly Wilshire Homeowners Association, The Grove LLC, Save Beverly Fairfax, Mayer Beverly Park LP and A.F. Gilmore, as well as our prior letters to the Planning Department dated February 14, 2023, July 25, 2023, and August 10, 2023, as well as a letter we sent to the City Attorney dated March 6, 2023.

Appeal Response No. 7-1

This introductory comment is noted for the record. Specific issues raised in this comment are addressed below in Appeal Response Nos. 7-2 through 7-13.

Responses to the Appellant's prior letters referenced in this comment are provided in Exhibit D.2 of the Appeal Report.

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Appeal Point No. 7-2

THE PROJECT IS TOO BIG

The Project continues to be TOO BIG and TOO TALL. The residential neighborhoods surrounding TVC are unsuitable for a project with the density of a studio PLUS office park. An Office Park component *in addition to* an updated, modern, and efficient operational studio is just too much.

Of course, we are assuming that the Applicant is actually proposing a Studio. Project uses in the Project Description are interchangeable throughout the site in the EIR to the point that it is unclear and the type and timing of development proposed is not disclosed. The Courts have already rejected the City's attempts to create a "hypothetical development mix" for Millennium Hollywood and the City is obligated to comply with the law for TVC2050 as well.

Appeal Response No. 7-2

With respect to the Project's size and height, refer to Response to Comment Nos. 9-16, 11-3 and 26-7 of the Final EIR, Appeal Response No. 2-13, above. As discussed therein, proposed building heights would be compatible with existing building heights in the Project vicinity. With regard to the limited exchange program and adequacy of the Project Description, refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR and Appeal Response Nos. 4-2 to 4-7, above. Also, refer to Topical Response No. 3, Permitted On-Site Uses, and Response to Comment No. 5-15, of the Final EIR regarding the need for office uses as part of continued operation of the studio.

Appeal Point No. 7-3

The Applicant has acknowledged, in its Project Description, that it can operate the studio of the 21st Century with 1,174,000 s.f., which includes *all* requested Soundstage, Production Support, Production Office, Retail, and Basecamp spaces, and simply eliminates the Office Park component. **The Office Park needs to go.**

Appeal Response No. 7-3

As described in the Erratum, the proposed Specific Plan would permit a maximum total of 1,724,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout. The Appellant's assertion that the Project Description acknowledges that the Project can operate without general office is incorrect. Contrary to this assertion, the permitted office uses would operate as ancillary uses and help facilitate and support the studio and the primary studio land uses that already occur on-site. General office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide

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an increase in the use over the existing condition. All modern studio campuses are comprised of a large percentage of office. as explained in Response to Comment No. 5-15 of Section II, Responses to Comments of the Final EIR, and Appeal Response No. 2-13, above.

Appeal Point No. 7-4

THE PROJECT CREATES UNSAFE TRAFFIC IMPACTS

While the Applicant continues to pitch its “Mobility Hub” as a solution to traffic woes, the traffic study is very clear that traffic will increase significantly in the area. While we don’t like it, we are willing to accept that traffic will be a way of life in our City forever. What we are unwilling to accept is the continued deterioration of our neighborhoods via unnecessary and uncontrolled cut-through traffic and inadequate emergency access. The Traffic Study used traffic counts from 2012 and 2015...it is 2024! This data predates COVID and is over a decade old.

Appeal Response No. 7-4

The Draft EIR concluded that the Project’s transportation impacts would be less than significant during both construction and operation. Refer to Section IV.K, Transportation, of the Draft EIR. Traffic and congestion are not CEQA transportation impacts pursuant to SB 743.

Refer to Topical Response No. 7 of the Final EIR for a detailed discussion of the Mobility Hub.

With respect to the traffic count data, the traffic counts used in the non-CEQA analysis in the Transportation Assessment (Appendix M.1 to the Draft EIR) were collected in September 2019,¹³ approximately six months before institution of the Safer at Home order in response to the COVID pandemic, which disrupted traffic patterns for multiple years thereafter. Further, page 26 of the Transportation Assessment clearly states that all traffic counts were factored up to represent 2021 conditions using a one-percent annual growth rate, even though there was no growth in background traffic in 2020 as a result of the pandemic, and therefore the 2021 Existing Conditions traffic levels presented in Figure 13 of the Transportation Assessment represent conservatively high estimates of existing conditions.

¹³ As discussed on page 26 of the Transportation Assessment, the traffic count for Intersection #30, Fairfax Avenue & West 1st Street, was from year 2017 and was the latest available pre-COVID count.

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The Transportation Assessment was completed in year 2021 and the Draft EIR was released in year 2022, both occurring before traffic conditions fully returned to pre-COVID conditions. No traffic analysis was conducted using traffic count data from 2012 or 2015 as claimed in the comment.

If the comment is concerned about the trip generation rates used in the Transportation Assessment, many of those rates were based on previous studies of existing studio projects in Southern California. Notably, trip generation rates generally do not change year-to-year because employee density and employee travel patterns are relatively stable for a particular land use. The trip generation rates used in the Transportation Assessment, which were reviewed and approved by LADOT, have been verified over time using empirical data from existing studio projects, including Universal Studios and Paramount Picture Studios, as discussed in Topical Response No. 10, Table II-4 on page II-141, of the Final EIR.

The Modified Project identified in the Erratum reduces traffic compared to the Project and also commits to reduce trips by 30 percent through an enhanced transportation demand management (TDM) program. Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR for a detailed explanation of why potential cut-through traffic caused by the Project is adequately addressed through the Project's proposed NTMP. Notwithstanding that cut-through traffic is not an environmental impact under CEQA, the Project did a complete evaluation of the potential for cut through traffic on local streets within the Study Area and identified two neighborhoods that met the City's criteria for further study of cut-through traffic issues. Both of the identified neighborhoods have been included in an NTMP planning process to be conducted by the Project. See Appeal Response Nos. 2-20 and 2-24 above for further discussion of cut-through traffic and the neighborhood transportation management planning process.

The comments regarding emergency response times have been comprehensively responded to in the EIR, and the Project would have a less-than-significant impact. Refer to Topical Response No. 12, Safety and Congestion, Section D (Emergency Access), Topical Response No. 14, Construction Vehicle Impacts (particularly the section on emergency access beginning on page II-197), and Response to Comment Nos. 9-35, 26-147, and 35-134, of the Final EIR.

Appeal Point No. 7-5

The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But the Fire Department doesn't just assist with fires confined to the lot. Fire Department calls include emergencies such as accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment on the lot itself doesn't resuscitate neighbors or get them to the hospital in an emergency. Ambulances and Paramedics—operated by the Fire Department— get caught in

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gridlocked traffic just like the rest of us, and can't access side streets, either, thanks to the prevalence of driving software. The Applicant's solution to traffic just doesn't work and isn't safe.

Appeal Response No. 7-5

There is nothing in the record from LAFD stating that they would be unable to serve the Project. Refer to Topical Response Nos. 12.D and 14, and Response to Comment Nos. 9-35, 26-147, and 35-134, of the Final EIR. As discussed therein, based in part on input from LAFD, the Draft EIR correctly concluded that the Project's impact on emergency access and fire-related services would be less than significant.

Appeal Point No. 7-6

THE PROJECT INCLUDES AN ABSURD TWENTY-YEAR CONSTRUCTION TIMELINE

The Development Agreement associated with the Specific Plan requests a **20-year** construction period. This is absurd. We believe a three-year construction period is appropriate and enough for the surrounding community to support and tolerate.

Appeal Response No. 7-6

Refer to Response to Comment No. 9-24 of the Final EIR. As discussed therein, the Applicant intends to complete construction of the Project within the 32-month timeframe, subject to market conditions. However, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043. As with most development projects, market conditions will ultimately influence the buildout timeframe for the Project. As such, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR. Also note that a 20-year buildout scenario does not mean 20 years of construction, as the scope of the Project is the same regardless of the buildout duration.

Appeal Point No. 7-7

For point of reference, California cities are obligated to update their General Plans every 10–15 years, while private developer gets a 20-year plan? This is unreal.

Appeal Response No. 7-7

A development agreement is a voluntary contract between a local municipality, such as a city or county, and a property owner whose land is located within the municipality's jurisdiction. As discussed throughout the EIR, the Project Applicant is seeking a Development Agreement with a term of 20

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years, which could extend the full buildout year to approximately 2043. It is commonplace for development agreements to have terms of 20 or more years. To be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is included for each of the environmental topics studied in Section IV of the Draft EIR.

Appeal Point No. 7-8

THE CITY HAS CONTINUALLY FAILED TO MEET STATE REQUIREMENTS FOR DISCLOSURE AND TRANSPARENCY

The Planning Department has failed compliance with California Law and common sense when it comes to procedure for the Project. The City failed to produce a copy of a Draft Specific Plan for months, despite numerous community requests and a Public Records Act Request. When the PRA error was pointed out to the City, the Planning Department told the Beverly Press that it denied responsibility for the error yet quickly made the document public via its website. The copy of the Draft Specific Plan that was uploaded to the City's website contained metadata stating that the City obtained it from Applicant's counsel the week prior. *See attached email.* That is not public notice.

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, nearly two years after the DEIR and six months after the FEIR was released. We were forced to comment on a Sign Plan we had never seen to meet City deadlines.

Appeal Response No. 7-8

The Project has complied with all applicable notice requirements under CEQA, the LAMC and the California Government Code. Refer to Response to Comment Nos. 28-13 and 32-3 of the Final EIR and the VTTM Topical Response.

Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, of the Final EIR. As discussed therein, neither CEQA nor City policy require that a draft Specific Plan or Sign District be included in the EIR. The release of the Preliminary Draft Specific Plan and Draft Specific Plan on October 13, 2023, and April 5, 2024, respectively, was in response to public comments, including the Appellant, and was provided substantially earlier than required by City procedures.

Appeal Point No. 7-9

The proposed Sign District would allow for signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review and completely lacking public input related to public meetings and CEQA analysis.

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Appeal Response No. 7-9

This comment is substantively similar to Appeal Point No. 4-10. Refer to Appeal Response No. 4-10, above.

Appeal Point No. 7-10

Even preparing and submitting this appeal required us to create two logins, download “Adobe Sign” software, upload several documents, and demonstrate a capacity for computer usability that required expert assistance. This again fails to meet a standard for public disclosure and participation.

Appeal Response No. 7-10

City Planning allows appeals to be filed by two primary methods, which are described in detail on pages 119 and 120 of the LOD dated May 28, 2024. One method is an electronic appeal, which is referenced by the Appellant above. This involves uploading all documents and materials to the Online Application System, which results in a City Planner generating a case number for the appeal and an electronic invoice to be paid online by credit card or e-check. If an appellant chooses to not file their appeal application and justification online, the appellant may visit a Development Services Center for in-person assistance with submittal of documents and payment of the invoice. As stated in the LOD dated May 28, 2024, appeals should be filed early to ensure staff has adequate time to review and accept the documents and to allow appellants time to complete payment. In-person assistance, as well as assistance by phone or email, was available from staff throughout the entire duration of the appeal period.

Appeal Point No. 7-11

THE PROJECT INCLUDES AN ILLEGAL HELIPAD

The Applicant cannot rely on a 1950s era approval that it did not legally acknowledge for over 30 years to state that it now has existing helipad rights. The EIR and the City’s approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad in the Project, despite clear evidence to the contrary available upon public review of City files.

The site has never received any required permit to allow helipad use on the Project site, and any existing non-conforming rights were abandoned when the prior owner submitted site plans throughout the 1980 and 1990s showing no helipad. After the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. So now the Applicant wants to move the helipad it hasn’t acknowledged in 30 years, increase its use, and argue that it’s had the right all along? This is nonsensical.

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Appeal Response No. 7-11

Refer to Appendix FEIR-15 of the Final EIR Appeal Response No. 4-30, above. As discussed therein, a helipad has been a permitted use on the Project Site since 1951 and the new helipad was evaluated throughout the EIR, including the Erratum which evaluated its modified location.

Appeal Point No. 7-12

WE HAVE NO GUARANTEE OF COMPLIANCE WITH DEVELOPER PROMISES

We are confident that the TVC 2050 Project will include a number of Conditions of Approval. However, we have learned that, especially after implementation of the Academy Museum Project, conditions are little comfort if there is no enforcement mechanism. We continue to demand an enforcement mechanism and Area Planning Commission Plan Approvals to keep the Applicant in check. Conditions of Approval with no enforcement mechanism are deferred mitigation, at best, which is illegal.

Appeal Response No. 7-12

The VTTM approval is required to comply with all Conditions of Approval included in the LOD. Additionally, contrary to the Appellants assertion, the Project's entitlements do not include a Condition of Approval as is typical of most discretionary projects due to the Project including the establishment of the proposed Specific Plan and Sign District, which would regulate development on the Project Site.

Appeal Point No. 7-13

PRA Request—TVC 2050 Project Specific Plan

Nicole Kuklok-Waldman <nicole@collaborate-la.com>

To: Paul Caporaso <paul.caporaso@lacity.org>, mindy.nguyen@lacity.org,
milena.zasadien@lacity.org

Cc: Alescia Ellis <alescia@collaborate-la.com>, lisa.webber@lacity.org, Dylan Sittig
<dylan.sittig@lacity.org>, vrescalvo@gmail.com

Hello Paul, Mindy, and Milena,

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Thank you for meeting with me on September 14, 2023 regarding the confusion that has occurred related to the public availability of several documents related to the TVC 2050 Project, 7716-7860 West Beverly Boulevard, CPC-2021-4089.

I just want to summarize how we got here and where we are now.

On April 17, 2023, I submitted a request for a copy of the Specific Plan for the TVC 2050 Project. The City responded that the document was being prepared and was therefore privileged.

In June 2023, I called the City's Automated Records Department and was told the ZA-11412, showing as a case on the Project's ZIMAS profile, was located in box number 56726. When I went to the City's records center on June 27, 2023, and researched old paper entitlements related to the Beverly site, including ZV-11412, I could not locate the file at that time in box number 56726 and was told it had likely been lost.

On July 25, 2023, Danielle Peters and Shelley Wagers sent an email to Paul Caporaso, requesting that the City hold a series of community meetings when the Specific Plan was released and prior the hearings on the Final EIR for the Project.

On August 1, 2023, Paul Caporaso responded to Danielle and Shelley's letter indicating that the Specific Plan had been in the file since the file was deemed complete, which according to City records was on June 3, 2021.

On August 10, 2023, I responded to Danielle Peters and Shelley Wagers responded to Paul Caporaso, stating that I, Nicole Kuklok-Waldman, previously requested a copy of the Specific Plan on April 17, 2023, and had been told it did not exist.

On August 28, 2023, Paul Caporaso responded to my email and attached a copy of the Specific Plan, a PDF that had been created on that same day by the Developer's Attorney, Francis Park, which included details after the date of June 3, 2021, the date the file was deemed complete, with apologies for misunderstanding my previous request.

Around September 1, 2023, I requested a copy of ZA-11412 from the City's Automated Records Department. I was told that ZA-11412, and that the box number at Piper Tech, the records storage center, was 56726, the same as the box I researched in June, 2023, and was unable to locate.

On September 7, 2023, I sent an email to Paul Caporaso requesting a copy of ZA-11412, noting that the box did not contain the requested file and asking where he had obtained the file.

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On September 7, 2023, Paul Caporaso sent me a copy of ZA-11412 with additional materials including a table of contents, not from the original 1950 document. The file was obtained from the Developer's environmental consultant, Stephanie Eystone and was sent to me via email.

On September 13, 2023, the Beverly Press reported that, in response to allegations that documents were not provided appropriately by the Planning Department, that the Planning Department responded as follows:

"The document [the Draft Specific Plan] has been in the project's case file since it was submitted by the applicant in 2021. With the exception of any Covid protocol restrictions, members of the public have been able to access the document with an in-office appointment. Additionally, members of the public have been able to submit a California Public Records Act request for a copy of any documents in the project's case file. This document was obtained by members of the public via a PRA request. As previously stated, this is not a city-created or city-reviewed document. The city anticipates that the final EIR will be made available before the end of 2023."

On September 14, 2023, we had a previously scheduled call in which you confirmed that the copy of the Specific Plan you sent to me on August 28, 2023 was from the Developer because you could not find a copy or it was easier. That copy, you confirmed, had been completed in December 2021, not June 2021, as you had previously indicated, and indicated you had previously been mistaken. You were certain this was the correct copy of the Specific Plan although this data file was not in your possession until August 28, 2023.

You also confirmed that the copy of ZA-11412 that you provided me had not been in your possession but had been obtained from the Environmental Consultant for the Applicant, Stephanie Eystone, on September 7, 2023, at your request after my request. That document was attached to a number of documents post-dating ZA-11412 and intended for clarification.

You noted that your research of the 1989 case file box yielded different results than my search, and you indicated that the Records Center had located this file and was sending it to you. You confirmed that Planning had not reviewed the prior entitlements or files and that you believed that was not necessary for a baseline or for California Environmental Quality Act purposes, especially with respect to the Helipad permit. I disagreed, noting that you did not know if any Helipad activity was legal or illegal with which to create an environmental baseline based on existing conditions. We discussed how the Planning Department did not complete an entitlement review or research of original documents from the 1989 file.

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You indicated that you did not think a draft specific plan had any consequence since the Planning Department was working on a revised specific plan. I indicated I disagreed since the specific plan was mentioned in the EIR repeatedly and defined key terms including Floor-Area-Ratio differently than the code definition.

I indicated I felt that the City's statement to the Beverly Press, of which all three of you were aware, was disingenuous and offensive. I stated you forgot to note in that statement that I requested a document in April via Public Records Act request that was not provided until September, despite my request. I also reminded you I had done records research in June and the box was missing so I had asked for file reviews despite this statement. You indicated it wasn't personal.

On September 21, 2023, I conducted file review, in-person, including the 1989 file. At that file review, I was given copies of documents as requested. Paul and Brenda, the assistant at Major Projects, were lovely and helpful.

I would like to therefore confirm that I have requested, via the Public Records Act, at least two documents that were not in the possession of the City, as you sent me the Developer's copy of the Specific Plan and ZA-11412, despite your statement to the Beverly Press that these documents have been in the case file. This statement by the Planning Department to Beverly Press was not truthful. I would also like to note that I have filed Public Records Act requests to which the City did not properly respond. While Paul Caporaso has taken responsibility for his errors, the Planning Department continues to deny responsibility for theirs.

Appeal Response No. 7-13

The Appellant provides a copy of an email from a member of the public to City Staff. The email was responded to on October 2, 2023 from City Staff as below:

"We appreciate having the opportunity to address the correspondences and events that followed your CPRA request on April 17, 2023. Our responses to the summary provided in your email on September 26, 2023 serve as both a response to your statements as well as our chronological record of events between April 17, 2023 to September 21, 2023. We intend for these responses to further clarify the record created by City Planning staff over the past several months regarding the TVC 2050 Project.

—

Hello Paul, Mindy, and Milena,

Thank you for meeting with me on September 14, 2023 regarding the confusion that has occurred related to the public availability of several documents related to the TVC 2050 Project, 7716-7860 West Beverly Boulevard, CPC-2021-4089.

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I just want to summarize how we got here and where we are now.

On April 17, 2023, I submitted a request for a copy of the Specific Plan for the TVC 2050 Project. The City responded that the document was being prepared and was therefore privileged.

While it is correct that the draft of the Specific Plan currently being prepared by the City is protected by the deliberative process exemption under California Government Code Section 7922.000, at the time, Planning staff misunderstood that the request for a copy of the Specific Plan was inclusive of the document that the Applicant submitted with their suggested wording for the Specific Plan. As all Specific Plans can only be initiated by the City and are prepared by Department of City Planning staff, the Applicant-prepared document is not a document that had been vetted by the Department or that would be necessarily reflective of the City's ultimate draft Specific Plan.

In June 2023, I called the City's Automated Records Department and was told the ZA-11412, showing as a case on the Project's ZIMAS profile, was located in box number 56726. When I went to the City's records center on June 27, 2023, and researched old paper entitlements related to the Beverly site, including ZV-11412, I could not locate the file at that time in box number 56726 and was told it had likely been lost.

Michael Holland, the Piper Tech staff person to whom you referenced in your September 7, 2023 email and our September 14, 2023 call, confirmed that he assisted you on June 27, 2023. However, based on his log, Box #56726 was not one of the boxes you had requested for your visit. After discussing this matter further with Records Management staff, it appears that staff cited you with Box #45845 as the location for Case No. ZA-11412, which was not the correct box number. As such, it is our understanding that the incorrect box reference initially provided to you by Records Management on June 26, 2023, is the cause for confusion regarding the location of the case documents related to Case No. ZA-11412.

On July 25, 2023, Danielle Peters and Shelley Wagers sent an email to Paul Caporaso, requesting that the City hold a series of community meetings when the Specific Plan was released and prior the hearings on the Final EIR for the Project.

Correct.

On August 1, 2023, Paul Caporaso responded to Danielle and Shelley's letter indicating that the Specific Plan had been in the file since the file was deemed complete, which according to City records was on June 3, 2021.

Correct. However, while Paul Caporaso stated in their response that an Applicant-submitted draft of a Specific Plan was provided to the Department as part of their case filing, the date of the submission of the document was inadvertently incorrect. The document was submitted on December 23, 2021 to the file. The date of receipt of December 23, 2021 has since been added to the electronic copy of the Applicant-submitted document in the City's case file.

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On August 10, 2023, I responded to Danielle Peters and Shelley Wagers responded to Paul Caporaso, stating that I, Nicole Kuklok-Waldman, previously requested a copy of the Specific Plan on April 17, 2023, and had been told it did not exist.

On August 10, 2023, Danielle Peters and Shelley Wagers responded to Paul Caporaso, stating, in an attached letter, that “Based on a prior email from the Planning Department, it was our understanding that the Specific Plan could not be provided to us because it was subject to the deliberative process exemption of the Government Code. Please see attached email.” The attached email they refer to was the response to your CPRA request from our Principal Clerk, Keavan Shaw on April 28, 2023. In the response to your CPRA request dated April 28, 2023, City Planning did not state that the Specific Plan “did not exist”, but that the Department acknowledged that the draft Specific Plan was being prepared by the City.

On August 28, 2023, Paul Caporaso responded to my email and attached a copy of the Specific Plan, a PDF that had been created on that same day by the Developer’s Attorney, Francis Park, which included details after the date of June 3, 2021, the date the file was deemed complete, with apologies for misunderstanding my previous request.

The Applicant-submitted draft of a Specific Plan in the case file was submitted as an electronic file in a Microsoft Word format, created by the Applicant’s counsel, Francis Park. As it is standard procedure to provide electronic copies of documents to the public in PDF format, Paul Caporaso converted the Word document into a PDF on the date of the request, and attached it in their email response.

Around September 1, 2023, I requested a copy of ZA-11412 from the City’s Automated Records Department. I was told that ZA-11412, and that the box number at Piper Tech, the records storage center, was 56726, the same as the box I researched in June, 2023, and was unable to locate.

As mentioned above, Michael Holland, the Piper Tech staff person to whom you referenced in your September 7, 2023 email and our September 14, 2023 call, confirmed that he assisted you on June 27, 2023. However, based on his log, Box #56726 was not one of the boxes requested for your visit. After discussing this matter further with Records Management staff, it appears they provided you with a different (and incorrect) Box #45845 for Case No. ZA-11412. As such, it is our understanding that the incorrect box number initially provided to you by Records Management on June 26, 2023 is the cause for confusion regarding the location of the case documents related to Case No. ZA-11412. When you requested a copy of Case No. ZA-11412 on September 1, 2023, Records Management staff provided the correct Box #56726.

On September 7, 2023, I sent an email to Paul Caporaso requesting a copy of ZA-11412, noting that the box did not contain the requested file and asking where he had obtained the file. On September 7, 2023, Paul Caporaso sent me a copy of ZA-11412 with additional materials including a table of contents, not from the original 1950 document. The file was obtained from the Developer’s environmental consultant, Stephanie Eystone and was sent to me via email.

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In response to your initial email on September 7th, Paul Caporaso provided a compiled PDF that included the original Conditional Use Permit (Case No. ZA-11412), approved on October 17, 1950, as well as other permit documents related to the Project Site. In your final email on September 7, 2023, you provided follow-up questions regarding the contents of the document provided, and stated that it appeared to be a part of a 1989 case, and reiterated that the case had not been in Piper Tech. In closing, you asked for an entire copy of the file.

In a response email dated September 8, 2023, Paul Caporaso stated that the PDF file was the most immediately available electronic copy which contained the determination letter for Case No. ZA-11412. This compiled PDF was created from a to-be-released FEIR document. This electronic copy was used to provide the determination letter as quickly as possible, with what was readily available.

In clarifying the request, Paul Caporaso inquired as to whether the document provided was sufficient as it included Case No. ZA-11412, as specified in your initial email. Paul Caporaso did not receive a response to their September 8, 2023 email.

On September 13, 2023, the Beverly Press reported that, in response to allegations that documents were not provided appropriately by the Planning Department, that the Planning Department responded as follows:

“The document [the Draft Specific Plan] has been in the project’s case file since it was submitted by the applicant in 2021. With the exception of any Covid protocol restrictions, members of the public have been able to access the document with an in-office appointment. Additionally, members of the public have been able to submit a California Public Records Act request for a copy of any documents in the project’s case file. This document was obtained by members of the public via a PRA request. As previously stated, this is not a city-created or city-reviewed document. The city anticipates that the final EIR will be made available before the end of 2023.”

The statements provided by City Planning are provided in quotes above. This response was prepared as a response to a media request regarding the availability of the Applicant-submitted draft of a Specific Plan. Planning staff were not asked to respond to any allegations, nor did the media request names or reference you, Danielle Peters, or Shelley Wagers in any manner.

On September 14, 2023, we had a previously scheduled call in which you confirmed that the copy of the Specific Plan you sent to me on August 28, 2023 was from the Developer because you could not find a copy or it was easier. That copy, you confirmed, had been completed in December 2021, not June 2021, as you had previously indicated, and indicated you had previously been mistaken. You were certain this was the correct copy of the Specific Plan although this data file was not in your possession until August 28, 2023.

As clarified above, the August 28, 2023 date-stamp was the date and time that Paul Caporaso converted the Word document into a PDF to provide you, Danielle Peters, and Shelley Wagers with an electronic copy of the Applicant-submitted draft of a Specific Plan. While we recognize that the

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PDF provided to you electronically was created by Paul Caporaso on August 28, 2023, the Applicant-submitted draft of a Specific Plan to Planning staff on December 23, 2021.

You also confirmed that the copy of ZA-11412 that you provided me had not been in your possession but had been obtained from the Environmental Consultant for the Applicant, Stephanie Eystone, on September 7, 2023, at your request after my request. That document was attached to a number of documents post-dating ZA-11412 and intended for clarification.

In our call on September 14, 2023, Paul Caporaso, stated that they had created the compiled PDF of documents related to Case No. ZA-11412, the contents of which were taken from a document prepared as part of the to-be-released Final EIR. As is the standard process for City of LA EIR's, environmental documents are compiled by an environmental consultant. As mentioned above, Paul Caporaso, stated that the electronic copy was used to provide the determination letter as quickly as possible, with what was readily available.

You noted that your research of the 1989 case file box yielded different results than my search, and you indicated that the Records Center had located this file and was sending it to you. You confirmed that Planning had not reviewed the prior entitlements or files and that you believed that was not necessary for a baseline or for California Environmental Quality Act purposes, especially with respect to the Helipad permit. I disagreed, noting that you did not know if any Helipad activity was legal or illegal with which to create an environmental baseline based on existing conditions. We discussed how the Planning Department did not complete an entitlement review or research of original documents from the 1989 file.

In our call on September 14, 2023, Planning staff clarified that the City had copies of the referenced City documents. Planning staff had not made a determination as to the current legal standing of the helipad permit. In conformance with CEQA (including CEQA Guidelines Section 15125), the EIR properly includes a description of the physical environmental conditions in the vicinity of the project, environmental setting of the project, and the baseline conditions.

You indicated that you did not think a draft specific plan had any consequence since the Planning Department was working on a revised specific plan. I indicated I disagreed since the specific plan was mentioned in the EIR repeatedly and defined key terms including Floor-Area-Ratio differently than the code definition.

Planning staff, in discussing the general applicability of an Applicant-produced document, stated that the Applicant-submitted draft of a Specific Plan merely serves as an informational document. As all Specific Plans can only be initiated by the City and are prepared by Department of City Planning staff, the Applicant-prepared document is not a document that had been vetted by the Department or that would be necessarily reflective of the City's ultimate draft Specific Plan. The Planning Department was, and still is, currently in the process of creating a draft Specific Plan for the proposed Project. The anticipated general parameters of the City's draft Specific Plan were appropriately described in the Initial Study, Draft EIR, and to-be-released Final EIR. The general parameters of the Specific Plan as described in the EIR were based on the scope of the development as indicated on the project plans and project description as part of the entitlement case filing. Additionally, the way in which the

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City's Specific Plan is anticipated to define "Floor Area Ratio" was disclosed in the Initial Study and the Draft EIR, and has been available for public review and reference since July 2, 2021, the date of Initial Study publication.

I indicated I felt that the City's statement to the Beverly Press, of which all three of you were aware, was disingenuous and offensive. I stated you forgot to note in that statement that I requested a document in April via Public Records Act request that was not provided until September, despite my request. I also reminded you I had done records research in June and the box was missing so I had asked for file reviews despite this statement. You indicated it wasn't personal.

To reiterate, at no point in the media request was your name, nor the name of any member of the public, or any specific request or the history thereof, referenced or discussed with the Beverly Press. The statement provided to the Beverly Press was intended to provide general information regarding how the public can access case file documents, including, but not limited to, the Applicant-submitted draft of a Specific Plan. While Planning staff recognizes the initial response to your document request was in error, the process by which the public can access case file documents described in the article is accurate.

On September 21, 2023, I conducted file review, in-person, including the 1989 file. At that file review, I was given copies of documents as requested. Paul and Brenda, the assistant at Major Projects, were lovely and helpful.

I would like to therefore confirm that I have requested, via the Public Records Act, at least two documents that were not in the possession of the City, as you sent me the Developer's copy of the Specific Plan and ZA-11412, despite your statement to the Beverly Press that these documents have been in the case file. This statement by the Planning Department to Beverly Press was not truthful. I would also like to note that I have filed Public Records Act requests to which the City did not properly respond. While Paul Caporaso has taken responsibility for his errors, the Planning Department continues to deny responsibility for theirs.

We understand and apologize for any inconvenience that was caused by our initial misunderstanding as to which Specific Plan draft was being requested, and on behalf of Records Management for providing the incorrect Box # for Case No. 11412. To correct these errors, we ensured that all requested documents and case files were available during your in-person review.

—

Thank you again for the opportunity to address the correspondences and events that followed your CPRA request on April 17, 2023. We take full accountability of our missteps over these past several months and value your ongoing feedback as we continuously work to improve on our transparency, messaging, and case processes.

As always, please do not hesitate to follow-up with any questions, comments, and concerns you may have regarding the contents of this response and/or the Project in general.

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Appellant No. 8

Greg Goldin
Miracle Mile Residents Association
816 S. Stanley Ave.
Los Angeles, CA 90036-4604

Appeal Point No. 8-1

The Miracle Mile Residential Association (MMRA) submits this summary of our reasons for appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. We also appeal the Advisory Agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

While MMRA supports modernizing the Television City production facilities, this must be done through the through a process that actually produces modernized studio and entertainment facilities that consider the surrounding community. Many of the objections we have regarding this Project stem from size, Project Description, and the lack of required transparency in the administrative processes. On September 22, 2022, the MMRA submitted a previous letter to the city regarding these continued concerns and hereby incorporates them by reference.

Our additional comments, which are summarized below, establish the reasoning for this appeal. In this appeal, the MMRA also relies upon and incorporates by reference the detailed comment letters submitted by Neighbors for Responsible TVC Development, Beverly Wilshire Homeowners Association, The Grove LLC, Save Beverly Fairfax, Mayer Beverly Park LP and A.F. Gilmore.

Appeal Response No. 8-1

This introductory comment is noted for the record. Specific issues raised by the Appellant are addressed in Appeal Response Nos. 8-2 through 8-13 below. The September 22, 2022, comments from the Appellant were fully responded to as part of the responses to Comment Letter No. 32 of the Final EIR. The other referenced appeal letters are responded to as part of this memorandum.

Appeal Point No. 8-2

THE PROJECT IS TOO BIG

The Project continues to be too big and too tall. The residential neighborhoods surrounding TVC are unsuitable for a project with the density of a studio plus an office park. An office park component in

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addition to an updated, modern, and efficient operational studio is just too much will literally entomb the surrounding neighborhood in additional traffic and air pollution, blockade it from emergency services, while subjecting it to a 20-year-long construction schedule.

Of course, this assumes that the Applicant is actually proposing a Studio. Project uses in the Project Description are interchangeable throughout the site in the EIR to the point that it is vague and open-ended, and the type and timing of development proposed is never disclosed. The Courts have already rejected the city's attempts to create a "hypothetical development mix" for Millennium Hollywood and the city is obligated to comply with the law for TVC2050 as well.

The Applicant acknowledges in its Project Description that it can operate the studio of the 21st Century with 1,174,000 square feet, which includes all requested Soundstage, Production Support, Production Office, Retail, and Basecamp spaces, and simply eliminates the Office Park component. The Office Park needs to go.

Appeal Response No. 8-2

This comment is substantively similar to Appeal Point Nos. 7-2, 7-3, and 7-4, above. Refer to Appeal Response Nos. 7-2, 7-3, and 7-4, above, for a discussion of the Project's size, and the need for general office uses as part of a studio.

Appeal Point No. 8-3

THE PROJECT CREATES UNSAFE TRAFFIC IMPACTS

While the Applicant continues to pitch its "Mobility Hub" as a solution to traffic woes, the traffic study is very clear that traffic will increase significantly in the area. Unlike the historic operation of CBS, the Applicant's Project would be heavily truck-dependent. The Final EIR concedes 83 production trucks, including 18-wheelers, producing 166 truck trips per day. Such a truck-dependent facility should be located proximate to freeway access—not nearly 3 miles from the nearest freeway. Fairfax Avenue, south of Olympic Boulevard, provides connection to the I-10 Fwy. and is designated an Avenue III by the Mobility Plan—the narrowest type of arterial street. Fairfax Avenue quite simply is not suited to carry the daily truck burden resulting from the Project. Such truck traffic will further encourage gridlock and cut-through traffic on surrounding streets.

Appeal Response No. 8-3

This comment is substantively similar to Appeal Point Nos. 2-17 to 2-19. Refer to Appeal Response Nos. 2-17 to 2-19, above regarding the number of trucks that would access the Project, the adequacy of truck access, and the Project's location.

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Appeal Point No. 8-4

The Miracle Mile neighborhood is also destined to be heavily impacted, both by the Applicant's proposed "jitney shuttle" on Orange Grove, using our residential streets to ferry their commercial users to the nearest subway station, as well as the traffic impacts of adding more trips north and south on Fairfax to and from the 10 Fwy.

Appeal Response No. 8-4

Refer to Response to Comment Nos. 26-E.2-38, 28-19, and 32-6 of the Final EIR regarding the Project's use of Fairfax Avenue and residential streets. The Project's transportation impacts were comprehensively analyzed in Section IV.K, Transportation, of the Draft EIR in accordance with CEQA and were determined to be less than significant during both construction and operation of the Project.

Appeal Point No. 8-5

The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But emergencies aren't just fires, and they are not confined to the lot. Emergencies are accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment on the lot itself doesn't resuscitate neighbors or get them to the hospital in an emergency. Ambulances and Paramedics—operated by the Fire Department—get caught in gridlocked traffic just like the rest of us, and can't access side streets, either, thanks to the prevalence of driving software. The Applicant's solution to traffic just doesn't work and isn't safe.

Appeal Response No. 8-5

This comment is substantively similar to Appeal Point No. 7-5, above. Refer to Appeal Response No. 7-5, above, regarding how the Project would not result in significant impacts associated with LAFD services and facilities or emergency access.

Appeal Point No. 8-6

THE PROJECT INCLUDES AN ABSURD TWENTY-YEAR CONSTRUCTION TIMELINE

The Development Agreement associated with the Specific Plan requests a 20-year construction period. This is absurd. We believe a three-year construction period is appropriate and enough for the surrounding community to support and tolerate.

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Appeal Response No. 8-6

This comment is identical to Appeal Point No. 7-6, above. Refer to Appeal Response No. 7-6, above, regarding how the Project Site would not undergo construction for a continued 20-year duration.

Appeal Point No. 8-7

For point of reference, California cities are obligated to update their General Plans every 10-15 years, while private developer gets a 20-year plan? This is unreal.

Appeal Response No. 8-7

This comment is identical to Appeal Point No. 7-7, above. Refer to Appeal Response No. 7-7, above, regarding the Development Agreement.

Appeal Point No. 8-8

THE CITY HAS CONTINUALLY FAILED TO MEET STATE REQUIREMENTS FOR DISCLOSURE AND TRANSPARENCY

The Planning Department has failed compliance with California Law and common sense when it comes to procedure for the Project. The city failed to produce a copy of a Draft Specific Plan for months, despite numerous community requests and a Public Records Act Request. When the PRA error was pointed out to the City, the Planning Department told the Beverly Press that it denied responsibility for the error yet quickly made the document public via its website. The copy of the Draft Specific Plan that was uploaded to the City's website contained metadata stating that the city obtained it from Applicant's counsel the week prior.

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, nearly two years after the DEIR and six months after the FEIR was released. To meet city deadlines, we were forced to comment on a Sign Plan we had never seen.

Appeal Response No. 8-8

This comment is substantively similar to Appeal Point No. 7-8, above. Refer to Appeal Response No. 7-8 above regarding the availability of a draft Specific Plan and the PRA.

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Appeal Point No. 8-9

The proposed Sign District would allow signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review and completely lacking public input related to public meetings and CEQA analysis.

Appeal Response No. 8-9

This comment is substantively similar to Appeal Point No. 4-10. Refer to Appeal Response No. 4-10, above, regarding signage.

Appeal Point No. 8-10

Even preparing and submitting this appeal required us to create two logins, download “Adobe Sign” software, upload several documents, and demonstrate a capacity for computer usability that required expert assistance. This again fails to meet a standard for public disclosure and participation.

Appeal Response No. 8-10

This comment is identical to Appeal Point No. 7-10, above. Refer to Appeal Response No. 7-10, above, regarding how the public process for the Project has been completed in accordance with applicable regulations.

Appeal Point No. 8-11

THE PROJECT INCLUDES AN ILLEGAL HELIPAD

The Applicant cannot rely on a 1950s-era approval that it did not legally acknowledge for over 30 years to state that it now has existing helipad rights. The EIR and the city’s approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad in the Project, despite clear evidence to the contrary available upon public review of city files.

The site has never received any required permit to allow helipad use on the Project site, and any existing non-conforming rights were abandoned when the prior owner submitted site plans throughout the 1980 and 1990s showing no helipad. After the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. So now the Applicant wants to move the helipad it hasn’t acknowledged in 30 years, increase its use, and argue that it’s had the right all along? This is nonsensical.

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Appeal Response No. 8-11

This comment is identical to Appeal Point No. 7-11, above. Refer to Appeal Response No. 7-11, above, regarding the helipad.

Appeal Point No. 8-12

WE HAVE NO GUARANTEE OF COMPLIANCE WITH DEVELOPER PROMISES

We are confident that the TVC 2050 Project will include a number of Conditions of Approval. However, we have learned that, especially after implementation of the Academy Museum Project, conditions are little comfort if there is no enforcement mechanism. We continue to demand an enforcement mechanism and Area Planning Commission Plan Approvals to keep the Applicant in check. Conditions of Approval with no enforcement mechanism are deferred mitigation, at best, which is illegal.

Appeal Response No. 8-12

This comment is identical to Appeal Point No. 7-12, above. Refer to Appeal Response No. 7-12, above, regarding the conditions of approval.

Appeal Point No. 8-13

Finally, the MMRA incorporates by reference any other appeals made to this Approval of Vesting Tentative Tract No. 83387, and reserves the right to amend and further expand its appeal.

Appeal Response No. 8-13

This comment is noted for the record.

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Comment Letter No. 9

Barbara Gallen
Park La Brea Impacted Residents Group
357 S. Fairfax Ave., #421
Los Angeles, CA 90036-3124

Appeal Point No. 9-1

Park La Brea Impacted Residents Group (PLBIRG), a California unincorporated association, submits this summary of the reasons for the association's appeal of the Advisory Agency's approval of VTT No. 83387 for the TVC 2050 Project. The Association also appeals the advisory agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under CEQA for the TVC 2050 Project (Project).

PLBIRG is a registered California unincorporated association made up of multi-family residents residing in the Park La Brea apartment community which is bounded by Sixth Street on the south, Hauser and Cochran on the east, Colgate and 3rd Street on the north, and Hauser and Fairfax Avenue on the west. Since 2018 PLBIRG has advocated on behalf of Park La Brea residents with regard to public safety, traffic and land use issues occurring on the external perimeter of the Park La Brea boundaries which affect the well being, safety and quality of life of our residents. The TVC 2050 Project is situated less than .75 miles from Park La Brea; moreover, its de facto southern perimeter for purposes of public street vehicle access to the project is 3rd Street, which is less than ¼ mile from our homes.

Appeal Response No. 9-1

This introductory comment is noted for the record. Specific issues raised by the Appellant are addressed in Appeal Response Nos. 9-2 and 9-3 below. However, it should be noted that 3rd Street is not the Project Site's southern perimeter.

Appeal Point No. 9-2

PLBIRG remains concerned that the development of the Project authorized by the VTT will have adverse impacts on the community. These [sic] impacts were obscured by an impermissibly opaque administrative process that prevented the full disclosure of Project details and intentions and their likely impacts, thereby preventing full environmental analysis [sic] and the mitigation of those likely impacts.

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PLBIRG incorporates by reference the comment letters submitted by Park La Brea Impacted Residents Group, Fix the City, Mayer Beverly Park, LP, A.F. Gilmore, The Grove, LLC, Beverly Wilshire Homes Association, Save Beverly Fairfax, Miracle Mile Residential Association and Neighbors for Responsible TVC Development with regard to the Draft Environmental Impact Report. PLBIRG also incorporates by reference all appeals submitted by these and any other groups and individuals with regard to the approval of VTT No. 83387 and relies upon all of these comments and appeals for its appeal.

Appeal Response No. 9-2

This comment claims the Project would have adverse impacts on the community and that the process was “opaque” but provides no examples. The referenced comment letters in the comment have been responded to as part of this memorandum.

Appeal Point No. 9-3

Finally, PLBIRG reserves the right to amend and further expand its appeal prior to the planning commission hearing.

Appeal Response No. 9-3

This comment is noted for the record.

EXHIBIT D.2

Reference Letter

Responses, prepared by

Eyestone Environmental

VTT-83387-1A

September 12, 2024



MEMORANDUM

TO: Paul Caporaso
City of Los Angeles Department of City Planning

FROM: Eystone Environmental

SUBJECT: TVC 2050 Project—Reference Letter Responses
VTT-83387-1A, ENV-2021-4091-EIR

DATE: September 3, 2024

CC: Milena Zasadzien and Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum No. 1 to the EIR (Erratum) was published in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. The Draft EIR, Final EIR and Erratum are collectively referred to herein as the EIR. Further, the EIR was prepared in accordance with CEQA and City policy.

The Advisory Agency issued a Letter of Determination (LOD) on May 28, 2024 certifying the EIR and approving the Vesting Tentative Tract Map (VTTM). Subsequently, nine appeals were filed. Appeal No. 7, filed by Danielle Peters on behalf of Neighbors for Responsible TVC Development (NFRTD), cites four previous letters sent either directly by Danielle Peters and Shelley Wagers, or by NFRTD where they serve as co-chairs. These letters raise issues already addressed in the Final EIR or in the Response to Appeal Comments dated August 10, 2024. Responses to comments raised in these letters are nevertheless provided below.



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Appeal Justification No. 7 Reference Letter No. 1 (March 6, 2023)

Danielle Peters
Shelley Wagers
Neighbors for Responsible TVC Development
6531 W. Fifth St.
Los Angeles, CA 90048-4711

Reference Comment No. 1-1

Congratulations on your election as City Attorney! You are going to do some amazing things for our City, and we are here to support you. We have some concerns we would like to share with you in your role as City Attorney related to the TVC 2050 Project.

Response to Reference Comment No. 1-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Responses to specific issues raised by the Appellant are addressed in Response to Reference Comment Nos. 1-2 through 1-12, below. It is noted for the record that while referenced by the Appellant in their Appeal Justification, Reference Letter No. 1 was addressed to., and Planning's responses do not represent responses on behalf of the City Attorney.

Reference Comment No. 1-2

The TVC Project Description Isn't Clear, and the Draft Specific Plan Isn't Available

As we are sure you have heard by now, the Draft Environmental Impact Report ("DEIR") for the TVC 2050 Project ("Proposed Project") is a flawed, evasive, and unclear document. Starting with the Project Description, the DEIR fails to even tell the immediate community what the Proposed Project will actually be. Instead, we are given a list of potential uses indicated in a Draft Specific Plan—a Draft Specific Plan that has not been provided for review and is not publicly available.

The Draft EIR states the "combination of use may vary" and includes in its long list of possible uses "conference facilities ... special events, audience and entertainment shows, museum

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exhibits, theaters, ... restaurants and special event areas ... warehouse ... ***and all other uses permitted in the C2 zone unless expressly prohibited in the Specific Plan.*** The conceptual site plan included in the Draft EIR states that it only “illustrates one possible development scenario.” And the height zone description makes clear that “height zones do not represent the actual development footprint of Project buildings.” It should also be noted that the City does not rely on the C2 Zone but on the ZA-2022-7106-ZAI dated December 20, 2022 for zoning uses in the C2 Zone, yet this is also not clarified.

Response to Reference Comment No. 1-2

Refer to Response to Comment No. 5-6 of the Final EIR, and Topical Response No. 3, Permitted On-Site Uses of the Final EIR. As stated therein, Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR includes clarifications to Section II, Project Description, of the Draft EIR to provide a clarified list of five permitted studio related uses within the Project Site consistent with the underlying purpose of the Project: sound stage; production support; production office; general office; and retail. In addition, the text on page II-16 of Section II, Project Description, of the Draft EIR stating that permitted uses include “all other uses permitted in the C2 zone unless expressly prohibited in the Specific Plan” has been deleted (even though these uses are currently permitted). Impacts associated with all uses permitted under the proposed Specific Plan have been fully evaluated in the EIR.

As discussed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, neither CEQA nor City policy require a draft specific plan to be included in an EIR. Nevertheless, in response to public comments and for informational purposes, a Preliminary Draft Specific Plan was made publicly available on October 13, 2023, prior to the publication of the Final EIR. The Draft TVC 2050 Specific Plan for the Modified Project (Draft Specific Plan) was made publicly available on April 5, 2024 to reflect the Project refinements that were evaluated in the Erratum. The release of the Specific Plan drafts substantially exceeds what is required by CEQA and City policy.

Reference Comment No. 1-3

The lack of clarity here is shocking. The Millennium Hollywood litigation involved the same lack of specificity of the Project Description, and the City lost its arguments in that case. It

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would be unfortunate to see the City expend precious time and resources on the same issue a second time.

Response to Reference Comment No. 1-3

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 2-6 of the Final EIR. As stated therein, “the project at issue in the *Millennium* case is not similar to the Project because *Millennium* involved an individual building development project rather than a specific plan project. In addition, the Project Description is distinguishable in all material respects from the project description at issue in *Millennium*.” The numerous differences between the project description in the *Millennium* case and the Project description for the TVC 2050 Project were discussed in Topical Response No. 1 at pages II-71 through II-75 of the Final EIR. Also refer to Response to Comment No. 9-13 in the Final EIR for further discussion.

Reference Comment No. 1-4

The Proposed Regional Center Community Plan Change Creates a Chain Reaction Without Accurate Environmental Review or Project Description Clarity

Our concerns don’t end with a confusing lack of Project Description or a Draft Specific Plan. We are concerned that the lack of specificity in the Draft EIR is by design intended to confuse or mislead the community. The example below raises grave concerns.

The Proposed Project requires a 1.75:1 FAR, which exceeds the Community Commercial FAR limitation of 1.5:1. The Draft EIR indicates that the Proposed Project will require a Community Plan Designation of Regional Commercial, which allows a 6:1 FAR, instead of the lower FAR of the existing designations, primarily Community Commercial. If you read the DEIR carefully, the Proposed Project redefines square footage in its unavailable Draft Specific Plan, so the FAR they are proposing is actually 1.83:1. Then we learn that it could change any time, because the Draft Specific Plan—the one we have never seen—will allow for Project changes.

Assuming that the Draft Specific Plan allows for changes, the California Environmental Quality Act (“CEQA”) would normally require additional environmental review if there were potential for a significant environmental impact.

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Response to Reference Comment No. 1-4

The proposed land use designation was originally requested for Regional Commercial and later changed to Community Commercial, in response to public comments received on the Project, including the commenter. Community Commercial is the existing land use designation for approximately 60% of the Project Site. As discussed on pages 55–56 of the Erratum, the Modified Project proposes an FAR of approximately 1.61, which is less than the 1.75 FAR proposed under the Original Project and represents a minor increase from the existing 1.5 FAR (an approximately seven percent increase). Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1.¹ The Modified Project's proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial.

With respect to availability of the Specific Plan, refer to Response to Reference Comment No. 1-2, above.

The comment regarding floor area is repetitive of comments on the Draft EIR. Refer to Topical Response No. 2, Definition of Floor Area is Appropriate, and Response to Comment Nos. 5-7 and 26-121 of the Final EIR. As discussed therein, the proposed Specific Plan's floor area definition is based on the LAMC definition, with a few additional clarifications to account for the unique nature of studio uses and functions, as has been done in other approved specific plans for studios in Los Angeles, and the EIR analyzed the full scope of the physical impacts on the environment from the Project in accordance with CEQA regardless of how floor area is defined.

Further, the Specific Plan would only permit projects that substantially conform with the Initial Development Plans (which match the Conceptual Site Plan analyzed in the Erratum) to be processed administratively. Any development that does not substantially conform to the Initial Development Plans, and any development involving a land use exchange, would require a discretionary Project Compliance approval and future CEQA compliance review.

¹ General Plan Framework Element, Chapter 3—Land Use.

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Reference Comment No. 1-5

However, once the Community Plan designates the CBS Television City Property as Regional Center, the Community Plan Update, currently in the City pipeline, will analyze CBS Television City at 6:1 FAR.

Once the Community Plan Update is implemented, any future development on the site would then be subject to, at most, an Addendum—with no additional public review. This means that the Draft Specific Plan—again, one we have never seen—will give any owner the right to develop based on an FAR in excess of 6:1 (using the DEIR definition of square footage), or almost 5,000,000 s.f. of development. All this with no clear Project Description and no public review or approval with any level of specificity.

Response to Reference Comment No. 1-5

Refer to Response to Comment No. 28-20 and Topical Response No. 6, Wilshire Community Plan Update, of the Final EIR. As discussed therein, CEQA requires an evaluation of a project's consistency with existing land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. In accordance with CEQA Guidelines Section 15125, the Draft EIR relied on information that was currently available to establish baseline conditions and, as such, uses information from the existing Wilshire Community Plan. That evaluation satisfies the requirement under CEQA that an EIR "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans."² An "applicable" plan is a plan that has already been adopted and, thus, legally applies to a project; draft plans need not be evaluated. Further, it would be unprecedented for the City to require that an individual project be delayed until the completion of an update to a Community Plan.

Refer to Response to Reference Comment No. 1-2 above regarding the allowable FAR and the availability of the Specific Plan.

² CEQA Guidelines § 15125(d).

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Refer to Response to Reference Comment No. 1-4 above regarding the procedures under the Specific Plan.

Reference Comment No. 1-6

What else is this document hiding?

Response to Reference Comment No. 1-6

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, for a more detailed discussion of how Section II, Project Description, of the Draft EIR is accurate, stable, and finite and provides all of the necessary information to allow for a thorough analysis of Project impacts in accordance with CEQA. The analysis in the EIR and Erratum analyzed the Project as proposed and meets the requirements of CEQA.

Reference Comment No. 1-7

Why won't Planning allow for public review of the actual Proposed Project, or the Draft Specific Plan?

Response to Reference Comment No. 1-7

Refer to Response to Reference Comment Nos. 1-2 through 1-6, above.

Reference Comment No. 1-8

Why does the Project redefine square footage?

Response to Reference Comment No. 1-8

Refer to Response to Reference Comment No. 1-4, above, regarding the definition of floor area.

Reference Comment No. 1-9

Why is this Project being proposed on the cusp of the Wilshire Community Plan update?

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Response to Reference Comment No. 1-9

Refer to Response to Reference Comment No. 1-5, above.

Reference Comment No. 1-10

We are concerned that Planning will use the new “Regional Center” designation to expand density throughout the area, despite the fact that ground zero of this explosive development is 3 miles from the nearest freeway in an area with spotty transit access. The fallout has the potential to change the context of our community permanently.

Response to Reference Comment No. 1-10

Refer to Response to Reference Comment Nos. 1-2 and 1-4, above.

Reference Comment No. 1-11

More importantly, the proposed development isn’t fair, isn’t right, and isn’t legal under *Laurel Heights Improvement Association of San Francisco v. Regents of the University of California*, 47 Cal. 3d 376 (1998).

Response to Reference Comment No. 1-11

Refer to Response to Comment No. 9-20 of the Final EIR. As stated therein, the EIR in *Laurel Heights* failed to discuss the anticipated future uses of the facility at issue and the likely effects of those uses. Unlike the EIR in *Laurel Heights*, the TVC EIR comprehensively discussed and analyzed the anticipated future uses of the Project Site and the likely effects of those uses. The Court in *Laurel Heights* noted, “we cannot and do not by this opinion prescribe the exact information that the University must include in its EIR. We expect the University will attempt in good faith to fulfill its obligation under CEQA to provide sufficient meaningful information regarding the types of activity and environmental effects that are reasonably foreseeable.” This reinforces the concept that, as stated in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, under CEQA, the level of detail required in an EIR is dependent upon the underlying project. Per CEQA Guidelines Section 15146, “[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.”

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Accordingly, less detail is required for a specific plan project than an individual building development project.

Reference Comment No. 1-12

Planning Needs to Redraft the DEIR with a Clear Project Description Immediately

We know that the City is working on many important issues. We believe that your reviewing this Draft EIR and considering redrafting and recirculation of the document would save the City time and money on protracted and unnecessary litigation and would show the community that you recognize the importance of this issue. We appreciate your support.

Response to Reference Comment No. 1-12

This comment concludes the letter. Refer to Response to Reference Comment Nos. 1-2 through 1-11 above for specific issues raised by the Appellant.

Regarding recirculation, as discussed in Response to Comment No. 9-4 of the Final EIR, the Draft EIR was completed in full compliance with CEQA and recirculation of the Draft EIR is not warranted. As discussed therein, CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring “significant new information” that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse effect or feasible way to mitigate or avoid such an effect. The Appellant’s comment letters fail to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.



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Appeal Justification No. 7 Reference Letter No. 2 (July 25, 2023)

Danielle Peters
Shelley Wagers
Neighbors for Responsible TVC Development
6531 W. Fifth St.
Los Angeles, CA 90048-4711

Reference Comment No. 2-1

On behalf of our community, we, Neighbors for Responsible TVC Development, would like to further address a concern we continue to have regarding the proposed development at Television City.

When the City published its Draft Environmental Impact Report for the project and the community submitted comments to the Planning Department, there was no Specific Plan for the project contained in the Draft EIR.

We now understand that the City may be preparing a Specific Plan for this project, and we hereby request that the City and the Planning Department hold a series of neighborhood meetings **after** the Specific Plan is disclosed to the public so that we, the residents of the Wilshire Community Plan area, can fully understand what the developer for TVC 2050 is requesting.

We are not planning experts. We are parents, neighbors, homeowners, renters, entrepreneurs, friends, caretakers, families. We are the community, and we need to understand what is being proposed. Handing us a large planning document, with no analysis, days or weeks prior to a hearing, is disrespectful and counter-productive. We are stakeholders who deserve the chance to review, ask questions, and understand the TVC 2050 Specific Plan **before** the City considers approval.

We look forward to your swift response.



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Response to Reference Comment No. 2-1

Refer to Response to Reference Comment No. 1-2 above regarding the availability of the Specific Plan. The Draft Specific Plan for Modified Project was made publicly available on April 5, 2024, over five months before the City Planning Commission hearing to consider the proposed Specific Plan and other Project entitlements, which substantially exceeds both the City's and CEQA's requirements.



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Appeal Justification No. 7 Reference Letter No. 3 (August 10, 2023)

Danielle Peters
Shelley Wagers
Neighbors for Responsible TVC Development
6531 W. Fifth St.
Los Angeles, CA 90048-4711

Comment No. 3-1

Thank you for your swift response to our letter, dated July 31, 2023, requesting Community Meetings to discuss the Proposed TVC 2050 Specific Plan ("Specific Plan.")

We are somewhat confused by the status of the Specific Plan and hope you can help clarify.

Based on a prior email from the Planning Department, it was our understanding that the Specific Plan could not be provided to us because it was subject to the deliberative process exemption of the Government Code. *Please see attached email.*

Your August 1, 2023 email response to our communication indicated that the TVC 2050 Specific Plan is, and has been, available for review:

A physical copy of the proposed Specific Plan, as submitted by the Applicant, has been publicly available since the Project Application was deemed complete by the Department.

However, you also indicated that the Planning Department is presently drafting a Specific Plan which will be available in the future.

The Department of City Planning is currently drafting a Specific Plan which will be available for public review prior to any Project-related environmental and/or entitlement approvals.

Apart from reference to its existence in the DEIR, it is our understanding that the Specific Plan document itself has not been available for public review. Based on your email and

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representations from the Planning Department, we understand that the Specific Plan is presently being drafted and will be made available at a later date. It is for that reason we requested the opportunity to hold public meetings for Specific Plan review before the Project has approval hearings.

If we are misunderstanding things, your clarification would be greatly appreciated. Thank you for your time and efforts.

Response to Reference Comment No. 3-1

Refer to Response to Reference Comment No. 1-2 above regarding the availability of the Specific Plan. In addition, following the release of the Preliminary Draft Specific Plan on October 13, 2023, City Planning held a joint public hearing related to the proposed entitlements for the project, including the Specific Plan, on May 15, 2024 that allowed for several hours of public comment and during which questions and any clarifications requested were responded to orally by either City Planning staff or the Applicant team. Written comments and questions are also received up until the City Planning Commission date. Separately, the Project Applicant held a number of open houses and focus group meetings in October and November 2023 to give the public additional opportunities to ask questions or make comments on the Project and Specific Plan; however, it should be noted that these meetings are not endorsed or required by City Planning.



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Appeal Justification No. 7 Reference Letter No. 4 (February 14, 2024)

Danielle Peters
Shelley Wagers
Neighbors for Responsible TVC Development
6531 W. Fifth St.
Los Angeles, CA 90048-4711

Comment No. 4-1

On behalf of Neighbors for Responsible TV City Development, we continue to voice the community's concerns about troubling aspects of the TVC 2050 Project ("the Project"). We have actively worked with Councilmember Yaroslavsky and the Hackman Team ("the Applicant"), to try and right-size the project. Our group represents numerous neighbors and community groups who support the entertainment industry and the local economy but believe that the upgraded studio should be compatible with the surrounding community. Thus far, Hackman Capital Partners has ignored our requests.

Response to Reference Comment No. 4-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Responses to specific issues raised by the Appellant are addressed in Response to Reference Comment Nos. 4-2 through 4-7, below.

Comment No. 4-2

The office park component of TVC 2050 needs to be removed

The proposed TVC 2050 Draft EIR and Final EIR play a number of games with square footage. By redefining square footage to exclude several legitimate occupancies, the Project understates the actual 2,000,000+ s.f. of development. What's more, the Applicant designates a minimum of 700,000 s.f. for "general office" use, with no requirement that it be related to studio use. See **Attachment A**.

The overall square footages are summarized as follows:

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Soundstage	350,000 s.f.
Production Support	104,000 s.f.
Production Office	700,000 s.f.
<i>General Office</i>	<i>700,000 s.f.</i>
Retail	20,000 s.f.
TOTAL	1,874,000 s.f. (not including approx..[sic] 200,000 s.f.
basecamp)	

We support a modern, 21st century studio at TVC. Along with our neighbors, we have supported CBS Television City for decades and we wish to continue to do so. But we do not support an office park at the site. The Applicant has told us that the office uses will be related to uses that support studios, such as human resources and marketing offices for studios. But the evidence of current tenants at the applicant's other studio properties says otherwise. For example, at Manhattan Studios, tenants include realtors, law firms, and carpet cleaners. See **Attachment B**. The neighborhood surrounding TVC is already highly impacted by a number of dense, urban uses. An office park component *in addition* to an operational studio is just too much.

The Applicant has acknowledged, in its Project Description, that it can operate a studio of the 21st Century with 1,174,000 s.f., which includes *all* requested Soundstage, Production Support, Production Office, Retail and Basecamp spaces, and simply eliminates the office park component.

We urge you to support that studio and NOT the additional office park component. The Applicant has a history of engaging non-entertainment tenants at its other properties in order to add to its bottom line, and that is neither appropriate nor respectful here. We support an enlarged studio, not an enlarged studio and office park.

Response to Reference Comment No. 4-2

Refer to Response to Reference Comment No. 1-2, above, regarding the definition of floor area.

As described in the Erratum, the proposed Specific Plan would permit a maximum total of 1,724,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout. The Appellant's assertion that the

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Project Description acknowledges that the Project can operate without general office is incorrect. In fact, without the general office component, the Project would not be operationally feasible, as general office is a core and necessary use required by modern studios as explained in Response to Comment No. 5-15 of Section II, Responses to Comments, of the Final EIR and Appeal Response No. 2-21 in the Response to Appeal Comments.

“Attachment A” referenced in this comment consists of page II-13 of the Draft EIR and “Attachment B” consists of a flyer listing tenants at the MBS Media Campus. These documents are noted for the record, but do not require further response.

Comment No. 4-3

TVC 2050 is too tall and height needs to be reduced.

Again, we support enhancements at TVC 2050, and we understand that height is part of that calculus. We have no objection to height specifically related to technical needs (e.g. standardized height required for operational sound stages). We also understand that the site may require some high-rise development placed as far as possible from the site perimeter. However, 241 feet (225 feet plus a 16-foot bonus provided by the measurement standard used in the Specific Plan) is too high. We believe that additional height on the site should be compatible with existing surrounding heights.

For point of reference, existing surrounding building heights include the following:

Broadcast Center Apartments	62 feet
Grove Parking Structure	82 feet
Academy Museum “Bubble”	130 feet
Park La Brea Towers	125 feet
TVC 2050 Specific Plan	241 feet

We believe a maximum height of 130 feet is appropriate for a production office tower placed at the center of the site. For the Fairfax perimeter, where street activation is a prime consideration, heights—including any adjustment for grade—should not exceed 62 feet above the sidewalk, consistent with the Broadcast Center Apartments that abut the site on the east side.

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Response to Reference Comment No. 4-3

Refer to Response to Comment No. 9-16 of the Final EIR. Although there is currently no height limit under existing zoning, as part of the proposed Specific Plan, height zones with specified height limits would be established to regulate building heights throughout the Project Site. The proposed height zones protect the Historic-Cultural Monument (HCM), open up views of the HCM from Beverly Boulevard, and concentrate building mass and height toward the center of the Project Site. Also note that the Specific Plan would establish setback (frontage) and stepback area requirements that function as buffers and transitional space around the Project Site perimeter.

Refer to Response to Comment Nos. 11-3 and 26-7 of the Final EIR and pages 15 through 17 and 58 of the Erratum regarding how the size and height of the Project is compatible with the surrounding general area, the height of surrounding development, the proposed maximum height limits, and Project Grade. Also note that there are existing and proposed developments ranging in height from 75 feet (8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately 1 mile of the Project Site. The perimeter of the Project Site, per the Modified Project, is proposed to have four buildings with an 88-foot base height and a one-story penthouse up to 103 feet in height, which is less than or equal to the height of other developments in the area, such as the Academy Museum of Motion Pictures (approximately 128 feet), 6300 3rd Street (approximately 100 feet), and 640 Curson Avenue (approximately 245 feet). The Park La Brea development, which is located less than 0.4 miles from the Project Site, has 18 approximately 147-foot-tall buildings, while the Project proposes only five such buildings taller than 100 feet. In addition, the tallest component of the Project, at 225 feet, would occupy less than approximately three percent of the total Project Site area and would be located in the center of the Project Site over 300 feet from adjacent uses.

The Appellant's opinion regarding building heights is nevertheless noted for the record.

Comment No. 4-4

The Construction Window is Too Long

The Development Agreement associated with the Specific Plan requests a *20-year* construction period. This is absurd. We believe a three-year construction period is appropriate and enough for the surrounding community to support and tolerate.

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Response to Reference Comment No. 4-4

Refer to Response to Comment No. 9-24 of the Final EIR. As discussed therein, the 32-month timeframe is preferred by the Applicant, who intends to complete construction of the Project within this timeframe, subject to market conditions. However, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2045. As with most development projects, market conditions will ultimately influence the buildout timeframe for the Project. As such, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR. Also note that a 20-year buildout scenario does not mean 20 years of construction, as the scope of the Project is the same regardless of the buildout duration.

Comment No. 4-5

Conditions of Approval and a Plan Approval Mechanism are Necessary

We are confident that the TVC 2050 Project will include a number of Conditions of Approval, and we hope some of those conditions correspond with the conditions we have requested and are set out in **Attachment C**. However, through the implementation of the Academy Museum Project, we have learned that conditions are little comfort if there is no enforcement mechanism.

To this end, we request that a Plan Approval requirement be added to the Specific Plan to enable the community to confirm that TVC 2050 is keeping its promises. We believe that is the neighborly thing to do.

Response to Reference Comment No. 4-5

The subject of this appeal is limited to the merits of the Deputy Advisory Agency's action certifying the EIR and approving the VTTM, and this is not the appropriate forum to address enforcement of Conditions of Approval on a Citywide basis.

“Attachment C” referenced in this comment consists of a table of the requests made by the commenter and the status of their ongoing discussions with the City. This document is noted for the record. All specific issues raised by the commenters, either individually or as an

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organization, have been addressed in the Final EIR (see Response to Reference Comment Nos. 425-1 through 425-8, 426-1 through 426-6, and 573-1 through 573-9); the Response to Appeal Comments (see Appeal Response Nos. 7-1 through 7-13); and the responses included in this document.

Comment No. 4-6

We Support TVC and a Studio Project that Meets Both Applicant and Community Needs

We have repeatedly requested a number of neighborly adjustments to the TVC 2050 Project and have *never* opposed the Project as a whole. To that end, we again refer you to our attached list of requests and the Applicant's response to each in **Attachment C**.

We continue to believe that development in the community should be a collaborative process. When Holland Partners was developing the Town and Country project across the street, we felt like we were a part of the development process. As neighbors and partners, our opinions about the project's size and contributions to the community mattered. Our discussions with the Hackman team have been the exact opposite.

While the Applicant has refused to engage with us in good faith, we ask that you incorporate our community requests in your recommendations and final approvals.

P.S. As of February 14, 2024, we have not yet seen the Sign Plan Proposed for the Project.

Response to Reference Comment No. 4-6

This comment concludes the letter, and the Appellants opinions are noted for the record. With respect to the proposed Sign District, refer to Topical Response No. 1.D of the Final EIR. As discussed therein, neither CEQA nor City policy require that the draft Sign District be included in the EIR. However, in response to public comments, the Draft Sign District was made available on April 5, 2024, substantially earlier than required by City procedures.

EXHIBIT E

Responses to Additional
Public Comments, prepared
by Eyestone Environmental
and Park & Velayos LLP

VTT-83387-1A

September 12, 2024

May 8, 2024

VIA EMAIL

Paul Caporaso
City of Los Angeles, Department of City
Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
paul.caporaso@lacity.org

Re: Response to Letter from Carstens, Black & Minter LLP on behalf of Save Beverly
Fairfax dated April 17, 2024

Dear Mx. Caporaso:

This letter is written on behalf of our client, Television City Studios, LLC, the applicant for the TVC 2050 Project ("Project"), in response to a letter received from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax ("SBF") dated April 17, 2024 (the "SBF Letter") regarding the Erratum No. 1 to the Environmental Impact Report ("EIR") for the Project (Case No. ENV-2021-4091-EIR; State Clearinghouse No. 2021070014) ("Erratum"). The SBF Letter is included in Attachment A.

We are perplexed by the SBF Letter, which takes the position that reducing the size of the Project and making other refinements in response to community feedback requires recirculation under the California Environmental Quality Act ("CEQA"). This is not correct. By way of background, SBF previously requested recirculation during the Draft EIR comment period for other reasons, likewise without any basis in law. However, CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring "significant new information" that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect.¹ As discussed in detail below, the SBF Letter fails to provide evidentiary support that meets the CEQA definition of significant new information. **Thus, recirculation is not required.**

**1. The SBF Letter Erroneously Concludes that the Erratum Constitutes
"Significant New Information."**

As you are aware, subsequent to the completion of the Final EIR, refinements to the Project were made in response to feedback from the community ("Refined Project"). These

¹ CEQA Guidelines § 15088.5(a).

refinements reduce the size of the Project evaluated in the EIR (“Original Project”), including by decreasing the proposed floor area, height, and massing of the Project, among other refinements.

As a preliminary matter, the SBF Letter appears to misunderstand the purpose and function of an erratum. An erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. Recirculation is only required if an erratum includes “significant new information” as provided in CEQA Guidelines Section 15088.5. As observed by the California Supreme Court, “the final EIR will almost always contain information not included in the draft EIR” given CEQA’s statutory requirements of circulation of the draft EIR “at the earliest possible time[,]” soliciting public comments, and providing detailed responses to comments prior to the certification of the final EIR, and “[r]ecirculation was intended to be an exception, rather than the general rule.”² A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.³ “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project.”⁴ The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including SBF, which is exactly how CEQA is supposed to work.

As stated in CEQA Guidelines Section 15088.5(a), “significant new information” requiring recirculation includes, for example, a disclosure showing that: (1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As detailed in the Erratum, the refinements to the Project are within the scope of the analysis in the EIR and the Erratum did not identify any new significant impacts or a substantial increase in the severity of any impact. The Erratum demonstrated that the Refined Project is within the envelope of impacts analyzed in the EIR, no additional impacts would result, and no new mitigation is required. There is no feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project. There was no new information that would preclude the public’s ability to comment on the potential impacts of the Project, and the public was provided

² *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124, 1129, 1132.

³ CEQA Guidelines § 15004(b).

⁴ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. In *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.

ample opportunity to review and comment upon the Project's potential environmental impacts. Thus, the Erratum does not constitute "significant new information" and recirculation is not required under CEQA.

A. Project Refinements Do Not Automatically Constitute Significant New Information.

SBF's argument that there is significant new information in the form of Project refinements, namely (1) relocation of lane access to the Mobility Hub, (2) elimination of 370 parking spaces, and (3) a new proposed zoning designation, is incorrect. All new information is not automatically significant. The legal standard is substantial evidence, and SBF fails in this regard to provide the necessary evidentiary support that these Project refinements constitute "significant new information."⁵ Further, contrary to SBF's unsupported assertion, the technical expert reports included as appendices to the Erratum do not constitute "significant new information"; rather, this supplemental expert information provides substantial evidence and confirmation that the Refined Project would not result in a new significant impact or an increase in the severity of a previously disclosed impact in the EIR.

(1) Lane Refinements Internal to Project Site Do Not Change the EIR Analysis or Conclusions.

The Refined Project includes minor modifications to Project Site access. Regarding the Mobility Hub, as discussed on page 17 of the Erratum, the Mobility Hub operations would continue to be located within the southwestern portion of the Project Site. To provide improved access to and from the Project Site, the Mobility Hub has been refined under the Refined Project to provide direct pass-through entry and exit lanes leading to the internal Project Site circulation and parking system, which primarily serves passenger vehicles. The shuttle and passenger vehicle loading zones were shifted to separate aisles to minimize potential conflicts. This would improve operations for all vehicles using the Mobility Hub and the 1st Street signalized driveway and further reduces the potential for queuing on Fairfax Avenue. The refinements to internal circulation lanes would not result in a new significant impact or an increase in the severity of a previously disclosed impact in the EIR.

(2) Reduction in Parking Matches the Reduction in Project Size with Overall Impacts Reduced and Does Not Change the EIR Analysis or Conclusion.

As discussed throughout the Erratum, the size of the Project was decreased by 150,000 square feet in response to community feedback, which reduced the amount of parking needed for the Project. The reduced floor area and parking spaces would result in less vehicle trips and emissions and, therefore, less environmental impacts. Thus, the reduction in parking would not

⁵ CEQA Guidelines § 15088.5(e); see also *Western Placer Citizens for an Agricultural & Rural Environment v. County of Placer* (2006) 144 Cal.App.4th 890.

result in a new significant impact or an increase in the severity of a previously disclosed impact in the EIR.

(3) The Proposed General Plan Designation Refinement is What SBF Requested and Does Not Change the EIR Analysis or Conclusion.

Regarding the proposed entitlements, the Refined Project is requesting the same entitlements as the Original Project, including a General Plan Amendment, Vesting Zone Change, Sign District, Specific Plan, Development Agreement, and Vesting Tentative Tract Map. The only change is the proposed land use designation under the General Plan Amendment. Specifically, in response to community feedback, including SBF's comment letter on the Draft EIR, the proposed land use designation was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the existing Project Site. The potential impacts related to land use and planning under the Refined Project are evaluated on pages 54 through 59 of the Erratum, which concluded that, like the Original Project, potential impacts would be less than significant, and the Refined Project would not result in a new significant impact or substantially increase the severity of a previously identified impact presented in the EIR.

B. The Public was Provided a Meaningful Opportunity to Comment.

The Draft EIR was published in July 2022, the Final EIR was published in November 2023, and the Erratum was published in April 2024, 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing (and substantially earlier than required by typical City procedures). Over 600 comment letters were received on the Draft EIR, which corroborates that the Draft EIR encouraged public participation and meaningful consideration of the Project. The issues raised by SBF are similar to those they previously raised in their comment letters on the Draft EIR dated August 25, 2022 and September 12, 2022, which were fully responded to in the Final EIR (see pages II-269 through II-311 of the Final EIR).

(1) The EIR Disclosed and Analyzed All Physical Elements of the Sign District, and Neither CEQA Nor City Policy Require a Draft Sign District Ordinance to be Included in an EIR.

Contrary to SBF's claim, the EIR's discussion and analysis of the proposed Sign District complied with CEQA and allowed for meaningful public comment. As explained in the responses to SBF's prior comments in the Final EIR (see Response to Comment Nos. 9-6, 9-21 and 9-25 on pages II-273, II-291 to -292, and II-294 to -296 of the Final EIR), the physical environmental impacts associated with the proposed Sign District were fully disclosed and analyzed in the EIR. Further, the release of the Draft TVC 2050 Sign District ordinance ("Draft Sign District Ordinance") on April 5, 2024 – 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing on May 15, 2024 – exceeds both the City's and CEQA's requirements. CEQA does not require a proposed land use ordinance to be included in an EIR, and the release of the Draft Sign District Ordinance 40 days before the first public hearing is more than adequate under the City's public notice requirements, which are the only requirements governing

circulation of a proposed ordinance. This unsupported SBF claim also does not meet the CEQA definition of significant new information. Thus, recirculation is not required.

(2) The EIR Previously Disclosed and Analyzed the Land Use Exchange Program as a Project Element in Accordance with CEQA and its Continued Inclusion in the Project Does Not Require Recirculation.

CEQA Guidelines Section 15088.5(a)(4) requires recirculation of a draft EIR if “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded” (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043). Following the holding in *Mountain Lion Coalition*, courts have required recirculation of a draft EIR when an EIR wholly failed to evaluate an entire impact area. As detailed in the Final EIR, the Draft EIR disclosed and analyzed the land use exchange program in accordance with CEQA (refer to Topical Response No. 1.E, Land Use Exchange Program, and Appendix FEIR-3, Maximum Impact Scenarios, of the Final EIR). The SBF Letter does not provide any evidence that the EIR omitted the analysis of an entire impact area that has the potential for significant effects to the environment.

The SBF Letter claims that the mere inclusion of the Project’s limited and fixed land use exchange program means that the EIR precluded meaningful public review and comment. However, this claim is directly refuted by SBF’s own comment letter on the Draft EIR, which included comments regarding the land use exchange program that were responded to in detail in the Final EIR (see Response to Comment Nos. 9-13 and 9-14 on pages II-279 through -284 of the Final EIR). In addition, there were numerous other Draft EIR comment letters regarding the land use exchange program, which further demonstrates that the EIR allowed for meaningful public review and comment.

The land use exchange program has been a part of the Project since the Project’s inception, and has been discussed and analyzed in the 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum. Nevertheless, and despite the detailed responses in the Final EIR regarding the land use exchange program, the SBF Letter misunderstands the land use exchange program. Land use exchange programs are common elements that have been included in numerous adopted specific plans throughout the City (e.g., Paramount Pictures Specific Plan, Universal Studios Specific Plan, University of Southern California Specific Plan, Los Angeles Sports and Entertainment District Specific Plan, Los Angeles International Airport (LAX) Specific Plan, and Playa Vista Specific Plan). The Project’s proposed land use exchange program is more limited than many of the programs found in other adopted specific plans, as it only allows for limited increases in the floor area of two studio uses – sound stage and production support.

The land use exchange program under the Refined Project is identical to that for the Original Project, which allows limited increases in sound stage and production support floor area (up to 450,000 square feet each) in exchange for an equivalent decrease in the floor area of other permitted uses. The land use exchange program does not allow increases in the floor area of

production office, general office, or retail uses, or in the total sitewide floor area. Further, as with the Original Project, the Refined Project would continue to require a discretionary Project Compliance approval and future CEQA compliance review for any future development proposal that involves a land use exchange.

As discussed in the Erratum, the Refined Project reduced the general office floor area to 550,000 square feet (compared to 700,000 square feet under the Original Project), which reduced the maximum total floor area to 1,724,000 square feet (compared to 1,874,000 square feet under the Original Project). The reduced size of the Project does not change any of the environmental analyses or impact conclusions in the EIR.⁶

Please also note that the SBF Letter quotes language regarding the land use exchange program and cites to page 2 of the Erratum. However, this exact language is not included in the Erratum.

2. Conclusion: The SBF Letter Fails to Provide Evidence of Significant New Information; Accordingly, Recirculation is Not Warranted or Required.

In summary, the refinements made to the Project in response to community feedback do not constitute “significant new information” under CEQA, the public was provided a meaningful opportunity to comment, and recirculation of the EIR is not required. The EIR and Erratum include an exhaustive review of the Project’s potential environmental impacts, in many instances going above and beyond the minimum requirements of CEQA and City policy and guidelines. The Draft and Final EIR include detailed technical expert reports demonstrating the comprehensive environmental analysis of the Project, and the Erratum also includes supplemental technical expert analyses supporting its conclusions. The Project’s rigorous environmental analysis meets or exceeds all substantive requirements of CEQA, and, as discussed above, the public was afforded ample opportunity for review and comment. SBF’s arguments that certain aspects of this detailed analysis failed to comply with CEQA and require recirculation are wholly without merit, are not supported by substantial evidence and should be rejected entirely.

Thank you for your consideration.

Very truly yours,



Francis Y. Park
of PARK & VELAYOS LLP

⁶ See *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941 (recirculation not required due to changed details of allocation and arrangement of uses within specific plan project site where kinds of uses permitted, overall extent or density of development, and project footprint did not change, and expert consultant reports confirmed changes would not cause new or substantially increased impacts).

Attachment:

- A. Letter from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax dated April 17, 2024

cc: Councilmember Katy Yaroslavsky (Councilmember.Yaroslavsky@lacity.org)
Vivian Rescalvo (vrescalvo@gmail.com)

ATTACHMENT A

**Letter from Carstens, Black & Minter LLP on behalf of Save Beverly
Fairfax dated April 17, 2024**



Main Office Phone:
310-798-2400
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310-798-2409

Carstens, Black & Minter LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Amy Minter
Email Address:
acm@cbcearthlaw.com

April 17, 2024

Via Email (paul.caporaso@lacity.org)

Paul Caporaso
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
paul.caporaso@lacity.org

Re: "Erratum" to EIR for TVC 2050 Project; ENV-2021-4091-EIR; 7716-7860
West Beverly Boulevard, Los Angeles 90036

Dear Paul Caporaso:

We submit these comments on behalf of Save Beverly Fairfax to provide initial comments on the "Erratum to the TVC 2050 Project Environmental Impact Report" released by the Department of City Planning on April 5, 2024 in connection with the Modified Draft of the TVC 2050 Specific Plan and the Draft of the TVC 2050 Sign District.

According to the notice sent to Project stakeholders, "The Erratum outlines modifications and reductions proposed for the TVC 2050 Project, which were made in response to community input." While community members appreciate the City's nod to community input, an "erratum" is not a CEQA process. Instead, when an agency modifies an environmental impact report prior to certification, CEQA provides for **recirculation** of an EIR. (CEQA Guidelines, §15088.5.)

An EIR must be recirculated for public comment whenever "significant new information" is added to the EIR prior to certification. (CEQA Guidelines, §15088.5, subd. (a).) "Significant new information" requiring recirculation includes:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, §15088.5, subd. (a).)

Here, there is significant new information in the form of Project changes, including relocation of lane access to the mobility hub, elimination of 370 parking spaces, and a new proposed zoning designation. The Erratum also contains a multitude of new technical reports addressing the Project's impacts. These new analyses include expert analysis of historic resources impacts (Appendix B), a supplemental transportation assessment (Appendix C), a new geotechnical memorandum (Appendix D), a hazards memorandum (Appendix E), a utilities technical memorandum (Appendix F), a new noise report (Appendix G), and a fire access review (Appendix H).

The City's April 5, 2024 document release also marks the first time the public has seen the sign district, the impacts of which should be analyzed in a recirculated EIR. Furthermore, because the City does not seem to have performed the analysis in an EIR, the public and decisionmakers cannot know if the Project changes will even result in additional or more severe environmental impacts beyond those described here. The information contained in the "erratum" must be incorporated into a recirculated EIR to avoid "depriv[ing] the public of a meaningful opportunity to comment" on these significant Project modifications, new analysis, and new environmental impacts. (CEQA Guidelines, §15088.5, subd. (a).)

The Modified Project proposes to retain what Erratum No. 1 describes as "limited flexibility to exchange square footage between land uses by allowing increases in sound stage floor area (up to 450,000 sf) and production support floor area (up to 450,000 sf) in exchange for an equivalent decrease in the floor area of other permitted uses. The total square footage of general office, production office, and retail space would be limited to the areas shown in Table 1. Further, the total floor area cannot exceed 1,724,000 sf." (Erratum p. 2.) Thus, the Project would continue to allow over half of the Project's proposed square footage (900,000 sf / 1,724,000) to change uses, meaning it is unclear what exactly is actually being proposed onsite. Accordingly, since it is unclear what to expect with half of the proposed development, the EIR must be recirculated because the existing analysis must be "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (CEQA Guidelines, §15088.5, subd. (a)(4).)

The Applicant can modify the Project and revise the EIR with new and updated analysis, but if it does so, CEQA requires the City to circulate this analysis pursuant to its procedures for ensuring an informed public and informed decision-making. The City cannot later rely on analysis that was not circulated for public comment.

The City must recirculate the revised EIR for public comments, and the City must respond to those public comments with good faith, reasoned analysis commensurate with the level of detail contained in the comments received. (CEQA Guidelines, §150885, subd. (d), (f); CEQA Guidelines, §15088; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 878.)

Thank you for your consideration of this matter. We look forward to the City's recirculation of the TVC 2050 EIR in accordance with CEQA.

Sincerely,



Amy Minter

cc:

Councilmember Katy Yaroslavsky (Councilmember.Yaroslavsky@lacity.org)

Vivian Rescalvo (vrescalvo@gmail.com)



MEMORANDUM—RESPONSE TO PUBLIC COMMENTS ASSOCIATED WITH DEPUTY ADVISORY AGENCY AND HEARING OFFICER HEARING

**TO: Paul Caporaso and More Song
City of Los Angeles Department of City Planning**

FROM: Eystone Environmental

**SUBJECT: TVC 2050 Project—Response to Public Comments Received May 2024
ENV-2021-4091-EIR, VTT-83387,
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA**

DATE: May 22, 2024

CC: Milena Zasadzien and Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was prepared in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. Further, the EIR and Erratum were prepared in accordance with CEQA and City policy.

A joint public hearing for the Project with the Deputy Advisory Agency and Hearing Officer was held on May 15, 2024. In association with this joint hearing, the City received seven written comment letters from the following commenters:

- Ronald Benson
- Carstens, Black & Minter on behalf of Save Beverly Fairfax



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- Caruso (The Grove, LLC)
- Keith Nakata
- Loeb & Loeb on behalf of the A.F. Gilmore Company
- Park La Brea Impacted Residents Group (PLBIRG)
- Sheppard Mullin on behalf of AIR Communities

These comments letters are included as Attachment A to this memorandum. The comments within these comment letters are generally duplicative of the comments received regarding the Draft EIR, and most of the issues raised in these comments have been thoroughly responded to as part of the Final EIR. This memorandum provides a summary of the responses to the main issues raised in these letters, most of which have been comprehensively addressed in the Final EIR, as well as any new issues. Responses related to transportation are based on input from Gibson Transportation Consulting, Inc., responses related to dewatering are based on input from Geosyntec Consultants, and responses related to geology and soils are based on input from Geotechnologies (refer to Attachment B). In addition, the information regarding how office uses are necessary for a studio to meet the demands of the modern entertainment industry was provided by the Applicant (refer to Attachment C). As demonstrated by the responses below, these comments do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Specifically, these comment letters do not disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the EIR, nor do the comment letters contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.



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Responses to Primary Issues Raised in May 2024 Comment Letters

Letter from Ronald Benson

Comment: The proposed 550,000 square feet of general office space is excessive.

As an initial matter, the commenter's opinions regarding the proposed development program do not constitute environmental issues under CEQA. Nevertheless, a response is provided below for informational purposes.

As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the Project would be limited to five permitted studio land uses: sound stage, production support, production office, general office, and a limited amount of retail. Collectively, the permitted uses help facilitate and support the studio and the primary studio land uses that already occur on-site. General office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition. All modern studio campuses are comprised of a large percentage of office. Comparatively, the percentage of general and production office as a percentage of total program is as follows: approximately 78 percent for Sunset Bronson, approximately 83 percent for The Culver Studios, approximately 67 percent for Paramount Pictures, approximately 75 percent for Sunset Gower, and approximately 73 percent for the TVC Project.¹ Refer to Response to Comment Nos. 9-13 and 26-16 in the Final EIR related to the proposed mix of studio uses, which is needed to meet the demands of the modern entertainment industry. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

As stated throughout the EIR, the primary purpose of the Project is to continue the existing studio use. The Project meets this purpose by providing a state-of-the-art studio

¹ Square footage calculations for Culver City Studios are based on Ordinance 2018-002, dated January 22, 2018; square footage calculations for Paramount Studios are based on the Draft EIR for the Paramount Studios Master Plan Project, dated September 2015; square footage calculations for Sunset Gower Studios are based on the Letter of Determination for the City of Los Angeles City Planning Department, dated October 27, 2020; square footage calculations for the Sunset Bronson Studios Project are based on plans approved by the Los Angeles City Planning Department dated February 3, 2018.



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with a net increase of approximately 143,020 square feet of sound stages with a land use exchange provision that would allow an additional 100,000 square feet of sound stages in exchange for other permitted land uses. Refer to Response to Comment No. 5-15 in the Final EIR regarding the Project's studio purpose. For comparative reference, sound stages comprise approximately 12 percent of the total floor area under the Paramount Pictures Specific Plan (Ordinance No. 184539), which is less than the approximately 14 percent of sound stage floor area proposed in the TVC Specific Plan.

Comment: The Project is grossly incompatible with the community and the proposed building heights are unprecedented.

Comments similar to this comment were fully responded to as part of the Final EIR. Refer to Response to Comment Nos. 11-3 and 26-7 in Section II, Responses to Comments, of the Final EIR regarding how the size and height of Project is compatible with the surrounding general area, height of surrounding development, the proposed maximum height limits, and Project grade. Also note that there are existing and proposed developments ranging in height from 75 feet (8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately 1 mile of the Project Site. The perimeter of the Project is proposed to have 4 buildings with an 88-foot base height and a 1-story penthouse up to 103 feet in height, which is less than or equal to the height of other developments in the area, such as the Academy Museum of Motion Pictures (approximately 128 feet), 6300 3rd Street (approximately 100 feet), and 640 Curson Avenue (approximately 245 feet). The Park La Brea development, which is located less than 0.4 miles from the Project Site, has 18 approximately 147-foot-tall buildings, while the Project proposes only 5 such buildings taller than 100 feet. In addition, the tallest component of the Project, at 225 feet, would occupy less than approximately 3 percent of the total Project Site area and would be located in the center of the Project Site over 300 feet from adjacent uses—further in distance than it is tall. Finally, there are no residential towers proposed as part of the Project, as incorrectly stated by the commenter.

The commenter also makes inaccurate comparisons with the Paramount Pictures Specific Plan. Similar to the EIR Land Use Compatibility Findings (dated September 6, 2016) for the Paramount Pictures Specific Plan, the proposed Project uses "are substantially similar in terms of land use type to the existing studio-related uses" and "compatible with the varied land uses that characterize the Project area." Additionally, it should be noted that the Project would increase the sound stage floor area by



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143,000 square feet, or approximately 150 percent, which clearly illustrates a Project commitment to providing a state-of-the-art studio.

Carstens, Black & Minter on behalf of Save Beverly Fairfax

Comment: The Specific Plan should have been circulated with the Draft EIR.

The comments regarding the release of the draft Specific Plan and Sign District were fully responded to as part of the Final EIR. Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. As discussed therein, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft Specific Plan itself to be included in the Draft or Final EIR. Nonetheless, in response to public comments, drafts of the proposed Specific Plan dated October 2023 and April 2024 and a draft of the proposed Sign District dated April 2024 were made publicly available on the Department of City Planning's website for informational purposes.

In addition, refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR and Erratum fully evaluated the physical parameters of the Specific Plan.

Comment: The Project would permit 50 different types of uses.

This comment incorrectly states that the Project would permit more than 50 types of uses. As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the Project proposes five land uses that are all related to operation of a studio: sound stage, production support, production office, general office, and a limited amount of retail. The other types of uses cited by the commenter and described in the Final EIR (e.g., sleeping facilities, fitness center, medical facilities, restaurants, and the sale of alcohol beverages) are ancillary supporting uses and facilities as stated on page III-11 of Section



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III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR. All of these uses are directly related to, and in support of, a working studio.

Comment: The Land Use Exchange Program is not clear and there are no limitations for office uses.

Comments regarding the land use exchange program which are similar to those from the commenter were addressed in the Final EIR. Refer to Topical Response No. 1.E, Land Use Exchange Program, and to Response to Comment No. 9-13 of Section II, Responses to Comments, of the Final EIR. Further, the Applicant's May 8, 2024, response letter to the April 17, 2024, letter from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax addresses the land use exchange program. As discussed therein, the proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the EIR and Erratum. The land use exchange program would not allow for any increases in office floor area.

Comment: Conceptual Site Plan is Just "Conceptual."

This comment was already responded to as part of the Final EIR. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and to Response to Comment Nos. 5-5 and 9-12 of Section II, Responses to Comments, of the Final EIR. As stated therein, the Specific Plan would include a regulatory framework for implementation of the Project that includes the Conceptual Site Plan. Specifically, the Initial Development Plans attached to the April 2024 Draft Specific Plan incorporate the Conceptual Site Plan included in Figure 1 of the Erratum. Future changes that are substantially different than the Project as depicted in the Conceptual Site Plan or are beyond the scope of impacts evaluated in the EIR and Erratum would require additional discretionary City review and approval, as well as potential CEQA compliance review.

Comment: The Millennium case is applicable to the Project and the Project Description is inadequate.

This comment was responded to in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. The commenter asserts that the Project description is inadequate because it allegedly only provides "the location and boundaries of the Project, the objectives, a general description of technical, economic, and environmental characteristics, and a statement briefly describing the intended uses of the Project." While,



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as explained in Topical Response No. 1 of the Final EIR, that is exactly the information called for by CEQA Guidelines Section 15124 (refer to Final EIR, p. II-63), the EIR provided much more detail concerning the Project. The commenter also asserts, without any specific detail, that the Project description is not stable because “446,000 square feet of development can be shifted to different uses” pursuant to the land exchange program. However, as discussed in the Final EIR, a land use exchange program does not automatically render a project description unstable, and the details of the land use exchange program and the EIR’s comprehensive analysis of the land exchange program is reviewed and discussed in Topical Response No. 1. (Final EIR, p. II-69 to II-70.)

The commenter also claims that the TVC Project description has the same flaws as found by the court in the description of the Millennium project in *Stopthemillennium hollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18. Similar to the commenter’s other comments, these comments were addressed in the Final EIR. The numerous differences between the project description in the Millennium case and the Project description for the TVC Project were discussed in Topical Response No. 1 at pages II-71 through II-75 of the Final EIR. Also refer to Response to Comment No. 9-13 in the Final EIR for further discussion.

Comment: The Project could convert sound stages to production support uses.

As discussed in Topical Response No. 1.E, Land Use Exchange Program, of the Final EIR, production support uses and/or sound stage uses may be increased to up to 450,000 square feet in exchange for equivalent decreases in the floor area of one or more of the other permitted land uses. (Final EIR, p. II-69 to II-70.) As stated therein, a future development proposal that involves a land use exchange would require additional discretionary City review and approval and additional CEQA compliance review. Further, retention and development of sound stages is directly aligned with the studio objectives of the Project and the current needs of the entertainment industry. Specifically, as discussed on page IV.K-77 of Section IV.K, Transportation, of the Draft EIR and in Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR, a balance of sound stages and production support uses are necessary for a functioning studio campus and in order to meet the Project objectives set forth in Section II, Project Description, of the Draft EIR. Also refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the mix of studio uses.



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Comment: The proposed height zones area variable.

This comment has already been addressed in the Final EIR. As discussed in Topical Response No. 1.B, The Project Description Includes Sufficient Information and Detail to Evaluate the Project's Environmental Impacts, of the Final EIR, the Specific Plan includes height zones, frontages (setbacks) and stepbacks that will dictate the height and massing of potential future buildings. (Final EIR, p. II-65.) These height zones, setbacks and stepbacks are not variable. The Specific Plan would only allow for development consistent with the proposed height zones, setbacks and stepbacks set forth in the Specific Plan and substantial modifications would require future discretionary review by the City for conformance with the Certified EIR and the Specific Plan and future CEQA compliance review. Refer to Response to Comment Nos. 9-16, 11-3 and 26-7 in the Final EIR regarding Project height.

In addition, contrary to the commenter's unsupported claim, there is no uncertainty as to where the maximum 225-foot height limit would be permitted. As discussed in Table 1 and on page 15 of the Erratum, the 225-foot maximum height limit would only be permitted in Subarea D, which was reduced to a footprint of approximately 30,000 square feet (less than 3 percent of the Project Site) located in the center of the approximately 25-acre Project Site. The height subareas are shown in Figure 9 on page 16 of the Erratum.

Further, as discussed in the Erratum, the building height limits were reduced and the required setbacks (frontages) and stepbacks were increased in response to community feedback. The building height limits and setback and stepback requirements are discussed in Table 1 and on pages 15 to 17 of the Erratum. These requirements match those in the Draft Specific Plan dated April 2024. Thus, the height limits and setback and stepback requirements are fixed, contrary to commenter's assertion.

Comment: Much of Proposed Development is Exempt from the Proposed Design Standards.

Regarding the comments related to the design standards included as Appendix D of the Draft Specific Plan (Design Standards), the EIR and Erratum disclosed and analyzed all of the elements of the Project required CEQA, and the Design Standards are not necessary for the CEQA environmental analysis of the Project. As discussed in the EIR, the Project is an employment center project located on an infill site within 0.5 miles of an existing major



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transit stop pursuant to Senate Bill 743 (Public Resources Code Section 21099); thus, aesthetics impacts associated with the Project are determined to be less than significant. The discussion of the Design Standards in the EIR was consistent with CEQA, and additional detailed design information was not required to be included in the EIR. Also refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR for a detailed discussion of how the Project description is accurate, stable and finite and provides all of the necessary information to allow for a thorough analysis of the Project's impacts in accordance with CEQA. Although not required by CEQA or City policy, the Design Standards were made publicly available for informational purposes in response to public comments and do not address any CEQA impacts. In addition, the Design Standards are consistent with the design standards previously disclosed in the EIR.

Finally, this comment overstates the exemptions under the Design Standards. The Design Standards provide differing standards based on the type of studio use with limited exemptions from certain architectural design standards for building uses. For example, sound stages have specific technical and operational requirements in regards to providing appropriate privacy measures, limiting visual opacity, providing open, clear and flexible interior space without impediment or idiosyncratic physical deviation, and eliminating outside light and sound intrusion, that are inconsistent with façade articulation and transparency standards.

Comment: Potential rooftop terraces were not appropriately evaluated in the EIR.

This comment was adequately addressed in Response to Comment No. 9-19 of the Final EIR. As discussed therein, the location of rooftop decks would be on top of the buildings shown in the Conceptual Site Plan and these rooftop deck locations were specifically addressed in the EIR. The Draft EIR also conservatively assumed that rooftop decks would be located along the perimeter of the Project Site for analysis purposes. As concluded in the Draft EIR, Final EIR and Erratum, potential noise impacts associated with use of the rooftop decks would be less than significant. Furthermore, substantial modifications to the Conceptual Site Plan would require future review by the City for conformance with the Certified EIR and the Specific Plan and would also require future CEQA compliance review.



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Comment: The EIR does not provide adequate information about parking.

This comment was already addressed in Response to Comment No. 9-20 of the Final EIR, which is the same comment from this commenter. Response to Comment No. 9-20 refers the commenter to Topical Response No. 13, Parking, beginning on page II-178 of the Final EIR, which provides detailed information about the Project's parking supply and demand. Notably, the adequacy of a project's parking supply is not a CEQA issue. Nevertheless, as described in Topical Response No. 13 for informational purposes, the Project seeks to balance the parking demand (i.e., provide sufficient parking to serve employees and visitors) with the trip-reducing goals of the TDM program (i.e., limit parking supply to discourage single-occupant vehicle travel). To this end, parking demand was calculated three ways: based on Los Angeles Municipal Code requirements, based on proprietary studio parking demand studies, and based on a shared parking demand study. Parking will be accessible from each of the three streets fronting the Project Site (Fairfax Avenue, Beverly Boulevard, and The Grove Drive).

Also note that as part of the Project modifications in response to public comments, parking supply was reduced commensurate with the reduction in Project development density (which would result in a commensurate reduction in employee levels and overall Project Site activity levels). The Project's parking supply would continue to balance parking demand with TDM goals.

Comment: The Project relies on project design features that are not enforceable.

This comment was addressed in Response to Comment No. 9-34 of the Final EIR. As discussed therein, the proposed project design features (PDFs) are not intended to be mitigation and do not "mitigate" any significant impacts but are integral features of the Project (i.e., they are part of the Project that is analyzed in the Draft EIR). Furthermore, as is the case with every EIR published by the City, the proposed PDFs are included in the Project's Mitigation Monitoring Program (MMP; Section IV of the Final EIR), along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Implementation of the MMP would be required as part of the Conditions of Approval for the Project. As stated on page IV-1 of the MMP, "this MMP is designed to monitor implementation of the PDFs and MMs identified for the Project." In addition, "the evaluation of the Project's impacts in the EIR takes into consideration the project design features ..." (MMP, p. IV-1). The commenter also claims that the EIR did not evaluate the efficacy of the PDFs in the areas of noise, hazardous materials, air quality impacts,



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geology, and police and emergency services. However, as discussed throughout the EIR, including the technical reports in those impact areas, the efficacy of both the PDFs and the mitigation measure were evaluated. For example, AES has determined that the PDFs related to noise within Section IV.I, Noise, of the Draft EIR (and also included in the MMP) would be implemented and effective and has incorporated the PDFs into the noise analysis. Similarly, Geosyntec Consultants, Eystone Environmental, and Geotechnologies have determined that the PDFs related to hazards, air quality, and geology, respectively, within the Draft EIR and MMP would also be effectively implemented and have incorporated the PDFs into the impact analyses. Accordingly, the PDFs are fully described, and their effectiveness in reducing or avoiding potential impacts are analyzed in the Draft EIR, consistent with CEQA and *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 (per *Lotus*, concluding that an impact is less than significant without describing how avoidance and minimization measures of the project design prevent or minimize the impact is not legally adequate).

Comment: The Project's MMP appears designed for alteration.

The commenter asserts that the MMP is not concrete and enforceable because it provides that the City may determine whether the actual mitigation measure or PDF being implemented at the Project Site is in "substantial conformance" with the mitigation measures and PDFs provided in the MMP. However, a determination of substantial conformance with previously approved CEQA documents does not trigger additional CEQA review. (See, for example, *Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal. 4th 481, 506.) Also, as correctly stated in the MMP, if the City determines that a change to a mitigation measure or PDF goes beyond substantial conformance, then the subsequent environment procedures outlined in CEQA Guidelines Sections 15162 through 15164 would apply.

Comment: The analysis of the Project's dewatering impacts is deferred.

The commenter appears to have picked and chosen items from the EIR related to dewatering to make certain inferences while ignoring the analysis that was completed and presented in its entirety in the representative sections and technical reports of the EIR. Contrary to the commenter's assertion, the analysis of the Project's dewatering impacts is not deferred in the EIR. For example, the following key facts are described and discussed in Appendix FEIR-13, Dewatering Simulation and Analysis for Temporary Excavation and



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Underground Parking Structure Construction Report, and in the responses provided in Section II, Responses to Comments, of the Final EIR:

- The proposed structures will be designed to resist the hydrostatic pressure, such that a permanent dewatering system (post-construction dewatering) will not be required.
- Hydrogeologic evaluations including assessments of groundwater quality at the Project Site have been performed as described in the Site Summary Report.
- Evaluations have been performed regarding hydraulic properties of the soils, the potential for ground subsidence or liquefaction, the potential to mobilize existing groundwater contaminants, proximity to production wells, and the volume of water to be dewatered.
- Geotechnologies reviewed the Project Site groundwater conditions and preliminary temporary construction dewatering findings and concluded the small amount of groundwater drawdown will have less than significant subsidence effects on the surrounding properties adjacent to the excavation given the long-term water level fluctuations due to seasonal changes and regulatory approved activities recorded from monitoring wells in the vicinity of the Project Site. The subsidence evaluation by Geotechnologies was presented in Appendix D of the dewatering report (Appendix FEIR-13).
- Defining the exact methods for dewatering prior to Project entitlement approval and the preparation of final construction plans is premature and not reasonable. As appropriate, the method of dewatering will be presented in a NPDES Permit application for LARWQCB or LA City Sanitation if a sanitary sewer industrial discharge permit is obtained, for review and approval; therefore, the means and methods for dewatering will be evaluated by the Local Agency and/or the LARWQCB and conform with all applicable regulatory requirements. Accordingly, temporary construction phase dewatering will be performed in a manner that will provide for less than significant impacts to neighboring properties and regional water resource needs.
- All shoring design, infiltration cut-off methods, if required, and dewatering methods will also be designed and submitted to the local jurisdictions for review

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and approval and will be performed, inspected, and monitored to comply with the applicable regulatory requirements.

- In accordance with Section 99.04.305.4 of Ordinance No. 184248, extracted groundwater would be reused on-site if feasible to do so or discharged to the sewer if not.
- As the dewatering will be limited to temporary dewatering during construction, and the proposed construction will eliminate the need for permanent dewatering, there will be no long-term impact on the water table in the vicinity of the Project due to ongoing dewatering.

Comment: The trip lengths in the transportation analysis are unsupported.

These comments on trip lengths were extensively addressed in Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR, beginning on page II-125. As described therein, the trip lengths assumed in the City's VMT Calculator are based directly on the City's travel demand model, which is not only the primary source of trip lengths throughout the City but is also the basis for the City's VMT thresholds of significance. This is consistent with the OPR Technical Advisory, which states that the same model used to develop thresholds should be used to conduct the project-level VMT analysis to ensure an "apples-to-apples" comparison. The VMT Calculator assumptions were extensively summarized beginning on page IV.K-30 of the Draft EIR, consistent with the requirements of CEQA Guidelines Section 15064.3, subdivision (b)(4).

Comment: Use of City's VMT calculator is not appropriate for a Specific Plan.

Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR (beginning on page II-115) discusses in detail the appropriateness of using the VMT Calculator for the Project's VMT analysis. The VMT Calculator is designed to analyze the potential VMT impacts of development projects, including mixed-use projects, based on the amount and location of the development, along with evaluating potential VMT reductions due to TDM features. The Project would allow up to 1,724,000 square feet of total development involving five studio land uses (sound stage, production support, production office, general office and retail) with a limited amount of flexibility regarding the relative amounts of each land use. The VMT analysis was conducted both for the Project as proposed in the Conceptual Site Plan as well as for the outer bounds of the land use exchange permitted

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with the Project, as discussed on page IV.K-77 of the Draft EIR. There is nothing about the Project's implementation through a Specific Plan that invalidates the use of the VMT Calculator, and the City's Transportation Assessment Guidelines makes a clear distinction between development projects and land use plans by listing general plans and community plans (both of which cover large areas and do not propose specific development) as examples of land use plans.

Comment: The EIR does not support assumptions regarding employee VMT.

Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR clearly describes the VMT analyzed in the VMT Calculator as being Home-Based Work Attraction VMT (beginning on page II-116 of the Final EIR). Based on the Modified Project VMT Analysis (Appendix C of the Erratum), there would be three other types of VMT produced:

- Non-Home-Based Other Production (11,995 VMT)—VMT originating at the Project Site destined for somewhere other than home. Examples include employees traveling to a business meeting, an off-site filming location, or lunch.
- Home-Based Other Attraction (16,647 VMT)—Non-employee VMT originating at home and ending at the Project Site. Examples include retail customers and Project Site visitors (including office visitors and studio audience members) traveling from home.
- Non-Home-Based Other Attraction (11,780 VMT)—Non-employee VMT originating from somewhere other than home and ending at the Project Site. Examples include retail customers and Project Site visitors traveling from a non-home destination (such as on the way home from work).

While the letter glosses over the fact that the VMT Calculator provides an “apples to apples comparison” between significance thresholds and Project-level VMT analysis, this is a critical point. The VMT Calculator's assumptions regarding how much of total VMT is attributable to Home-Based Work Attraction trips is consistent between development of the thresholds and the Project analysis. For the Project's analysis using the Custom Land Use feature of the VMT Calculator (used to represent all but the retail land use proposed at the Project Site), the attraction and production characteristics were set consistent with the VMT Calculator's intrinsic values for the General Office land use, and therefore the percentages

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of other trip types were consistent with what the VMT Calculator would have produced for a pure office project.

Comment: The EIR does not adequately describe the trip distribution assumptions.

As an initial matter, Response to Comment No. 9-31 on p. II-301 of the Final EIR adequately describes the factors considered in developing Project trip distribution assumptions. As it notes, this is not relevant to the analysis of transportation impacts under CEQA with the passage of SB 743. The comment suggests that the Project's trip distribution does factor into other CEQA analyses, including air quality, noise, and traffic safety. While technically true, the trip distribution's effect on these analyses is de minimis as explained in the EIR:

- **Air Quality:** Operational emissions measured for air quality impacts “are generated by the increase in motor vehicle trips to and from the Project Site associated with operation of the Project.” (Draft EIR p. IV.A-43.) “SCAQMD’s CalEEMod model was used to estimate Project emissions during operation ... Project-related VMT [was] provided using the LADOT VMT Calculator.” (Draft EIR p. IV.A-44.) As such, this analysis is based on trips and trip lengths and is not affected by Project trip distribution. Additionally, an off-site operational analysis considers CO “hot spots” if a project intersection exceeds 400,000 vehicles per day (see Draft EIR p. IV.A-71). The busiest intersection in the Project vicinity (La Brea Avenue and Beverly Boulevard) experiences approximately 65,000 daily trips, and the Project only represents a fraction of that total. Therefore, the Project generates too few trips to affect off-site operational air quality.
- **Noise:** The noise analysis, presented in Section IV.I of the Draft EIR, analyzed off-site mobile noise at 16 road segments near the Project Site with the results provided in Tables IV.I-16 and IV.I-17 therein. The threshold of significance is a Project-related increase in noise of 3 dBA or 5 dBA depending on the type of adjacent use. However, the highest identified Project-related increase in noise was 1.0 dBA on The Grove Drive adjacent to the Project Site. No other location exceeded 0.3 dBA. The regional trip distribution pattern does not affect the amount of traffic traveling on road segments adjacent to the Project Site, as all of those trips must pass adjacent to the Project Site to and from Project access points. While the regional distribution does affect the amount of vehicles passing

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road segments further away from the Project Site, the Project's effects on noise levels at non-adjacent road segments are 10 percent or less of the impact thresholds based on the distribution patterns used in the Draft EIR, which indicates that even an extremely unrealistic distribution (i.e., one in which all Project trips were assigned along a particular route) would not result in significant noise impacts at these segments.

- **Traffic Safety:** Topical Response No. 12, Safety and Congestion, of the Final EIR notes that congestion and collisions are not CEQA impacts (Final EIR p. II-171). Nonetheless, the Project would implement various improvements in the vicinity of the Project Site that would improve traffic flow and traffic safety and support the City's Vision Zero safety program (Final EIR p. II-172).

Comment: The EIR does not adequately address traffic safety.

Refer to Response to Comment No. 9-29 and Topical Response No. 12, Safety and Congestion, of the Final EIR regarding traffic and safety. As discussed therein, impacts regarding traffic hazards would be less than significant.

The Modified Project reduces overall trip generation and does not materially change access. Therefore, it would result in an improvement in safety, to the extent that additional trips reduces safety. This is discussed on page 6 of Appendix C to the Erratum.

The Modified Project does not "mainly direct truck traffic to Fairfax Blvd." It continues to distribute truck traffic to Fairfax Avenue, Beverly Boulevard, and The Grove Drive. Note that The Grove Drive not only has truck access to the new second driveway but also via the Southern Shared Access Drive.

Queue storage space would be increased at both the Fairfax Avenue signalized driveway (to the Mobility Hub) and The Grove Drive signalized driveway (to automobile parking). Additionally, traffic volumes would be reduced. Therefore, there would only be improvements compared to the results of the Processing Time and Queuing Memorandum (Appendix FEIR-7 to the Final EIR).

Contrary to the commenter's assertion, noting that LADOT and other City departments will have review and approval authority over the design of Project driveways



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does not constitute improper deferral of analysis of project impacts. All development projects go through a design review process (separate from and later than the entitlement process) that has the potential to modify driveway locations, curb radii, queuing space, control methodology, etc. in accordance with the Manual of Policies and Procedures Section 321, Driveway Access, Circulation Design Guidelines (LADOT, Modified 2023).

Also refer to Topical Response No. 12, Safety and Congestion, Section D, Emergency Access, beginning on page II-173 of the Final EIR, which discusses emergency response times relating to fire access.

Comment: The EIR does not adequately address cut-through traffic.

Topical Response No. 9, Neighborhood Traffic Management Plan, beginning on page II-130 of the Final EIR provides detailed responses to the question of whether cut-through traffic is a CEQA analysis or not and whether a Neighborhood Traffic Management Plan (NTMP) represents deferred mitigation (the answer to both of these questions is no). The Project would provide funding to implement neighborhood protection measures in accordance with the City's long-standing process of preparing an NTMP. The implementation of NTMP measures requires the approval of a majority of the affected residents, typically based on their experience with cut-through traffic after the approval of a project, and therefore cannot be identified or approved during the entitlement process.

Comment: The EIR must be recirculated due to the Project's modification to the requested General Plan Amendment.

This comment is similar to the commenter's comments in its April 17, 2024, letter, which were fully responded to in the Applicant's May 8, 2024, response letter.

In response to public comments, the General Plan land use designation for the Project Site is proposed to be changed to Community Commercial rather than Regional Commercial. The proposed Specific Plan has been updated accordingly to reflect these modifications. As discussed in the Erratum, consistent with the Community Commercial land use designation, the Modified Project would accommodate land uses that create a high-activity, pedestrian-oriented multi- and mixed-use center and would be consistent with the adjacent land use designations to the south of the Project Site for The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial. In addition, the majority of the Project Site

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(approximately 60 percent) is currently designated Community Commercial, and the proposed General Plan Amendment would change the land use designations of the remainder of the Project Site to a unified Community Commercial designation. As stated in the Wilshire Community Plan, the Beverly-Fairfax Community Commercial Center “includes the Farmer’s Market shopping complex; CBS Television City Studios; and the Pan Pacific Regional Park. The area has been developed with commercial land uses ranging from one and two-story retail to high-rise office, multiple apartment towers, wholesale nurseries, and large shopping centers.” Generally, parcels within Community Centers are developed with Floor Area Ratios (FARs) ranging from 1.5 to 3. The Modified Project proposes an FAR of approximately 1.61, which is less than the 1.75 FAR proposed under the Original Project and represents a minor increase from the existing 1.5 FAR (an approximately seven percent increase). The Modified Project’s proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. As such, the proposed modification to change the land use designation for the entire Project Site to Community Commercial would not result in any conflict with existing land use plans, including the Wilshire Community Plan. Therefore, this modification would not result in any new environmental impacts or a substantial increase in any significant environmental impacts already disclosed in the Draft EIR and recirculation of the EIR due to the modification to the land use designation is not warranted.

Comment: The EIR improperly rejects the environmentally superior alternative (Alternative 5).

As discussed in detail in Section V, Alternatives, of the Draft EIR, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NO_x emissions from a significant and unavoidable level to a less-than-significant level with mitigation by eliminating subterranean parking that reduces excavation and the export of soil. Alternative 5 would also reduce the Project-level and cumulative air quality impacts related to concurrent construction and operations and would substantially reduce the Project’s off-site construction noise impact, although these impacts would remain significant and unavoidable. Alternative 5 would result in the same significant and unavoidable impacts related to on-site noise during construction and on- and off-site vibration during construction (based on the significance threshold for human annoyance). In addition, Alternative 5 would result in the same significant cumulative impacts that cannot feasibly be mitigated with regard to on-site construction noise and off-site construction vibration (based on the significance threshold for human annoyance). The duration of the regional NO_x and VOC emissions impacts associated



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with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule. However, Alternative 5 would not meet the underlying purpose of the Project as effectively as the Project since the elimination of subterranean parking would compromise and require changes to the Project's internal circulation plan, resulting in reduced integration of the production staging, loading, and basecamp areas with sound stages and filming areas, thereby making studio operations less efficient and flexible. These sub-optimal production operations would jeopardize the economic viability of the sound stages. Additionally, Alternative 5 would only partially meet, or would not meet the objectives as well as the Project, generally due to the elimination of the Project's subterranean parking and resulting effects on internal circulation and production efficiencies, as well as the increased building massing. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 5.

Comment: The EIR improperly rejects Alternative 2.

The commenter asserts that Alternative 2 is environmentally superior to the proposed Project because the length of construction would be less and therefore the duration of the significant and unavoidable air quality, noise and vibration impacts associated with construction would be less than the proposed Project. However, that assertion is first inconsistent with the CEQA significance thresholds used by the City, as the lead agency, to evaluate the Project's construction impacts. CEQA affords the lead agency discretion in selecting significance thresholds. (Refer to CEQA Guidelines Section 15064(b).) As explained in the Draft EIR (p. I-6), the City uses Appendix G in the state's CEQA Guidelines as the basis for its significance thresholds for CEQA review documents. In addition, the City's 2006 Thresholds Guide informs the application of the significance thresholds in Appendix G to development projects in the City. (Draft EIR, p. I-6.)

With respect to the significance thresholds for air quality and noise impacts, Appendix G expressly encourages local lead agencies to use standards set by regulatory agencies. For example, Appendix G states with respect to air quality impacts that "where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon. ..." With respect to significance thresholds for noise impacts, Appendix G states that lead agencies should evaluate "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. ..." Those



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directives are consistent with CEQA Guidelines Section 15064.7(c), which provides that “when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies.”

As explained in the Draft EIR, the City adopted significance thresholds for air quality impacts based on standards set by the South Coast Air Quality Management District. (Draft EIR, p. IV.A-32 to IV.A-38.) With respect to construction noise impacts, the Draft EIR explained that the City uses significance thresholds from the 2006 Thresholds Guide and the Los Angeles Municipal Code, as well as from the Federal Transit Administration concerning vibration impacts. (Draft EIR, p. IV.I-29 to IV.I-31.)

The EIR evaluated the air quality and noise impacts associated with the construction of Alternative 2 consistent with the above significance thresholds. Also, in addition to not being environmentally superior to the proposed Project, Alternative 2 would be less effective than the Project in meeting the underlying purpose and objectives of the Project “as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity.” (Draft EIR, p. V-59.)

Comment: The EIR Improperly Rejects Alternative 3.

As discussed in Section V, Alternatives, of the Draft EIR, Alternative 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 3, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities.

In addition, as discussed in Section V, Alternatives, of the Draft EIR, Alternative 3 would be less effective than the Project in meeting the underlying purpose of the Project as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity. In addition, due to the reduced amount of development under this alternative, Alternative 3 would only partially meet several of the Project objectives or would not meet the objectives as well as the Project. Also refer to

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Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 3. As stated therein, Alternative 3 reduces the area of sound stages and there is a need to build additional sound stages with flexible configurations that are not present at the Project Site. In addition, reducing the number of sound stages would also reduce the ancillary services, which further reduces operational viability.

Comment: The Project Site does not include a legal helipad.

The commenter claims that the Project Site does not include a legal helipad, which is incorrect. As discussed throughout the EIR, a helipad has been a permitted use on the Project Site since 1951 under Case No. ZA 11412, which involved the approval of a conditional use and zone variance to permit production uses as well as “all uses incident, necessary or appurtenant to” production. This was a blanket use approval that was intentionally written broadly to encompass all studio-related uses that were both known and unknown, including a helipad. This intent is made clear in the 1951 approval itself, which states that “since the field of television and telecasting is one which is still in its early stages of development and no one knows or can foresee with any great degree of certainty what the future holds or what activities will be necessary to successfully operate a major television studio, it is essential...that the developers of such a project be assured of authority to do whatever may be or may become reasonably necessary for its successful operation in the light of future progress and new scientific developments.” The existing helipad was approved in 1970 by the State of California Department of Aeronautics in 1970, and the helipad has been legally permitted since that time. A detailed memorandum on the existing helipad and its permit history (including, among other things, the 1951 approval) is included in Appendix FEIR-15 of the Final EIR. In addition, the 1970 permit is included as Attachment E to this memorandum.

Notably, although the helipad has been included in all Project plans, materials, and environmental analyses, including the 2021 entitlement application, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum, this is the first time that the commenter has raised any issue regarding the helipad. The Draft EIR discussed the existing helipad and Case No. 11412 in Section II, Project Description, and again in Section IV.F, Hazards and Hazardous Materials, Section IV.H, Land Use and Planning, Section IV.I, Noise, and Section IV.J.1, Public Services—Fire Protection. Neither of the commenter’s two previous comment letters on the Draft EIR discussed the helipad or Case No. 11412.



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The environmental impacts from the helipad were fully analyzed in the EIR and Erratum, which concluded that impacts related to the helipad would be less than significant. These analyses are consistent with CEQA and City policy. As discussed in the Erratum, under the Modified Project, the helipad would remain within the central portion of the Project Site, but at a higher elevation. Specifically, the helipad would be located approximately 180 feet higher than and 140 feet north of the existing location from a vertical and horizontal perspective, respectively. It would also be approximately 45 feet higher than the location proposed under the Original Project. Contrary to the commenter's assertion, the modified location was analyzed in the Erratum. Refer to the analysis in the technical expert report included as Appendix G of the Erratum. As discussed therein, raising the helipad to a higher elevation would increase the vertical distance between the helipad and surrounding uses, which would result in a reduced noise level, as compared to existing conditions. The report concluded that, as with the Original Project, operation of the helipad under the Modified Project would result in less than significant impacts.

As stated consistently throughout the EIR and Erratum, operation of the helipad under the Project would be consistent with existing conditions and would comply with all existing applicable regulatory requirements. Detailed information about the existing helipad operations is included in Appendix FEIR-15 of the Final EIR. As stated therein, this information was provided by Jeff Mapes, Vice President of Facilities Operations at Television City, and Michael Klausman, President of Television City, who has worked at Television City since 1971. Further, the relocation of the existing helipad under the Modified Project would require additional approvals from the Federal Aviation Administration and Department of Aeronautics. Moreover, any future changes to the location or operation of the helipad beyond what was studied in the EIR and Erratum would require CEQA compliance review.

Letter from Caruso (The Grove, LLC)

Comment: The Specific Plan is necessary to comment on Draft EIR.

This comment is similar to the commenter's comments on the Draft EIR as well as the comments from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax, above, which were fully responded to as part of the Final EIR. Refer to the responses to the comments from Carstens, Black & Minter, above.



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Comment: Special events need to be analyzed in the EIR.

This comment was fully responded to as part of the Final EIR. As discussed in Topical Response No. 3, Permitted On-Site Uses, of Section II, Responses to Comments, of the Final EIR, temporary, non-regular events that have occurred on the Project Site prior to the adoption of the proposed Specific Plan, including production-related and non-production related events, such as premieres, charitable events, community events, commercial events, and non-commercial events, and other special events defined in LAMC Section 41.20.1(a), would continue to be governed by the LAMC consistent with existing conditions. No deviation or modification to the existing Temporary Special Event permit process through the Department of Building and Safety, the Division 5 review process overseen by the City of Los Angeles Fire Department, or any other potential review by the Department of City Planning, Bureau of Street Services, or the Los Angeles Police Department is allowed under the proposed Specific Plan.

Comment: The trip generation for the Modified Project requires regulation.

The trip generation estimate for sound stages for the Modified Project includes all typical trip types. As discussed in Topical Response No. 10, Trip Generation, of the Final EIR, the visitor trip generation estimates are based on average days—many days have fewer visitor trips and some days would have more. These trips are typically spread across the day rather than concentrated in any particular hour, so the effects of these trips during peak hours is limited. This is consistent with Sections 2.2.2 and 2.2.3 of the LADOT Transportation Assessment Guidelines and Section 3.1 of the City of Los Angeles VMT Calculator Documentation, where the calculation of both VMT and daily vehicle daily trips are based on averages, including daily averages based on annual totals.

Special events are discussed beginning on page II-148 of the Final EIR, which notes that special events would be permitted only on a case-by-case basis with special permits from the City, just as under existing conditions, and therefore no additional analysis is required as part of the EIR.

Comment: Recirculation of the EIR is required.

This comment asserting that recirculation of the Draft EIR is required was responded to as part of the Final EIR. Refer to Response to Comment No. 9-4 of the Final EIR. Also refer to the May 8, 2024, letter from the Applicant's representative responding to an April

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17, 2024, letter from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax. As discussed therein, CEQA does not require recirculation of an EIR unless significant new information changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. (CEQA Guidelines Section 15088.5(a).) The Draft EIR was published over two years ago, the Final EIR was published five months ago, and the Erratum was published 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing (earlier than required). Over 600 comment letters were received on the Draft EIR, which demonstrates that the Draft EIR encouraged public participation and meaningful consideration of the Project. As demonstrated by the Erratum, the refinements to the Project that reduced the size of the Project in response to public comments are within the scope of the analysis in the EIR and the Erratum did not identify any new impacts or a substantial increase in the severity of any impact. There was no significant new information that would preclude the public's ability to comment on the potential impacts of the Project. The public was provided ample opportunity to comment upon the Project's potential environmental impacts, and recirculation is not required under CEQA.

Letter from Keith Nakata**Comment: The Project includes 550,000 square feet of non-production related space.**

This comment is similar to the comment from Ronald Benson. Refer to the response to Ronald Benson, above.

Comment: The Project is in the middle of a residential area and is unlike most studio areas that are based in more remote areas, industrial areas or near freeways.

This comment is incorrect. The Project Site is not in the middle of a residential area. As discussed on pages II-4 and II-5 of Section II, Project Description, of the Draft EIR, the Project Site is surrounded by a wide range of uses including commercial uses (e.g., The Grove and The Original Farmers market), residential uses (e.g., the multi-family residential Broadcast Center Apartments), hotels, and Pan Pacific Park.

In addition, most studios are not located in more remote areas, industrial areas or near freeways. Television City, Paramount Pictures, Raleigh Studios, Sunset Gower Studios, Sunset Bronson Studios, Radford Studio Center, and Fox Studios were all established over 70 years ago, at a time when most communities were being newly

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established, and have long since seen significant changes in adjacent community use, intensity, and built form. Like Television City and the adjacent community that surrounds the Project Site, Sunset Gower Studios, Sunset Bronson Studios, and Paramount Pictures are all in urbanized Hollywood. The same may be said of Amazon Studios in Culver City, Manhattan Beach Studios in Manhattan Beach, and Fox Studios in West Los Angeles. All of the aforementioned studios and adjacent communities have a mix of uses, including residential, and are located in urbanized, infill locations, contrary to the suggestion that major production studios need be located in remote locations, far from residential uses.

Comment: The Sign District will have negative impacts that are not evaluated in the EIR.

This comment has been addressed in the Final EIR. As discussed in Topical Response No. 1.B, The Project Description Includes Sufficient Information and Detail to Evaluate the Project's Environmental Impacts, of the Final EIR, all environmental aspects of the Project (i.e., all aspects that may cause a physical impact on the environment), including, among other Project approvals, the proposed Sign District, were fully disclosed and analyzed in the Draft EIR. For example, a discussion of the elements of the proposed Sign District that are relevant to the land use impact analysis is included in Section IV.H, Land Use and Planning, of the Draft EIR. In particular, all signs would comply with LAMC requirements, including those related to lighting and energy use, and energy use associated with proposed signage has been accounted for in the air quality and GHG analyses. In addition, signage would be limited to that described on page 28 of the Erratum and set forth in the Specific Plan. Specifically, a total of approximately 31,375 square feet of signage is proposed around the Project Site perimeter, with the exception of the Shared Eastern Property Line. Within the Shared Eastern Property Line setback area, signage would be limited to smaller identification, informational, and directional signs located no more than 15 feet above Project grade. Digital displays would be prohibited along the Project Site exterior and interior signs may include digital displays intended solely for internal viewing. In addition, operation of digital displays in the Project Site interior would only be permitted to operate within 200 feet of the Broadcast Center Apartments between the hours of 7 A.M.–10 P.M. Furthermore, off-site signs would not be permitted as discussed on page II-31 of Section II, Project Description, of the Draft EIR. Also contrary to this comment, exterior signage would not be converted to digital signage as part of the Project. Overall, the Sign District has been accounted for in the impact analyses in the EIR and Erratum, and no significant impacts would occur.



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Comment: There may not be any guarantee that the public will have opportunities to view the HCM.

This comment was addressed as part of the Final EIR. Refer to Topical Response No. 5.C, Potential New Construction North of the Primary Studio Complex, of the Final EIR. As discussed therein, the Project incorporates an approximately 3.5-acre Viewshed Restoration Area located north of the Primary Studio Complex that was established by the HCM Findings. The Project's restoration of the viewshed along Beverly Boulevard would be ensured by the historic regulations and procedures discussed in the EIR and set forth in the Draft Specific Plan. Additionally, any new construction would be limited by the HCM designation, the HCM Findings, and the Cultural Heritage Ordinance. The HCM Findings make clear that construction within the Viewshed Restoration Area is limited and subject to review by the City. In addition, as shown in Figure 1 of the Erratum, the Viewshed Restoration Area along Beverly Boulevard has been enhanced as a focal point for the Project Site. In particular, marked surface parking and basecamp areas have been removed from this area and replaced with landscaped areas within the outdoor production activity areas while maintaining the HCM viewshed protection requirements. In addition, the Project would also include more visually transparent fencing along the northern perimeter so that the currently obstructed views of the Primary Studio Complex, including the main entry bridge, would be restored. As such, opportunities to view the HCM would be enhanced as a result of the Project.

Comment: Special events will create unforeseen impacts.

As discussed above in the response to the similar comment in the Caruso letter, this comment has already been addressed in the Final EIR. As discussed therein, temporary, non-regular events that have occurred on the Project Site prior to the adoption of the proposed Specific Plan would continue to be governed by the LAMC consistent with existing conditions. No deviation or modification to the existing Temporary Special Event permit process through the Department of Building and Safety, the Division 5 review process overseen by the City of Los Angeles Fire Department, or any other potential review by the Department of City Planning, Bureau of Street Services, or the Los Angeles Police Department is allowed under the proposed Specific Plan.



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Comment: Stormwater capture would be reduced with the Project.

The commenter's claim that stormwater capture from the Project Site would be reduced is incorrect. As discussed on page 2 of Appendix F of the Erratum, the Project Site is currently approximately 90 percent impervious (i.e., where drainage does not percolate the ground surface). With the Project and the increase in landscaped surfaces, the Project Site would be approximately 83 percent impervious, which would increase stormwater capture with an associated decrease in stormwater flows from the Project Site. In addition, through compliance with the City's Low Impact Development (LID) Ordinance, surface water quality would be improved as a result of the Project.

Loeb & Loeb on behalf of the A.F. Gilmore Company

Comment: The City needs to wait for approval of and an updated Wilshire Community Plan prior to considering the Project. Approval of the Project without an updated Wilshire Community Plan would exempt the Project from land use procedures, controls, opportunities for public review and input, and City Council oversight.

This comment was addressed as part of the Final EIR. Refer to Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 11-29 of Section II, Responses to Comments, of the Final EIR. As discussed therein, CEQA requires an evaluation of a project's consistency with existing land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. In accordance with CEQA Guidelines Section 15125, the Draft EIR for the Project properly relied on information that is currently available to establish baseline conditions and, as such, used information from the existing Wilshire Community Plan, satisfying the requirement under CEQA Guidelines Section 15125(d) that an EIR "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." An "applicable" plan is a plan that has already been adopted and thus legally applies to a project; draft plans need not be evaluated—an existing land use plan does not become "inapplicable" because of the passage of time. Statutory law contains no requirement that a general plan's land use element—which is the City's Wilshire Community Plan—be updated at any given interval or in connection with any given event (such as the approval of a new development project). Further, unlike certain General Plan elements such as the Housing Element, state law does not require that local jurisdictions regularly update their land use element within certain timeframes. An "applicable" plan under CEQA is a plan that has already been adopted and thus legally applies to a project;



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draft plans need not be evaluated. The Wilshire Community Plan is not currently being updated, nor has the City publicly notified or initiated an update to the Wilshire Community Plan, and the timing of such an update is unknown.

Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR provides a detailed analysis of the Project's consistency with adopted plans and regulations applicable to the Project, including the General Plan Framework Element, Conservation Element, Mobility Plan 2035, the existing Wilshire Community Plan, LAMC, the Citywide Design Guidelines, and SCAG's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS). This analysis demonstrates that the Project would not conflict with applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, the Project has not been exempt from any of the land use controls or procedures of the City and the entitlement and environmental review process has proceeded in the same manner as other large development projects in the City.

Comment: General office uses should be eliminated from the Project.

As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, all of the permitted uses, including the general office uses, would be related to the continued operation of a studio within the Project Site. In addition, as discussed in response to a similar comment from Ronald Benson, above, general office is a core and necessary land use required by modern media tenants and generally all major studio modernization projects provide an increase in the use over the existing condition. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

Comment: The Project objective regarding economic viability of the Project is improper.

This comment was previously addressed in the Final EIR. Refer to Topical Response No. 4, Appropriateness of Economic Objective, of the Final EIR. As discussed therein, CEQA does not prohibit a public agency from adopting an economic project objective. Rather, including an economic objective is appropriate under CEQA, and it accurately discloses the reality of any private development project, namely that the project must be economically viable so that its development is feasible. Furthermore, the Project includes 12 Project objectives, and in accordance with CEQA Guidelines Section 15126.6,



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all Project objectives are broad enough to allow for a reasonable consideration of alternatives that reduce environmental impacts. As detailed by the Applicant in the Economic Considerations Memorandum included as Appendix FEIR-4 of the Final EIR, the Project has been designed to feasibly achieve all of the Project objectives, including but not limited to the objective to develop and economically viable project. Thus, the Project objectives included in the EIR comply with CEQA.

Comment: The EIR has not disclosed and analyzed the physical environmental effects of the Development Agreement in accordance with CEQA.

The comments regarding the proposed Development Agreement are similar to the commenter's comments on the Draft EIR and were addressed in the Final EIR. Refer to Response to Comment Nos. 9-24, 28-7 and 268-2 in the Final EIR. As discussed therein, a development agreement is a voluntary contract between a local municipality, such as a city or county, and a property owner whose land is located within the municipality's jurisdiction. A development agreement contains the obligations of both parties and lays out the various standards and conditions that will control development of the subject property. As explained in the Final EIR, the component of the proposed Development Agreement that is relevant to the environmental analysis under CEQA is its 20-year term, which was discussed throughout the Draft EIR and Final EIR. Other provisions of the Development Agreement would be contractual issues between the City and the Applicant, which do not constitute physical impacts on the environment. The Draft EIR conservatively assumed a 32-month construction duration that includes overlapping activities and construction phases and more intense activities on a daily basis. The 32-month timeframe is preferred by the Applicant, who intends to complete construction of the Project within this timeframe, subject to market conditions. However, as stated on page II-36 in Section II, Project Description, of the Draft EIR and throughout the Draft EIR, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043. As with most development projects, market conditions will ultimately influence the buildout timeframe for the Project. As such, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR. Please note that a 20-year buildout scenario does not mean 20 years of construction, as the scope of the Project is the same regardless of the buildout duration. A long-term buildout scenario involves multiple, non-overlapping construction phases with periods of no construction in between phases.



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Comment: The Development Agreement would allow for unregulated development.

The Draft Specific Plan would only allow the Initial Development Plans attached therein as Appendix A to be approved administratively. The Initial Development Plans match the plans attached as Appendix A to the Erratum. Any changes that are substantially different or are beyond the scope of impacts evaluated in the EIR and Erratum would require additional discretionary City review and approval, as well as future CEQA compliance review. The proposed Draft Specific Plan and MMP would regulate development of the Project Site and provide for the implementation of all applicable PDFs and mitigation measures associated with any development activities during and beyond the term of the Development Agreement.

Comment: A draft development agreement is required to be included in an EIR.

Neither CEQA nor City policy requires a draft development agreement to be included in an EIR.² As stated in the responses to comments in the Final EIR, a draft Development Agreement will be made publicly available on the Department of City Planning's website prior to the Planning Commission hearing on the Project. The commenter references Government Code Section 65867, which establishes notice requirements for a hearing on a development agreement. The notice must include "the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing" (Government Code Section 65094). The notice published on April 19, 2024, for the May 15, 2024, hearing complies with these requirements and expressly identified the proposed entitlements, including, among others, the Development Agreement, in the explanation of the matter.

² See, e.g., *Native Sun/Lyon Communities v. City of Escondido* (1993) 15 Cal.App.4th 892, in which the court concluded that an EIR was sufficient where the proposed development agreement was referenced in the project description but the contents of the agreement were not discussed in the EIR, because the reference in the project description "alerted persons interested in [the agreement] to its relevance in the decisionmaking process." *Id.* at p. 910.



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Park La Brea Impacted Residents Group (PLBIRG)

Comment: The Applicant does not intend to expand studio and production spaces and instead plans to build 550,000 square feet of non-production-related space.

Contrary to this comment, the Project does not intend on developing the 550,000 square feet of office space for space unrelated to the entertainment industry. Rather, as discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, all of the permitted uses, including the general office uses, would be related to the continued operation of a studio within the Project Site. In addition, as discussed in response to a similar comment from Ronald Benson, above, general office is a core and necessary land use required by modern media tenants, and generally all major studio modernization projects provide an increase in the use over the existing condition. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

Sheppard Mullin on behalf of AIR Communities

Comment: The Draft EIR must be recirculated.

This comment asserting that recirculation of the Draft EIR is required was responded to as part of the Final EIR. Refer to Response to Comment No. 9-4 of the Final EIR. Also refer to the summary response to Carstens, Black & Minter above. As discussed therein, CEQA does not require recirculation of an EIR unless significant new information changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. (CEQA Guidelines Section 15088.5(a).) Specifically, there was no significant new information that would preclude the public's ability to comment on the potential impacts of the Project. Rather, the public was provided ample opportunity to comment upon the Project's potential environmental impacts when the Draft EIR was released for the extended comment period. In addition, contrary to this comment, as discussed in detail in Topical Response No. 1.F, The Project Description is Accurate, Stable and Finite, of the Final EIR, the Project description is stable and the EIR disclosed and analyzed all physical elements of the Project that would be implemented by the proposed Specific Plan. Furthermore, the commenter has provided no evidence to support the statement that the Final EIR failed to respond to the technical issues raised in the Draft EIR comment letters. As such, contrary to this comment, recirculation of the Draft EIR is not required under CEQA.



**MEMORANDUM—Response to May 2024 Public Comments Associated with Deputy
Advisory Agency and Hearing Officer Hearing**

May 22, 2024

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INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARKS ONLINE:

**If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

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August 30, 2024

Via E-mail (paul.caporaso@lacity.org)

City Planning Commission
City of Los Angeles
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
Attention: Paul Caporaso, City Planner

Re: 7716-7860 Beverly Boulevard, Los Angeles, CA 90036
TVC 2050 Project
Case Nos. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA;
VTT-83387-1A

Ladies and Gentlemen:

This office represents the A.F. Gilmore Company, an important part of Los Angeles' business community for over 150 years, and submits this supplemental information in support of the Gilmore company's appeal of the above-captioned determination by the City's Advisory Agency in anticipation of the September 12, 2024 public hearing that has been noticed by the City Planning Commission. This submission supplements the appeal submission submitted on behalf of the Gilmore company on June 5, 2024, which is intended to be incorporated herein by this reference, and together will all other submissions, appeals, and documentation submitted by the numerous other appellants, to be added to the administrative record for the subject action.

A. The Tentative Map Approval Is Defective and Invalid. The Gilmore company's appeal documentation, and the entirety of the administrative record, reveal that the requirements for approval of the tentative map have not been satisfied, that required findings cannot permissibly be made, and that substantial evidence exists to support the claim that the Advisory Agency's approval of the map was legally impermissible.

1. The Findings made by the Advisory Agency are not supported by the evidence in the record and cannot support approval of the map. The proposed map, and the design and improvement of the subdivision it envisions, are not consistent with the applicable General and Specific Plans, because the Advisory Agency relied on the proposed amendments to the operative plan documents sought by the Applicant, rather than the existing standards that were in effect as of the local agency's determination.

Approval of an development request based upon prospective and presumed plan changes violates the provisions of Section 66474 of the Government Code, and renders the approval invalid. The development standards applicable to the Project site as of the Advisory's Agency's determination establish FAR limits and height restrictions that the proposed project markedly violates, and which characterize the development of other properties surrounding the Project site. While there may be justifications for exceeding those development standards, the applicable provisions of the Subdivision Map Act prohibit the approval of a map based upon findings that presume the changes to development standards and plan requirements than are in fact sought by the Applicant. The subject application does not even purport to make the case for massively changing the design and development standards – it asked the Advisory Agency to make findings that *presume* that those changes have already been made. Years ago, the Gilmore company sought and obtained entitlements for the development of the retail center adjacent to its longstanding retail operations (which would become the Grove), and its proposals maintained the established 1.5:1 FAR and modest height limits.

2. The Project site is not physically suited to the type and scale of development sought by the Applicant. The proposed Project constitutes a “regional center” that includes a hub of major studio, office, and commercial uses of indefinite and imprecise type and description injected into a small-scale neighborhood commercial area. The applicant seeks to transform an existing television studio operation that has existed under single ownership since 1952 by adding nearly 1,000,000 square feet of additional commercial and media space, which could consist of studio, production, support, or general office uses of indeterminate type, and could be operated by several different owners, tenants, licensees or transferees. In fact, the actual build-out of the Applicant's reinvention could evolve all at once or over decades, and could be virtually anything – the proposal suggests an opaque gray box of alternatives and imprecision while the actual final product could bring another Century City, Warner Center, Playa Vista or virtually anything else to an area already underserved by municipal infrastructure and facing economic, social and community challenges that the proposed Project offers little to address.

The proposed Project is opaque in both its design and its process. In addition to disclosing little of what actually might be built, the Applicant proposes an imprecise and vague process for how its development vision might change over time. In fact, while espousing the economic benefit of hypothetical, high-paying media industry jobs, the

Applicant's proposal does not even commit to studio/media development at all. The "land use exchange" contemplated by the proposed Specific Plan, allows changes and potentially increases in the portions of the Project site that could be occupied by general office or other commercial uses, all of which could be accomplished by the Project owner on a ministerial basis with limited if any municipal discretion. The administrative record contains no evidence that this flexibility and limitless optionality is appropriate for the Project site or the surrounding community, or serves any public benefit beyond fulfilling what the Applicant's submittal documents describe as its investment-backed expectations. The details of the Applicant's contribution of public benefits, a statutory prerequisite for the Development Agreement it seeks, have also not been disclosed, but remain hidden behind a grey curtain of imprecision and opaqueness. The community has been afforded no visibility into what if any public benefits are proposed to be contributed by this relaxation of development approval requirements.

3. The design of the subdivision and the proposed improvements are likely to cause serious public health problems, as a result of traffic impacts upon the surrounding areas near the Project site. The evidence contained within the administrative record substantiates the traffic congestion, dangers of cut-through traffic and other health risks associated with the massive intensification of the operations and use of the Project site.
4. The Advisory Agency's approval of the subdivision map curiously offers little insight into the proposed Project's effect upon the housing needs of the region, and as a result approval of the map fails to fulfill the requirements of the Subdivision Map Act set forth at Section 66412.3 of the Government Code. The project site is identified as a potential housing opportunity site in the City's Housing Element. The Project site's current zoning, and recent State housing laws, recognize the permissibility of use of the Project site for multifamily housing, and the Project site qualifies for Tier 3 incentives under the City's Transit Oriented Communities program. The proposed uses for the Project under the subdivision and the contemplated Specific Plan, however, do not contemplate housing as one of the potential uses in the land use exchange. The Specific Plan would change the treatment of medium and high density housing on the Project site from permissible by right, as it is under current zoning, to a use requiring discretionary approval. Accordingly, the future use of the Project site for housing should the Applicant's vision not be realized faces a more onerous hurdle than is currently in place, and as such, the approval of the subdivision, the Specific Plan and the improvements contemplated by the TVC 2050 plan violates Section 66300(b)(1) of the Government Code.

B. The Advisory Agency's Approval of the TVC 2050 Project EIR, Statement of Overriding Considerations and Mitigation Monitoring Program violates CEQA. The evidence contained within the administrative record confirm that the Advisory Agency's approval fails to comply with the requirements of the California Environmental Quality Act. The EIR does not disclose an accurate, stable and determined Project Description. The EIR also does not analyze, disclose and mitigate significant environmental effects threatened by the proposed Project,

including without limitation, damage to historic resources on the Project site and in the surrounding area, damage to surrounding communities and other environmental impacts posed by the Project,

1. The Project Description contained within the EIR reflects the Applicant's desire for limitless flexibility, allowing its development to evolve over time into anything – a giant studio, an monstrous office complex, or virtually any iteration of an amorphous plan camouflaged by a gray box of boundless permissions. Such endless alternative permissibility creates the antithesis of a clear and disclosive Project Description that CEQA requires.
2. The CEQA documentation concedes the historic status of the Television City studio building located on the Project site, as well as several historic resources located in close proximity to the site, including the Gilmore company's Gilmore Adobe and Original Farmers Market (LA HCM No. 543). The EIR, however, fails to adequately disclose and consider potential impacts from the Project upon both the Gilmore Adobe and the Original Farmers Market, during both construction and operation of the Project. The EIR fails to address the potential for damage to the Gilmore Adobe as a result of grading and vibration during Project construction. The EIR also defectively fails to disclose and adequately analyze potential impacts upon the structures and setting of the Gilmore Adobe and Original Farmer's Market as a result of the imposition of hundreds of thousands of additional square feet of contemporary commercial buildings, massive ingress and egress of trucks and motor vehicles, intensified use of the Project site, and the visual and physical impacts posed by the new development upon other structures and settings on the Gilmore property. The EIR summarily concludes that impacts upon the Gilmore historic resources will be insignificant as a result of the conclusory and incomplete assumption that no change to the Gilmore resources is proposed, and by the erroneous and unsupported conclusion that the 2002 construction of the Grove shopping center eliminated any historic significance of the Gilmore resource's setting. The EIR also provides minimal insight into the means by which the historic resources on the Project site will be preserved, whether only outside elements are to be retained, or how changes to various uses located and to be located on the Project site might impact those on-site resources.
3. The Project's Mitigation Measures are vague and ill-defined, and the conditions of approval adopted by the Advisory Agency do not provide an enforceable and exhaustive mechanism by which the many significant impacts posed by the Project can be reduced or eliminated. These deficiencies are exacerbated by the inadequacy of the Project Description, because imprecise and changeable Project uses, without any firm commitment to a particular development pathway, could yield limitless potential impacts and are incapable of effective mitigation.

4. The Project's Statement of Overriding Considerations is also deficient for purposes of CEQA compliance, because it impermissibly relies on the Applicant's stated objectives for concluding that achieving those objectives alone is sufficient to override the significant environmental impacts of the Project. The administrative record does not provide evidence to support the need for nearly one million square feet of sound stage and production facilities given the current state of the media industry. Moreover, if such need exists, the freedom with which the Applicant may utilize the land use exchange proposed in the Specific Plan to convert uses from studio and production to other uses (such as general office) means that the stated purpose of preserving the Project site as a production and studio facility might not be achieved, and the justification for the overriding consideration would be lost. Similarly, the Statement of Overriding Considerations justifies the Project's imposition of significant environmental impacts by relying on the Project's vision of increased media production within the City to reinforce its status as "the creative capital of the world," but the imprecise Project Description and non-commitment afforded by the land use exchange fails to ensure that those objectives will be achieved, rendering the Statement of Overriding Considerations inadequate. The Statement of Overriding Considerations is also deficient for its reliance upon the goals of the Wilshire Community Plan, which is (i) markedly out of date, and (ii) anticipates the provision of greater housing opportunities in transit-served areas, which the Project does not provide. Adoption of the Statement of Overriding Considerations also violates CEQA because the Project is not consistent with the applicable General and Specific Plans applicable to the Project site.

For the foregoing reasons, and based upon the other evidence contained in the administrative record, we submit that the Gilmore company's appeal of the Advisory Agency's determination should be sustained, and the deficient CEQA documentation should be revised and recirculated. In addition, certain of the findings required for approval of the subdivision and the requisite CEQA documentation, as well as the proposed Specific Plan, Development Agreement, General Plan Amendment, Zone Change and Height District, cannot be lawfully made without significant modification to the proposed Project.

Sincerely yours,

HOLLAND & KNIGHT LLP



By: _____
Andrew J. Starrels

AJS:tlb

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September 2, 2024

Via E-mail (paul.caporaso@lacity.org)

City Planning Commission
City of Los Angeles
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
Attention: Paul Caporaso, City Planner

Re: 7716-7860 Beverly Boulevard, Los Angeles, CA 90036
TVC 2050 Project
Case Nos. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA;
VTT-83387-1A

Ladies and Gentlemen:

We write on behalf of our client, the A.F. Gilmore Company to supplement our submittal in support of the Gilmore company's appeal of the above-captioned actions by the Advisory Agency, in anticipation of the appeal hearing to be heard by the Planning Commission on September 12, 2024.

The recently published opinion of the California Court of Appeal in *Westside Los Angeles Neighbors Network v. City of Los Angeles* (August 19, 2024, BS320547) affirms the **limited** authority under CEQA of the Planning Commission or other delegated bodies to certify an environmental impact report for multi-component projects like the Westside Mobility Plan when other governmental bodies retain approval authority over other components of the project. In *Westside LA Neighbors*, the 2nd District Court of Appeal ruled that CEQA permitted the CPC to certify the EIR and approve the project, even though further discretionary action by the City Council was required to implement it (*ibid*, at p. 15). The Court of Appeal distinguished the circumstances surrounding the Westside Mobility Plan from the facts presented in another case,

Kleist v. City of Glendale (1976), 56 Cal. App. 3d 770 (City council was required to approve zone change as part of applicant's project, and delegated planning board's earlier certification of EIR was impermissible under CEQA).

The *Westside LA Neighbors* court distinguished *Kleist*, ruling that the approval of the Westside Mobility Plan and certification of its EIR was appropriately delegated to the Planning Commission, even when the City Council retained approval authority over certain **implementing** elements such as the program's "Fee Program Updates." In the *Kleist* case, by contrast, the principal elements of the project that yielded environmental impacts were yet to be decided, and required review by the City Council, which also was required under CEQA to certify the EIR. *Ibid.*

We respectfully submit that the circumstances of the TVC 2050 Project are more analogous to *Kleist* than to *West LA Neighbors*. Here, the City Council must approve, and has yet to act upon, a General Plan Update, a Zone Change and a Specific Plan in order to promulgate the Project. Much of the impact-generating details of TVC 2050 have yet to be finalized, were not disclosed publicly and have not been considered by the City as the lead agency. In fact, the Specific Plan itself has only been released in draft form, and is subject to further refinement and change. The only approval evaluated by the Advisory Agency in connection with TVC 2050 was the vesting tentative map, and that alone is not sufficient to fall under the *Westside LA Neighbors* case, and distinguish TVC 2050 from *Kleist*. Moreover, as we have explained in our other submissions and is revealed elsewhere in the administrative record, a permissible CEQA determination cannot be made when the Project itself has not been adequately described and disclosed, and is not sufficiently finalized to be considered and evaluated.

Sincerely yours,

HOLLAND & KNIGHT LLP



By:
Andrew J. Starrels

AJS:tlb

cc: City Planning Commission (cpc@lacity.org)

August 30, 2024

VIA E-MAIL

Ken Hardy, Esq.
Director of Enforcement
Los Angeles City Ethics Commission
200 N. Spring St., Ste. 241
Los Angeles, CA 90012-3748

Re: Follow-Up to Complaint Regarding Undisclosed Lobbying Payments by Television City Opponents

Dear Mr. Hardy:

As you know, we submitted a complaint on May 9, 2024 on behalf of Television City Studios, LLC requesting that the City Ethics Commission (“CEC”) investigate the undisclosed source of over \$1 million of funds which have been spent on lobbying activities in opposition to the Television City Project (“Project”). As discussed in the complaint, these lobbying activities have been promoted by the “Beverly Fairfax Community Alliance” (the “Alliance”), “Neighbors for Responsible TVC Development” (the “Neighbors”), and other related organizations which purport to be “community” groups, but rather appear to be surrogate “shell” organizations for a small group of adjacent property owners and private commercial interests.

This letter provides information about significant additional lobbying activity by the Alliance and Neighbors which has occurred since the May 9th complaint, including explicit requests that members of the public attend the May 15th public hearing at the Planning Department (the first public hearing for the Project) and the upcoming September 12th hearing before the full City Planning Commission. This letter therefore again urges the CEC to take action before the September 12th Planning Commission hearing so that the City and the public can know who is behind this “dark,” highly coordinated, million-dollar opposition campaign.

Significant New Undisclosed Lobbying Expenditures

The Alliance and Neighbors have spent a significant amount of money on additional lobbying activities since the May 9th complaint:

- On or around the week of August 12th, the Alliance paid for two high-profile billboards at the corner of Beverly Boulevard and La Jolla Avenue opposing the Project and urging residents to contact City officials. (Photographs attached as Tab 1.) The billboards are

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located along high-visibility corridors and likely command high-dollar rents, which provides further evidence that immediate investigation by the CEC is necessary.¹

- The Neighbors' website (<https://fixtvc.org/>) was fully redesigned on or around May 2024 (screenshot attached as Tab 3), and the following text was added at the bottom of the website: "Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City."

- An ad opposing the Project and urging people to attend and voice their opposition at the May 15th hearing was added to the homepage of the Beverly Press' website (screenshot attached as Tab 4) prior to the hearing. This ad does not mention any organization or source of funding, but the graphic is the same as those used in other materials previously disseminated by the Alliance. (See, e.g., attached copy of Alliance's 5/9/24 full-page advertisement in the Beverly Press newspaper as Tab 5.)

- The Alliance and Neighbors distributed numerous letters and emails with opposition messages and calls to action to join the May 15th hearing (see letters and emails dated May 1, May 2, May 4, May 8, May 10, May 11, and May 15, 2024 attached as Tab 6) as well as calls to action to reach out to City officials and provide additional opposition comments following the hearing (see emails dated May 21, and May 23, 2024 attached as Tab 7). Neighbors also hosted a Zoom meeting on May 8th to discuss opposition talking points for the May 15th hearing.

- The Alliance sent a press release on June 24th and included a full-page ad in the Beverly Press newspaper dated July 4th regarding the appeals of the Project, which were spearheaded by these undisclosed organizations. (Attached as Tab 8.)

- Recently, Neighbors sent an email blast urging members of the public to attend the upcoming September 12th hearing and oppose the Project. (Attached as Tab 9.) The email states that Neighbors will provide "air-conditioned motor coaches" from The Original Farmers Market to City Hall and back, and that the organization will provide "breakfast and lunch" to the people who attend. The Alliance included a full-page advertisement in the Beverly Press newspaper dated August 29, 2024 with similar information. (Attached as Tab 10.)

¹The Alliance has also filed another Major Filer report for the third quarter of 2024, bringing the total spent in opposition to the TVC Project to almost \$1.1 million. (Copy attached as Tab 2.)

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Activities Go To Heart of City's Lobbying Law

The activities of the Alliance, Neighbors and related and similarly undisclosed organizations are a perfect example of why the City has a lobbying law. As the Municipal Lobbying Ordinance states: "The citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government as well as the means employed by those interests." (L.A. Muni. Code section 48.01.B(2).) Here, deep-pocketed sources have continued their widespread, highly-coordinated dark lobbying activities, including distributing flyers, signs, mailers, newspaper ads – and now billboards – among other activities, attempting to influence how City officials vote on a pending City government matter. These opposition groups have carefully and repeatedly led the City and the public to believe that these groups are made up of and funded by active and genuine community members and represent the community's true concerns. Yet no one – not the local residents, not other members of the public, not the Planning Commissioners, not the press, and not the other City officials who have made and will be making critical decisions on the Project – actually knows who is paying for these extensive (and expensive) lobbying activities. Therefore, no one really knows whether the City and the public are in fact being intentionally misled by these "community" groups.

The CEC has a duty to identify the funding sources and provide that information to City decision-makers and the public – and should do so before the September 12th Planning Commission meeting. The City's lobbying law requires the identity of these funders to be made public, and require the CEC to conduct an investigation to obtain this information.

Thank you for your prompt attention to this matter, and please feel free to contact us with any questions about these lobbying activities.

Sincerely,

RUTAN & TUCKER, LLP



James R. Sutton

Attachments

- Tab 1 – Billboards
- Tab 2 – Alliance Major Filer Q2 2024
- Tab 3 – Neighbors Website Redesign & Funding Disclosure
- Tab 4 – Beverly Press Homepage Advertisements
- Tab 5 – Beverly Press Full Page Advertisement

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Tab 6 – Letters and Emails Urging Public Action
Tab 7 – May 15 Hearing Follow Up Urging Public Action
Tab 8 – Beverly Press Advertisement & Email Blast
Tab 9 – 8/20/24 Email Blast Urging Public Action
Tab 10 – Beverly Press 8/29/24 Full Page Advertisement

May 9, 2024

VIA E-MAIL & CERTIFIED MAIL

Ken Hardy, Esq.
Director of Enforcement
Los Angeles City Ethics Commission
200 N. Spring St., Ste. 241
Los Angeles, CA 90012-3748

Re: Request for Investigation Into Funding Sources for Television City Opposition Groups and Unreported Lobbying in Connection Therewith

Dear Mr. Hardy:

On behalf of Television City Studios, LLC, the owner of Television City Studios ("TVC") located at 7716-7860 West Beverly Boulevard in Los Angeles, we respectfully request that the City Ethics Commission ("CEC") investigate the source of funds used to support activities promoted by the "Beverly Fairfax Community Alliance," "Neighbors For Responsible TVC Development," "Protect Our Beverly Fairfax Neighborhood," and other related organizations which have spent money opposing the Television City project (the "Project" or "TVC Project"). These organizations are actively attempting to influence City government decision-making, but the spending by their benefactors has not been disclosed on City lobbying reports, as required by the City's lobbying law.¹ Additionally, despite the fact that these organizations have collectively engaged in an organized, million-dollar group effort, there is no evidence that any of them are a bona fide nonprofit entity -- which raises the specter that they are merely "pass-throughs" being used as a surrogate for private, commercial special interests, and which thereby demands investigation by the CEC.

The TVC Project

The TVC Project, which will be considered by City decision-makers at public hearings beginning on May 15, 2024, would preserve the existing studio use and modernize the site into a state-of-the-art production studio. The Los Angeles Times recently profiled the TVC Project, underscoring its Citywide importance. (Article attached as Tab 1.) TVC developed the plan over several years with significant input from industry experts, the community, and City leaders, and TVC and its outside consultants have been disclosing all of their lobbying activities on reports filed with the CEC.

¹For your reference, the official Planning Department numbers for the Project are CPC-2021-4089-AD-GPA-ZC-SN-SP, CPC-2021-4090-DA, VTT-83387 and ENV-2021-4091-EIR.

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Potential “Shell” Opposition Groups

The entity which has reported spending the most money to oppose the TVC Project is the “Beverly Fairfax Community Alliance” (the “Alliance”). According to the Major Filer reports (CEC Form 37) that this “group” has filed with the CEC since the third quarter of 2022, the Alliance has spent almost \$1 million on lobbying against the Project in total throughout 2022 and 2023. (Copies attached as Tab 2.²) It is our understanding that this \$1 million went to a wide array of lobbying activities, including mailers, flyers, newspaper ads, door-to-door canvassers, yard signs, breakfast and happy hour events and socials, etc. (See ads, flyers, signs and social media posts attached as Tab 3.)

We question, however, whether the Alliance is a bona fide entity, or rather simply a shell funded by private commercial interests, especially given the large amount of money which it raised and spent over such a short period of time. Nonprofit corporations are legally required to file Articles of Incorporation and register with the Secretary of State’s office – but the Alliance does not appear on the Secretary of State’s website. Nonprofits are also legally required to register with the Attorney General’s Registry of Charitable Trusts – but the group is not listed on the Registry’s website. The group has also not registered or filed tax returns with the IRS. (Print-outs from regulatory agency websites attached as Tab 4.)

The group sent a letter to the Mid-City West Neighborhood Council opposing the TVC Project in September 2022, days before the Neighborhood Council meeting to vote on the Project, but merely signed it “Beverly Fairfax Community Alliance” rather than listing any person’s name.³ (Copy attached as Tab 5.) The only information in the “Contact” section of its website (<https://www.beverlyfairfaxcommunityalliance.org/>, attached as Tab 6) is a generic email address (info@beverlyfairfaxcommunityalliance.org), and – unlike a bona fide nonprofit – the website does not contain an “About Us” section specifying the type of nonprofit or even a “Donate” button soliciting donations. These omissions arguably create the appearance that the group is trying to hide something.

The lack of any formal filings by this organized million-dollar group, or any other evidence that it is a bona fide nonprofit entity, raises the specter that it is merely a pass-through being used as a surrogate for private commercial interests to hide those entities’ lobbying expenditures against the TVC Project. Again, the large amount of money which the Alliance has reported raising and spending in such a short period of time increases the likelihood that the Alliance is merely a pass-through for some other funding source.

²A first quarter 2024 request does not appear on the CEC website as of the date of this letter.

³We note that sending an anonymous letter to a Neighborhood Council also seems to violate Municipal Code section 48.08.8.

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May 9, 2024
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The Alliance's website and public statements support this conclusion. The website describes The Original Farmers Market and The Grove as the group's "founders," but it does not specify any donors: "The Beverly Fairfax Community Alliance was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City[.]" The website's "Documents" page includes a letter from The Grove and The Original Farmers Market. (<https://www.beverlyfairfaxcommunityalliance.org/documents>, attached as Tab 7.) In addition, a representative of The Original Farmers Market confirmed to the press that The Original Farmers Market and The Grove are funding the Alliance, though the amounts were not specified. (See 8/16/22 L.A. Times article, attached as Tab 8.)

Two other potential shell groups – "Neighbors For Responsible TVC Development" ("Neighbors") and "Protect Our Beverly Fairfax Neighborhood" ("Protect") – have created other websites which urge residents to contact City officials to oppose the TVC Project in addition to hosting a number of gatherings with the same purpose. The Neighbors website even includes Councilwoman Yaroslavsky's telephone number and email address. (<https://www.fixtvc.org/> and <https://protectbeverlyfairfax.org/> attached as Tabs 9 and 10.) These websites clearly trigger the City's lobbying law. Like the Alliance, Neighbors and Protect have not registered with the Secretary of State or Attorney General's office and have not filed tax returns with the IRS. (Printouts attached as Tabs 11 and 12.) The websites do not make any reference to founders or supporters, do not have an "About Us" section, and do not even list basic contact information (<https://www.fixtvc.org/>).⁴

The two websites seem to have been created by a professional consultant, with active graphics, links to numerous City documents and newspaper articles, the ability to join a mailing list, a link to a petition opposing the Project, etc. The websites are clearly not the work of volunteers and easily could have cost \$5,000 or more – yet neither group has filed any Major Filer reports. These new, anonymous websites are further evidence of a concerted effort to keep the identity of the individuals and entities which are paying for this coordinated lobbying campaign against the TVC Project from the public.⁵

⁴ Some press accounts have listed Danielle Schenker Peters and Shelley Wagers as representatives of the Neighbors group. For your reference, their contact information is: dnschenker724@gmail.com, 323/854-0333 and shelley@wagersmail.net, 310/384-9876.

⁵Three full-page ads in the Beverly Press from February and April 2024 say they are paid for by the Alliance, but they send readers to the Neighbors website. In addition, the Alliance website includes a link to the Protect website, and the Protect website includes a link to the Alliance website. (Attached as Tab 13.) These groups therefore seem to be working together – or perhaps they are really one entity created and financed by the same sources that is representing itself as several different "fronts" or "brands" to convey more widespread opposition than really exists.

Ken Hardy, Esq.
May 9, 2024
Page 4

In addition to the websites, Neighbors and Protect have engaged in numerous other opposition activities throughout the years, including hosting meetings and events, sending mailers, distributing flyers door-to-door with paid canvassers, distributing advertisements, posting social media, etc. (See example attached as Tab 14).

Potential Legal Violations

The use of pass-throughs violates both the spirit and legal requirements of the City's lobbying law. The law states that "the citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests." (Muni. Code section 48.01(B).) As you know, to achieve this goal, the law requires individuals and entities which spend \$5,000 or more on grassroots lobbying in a calendar quarter to file a "Major Filer" report disclosing their lobbying activities. (Muni. Code sections 48.02 & 48.08(E).) Given that the Alliance does not appear to be anything more than a name being used on a website, this name cannot properly be characterized as "the person" who has spent almost \$1 million to date on lobbying activities. Merely listing the name of a website, the name printed on a flyer, or even the name of a bank account on a Major Filer report does not give the public any real information about who is funding this million-dollar lobbying effort and does not satisfy the requirements of the law.

The same analysis applies to Neighbors and Protect. The Neighbors and Protect websites are another example of the type of anonymous, unreported efforts to influence City matters which the lobbying law is designed to stop. The appearance of these other anonymous and opaque groups warrants further inquiry by the CEC to determine whether the individuals or entities funding these new efforts are the same people behind the Alliance and whether these new entities should also be filing Major Filer reports.

The Beverly/Fairfax community and the larger public have the right to know who is behind this \$1 million (or more) in lobbying spending. Moreover, Planning Commissioners, City Councilpersons, and other City officials who will be called upon to review the TVC Project – starting with the public hearing before the Hearing Officer and Deputy Advisory Agency on May 15, 2024 – need to know who is spending money to oppose the Project and whether these organizations truly reflect community concern or are merely a "front" for private commercial interests. Planning Department staff, Planning Commissioners and City Councilpersons could view opposition comments differently if they learn that the opposition is being financed by a small group of private commercial special interests with extensive resources which are opposing the TVC Project for their own financial interests, rather than by an organic, community-based effort. This concern is especially relevant here, where at least \$1 million has been spent on glossy mailers, sophisticated ads and a widespread canvassing operation. Again, the City's lobbying law is designed precisely to provide this information and transparency to City decision-makers and the public.

Ken Hardy, Esq.
May 9, 2024
Page 5

Request for Immediate Investigation

Based on these facts, we request that the CEC immediately contact the Alliance, Neighbors, Protect, and anyone else whom you think may have information about the funding sources for these groups in order to determine whether the Major Filer reports filed for the Alliance should have been filed under a different name or names, and whether any other Major Filer reports are due.⁶ To make certain that the City decision-makers know whether the individuals and organizations which may submit written comments or speak at the upcoming public hearings are being paid or influenced by other special interests, we request that the CEC complete its investigation and compel compliance with the law before the public hearings for the TVC Project begin on May 15th.

Thank you very much for your consideration of this request.

Sincerely,

RUTAN & TUCKER, LLP



James R. Sutton

JS:vl

cc: Councilwoman Katy Yaroslavsky
Thao Tran, Councilwoman Yaroslavsky's Field Deputy
Vivian Rescalvo

Attachments:

1. 4/4/24 L.A. Times article
2. Beverly Fairfax Community Alliance Major Filer reports
3. Alliance flyers, mailers, ads, etc.
4. Searches for Alliance on Secretary of State, Attorney General and IRS websites
5. 9.8.22 letter to Mid-City West Neighborhood Council

⁶ For your reference, the contact information for the registered lobbyists for The Grove and The Original Farmers Market are:

- Kate Hennigan-Ohanesian, 213/986-2131, kate@collaborate-la.com
- Nicole Kuklok-Waldman, 818/468-1983, nicole@collaborate-la.com
- Ira Handelman, 818/990-0559, ihandelman@handelmanconsulting.com

Ken Hardy, Esq.
May 9, 2024
Page 6

6. Alliance website
7. 8/4/22 letter from The Original Farmers Market and The Grove
8. 8/16/22 L.A. Times article
9. Neighbors for Responsible TVC Development website
10. Protect Our Beverly Fairfax Neighborhood website
11. Searches for Neighbors on Secretary of State, Attorney General and IRS websites
12. Searches for Protect on Secretary of State, Attorney General and IRS websites
13. 2/22/24, 2/29/24 and 4/18/24 ads in Beverly Press
14. Protect flyer



BUSINESS

Studio owners revise plans for \$1-billion update of historic Television City



The main entrance to Television City on Beverly Boulevard at Genesee Avenue as proposed by studio owner Hackman Capital Partners. (Courtesy of Foster + Partners and Television City)

By Roger Vincent
Staff Writer

April 4, 2024 3 AM PT

The owners of Television City have scaled back their plans to enlarge and modernize the landmark Los Angeles studio where CBS began making shows to broadcast nationwide at the dawn of the television age.

Formerly known as CBS Television City, the studio sits next to popular tourist attractions the Original Farmers Market and the Grove shopping center in the Fairfax district where it has been operating since 1952 as a factory for such hit shows as “All in the Family,” “Sonny and Cher” and “American Idol.”

CBS sold the famous studio for \$750 million in 2019 to Hackman Capital Partners, one of the world’s largest movie lot owners and operators. CBS continues to occupy Television City as a tenant.



An architect's rendering of the planned office and production space at Television City, an entertainment studio in the Fairfax district of Los Angeles. (Courtesy of Foster + Partners and Television City)

Hackman Capital announced a \$1.25-billion plan two years ago to expand and upgrade facilities on the lot at Beverly Boulevard and Fairfax Avenue in hopes of harnessing strong demand in the region for soundstages, production facilities and offices for rent on studio lots.

Hackman Capital on Friday will update its application to the city to enhance the studio, saying it is responding to feedback about the project from nearby residents, stakeholders and city officials. If approved, the new project is expected to be completed by 2028.

The studio owners also brought in a new design architect, Foster + Partners. The London-based firm is led by Norman Foster, a prominent architect whose designs include the pickle-shaped Gherkin skyscraper in London and the master plan for the \$2-billion One Beverly Hills condominium and hotel complex under construction in Beverly Hills.



REAL ESTATE

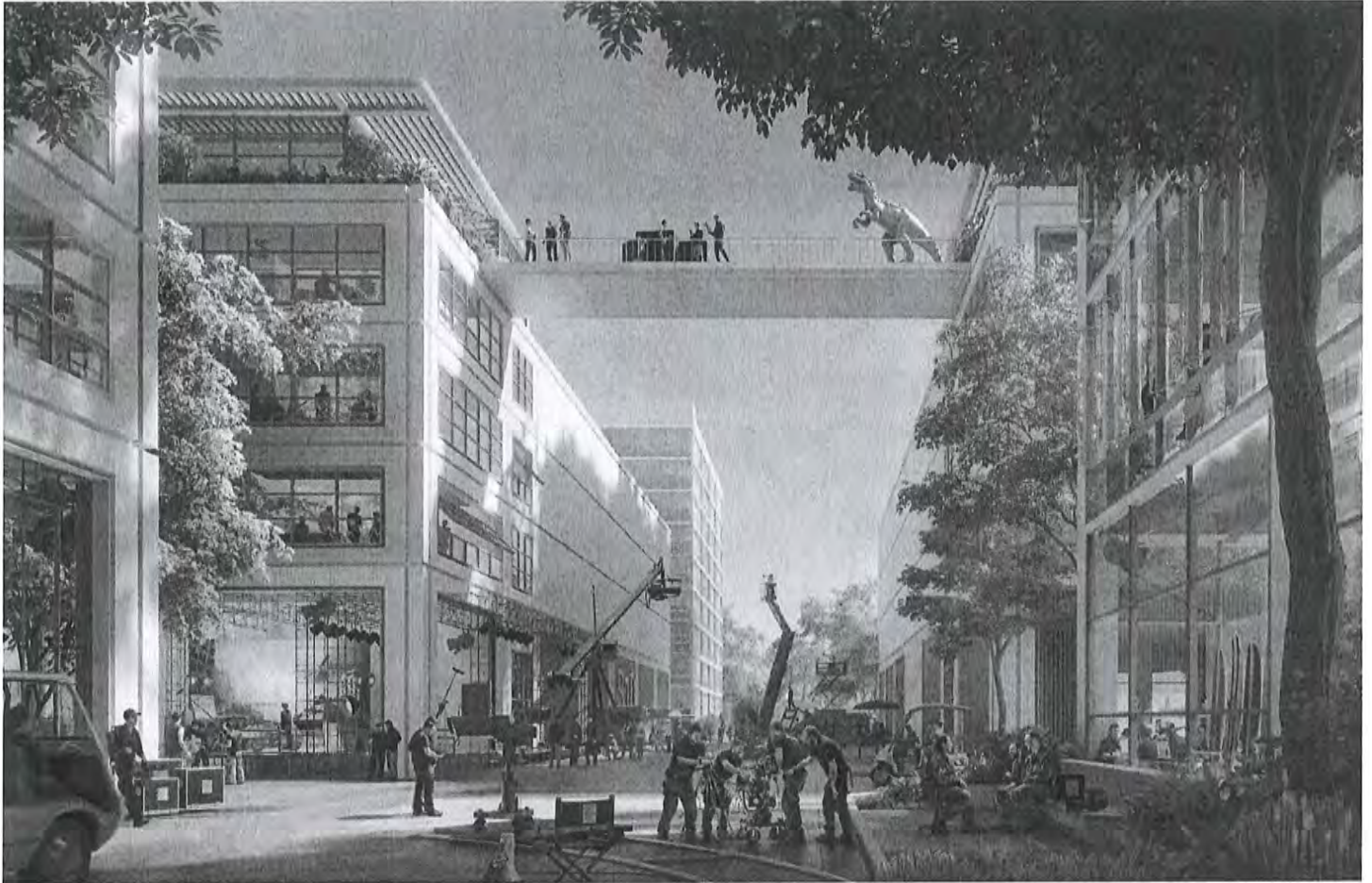
Work begins on transformative condo and hotel development in Beverly Hills

Feb. 8, 2024

Hackman Capital, which operates studios in the U.S., Canada and U.K., is also responding to changing conditions in the office rental market, which has contracted since the COVID-19 pandemic drove many companies to work remotely at least some of the time. Plans still call for creating new offices, but there would be fewer of them.

Foster's new design eliminates a 15-story office tower on the west side of the lot, cutting 150,000 square feet of offices to rent to entertainment-related firms. Another 15-story office tower remains in the plan, but other building heights have been lowered, particularly along the perimeters, Hackman Capital said.

ADVERTISEMENT



An architect's rendering of plans for Television City. (Courtesy of Foster + Partners and Television City)

The plan still represents an addition of more than 980,000 square feet to the 25-acre site at Beverly Boulevard and Fairfax Avenue that retains a suburban-style low-density appearance with soundstages, low-rise offices and support facilities flanked by asphalt parking lots.

The company's proposal calls for combining old and new space to create 700,000 square feet of offices to support production on the lot and an additional 550,000 square feet of offices for rent to entertainment and media companies, the company said.

Office space behind studio gates is in high demand in the Los Angeles area and has been snapped up at other studios by such big Hollywood players as Netflix and Amazon.

“The industry wants to have a location where they can do production and have offices in a self-contained campus environment,” said real estate broker Jeff Pion of CBRE, who represents Hackman Capital. “Having all of the different components that make up production in one location is very attractive to the industry.”

Plans for Television City also call for a new commissary and more than four acres for production base camps. The streetscapes would be improved to be more visually appealing to passersby, with wider sidewalks.

On Fairfax Avenue, where pedestrians now pass by a fenced parking lot, there would be shops and restaurants serving the public on the ground floor of office buildings that could be reached only from inside the lot.

COMPANY TOWN

CBS sells Television City for \$750 million to Los Angeles real estate developer

Dec. 10, 2018

The separation is part of the balancing act Hackman Capital is attempting to make Television City feel more friendly to the neighborhood while retaining the security and exclusivity of a closed campus that appeals to celebrities and others who make movies and television shows.

Landlords can also charge a premium for office space on movie lots because they are close to the action for independent production companies and offer the cachet prized by many in the entertainment industry.

Filming activity in Los Angeles has fallen off substantially in the wake of strikes by writers and actors last year, according to FilmLA, a nonprofit organization that tracks on-location shoot days and filming permits in the region. The downward trend compounded a dip that emerged in late 2022 as on-location filming in Los Angeles took a dive as studios pared back movie and TV production that surged during the COVID-19 pandemic.



A rendering of the entrance to the planned mobility hub on Fairfax Avenue where shuttle buses from a nearby subway station would come and go. (Courtesy of Foster + Partners and Television City)

California is finding it particularly hard to rebound from the strikes because it's more expensive to shoot here, multiple production executives told The Times. That makes Los Angeles less attractive to studios looking to cut costs after major industry disruption.

To Hackman Capital Chief Executive Michael Hackman, the downturn and filming pullback from California suggest that regulators and studio operators should further support production companies.

“Our actual customers tell us all of them want to stay in Los Angeles,” he said. “We have the best crews in the world here, but we don’t have enough modern soundstages in premier locations. We also have to push the state on tax incentives so that we don’t lose business outside of the city.

“The entertainment industry is our city signature industry and if we don’t invest in the future, we’re really at risk of losing it,” Hackman said. “We’re still emerging from a once-in-a-generation dual strike. And the production stoppage cost Angelenos approximately \$6.5 billion or more in lost wages and economic activity, which makes it clear how important this industry is to our city, and especially the people who work in entertainment every day.”

Hackman Capital’s proposal calls for raising the number of Television City stages to at least 15, from 8, along with production support facilities.

To make room for the planned additions, parking would be converted from surface lots to garage structures and underground spaces capable of parking 4,930 vehicles.

Two stages built in the 1990s on the east side of the lot would be demolished as part of a planned reconfiguration of the site.

The four original stages built by CBS in 1952 would be preserved along with other historical design elements created by Los Angeles architect William Pereira, who also designed such noteworthy structures as the futuristic Theme Building in the middle of Los Angeles International Airport and the Transamerica Pyramid office tower in San Francisco.

Pereira's long-range plan for Television City conceived in the 1950s was expansive, said Bob Hale, creative director of Rios, the master plan architect of Hackman Capital's proposed makeover. Hale said Pereira's original concept called for the complex to grow to 24 stages and 2.5 million square feet of production space, including several multistory office buildings.

"It was built in a way that it could be disassembled and incrementally extended," Hale said. "For a number of reasons, that didn't happen."

In an effort to make it happen now, Hackman Capital set out to get the support of Councilwoman Katy Yaroslavsky and the surrounding community. Over five years, the company met with nearly 3,000 neighbors, Hackman Capital said.

Among the groups supporting the project are the Holocaust Museum LA, Los Angeles Conservancy, Los Angeles/Orange Counties Building and Construction Trades Council, Mid City West Neighborhood Council and FilmLA, Hackman Capital said.

The first proposal drew fire from neighboring businesses the Grove and Farmers Market, which sent letters to residents in 2022 calling the Television City project a "massively scaled, speculative development which, if approved, would overwhelm, disrupt, and forever transform the community."

In July 2022, an executive representing Grove owner Rick Caruso appeared before a committee of the Mid City West Neighborhood Council and said the Television City project would create "complex" issues for the neighborhood, including traffic, parking and construction. Caruso himself has said he does not oppose the redevelopment of Television City.

The Beverly Fairfax Community Alliance, which was founded by the Grove and Farmers Market, has been more blunt, warning that the expanded site would clog Fairfax Avenue, Beverly Boulevard, La Brea Avenue and 3rd Street with traffic.



The signature red awning at Television City as seen from Beverly Boulevard. (Courtesy of Foster + Partners and Television City)

“Even those accustomed to living with L.A. traffic and parking nightmares will be shocked at how much worse it can be,” the group said on its website.

To address such concerns, Hackman Capital said the new plan will reduce the number of estimated daily car trips to Television City by 5,000 to 8,700. The landlord also plans to move its “mobility hub” from The Grove Drive on the east side to Fairfax at 1st Street on the west side of the lot. The mobility hub would serve public transit, rideshares and other passenger drop-offs as well as employee shuttle buses to the subway stop being built at Fairfax and Wilshire Boulevard.

“Our goal with Television City, particularly along the perimeter on our public edges, was to find a really great interface with the community. So it wasn’t just a studio with a blank wall, but we were active and engaged,” said Brian Glodney, a development executive for Hackman Capital.

Community members told Hackman Capital said they want the streets outside the studio to have a sense of connection between mom-and-pop businesses on Fairfax, the Farmers Market, the Grove and Pan Pacific Park, Glodney said.

Outlets on the edge of the lot such as shops and restaurants will be limited to a total of 20,000 square feet, he said, “just enough to help activate the streets but not compete with our neighbors.”

More to Read

Downtown L.A. is hurting. Frank Gehry thinks arts can lead a revival

April 12, 2024



L.A. City Council backs 520-unit apartment complex at Sportsmen’s Lodge site

April 3, 2024



Historic Sportsmen’s Lodge hotel may be demolished for 520-unit apartment complex

April 3, 2024



Roger Vincent

Roger Vincent covers commercial real estate for the Los Angeles Times.

FORM
37

Major Filer Report

Los Angeles City
ETHICS COMMISSION

A person other than a lobbying entity who makes payments or incurs expenditures of \$5,000 or more in a calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities for the purpose of attempting to influence City action must disclose those payments and expenditures on this form. **The form must be filed by the last day of the month following the end of the quarter**

☒ Original Filing ☐ Amendment: Date of Signed Original _____ Date of Last Amendment _____

Year: <u>2022</u>	Quarter: <input type="checkbox"/> 1st (Jan. 1 - Mar. 31)	<input type="checkbox"/> 2nd (Apr. 1 - Jun. 30)	<input type="checkbox"/> 3rd (Jul. 1 - Sep. 30)	<input checked="" type="checkbox"/> 4th (Oct. 1 - Dec. 31)
Filer Name BEVERLY FAIRFAX COMMUNITY ALLIANCE				
Name of Organization (if filer is an individual)				
Address [REDACTED] SAN RAFAEL, CA 94901				
Email Address LOCALLOBBY@NMGGOVLAW.COM			Phone Number 415-389-6800	
Name and Phone Number of Preparer (if different from filer) JASON D. KAUNE				

Summary of Activity

Total payments made or expenditures incurred this quarter in connection with attempts to influence City action: \$ 110,383.14

City Action Being Influenced

City Number (council file, contract, etc.)	Description of Legislation or Issue	Expense Made or Incurred
1. ENV-2021-4091-EIR	TVC 2050 Project- Community outreach, public relations	\$ 110,383.14
2.		\$
3.		\$
4.		\$

☐ _____ additional sheets are attached.

Certification

I declare under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information on this form is true and complete.

JASON D. KAUNE, ATTORNEY & AGENT FOR FILER

Name

Signature

1/31/2023

Date

FORM
37

Major Filer Report

Los Angeles City
ETHICS COMMISSION

A person other than a lobbying entity who makes payments or incurs expenditures of \$5,000 or more in a calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities for the purpose of attempting to influence City action must disclose those payments and expenditures on this form. **The form must be filed by the last day of the month following the end of the quarter.**

☒ Original Filing ☐ Amendment: Date of Signed Original _____, Date of Last Amendment _____

Year: <u>2022</u>	Quarter: <input type="checkbox"/> 1st (Jan. 1 - Mar. 31)	<input type="checkbox"/> 2nd (Apr. 1 - Jun. 30)	<input checked="" type="checkbox"/> 3rd (Jul. 1 - Sep. 30)	<input type="checkbox"/> 4th (Oct. 1 - Dec. 31)
Filer Name BEVERLY FAIRFAX COMMUNITY ALLIANCE		LOS ANGELES CITY ETHICS COMMISSION		
Name of Organization (if filer is an individual)		NOV 01 2022		
Address [REDACTED] SAN RAFAEL, CA 94901		RECEIVED		
Email Address LOCALLOBBY@NMGGOVLAW.COM		Phone Number 415-389-6800		
Name and Phone Number of Preparer (if different from filer) JASON D. KAUNE				

Summary of Activity

Total payments made or expenditures incurred this quarter in connection with attempts to influence City action: \$ 260,086.76

City Action Being Influenced

City Number (council file, contract, etc.)	Description of Legislation or Issue	Expense Made or Incurred
1. ENV-2021-4091-EIR	TVC 2050 Project- Community outreach, public relations	\$260,086.76
2.		\$
3.		\$
4.		\$

☐ _____ additional sheets are attached.

Certification

I declare under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information on this form is true and complete.

JASON D. KAUNE, ATTORNEY & AGENT FOR FILER

Name

Signature

10/31/2022

Date

FORM
37

Major Filer Report

JAN 31 2024

Los Angeles City
ETHICS COMMISSION

RECEIVED

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☒ **Original Filing** ☐ **Amendment:** Date of Signed Original _____ Date of Last Amendment _____

Year: 2023 Quarter: ☐ 1st (Jan. 1 - Mar. 31) ☐ 2nd (Apr. 1 - Jun. 30) ☐ 3rd (Jul. 1 - Sep. 30) ☒ 4th (Oct. 1 - Dec. 31)

Name of Organization/Individual who made or incurred the expenditure(s)
BEVERLY FAIRFAX COMMUNITY ALLIANCE

Address
[REDACTED] **SAN RAFAEL, CA 94901**

Email Address Phone Number
LOCALLOBBY@NMGVLAW.COM **(415) 389-6800**

Name and Phone Number of Preparer (if different from filer)
JASON D. KAUNE

Summary of Activity

Total payments made or expenditures incurred this quarter in connection with attempts to influence City action: \$ 40,736.00

City Action Being Influenced

City Number (Council File, Contract, etc.)	Description of Legislation or Issue	Expense (Made or Incurred)
1. ENV-2021-4091 -EIR	TVC 2050 PROJECT - COMMUNITY OUTREACH, PUBLIC RELATIONS	\$ 40,736.00
2.		\$

☐ _____ additional sheets are attached.

Certification

I declare under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information on this form is true and complete.

JASON D. KAUNE, ATTORNEY & AGENT FOR FILER

Name of Responsible Officer

Signature

01/31/2024

Date

FORM
37

Major Filer Report

LOS ANGELES CITY
ETHICS COMMISSION

MAY 02 2023

Los Angeles City
ETHICS COMMISSION

A person other than a lobbying entity who makes payments or incurs expenditures of \$5,000 or more in a calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities for the purpose of attempting to influence City action must disclose those payments and expenditures on this form. **The form must be filed by the last day of the month following the end of the quarter.**

☒ Original Filing ☐ Amendment: Date of Signed Original _____ Date of Last Amendment _____

Year: 2023 Quarter: ☒ 1st (Jan. 1 - Mar. 31) ☐ 2nd (Apr. 1 - Jun. 30) ☐ 3rd (Jul. 1 - Sep. 30) ☐ 4th (Oct. 1 - Dec. 31)

Filer Name

BEVERLY FAIRFAX COMMUNITY ALLIANCE

Name of Organization (if filer is an individual)

Address

SAN RAFAEL, CA 94901

Email Address

LOCALLOBBY@NMGVLAW.COM

Phone Number

415-389-6800

Name and Phone Number of Preparer (if different from filer)

JASON D. KAUNE

Summary of Activity

Total payments made or expenditures incurred this quarter in connection with attempts to influence City action: \$ 543,269.96

City Action Being Influenced

City Number (council file, contract, etc.)	Description of Legislation or Issue	Expense Made or Incurred
1. ENV-2021-4091-EIR	TVC 2050 PROJECT - COMMUNITY OUTREACH, PUBLIC RELATIONS	\$ 543,269.96
2.		\$
3.		\$
4.		\$

☐ _____ additional sheets are attached.

Certification

I declare under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information on this form is true and complete.

JASON D. KAUNE, ATTORNEY & AGENT FOR FILER

Name

Signature

4/29/23

Date

FORM
37

Major Filer Report

Los Angeles City
ETHICS COMMISSION

A person other than a lobbying entity who makes payments or incurs expenditures of \$5,000 or more in a calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities for the purpose of attempting to influence City action must disclose those payments and expenditures on this form. **The form must be filed by the last day of the month following the end of the quarter.**

☒ **Original Filing** ☐ **Amendment:** Date of Signed Original _____ Date of Last Amendment _____

Year: 2023 Quarter: ☐ 1st (Jan. 1 - Mar. 31) ☒ 2nd (Apr. 1 - Jun. 30) ☐ 3rd (Jul. 1 - Sep. 30) ☐ 4th (Oct. 1 - Dec. 31)

Filer Name

BEVERLY FAIRFAX COMMUNITY ALLIANCE

LOS ANGELES CITY
ETHICS COMMISSION

Name of Organization (if filer is an individual)

JUL 31 2023

Address

SAN RAFAEL, CA 94901

RECEIVED

Email Address

LOCALLOBBY@NMGVLAW.COM

Phone Number

415-389-6800

Name and Phone Number of Preparer (if different from filer)

JASON D. KAUNE

Summary of Activity

Total payments made or expenditures incurred this quarter in connection with attempts to influence City action: \$ 31,388.33

City Action Being Influenced

City Number (council file, contract, etc.)	Description of Legislation or Issue	Expense Made or Incurred
1. ENV-2021-4091-EIR	TVC 2050 PROJECT - COMMUNITY OUTREACH, PUBLIC RELATIONS	\$ 31,388.33
2.		\$
3.		\$
4.		\$

☐ _____ additional sheets are attached.

Certification

I declare under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information on this form is true and complete.

JASON D. KAUNE, ATTORNEY & AGENT FOR FILER

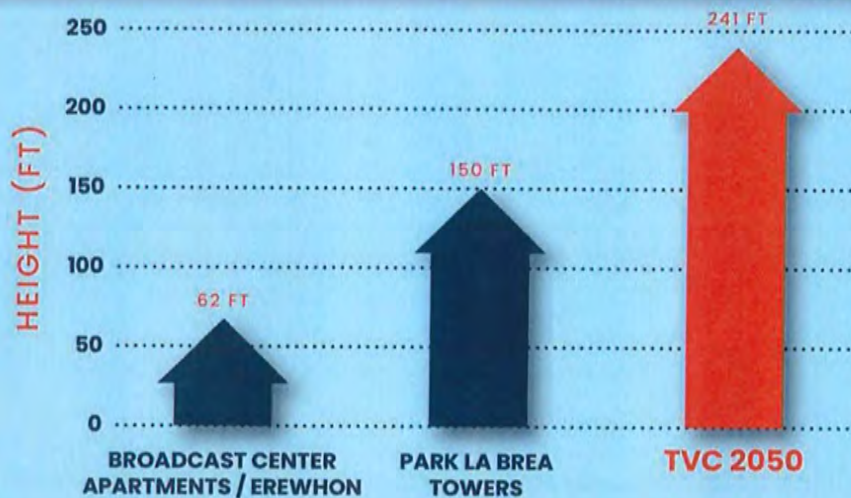
Name

Signature

7/27/23

Date

TELEVISION CITY EXPANSION **IS TOO BIG FOR BEVERLY FAIRFAX!**



**TOO BIG
FOR OUR
COMMUNITY!**
2X THE SIZE AND
AND HEIGHT OF THE
BEVERLY CENTER

**MORE
GRIDLOCK!**
8,000 WORKERS/DAY
AND 5,300 PARKING
SPACES PLANNED

**DUMP TRUCKS
FOR YEARS!**
120,000 DUMP
TRUCK TRIPS, JUST
FOR EXCAVATION

**DECADES OF
DISRUPTION TO
OUR DAILY LIVES**
CONSTRUCTION
TO LAST FOR
UP TO 20 YEARS



BEVERLY FAIRFAX
COMMUNITY ALLIANCE

URGENT: ACTION IS NEEDED NOW!

Call or email **Councilmember Yaroslavsky**
and tell her the project is just too big and must be downsized!
(213)473-7005 | Councilmember.Yaroslavsky@LACity.org

Visit WWW.FIXTVC.ORG to learn more.

Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

TVC 2050 IS NOT FOR BEVERLY FAIRFAX

The TVC 2050 Project is the proposed highway development of the 2050 Freeway Corridor from Beverly Hills to Los Angeles. It is a project that will impact our community.

The project will create a wide boulevard on the street, with a median, with a 6,000 vehicle per hour capacity. It will require the acquisition of 300 additional acres of land, including 100 acres of agricultural land, 100 acres of open space, and 100 acres of residential land.

JOIN THE BEVERLY FAIRFAX COMMUNITY ALLIANCE



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Call us: 213-446-9038



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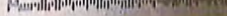
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P.O. BOX 20014

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TELEVISION CITY'S EXPANSION IS A MASSIVE PROJECT WITH LONG TERM CONSEQUENCES

- SIZE** The proposed development is nearly 10 times larger than the existing development of the Beverly Center.
- TRAFFIC** With a new 5,000-space parking structure, 8,000 projected daily vehicles, and thousands of additional vehicles at 16 sound stages, the project will result in gridlock on our streets.
- MASSIVE DUMP TRUCKS FOR YEARS** Up to 772,000 cubic yards of dirt will be hauled in and out of the site, creating over 100,000 trips by 20 lot trucks driving through and polluting the community.
- DENSITY** This project is proposing to designate the property as a "Regional Center" like Century City and downtown Los Angeles. This has drastic implications for the future infrastructure of development for our entire community.

Support Project 2000 as it moves forward with a

I WANT MY VOICE TO BE HEARD

Name: _____
Address: _____
Phone: _____
Email: _____

The 2000 Development Plan is a key document in the City's planning process. It sets the vision for the future of the City and the region. We need your input to make sure the plan reflects the needs of all residents.

What impacts of the 2000 Plan are you most concerned about?

- ☐ Years of construction and truck trips
- ☐ Not suitable for our community
- ☐ Gridlock traffic problems in our neighborhoods
- ☐ Other _____





6:49



+1 (213) 585-4780

Text Message
Today 6:43 PM

Hi, my name is Sasha with the Beverly Fairfax Community Alliance. There is an important Zoom hearing on Tuesday at 6:30pm about the massive CBS Television City expansion that could choke our streets with traffic and cause residents to pay higher rents. Can you attend and speak in opposition?

Reply STOP to opt-out.

I support this project



Text Message



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BY EDWIN FOLVEN / AUGUST 10, 2022

Alliance opposes TV City project



Images posted online show an illustrative concept for the TVC 2050 project proposed by Hackman Capital Partners. (rendering courtesy of Hackman Capital Partners)

The Mid City West Community Council's Planning and Land Use Committee is scheduled to consider an expansion plan by the owners of Television City at a virtual meeting on Aug. 15, from 6:30-9 p.m., via Zoom.

The plan, known as the TVC 2050 Project, is proposed by Hackman Capital Partners, which purchased the Television City Complex from CBS in 2018. It will transform the 25-acre Television City property near Beverly Boulevard and Fairfax Avenue, creating 1,874,000 square feet of sound stages, production support space, office space and retail uses on the site, according to an environmental impact report that has been available for public review since July 14.

Opposition to the proposal has surfaced from the Beverly Fairfax Community Alliance, which is comprised of the ownership of The Grove and the A.F. Gilmore Company, owner of the Original Farmers Market. The Grove and Farmers Market are located next to the Television City property. The alliance is calling attention to the project and asking the public to participate in the upcoming Mid City West committee meeting and to review the EIR and provide input.

"The Beverly Fairfax Community Alliance was formed to publicly raise and address significant concerns regarding Hackman Capital's proposal to massively redevelop Television City (formerly CBS Television City) at Beverly Boulevard and Fairfax

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kramer

Avenue," read a statement from the Beverly Fairfax Community Alliance. "The project, which includes 2 million square feet, two 20-story office buildings, a 5,300-car parking garage and 14 giant sound stages would forever transform and overwhelm the community with traffic, construction, trucking, parking restrictions, pollution and health and safety hazards. To accommodate the enormous scale and density of the project, the developer seeks to change the designation of the property to a 'Regional Center' like Century City and Downtown Los Angeles. We encourage the community to learn more about this project on our website at beverlyfairfaxcommunityalliance.org."

The project will include 1,626,180 square feet of new development, the retention of approximately 247,820 square feet of existing area and the demolition of 495,860 square feet of existing media production facilities, according to the EIR, which is available for review online. The existing main central building and façade on the Television City campus, which are designated as a city of Los Angeles Historic-Cultural monument, will be preserved under the plan, and new buildings will be built elsewhere on the property, according to the EIR.

Zach Sokoloff, senior vice president of Hackman Capital Partners, said in a statement that the project will be beneficial to the Los Angeles community and the owner has been transparent about details of the project.

"In recent years, California has lost nearly \$8 billion in economic activity, 28,000 jobs and over \$350 million in revenue for state and local budgets from film and television productions relocating to other states due, in part, to an acute shortage of soundstages. In 2021, Television City announced TVC 2050: The Los Angeles Studio Plan, a \$1 billion-plus investment to preserve its use as a studio and modernize production facilities, balancing economic growth, community input and historic preservation. This investment in Television City will allow the studio to meet the constantly evolving physical and technological demands of the entertainment industry, create thousands of new, good-paying jobs and reaffirm the city's status as the creative capital of the world. For years, TVC 2050 has taken a proactive and transparent approach working with our neighbors, meeting and engaging with hundreds of community members and ensuring project details and visualizations were fully disclosed and published in dozens of regional and local media outlets," Sokoloff said in the statement. "Our plan has earned broad support from residential and small business neighbors, nonprofits, community groups including the Melrose BID, business entities including the Los Angeles Area Chamber of Commerce and Los Angeles County Business Federation, organized labor including the Los Angeles/Orange Counties Building and Construction Trades Council, and the Los Angeles Conservancy. We look forward to further review from the Mid City West Neighborhood Council Planning and Land Use Committee."

Hackman Capital Partners is planning to present information on the project at the Mid City West Planning and Land Use Committee on Aug. 15.

To participate via Zoom, visit us02web.zoom.us/j/84194294834. To listen by phone, call (302)289-3283 and use the code 147 495 941.

The public can review and make comments on the EIR until Monday, Aug. 29. To review the EIR, visit planning.lacity.org/odocument/d9c98079-01e0-4e40-bdf2-dc1b178a9dbb/TVC_2050_Project_initial_Study.pdf.



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1 COMMENT



BS
AUG 17, 2022

Alliance? You mean Caruso, don't you? Boo Hoo, there might be construction and temporary traffic issues near one of his properties. Forget the long-term benefit to the community and the industry. Not to mention all the workers he'll have next-door bound to bring increased revenues to the Grove once they're there. Both selfish and shortsighted. Why try and paint it as some sort of community initiative when it's crass NIMBYism?

Leave a Reply

Comment *

Name *

Email *

Website



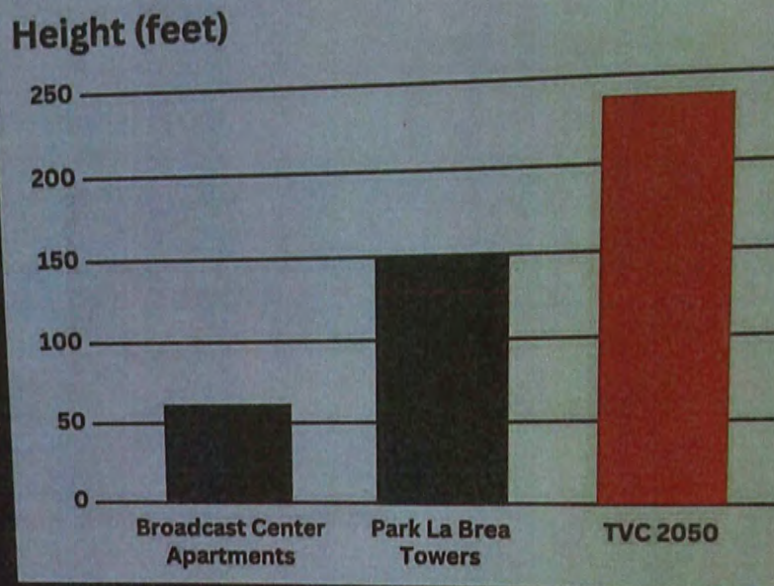
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THE TELEVISION CITY EXPANSION IS TOO BIG FOR BEVERLY FAIRFAX!



URGENT: ACTION IS NEEDED!

8,000 new employees will want to live near work.
RENTS WILL GO THROUGH THE ROOF!

Call or email Councilmember Yaroslavsky!
Tell her the Television City expansion IS TOO BIG!
(213) 473-7005 | councilmember.yaroslavsky@lacity.org



BEVERLY FAIRFAX
COMMUNITY ALLIANCE

Join our Zoom on 3/7 at 7 PM: <https://bit.ly/FixTVCZoom>

Visit WWW.FIXTVC.ORG to learn more

Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

Note from PLBRA: this page is a paid advertisement

Close

Chat



Kate Hennigan to Me (Direct Message)



Yes

Kate@collaborate-la.com

626.644.5313

Happy to help

Me to Kate Hennigan (Direct Message)

You are with who? What is collaborate.

IG

Kate Hennigan to Me (Direct Message)



The Beverly Fairfax community alliance hired me to help get community members organized to speak at the meeting tomorrow night.

Send to: Kate Hennigan ▾

Tap here to chat or tap a message to reply



Who can see your messages? Recording On





Kate Hennigan to Everyone

Please join us on Tuesday, September 13 to express your opposition to the TVC 2050 current plan.

When: Tomorrow, Tuesday, September 13 at 6:30PM

Where: Zoom Webinar ID: 871 153 10533

Join online at <https://us02web.zoom.us/j/87115310533>
or by telephone at +1 669 900 6833,,87115310533#
(Toll Free)

Press *9 to raise hand for public comment

Agenda: https://drive.google.com/file/d/1JvvQCjIbWnudYic6AnUb__J9LJSvo0pi/view

Please feel free to email or call me with any questions. I can be reached on my cell phone at 626.644.5313.
Thank you.

Send to: Danielle Peters, Beverly Grove Resident ~

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Business Search

The California Business Search provides access to available information for **corporations**, **limited liability companies** and **limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.

Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

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A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, **remove "C"** from the entity number. Note, **a basic search will search only ACTIVE entities** (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a contains ?keyword? search. The Advanced search allows for a ?starts with? filter. To search entities that have a status other than active or to refine search criteria, use the **Advanced** search feature.

Advanced Search

An Advanced search is required when searching for publicly traded disclosure information or a status other than active.


An Advanced search allows for searching by specific entity types (e.g., Nonprofit Mutual Benefit Corporation) or by entity groups (e.g., All Corporations) as well as searching by ?begins with? specific search criteria.

Disclaimer: Search results are limited to the 500 entities closest matching the entered search criteria. If your desired search result is not found within the 500 entities provided, please refine the search criteria using the Advanced search function for additional results/entities. The California Business Search is updated as documents are approved. The data provided is not a complete or certified record.


Although every attempt has been made to ensure that the information contained in the database is accurate, the Secretary of State's office is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is." To order certified copies or certificates of status, (1) locate an entity using the search; (2) select Request Certificate in the right-hand detail drawer; and (3) complete your request online.

Entity Information	Initial Filing Date	Status	Entity Type	Formed In	Agent
BEVERLY FAIRFAX BEEPERS, INC. (1788176)	> 07/30/1996	Suspended - FTB/SOS	Stock Corporation - CA - General	CALIFORNIA	LIAD ASGAD
BEVERLY FAIRFAX COMMUNITY CENTER (192271)	> 04/01/1943	Suspended - FTB	Nonprofit Corporation - CA - General	CALIFORNIA	
BEVERLY FAIRFAX COMMUNITY PATROL WEST (1964442)	> 03/21/1996	Terminated - FTB Admin	Nonprofit Corporation - CA - Public Benefit	CALIFORNIA	MINDY LAKE
BEVERLY FAIRFAX GREYHOUND BREEDERS ASSOCIATION (70154184)	> 06/01/1933	Suspended - FTB	Legacy Corporation	CALIFORNIA	
BEVERLY FAIRFAX GREYHOUND OWNERS ASSOCIATION (70154183)	> 06/01/1933	Suspended - FTB	Legacy Corporation	CALIFORNIA	
Save Beverly Fairfax (5615152)	> 03/29/2023	Active	Nonprofit Corporation - CA - Public Benefit	CALIFORNIA	DALE KENDALL

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Need Help? See [Search Tips](#) for guidance on effective searching, search criteria and logic, and selecting search terms.

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Search Again

ORGANIZATION NAME	RECORD TYPE	REGISTRY STATUS	RCT NUMBER	FEIN	CITY	ST
BEVERLY FAIRFAX COMMUNITY PATROL WEST	Charity Registration	Dissolved	101973		BEVERLY HILLS	CA

----- Forwarded message -----

From: **Beverly Fairfax Community Alliance** <info@beverlyfairfaxcommunityalliance.org>
Date: Thu, Sep 8, 2022 at 8:05 PM
Subject: TVC 2050
To: <info@midcitywest.org>
Cc: <paul.koretz@lacity.org>, <info@katyforla.com>, <info@samforla.com>, <vince.bertoni@lacity.org>

Mid-City West Neighborhood Council
5101 Santa Monica Blvd., Suite 8
PMB #268
Los Angeles, CA 90029

Re: TVC 2050

We understand that on September 13th, TVC 2050 will ask that the Mid-City West Neighborhood Council Board endorse its Project. The Beverly Fairfax Community Alliance respectfully requests that, for the reasons discussed below, the Board either (a) take no action until a Final Environmental Impact Report is made available for the Project; or (b) decline to endorse the Project because of the dramatically adverse impacts it would have on the Beverly Fairfax community.

A. The Board Should Take No Action

The Draft EIR – comprised of thousands of pages of descriptive and highly technical analytic material – was released for public review on July 14th. On September 13th, the period for the city to receive questions and comments on the Draft EIR will close. It is premature and inappropriate for TVC 2050 to ask the Neighborhood Council to endorse its Project before the City Planning Department has evaluated and responded to the questions and comments submitted by the community. There should be no rush when the community's future character is at stake.

Simply put, as a responsible Brown Act body elected to provide informed input to the City, the Neighborhood Council should base its recommendation on complete information; that is, a Final EIR prepared by the Planning Department that includes public comments to the Draft EIR (and responses to those comments), revised analyses, and changes (if any)

to the Project that may be made. Moreover, if the Neighborhood Council were to endorse the Project at this time, its recommendation would be suspect because the Board did not base its recommendation on a Final EIR.

B. The Board Should Decline to Endorse the Project

If the Board feels compelled to take an action on the Project before the Final EIR is complete, it should decline to endorse the Project for the following basic reasons (each of which is independently sufficient to reject the Project):

- As proposed, the Project is Out-of-Character with the Beverly-Fairfax Community. The Project is not a community-serving use and is located almost 3 miles away from the 10 Freeway (and the 101 Freeway is even further away). A use of this type, which is so heavily dependent on out of the area truck and automobile traffic, should be located close to freeways – not in the middle of what is today a low-scale, primarily residential, community. Despite the Developer's representations, no one can doubt that TVC 2050 would add to the already insufferable gridlock that afflicts our community.
- The Project should provide housing, including affordable housing, to support its new employees. The Project will employ approximately 8,000 workers but includes no housing whatsoever. Adding 5,700 new workers without corresponding housing will put enormous pressure on area rents. This will foreseeably lead to displacement of existing renters (particularly low income and the elderly) and lead to an increase in area rents in the midst of what is already a 'housing crisis'.
- Beverly-Fairfax should not become a "Regional Center" as proposed by TVC 2050. The existing, neighborhood commercial character of the community should be protected. Designating Beverly-Fairfax as a "Regional Center" (like Century City or Downtown Los Angeles) would pave the way for further intense redevelopment of the area. Certainly, a change this dramatic should not be made out of the context of a comprehensive update to the severely-out-of-date Wilshire Community Plan.
- The Draft EIR misrepresents the actual size of the Project. The Draft EIR's traffic, air quality, noise, and employment analyses do not include approximately 350,000 square feet of studio and production support area that TVC calls "Base Camp" space. Thus, the Project's FAR is significantly larger, and its effects are greater than the Draft EIR represents.
- TVC 2050 will cause an "Excessive Traffic Burden" on nearby residential streets, including the Beverly Fairfax National Historic District. LADOT has determined that in addition to compounding gridlock along Fairfax, Beverly and Third Streets, the Project's 5,300-space parking

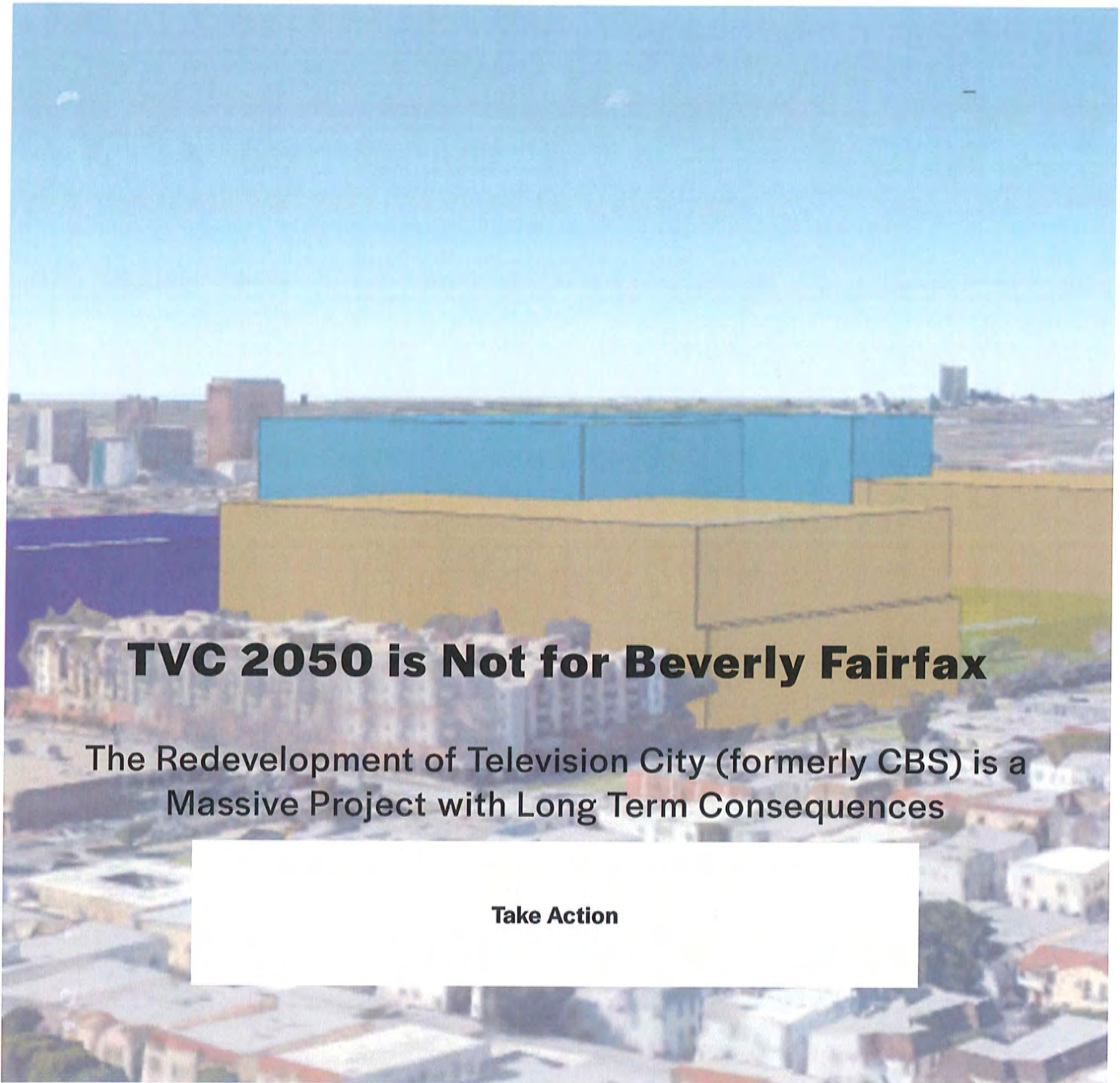
structure, 8,000 projected daily workers, and thousands of audience members at 14 sound stages, TVC 2050 will cause excessive cut-through traffic to the residential streets of the Beverly Fairfax National Historic District and other adjacent residential streets located north and west of the Project.

Thank you for your consideration.

Sincerely,

The Beverly Fairfax Community Alliance

cc: Vince Bertoni, City Planning Director
Councilmember Paul Koretz
Katy Yaroslavsky, candidate for City Council
Sam Yebri, candidate for City Council



Have you heard of the TVC 2050 project?

TVC 2050 is the proposed massive development of the CBS Television City site at Beverly and Fairfax which will significantly impact our community – we encourage you to

get informed and take action.

[Learn More](#)

About the Project

The Beverly Fairfax Community Alliance is a coalition of residents and businesses who are concerned about this massive development and its related impacts on our community, from the enormous expansion of the CBS Television City property by its new owner Hackman Capital.

The TVC 2050 project is proposing to designate the property as a “Regional Center” like Century City and downtown Los Angeles. This has dramatic implications for the future intensification of development for our entire community.

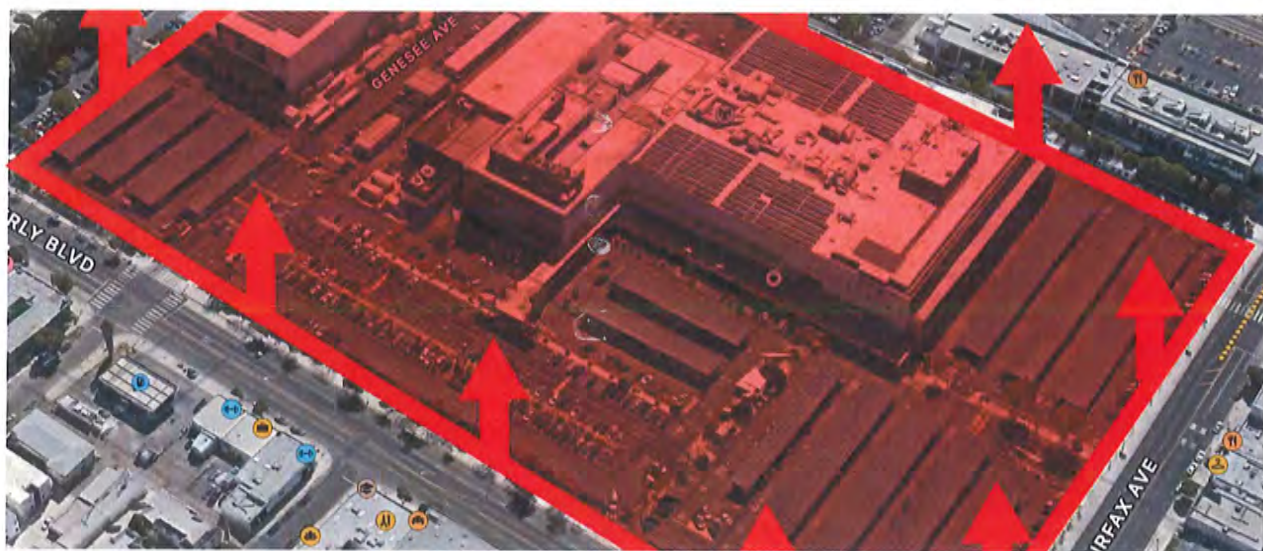
The project will triple the size of the existing development on the CBS property, with the addition of office, production and retail space – resulting in a nearly 2,000,000 square foot complex. The expansion would create 20 story buildings and will be more than two times the density and two times the height of the Beverly Center.

The TVC 2050 project entails:

- 2 million square feet, including 1.4 million square feet of office space
- 20-story office buildings
- A 5,000-car parking garage
- 14 mega sound stages for audience shows
- Huge production base camps utilizing 18-wheeler production trucks

Take Action

Please view documents from the applicant, studies, background, news articles, and other information provided to educate our neighbors [here](#).
Check back often as we learn and share more information!



Massive Development

An enormous increase over the current development with almost 2 MILLION square feet of uses. It would be more than two times the density of the Beverly Center and more than two times as tall.



More Gridlock

With a new 5,300-spot parking structure, 8,000 projected daily workers, and thousands of audience members at 14 sound stages, the project will result in gridlock on our streets. TVC 2050 visitors will park in residential neighborhoods, denying street parking to residents and their guests.



Dump Trucks for Years

770,000 cubic yards of DIRT being hauled in and out, requiring over 120,000 trips by large 20-ton trucks driving through and polluting the community! That's just for the

excavation work. There will be tens of thousands of additional truck trips for hauling construction materials to the site.



Long-term Construction Impacts

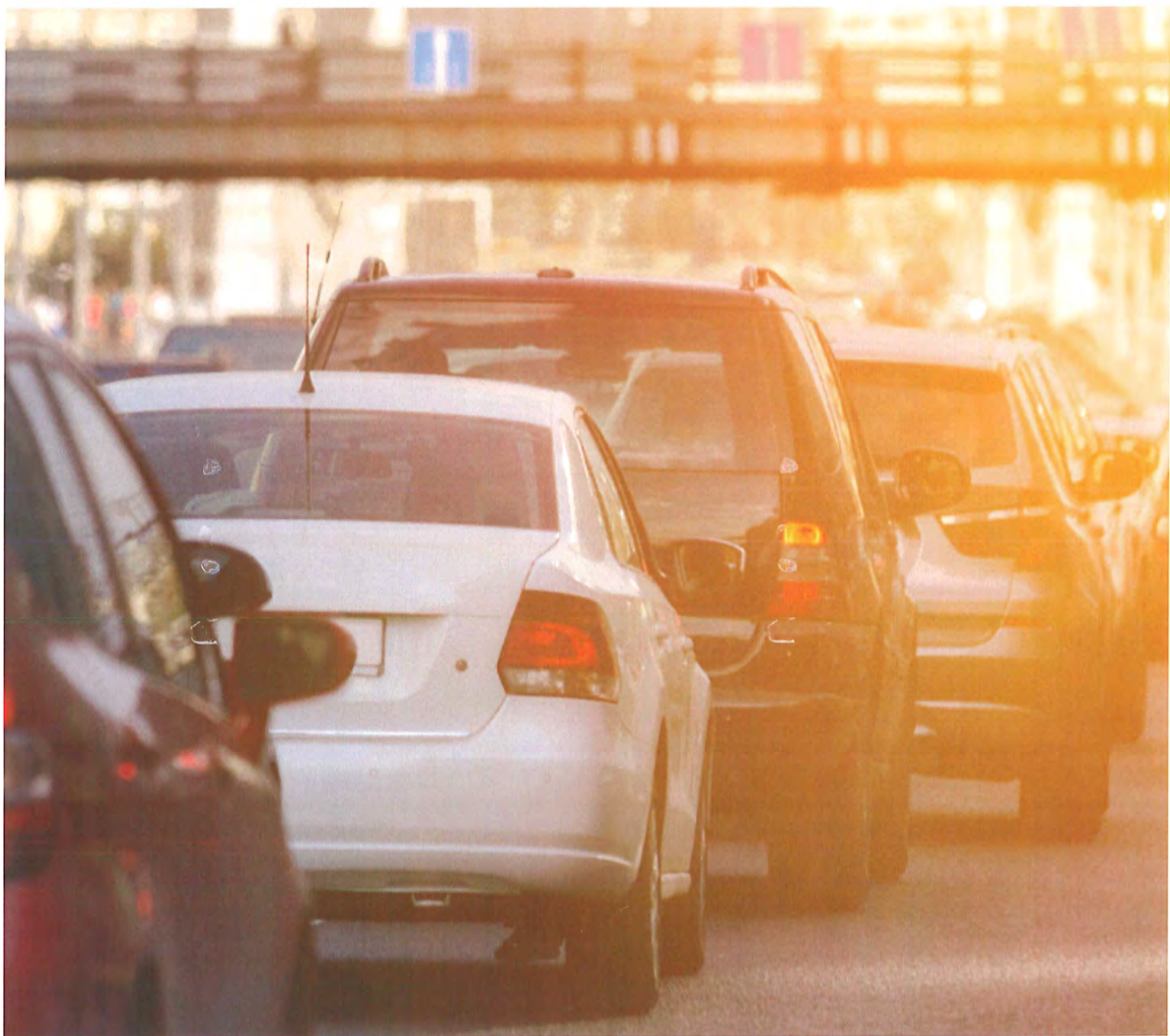
Construction timeline of up to 20 YEARS, bottlenecking our communities with street closures and trucks hauling millions of tons of steel, concrete, and materials.

“

We cannot overstate the magnitude of the expansion being planned - this colossal development will bring traffic and gridlock, thousands of audience show guests parking in the community, and change the character of the entire area by adopting a Regional Center designation. Even

those accustomed to living with LA traffic and parking nightmares will be shocked at how much worse it can be.

Beverly Fairfax Community Alliance



Get in Touch

Name (required)

First Name

Last Name

Email (required)

Address

Country

United States

▼

Address Line 1 (required)

Address Line 2

City (required)

State (required)

ZIP Code (required)

Phone

Message (required)

Submit

info@beverlyfairfaxcommunityalliance.org

The Beverly Fairfax Community Alliance was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.



August 4, 2022

To Our Friends and Neighbors,

We are writing you today on behalf of The Original Farmers Market and The Grove to share our profound concern about the development plan now being proposed for the CBS Television City property.

Our properties have a shared history of nearly a hundred years as beloved landmarks in the community. During this time, we have enjoyed a complementary relationship with CBS. But, CBS has sold Television City. Its new owner, Hackman Capital, is proposing to have the property designated as a "Regional Center" in order to make way for its massively-scaled, speculative development which, if approved, would overwhelm, disrupt, and forever transform the community.

The Hackman Project entails:

- 2 million square feet, including 1.4 million square feet of office development
- 20-story office buildings
- A 5,000-car parking garage
- 14 mega sound stages for new audience shows, utilizing 18-wheeler production trucks.

All of this would be built over a 3-year period, with 640 heavy duty trucks a day and lane closures – and all against the backdrop of our already severely congested streets, stressed public infrastructure, and with no regard for the City's 'Wilshire Community Plan,' which is supposed to guide area development, and which is severely out-of-date.

Please join us today. Visit BeverlyFairfaxCommunityAlliance.org to sign up and follow us on Instagram @BeverlyFairfaxAlliance for the latest information.

We know that together, we can make our voices heard by our elected representatives and planning officials to ensure that the character and livability of our community is protected.

Thank you for your consideration,

Your neighbors, The Original Farmers Market and The Grove



Caruso battles studio plan by Grove

Mayoral candidate is fighting expansion of Television City, next to his flagship property.

By Julia Wick

and David Zahniser

As a candidate for mayor, real estate developer Rick Caruso has spoken of the need to keep entertainment productions within the city of Los Angeles.

But as a businessman, Caruso is enmeshed in a fight over plans to modernize and expand L.A.'s storied CBS Television City studios, located next to the Grove, the flagship retail complex Caruso developed two decades ago.

In a letter to neighbors sent this month, the Grove and the adjacent Original Farmers Market expressed "profound concern" about the plan for overhauling Television City, calling it a "massively scaled, speculative development which, if approved, would overwhelm, disrupt, and forever transform the community." Both entities urged recipients to visit a website and social media accounts for the Beverly Fairfax Community Alliance, a group that opposes the studio project — and counts the Grove as a member.

The development battle could complicate Caruso's message as a businessman focused on strengthening the region's economy. And it raises questions about how Caruso, if elected, would respond to businesses whose activities are potentially at odds with his company's interests.

A campaign spokesman declined to answer questions about whether Caruso's eponymous company formed the Beverly Fairfax Community Alliance, referring questions to that organization. But Ilysha Buss, marketing director for A.F. Gilmore Co., owner of the Original Farmers Market, said her company and Caruso's created the alliance and are funding it.

Buss, speaking on behalf of the alliance, said it opposes the development plan in its current form because it would designate the Television City site as a "regional center," which she characterized as "very much out of scale and inappropriate for this neighborhood."

An executive with Hackman Capital Partners, which purchased the Television City site from CBS Corp. in 2018 and is seeking to redevelop it, told The Times that his firm has met repeatedly with representatives of Caruso's company to discuss the project. During those meetings, Caruso executives focused on the effect the project would have on the Grove Drive, which serves as an

entrance to the shopping center's parking structure and valet area, according to Zach Sokoloff, a senior vice president at Hackman Capital Partners.

Sokoloff said representatives of Caruso's company threatened to stoke community opposition to the proposal if Hackman Capital "did not capitulate to the demands that they had for our proposed use of the Grove Drive."

"More recently," he added, "their legal counsel made that threat directly to our legal counsel, suggesting that if we didn't dramatically restrict our proposed use of the Grove Drive, they would launch a public and aggressive community campaign, activating hundreds of community members and sowing opposition to our proposed modernization at the studio."

The Television City proposal, known as the TVC 2050 Specific Plan, would allow for a major expansion of the site's soundstages and production offices.

The site, at Beverly Boulevard and Fairfax Avenue, would be permitted to have nearly 1.9 million square feet of studio, office and retail facilities, about 2½ times what is currently there, according to a draft environmental impact report posted by the city last month. The increase would allow the property to accommodate an additional 5,700 jobs, the report said.

Sokoloff said the most recent set of meetings between Hackman and Caruso's team began in April and included Caruso's chief development officer, Corinne Verdery, who is slated to become chief executive of his company on Sept. 1. Caruso previously said Verdery would fill his position as CEO if he is elected as L.A. mayor; the new plan was relayed in an internal announcement Friday, according to Jessica Wong, Caruso's senior vice president for public relations and marketing.

Wong, in an email, denied allegations that Caruso's team threatened to wage a community campaign against the Television City proposal. But she confirmed that the company is worried about the impacts of the project — and had engaged in "confidential settlement talks" with Hackman.

"We did not resolve the issues of impact of traffic, parking and construction, and to the best of our knowledge, no other party's issues were resolved," she said. "Part of the problem is that we really don't know what the actual project is because the [environmental impact report] does not have a detailed project description."

Last month, another Caruso executive appeared before a committee of the Mid City West Neighborhood Council and said the Television City project would create "complex" issues for the neighborhood, including traffic, parking and construction.

The Beverly Fairfax Community Alliance has been more blunt, warning that the expanded site would be twice the height of the Beverly Center and would clog Fairfax, Beverly, La Brea Avenue and 3rd Street with traffic.

"Even those accustomed to living with L.A. traffic and parking nightmares will be shocked at how much worse it can be," the group said on its website.

The Beverly Fairfax alliance last week posted a job listing on ZipRecruiter saying it was hiring

organizers for “community outreach efforts,” with compensation starting at \$25 an hour. In a statement, the group said it was formed to “publicly raise and address significant concerns” regarding the impacts of the Television City proposal.

Once completed, the studio expansion is expected to generate an additional 787 vehicle trips during morning rush hour and an additional 855 during afternoon rush hour, according to the environmental documents. The property would offer up to 5,300 parking spaces.

Diana Plotkin, president of the Beverly Wilshire Homes Assn., said she is worried that traffic would increase significantly, hurting local businesses and residents, if the project goes forward as proposed. Plotkin said her group has joined the alliance but has not contributed financially.

Southern California’s film industry has had to contend with a shortage of studio space amid surging demand. The shortage, among other factors, has spurred some producers to look outside the city, The Times has reported.

Caruso has been outspoken during his mayoral campaign about wanting to keep productions in Los Angeles.

“Instead of shipping the greatest industry we have in this city out of this city, I want to bring it back in this city,” Caruso said last week in a podcast interview with Hollywood trade newsletter the Ankler.

Asked about the Television City project, Caruso campaign spokesman Peter Ragone said the candidate supports building more studios in L.A.

“However, we all need to be good neighbors. Both can happen,” Ragone said. “Rick believes that local businesses, including production facilities, should address the community’s concerns about creating additional traffic, pollution and other harmful impacts.”

If elected mayor, Caruso would have the power to hire and fire the top manager at the Department of City Planning. He would also have the authority to replace the nine members of the city’s planning commission, a panel of volunteers that vets large-scale development projects.

The Television City proposal may not come before the commission until next year, after the new mayor has taken office.

Rep. Karen Bass, Caruso’s opponent in the Nov. 8 election, declined to take a position on the Television City project, saying through a spokeswoman that she is reviewing the environmental documents. Bass spokeswoman Sarah Leonard Sheahan criticized Caruso over his prior political donations to the city’s elected officials.

“He has made billions influencing City Hall decisions regarding his business. Now, he is trying to put himself in charge of those decisions as mayor,” Leonard said in a statement.

Caruso has made ending City Hall corruption a key component of his mayoral platform. Asked how Caruso would avoid conflicts of interest as mayor, Ragone referred The Times to earlier comments

made by the candidate about placing his company in a blind trust.

Times staff writer Seema Mehta contributed to this report.

where innovation meets inspiration
visionaries, ideas and trends connect here

Chicago Tribune
BLUE SKY



The redevelopment of Television City (formerly CBS) at Beverly and Fairfax poses an unprecedented risk of gaming the system and wiping out the neighborhood.

A coalition of residents, homeowners, businesses, and community groups who live and work nearby has formed to insist on a legitimate redevelopment plan that respects the scale and character of the neighborhood.

We support development that helps communities thrive and change in positive ways.

This is the biggest risk to our neighborhood in decades.

We have to get it right.

Get in touch

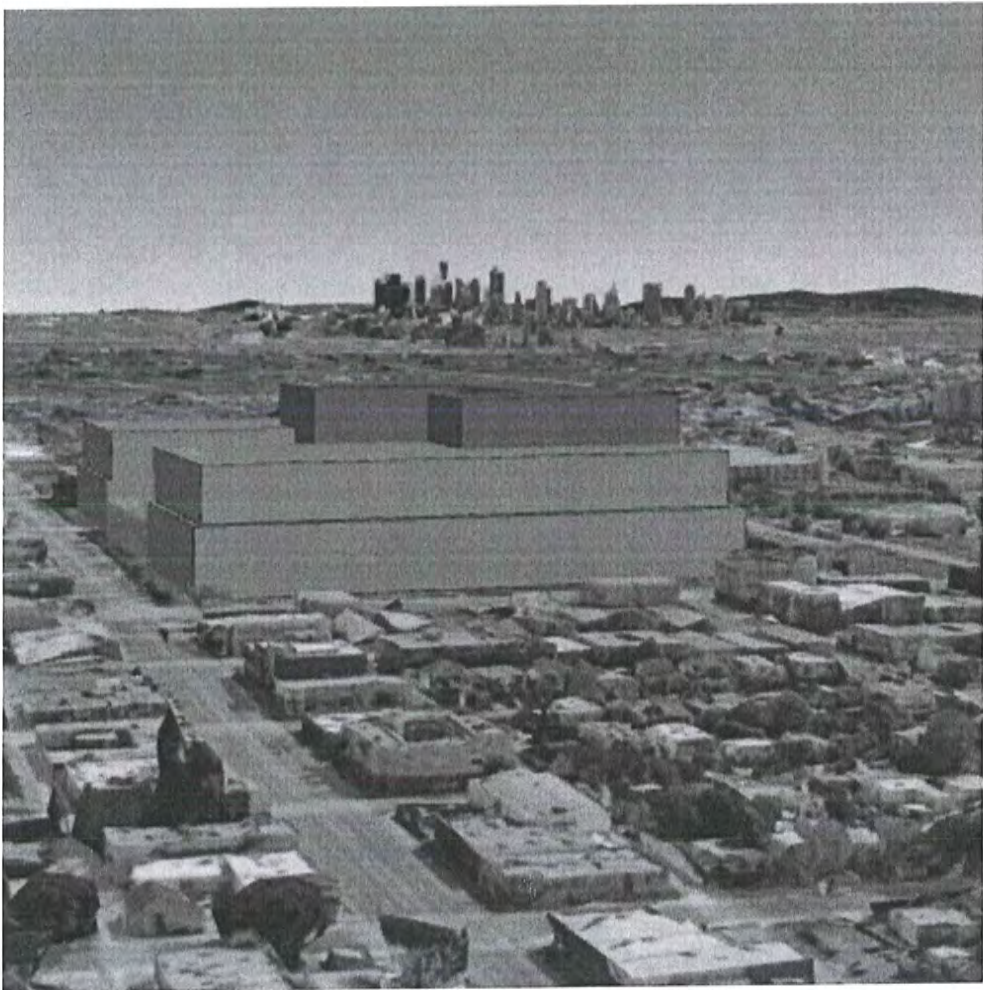
Sign the petition!

See the Undisclosed TVC Specific Plan

Download the presentation from the 9/13/23 community meeting

OUR CONCERNS

- Hackman Capital Partners bought what used to be CBS Television City at Beverly and Fairfax.
- They are talking about a studio redevelopment "concept" but *asking for the right to build nearly any kind of commercial space they want.*
- They want the right to build 20-story office towers in nearly 2 million sq ft of space – *2x the size of the old Staples Center.*
- They want *the same zoning as Downtown LA* but right in the middle of residential neighborhoods where aging infrastructure is already overloaded and streets are choked with traffic.
- They want *20 years for construction.*
- They want a big blank check.



OUR GOALS

- Redevelopment that generates high-skill, high-wage jobs and keeps our city the entertainment capital of the world.
- A project downsized to be compatible with the scale and character of the neighborhood.
- A concrete proposal that the city and the community get time to review thoroughly.
- A process that is transparent.
- Commitments that are enforceable.

HERE ARE SOME SPECIFIC CONCERNS

Heavy equipment, dump trucks, construction crews by the busload, thousands

Whether they build a studio, opt for something else, or flip the property, we're looking at a traffic nightmare. For starters, a huge fleet of big rigs hauling dirt out and heavy construction equipment in, plus busloads of construction workers in and out of the site.

Hackman is planning on-site parking based on the fantasy that most employees would take public transportation.

But use of L.A.'s public transit is down 30% since 2019. In reality, employees would be clogging major streets and cutting through residential neighborhoods looking for shortcuts and parking.

staggering
Picture something twice
the size of Staples Center

It's hard to even picture 2 million square feet.

Start with the old Staples Center: 960,000 square feet. Now double it:

1,920,000 square feet.

Now cram into a spot between LA's beloved Original Farmer's Market and the small businesses and cherished residential neighborhoods around it.

Just imagine the impact on utilities and roads and street life.

It's not a studio, it's a "development scenario"

Hackman's PR campaign describes a glamorous studio project. But their official filing makes no promises or commitments. They call the studio a "development scenario."

If they get the entitlements they want, instead of a studio they could build a stadium, arena, auditorium, amusement park, or you-name-it.

Most of these projects would get no further public input or review.

Hackman's "concept" calls for 20-ton trucks making more than a hundred thousand trips in and out of the Beverly-Fairfax neighborhood, hauling over a half-million tons of dirt, waste, and hazardous materials.

Add to that tens of thousands of truck trips hauling construction materials. All spewing exhaust every inch of the way.

Emergency response gridlock

The Fire Department says
they can't support a

Police and fire departments are already dangerously short-staffed. Response times are longer than ever. Streets around Television City are already some of the most congested in the city.

Now add thousands more big rigs and vehicles of every kind every day. Ambulances, fire trucks, and police vehicles will be brought to a standstill.

Ignoring seismic risks

Pumping out huge amounts of water in a

Hackman's "concept" calls for permission to pump vast amounts of water out of the ground just yards away from the beloved Farmer's Market, blocks from homes and apartments, and less than a mile-and-a-half from the LA County Museum of Art. Removing that much groundwater from a sensitive seismic area sounds like an ecological nightmare and a recipe for disaster.

The Domino effect

Other developers will follow

The entitlements that Hackman is asking for would set a dangerous precedent. Once Hackman changes the General Plan and sidesteps the

zoning code, other developers will follow right behind.

After Hackman's mega-development, other developers' proposals will sound reasonable by comparison. In no time, a flood of reckless development will obliterate any trace of the neighborhood we know and love.

The big picture

How much can one neighborhood take?

Nearby Purple Line construction will continue for a couple more years at least. The new development at Town & Country will be 50 percent bigger. A 243-foot residential tower with ground-floor retail is going in on Wilshire near Sweetzer.

The 238-foot medical office tower planned for San Vicente Bl at 6th Street is expected to generate over 3,500 car trips per day.

We will reach the saturation point well before Hackman adds another 2 million sq ft with construction that could take 20 years.

WHAT OUR NEIGHBORS ARE SAYING

pecified

e of our

Scherffius
arly Fairfax

s already

el's back,

Michelle Menna

Broker Associate & Realtor, Keller Williams Realty

“Hackman is asking for nothing less than carte blanche to do as they please over a 20-year timeline without public input or review.

What they have in mind promises irreversible damage to public health, quality of life, and the environment.”

Greg Goldin

President, Miracle Mile Residential Association

IN THE PRESS



Larchmont Chronicle

HANCOCK PARK • WINDSOR SQUARE • FREMONT PLACE • PARK LABREA • LARCHMONT VILLAGE • MIRACLE MILE

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Neighbors oppose 'regional center' and question entitlements

Suzan Filipek | March 2, 2023 | 0 Comments

Not too far from the Miracle Mile, on Crescent Heights and Sunset boulevards, is an empty lot that now is for sale. It had been planned to be home to a residential-and-retail complex designed by famed architect Frank Gehry.


The backstory to this vacant piece of land is a cautionary tale that includes preservationists pitted against developers, the California Supreme Court and the mid-century modern Lytton Savings building designed by the late Los Angeles architect Kurt Meyer.

In the end, the historic bank was demolished, and the much-touted Gehry project has been abandoned.


But the entitlements and the property are now available to the highest bidder.

"Who is to say that won't happen here?" a caller to the **Chronicle** asked in regard to a project closer to home, the TVC 2050 Project at the historic Television City studio on Fairfax Avenue and Beverly Boulevard.

TVC 2050 developer Hackman Capital Partners now seeks City of Los Angeles adoption of a Specific Plan for the property that it purchased from CBS Corporation in late 2018. The request includes allowing buildings with heights up to approximately 20 stories on the 25-acre site. The request would allow 1.9 million square feet of sound stage, office and other uses, plus 1.6 million square feet of additional development.



EXISTING television city property at the southeast corner of Beverly and Fairfax is the subject of great controversy because of a developer's "TVC 2050" up-zoning proposal.



The developer says the project will create jobs and modernize and expand the aging TV studio, originally developed in 1952.

"We know that the TVC Project will benefit not only studio workers...but local businesses and neighbors..." Zach Sokoloff, senior vice president, Hackman Capital Partners, told us in an earlier statement.



BEVERLY PRESS PARK LABREA NEWS

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Neighbors Scrutinize TV City Project

BY TOMMY TOLSON | FEBRUARY 2, 2023



Approximately 70 people attended a meeting held by Neighbors for Responsible TVC Development on Jan. 29 at the Gilmore Adobe. (photo courtesy of Neighbors for TVC Development)

LATEST PRESS RELEASE

For Immediate Release

September 6, 2023

Contact: info@fixtvc.org

Undisclosed Document Sheds Harsh Light on TVC Redevelopment

City and Developer did not disclose plans for Nightclubs,

Alcohol sales until 2 am, and active helipad for the Television City site

Los Angeles - The community group Neighbors for Responsible TVC Development has uncovered a previously undisclosed Specific Plan for the redevelopment of Television City, the former CBS Studios. The Plan reveals something much different from what Television City has been promoting to the community.

This Specific Plan, seen only days ago for the first time, has major elements missing from the Draft Environmental Impact Report (DEIR). Among other things, it includes a plan to obtain permission for 10 liquor licenses allowing alcohol service until 2 am, indoor/outdoor nightclubs, and concerts with sound, lighting, and special effects. The Plan also includes a helipad for unlimited helicopter takeoffs and landings (not just related to studio uses).

As drafted, the Specific Plan would block any member of the community from challenging decisions of the Director of the Planning Department regarding the development. The Specific Plan for TVC 2050 says, "Only an Applicant [in this case, Hackman Capital Partners] .. may appeal the Director's

Determination to the Area Planning Commission. The Director's Determination is otherwise not appealable."

The Specific Plan was quietly submitted by the developer in 2021, was excluded from the Draft Environmental Impact Report for the project published last summer, and remained unavailable on City Planning and Hackman Capital Partners' websites for the project.

"Neither the developer nor City Planning Department ever disclosed or published the current Specific Plan for TVC 2050, leaving the community in the dark about the developer's full intentions for the site," said Danielle Peters, co-chair of Neighbors for Responsible TVC Development. "The City released its draft Environmental Impact Report more than a year ago, but the Specific Plan was never made public. We finally got our hands on the developer's plan, and it does pack some ugly surprises."

Shelley Wagers, co-chair of Neighbors for Responsible TVC Development, said, "Now we see that the TVC Specific Plan includes uses that have nothing to do with the developer's stated purpose of expanding studio and production space. Worse yet, the Specific Plan robs the community of the right to appeal. We are entitled to review the actual proposal, understand fully how this project and zoning would impact our neighborhood, and appeal if necessary. The lack of transparency and openness to public review breed deep mistrust."

The community can find the project's previously-undisclosed plan at our website www.fixtvc.org

Stay informed.

What happens at City Hall doesn't stay at City Hall — it turns up on our streets and in our neighborhoods. We'll do our best to keep you up to speed.



Talk to our new Councilmember

Get word to Katy Yaroslavsky that we support responsible development, not smoke and mirrors.

Development compatible with the neighborhood? Yes.

A grandiose "concept" that amounts to a blank check? No.

Well-defined commitments? Yes.

A huge Trojan Horse? No.

Absolutely not.

(213) 473-7005councilmember.yaroslavsky@lacity.org



Talk to our neighbors

We can help our neighbors see through Hackman's fairy tale.

We don't need to stand on a soapbox, we just need to talk sense whenever we get the chance.



Push back

Projects like these involve community outreach meetings and multiple hearings with the Planning Department, Planning Commission, Planning & Land Use Committee, and City Council.

Hackman has deep pockets and an army of union guys to plug their project. We will need to speak up again and again.

And again.

A community that pulls together is a powerful force.

We can't let them wear us down and destroy our vibrant, diverse community.

READY TO GET INVOLVED?

Name (required)

First Name

Last Name

Email (required)

Phone

Message (required)

Submit





READ THE FACTS:

FACT: CBS sold the property to Hackman Capital

FACT: Construction is planned for 20 years

FACT: Construction alone will bring tens of thousands of more trucks and vehicles into our neighborhoods

FACT: Tons of additional pollutants to our community

If you thought traffic was bad now, imagine:

- New development the size of more than two Beverly Centers, and twice as tall
- 2 million sq ft and 20 stories tall
- A caravan of 5,000 or more cars daily plus thousands of audience members
- Construction would move 770,000 cubic yards of dirt with 60,000 massive dump truck trips throughout neighborhood
- 6,000-8,000 employees commuting here daily

9/28/23, 3:26 PM

READ THE FACTS

Why is the City and the Developer **RUSHING** This Project Through Now?

- Councilman Paul Koretz is Termed-Out and the Developer wants to start the approval process BEFORE we elect a new Councilmember
- The Developer is attempting to get approval prior to the overdue Wilshire Community Plan Update
- Traffic and Neighborhood Impacts have not been appropriately studied

**ADD YOUR NAME TO OPPOSE THIS
DEVELOPMENT**



Add your name along with your neighbors who oppose this massive development.

<https://protectbeverlyfairfax.org/read-the-facts>

2/3

9/28/23, 3:26 PM

READ THE FACTS

ADD YOUR NAME

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HOME

READ THE FACTS

ADD YOUR NAME



ife and I have lived
n a block from Te..."

Hertz, North Ogden



TOO BIG!

"Please don't ruin the
quality of life in our neig..."

Liv O'Brien, South Ogden



STOP THIS!

"Traffic was already
Do not make it worse"

Vinh Lan, North Fair

YOUR VOICE MATTERS!

CLICK HERE TO ADD YOUR NAME

**STOP the approval of this
Massive Development Project NOW!**

**VISIT: BEVERLY FAIRFAX COMMUNITY
ALLIANCE WEBPAGE FOR MORE INFO**

WHAT YOUR NEIGHBORS ARE SAYING

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HOME
READ THE FACTS
ADD YOUR NAME

Home

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Business Search

The California Business Search provides access to available information for **corporations**, **limited liability companies** and **limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.

Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

Basic Search

A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, **remove "C"** from the entity number. Note, **a basic search** will search **only ACTIVE entities** (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a contains ?keyword? search. The Advanced search allows for a ?starts with? filter. To search entities that have a status other than active or to refine search criteria, use the **Advanced** search feature.

Advanced Search

An Advanced search is required when searching for publicly traded disclosure information or a status other than active.

An Advanced search allows for searching by specific entity types (e.g., Nonprofit Mutual Benefit Corporation) or by entity groups (e.g., All Corporations) as well as searching by ? begins with? specific search criteria.

Disclaimer: Search results are limited to the 500 entities closest matching the entered search criteria. If your desired search result is not found within the 500 entities provided, please refine the search criteria using the Advanced search function for additional results/entities. The California Business Search is updated as documents are approved. The data provided is not a complete or certified record.

Although every attempt has been made to ensure that the information contained in the database is accurate, the Secretary of State's office is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is." To order certified copies or certificates of status, (1) locate an entity using the search; (2)select Request Certificate in the right-hand detail drawer; and (3) complete your request online.

Login

Advanced ▾

Home

Results: 1

Search

Forms

Help

Entity Information ▴ ▾	Initial Filing Date ▴ ▾	Status ▴ ▾	Entity Type ▴ ▾	Formed In ▴ ▾	Agent ▴ ▾
TVC DEVELOPMENT MANAGEMENT LLC (200719710220) >	07/13/2007	Active	Limited Liability Company - Out of State	DELAWARE	CT CORPORATION SYSTEM

Home

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Home

Results: 1

Search

Entity Information	Initial Filing Date	Status	Entity Type	Formed In	Agent
UNITED NEIGHBORS FOR RESPONSIBLE DEVELOPMENT (3766978) >	03/12/2015	Terminated	Nonprofit Corporation - CA - Public Benefit	CALIFORNIA	CYNTHIA J BLATT

Forms

Help

Tax Exempt Organization Search

Select Database 

Search All

Search By 

Organization Name


Search Term 

tvc development


City

Enter City

State

All States

Country

United States

RESET


SEARCH


[Search Tips](#)


 **Your search did not return any results. Try again.**


Need Help? See [Search Tips](#) for guidance on effective searching, search criteria and logic, and selecting search terms.

Tax Exempt Organization Search


Select Database 

Search All

Search By 

Organization Name


Search Term 

protect our beverly


City

Enter City

State

All States

Country

United States

RESET

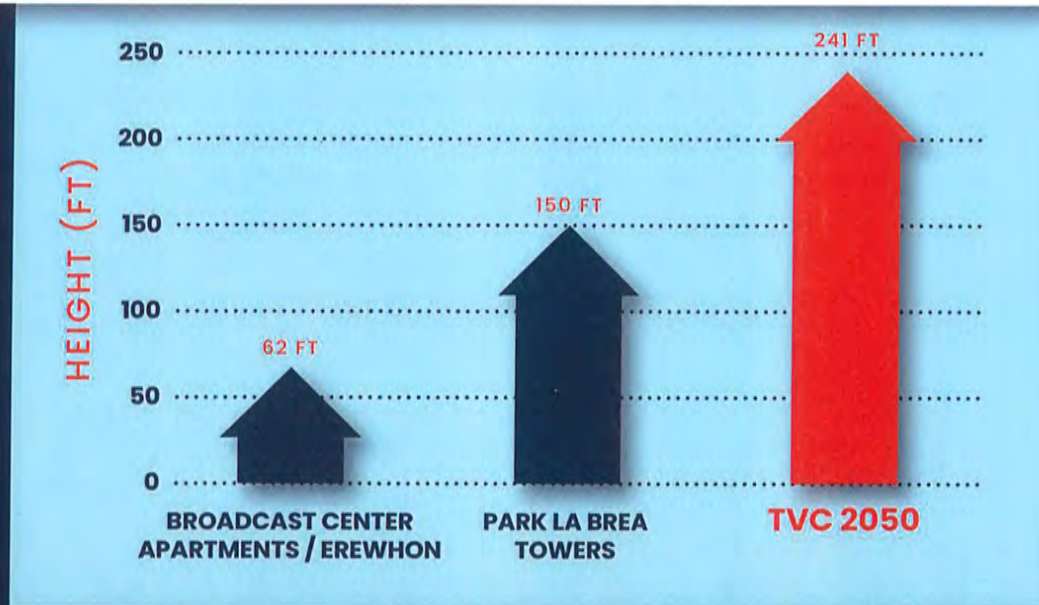
SEARCH

[Search Tips](#)

 **Your search did not return any results. Try again.**

Need Help? See [Search Tips](#) for guidance on effective searching, search criteria and logic, and selecting search terms.

TELEVISION CITY EXPANSION IS TOO BIG FOR BEVERLY FAIRFAX!



TOO BIG FOR OUR COMMUNITY!

2X THE SIZE AND
AND HEIGHT OF THE
BEVERLY CENTER

MORE GRIDLOCK!

8,000 WORKERS/DAY
AND 5,300 PARKING
SPACES PLANNED

DUMP TRUCKS FOR YEARS!

120,000 DUMP
TRUCK TRIPS, JUST
FOR EXCAVATION

DECADES OF DISRUPTION TO OUR DAILY LIVES

CONSTRUCTION
TO LAST FOR
UP TO 20 YEARS



BEVERLY FAIRFAX

COMMUNITY ALLIANCE

URGENT: ACTION IS NEEDED NOW!

Call or email **Councilmember Yaroslavsky**
and tell her the project is just too big and must be downsized!

(213) 473-7005 | Councilmember.Yaroslavsky@LACity.org

Visit WWW.FIXTVC.ORG to learn more.



A LETTER TO The Beverly Fairfax Community

To our Neighbors and Friends:

Some of you already know that a coalition of neighbors and local groups formed to represent the community's interests as the city considers the proposed expansion of CBS Television City at Beverly and Fairfax. We support a studio redevelopment that keeps L.A. the entertainment capital of the world. But this project is WAY TOO BIG for the neighborhood. It needs to be cut down to size.

"TVC 2050" would be **TWICE the size of the Beverly Center** and MUCH taller than the Park La Brea towers. It would dwarf everything around it.

By adding 8,000 commuters daily, it would choke major streets and push **cut-through traffic** into residential neighborhoods.

Babies now in diapers would graduate high school before Hackman's **20-year "construction window"** finally closed and all the bulldozers, dump trucks, and cement mixers left the scene.

As proposed, TVC 2050 would wipe out one of the most vibrant, diverse, livable neighborhoods in Los Angeles.

We met several times recently with the developer, and last week met face-to-face with our City Councilmember, Katy Yaroslavsky. She gets it – and she can make a much stronger case for downsizing TVC if the community takes a stand.

We URGENTLY need your voice.

Please tell Councilmember Yaroslavsky: "TVC IS TOO BIG."

(213) 473-7005 or councilmember.yaroslavsky@lacity.org

COMMENTS? QUESTIONS?

We're hosting a zoom to update you, get your views, and map out next steps.

THURSDAY, MARCH 7 AT 7:00 PM

Zoom Link: www.bit.ly/FixTVC

We hope you can join us then.

Danielle Peters & Shelley Wagers, Co-chairs

To learn more and get involved, visit: www.fixtvc.org



Revised Plan for Television City Studio Still **FAILS** to Resolve Major Community Issues

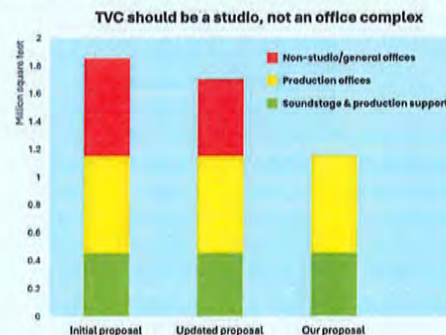
On April 5, the developers of the proposed Television City studio expansion announced that they have revised plans for their 1.724 million square foot project.

Notwithstanding some positive changes, the developers kept 92.5% of their square footage. This slight reduction does little to minimize the alarming impact on traffic, infrastructure, emergency response, and quality of life.

- ▶ The proposed complex is still roughly twice the size of the Staples Center.
- ▶ It still includes a 225-foot tall office tower – about 100 feet taller than the tallest building in the area – and structures that loom more than 100 feet above the sidewalk on Fairfax Avenue.
- ▶ Massive construction traffic followed by 8,000 new commuters promise to bring already-congested streets to a standstill and push cut-through traffic into residential neighborhoods.
- ▶ It still devotes almost 75% of its space to high-density offices that generate much more traffic than production facilities. 550,000 square feet of that office space has nothing to do with production.
- ▶ It fails to address concerns raised by the Fire Department regarding their ability to adequately serve local homes, schools, and businesses.
- ▶ It still allows stop-and-start construction over 20 years.
- ▶ It still places no limits on "special events" or helipad use.

Neighbors for Responsible TVC Development supports the project, provided it is modified to address community concerns. We propose a win-win solution that allows for a viable studio without undue burden on the community.

Eliminating the surplus 550,000 square feet of office space unrelated to studio use would honor the developer's stated intention to revitalize the studio and also their commitment to "being a good neighbor for the long-term."



We've had positive conversations with LA City Councilmember Katy Yaroslavsky and her staff in recent months. With your help, she can make a much stronger case for downsizing TVC.

Please call/email CM Yaroslavsky and urge her to cut the 550,000 square feet of surplus office space.

Email Councilmember.Yaroslavsky@lacity.org
Call (213) 473-7005

And please visit www.fixtvc.org for more details and regular updates.

Thank You!

Danielle Peters & Shelley Wagers, Co-chairs

Beverly Fairfax
1000 Wilshire Blvd., #361572
Los Angeles, CA 90036

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BEVERLY FAIRFAX NEIGHBORHOOD ALERT!!!

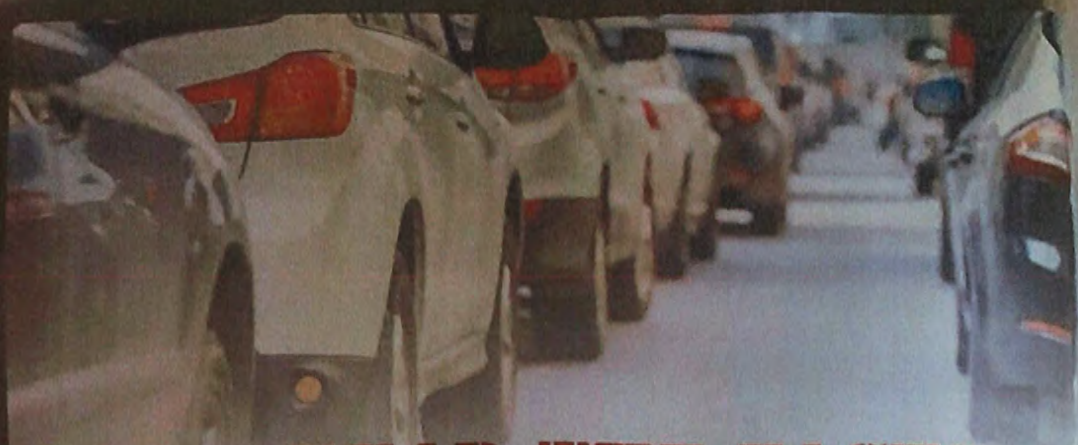
HACKMAN CAPITAL
PROPOSES GIGANTIC PROJECT

TELEVISION
CITY

FORMERLY CBS

If you thought traffic was bad now, imagine:

- New development the size of more than two Beverly Centers, and twice as tall
- 2 million sq ft and 20 stories tall
- A caravan of 5,000 or more cars daily plus thousands of audience members
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FACT: CBS sold the property to Hackman Capital

FACT: Construction is planned for 20 years

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FACT: Tons of additional pollutants to our community

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- Councilman Paul Koretz is Termed-Out and the Developer wants to start the approval process BEFORE we elect a new Councilmember
- The Developer is attempting to get approval prior to the overdue Wilshire Community Plan Update
- Traffic and Neighborhood Impacts have not been appropriately studied

YOUR VOICE COUNTS!

Tell the City to STOP the approval of this
Massive Development Project Now!

Visit: ProtectBeverlyFairfax.org



SCAN HERE







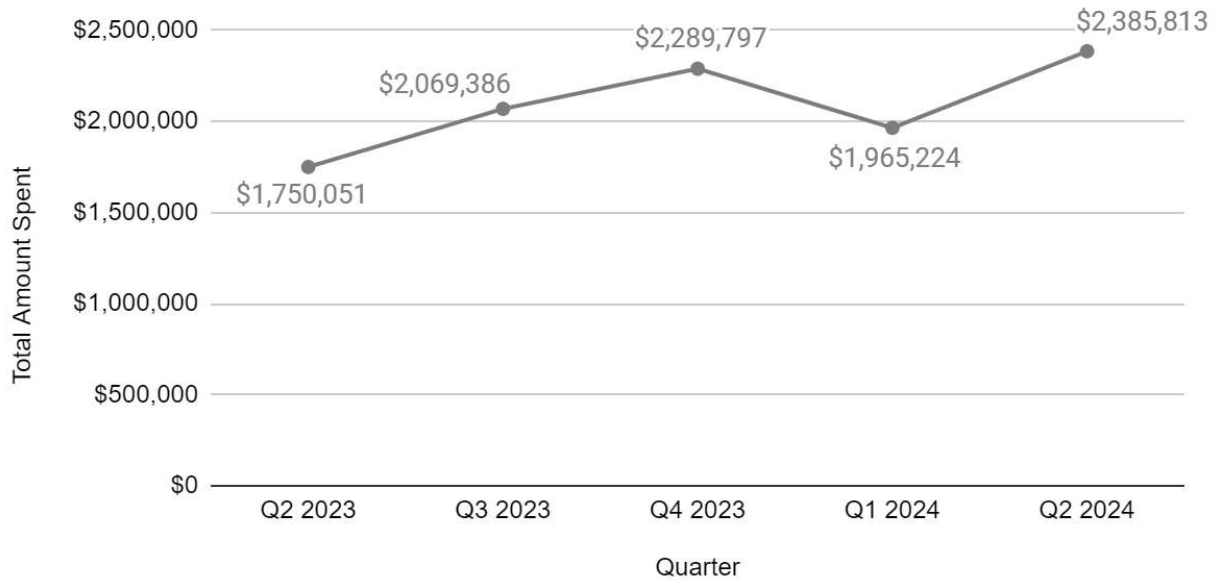






Other Expenditures

Q2 2023 to Q2 2024



G. Lobbyist Employers

A lobbyist employer is an entity that lobbies for itself through an in-house lobbyist. Lobbyist employers who were registered as of the second quarter of 2024 are identified in Attachment C. The City matters that lobbyist employers attempted to influence during the quarter are also identified, along with the descriptions that were provided by the lobbyist employers. Of the 116 registered lobbyist employers, 44 reported no lobbying activity for the second quarter.

H. Major Filers

A major filer is an entity or individual who makes or incurs expenses totaling \$5,000 or more in a calendar quarter to influence one or more City matters but does not qualify as a lobbying entity. As detailed in the following table, six major filers reported spending a total of \$380,485 in the second quarter of 2024. This is 737 percent more spending than was reported for the last quarter and 272 percent more than was reported for the same quarter last year.

Major Filer Activity Q2 2024			
Total Spent	Major Filer	City Matter	Amount
1. \$224,500	American Beverage Association	Comprehensive Plastics Reduction Draft PEIR (City Reference Number: None)	\$224,500
2. \$56,699	Beverly Fairfax Community Alliance	TVC 2050 PROJECT - COMMUNITY OUTREACH, PUBLIC RELATIONS (City Reference Number: ENV-2021-4091-EIR)	\$56,700
3. \$49,097	California Calls Education Fund	Los Angeles Rent Stabilization Ordinance Annual Rent Increase Formula (City Reference Number: CF 21-0042-S3; CF 23-1134; CF 20-0407-S1)	\$49,097

Flawed Plan for Television City Studio Expansion Will Get First City Hearing on May 15 - Urgent Action Needed!

The Core Problem

TVC is almost **twice the size of Staples Center** and **76% offices**. This is not a studio with some offices. It's a giant office complex with some studio.

A Clean Solution

Build a studio, not an office park. **Eliminate the surplus 550,000 square feet of office space unrelated to studio use.**

What You Can Do

Contact city councilmembers and attend upcoming public hearings and city council meetings to **make your voice heard!**

[Take Action](#)


We Need Your Help!

Virtual Public Hearing
May 15 @ 9:30 AM
[Learn More](#)

The city needs to hear from you on May 15!

Our Concerns

This project will have irreversible, permanent impacts on surrounding communities

TRAFFIC NIGHTMARE

Angelenos driving or living along every route that leads to Beverly and Fairfax would feel the impact. [Learn more](#)

20 YEARS OF STOP AND START CONSTRUCTION

Hackman is asking for 20 years of "phased" construction. [Learn more](#)

EMERGENCY RESPONSE DELAYS

The Fire Department says they can't handle this. [Learn more](#)

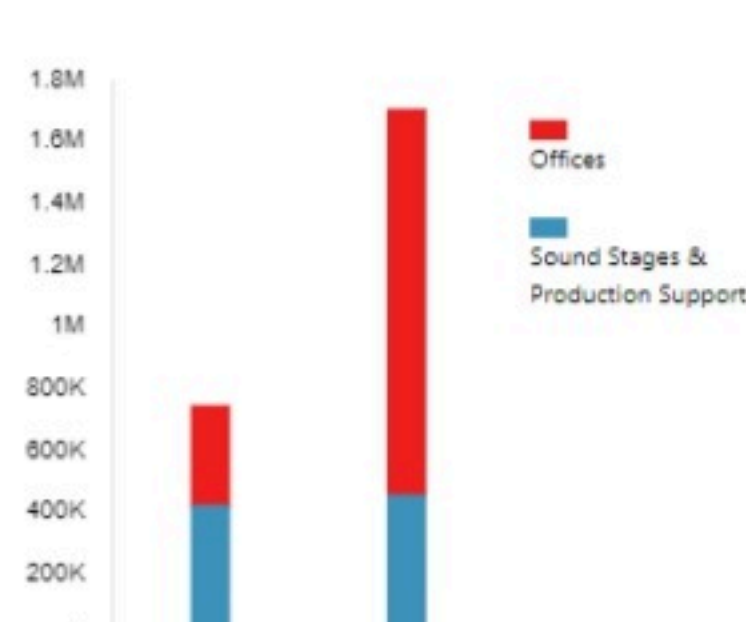
DOMINO EFFECT FOR DEVELOPMENT

This opens the floodgates to over-development. [Learn more](#)

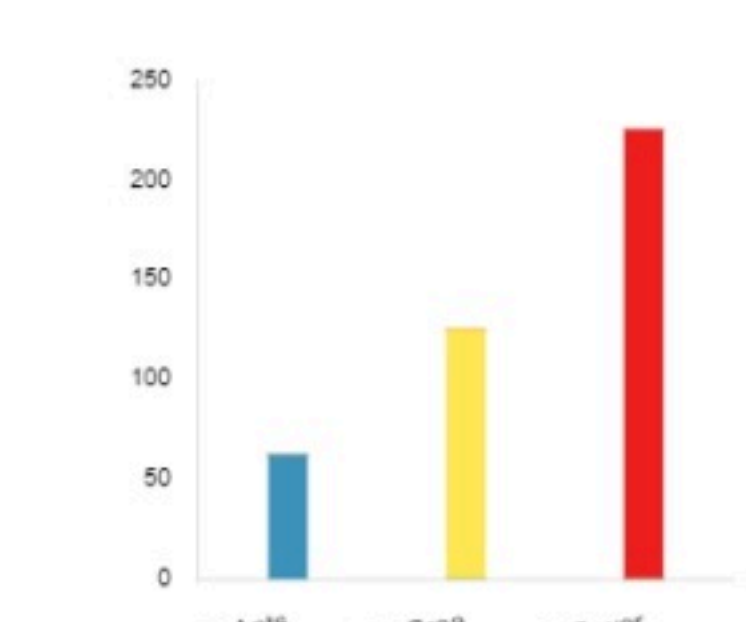
CRUSHING QUALITY OF LIFE

No limits on special events or helipad. [Learn more](#)

Core Problem



It's hard to even picture 1,724,000 square feet. Start with the old Staples Center. Now double it. Crammed onto a site designed for a modest 1950s studio. Right in the middle of residential neighborhoods. IT'S TOO BIG! It would have a devastating impact on the businesses and communities around it.



Like pretty much everything about development, the core issue is the context, the neighborhood. Hackman's April 2024 revised plan still includes a 225-foot tall office tower – about 100 feet taller than the tallest building in the area – and structures that loom more than 100 feet above the sidewalk on Fairfax Avenue.

**TABLE 5.2.B
PERMITTED FLOOR AREA BY STUDIO LAND USE CATEGORY**

STUDIO LAND USE	PERMITTED FLOOR AREA
SOUND STAGE	238,560 SF
PRODUCTION SUPPORT	215,440 SF
PRODUCTION OFFICE	700,000 SF
GENERAL OFFICE	550,000 SF
RETAIL	20,000 SF
TOTAL	1,724,000 SF

SF = Square Feet

The revised April 2024 plan still devotes almost 75% of its space to high-density offices that generate much more traffic than production facilities. 550,000 square feet of that office space has nothing to do with production.

A Clean Solution

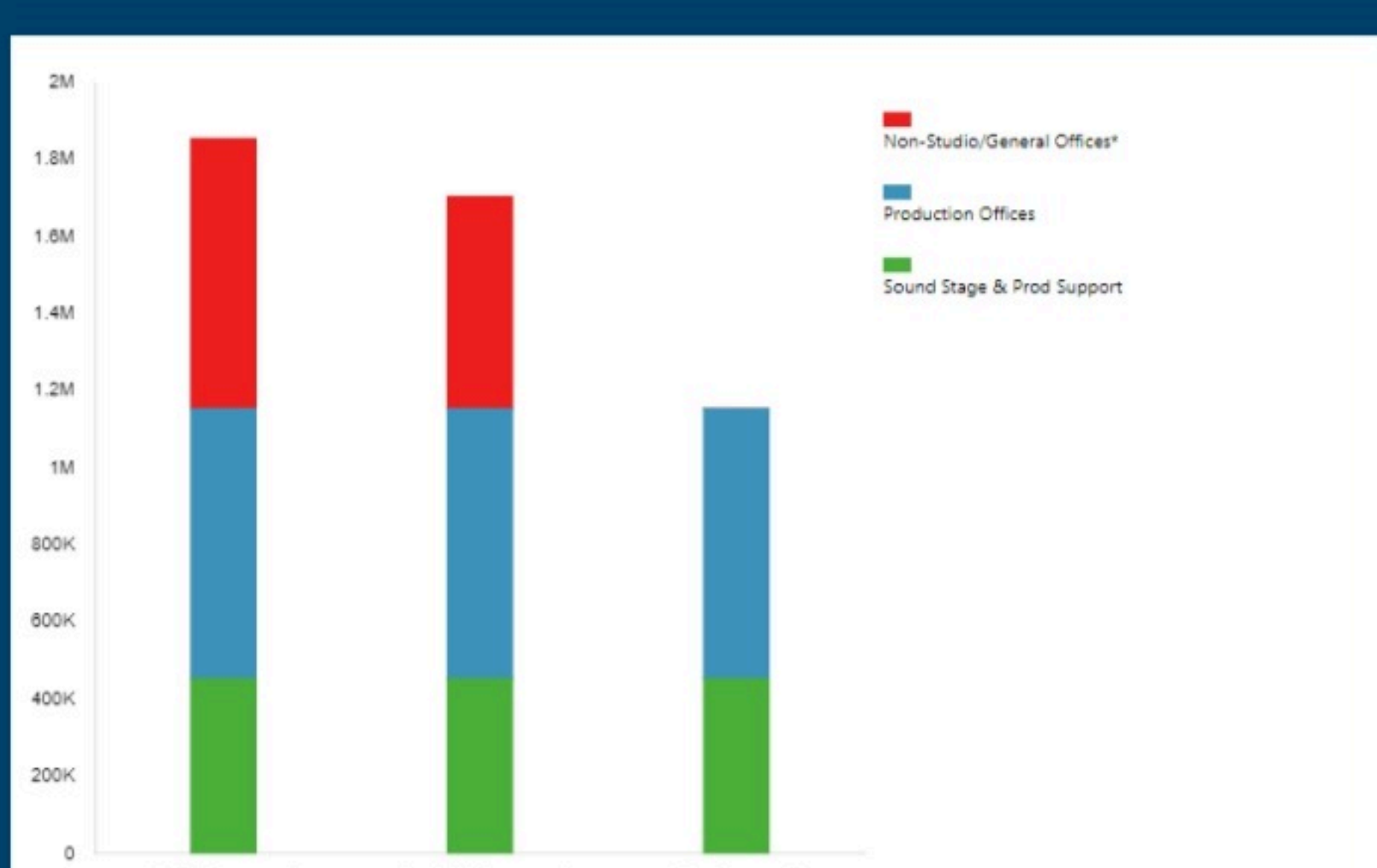
Build a studio, not an office park

Neighbors for Responsible TVC Development (a coalition of residents, homeowners, businesses, and community groups) supports the project, provided it is modified to address community concerns. We propose a win-win solution that allows for a viable studio without undue burden on the community.

Eliminate the surplus 550,000 square feet of office space unrelated to studio use. This would honor the developer's stated intention to revitalize the studio and also their commitment to "being a good neighbor for the long-term."

What about the April 2024 Plan Update? Didn't Hackman address our concerns?

No. The developer made some positive changes but still kept 92.5% of their square footage. This slight reduction does little to minimize the alarming impact on traffic, infrastructure, emergency response, and our cherished historic neighborhoods.



Neighbors Speak Out

I am concerned about the TVC 2050 project, with a massive increase in traffic and construction interruptions for YEARS and YEARS to come. Reasonable renovation and construction are one thing – this is something else entirely.

*Matt D.
Park La Brea Resident*

I'm concerned about many unanswered questions around this project including an unspecified construction timeline, increased traffic, and environmental impacts. I welcome a project that brings responsible growth and good jobs but not at the expense of our neighborhood.

*Matt Scherffus
4-year resident of Beverly Fairfax*

We feel this project should be moved to a more open space that is in closer proximity to freeway access. The project, as proposed, will create further traffic congestion that will destroy our neighborhood with gridlock & intolerable pollution for decades.

Hayworth S Neighborhood Association

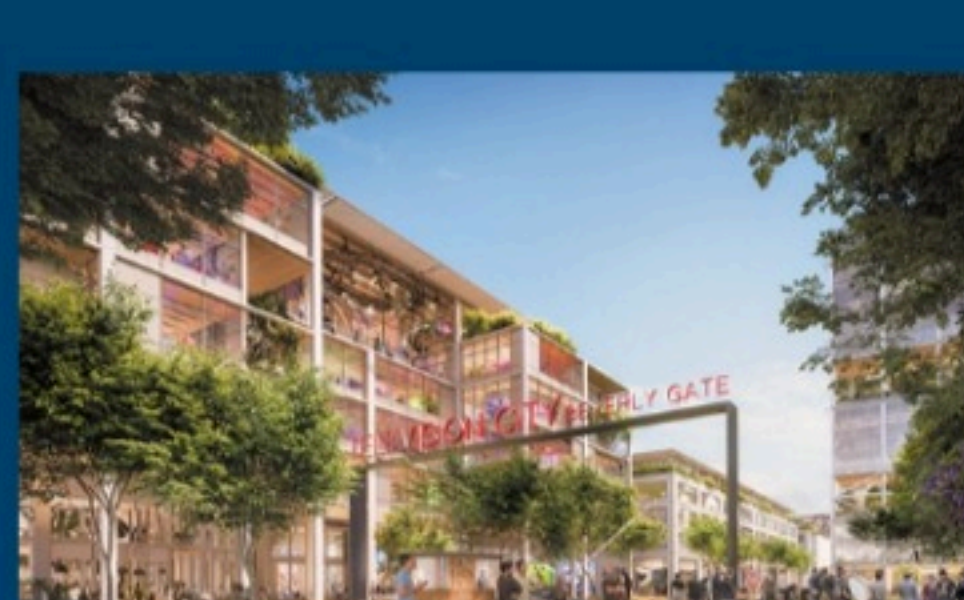
We have an overburdened infrastructure of roads, parking, and utilities. Local residents already suffer traffic gridlock and brownouts on a regular basis. Hackman's current proposal for Television City would be the straw that breaks the camel's back, and it would impact neighborhoods far beyond Beverly-Fairfax.

*Michelle Menna
Keller Williams Realty*

[submit your quote](#)



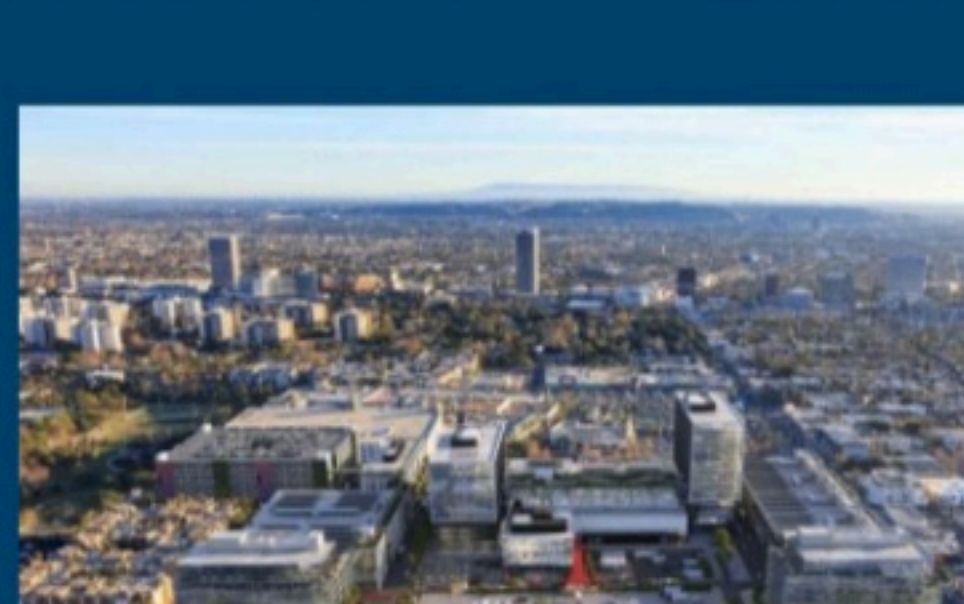
Media Coverage



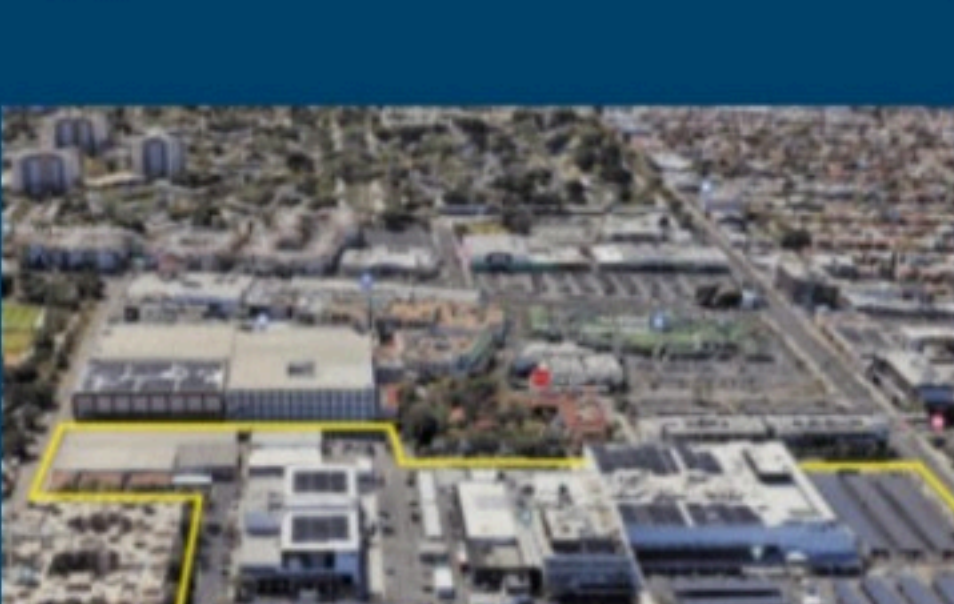
TV City Expansion Reduces Size a Bit, But Not Controversy
LARCHMONT CHRONICLE
April 25, 2024



Why Homelessness and Traffic Get Steadily Worse in Los Angeles
CITYWATCH LA
March 14, 2024



Community Outcry Grows as Hackman Capital Partners Pushes Forward with Controversial TVC 2050 Project
LARCHMONT CHRONICLE
March 14, 2024



Neighbors Oppose 'Regional Center' and Question Entitlements
LARCHMONT CHRONICLE
March 2, 2023

[Read More](#)

Contact City Council

We're asking the City Council to cut the 550,000 sq ft of General Office space. We need your help to make this happen. You can call, email, and attend events.

Sample Email - use copy button then paste into email; send to addresses listed.

Dear Councilmember Yaroslavsky,

I am very concerned about the impacts the proposed Television City expansion project will have on our community. It is way too big for this neighborhood and will generate unbearable traffic.

The developer, Hackman Capital, has presented a 1.7 million square foot studio project which is just 25% studio and 75% office compound. They've been calling it a world class studio, but in reality, the new development would be a massive office complex with a minor studio attached. And they want to shove it right in the middle of established residential neighborhoods.

While some of the TVC office space is designated for studio use, 550,000 square feet is general

Copy

01

Call

Contact Councilwoman Katy Yaroslavsky and tell her to cut the 550,000 sq ft of the General Office in Hackman's proposal.

City Hall: (213) 473-7005

District office: (323) 866-1828

02

Email

Please direct emails to both Councilmember Yaroslavsky and Vivian Rescalvo, her point person on the project.

councilmember.yaroslavsky@lacity.org, vrescalvo@gmail.com

03

Attend

Attend upcoming city council meetings to express your concerns.

Upcoming Events

May 15 @ 09:30 AM

Virtual Public Hearing

Join the virtual public hearing and share your concern about the project's size and impact via Zoom or Phone.

[Zoom Webinar](#)

Passcode Required: 139966

Call 1-213-338-8477

Meeting ID: 873 7140 6111#

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press *9 (Phone) to "raise your hand" virtually following staff calling the item.

Resources

Our Presentations

Fix TVC Town Hall with Developers (YouTube Highlights) Nov 15, 2023

Fix TVC Town Hall with Developers (YouTube Full) Nov 15, 2023

Neighbors Zoom meeting Mar 7, 2024

Greenway Theatre Presentation (Slides) Sept 13, 2023

City Project Documents

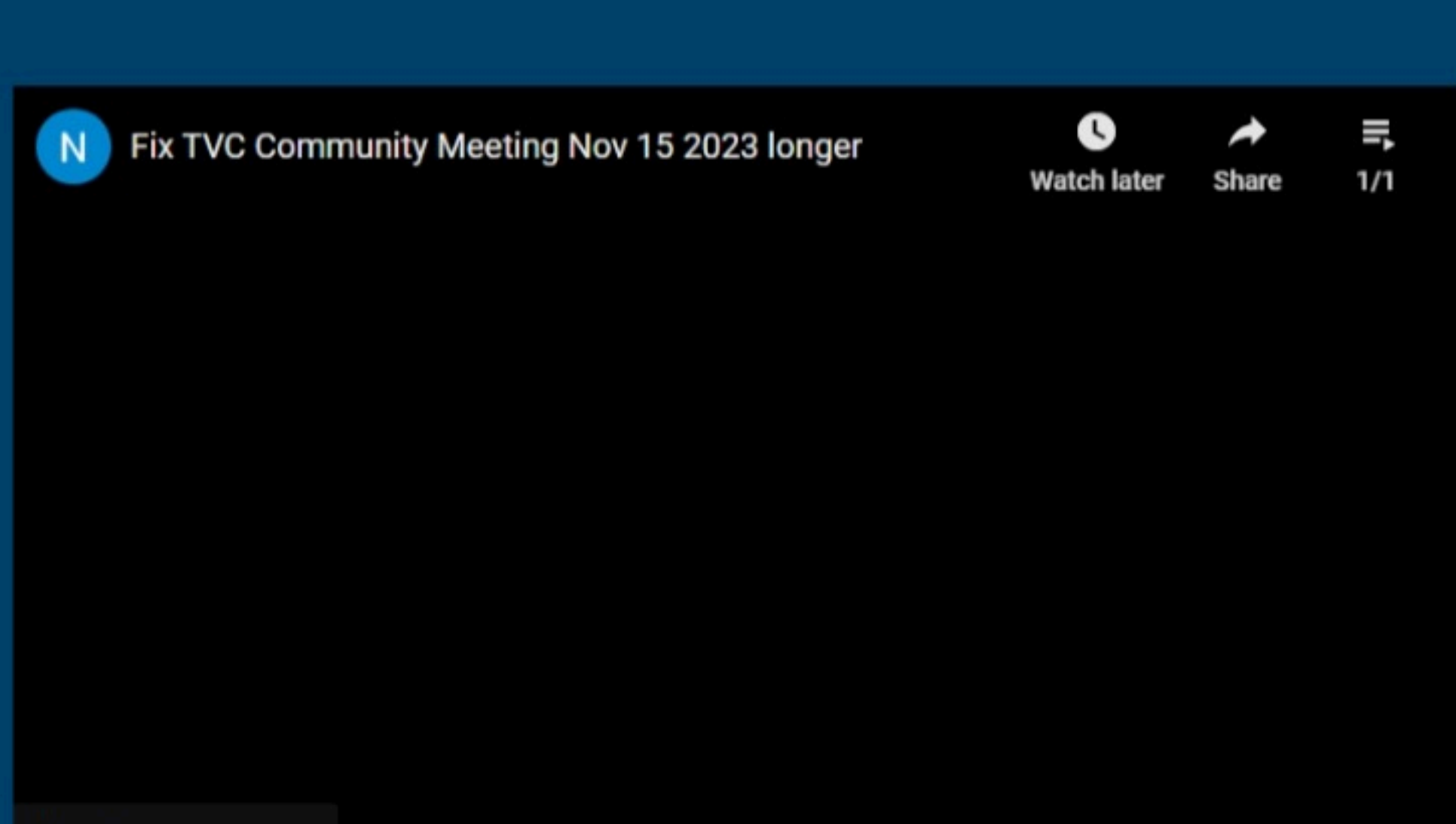
Draft TVC 2050 Specific Plan for Modified Project April 2024

Appendices, Sign District, and Erratum to EIR April 2024

Final Environmental Impact Report Nov 21, 2023

Draft Specific Plan Oct 13, 2023

Draft Environmental Impact Report July 2022





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BEVERLY PRESS PARK LABREA NEWS

Serving the Park Labrea, Miracle Mile, Hancock Park, Beverly Hills and West Hollywood communities since 1946.

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LETTERS

THE TELEVISION CITY EXPANSION IS TOO BIG!

2X THE SQ FEET & HEIGHT AS THE BEVERLY CENTER

URGENT: ZOOM PLANNING HEARING ON **MAY 15 AT 9:30 AM.**
CALL IN & EXPRESS YOUR CONCERNS.



CLICK FOR MEETING LINK



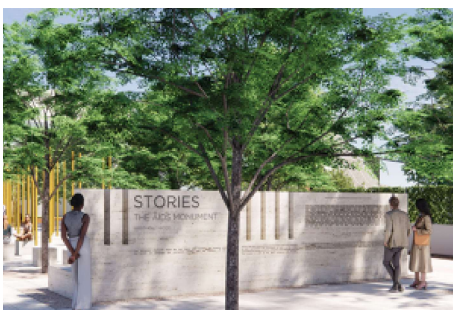
BEVERLY HILLS ABANDONS METRO PORTAL PLAN



CITY EMAILS LIKELY TO BE
RELEASED IN DUPONT CASE



UPTICK IN GRAFFITI PAINTS A
BLEAK PICTURE



Contractor for WeHo AIDS Monument set in stone

It's been over 10 years since the West Hollywood City Council first directed staff to explore the...



La Cienega Community Center stays closed due to foul odor

The La Cienega Park Community Center is closed indefinitely, according to the city of Beverly Hills. The recreation...

Mother's DAY BRUNCH

All-Day Brunch Special
served Wednesday, May 8 through Sunday, May 12

~ Entrées ~

Grilled Salmon with Mango Pico de Gallo
with Grilled Asparagus and Creamy Mashed Potatoes
OR
Mango Waldorf Salad with choice of
Grilled Steak, Chicken Breast or Salmon.

~ Dessert ~

Slice of Du-par's Fruit or Cream Pie
\$30.95 per person
Available for Dine-in,
Take Out and Delivery

Du-par's
RESTAURANT & BAKERY

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Till 10pm
Fri & Sat

In the Original Farmers Market • 3rd & Fairfax
(323) 933-8446 • (323) 933-8447 • frances@dupars-prx.com

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Beverly Hills housing element approved by state

After three years of rejections, the California Department of Housing and Community Development officially approved the Beverly...



Trees at Carthay school back on the chopping block

The Los Angeles Unified School District held a meeting on May 7 to inform the community about plans...



Hollywood Media District BID focuses on beautifying streets

Landscaping and trees on the Highland Avenue medians north of Melrose Avenue were trimmed last week by the...



This may hurt a little. WHAAAP!

"Do not grow old," cautioned Einstein.
"And never get in line behind a disheveled woman buying 150 cans..."

News

[View More...](#)



Hearing on Television City project planned on May 15

The Los Angeles Department of City Planning will hold a virtual public hearing on the Television City project on Wednesday, May 15, beginning at 9:30...

MAY 08, 2024



Developer plans to redesign affordable housing project on Larchmont



'Hot Pastrami' podcast cuts the mustard at Canter's

WeHo adopts language on Ellis Act

MAY 08, 2024

WeHo passes ordinance to help cannabis businesses

MAY 08, 2024

Sterling Building project tabled for now

MAY 08, 2024

LAFD, BHFD open doors for Fire Service Day

MAY 08, 2024

Beautification Conference planned in May at Pan Pacific Park

MAY 08, 2024

Notable Quotes

Sir Arthur Ignatius Conan Doyle

"Mediocrity knows nothing higher than itself, but talent instantly recognizes genius." Sir Arthur...

MAY 08, 2024

Sir Winston Churchill

"The United States is a land of free speech. No where is speech freer – not even here where we sedulously..."

MAY 01, 2024

Edgar Allen Poe

"Once upon a midnight dreary, while I pondered, weak and weary, Over many a quaint and curious volume..."

APR 24, 2024

Immaculate Heart

A Summer of Discovery For Girls
Entering Grades 4-8
Summer School & Youth Sports Camps
Register at
immaculateheart.org

Dining & Entertainment

[View More...](#)



'Taste' helps fight child hunger

The mission of No Kid Hungry is simple: end child hunger in the United States. The nonprofit strives to ensure every child in America gets three meals a day,...

MAY 08, 2024



'The Fall Guy' is why summer movies exist



Star Wars Day is a galactic hit with fans at Pink's Hot Dogs

- Mother's Day Dining**
MAY 08, 2024
- Tea, brunch and more offered at The London**
MAY 08, 2024
- Italian-inspired meal for mamma**
MAY 08, 2024
- Dinners support brain cancer research in Pasadena**
MAY 08, 2024
- Beverly Hills hosts second annual Rugelach contest**
MAY 08, 2024



WEHO PRIDE
Weekend
MAY 31 THROUGH JUNE 2

[@wehopride](#)
[wehopride.com](#)

School News

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State leaders explore challenges with youth mental health



Allen honors Emily Shane Foundation for work in education



Music Center recognizes teen winners of

- U.S. Department of Education launches next phase of FAFSA support strategy**
MAY 09, 2024
- Celebrities turn out for arts education at 'Express Yourself'**
MAY 02, 2024
- State leader honored for furthering Holocaust education**
MAY 02, 2024
- BHUSD leaders honored as 'Administrators of the Year'**
APR 25, 2024

California First Partner Jennifer Siebel Newsom visited Hollywood High School on May 6 to participate in a discussion with students, parents and educators about...

MAY 09, 2024

[Spotlight arts contest](#)

[Jerry Herman nominations announced](#)
APR 25, 2024

THE TELEVISION CITY EXPANSION IS TOO BIG!

2X THE SQ FEET & HEIGHT AS THE BEVERLY CENTER

URGENT: ZOOM PLANNING HEARING ON MAY 15 AT 9:30 AM.

CALL IN & EXPRESS YOUR CONCERNS.



[CLICK FOR MEETING LINK](#)

Crime

[View More...](#)



Man arrested for violent assault in Hollywood

Detectives have arrested a 27-year-old man for a violent assault on Hollywood Boulevard on May 6 that left a victim severely injured. The assault was captured...

MAY 09, 2024



Beverly Grove residents on edge after home burglaries



Dordick wins case against officers who shot man

LAPD and community join together at inaugural Chicken With a Cop

MAY 09, 2024

Concern grows over custody of Melrose murder suspect

MAY 01, 2024

LAFD quickly extinguishes house fire on Alta Vista

MAY 01, 2024

Beverly Hills Police Department holds inspection ceremony

MAY 01, 2024

BH man convicted of tax evasion

MAY 01, 2024

THE TELEVISION CITY EXPANSION IS TOO BIG!

2X THE SQ FEET & HEIGHT AS THE BEVERLY CENTER

URGENT: ZOOM PLANNING HEARING ON MAY 15 AT 9:30 AM.

CALL IN & EXPRESS YOUR CONCERNS.



[CLICK FOR MEETING LINK](#)

Life, Style & Art

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Beastly Ball is a wildly good time

The Greater Los Angeles Zoo Association presents the return of the Beastly Ball, its annual fundraising event on Saturday, June 1. Actor, comedian and television...

MAY 08, 2024



The Ebell offers a variety of fun events in May



All Saints' Beverly Hills welcomes community to Ascension Day service

Getty acquires 17 drawings

MAY 09, 2024

Celebrities raise awareness in May about mental health care

MAY 09, 2024

Waldorf Astoria Beverly Hills welcomes Martins as sales and marketing director

MAY 09, 2024

May tells new 'Stories of Cinema' at Academy Museum

MAY 09, 2024

Low-riders motor into Petersen

MAY 09, 2024

Our People Our Places

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Frank Gehry: The architectural virtuoso continues to inspire and enrich lives

With its sweeping silver façade dancing like musical notes on the Los Angeles skyline, the Walt Disney Concert Hall is perhaps the most recognizable...

SEP 28, 2023



Speed and poetry in motion



Do you believe in magic?

What's Cooking with Nancy Silverton

SEP 28, 2023

The ghosts of Greystone

SEP 28, 2023

Conservancy builds a bridge to L.A.'s past

FEB 12, 2024

Postcards from The Beverly Wilshire Hotel

FEB 12, 2024

Witch's House brings a bit of magic to Beverly Hills

FEB 12, 2024



Letters to the Editor

[View More...](#)

Support Taiwan's role in global health governance

The COVID-19 crisis has highlighted flaws in global health systems, but Taiwan has demonstrated remarkable resilience and efficacy in pandemic management, sharing...

MAY 08, 2024

8850 Sunset and TV City developments will bring more traffic gridlock

Project will bring NYC to Beverly Hills

Traffic calming measures make neighborhoods safer

APR 03, 2024

One-year minimum lease for all properties in WeHo is a setback

MAR 27, 2024

Changes on Willoughby will add traffic congestion elsewhere

MAR 27, 2024

WeHo should look deeper into ways to address housing crisis

FEB 28, 2024

Beware of fake voter guides

FEB 28, 2024



Calendar

[View More...](#)

Piano Spheres

Piano Spheres' Emerging Artist series begins on Tuesday, May 14, at 8 p.m. with Shaoai Ashley Zhang performing...

MAY 14, 2024 8:00PM

Writers Bloc

Writers Bloc welcomes former White House press secretary and current MSNBC anchor Jen Psaki in conversation with Crooked...

MAY 14, 2024 8:00PM

Mural talk at LACMA

Hear from artists Tania Godoroja Pearse, Johanna Poethig and Kim Martinez during "Muralist to Muralist: Stories from the..."

MAY 15, 2024 7:00PM

Dillon Francis

The Gammy Museum is holding "A Conversation with Dillon Francis" on Wednesday, May 15, at 7:30 p.m. in...

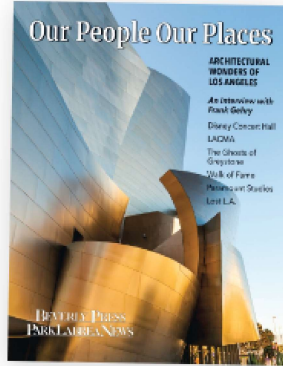
MAY 15, 2024 7:30PM

Brain health webinar

Join Belmont Village Senior Living for an educational webinar on Thursday, May 16, at 11 a.m. on how...

MAY 16, 2024 11:00AM

*Serving the Park Labrea, Miracle Mile,
Hancock Park and West Hollywood
communities since 1946.*



Our People Our Places

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OUR PEOPLE OUR PLACES

75th Anniversary

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THE TELEVISION CITY STUDIO EXPANSION PROPOSAL:
2X THE SQUARE FOOTAGE &
2X AS TALL AS THE BEVERLY CENTER

IT'S TOO BIG FOR OUR COMMUNITY!



TELEVISION CITY STUDIO EXPANSION
IS NOT FOR BEVERLY FAIRFAX

**TOO BIG
FOR OUR
COMMUNITY!**

2X THE DENSITY AND
2X AS TALL AS THE
BEVERLY CENTER

**MORE
GRIDLOCK!**

8,000 PROJECTED
DAILY WORKERS,
5,300-SPACE
PARKING STRUCTURE

**DUMP TRUCKS
FOR YEARS!**

120,000 TRIPS BY
DUMP TRUCKS, FOR
EXCAVATION ALONE

**LONG-TERM
CONSTRUCTION
IMPACTS!**

CONSTRUCTION TO
LAST FOR UP TO 20
YEARS

BEVERLY FAIRFAX
COMMUNITY ALLIANCE

TO TAKE ACTION, **CALL INTO THE CITY'S HEARING ON MAY 15 AT 9:30AM**
CALL 213-338-8477, MEETING ID 873 7140 6111#
OR USE THIS ZOOM INVITE:
[HTTPS://TINYURL.COM/TVCMAY15](https://tinyurl.com/tvcmay15) PASSCODE 139966

TO LEARN MORE, VISIT **BEVERLYFAIRFAXCOMMUNITYALLIANCE.ORG**



May 1, 2024

Dear Neighbors,

We are a coalition of residents, homeowners, businesses, and community groups who live and work near Television City Studio at Beverly and Fairfax and are alarmed by the massive redevelopment plan for the old CBS studios. For the past two years, we have campaigned for a plan that respects the scale and character of the neighborhood.

On Wednesday, May 15, the City will hold its first formal public hearing on this **massive, 1.724 million square-foot "TVC 2050" project.**

The developer, Hackman Capital Partners, recently made some positive changes to the plan – but they still kept 92.5% of the square footage. It's still almost twice the size of Staples Center, and the slight reduction does little to relieve major impacts on traffic, infrastructure and emergency response times in surrounding neighborhoods. As proposed, the project would still:

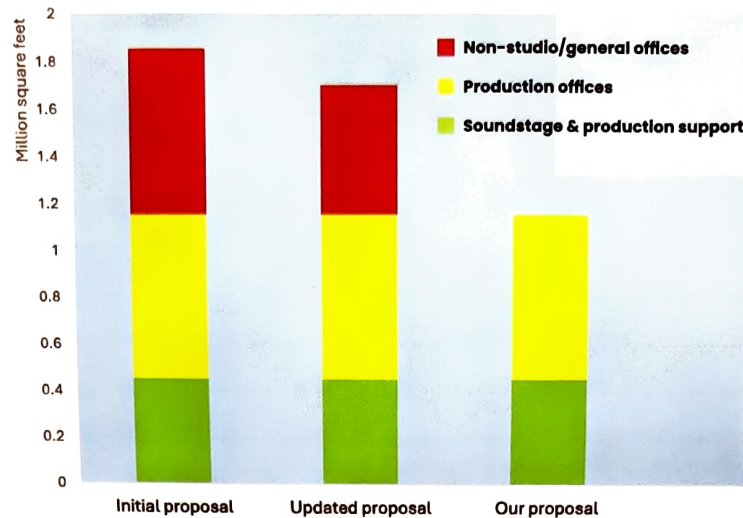
- › Clog every route to Beverly and Fairfax, first with huge construction equipment and then with 8,000 commuters.
- › Disrupt the entire area with stop-and-start construction over 20 years.
- › Devote almost 75% of its space to high-density office towers that generate much more traffic than production facilities.
- › Place no limits on "special events" or helipad use.
- › Dwarf the tallest buildings in the area with its 225 foot tall tower.
- › Set a dangerous precedent for overdevelopment in surrounding neighborhoods.

As proposed, TVC 2050 includes a whopping 550,000 square feet of office space unrelated to studio operations. **Eliminating the surplus 550,000 square feet of offices** would honor the developer's stated intention to revitalize the studio and also their commitment to "being a good neighbor for the long-term."

To be clear, we support redevelopment of this property, provided it is modified to address community concerns. It's not too late to change this Project to make it better for our community!

(Over)

TVC should be a studio, not an office complex



We propose a win-win solution that allows for a viable studio without undue burden on the community, and we need your help to right-size the project.

Here's how you can make your voice heard!

- Call in to the City's virtual public hearing on **MAY 15 AT 9:30 a.m** and share your concern about the project's size and impact. **Call 213-338-8477, Meeting ID 873 7140 6111#** or use this **Zoom invite: <https://tinyurl.com/TVCMay15> passcode 139966**
- To learn more about the project before the hearing, please join our next community meeting via Zoom on **May 8 at 7:00 p.m.** We will update you on the project and get your input on making it better. **Zoom invite: <https://tinyurl.com/FixTVCZoomMay8>**
- Please call/email Councilmember Katy Yaroslavsky and urge her to cut the 550,000 square feet of surplus office space. Knowing that we have her back, she can be a strong advocate for responsible development.
Call (213) 473-7005 or email Councilmember.Yaroslavsky@lacity.org

This process can be overwhelming – we want to make sure your voice gets heard.

Please visit www.fixtvc.org for regular updates or email us at neighbors@fixtvc.org.

Thank You!

Danielle Peters & Shelley Wagers, Co-chairs

Protect our community from the massive Television City studio expansion project!

Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
Reply-To: Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
To: [REDACTED]

Thu, May 2, 2024 at 10:00 AM

[View this email in your browser](#)

BEVERLY FAIRFAX

COMMUNITY ALLIANCE

Important message about the massive Television City studio expansion project!

The group Neighbors for Responsible TVC Development is holding a community meeting via zoom on Wednesday, May 8 at 7PM to discuss the latest matters involving the redevelopment of Television City, the former CBS Studios, at Beverly and Fairfax, and you're invited.

Registration and Zoom link: <https://tinyurl.com/FixTVCZoomMay8>

Here is their letter to the community:

Dear Neighbors,

We are a coalition of residents, homeowners, businesses, and community groups who live and work near Television City Studio at Beverly and Fairfax and are alarmed by the massive redevelopment plan for the old CBS studios. For the past two years, we have campaigned for a plan that respects the scale and character of the neighborhood.

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As proposed, the project would still:

- Clog every route to Beverly and Fairfax, first with huge construction equipment and then with 8,000 commuters.
- Disrupt the entire area with stop-and-start construction over 20 years.
- Devote almost 75% of its space to high-density office towers that generate much more traffic than production facilities.
- Place no limits on "special events" or helipad use.
- Dwarf the tallest buildings in the area with its 225 foot tall tower.
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To be clear, we support redevelopment of this property, provided it is modified to address community concerns. It's not too late to change this Project to make it better for our community!

We propose a win-win solution that allows for a viable studio without undue burden on the community, and we need your help to right-size the project.

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This process can be overwhelming – we want to make sure your voice gets heard.

Please visit www.fixtvc.org for regular updates or email us at neighbors@fixtvc.org.

Thank You!

Danielle Peters & Shelley Wagers, Co-chairs
Neighbors for Responsible TVC Development

Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.



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You are receiving this email because you opted in via our website.

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Beverly Fairfax Community Alliance
[8023 Beverly Blvd Ste 1 # 504](#)
[Los Angeles, CA 90048-4523](#)

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Important update about the Television City expansion project

Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Thu, May 2, 2024 at 2:53 PM

To: Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Bcc: [REDACTED]

Dear Neighbors,

On **Wednesday, May 8 at 7 PM**, we are holding a community meeting on Zoom to discuss the latest matters involving the redevelopment of Television City – the former CBS Studios, at Beverly and Fairfax – and you're invited!

Registration and Zoom link: <https://tinyurl.com/FixTVCZoomMay8>

Here is an excerpt from the letter we recently sent to the community, which includes information about how to call into the upcoming public hearing (May 15 at 9:30 AM) and express your concerns:

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To make your voice heard, call in to the City's virtual public hearing on **MAY 15 AT 9:30 a.m** and share your concern about the project's size and impact. Call 213-338-8477, Meeting ID 873 7140 6111# or use this Zoom invite: <https://tinyurl.com/TVCMay15> passcode 13996

Thank You!

Danielle Peters & Shelley Wagers, Co-chairs
Neighbors for Responsible TVC Development



Important message about the massive Television City studio expansion project!

Neighbors for Responsible TVC Development <neighbors@fixtvc.org>

Sat, May 4, 2024 at 2:58 PM

To: [REDACTED]

Dear Neighbors,

On **Wednesday, May 8 at 7 PM**, we are holding a community meeting on Zoom to discuss the latest matters involving the redevelopment of Television City – the former CBS Studios, at Beverly and Fairfax – and you're invited!

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To be clear, we support redevelopment of this property, provided it is modified to address community concerns. It's not too late to change this Project to make it better for our community!

We propose a win-win solution that allows for a viable studio without undue burden on the community, and we need your help to right-size the project.

To make your voice heard, call in to the City's virtual public hearing on **MAY 15 AT 9:30 a.m** and share your concern about the project's size and impact. Call 213-338-8477, Meeting ID 873 7140 6111# or use this Zoom invite: <https://tinyurl.com/TVCMay15> passcode 13996

Thank You!

Danielle Peters & Shelley Wagers, Co-chairs
Neighbors for Responsible TVC Development



Reminder! Join us tonight at 7 PM on Zoom

Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Wed, May 8, 2024 at 12:09 PM

To: Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Bcc: [REDACTED]



Dear Friends and Neighbors,

REMINDER!

Tonight, our group is hosting a Zoom meeting to discuss the latest developments surrounding the proposed Television City expansion – the former CBS Studios, at Beverly and Fairfax – and you're invited!

Date: May 8th, 2024

Time: 7 PM

Registration and Zoom link: <https://tinyurl.com/FixTVCZoomMay8>

Sincerely,

Danielle Peters & Shelley Wagers

Co-Chairs, Neighbors for Responsible TVC Development

Protect our community! Join the virtual public hearing on 5/15 at 9:30AM to express your opposition to the Television City studio expansion

Neighbors for Responsible Television City Development <neighbors@fixtvc.org>

Fri, May 10, 2024 at 2:37 PM

Reply-To: Neighbors for Responsible Television City Development <neighbors@fixtvc.org>

To: [REDACTED]



May 15, 9:30 AM

Join the City's virtual hearing on the Television City Studio Expansion Project

Dear Neighbors,

On Wednesday, May 15 at 9:30 AM, the City of Los Angeles Planning Department will hold a virtual public hearing about the redevelopment of Television City, the former CBS Studios, at Beverly and Fairfax.

The main purpose of the hearing is to collect feedback from the public, and we urge you to call in and speak about the impacts of this massive project on our community.

To join the meeting:

Call 1-213-338-8477

Meeting ID: 873 7140 6111#

or

Click here: [Zoom Webinar](#)

Passcode Required: 139966

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press *9 (Phone) to "raise your hand" virtually following staff calling the item.

The proposed Television City studio expansion project is way too big. It will generate more traffic gridlock and will have an enormous impact on our community

It would be twice the size of the Beverly Center!

**THE TELEVISION CITY
EXPANSION IS TOO BIG!**

2X THE SQ FEET & HEIGHT AS THE BEVERLY CENTER

URGENT: ZOOM PLANNING HEARING ON
MAY 15 AT 9:30 AM

**CALL IN AND EXPRESS YOUR CONCERNS.
THE HEARING WILL LAST SEVERAL HOURS.**

CLICK FOR MEETING LINK

The developer, Hackman Capital, has presented a 1.7 million square foot studio project which is just 25% studio and 75% office compound. It has been advertised as a world class studio. In reality, the new development would be a massive office complex with a small studio attached.

While some of the TVC office space is designated for studio use, 550,000 square feet is general office space that has no relation to production. This community does not need a huge office complex and should not bear the burden of the added disruption and congestion it will cause.

The developer made some positive changes in their April 2024 revision, but still kept 92.5% of their square footage. This slight reduction does little to minimize the alarming impact on traffic, infrastructure, emergency response times, and our cherished historic neighborhoods.

Please join your neighbors at Wednesday's virtual hearing to express your opposition to this project and protect our community!

Thank you,

Danielle Peters & Shelley Wagers

Co-Chairs, Neighbors for Responsible TVC Development

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Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

[View email in browser](#)

Neighbors for Responsible Television City Development · 8023 Beverly Blvd Ste 1 · Los Angeles, CA 90048-4523 · USA
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Protect our community! Please join Wed May 15 9:30AM virtual public hearing to express your opposition to the Television City studio expansion project

Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
Reply-To: Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
To: [REDACTED]

Sat, May 11, 2024 at 11:49 AM

[View this email in your browser](#)

BEVERLY FAIRFAX

COMMUNITY ALLIANCE

May 15, 9:30 AM - Join the City's Virtual Hearing on Television City Studio Expansion Project

Dear Neighbors,

On Wednesday, May 15 at 9:30 AM, the City of Los Angeles Planning Department will hold a virtual public hearing about the redevelopment of Television City, the former CBS Studios, at Beverly and Fairfax.

The main purpose of the hearing is to collect feedback from the public, and we urge you to call in and speak about the impacts of this project to our community.

To join the meeting:

Call 1-213-338-8477

Meeting ID: 873 7140 6111#

or

Click here: [Zoom Webinar](#)

Passcode Required: 139966

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press *9 (Phone) to “raise your hand” virtually following staff calling the item.

The proposed Television City studio expansion project is way too big, will generate more traffic gridlock, and will have an enormous impact on our community.

It would be twice the size of the Beverly Center!

The developer, Hackman Capital, has presented a 1.7 million square foot studio project which is just 25% studio and 75% office compound. It has been advertised as a world class studio. In reality, the new development would be a massive office complex with a small studio attached.



While some of the TVC office space is designated for studio use, 550,000 square feet is general office space that has no relation to production. This community does not need a huge office complex and should not bear the burden of the added disruption and congestion it will cause.

The developer made some positive changes in their April 2024 revision, but still kept 92.5% of their square footage. This slight reduction does little to minimize the alarming impact on traffic, infrastructure, emergency response, and our cherished historic neighborhoods.

Please join your neighbors at Wednesday's virtual hearing to express your opposition to this project and protect our community!

Thank you

The Beverly Fairfax Community Alliance was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.



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Los Angeles, CA 90048-4523

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TODAY at 9:30! Join the virtual hearing on the Television City studio expansion

Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Wed, May 15, 2024 at 7:30 AM

To: Neighbors For Responsible TVC Development <neighborsforresponsibletvc@gmail.com>

Bcc: [REDACTED]



REMINDER: Join the City's virtual hearing on the Television City studio expansion project TODAY at 9:30 AM!

Today is the day! Join the virtual public hearing at 9:30 AM to tell the City of Los Angeles Planning Department that the Television City redevelopment project is too big for our community.

To join the meeting:

Option 1

Call 1-213-338-8477

Meeting ID: 873 7140 6111#

Option 2

Click here: [Zoom Webinar](#)

Passcode Required: 139966

You will be auto-muted when entering the meeting. To comment on an agenda item, click the raise hand icon (Webinar) or press *9 (Phone) to "raise your hand" virtually following staff calling the item.

See below for potential talking points and issues to address. Please voice any additional concerns you may have as well. Join us in speaking out on behalf of our community!

The Project is Too Big

- The project is simply too big
- It is twice the size of the Crypto.com arena and the Beverly Center
- The tallest building, at 225 feet, would be 100 feet taller than any other structures in the area.

Traffic Impacts for Years

- A project of this size and scope will bring severe traffic impacts to an already overburdened area
- Large construction equipment will clog roads.
- Using alternative means of transportation, like public transit, is unrealistic at this time, and employees who depend on major streets would rely on cutting through residential neighborhoods to find parking and shortcuts.
- I'm concerned about the impact this will have on our safety and quality of life.

Disruptive 20-Year Construction Timeline

- The construction window is 20 years, which will have long-term disruptive impacts.
- I'm concerned about the environmental repercussions of a project of this magnitude.

- With emission-producing trucks constantly transporting dirt, waste, and hazardous materials over a 20-year construction timeline, it's inevitable that the environment and quality of life in Beverly Fairfax will be negatively impacted.

Impacts on Emergency Response Times

- I'm concerned about the impacts this project will have on emergency response times.
- Our neighborhood is already overburdened and the existing infrastructure isn't adequate to support a development of this scale.
- Hackman has said traffic and project uses will impact response times for fire, medical and police response – and, the project will only increase the demand for these services.

Office Space vs. Studio Space

- The proposed project is 25% studio and 75% office space.
- This includes 550,000 square feet of non-studio office space.
- Eliminating the surplus 550,000 square feet of offices would honor the developer's stated intention to revitalize the studio and also their commitment to "being a good neighbor for the long-term."

Special Events and Helipad Use

- As proposed, there are no limits on "special events" or helipad use, which could be very disruptive to the community.

Thank you again, and we hope to hear from you soon!

Danielle Peters & Shelley Wagers
Co-Chairs, Neighbors for Responsible TVC Development



TVC 2050 - Let your voice be heard

Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
Reply-To: Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>
To: [REDACTED]

Tue, May 21, 2024 at 10:59 AM

[View this email in your browser](#)

BEVERLY FAIRFAX COMMUNITY ALLIANCE

Dear Neighbors,

Upset about the massive scale of the proposed Television City redevelopment project and the traffic nightmare it will bring?

[CLICK HERE](#) to let the Council office and Planning Department know how you feel!

On Wednesday, the City of Los Angeles held its first of several hearings to consider the proposal to redevelop the Television City property at Beverly and Fairfax. We sincerely thank all those who called into the meeting and offered public comment against this enormous project.

At that meeting, Planning Department officials said they understood that not everyone in the community would be available to participate in

a daytime meeting, and so they *encourage you to send in comments about the project*. Those comments will be treated the same by the Planning Department as any comment given at the hearing.

Here's your chance to let them know how you feel about TVC 2050.

CLICK HERE to send them a letter expressing your concerns. Even if you spoke at the hearing last week, we would ask for you to also send in letter.

Thank you,

Beverly Fairfax Community Alliance

The Beverly Fairfax Community Alliance was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.



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TVC 2050: submit a letter to make your voice heard!

Neighbors for Responsible Television City Development <neighbors@fixtvc.org>
Reply-To: Neighbors for Responsible Television City Development <neighbors@fixtvc.org>
To: [REDACTED]

Thu, May 23, 2024 at 8:59 AM



Dear Neighbors,

Upset about the massive scale of the proposed Television City redevelopment project and the traffic nightmare it will bring?

CLICK HERE to let the Council office and Planning Department know how you feel!

On Wednesday May 15th, the City of Los Angeles held its first of several hearings to consider the proposal to redevelop the Television City property at Beverly and Fairfax. We sincerely thank all those who called into the meeting and offered public comment against this enormous project.

At that meeting, Planning Department officials said they understood that not everyone in the community would be available to participate in a daytime meeting, and they *encourage you to send in comments about the project*. Those comments will be treated the same by the Planning Department as any comment given at the hearing.

Here's your chance to let them know how you feel about TVC 2050.

CLICK HERE to send them a letter expressing your concerns. Even if you spoke at the hearing last week, it would help our cause to send in a letter as well!

Thank you,

Danielle Peters & Shelley Wagers

Co-Chairs, Neighbors for Responsible Television City Development

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Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

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9 Community Groups and Businesses Appeal Television City (TVC 2050) Expansion

Big news!

Nine community groups and local businesses in the Beverly Fairfax neighborhood have filed appeals with the City of Los Angeles Planning Department about the Television City project, known as TVC 2050.

Since it was first proposed, this massive expansion project has raised serious concerns among local residents, businesses, and community groups.

The following community organizations filed appeals with the City opposing the project: **Beverly Wilshire Homes Association, Fix the City, Miracle Mile Residents Association, Neighbors for Responsible TVC Development, Park La Brea Impacted Residents Group, and Save Beverly Fairfax.**

The following businesses also filed appeals: **A.F. Gilmore Company (owners of The Original Farmers Market), Broadcast Center Apartments and Caruso’s The Grove shopping center.**

Additionally, the group Neighbors for Responsible Television City Development recently delivered to LA City Councilmember Katy Yaroslavsky more than 2,200 signed petitions, collected by hand, from local residents opposing the size and scope of the project.

Hackman Capital’s TVC 2050 proposal would make the Television City property twice the size of the Staples Center, with an office tower 100 feet taller than any other structure in the surrounding community, and would add 550,000 of general, non-studio office space on the property. The additional office workforce would also add crushing traffic to an already congested area of Los Angeles. The project has a 20-year construction timeline, with 20-ton trucks conducting more than 100,000 trips driving through and polluting the community.

Protect your community! Visit www.fixtvc.org to learn more about this project.

Take action! Email Councilmember Katy Yaroslavsky and the Planning Department sharing your concerns: Councilmember.Yaroslavsky@lacity.org

COMMUNITY GROUPS & BUSINESSES UNITED



From: Beverly Fairfax Community Alliance <info@beverlyfairfaxcommunityalliance.org>

Date: Monday, June 24, 2024 at 9:30 AM

To: <undisclosed-recipients:;>

Subject: 9 Community Groups and Businesses Appeal Television City Project

For Immediate Release

Contact: info@BeverlyFairfaxCommunityAlliance.org

9 Community Groups and Businesses Appeal Television City Project

Los Angeles – Nine community groups and local businesses in the Beverly Fairfax neighborhood have filed appeals with the City of Los Angeles Planning Department, challenging the City's Advisory Agency's May 28, 2024 approval of the Vesting Tentative Tract Map ("VTTM") and related certification of the Final Environmental Impact Report ("EIR") for the TVC 2050 Project.

Since it was first proposed, this massive expansion project has generated significant opposition from local residents, businesses, and community groups.

The following community organizations, members of the Beverly Fairfax Community Alliance, filed appeals with the City opposing the project: Beverly Wilshire Homes Association, Fix the City, Miracle Mile Residents Association, Neighbors for Responsible TVC Development, Park La Brea Impacted Residents Group, and Save Beverly Fairfax. The following businesses also filed appeals: A.F. Gilmore Company, Broadcast Center Apartments and Caruso's The Grove shopping center.

Leading land use attorneys from Loeb & Loeb; Latham & Watkins; Carstens, Black & Minter; Sheppard, Mullin, Richter & Hampton and Collaborate prepared these appeals on behalf of several organizations and businesses.

Additionally, the group Neighbors for Responsible Television City Development recently delivered to LA City Councilmember Katy Yaroslavsky more than 2,200 signed petitions, collected by hand, from local residents opposing the project.

Hackman Capital's TVC 2050 proposal would make the Television City property twice the size of the Staples Center arena, with an office tower that would be 100 feet taller than any other structure in the surrounding community, and add 550,000 of general, non-studio office space on the property. The additional office workforce would also add considerable traffic to an already congested area of Los Angeles. The project has a 20-

year construction timeline, with 20-ton trucks conducting more than 100,000 trips driving through and polluting the community.

The various appeals cite conflicts with the existing general and specific plan for this location; concerns with transparency, disclosure and other issues with the City's process; how the project is out of scale with the surrounding community; the addition of a massive general office complex that has no specific studio use; causing traffic gridlock; creating significant air pollution; impacts to emergency response; a 20-year construction timeline that will disrupt the neighborhood; and violations of the California Environmental Quality Act.

Commenting on the significant community opposition to the TVC 2050 project, Neighbors for Responsible TVC co-chairs Danielle Peters and Shelley Wagers said: "Despite our support for revitalizing the historic studio, the TVC 2050 project remains deeply unpopular in the Beverly Fairfax community. It would be twice as big as the Staples Center arena, with over 500,000 square feet of general office space, creating endless traffic gridlock. Its Specific Plan and 20-year construction timeline are a blank check. TVC needs to be refocused and downsized, and the City needs to review it properly."

Diana Plotkin, President of the Beverly Wilshire Homes Association, said: "The community has filed nine compelling appeals about the many negative impacts the Television City project will bring to the Beverly Fairfax neighborhood. It is our hope that the Developer, City Staff and our Council Member will support us in making the needed reductions to the project to make it compatible with the historic Beverly Fairfax neighborhood. If not, we will need to consider other options including litigation, action at the ballot box, or even a possible referendum."

All nine appeals are available for download here:

https://drive.google.com/drive/folders/1x0BZg3ruQl6wFB0QScPfYNp7MAuBqTy8?usp=share_link

In the months ahead, these community organizations and businesses, among others, will continue to advocate for the City to amend this massive development that will bring many negative impacts to the Beverly Fairfax community.

—

Excerpts from the appeals below:

In its [appeal](#), Neighbors for Responsible Television City Development states: “Many of the objections we have regarding this Project stem from size, Project Description, and the lack of required transparency in the administrative processes.”

In addition, Neighbors for Responsible Television City Development states: “The residential neighborhoods surrounding TVC are unsuitable for a project with the density of a studio PLUS an office park. An Office Park component *in addition to* an updated, modern, and efficient operational studio is just too much. Of course, we are assuming that the Applicant is actually proposing a Studio. Project uses in the Project Description are interchangeable throughout the site in the EIR ...”

In its [appeal](#), the Miracle Mile Residents Association wrote that “The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But emergencies aren’t just fires, and they are not confined to the lot. Emergencies are accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment on the lot itself doesn’t resuscitate neighbors or get them to the hospital in an emergency. Ambulances and Paramedics — operated by the Fire Department — get caught in gridlocked traffic just like the rest of us, and can’t access side streets, either, thanks to the prevalence of driving software. The Applicant’s solution to traffic just doesn’t work and isn’t safe.”

In its [appeal](#), Park La Brea Impacted Residents Group, representing residents in the Park La Brea apartment community, wrote that they “remain concerned that the development of the Project authorized by the VTTM will have adverse impacts on the community. These impacts were obscured by an impermissibly opaque administrative process that prevented the full disclosure of Project details and intentions and their likely impacts, thereby preventing full environmental analysis and the mitigation of those likely impacts.”

In its [appeal](#), the Beverly Wilshire Homes Association wrote that it “appreciates the goal of modernizing Television City’s production facilities but asserts that the City’s administrative process has lacked the transparency required for full community understanding and the mitigation of impacts on that community. Notably, the Specific Plan was not even available for public review until nearly two years after the completion of the draft EIR. The EIR claimed impacts of the Project would be mitigated by the design and other standards included in the Specific Plan, but those standards were not made public during the EIR comment period.”

In its [appeal](#), Fix the City wrote: “The City has provided no stable information as to what the project is in the EIR or as part of the tract map, has changed the project multiple times, releasing modified plans and documents, yet still fails to provide enough detail on the project for the community and the Advisory Agency to know whether the site is physically suitable for the proposed development – or even what the proposed development is.”

In its [appeal](#), Save Beverly Fairfax wrote: “Many of the objections we have regarding this Project stem from the lack of required transparency in the administrative processes, with a project that has been a moving target that does not disclose the full costs of this development on the surrounding community....Further, what has been disclosed regarding this Project shows that it is far oversized for the site and for the surrounding residential community.”

In its [appeal](#), AIR Communities, which owns the adjacent Broadcast Center Apartments and nearby Palazzo West, Palazzo East and the Villas at Park La Brea apartments, wrote that the project’s Final EIR is unlawful. “Specifically, (a) the project description continues to be neither accurate, finite nor stable, (b) even if the revised project description was accurate, finite and stable, the Draft EIR must be fully revised and recirculated, (c) the FEIR failed to adequately respond, or in some cases respond at all, to many of the technical issues raised in the DEIR Comment Letter, and (d) the text of the current draft of the Specific Plan is problematic in numerous respects.”

In its [appeal](#), Caruso’s The Grove shopping center located adjacent to the TVC 2050 project wrote: “An EIR must inform the public of what the Project actually is, the Project’s significant impacts, and the feasible mitigation measures or alternatives that avoid or reduce these impacts. The Final EIR falls short of those mandates, failing even to meet the most basic requirement of describing the Project. The Final EIR lacks crucial data, analyses, and mitigation measures that should have been included across all technical sections. These errors are compounded by the alleged approval of a map that is not consistent with the ‘project’ the EIR assessed.”

In its [appeal](#), The A.F. Gilmore Company, which owns and operates The Original Farmers Market adjacent to the TVC 2050 project, wrote that the City’s Deputy Advisory Agency improperly “evaluated the Project against the Applicant’s requested – but not adopted – proposed planning and zoning amendments rather than against ‘applicable’ General and Specific Plans as required by Government Code Section 66474.... Because of the Project’s numerous inconsistencies with applicable general and specific plans, California Government Code Section 66474 mandates that the tentative map be disapproved.”

The Beverly Fairfax Community Alliance was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

###

SAVE THE DATE - City Planning Commission Hearing on Television City is September 12!

Neighbors for Responsible Television City Development <neighbors@fixtvc.org>
Reply-To: Neighbors for Responsible Television City Development <neighbors@fixtvc.org>
To: [REDACTED]

Tue, Aug 20, 2024 at 10:29 AM



Dear Neighbor,

Thank you for your support over the past two years in the campaign to right-size the proposed Television City redevelopment at Beverly and Fairfax. Our work is not done. As it stands, this massive project will devastate traffic, infrastructure and emergency response for decades to come.

The "revised" project would still create a development twice the size of the Beverly Center and the Crypto.com arena. **The project must be scaled back – and we need your help to make this happen.**

On Thursday, September 12 the Los Angeles City Planning Commission will hold a hearing on the Television City project. **Everything we've done has been building up to this day.** We hope you will join us at City Hall to make your voice heard and stand up for our community. See below for additional details and please invite any family, friends and neighbors who would be willing to spend the day helping to get the City to right-size this project.

City Planning Commission Hearing Information

Thursday, September 12, 2024

8:30 AM

Los Angeles City Hall, Room 304

[200 North Spring Street](#)

[Los Angeles, CA 90012](#)

We will meet at The Original Farmers Market at 7 AM on the 12th and will provide transportation to and from downtown on air-conditioned motor coaches, along with breakfast and lunch.

Please make every effort to join us! It's crucial that we show the City that our concerns are widely shared by the community. Please [click here](#) to RSVP for the hearing, so that we can keep you updated on any changes and provide specifics on parking (validation will be provided by the Farmers Market) and the day's agenda.

Thank you,

Neighbors for Responsible TVC Development

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Paid for by the Beverly Fairfax Community Alliance, which was started by The Original Farmers Market and The Grove in August 2022, and partners with community organizations, businesses and residents who are concerned about the proposed redevelopment of Television City.

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Partly cloudy,
with temps
around 80

• Beverly Hills free
speech zones
questioned pg. 5

• Jimmy McHugh
doc premieres pg. 9

Volume 34 No. 35

Serving Beverly Hills, West Hollywood, Hancock Park and Miracle Mile

August 29, 2024

Housing department says Beverly Hills violated law

■ Project appears to be ‘barreling toward litigation’

BY TABOR BREWSTER

After the Beverly Hills City Council denied a 19-story mixed-use development with affordable housing from moving forward with its application, the city received a notice from the California Department of Housing and Community Development that its denial violated state housing laws. Additionally, developer Leo Pustilnikov’s attorney Dave Rand said the developer is now strongly considering litigation against the city.

“HCD hereby notifies the city that its failure to accept the application for processing is in violation of state housing law,” the state wrote on Aug. 22.

The letter also urged the city to allow the project to move forward with its application “without further delay.”

The city has until Sept. 20 to submit a response to the state.

“HCD will consider any written



rendering courtesy of Ottinger Architects

The city may be forced to allow a 19-story mixed-use building at 125-129 S. Linden Drive.

response before taking further action authorized by Government Code section 65585, subdivision

See **Beverly Hills** page 25

8850 Sunset project narrowly OK’d in WeHo

■ Council approves
Viper Room
development

BY RANCE COLLINS

After more than four hours of public input and deliberation, the West Hollywood City Council approved the controversial 8850 Sunset Blvd. project in a 3-2 vote on Aug. 26. The development will replace the block of one-and-two story storefronts, which includes the famed Viper Room, with a mixed-used hotel, residential units, restaurant and retail space.

“We have a development team that is game to help beautify what is frankly dilapidated buildings and a rundown historic music venue and bring it back to life,” Mayor John Erickson said.

“This area of Sunset has long been ready for improvements and the approved project will energize this area for decades to come,” Vice Mayor Chelsea Byers said. “New affordable housing units and opportunities for the entire community to benefit are ample and there are enough flexible spaces in the design to meet ongoing market demands. As a neighbor to the area, I am excited to see the way the Sunset Strip continues to evolve with the times and dream up new ways to excite our



photo by Rance Collins

The current Viper Room will be leveled, and a new Viper Room will be included in the 8850 Sunset Blvd. development.

ing market demands. As a neighbor to the area, I am excited to see the way the Sunset Strip continues to evolve with the times and dream up new ways to excite our

imaginations and support our city.”

The project has been in the planning stages for years, and various

See **Viper Room** page 25

Bike lane controversies plague WeHo street plan

■ Residents object
to potential
loss of parking

BY RANCE COLLINS

Proposed bike lanes are causing consternation among some West Hollywood residents. On Aug. 22, the city hosted a meeting to review parking considerations for a planned streetscape redesign for

Vista and Gardner streets. The loss of 56% of street parking spaces was of specific concern to residents.

Attempts to reduce vehicular traffic and encourage alternative transportation has been an uphill battle for the West Hollywood City Council, which has approved various programs that would increase bike lanes and pedestrian-friendly spaces. But while the approved redesign of Vista and Gardner streets, as well as Willoughby

Avenue, would widen sidewalks, some community members take issue with other implementations for a “people friendly” redesign – particularly the e-scooter sharing program and parking reductions.

“About 100 residents filled the [meeting] and made it very clear that now they understand the project, they care and they are overwhelmingly against the plans,” resident George Nickle said.

Mayor John Erickson said that he wanted “to know what the residents of Gardner think, and not individuals who are trying to turn this into a political issue.”

“Sadly, it is election season, and there are a few candidates and individuals that would like to rile up the neighbors with mistruths,” he said.

Erickson added that new redesigns are in the works to help minimize parking loss.

“The city will be able to give a dedicated parking district to the residents of Gardner, so they don’t have to worry about losing parking at night,” Erickson said. “Anyone that would like to know what’s actually happening can give me a call and I’ll talk to them one on one, and we’ll make sure that their needs are heard.”

See **WeHo** page 26



photo by Jon Viscott

Roughly 100 residents attended an Aug. 22 meeting regarding parking changes for the Gardner/Vista/Willoughby bike lane project.



photo courtesy of the 2nd District council office

Authorities displayed photos of stolen copper wire that thieves turned in as scrap metal.

Copper wire theft energizes city’s search for solutions

■ Council examines
more use of solar
power in streetlights

BY EDWIN FOLVEN

The Los Angeles City Council approved a motion on Aug. 27 seeking information on potentially converting streetlights to solar power as a response to copper wire thefts, which are becoming

more frequent.

The motion put forth by Councilmembers Heather Hutt, 10th District, and Katy Yaroslavsky, 5th District, was approved on the same day that City Council President Paul Krekorian joined LAPD officials at a press conference to announce a crackdown on copper wire thieves and a series of arrests. Krekorian said copper wire theft

See **Wire theft** page 26

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photo by Tabor Brewster
Water rushed down South Hamilton Drive near La Cienega Boulevard on Aug. 21 as crews worked to locate and repair the pipe.

Metro work identified as cause of Beverly Hills street flooding

BY TABOR BREWSTER

After a water main below the surface of the 100-200 block of South Hamilton Drive burst on the morning of Aug. 21, the city of Beverly Hills said this week that Metro construction accidentally caused the leak.

“The cause of the leak was a [Metro] construction defect and the city is working with Metro’s contractor to resolve the issue so it does not occur in the future,” Beverly Hills Public Information Manager Lauren Santillana said.

The leak caused water to inundate South Hamilton Drive for approximately two hours. Residents rushed to their cars to relocate them as water reached as far as some ground-floor entryways. Crews from the Beverly Hills Department of Public Works and Metro arrived on the scene quickly to locate the leak. BHPD traffic officers shut down the street between Wilshire Boulevard and Gregory Way as

crews stopped the leak and excavated a large portion of the street to make a repair.

“While working to restore utilities at the future Wilshire/La Cienega Station on the first section of Metro’s D Line Subway Extension Project, a contractor reported a waterline leak while tying in the existing waterline to the newly constructed waterline,” Metro spokesman Dave Sotero said. “The construction team was successful in resolving the issue by using multiple pumps to divert water into the city of Beverly Hills’ storm drain system. There was no threat to public safety or other station construction impacts as a result of this incident.”

Nearby, Metro continued work on the Wilshire/La Cienega subway station, as part of the D Line Extension Project. The contractor for the portion of the project is Skanska-Traylor-Shea, a Joint Venture. The station is expected to open in late 2025.

BHPD gala to be held on Sept. 26

The Beverly Hills Police Gala is set for Thursday, Sept. 26, honoring officers from the city. Cocktails and hors d’oeuvres will kick off the event, followed by dinner, awards and a live auction. Individual tickets start at \$500. Proceeds benefit the Beverly Hills Officers

Benevolent Fund. For information about the nonprofit, visit bhpoa.org or call (310)550-4551.

The gala will be held at Espelette in the Waldorf Astoria Beverly Hills, 9850 Wilshire Blvd. For tickets and information, visit e.givesmart.com/events/tt7.

THE MUSIC MINUTE



Chinese Acrobats of Hebei

The Chinese Acrobats of Hebei are a multi-talented troupe that features such unique acts as Chinese Poles, Foot Juggling, Towering Chair Balance, and more - All paired with unbelievable martial arts. A beautiful oriental soundtrack drives each jaw-dropping act. This sets an exotic tone for the production. With stunning costumes and props that create a kaleidoscope of color, the Chinese Acrobats of Hebei create a definite “wow” factor for the audience.

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‘A Woman Named Gloria’

Josefina López’s “A Woman Named Gloria” runs from Friday, Aug. 30, through Sunday, Oct. 6, at the CASA 0101 Theater. The production tells the story of the late Gloria Molina, who served in President Jimmy Carter’s White House administration as Deputy for Presidential Personnel and was the first Latina woman to be elected as a member of the California State Assembly. Molina was also the first Latina elected to the Los Angeles City Council and Los Angeles County Board of Supervisors. Showtimes are at 8 p.m., Friday and Saturday; 3 p.m., Sunday. Tickets are \$25. 2102 E. First St. (323)263-7684, casa0101.org.



Jennifer Holliday

Catalina Jazz Club welcomes Grammy and Tony Award-winner Jennifer Holliday to the stage from Friday, Aug. 30, through Sunday, Sept. 1. Star of “Dreamgirls, the Musical,” Holliday marks her first performances at the Catalina Jazz Club. The intimate concerts follow her two-week residency at Café Carlisle in New York City, which showcased her sentimental side. The Broadway icon interprets the Great American Songbook with passion and soulful flair. Showtimes are 8:30 p.m., Friday and Saturday, 7:30 p.m., Sunday. Dinner service begins at 7 p.m. on Friday and Saturday, 6 p.m. on Sunday. Tickets start at \$65. 6725 W Sunset Blvd. CatalinaJazzClub.com.



‘God Will Do The Rest’

Artists at Play joins the Latino Theater Company to present “God Will Do The Rest” running from Saturday,

CALENDAR

Aug. 31, through Sunday, Sept. 29, at the Los Angeles Theatre Center. A follow-up collaboration to last year’s production of “This Is Not a True Story,” the world premiere of “God Will Do The Rest,” written by Nicholas Pilapil and directed by Fran de Leon, is a warm, funny new play about a multigenerational Filipino American household. Two \$10 pre-views take place on Aug. 29-30 at 8 p.m. Regular showtimes are at 8 p.m., Thursday through Saturday, 4 p.m., Sunday. Tickets start at \$10 except opening night, which is \$75 and includes a reception. 514 S. Spring St. (213)489-0994, latinotheaterco.org.

Japanese Car Cruise-In

The Petersen Automotive Museum is holding the annual Japanese Car Cruise-In on Sunday, Sept. 1, from 8-11 a.m. Immerse yourself in the ultimate celebration of Japanese automotive culture and enjoy a stunning collection of vehicles including rare classics and the latest innovations. Talk to owners about their experiences and learn about the cars. Coffee and bagels are complementary to all attendees. General admission is \$25. 6060 Wilshire Blvd. petersen.org/events/japanese-car-cruise-in-2024.

Holocaust talk

Holocaust Museum Los Angeles is holding an online Survivor Talk with Jacob Eisenbach on Sunday, Sept. 1, at 3 p.m. Eisenbach and his brother spent the first four years of the war in the Łódź Ghetto until they were deported in 1944. They were then forced to work for the Germans in munitions factories. holocaustmuseumla.org/event-details/virtual-sunday-survivor-talk-with-jacob-eisenbach.

Classical concert

Conductor Gustavo Dudamel leads the LA Phil in “Carmen and Carnival” on Tuesday, Sept. 3, and Thursday, Sept. 5, at 8 p.m. at the Hollywood Bowl. Experience two nights of pure whimsy as Dudamel leads “Carnival of the Animals.” Brother-sister piano

duo Sergio Tiempo and Karin Lechner march with lions and waltz with elephants in the playful and imaginative suites by Saint-Saëns. Operalia prize-winner Rihab Chaieb transports the audience to Seville’s sensuous town square between two enchanting showcases of symphonic Spanish dances by Roberto Sierra. Tickets start at \$61. 2301 Highland Ave. laphil.org.

‘Freedom at the Moulin Rouge’

MUSE/IQUE presents “Freedom at the Moulin Rouge: A Las Vegas Civil Rights Story” led by artistic and music director Rachael Worby on Wednesday, Sept. 4, and Thursday, Sept. 5, at 7:30 p.m. at the Skirball Cultural Center. Featuring Kenton Chen, LaVance Colley, Ashley Faatoalia, Jabu Graybeal and Crystal Starr, the production is an incredible story about the first fully integrated hotel and casino in the country. 2701 N. Sepulveda Blvd. muse-ique.com/freedom-at-the-moulin-rouge.

Music at the Bowl

Don’t miss Trombone Shorty, Big Boi and Danielle Ponder performing on Wednesday, Sept. 4, at 8 p.m. at the Hollywood Bowl. Grammy-winning horn player Trombone Shorty puts a New Orleans spin on everything he plays, delivering an explosive performance blurring the lines between funk, jazz and R&B. Big Boi made history as half of OutKast. Opener Danielle Ponder mixes pop, R&B, blues and rock. Tickets start at \$72. 2301 Highland Ave. laphil.org.

Open-Door Playhouse

Open-Door Playhouse will debut the new play “He/She/Us” starting on Wednesday, Sept. 4. The production is part of a series of short plays in podcast form. The cast includes Ivy Jane and Matthew Scott Montgomery. Astrid meets Paolo for the first time in almost a year after they have broken up. Listening is free, donations requested. opendoorplayhouse.org.

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photo by Edwin Folven
The robbery occurred shortly after 4 a.m. near Lexington and Cherokee avenues.

Victim shot during robbery attempt in Hollywood

BY EDWIN FOLVEN

A man was shot and injured around 4:10 a.m. on Aug. 22 in Hollywood in what police described as a robbery attempt. The victim was walking in the 1200 block of North Cherokee Avenue near Lexington Avenue when he was approached by three men. A resident called police after hearing people arguing followed by a gunshot, Los Angeles Police Department spokesman Charles Miller said. Officers from the Hollywood Division arrived and found the injured victim. Miller did not

know if anything was stolen. The victim was taken to a hospital and treated for non-life-threatening injuries. The suspects fled by the time officers arrived. The victim described the assailants as two Black men and one Hispanic man. One of the men was armed with a semi-automatic pistol, Miller said. They fled in a gray sedan. The case is being investigated by the LAPD’s Robbery-Homicide Division. Anyone with information is urged to call detectives at (213)486-6840. During weekends and off-hours, call the LAPD’s hotline at (877)LAPD247.

Suspects sought for Rolex robbery on La Cienega

BY EDWIN FOLVEN

Detectives from the Los Angeles Police Department’s Wilshire Division are investigating a robbery on Aug. 24 that occurred in the 400 block of North La Cienega Boulevard. The robbery occurred around 2:25 p.m. in a parking lot. Two victims, one male and the other female, were returning to their vehicle when a group of suspects emerged from a vehicle parked next to them. One of the suspects pointed a handgun at the male victim and demanded his Rolex watch. The victim refused and the suspects shoved him to the ground and forcibly stole his watch. One of the suspects also pointed a gun at the female victim and stole a designer purse, police said. The male victim sustained a laceration and black eye during the robbery. The suspects fled in a black Volkswagen Tiguan. Police determined it was a stolen car after the victims gave them the license plate. No description of the men was provided by police.



photo by Edwin Folven
The victims were robbed in a parking lot near La Cienega Boulevard and Rosewood Avenue.

Lt. Mark Ro, with the LAPD’s Wilshire Division, said groups of suspects are actively driving around looking for people wearing Rolex watches and luxury jewelry and targeting them for robberies. He warned people to take caution when wearing expensive jewelry in public. Anyone with information about the robbery is urged to call detectives at (213)922-8205 or (213)473-0476. During weekends and off-hours, call the LAPD’s hotline at (877)LAPD247.

BHPD reminds drivers to stay sober or get pulled over

The Beverly Hills Police Department’s Traffic Bureau will conduct a sobriety and driver’s license checkpoint on Friday, Aug. 30, from 7 p.m.-2 a.m. near North Santa Monica Boulevard and Crescent Drive. All traffic will pass through the checkpoint. Motorists will be stopped and contacted by uniformed officers, who check for alcohol and drug-impairment. Officers will also check to make sure all drivers have a valid license.

DUI checkpoint locations are determined based on data showing locations of impaired driving-related collisions. DUI checkpoints promote public safety by taking impaired drivers off the road, authorities said. “Impaired drivers put others on the road at significant risk,” BHPD Chief Mark G. Stainbrook said. “Any prevention measures that reduce the number of impaired drivers on our roads significantly improve traffic safety.” The BHPD reminds the public

that impaired driving is not just caused by alcohol. Some prescription medications and over-the-counter drugs may interfere with driving, and operating a motor vehicle under the influence of marijuana is illegal. Drivers charged with a first-time DUI face an average of \$13,500 in fines and a suspended license. Funding for the checkpoint comes from a grant from the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

Worker dies in construction site accident in Bel-Air

A construction worker was killed on Aug. 27 in a work-related accident on a residential property in Bel-Air, authorities said. The Los Angeles Fire Department was called to a job site at 10663 W. Chalon Road at 10:10 a.m. and located the male victim on a dirt lot near a piece of construction equipment, described by the fire department as a skip loader and auger. The man was pronounced

dead at the scene. The exact cause of the accident is undetermined. The Los Angeles County Office of Medical Examiner, which is investigating the death, identified the victim as Walter Lopez Gonzalez, 42, of Los Angeles. The California Division of Occupational Safety and Health is also investigating because the death occurred at a workplace, authorities said.

Suspect receives lengthy prison sentence for extortion scheme

A defendant was sentenced on Aug. 16 to 22.5 years in federal prison for extorting Koreatown karaoke businesses and physically attacking victims who refused to pay, including carjacking one victim after striking him with a baseball bat. Daekun Cho, 39, was sentenced by United States District Judge Fernando L. Aenlle-Rocha, who also ordered Cho to pay \$240,167 in restitution and a special assessment of \$5,700. At the conclusion of a five-day trial, a jury on March 26 found Cho guilty of 55 counts of interference with commerce by extortion, one count of attempted interference with commerce by extortion and one count of carjacking. From at least 2018 through his arrest in March 2023, Cho demanded “protection” money from karaoke businesses in Koreatown, as well as from drivers of “doumis” – or hostesses – employed by patrons of the karaoke establishments, authorities said. For example, in May 2021, when one of Cho’s victims – a doumi driver – refused to pay him more

money, Cho and his accomplice waited for him in a parking lot and struck the victim with metal baseball bats. The suspects then stole the victim’s minivan. During a separate incident in July 2022, a different victim was dropping two doumis off at a karaoke bar in Koreatown when Cho – who appeared to have something in his pocket – approached the victim’s car, opened the door with his sleeve so as to not leave fingerprints, got halfway inside the vehicle and told the victim that the company was not permitted to drop off doumis. As the victim drove away, the suspect fired gunshots, breaking the car’s back window and injuring a doumi. In January 2023, Cho assaulted another karaoke driver who for years had paid him in cash and then via Venmo. Cho began accepting electronic extortion payments during the COVID-19 pandemic. When the victim stopped paying, Cho assaulted the man, stole \$1,000 and threatened to kill him, authorities said.



D LINE SUBWAY EXTENSION PROJECT
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August Updates

Civil restoration for the Wilshire/La Cienega Station continues with a work zone in the middle lanes of Wilshire Bl. Two lanes in each direction will be maintained during peak hours, but left turns are restricted at Tower Dr, Gale Dr and Hamilton Dr. This traffic control will be in place for 2 to 3 months.

Join us for the next community meeting.

WHEN

Wednesday, September 18, 2024, at 6pm

WHERE

Municipal Gallery at Beverly Hills City Hall
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First Amendment expert responds to free speech zones

■ Beverly Hills considers controversial approach

BY TABOR BREWSTER

At its Aug. 21 City Council meeting, the city of Beverly Hills considered adopting “free speech zones” — areas near city-hosted events where protestors and demonstrators would be able to express themselves on a first-come-first-serve basis.

According to a city staff report, the space would be limited and individuals would only be able to utilize the zone once per month. While the city has yet to implement or approve any such policy, the possibility has raised questions from residents and First Amendment experts.

“In America, every place is a free speech zone. You get to speak everywhere. Free speech is not something that is supposed to be separated off from everyone else and limited to certain times and places,” Loyola Law School professor Aaron Caplan said.

Caplan teaches constitutional law and civil procedure at Loyola Marymount. He was a staff attorney for the American Civil Liberties Union, where he litigated First Amendment cases. He said free speech zones are an exceptionally rare idea in the United States, where freedom of speech is federally protected by the First Amendment of the Constitution.

However, some universities have attempted to create free speech zones to mitigate the effects of student protestors. Free speech zones on college campuses have often resulted in law-

suits from groups like the ACLU and the Foundation for Individual Rights and Expression. According to FIRE, as of December 2018, 11 states have passed legislation that outlaws free speech zones on college campuses. California currently does not have any laws barring free speech zones at universities. Free speech zones have

“A free speech zone – it’s obviously about place, and it’s obviously about time and manner. But the question is, is it really neutral with regard to your speech?”

-Aaron Caplan
professor
Loyola Law School

also occasionally been put in place at political rallies and conventions in years past, such as both the Democratic and Republican National Conventions.

Free speech zones have been used outside the U.S. In 2008, the Chinese Communist Party established three free speech zones to allow protests during the 2008 Olympic Games in Beijing, where speech is usually heavily restricted.

However, it is unclear if any

municipality in the United States has ever enacted a similar policy on free speech zones, or whether it would be legal for Beverly Hills to do so. Caplan explained that the government is allowed to impose “time, place or manner” restrictions on speech, but not restrictions on content of speech.

“A great example is a noise ordinance,” Caplan said. “You can say whatever you want, but it can’t be over 75 decibels. Or it can’t be a certain distance of a school that’s in session, or a hospital. These are things about the time, place or manner of the speech and not about the substance of the speech.”

However, he said that to enforce a free speech zone during a city-hosted event, the city may run into many issues surrounding the content of the speech.

“A free speech zone – it’s obviously about place, and it’s obviously about time and manner. But the question is, is it really neutral with regard to your speech?” Caplan said. “Let’s say I am walking through the [Concours d’Elegance] car show and I have a button on my shirt that says ‘vote for Harris’ or ‘vote for Trump,’ and they’re going to say, ‘if you you’re going to wear that button you have to go stand in the free speech zone.’ They’re going to have to have some kind of definition. They’re saying you can’t demonstrate unless you’re in the free speech zone. Well what does demonstrate mean, if the only way you can tell the difference between someone who’s demonstrating and someone who’s not demon-

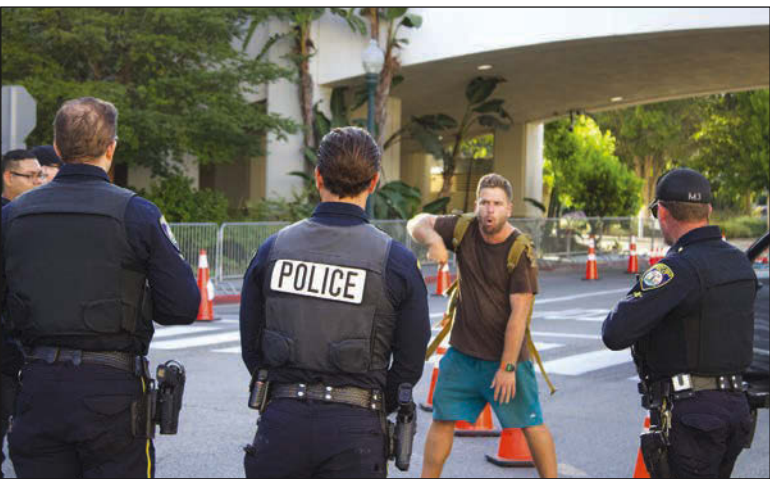


photo by Tabor Brewster

A man shouted at BHPD officers as he walked through the National Night Out Against Crime celebration on Aug. 6 in Beverly Hills. The city is considering creating a designated area for demonstrators at its events.

strating is to think about what their words are? If I have a shirt that says ‘have a nice day,’ I’m not demonstrating. If I have a shirt that says ‘free Gaza,’ I am demonstrating. Well now you’re limiting my speech, you’re not just limiting the time place and manner. It’s like saying ‘oh, if your speech is demonstration-type speech, then you have to go stand in a corner.’ So that’s a big problem. . . If it hinges on the content of the speech, they can’t do it.”

In a statement, the ACLU of Southern California echoed Caplan’s concerns over the potential free speech zones.

“Governments may impose some restrictions on when, where and how people can speak in public spaces, but only if the rules are clearly defined, narrowly tailored to important government interests and allow for other ways for people to get their messages

out,” said Jonathan Markovitz, a senior staff attorney for ACLU of Southern California. “However, any attempt by Beverly Hills to declare broad swaths of public space off limits to protest would be unconstitutional and would needlessly expose the city to the risk of costly litigation that it would surely lose.”

A proposal for free speech zones has not been approved, and city staff will return before the City Council with an additional staff report on the subject.

Beverly Hills Deputy City Manager Keith Sterling emphasized the preliminary nature of the discussion, stating that the idea will need to undergo further examination before anything is approved. He said the issue crosses multiple departments that work on events, including Community Services, Public Works and the BHPD.

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Blood donations
sought after
Hurricane Debby

The American Red Cross continues to experience a national blood emergency as remnants of Hurricane Debby and other severe weather events across the country have further complicated efforts to rebuild the nation’s blood supply. Those in unaffected areas are urged to make an appointment to donate.

Weather in recent weeks has added to the summer shortfall in donations by forcing the cancellation of nearly 60 blood drives throughout the country, many of which were caused by Debby, causing approximately 1,500 life-saving blood products to go uncollected. Annually, severe weather – such as blizzards, tornadoes, floods and hurricanes – impacts about 90,000 blood donations made to the Red Cross. In California, blood drives have been canceled due to weather, including 14 so far this year.

First-time donors and those who give regularly are critical to blood supply recovery. To make an appointment, download the Red Cross blood donor app, visit redcrossblood.org or call 1-(800)RED-CROSS (1-800-733-2767). As a thank you, all who give through Aug. 31 will get a \$20 Amazon gift card by email. See redcrossblood.org/help for details.

Those who give from Sept. 1-15 will receive an exclusive Red Cross raglan T-shirt, while supplies last.

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CIRCULATION
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COUNCIL

The Beverly Press and Park Labrea News are weekly newspapers, published on Thursdays. Mail subscription is \$120 annually. Decreed newspapers of general circulation, entitled to publish legal advertising, Feb. 10, 1960 by Superior Court Order No 736637. Decreed newspapers of general circulation, entitled to publish legal advertising in the City of Beverly Hills and the County of Los Angeles, Dec. 22, 2020 by Superior Court Case Number 19STCP04891. Government Code 6008.

CITY OF WEST HOLLYWOOD

NOTICE INVITING SEALED BIDS
FOR
MELROSE AVE. AND NORWICH DR. WEAVER’S
WALK PROJECT
CIP 2501
IN THE CITY OF WEST HOLLYWOOD

PUBLIC NOTICE IS HEREBY GIVEN that the City of West Hollywood as AGENCY, invites sealed bids to be received only by submitting electronically at <https://www.weho.org/city-government/city-departments/public-works/bids> or <http://www.planetbids.com/portal/portal.cfm?CompanyId=22761> for the above stated project and will only receive such bids no later than the hour of **5:00 P.M. on OCTOBER 17, 2024**, at which time or thereafter said bids will be electronically opened and available online. Bids received after this time will be considered to be non-responsive.

No pre-bid meeting is scheduled.

The work to be done consists of furnishing all materials, equipment, tools, labor, and incidentals as required by the Plans, Specifications, and Contract Documents for the above stated project.

Bids must be submitted electronically for the exact item(s) requested in the bid specifications. Copies of the plans, specifications, and contract documents are available for free from the City of West Hollywood website: <https://www.weho.org/city-government/city-departments/public-works/bids> or <http://www.planetbids.com/portal/portal.cfm?CompanyId=22761>

Each bid submitted electronically is required to be accompanied by the Proposal Documents; Proposal, Bidder’s Information, Proposal Bid Schedule (enter online), List of Subcontractors (enter online), Registration with the Calif. Dept. of Industrial Relations Form, References, Designator of Sureties, Bid Bond, Bidder’s Violation of Law/Safety Questionnaire, Non-Collusion Declaration, Certificate of Non-Discrimination by Contractors, Statement Acknowledging Penal & Civil Penalties Concerning Contractors’ Licensing Laws, Addendum Acknowledgement, and all additional documentation required by the Instructions to Bidders. Bids must be submitted on the Agency’s bid forms.

The bid must be accompanied by certified or cashier’s check, or bidder’s bond, made payable to the AGENCY for an amount no less than ten percent (10%) of the total bid price. Any proposal not accompanied by such a guarantee will not be considered.

Any contract entered into pursuant to this notice will incorporate the provisions of the State Labor Code. Pursuant to the provisions of Section 1773.2 of the Labor Code of the State of California, the minimum prevailing rate of per diem wages for each craft, classification, or type of workman needed to execute the contract shall be those determined by the Director of Industrial Relations of the State of California, which are on file at the City Hall, City of West Hollywood, 8300 Santa Monica Boulevard, West Hollywood, California 90069, and are available to any interested party on request.

Attention is directed to the provisions of Section 1777.5 (Chapter 1411, Statutes of 1968) and 1777.5 of the Labor Code concerning the employment of apprentices by the Contractor or any such subcontractor under him. Affirmative action to ensure against discrimination in em-

ployment practices on the basis of race, color, national origin, ancestry, sex, religion, sexual orientation, or handicap will also be required.

The AGENCY will deduct five (5) percent retention from all progress payments as specified in Subsection 7-3.2 of the standard specifications. The Contractor may substitute an escrow holder surety of equal value to the retention. The Contractor shall be beneficial owner of the surety and shall receive any interest thereon.

The AGENCY hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, sex, or religion in any consideration leading to the award of contract.

In entering into a public works contract, or a subcontract, to supply goods, services, or materials pursuant to a public works contract, the Contractor, or subcontractor, offers and agrees to assign to the awarding body all rights, title, and interest in, and to, all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to the Contractor, without further acknowledgement by the parties.

The successful bidder shall be licensed in accordance with the provisions of the Business and Professions Code and shall possess a valid **California State Contractor’s License Class A** at the time of bid submittal.

THE SUCCESSFULL BIDDER WHO ENTERS INTO
CONTRACT WITH THE CITY SHALL BE BOUND BY
ALL TERMS AND CONDITIONS INCLUDED IN THE
PROJECT LABOR AGREEMENT LOCATED IN THE
APPENDIX.

The City of West Hollywood reserves the right to reject any and all proposals or bids or to waive any irregularities or informalities in any bids or in the bidding should it deem this necessary for the public good, and also the bid of any Bidder who has been delinquent or unfaithful in any former contract with the City of West Hollywood and to take all bids under advisement for a period of ninety (90) days. No bidder may withdraw its bid for a period of ninety (90) days after the date of the opening thereof. The award of the contract, if made, will be to the lowest responsible Bidder as determined solely by the City of West Hollywood.

The California Air Resources Board (“CARB”) implemented amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulations (“Regulation”) which are effective on January 1, 2024 and apply broadly to all self-propelled off road diesel vehicles 25 horsepower or greater and other forms of equipment used in California. A copy of the Regulation is available at <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/off-road-diesel/appa-1.pdf>. Bidders are required to comply with all CARB and Regulation requirements, including, without limitation, all applicable sections of the Regulation, as codified in Title 13 of the California Code of Regulations section 2449 *et seq.* throughout the term of the Project. Bidders must provide, with their Bid, copies of Bidder’s and all listed subcontractors the most recent, valid Certificate of Reported Compliance (“CRC”) issued by CARB. Failure to provide valid CRCs as required herein may render the Bid non-responsive.

BY ORDER OF the City of West Hollywood,
Melissa Crowder
City Clerk

Details emerge after Christopher Dorner’s gun found in BHPD raid

■ LAPD Chief says gun was not a department weapon

BY TABOR BREWSTER

After the Beverly Hills Police Department found a weapon belonging to Christopher Dorner – a former LAPD officer who killed four people and injured three during a series of targeted attacks in 2013 – in a raid of an Airbnb in connection with a watch robbery, Los Angeles Police Department Chief Dominic Choi confirmed that the gun was not Dorner’s department-issued weapon. The gun – a Glock 21 .45 caliber handgun, according to a federal criminal complaint – was found by law enforcement on Aug. 10 in a South Los Angeles Airbnb that had been rented by two men allegedly part of a “crime tourism” group. Days earlier, on Aug. 7, the two suspects robbed a man at gunpoint on the patio of THE Blvd restaurant outside the Beverly Wilshire

Hotel at 9500 Wilshire Blvd. According to the police report, the man was eating dinner with his wife and two daughters when a suspect approached him at approximately 6:41 p.m. and pointed a semi-automatic handgun at him. A second suspect approached and took his silver Patek Philippe watch, which according to the victim is valued \$1 million. Both suspects fled the scene and were later arrested. It is unclear if the gun recovered in the Airbnb is the same firearm used in the watch robbery.



photo by Edwin Folven

Authorities found the weapon in an Airbnb after two men allegedly stole a \$1 million watch in Beverly Hills.

Authorities identified the two suspects as Jamer Mauricio Sepulveda Salazar, 21, of Colombia, and Jesus Eduardo Padron Rojas, 19, of Venezuela. The two were allegedly part of a “crime tourism” group that had visited the U.S. to carry out high-stakes robberies before returning to their home countries. The suspects were also linked to a separate watch robbery on Aug. 5, in which a \$30,000 Rolex was stolen at gunpoint from a person in the 400 block of Doheny Road.

It is unclear how the weapon ended up in the suspects’ possession. However, according to Los Angeles Magazine, the firearm was reported stolen by Dorner while he was an LAPD officer, before he went on the 2013 rampage.

Beverly Hills recognizes Deputy Consul General of Israel



photo courtesy of the city of Beverly Hills

The Beverly Hills City Council recognized Deputy Consul General of Israel, Amit Mekel for his term in office during the Aug. 20 formal meeting. Councilman Craig Corman, left, Vice Mayor Sharona Nazarian, Mayor Lester Friedman, Mekel, Councilman John Mirisch and Councilwoman Mary Wells stood together in solidarity at the meeting.



NOTICE OF PUBLIC HEARING

DATE: Thursday, September 12, 2024
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: **Meeting will be held in person at:**
Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210
Members of the public may also participate via teleconference;
Details provided below
PROJECT
ADDRESS: Citywide

The Planning Commission of the City of Beverly Hills, at a REGULAR meeting on **September 12, 2024**, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A DRAFT ORDINANCE AMENDING BEVERLY HILLS MUNICIPAL CODE TO UPDATE OCCUPANCY PRIORITY STANDARDS FOR ELIGIBLE AFFORDABLE HOUSING UNITS AS RELATED TO THE CITY’S INCLUSIONARY HOUSING ORDINANCE AND STATE LAW REPLACEMENT UNITS, AND ADD A DEFINITION OF DISPLACEMENT; AND FINDING THE ORDINANCE TO BE EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed Ordinance would amend the Beverly Hills Municipal Code (BHMC) to:

1. Update the Occupancy Priority List for income-qualified households seeking occupancy in affordable housing units built under, and not limited to, the City’s Residential Density Bonus regulations (Article 15.2 in Title 10, Chapter 3 (Zoning) of the BHMC), Inclusionary Housing Ordinance (BHMC Article 48 in Title 10, Chapter 3 (Zoning) of the BHMC), and State Law (California Government Code Section 66300 et seq.).
2. Include a definition of “displacement” under BHMC §10-3-1528 to mean persons who have been permanently or are at risk of being permanently displaced from their residences within the City of Beverly Hills under certain circumstances.

Once the Planning Commission reviews the draft ordinance and provides a recommendation, the draft ordinance will be reviewed and considered by the City Council at a future meeting.

ENVIRONMENTAL REVIEW

The draft ordinance was assessed for compliance with California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City environmental regulations, and has been determined to be exempt from CEQA per Section 15305 of the State CEQA Guidelines for Minor Alterations in Land Use Limitations. The draft ordinance is also exempt from Section 15061(b)(3) of the State CEQA Guidelines, which applies the ‘general rule’ that CEQA does

not extend to projects with no significant environmental effect. As a result, staff recommends the Planning Commission find that the draft ordinance is exempt under these provisions from any further review under CEQA.

How to Participate

In the interest of maintaining appropriate social distancing, members of the public can participate in, watch, or listen to the commission meetings through the following methods:

- **In Person:** Submit a speaker card to the Recording Secretary at the meeting.
- **Oral Comment:** Call (310) 288-2288, select Option 1 when prompted. You will be placed on a brief hold, and called upon to make a comment at the appropriate time.
- **Video Comment:** <https://beverlyhills-org.zoom.us/my/bevpublic>, enter passcode: 90210 when prompted.
- **Written Comment:** Email commentPC@beverlyhills.org
- **Audio Only:** Call (310) 288-2288, select Option 2 when prompted.
- **Watch LIVE:** BHTV Channel 10 on Spectrum Cable or www.beverlyhills.org/watchlive

It is recommended that written public comments be submitted to the Planning Commission Recording Secretary by 11:30 AM on the meeting date. Public comments will also be taken during the meeting when the topic is being reviewed by the Planning Commission. Written comments should identify the Agenda Item number or topic in the subject line of the email.

In order to be read at the meeting, written comments will be allowed with a maximum of 350 words, which corresponds to approximately three (3) minutes of speaking time. If a comment is received after the agenda item is heard, it will not be a part of the record.

Any written comments received by end of the day on Wednesday, September 4, 2024 will be attached to the agenda report regarding this item. Any comments received after Wednesday, September 4, 2024, but prior the public hearing, will be distributed to the Commission under separate cover.

According to Government Code Section 65009, if you challenge the City’s action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing. Please note that any comments received prior to or during the public hearing will be considered as part of the public record.

If there are any questions regarding this notice, please contact **Christine Delostrinos, Associate Planner** in the Planning Division at **(310) 285-1125**, or by email at cdelostrinos@beverlyhills.org. Copies of the project materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:
Christine Delostrinos, Associate Planner



Pursuant to the Americans with Disabilities Act (ADA), the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please contact (310) 285-1126 (voice) or (310) 285-6881 (TTY) prior to the meeting for assistance. Providing at least forty-eight (48) hours advance notice will help to ensure availability of services. City Hall, including the Council Chamber and Room 280A, is wheelchair accessible. The City Hall Council Chamber and Room 280A are also equipped with audio equipment for the hearing impaired.

New documentary cements Jimmy McHugh’s place in music history

BY RANCE COLLINS

Jimmy McHugh is a name some may not know, but the man was one of the most consequential composers of the 20th century, penning hits that rivaled the output of Irving Berlin and the Gershwins.

“I Can’t Give You Anything But Love,” “I’m in the Mood for Love” and “On the Sunny Side of the Street” are among his most popular tunes. His work is largely considered to be part of the Great American Songbook, with songs recorded by the likes of Judy Garland, Frank Sinatra, Bing Crosby, Peggy Lee, the Everly Brothers and even Lady Gaga.

“He is really one of the founding fathers of the popular song,” said Lee Newman, managing director of Jimmy McHugh Music and the songwriter’s nephew.

In September, a new documentary short, “I Can’t Give You Anything But Love: The Jimmy McHugh Story,” will be making its Academy Award-qualifying run in Los Angeles, giving the long unsung hero of song his due.

“He wrote for five decades. That’s the 1920s, ‘30s, ‘40s, ‘50s and ‘60s. What the film does is it takes a look at the songs, the stories behind the songs, how they came about, and also what was going on during those decades,” said Newman, who also served as a producer on the film.

McHugh started writing songs at Culver City’s famed Cotton Club, which was the most prominent jazz venue of its time.

“He was responsible while at the Cotton Club for bringing and introducing Duke Ellington and his orchestra,” Newman related.

McHugh met and teamed up with teacher-and-poet-turned-lyricist Dorothy Fields, becoming the first male-female songwriting duo in popular music. They wrote for Broadway musicals together, including the successful “Blackbirds of 1928,” which helped kick their respective careers into overdrive. But the stock market crash of 1929 hit McHugh hard.

“He was completely wiped out, and one day he was walking on Riverside Drive in New York City on the Upper West Side. He bumped into his friend, George Gershwin,” Newman said. “Gershwin asked him how things were going. And McHugh said, ‘Not too well. I haven’t got a quarter in my pocket.’ And Gershwin said, ‘Well, that shouldn’t happen to you. Is there anything I can do to help?’ And McHugh said, ‘Yeah, if you happen to have a piano lying around, I could use that.’ So the

next week, Gershwin sent in this gray upright piano, which we still have in the family ... and the first song Jimmy McHugh wrote on that piano was, ‘I’m in the Mood for Love.’”

McHugh and Fields returned to Hollywood and started writing songs for films during the early heyday of musicals in the 1930s. When this partnership ended – watch the documentary to find out why – McHugh paired with other esteemed lyricists, including Al Dubin, Harold Adamson and Frank Loesser.

In the 1950s and ‘60s, he spent time in Las Vegas. He became friends with the Kennedys, writing a song for Jackie Kennedy called “The First Lady Waltz.”

“Working on this project was a delightful journey into a purer and more innocent past, and now I find myself playing McHugh’s songs over and over again along with other standards from the Great American Songbook.”

Susan Morgan Cooper
Director

“But something changed in 1964, and that was the Beatles appearing on ‘The Ed Sullivan Show.’ That changed things for songwriters like Jimmy McHugh, because Jimmy McHugh wrote songs for singers. The Beatles wrote their own songs. This kind of led to the demise of his career, and in 1969, he passed away,” Newman explained. “But what’s interesting is that, having written for five decades, his songs live on. They’re still being used in movies. They’re still being used in television shows. There are new recordings of the songs.”

Some of hits are used on stage in “Jersey Boys” and the forthcoming “A Wonderful World: The Louis Armstrong Musical.” Even just a few years after his passing, a revival of sorts began thanks to the hit Broadway show “Sugar Babies,” a revue that included his tunes and starred Mickey Rooney and Ann Miller.

Susan Morgan Cooper, who also helmed movies like “To the Moon

and Back” and “Fatal Distraction,” directed the short.

“I made this documentary to illustrate the scope of McHugh’s legacy,” Cooper said. “It was an honor to interview Johnny Mathis and Michael Feinstein ... Working on this project was a delightful journey into a purer and more innocent past, and now I find myself playing McHugh’s songs over and over again along with other standards from the Great American Songbook.”

“You may not know him by name, but here’s his story,” Newman said.

The film will open at the Lumiere Music Hall in Beverly Hills, located at 9036 Wilshire Blvd., on Sept. 12 and run for one week. For information, visit lumierecinemala.com.



photo courtesy of Lee Newman
Songwriter Jimmy McHugh was a power player in Hollywood’s Golden Age, mingling with legends like Marilyn Monroe.



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Notable Quotes

“If there is anybody here I have not offended, I apologize.”

Johannes Brahms (1833-1897)

Upon leaving a party.
Brahms was a German composer, virtuoso pianist, and conductor of the mid-Romantic period.
And apparently somewhat of a comedian, as well.

*Source: Bartlett’s Familiar Quotatoinis

Good times and brush strokes in Laguna Beach

LAGUNA BEACH – Some men get old, they get cranky. Some men get old, they become gentle old troubadours. I am both those old men.

I’m not old in the sense that Boston is old, or the Dead Sea Scrolls. I still feel 50 on some days, 40 on others, some days 10. I’m like weather that fluctuates. Or that show “The Bear” – good only sometimes.

Usually what makes me cranky is stop-and-go traffic, plus other cranky people. So when I run across a cranky driver, I become cranky in sort of a closed loop of crank. Seriously, I’m striving to do better with that.

What keeps me young is my son, Smartacus.

The other day, we went to the driving range to launch golf balls to the moon.

For the record, my son hits his 7-iron 220 yards. Every club, 220 yards. Even his putter, 220 yards.

by
Chris
Erskine



My drives? They sound like a rib roast splatting onto pavement. His have the sweet whoosh-ping of a future 14-handicapper.

Life isn’t all brute force, I keep telling him. There’s some finesse to it, you see – some poetry, some touch. Michael Jordan and Willie Mays were both splendid athletes, as was I for about two weeks my sophomore year, when I couldn’t miss a jump shot in PE. Could. Not. Miss. Then it suddenly went away. For the record, I blame Betsy Dorzweiler and that yellow sundress she used to wear to Algebra.

My point: When necessary, Mays and Jordan (and Dorzweiler) could unleash a godlike lightning. What set them apart from a thousand others was the artistry, the finesse, the brush strokes.

“You didn’t come this far to only come this far,” I keep telling Smartacus (quoting Matthew Reilly, the Australian scribe).

Speaking of journeys, took a date to Laguna Beach the other day, along with her sis (Lynda) and brother-in-law (Blaine).

Our goal: to bring Laguna to its knees with wit, wine and tourist spending.

For a while, we succeeded. You should’ve seen the meatballs we ordered for lunch, honkin’ bowling balls of ground beef swimming in marinara. Shouldn’t we all, at some point, swim naked in marinara?

Then the ladies shopped. There are many targets for that in Laguna ... purses, shoes, mint candy. After that, gelato, which (to me) is pure frozen pleasure, only better.

Of course, Laguna is an unusual town, so much money, so much of an artsy vibe. Rarely do those two things co-exist. Billionaires aren’t normally Bohemians. Normally, they do not possess a rakish, disarming, minstrel spirit. They do not possess life’s pretty brush strokes.

Now, I often find Laguna too buzzy by half, too full of tourists and parking kiosks. If there’s one development that has set society back, like 2,000 centuries, it’s the parking kiosk, tilted toward the mid-day sun so you cannot in any way read it.

Or, sometimes, you need an app to park, but you’re not really connected so you can’t download the app.

Now you see where some of the crankiness comes in? It’s legit and often appropriate to our times. I can justify it on primary and secondary levels.

Somehow, we power through all



photo courtesy of Pageant of the Masters

Actors wait backstage for a Parisian wedding in Laguna Beach.

that parking stuff ... somehow.

When the sun begins to fade, the four of us hike over to the famed “Pageant of the Masters.” This is my first experience with performance art at this level (I’m more drawn to Dodger games and zoos).

As we wait for it to begin, I tell Suzanne that they could use some peanut vendors working the aisles, and dudes in little paper hats selling churros.

And I’m still not sure how you get a bet down on something like Pageant of the Masters. Do you take the over on the length of the show? Or, whether someone will sneeze during the “The Last Supper?”

Small concerns.

At Pageant of the Masters, they recreate amazing artworks, using the locals as their medium, which seems perfect for what is largely a

tourist town, the mining of human flesh as a way to make a few bucks.

Sure, the whole spectacle is a tad pretentious, like a big glitzy meatball. And the script could’ve used a little work. It possessed sort of a puckish humor and some cringy puns. Otherwise, it is a marvelous piece of literature, top to bottom.

Bravo this whole thing.

The attention to detail, the artistry, the whole colossal and audacious conceit of this volunteer pageant makes for a truly memorable California evening.

Weird and lovely.

Like Laguna itself.

Thanks to all those who made it out to the Gin & Tonic Society bash on Saturday. More ahead in October. Keep an eye on this space for info. For more posts, please go to ChrisErskineLA.com

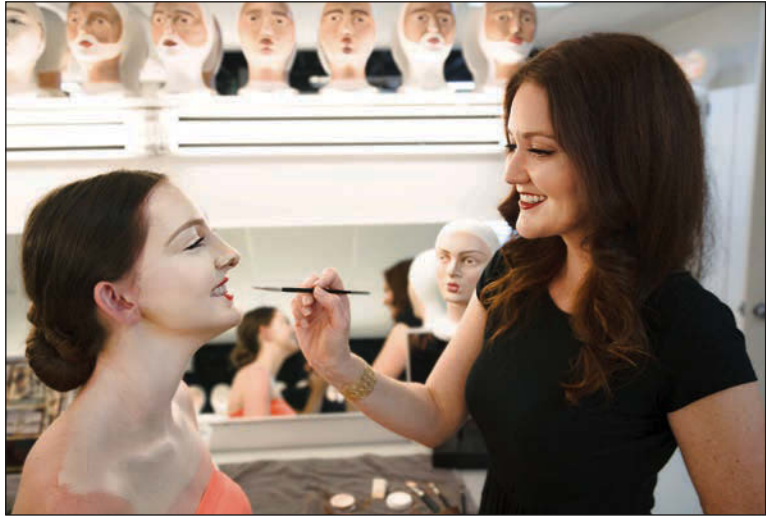


photo by Christopher Allwine

Historical figures are brought to life with amazing costumes, major make-up.

WeHo maintains trees with annual pruning

The city of West Hollywood will begin its annual tree pruning and tree maintenance program on Tuesday, Sept. 3. The work is expected to continue through February.

West Hollywood has thousands of trees that require regular maintenance and care. The city’s contractor, West Coast Arborists, is beginning pruning work along Sunset Boulevard, taking care not to disrupt westbound lanes until after 10 a.m. to minimize the impact on traffic during morning commutes. During the following weeks, crews

will move to other commercial areas on Santa Monica Boulevard, Beverly Boulevard and major streets. Following commercial trimming, work will commence on residential streets. On smaller streets, trimming will start at 8 a.m. and will be finished by 3 p.m.

The city will notify residents, business owners and motorists in advance of pruning work using several methods. “No parking” signs will be placed a minimum of 24 hours in advance of work. Parking spaces will be reopened as soon as possible after the work is complet-

ed. Door hangers and notices on trees will be posted at least 72 hours

before residential tree trimming. Electronic message boards may be placed at strategic locations several days before trimming, as well as during trimming activities, to provide commuters with advance

notice. Notification of trimming activity will also be posted on the city’s website and on social media pages @WeHoCity.

For information, call (323)848-6867, or visit weho.org.



photo courtesy of the city of West Hollywood

Tree pruning will begin along Sunset Boulevard in West Hollywood on Sept. 3.

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Officer takes lead in Hancock Park, Larchmont and Wilshire areas

BY EDWIN FOLVEN

Los Angeles Police Department Officer Tyler Shuck from the Wilshire Division has been assigned as acting senior lead officer for the Hancock Park, Larchmont and Greater Wilshire areas. He is filling the position on a temporary basis until a permanent senior lead officer is selected, likely in September or October.

Shuck and other Wilshire Division officers will meet with community members during Coffee With a Cop on Thursday, Aug. 29, from 10 a.m.-noon at Salt & Straw, 240 S. Larchmont Blvd. Residents and business owners will have a chance to meet the police who patrol their neighborhoods in an informal setting. Residents can express concerns and learn about police programs and crime prevention.

Shuck has worked at the Wilshire Division for the past eight years and said he is very familiar with Hancock Park and Larchmont Village, serving there as a patrol and training officer. As acting senior lead officer, he is responsible for an area between La Brea Avenue to the west, Willoughby and Melrose Avenue to the north, Gower Street and Plymouth Boulevard on the east, and Wilshire Boulevard and Eighth Street on the south.

“My job is to reach out to as many people in the neighborhood that I



photo courtesy of the LAPD
Officer Tyler Shuck

can, assist victims and figure out their needs and concerns. I want to learn about the community’s needs and what works best to address those,” Shuck said.

He said property crimes are a primary concern, and he is distributing information on crime prevention and steps to make homes less susceptible to burglaries. He encouraged residents seeking information to call him at (213)712-3715 or email him at 40740@lapd.online.

“I want to open up the lines of communication to the community,” Shuck said. “If anyone wants to talk, let’s talk.”

WeHo crowns dodgeball champions this weekend

The city of West Hollywood will host the OutLoud Sports Festival Dodgeball Tournament as part of a Labor Day Weekend four-day multi-sport festival, which takes place at locations throughout the region.

The OutLoud Dodgeball Tournament is scheduled to take place on Saturday, Aug. 31, from 10 a.m.-5 p.m. and Sunday, Sept. 1, from 11 a.m.-5 p.m. at the West Hollywood Park Aquatic and Recreation Center, located at 8750 El Tovar Place adjacent to West Hollywood Library. The dodgeball tournament is free for all spectators; interested participants can register via the League Apps website.

Day one of the tournament will consist of seven 12-minute matches to determine seeding. There are three divisions: recreational, advanced and she/they only.

Day two of the tournament will be a single-elimination tournament concluding with a championship match. Teams can consist of a maximum of 13 players with 10 players playing on the court per team.



photo courtesy of OutLoud Sports

Fans can take in the action at the WeHo Aquatic Center.

OutLoud Sports is the nation’s original queer recreational sports league, founded in 2007 and represents more than 65,000 queer and allied athletes across the United States. OutLoud offers inclusive year-round activities, games and sporting events. The Sports

Festival consists of tournaments in the following sports: kickball, dodgeball, tennis, pickleball, soccer, sand volleyball and bowling at various locations. West Hollywood co-sponsored last year’s festival, which included nearly 1,000 total registered players.

‘Way to go’ Beverly Hills AYSO girls!



photo courtesy of the city of Beverly Hills

At the Aug. 20 Beverly Hills City Council meeting, the mayor and council members gave certificates of recognition to the Wolfpack Beverly Hills American Youth Soccer Organization Region 76 Girls Under 16 Extra Team Champions as well as the Wolfpack Beverly Hills AYSO Region 76 Girls Under 12 Team Champions.



photo courtesy of the Television Academy

Win tickets to see the Emmy Awards live.

‘Bid’ for exclusive TV opportunity

The Television Academy Foundation has launched its “Bid for the Stars” auction on Charitybuzz featuring once-in-a-lifetime television experiences. The unique auction features exclusive items, VIP tickets to tapings of all the top TV shows and networking opportunities with Hollywood heavyweights. Proceeds from the auction benefit the Television Academy Foundation’s renowned educational programs.

Auction items include tickets to the Emmy Awards, “The Daily Show with Jon Stewart,” “Night Court,” a “Top Chef” dinner, the premiere of “The Walking Dead: Daryl Dixon,” and meet and greets.

Online bidding is ongoing and concludes Sept. 19 at noon. To bid visit televisionacademy.com/auction.

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Subway work stays on track in late August

The Los Angeles County Metropolitan Transportation Authority is advising motorists and residents about subway work along Wilshire Boulevard on the D Line subway extension project.

Crews are working near the intersection of Wilshire Boulevard and Western Avenue, where street restoration continues in late August and September. Wilshire Boulevard is reduced to two lanes in each direction between Oxford Avenue and Saint Andrews Place.

Near the Wilshire/La Brea station, Wilshire Boulevard will be intermittently reduced to a single lane in each direction through Aug. 30 between Detroit Street and Highland Avenue, and La Brea Avenue will be reduced to a single lane in each direction between Sixth and Eighth streets. The work will run from 7 a.m.-9 p.m., Monday through Friday. Access to a mini mall on the southeast corner of Wilshire Boulevard and South Sycamore Avenue will be maintained from South Sycamore Avenue. The closure supports civil restoration and completion of antenna installation.

At the Wilshire/Fairfax station, crews are working underground and completing street restoration along Wilshire Boulevard. A K-rail work zone remains on Wilshire Boulevard between Fairfax and Spaulding avenues through October. Wilshire Boulevard is reduced to two lanes in each direction in the area.

Work near the Wilshire/La Cienega station continues in late August and September. Wilshire Boulevard will be intermittently reduced to a single lane in each direction between San Vicente and La Cienega boulevards during weekend and off-peak hours through September. Access to side streets including Hamilton, Gale and Tower drives may be reduced intermittently.

Crews are installing a bus pad on La Cienega Boulevard north of Wilshire Boulevard through Tuesday, Sept. 3. Northbound La Cienega Boulevard will be reduced to a single lane at Wilshire Boulevard to a point approximately 150 feet north of the intersection. Bus pads are concrete reinforced areas of roadway built into the

street surface near stops.

Water line utility work is occurring through Sept. 8 along Wilshire Boulevard, which will be intermittently reduced to a single lane in each direction overnight between La Cienega and San Vicente boulevards. La Cienega Boulevard will also be intermittently reduced to one lane in each direction between Clifton Way and a point just north of Wilshire Boulevard. The water line work may cause intermittent interruptions to service overnight in neighborhoods near Wilshire/La Cienega.

Work is ongoing on the Wilshire/Rodeo station, where crews have closed Cañon Drive for deck removal and street restoration. Crews are also working on Wilshire Boulevard between Beverly and Crescent drives on underground structures adjacent to the station called appendage structures. The work requires daily and nightly lane closures in both directions from 9 a.m.-4 p.m. and 8 p.m.-7 a.m. During appendage construction, Wilshire Boulevard and South Beverly Drive may be reduced to one lane in each direction in the



photo by Edwin Folven

Intermittent lane closures are in place near the Wilshire/Rodeo subway station in Beverly Hills.

immediate work zone area for station deck access. Potholing on Wilshire Boulevard for future appendage structure piling is anticipated to start as early as September.

Work is also ongoing at the Century City station, where new lane closures will be in place overnight from 8 p.m.-5:30 a.m. for approximately three weeks. The lane closures facilitate concrete

placement for the station’s roof. Westbound Constellation Boulevard will be restricted west of Avenue of the Stars, and the curb lane will be intermittently restricted.

For questions and concerns about the D Line Extension project, call the 24-hour project hotline at (213)922-6934, email the project team at purplelineext@metro.net, or visit metro.net.

Metro logs steady increase in ridership

Metro continues to mark systemwide overall ridership growth, recording more than 25.4 million boardings in July on its bus and rail services and reaching 81.84 percent of its July 2019 pre-COVID ridership level.

July was the 20th consecutive month of year-over-year ridership growth for Metro. The agency had 19,873,436 boardings on weekdays, reaching 78.8 percent of its pre-pandemic July 2019 level. On weekends in July, there were 5,592,948 boardings, or 95.3 per-

cent of pre-pandemic weekend ridership from July 2019.

Bus ridership in July had more than 19.6 million rides taken for a 9.84 percent year-over-year ridership increase. Weekend bus ridership was at 93.16 percent of its pre-pandemic level in July.

Rail Ridership also increased in July, when more than 5.7 million rail boardings were recorded, or 3.23 percent more than July 2023. The busiest rail line was the B Line (between Downtown Los Angeles and North Hollywood) with nearly

1.9 million boardings.

Leisure travelers rode Metro to concerts, festivals and sporting events. July 2024 had more weekday events, which were a driver of overall ridership growth during the month, with weekday bus ridership up 7.37 percent and weekday rail ridership up 2.62 percent. Events at venues with direct Metro rail access such as Expo Park off the E Line, L.A. Historic State Park off the A Line and Dodger Stadium serviced by the Dodger Stadium Express bus from Union Station all experienced ridership increases. July events that contributed to ridership increases included the July Fourth fireworks event at Gloria Molina Grand Park, multi-day events Anime Expo, KCON and Rupaul’s DragCon, which took place at the Convention Center and Crypto.com Arena, as well as L.A. Sparks, Dodgers and LAFC and Angel City FC games at Crypto.com Arena, Dodger Stadium and BMO Stadium, respectively.

Metro continues to provide programs that make riding more affordable. The reduced-price transit pass programs, such as the student GoPass program, which offers free transit passes to K-12 and community college students, and the Low-Income Fare is Easy program, which provides free rides and reduced fares to low-income customers, can reduce the cost of public transportation.

For information, visit metro.net.



photo by Edwin Folven

Bus ridership increased 9.84 percent last month compared to July 2023.

Letters to the Editor

Beverly Hills free speech zones need more review

Re “Beverly Hills considers new free speech zones,” Aug. 22 issue

The constitutional gift of free speech is not well understood in our country. Any move to increase understanding of this important element of democracy should be praised.

Beverly Hills would join Boston with its 200-year-old Common and London’s Hyde Park Speakers Corner [in] providing a place for open, free political oratory.

Carleton Cronin
West Hollywood

Court rules on Beverly Hills Surplus Land Act case

Re “Beverly Hills win surplus land lawsuit,” Aug. 22 issue

I saw your article on the Surplus Land Act case in the paper, which although more accurate than the Weekly’s article, was not totally accurate.

What is surprising and incomprehensible to me is that no one from your paper bothered to contact me for my comment on the

case or the accuracy of what you have printed, even though I had alerted you to the case several weeks ago.

Even the Weekly, which has become a much lesser paper recently due to its editorials, contacted me and requested a comment.

Darian Bojeaux
Beverly Hills

Editor’s note: This was not the newspapers’ original content. It was taken from a press release issued by the city of Beverly Hills.

Learn more about K Line Northern Extension at the Sept. 4 meeting

Metro is holding a community meeting on the K Line Northern Extension on Wednesday, Sept. 4, from 6-8 p.m. at the Nate Holden Performing Arts Center, 4718 W. Washington Blvd.

The K Line Northern Extension would extend between the Crenshaw area and Hollywood and would run through the city of West Hollywood. It would provide a link to the Metro C, E, D and B Lines, connecting four major rail

lines and six of the highest ridership bus lines in L.A. County. The project fills in a major gap in the Metro Rail network and creates opportunities by connecting the Crenshaw District, Mid-City, West Hollywood and Hollywood. Metro staff will provide information and answer questions at the meeting. For information, visit metro.net/calendar/k-line-northern-extension-community-meeting and metro.net/projects/kline-northern-extension.

L.A. Water and Power ranked most sustainable utility provider

The Los Angeles Department of Water and Power ranked first in the 2024 J.D. Power Sustainability Index, an evaluation that measures the nation’s largest electric utilities’ customer awareness, support, engagement and advocacy for their local climate sustainability programs and goals.

The index applies to 35 of the largest U.S. electric utility companies and cities serving 500,000 or more residential customers. LADWP’s index score of 39 tied with Sacramento Municipal Utility District to share the top spot. LADWP’s 2024 ranking is a 10-point improvement over its 2023 index score of 29.

“This result shows a major improvement for LADWP from just a year ago. It demonstrates that we are on the right track with our

climate sustainability goals,” LADWP CEO and Chief Engineer Janisse Quiñones said.

The index results were based on responses from 73,255 business and residential electric utility customers from June 2023 through May 2024. The overall sustainability score for electric utilities evaluated in the 2024 study is 32 – on a 100-point scale – up five points from 2023, according to J.D. Power.

Customers can take advantage of water conservation rebates on energy-efficient household appliances, free residential energy and water upgrades to improve efficiency in single-family homes and a variety of income-qualified discount and financial assistance programs.

For information, visit ladwp.com/strategic-initiatives/clean-energy-future.



photo courtesy of LADWP

The utility provider’s ranking is a 10-point increase from the previous year.

RESTAURANT NEWS

Prosperity Market concludes annual event with block party

On Sunday, Sept. 1 from 11 a.m.-3 p.m., Prosperity Market, the mobile farmers market spotlighting Black farmers, food producers, chefs and entrepreneurs in Los Angeles, will conclude its 4th annual Black business scavenger hunt with a pop-up farmers market and block party, hosted by Hilltop Coffee & Kitchen in View Park/Windsor Hills. In honor of Black Business Month, Prosperity Market founders Kara Still and Carmen Dianne created an interactive map with 100+ Black businesses, encouraging Angelenos to visit and support as many locations as possible in order to earn points and win prizes. The winners of the Black Business Scavenger Hunt will be announced and given their prizes during the pop-up market.

Prosperity Market and 50+ local vendors and farmers (including Compton Vegan, My Daddy's Recipes, Ace Naturals and chef Brandi Biggles) will take over Hilltop's parking lot, alongside a DJ, wine garden by 1010 Wine, Tammi Mac of KJLH Radio, community resources, a kids' area by Teach to Reach and photo booth. Special activations include Gin & Juice by Dre and Snoop, the award-winning ready-to-drink premium gin-based cocktail from Dr. Dre and Snoop Dogg's new spirits company, plus

Hulu will be on-site with a coffee giveaway and swag bags promoting Reasonable Doubt. Neighborhood businesses on Slauson including Supervsn, Pamper U and Mae's Skin & Body, will take part in the celebration by activating in their respective locations with music, promotions, and activities. This event is free and open to the public.

Hilltop Coffee & Kitchen is located at 4427 W. Slauson Ave. For information, visit prosperity-marketla.com.

Beverly Center burger plays 'For the Win'

Beverly Center has a new smash burger restaurant, For the Win. Located on street level, For the Win is known for its signature technique, where fresh, high-quality beef is expertly smashed onto a hot griddle to lock in flavor and create a perfect sear. To celebrate its opening, For the Win will be giving out free cheeseburgers to its first 500 customers at Beverly Center on Saturday, Sept. 7, while supplies last. At the grand opening event, guests can enjoy exclusive access to a beer garden with lawn games and music. This sizzling addition to Beverly Center's culinary landscape promises a delicious dining experience for burger aficionados and food enthusiasts alike. Aside from their beloved cheeseburger, Beverly Center patrons can expect an enticing menu from For the Win that includes its fried chicken sandwich, crispy bal-

samic brussels sprouts, and thin-cut fries, as well as smooth and creamy milkshakes. From classic cheeseburgers to gourmet creations adorned with unique toppings, there is a sandwich to suit every palate. For The Win is open daily from 11 a.m.-10 p.m. For information visit beverly-center.com/stores/for-the-win. For the Win at the Beverly Center is located at 8500 Beverly Blvd.

Holy Cow BBQ specials ring in 10th birthday

Holy Cow BBQ is turning 10 this September and they will be celebrating their anniversary with a different \$10 special each week at both their Santa Monica and Culver City locations. From Sept. 2-8 the Hog Sandwich will be \$10, from Sept. 9-15 the original BBQ chicken sandwich will be \$10, from Sept. 16-22 the house brisket sandwich will be \$10, and from Sept. 23-29 the chicken nuggs or wings will be \$10. Holy Cow is located at 264 26th St., Santa Monica, and 4130 Sepulveda Blvd, Culver City. For information, visit holycowbbq.com.

Jeni's launces fall ice creams

On Sept. 5, Jeni's Splendid Ice Cream is unveiling their brand-new fall collection. Available online, and at Jeni's scoop shops throughout L.A. for the full season, this collection introduces four deli-



photo courtesy of L.A. Loves Alex's Lemonade Stand
With more than 50 vendors, including Pink's Hot Dogs, the annual L.A. Love's Alex's Lemonade Stand cookout is scheduled for Oct. 5.

Tickets going on sale for annual cookout

L.A. Loves Alex's Lemonade Stand is rallying for its 12th annual cookout in Los Angeles, scheduled for Saturday, Oct. 5. The fundraiser has announced an impressive lineup of over 50 outstanding vintners and beverage professionals, personally invited by Caroline Styne, as well as mixologists selected by David Lentz, who will be participating.

With just under six weeks remaining until the event, the public is encouraged to secure their tickets before they sell out. Early bird pricing is available at \$250

for general admission until Sept. 1. After that date, ticket prices will increase to \$280 per person.

The 2023 event was an overwhelming success raising more than \$1.3 million for Alex's Lemonade Stand Foundation. Presented at Royce Quad on the campus of UCLA, located at 10745 Dickson Court, the cookout is always a perfect day for chefs and fans to come together to support childhood cancer research. For information and tickets, visit alexslemonade.org/event/406/register.

offering a unique blend of flavors that embody the essence of autumn while showcasing Jeni's culinary creativity – no pumpkin spice here! Jeni's new fall flavors are: Bay Leaf



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For information, visit jenis.com.

Late-night bites available at Paloma

Starting Thursday, Aug. 29, Paloma will offer a new late-night menu available from 5 p.m.-close Thursday-Saturday. Ideal for bites and drinks after a night out in Venice or surrounding neighborhoods, Paloma’s late-night menu features lunch and dinner menu favorites including breads and dips (because it’s never too late for Whipped Sheep’s milk ricotta with

grilled laffa bread), pastas and pizzas like the Ode to Franco, the James Beard Burger and crispy calamari. Paloma will also introduce a new specialty item unique to late-night: the Israeli Fried Chicken, made with pomegranate molasses, ras al hanout and house pickles. Plus, after 10 p.m., all specialty cocktails like the Spice Girl and Summer Melon Spritz will be \$2 off.

For information, visit palo-mavenicebeach.com or call (310)405-6385. Paloma is located at 600 S. Venice Blvd.



photo courtesy of AC Barbecue
Anthony Anderson and Cedric the Entertainer’s AC Barbecue first-ever restaurant will open at Westfield Century City this fall.

Breakfast Club pairs authors with the most important meal of the day

The Los Angeles Breakfast Club, a 99-year-old nonprofit organization based in Los Angeles, is announcing an engaging lineup of breakfast events, promising a September filled with nostalgia, history and a little something



photo courtesy of the Los Angeles Breakfast Club
The L.A. Breakfast Club has met weekly since 1965.

sweet. The month of programming kicks off with the honorary initiation of legendary co-creator of H.R. Pufnstuf Sid Krofft on Wednesday, Sept. 4.

The club will celebrate 55 Years of Weird with Krofft, recognizing the anniversary of H.R. Pufnstuf’s introduction to the world in 1969, and the innovation of Sid and his brother Marty Krofft in the following decades. Sid will join Vintage L.A.’s Alison Martino in a spirited conversation.

The programming continues with a series of breakfast events that are sure to have something for everyone: Explore iconic mid-century bowling alleys with Bowlarama! On Sept. 11, with architecture and culture writer/historian Chris Nichols and award-winning historian and advocate Adriene Biondo, authors of “Bowlarama: The Architecture of Mid-Century Bowling,” for the

new book’s first major public event. Comedian, actor, and co-host of the hit podcast “How Did This Get Made?” Paul Scheer candidly and humorously shares insights of coming to terms with childhood trauma and finding joy from his book “Joyful Recollections of Trauma” on Sept. 18. On Sept. 25, enjoy a delicious exploration of a modest California business See’s Candies, which became a global confectionery icon with See’s representative Andrea Blackman.

All programming will take place at Friendship Auditorium in Griffith Park, located at 3201 Riverside Drive., where the club has held weekly breakfast meetings since 1965. Friendship Auditorium, named as a nod to the club’s tagline “The Shrine of Friendship,” was dedicated in a ceremony on Nov. 3, 1965 after being built with club funds and donated to the city of Los Angeles. Breakfast meetings are open to the public and begin at 7 a.m. Tickets are \$28, include breakfast and can be purchased at labreakfastclub.com/events.

Westfield adds new slate of restaurant for fall and spring seasons

Westfield Century City has several highly anticipated restaurant openings for 2024-25. This includes a diverse array of popular fare from fast-casual to high-end dining, bolstering the center’s current culinary experiences and offering guests an even more comprehensive selection of locally beloved and internationally famed restaurants.

Casa Dani and Katsuya will both open in the fall, bringing Mediterranean and Japanese cuisines to a flagship culinary epicenter in Los Angeles. The venue, spanning 17,000 square feet with a seating capacity for 400 guests, will play host to a trio of bars. AC Barbecue’s first-ever restaurant will also launch in the fall. The lifestyle brand from “Black-ish’s” Anthony Anderson and king of comedy Cedric the Entertainer, offers a premium line of barbecue rubs and sauces. MRCHOW NOW, a new casual

concept by the legendary Mr. Chow, will open in the fall, as well.

Rounding out the fall openings will be Pret A Manger, which will be serving organic coffee and freshly made food, the beloved British eatery continues expanding in Los Angeles. Since opening their first shop in London in 1986, Pret’s mission has always been simple: to serve freshly made food and good organic coffee, while also trying to do the right thing. Pret offers delicious breakfast and lunch options that are made fresh throughout the day. Any unsold food is donated to local food rescue partners.

Super Peach by Momofuku and Rumi’s Kitchen are set to open in 2025. For information and to stay up to date on the latest events and openings, visit westfield.com/centurycity. Westfield Century City is located at 10250 Santa Moinca Blvd.

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LACMA, Hammer Museum and MOCA collaborate to display Mohn collection

The directors of the Hammer Museum, Los Angeles County Museum of Art and Museum of Contemporary Art, Los Angeles, announced the creation on Aug. 26 of a jointly owned and managed collection to be founded through the acquisition of 260 artworks from Los Angeles philanthropists Jarl and Pamela Mohn.

The Mohn collection, amassed over the last 19 years, is comprised of paintings, sculptures and mixed-media works by Los Angeles-based artists. The initial gift of artworks starts what will become a continually growing collection, as the Mohns will also create an endowment for annual acquisitions in addition to expenses related to

the care and storage of the collection.

The collaboration is called the Mohn Art Collective: Hammer, LACMA, MOCA – or MAC3. In addition to the Mohns’ gift, the Hammer Museum will enhance the MAC3 collection with 80 works previously acquired by the museum through its “Made in L.A.” biennials since 2012. Curators from the three institutions made the collection’s first joint acquisitions by unanimously selecting 16 works from “Made in L.A. 2023: Acts of Living.” The MAC3 collection includes 356 artworks in total.

The co-owned collection establishes a groundbreaking model for institutional collaboration and commitment to directly supporting Los Angeles artists. The gift will enable the three institutions to actively and collectively acquire works by L.A. artists on an annual basis, with acquisitions chosen jointly by curatorial teams from the three museums. Every other year, the acquisitions will come directly out of future editions of the Hammer Museum’s “Made in L.A.” biennial. During the alternating, non-biennial years, curators from the three institutions will identify works for acquisition by visiting studios and exhibitions. The full collection will be available to each institution for display and will prioritize a lending program to encourage the works’ display at other museums around the world.

The existing Mohn Collection includes works by Aria Dean, Rafa



photo © Arthur Jafa, courtesy of the artist and Gladstone Gallery

Arthur Jafa’s “Bloods II” (2020) is included in the new partnership.

Esparza, Lauren Halsey, Luchita Hurtado, Arthur Jafa, Silke Otto-Knapp, Analia Saban, Martine Syms and Kandis Williams, as well as Karon Davis, Mark Grotjahn, Rodney McMillian and Cauleen Smith. The goal is for the collection to grow through contemporary artworks gifted by other collectors and donors.

“Only in L.A., a city that champions experimentation and out-of-the-box thinking, can such an unprecedented joint acquisition be made,” said Michael Govan, CEO and Wallis Annenberg Director of LACMA. “Jarl and Pamela’s generous gift to local museums is a testament to the wonderful friendship and collaboration our three institutions have fostered over the decades, and, more importantly, highlights L.A.’s stature as a vital hub of artistic creativity.”

“Jarl and Pamela Mohn’s passion and generosity for the artists of Los Angeles is simply unparalleled,” Hammer Museum director Ann Philbin said. “Their support helped to launch the ‘Made in L.A.’ biennial

12 years ago and continues to sustain the exhibition well into the future.”

“We are deeply honored to be part of this pioneering initiative that not only celebrates but also nurtures the vibrant and diverse art communities of Los Angeles. The Mohns’ extraordinary gift is a profound commitment to the artists of today and a promise to future generations,” said Johanna Burton, the Maurice Marciano Director of MOCA. “The collection reflects the dynamic creativity and innovation that define our city. And this collaboration allows us to come together to continue supporting and showcasing the incredible talent within our local arts scene, ensuring that our artists’ voices are heard and that their works are seen around the world.”

LACMA is located at 5905 Wilshire Blvd., the Hammer Museum is located at 10899 Wilshire Blvd. and MOCA is located at 250 S. Grand Ave. For information, visit lacma.org, hammer.ucla.edu and moca.org.

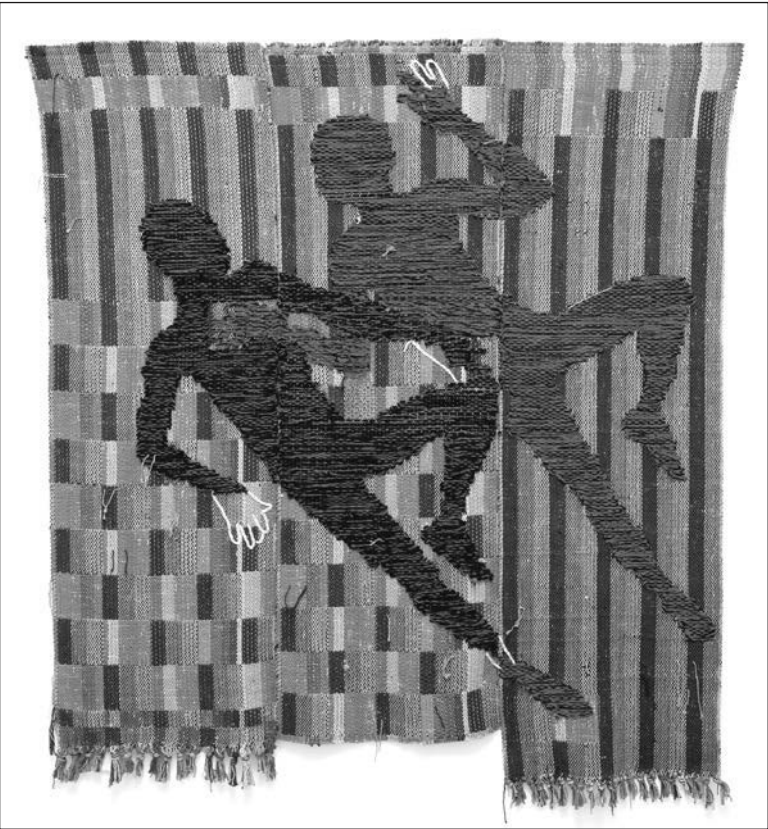


photo © Diedrick Brackens, courtesy of the artist

Diedrick Brackens’ “nuclear lovers” (2020) is provided courtesy of the artist, Jack Shainman Gallery, New York, and Various Small Fires Los Angeles/Texas/Seoul.

Glass Box purrs at The Grove

Tory Burch is opening a pop-up shop in the Glass Box at The Grove in partnership with Nordstrom beginning Aug. 31. The pop-up will debut with an “Animal House” concept featuring the work of German photographer Walter Schels. His portrait “Cat” (1994) first appeared in Burch’s Resort 2024 collection, inspiring a new concept store on Melrose earlier this year.

Schels is known for his tender,

yet penetrating portraits of people and animals.

“Animals don’t disguise themselves,” Schels said. “An animal doesn’t ask itself, ‘Am I beautiful?’ It is just the way it is.”

“There’s a human element to Walter’s photographs, in the way he looks at the animals and they in turn look back,” Burch said. “He gives animals the same respect as humans, highlighting their unique

personalities and emotions.”

The Animal House pop-up will feature limited-edition cat-printed handbags, shoes and accessories, in addition to handbags and shoes from their iconic T Monogram and Kira collections.

In October, the pop-up will highlight Sublime, a new fragrance by Burch. Sublime reflects how Burch sees women today: confident, sensual and strong. Unexpected notes create a unique, sexy dimension: the alchemy of leather blended with delicate rose, osmanthus flower, earthy vetiver and bright mandarin. The Sublime bottle is an abstract take on Burch’s Double T logo in sculptural glass with a silver ball cap.

Kendall Jenner is featured in the campaign, photographed by Mert Alas and Marcus Piggott.

“Sublime is beautiful, it’s sexy, it’s confident,” Jenner said. “I love what Tory does and what she stands for. I want to align with designers who feel genuinely right to me, and this felt natural and organic.”

“Kendall has a quiet power,” Burch said. “She knows who she is and she’s fearless. She is an entrepreneur and a role model for so many people, and that was important to me.”

For information, visit thegrove-la.com. The Grove is located at 189 The Grove Drive.



photo courtesy of Tory Burch

Cat-themed merchandise will accentuate the “Animal House” theme at The Grove.

Halloween-time lineup brings the spooks to Cinespia

Cinespia, Los Angeles’ favorite cinematic experience presented by Amazon MGM Studios, has announced their lineup for October including “The Texas Chain Saw Massacre” (1974) on Oct. 5, and “Trick ‘r Treat” (2007) on Oct. 19 at Hollywood Forever Cemetery, concluding the outdoor season.

There will also be a special, 15th Anniversary screening of a spooky family favorite “Coraline” (2009) on Oct. 12 at Hollywood Forever Cemetery. Cinespia will close out the month with an indoor screening of “Suspiria” (1977) on Oct. 31 at The Orpheum Theatre in Downtown Los Angeles.

“What better way to embrace the spooky season than by watching horror classics under the stars at a cemetery?” founder John Wyatt said. “We’re also thrilled to return to The Orpheum for the second consecutive year, hosting our fans on Halloween night for a special screening of the original ‘Suspiria.’”

Dodgers highlight opportunities for women at annual conference



photo courtesy of the Los Angeles Dodgers

The third annual Women’s Conference will feature panelists and speakers on Sept. 18.

The Los Angeles Dodgers, in conjunction with the organization’s Women’s Opportunity Network, is holding the third annual Women’s Conference on Wednesday, Sept. 18, at Dodger Stadium.

The conference will bring together over 500 local professionals to learn, network and connect with the event’s keynote speakers, panelists and attendees. The program will open with a fire-side chat hosted by ESPN’s Pamela Maldonado and featuring Amy Howe, CEO of FanDuel, during breakfast. Next, breakout sessions focusing on four separate areas of the work force will be held including sports and entertainment, technology, talent representation and innovation. The conference will conclude with lunch and networking.

Speakers from Major League Baseball, Los Angeles Chargers, Los Angeles Sparks, Netflix and Sony Pictures are scheduled to speak at the conference.

“We are excited to host our third annual Los Angeles Dodgers Women’s Conference,” said Sara Curran, vice president of accounting for the Dodgers and executive sponsor of the Women’s Opportunity Network. “The goal of the conference is to inspire, educate and connect women in sports and entertainment to create a more inclusive future. We are grateful to Spectrum for joining us in hosting our conference that will also present a set of powerful panelists who are leaders in their industry.”

The Women’s Opportunity Network, established in 2020, is among multiple business resource groups within the Los Angeles Dodgers organization. The group creates a safe and equitable space for women to thrive and to demonstrate that women add tangible value to the organization’s success.

General admission tickets for the conference are \$100 and VIP tickets are \$200. For information and tickets, visit dodgers.com/womeninsports.

‘Alien: Romulus’ stands alone in out of this world saga

Let’s be honest. The “Alien” films peaked earlier, and dragged on for another six entries counting those “Alien vs. Predator” debacles. I admit enjoying “Prometheus” more than most, but no xenomorph terrorizes the crew. And “Covenant” was infuriating, proving Ridley Scott needed to let someone else have a turn in the sandbox.

Enter Fede Alvarez, responsible for 2013’s raunch fest “Evil Dead” and “Don’t Breathe,” one of the most intense home-invasion films to date. A new director and new management, since 20th Century now belongs to Disney (please make this a new attraction at California Adventure), prove the winning combo. “Alien: Romulus”

is a return to form, a sequel we haven’t experienced since the 1980s.

Wayland Industries suck. The saddest part of the “Alien” series isn’t the monster with acid for blood. It’s the faceless conglomerate that controls everything. Rain (Cailee Spaeny) knows that all too well. She finally accrues enough hours to travel off planet, leave mining behind, only to be denied thanks to Amazon’s moving goalpost ... sorry, I meant to say Wayland. Really, I did.

Luckily, Rain has her best friend, synthetic human Andy (David Jonsson). Lucky indeed, for her old friends, including ex-boyfriend Tyler (Archie Renaux), who hatch a plan to escape their capitalist

ON SCREEN WITH TIM POSADA

dystopia for a planet free of toxins.

An abandoned research station near the atmosphere might help them all escape, and Andy can communicate with it to gain entry. If only they knew why that station was abandoned. No worries, they’ll find out soon enough when hundreds of facehuggers start chasing them. We all know what comes after that.

“Romulus” has several strengths. Most notably, the CGI of space is incredible (not so much for one eerie deep-fake sequence) and the xenomorph effects appear mostly practical: a combination of costuming, props and even remote-controlled facehuggers for a wild chase sequence (you must see what they looked like on set).

Where exactly “Romulus” fits into the “Alien” timeline is a mystery. Some answers will come, though they might invite more questions. Along the way, prepare for plenty of Easter eggs and winks to most of the previous films. The sites, the sounds and, of course, the iconic monster with a second mouth all belong on the big screen.

That said, “Romulus” stands alone, no need for nostalgia. The jump scares and performances hit hard. And while Spaeny’s Rain might be the primary lead, Jonsson’s performance steals the show. At first, he appears timid, the result of degrading programming. Then an upgrade presents an entirely different Andy.

Mind you, “Romulus” is hardly a



photo courtesy of 20th Century Studios

Rain (Cailee Spaeny) and Andy (David Jonsson) take on an interstellar foe in “Alien: Romulus.”



photo courtesy of 20th Century Studios

The iconic monster with a second mouth is back in “Alien: Romulus.”

perfect film. The timeline is confusing. Some plot points don’t make sense when any explanation arrives. And the heavy degree of psych-outs in the third act – one obstacle leads directly into another – feels a bit excessive.

And the final showdown might cause spectators with trust issues to roll their eyes. Just remember: Every sequel introduces something new. “Aliens” gave us a queen, “Alien 3” birthed a xenomorph from a dog and “Resurrection” had all those jumping sharks.

Even if “Romulus” is clunky at points, it never feels dull. It’s solid science fiction and horror. More importantly, it knows how an “Alien” film feels, both in set design and intensity. “Alien” isn’t going away anytime soon with a prequel series called “Alien: Earth” from Noah Hawley (FX’s “ Fargo,” “ Legion”) set to premiere next year. But I truly hope all surviving parties here, filmmakers included, continue the “Romulus” story. There’s more to tell, and the franchise finally feels like it’s in good

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Join Heal the Bay for Coastal Cleanup Day

Heal the Bay, in partnership with the California Coastal Commission, is seeking volunteers for its 35th annual Coastal Cleanup Day, which will be held on Sept. 21 at more than 50 sites throughout Los Angeles County.

Since 1990, Heal the Bay Coastal

Clean Up Day volunteers have removed more than 1.9 million pounds of trash and 101,140 pounds of recyclable materials from beaches and inland waterways. A white wedding dress, a pumpkin full of hardboiled eggs, a \$100 bill torn in half and a World

War II-era gas mask are among the unusual items found by Heal the Bay volunteers in past years.

Cleanups will be held from 9 a.m.-noon at multiple locations including coastal and inland (river/lake) areas. Volunteers can visit the site map to find a convenient location to register for a cleanup.

Cleanups are a last line of defense to prevent trash from causing harm to the ocean, wildlife communities and beaches. Plastic pollution continues to proliferate, with scientists estimating there may be more plastic in the sea than fish by mass in 2050. Volunteers will learn about the harms of plastic pollution and receive tips on how to take preventative action throughout the year.

People from all backgrounds volunteer for Coastal Cleanup Day, including families, schools, faith-based organizations, businesses, sports teams, clubs and individuals. No advanced training or equipment is needed. Heal the Bay provides instructions, safety talks and supplies. Volunteers under 18 must have a waiver signed by a legal guardian. Children 13 and younger must be supervised by an adult at cleanup events.

For information and to register, visit healthebay.org/coastalcleanup-day.



photo courtesy of Heal the Bay

Volunteers of all ages make a difference at Heal the Bay's annual Coastal Cleanup Day.



photo courtesy of Metro

The Metro Youth Council is composed of 27 members ages 14-17, each serving for one year.

Teens invited to learn about public transportation at Metro Youth Summit

Calling all high school students. Join the Metro Youth Summit for a day of food, prizes, DJs, a 360 photobooth and youth led discussions on Saturday, Sept. 21, from 9 a.m.-12:30 p.m. at the Union Station Ticketing Concourse.

The event is presented by Metro's Youth Council and the theme is "Empowering Youth: Bridging Communities through Transportation." Students can receive volunteer hours credit for

participating.

Students are encouraged to use public transportation to reach the event. Call (323)466-3876 or use Metro's Trip Planner at metro.net/riding/trip-planner. Admission is free; parking validation will not be provided. RSVP to eventbrite.com/e/metro-youth-summit-tickets-927425844667?aff=oddtcreator.

For information on the Metro Youth Council, visit metro.net/youthcouncil.

'Madame Butterfly' premieres at Dorothy Chandler

From Sept. 21-Oct. 13, LA Opera will present one of the most beloved operas of all: Giacomo Puccini's heartbreaking "Madame Butterfly," conducted by music director James Conlon. The new-to-Los Angeles production – originally staged by Spanish-Uruguayan director Mario Gas for the Teatro Real in Madrid – features a Hollywood twist: it's reimagined as taking place at a 1930s film studio, with the opera performance cap-

tured by onstage camera operators and projected onto screens hanging above the stage.

"One of the most gratifying aspects of being an opera lover is witnessing the manner in which successive generations of opera artists imbue a work with their own indelible theatrical and musical signatures," said Christopher Koelsch, LA Opera's president and CEO. "While this production created by director Mario Gas origi-

nated in Madrid, I think that this production's Hollywood soundstage setting will have particular resonance here, in the epicenter of cinema."

Tickets begin at \$37.50 and are on sale now. Tickets can be purchased online at laopera.org, by phone at (213)972-8001, or in person at the LA Opera box office at the Dorothy Chandler Pavilion, located at 135 N. Grand Ave. For disability access, call (213)972-0777 or email laopera@laopera.org.



photo by Javier del Real

The classic Giacomo Puccini opera is imaginatively transposed to Hollywood in the 1930s.

School year has a new rhythm with Rosewood STEM Magnet's Music

Rosewood STEM Magnet of Urban Planning and Urban Design, located at 503 N. Croft Ave., got off to a great start of the new school year with a completely remodeled Music Lab, courtesy of Adopt the Arts. All students in UTK-5th grade have a full-time music teacher and receive vocal music, music theory, drumming, ukulele and keyboard training.

Rosewood STEM Magnet of Urban Planning and Urban Design provides a safe and enriching learn-

ing environment where the whole student is nurtured and developed. Teachers and administrators support the academic and emotional wellbeing of each student. A rigorous academic curriculum engages all learning styles. Rosewood was selected as a 2024 School of Distinction by Magnet Schools of America.

For information, call (323)651-0166, or visit rosewoodelementary.org.



photo courtesy of Rosewood

Rosewood STEM Magnet of Urban Planning and Urban Design offers music instruction for students in UTK-5th grade.



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Sunday, September 29
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Explore the possibilities of AI at The Music Center



photo courtesy of The Music Center

Visitors will have the chance to hear an AI replication of their own voice through earbuds in The Music Center’s exhibition “Voice in My Head.”

Angelenos will be all ears when experiencing a new AI art installation at Jerry Moss Plaza at The Music Center. Launching Thursday, Aug. 29, and running through Sunday, Nov. 3, “The Music Center Presents: A More Than Human Tongue” will explore the fusion of ancestral practices and modern technology with a pair of innovative experiences. The first experience, “One Who Looks at the Cup,” is the brainchild of author, artist and researcher Mashinka Firunts Hakopian with Atlas Acopian and Lara Sarkissian, who uncover the practice of tasseography – the fortune-telling method of reading coffee grounds, dating back as early as

the 16th century – reimagined through AI. The second experience, “Voice in My Head,” created by L.A.-based artist and computer programmer Lauren Lee McCarthy and Kyle McDonald, delves into the inner workings of the mind, with guests hearing voices in their heads using earbuds. The twist in this aural experience is that the voice speaking to each participant is an AI-generated clone of the participant’s own voice.

The two-part AI experience will last approximately one hour and will occur between 4:30–8 p.m. on Thursdays and Fridays as well as 1–8 p.m. on Saturdays and Sundays. Participants can reserve a time slot

online at musiccenter.org/tongue or onsite at Jerry Moss Plaza at The Music Center. To maximize the personalized AI experience, only two individuals will be able to register for each time slot. “The Music Center Presents: A More Than Human Tongue” is the latest public art installation presented by The Music Center’s Digital Innovation Initiative launched in 2022 and designed to explore and create digital and virtual reality experiences on The Music Center campus and throughout Los Angeles.

““The Music Center Presents: A More Than Human Tongue” is an immersive journey into AI and human connection that has never been attempted before in The Music Center’s 60-year history. The profound experience of hearing your own voice talk to yourself will be otherworldly without a doubt, yet it will reshape how we can better understand ourselves on an entirely new and extraordinary level,” said Rachel S. Moore, president and CEO of The Music Center. “Moreover, the blending of AI into the centuries-old practice of tasseography will challenge our perceptions of technology influencing how we envision our future. Can artificial intelligence also replicate ancestral intelligence? I encourage Angelenos to find out for themselves in Downtown L.A.’s most unique AI experience to date.”

For information, visit musiccenter.org/tongue or musiccenter.org/dii.

Jerry Moss Plaza is located at 135 N. Grand Ave.



photo courtesy of Broadway in Hollywood

“Hamilton” is one of the most successful musicals in Broadway history.

‘Hamilton’ lottery open

Producer Jeffrey Seller and Broadway in Hollywood are hosting a digital lottery for “Hamilton” tickets which will begin in conjunction with the show’s first performance on Sept. 4 in Los Angeles at Hollywood Pantages Theatre. A limited number of tickets will be available for every performance for \$10 each. The lottery will close at noon on Thursday, Aug. 29 for tickets to performances Sept.4-8. Subsequent digital lotteries will begin each Friday and close the following Thursday for the upcoming week’s performances.

Use the official app for “Hamilton,” now available for all iOS and Android devices in the Apple App Store and the Google Play Store, or by visiting hamilton-musical.com/us-tour/lottery. Winner notifications will be sent between 1-4 p.m. every Thursday for the upcoming week’s performances via email and mobile push notification. Winners will have two hours to claim and pay for their ticket(s). No purchase or payment is necessary to enter or participate.

Each winning entrant may purchase up to two tickets. Only one entry per person. Repeat entries and disposable email addresses will be discarded. Lottery tickets may be picked up at will call beginning two hours prior to the performance with valid photo ID. Lottery tickets void if resold. Patrons must be 18 years or older. Ticket limits and prices displayed are at the sole discretion of the show and are subject to change without notice. Lottery prices are not valid on prior purchases. Lottery ticket offer cannot be combined with any other offers or promotions. All sales final – no refunds or exchanges. The lottery may be revoked or modified at any time without notice. A purchase will not improve the chances of winning.

Tickets for “Hamilton” are currently on sale and may be purchased at broadwayinhollywood.com/hamilton or ticketmaster.com. Tickets may also be purchased in person at the Hollywood Pantages Theatre box office located at 6233 Hollywood Blvd. Visit the official website for current

Beverly Vista PTA hosts annual back-to-school carnival



photo courtesy of the Beverly Vista Middle School PTA

On Friday, Aug. 23, Beverly Vista Middle School PTA hosted its fourth annual BVMS Back-to-School Carnival, sponsored by Michael J. Libow, in collaboration with community partners, the Beverly Hills Firefighters’ Association. BVMS PTA took great pride in organizing this student-only event, which has established itself as a beginning-of-the-year tradition. It provides the students with a wonderful opportunity to have some fun, forge new friendships and kickstart their school year in grand fashion. BVMS PTA Carnival Committee, the event sponsor, BVMS Administrators and the BHUSD Board of Education celebrated together at the event.

Nonprofit hosts cancer research symposium at El Rodeo School



photo courtesy of Not Today Cancer

Cancer research nonprofit Not Today Cancer co-founders Stacey Book, left, and J.J. Duncan co-hosted a research symposium with the Leukemia and Lymphoma Society at El Rodeo Elementary School on Aug. 24. Lead investigators from across Southern California presented their work and the theories that are breaking new ground on the path to find cures for cancer.

We want to hear what you think!

On December 5, 2023, City Council approved a 6-month installation of traffic calming devices on Clifton Way between Robertson and La Cienega Boulevards, including:

Traffic Circles:

Clifton/Arnaz
Clifton/Le Doux

Curb Extensions:

Clifton/Hamel
Clifton/Willaman
Clifton/Carson
Clifton/Stanley



Example Traffic Circle



Example Curb Extensions

Take the **community survey** about your experiences and observations by October 1, 2024. For questions, contact askBH at (310) 285-1000 or askBH@beverlyhills.org.



Visit beverlyhills.org/cliftonledoux to complete the survey and learn more.



Police Blotter

The following crimes occurred in West Hollywood, Beverly Hills and the areas patrolled by the LAPD’s Wilshire and Hollywood divisions between Aug. 18 and Aug. 24. The information was compiled from crimemapping.com. To report a crime, call local law enforcement agencies: Los Angeles Police Department, Wilshire Division (213)473-0476, Los Angeles County Sheriff’s Department West Hollywood Station (310)855-8850, and the Beverly Hills Police Department (310)550-4951.

Beverly Hills Police Department

Aug. 18

A vandalism incident was reported in the 400 block of N. Beverly at 4:34 p.m.

At 6:04 p.m., an unknown suspect robbed a victim in the 400 block of N. Beverly.

An unknown suspect burglarized a vehicle parked near Clifton and Cañon at 7 p.m.

At 9 p.m., an unknown suspect stole auto parts in the 8300 block of Gregory,

Aug. 19

At 7:30 a.m., a vandalism incident was reported in the 200 block of S. Bedford.

An unknown suspect committed a grand theft in the 9500 block of Wilshire at 1:15 p.m.

Aug. 20

At 2:05 a.m., a vandalism incident was reported in the 300 block of N. Cañon.

A vandalism incident was reported in the 200 block of N. Doheny at 7:20 a.m.

At 8 a.m., an unknown suspect committed a grand theft in the 400 block of S. Crescent.

An unknown suspect burglarized a vehicle parked in the 200 block of Spalding at 5:30 p.m.

At 5:30 p.m., an unknown suspect committed an assault in the 200 block of N. Maple.

An unknown suspect committed a petty theft in the 600 block of Beverly at 7:27 p.m.

At 8:10 p.m., an unknown suspect committed a petty theft in the 200 block of S. Elm.

Aug. 21

At 7:39 a.m., an unknown suspect committed a petty theft in the 400 block of S. Rexford.

Aug. 22

An unknown suspect committed a petty theft in the 400 block of N.

Cañon at 10 a.m.

At 11:30 a.m., an unknown suspect burglarized a vehicle parked in the 500 block of N. Maple.

Aug. 23

At 2:47 a.m., an unknown suspect committed a commercial burglary in the 8900 block of Santa Monica.

An unknown suspect committed a burglary in the 100 block of S. Roxbury at 2:22 p.m.

At 4:15 p.m., an unknown suspect committed a petty theft in the 9100 block of Wilshire.

A vandalism incident was reported near Wilshire and Wetherly at 7:43 p.m.

At 9 p.m., an unknown suspect committed a theft in the 300 block of N. Beverly.

Aug. 24

At 1:35 a.m., an unknown suspect committed a burglary in the 9200 block of Wilshire.

An unknown suspect stole a vehicle parked in the 100 block of N. Rexford at 8:07 a.m.

West Hollywood Sheriff’s Station

Aug. 18

At 12:30 a.m., an unknown suspect pickpocketed a victim in the 8900 block of Santa Monica.

An unknown suspect committed a petty theft in the 600 block of N. Robertson at 1 a.m.

At 1:45 a.m., an unknown suspect robbed a victim in the 8800 block of Santa Monica.

A suspect assaulted a victim during a domestic violence incident in the 600 block of N. Robertson at 2 a.m.

At 2:18 a.m., an unknown suspect assaulted a victim in the 9000 block of Sunset.

An unknown suspect committed a burglary in the 7100 block of Santa Monica at 5 a.m.

At 11 a.m., an unknown suspect committed a grand theft in the 8500 block of Santa Monica.

An unknown suspect assaulted a victim near the corner of Santa Monica and Formosa at 11:30 a.m.

At 2:20 p.m., an unknown suspect committed a burglary in the 9000 block of Sunset.

An unknown suspect assaulted a victim in the 9000 block of Sunset at 2:28 p.m.

At 9:30 p.m., an unknown suspect committed a grand theft in the 1200 block of Horn.

An unknown suspect committed a petty theft in the 7200 block of Fountain at 11 p.m.

At 11:15 p.m., an unknown suspect committed a petty theft in the 8900 block of Santa Monica.

An unknown suspect assaulted a victim in the 8900 block of Santa Monica at 11:59 p.m.

Aug. 19

An unknown suspect assaulted a victim in the 7300 block of Santa Monica at 12:35 a.m.

At 1:30 a.m., an unknown suspect burglarized a vehicle parked in the 1200 block of Horn.

An unknown suspect assaulted a victim near San Vicente and Santa Monica at 1:55 a.m.

At 2:16 a.m., an unknown suspect assaulted a victim in the 8800 block of Santa Monica.

An unknown suspect assaulted a victim in the 8900 block of Santa Monica at 2:20 a.m.

At 3 p.m., an unknown suspect burglarized a vehicle parked in the 1200 block of Horn.

An unknown suspect burglarized a vehicle parked in the 1100 block of Hacienda at 8 p.m.

At 8:40 p.m., an unknown suspect burglarized a vehicle parked near Sunset and Hammond.

An unknown suspect assaulted a victim in the 1100 block of Poinsettia at 11:45 p.m.

Aug. 20

At 4:40 a.m., an unknown suspect committed a burglary in the 7700 block of Santa Monica.

An unknown suspect burglarized a vehicle parked in the 1200 block of Horn at 8:50 a.m.

At 3:45 p.m., an unknown suspect committed a burglary in the 7100 block of Santa Monica.

An unknown suspect burglarized a vehicle parked in the 7100 block of Poinsettia at 7 p.m.

Aug. 21

An unknown suspect burglarized a vehicle parked in the 1200 block of

N. Detroit at 6:30 a.m.

At 10 a.m., an unknown suspect committed a burglary in the 900 block of Wetherly.

An unknown suspect committed a petty theft in the 7100 block of Santa Monica at 10:41 a.m.

Aug. 22

At 12:30 a.m., an unknown suspect committed a burglary in the 1200 block of Sweetzer.

An unknown suspect committed a petty theft in the 8500 block of Melrose at 11:18 a.m.

At 12:50 p.m., an unknown suspect burglarized a locker in the 8500 block of Sunset.

An unknown suspect robbed a victim in the 1200 block of N. La Brea at 4:18 p.m.

At 5:50 p.m., an unknown suspect committed a burglary in the 8900 block of Santa Monica.

A suspect assaulted a victim during a domestic violence incident in the 1100 block of N. Fuller at 10:55 p.m.

Aug. 23

At 2:16 a.m., an unknown suspect committed a petty theft in the 8900 block of Santa Monica.

An unknown suspect committed a burglary in the 1400 block of N. Fairfax at 4:20 a.m.

At 4:29 a.m., an unknown suspect committed a burglary in the 1400 block of N. Hayworth.

An unknown suspect assaulted a victim in the 8400 block of Santa Monica at 7:15 a.m.

At 4:33 p.m., an unknown suspect committed a burglary in the 600 block of N. Robertson.

An unknown suspect committed a burglary in the 7100 block of Santa Monica at 8 p.m.

Aug. 24

At 1:50 a.m., an unknown suspect robbed a victim near Santa Monica and San Vicente.

A suspect assaulted a victim during a domestic violence incident in the 600 block of N. Robertson at 3:20 a.m.

An unknown suspect committed a petty theft in the 1000 block of Fuller at 8:44 a.m.

Los Angeles Police Department

Aug. 16

At 1 a.m., an unknown suspect committed a grand theft in the 1500 block of N. Wilcox.

An unknown suspect committed a petty theft in the 5800 block of Santa Monica at 12:40 p.m.

Aug. 17

An unknown suspect committed a grand theft in the 6300 block of Hollywood at 12:01 a.m.

At 1:33 a.m., an unknown suspect committed a petty theft near Selma and El Centro.

An unknown suspect stole a vehicle parked in the 7200 block of Willoughby at 3 a.m.

At 8:58 a.m., an unknown suspect committed a petty theft in the 400 block of S. La Brea.

An unknown suspect burglarized a vehicle parked in the 1000 block of Seward at 10:30 a.m.

At 12:30 p.m., an unknown suspect committed a petty theft in the 100 block of N. Larchmont.

An unknown suspect committed a petty theft in the 5200 block of Wilshire at 2:49 p.m.

At 3 p.m., an unknown suspect committed a petty theft in the 7400 block of Beverly.

An unknown suspect stole a vehicle parked near Lexington and Cole at 10:30 p.m.

Aug. 18

At 12:10 a.m., an unknown suspect stole a vehicle parked near Hollywood and Schrader.

An unknown suspect committed a petty theft in the 700 block of N. Sweetzer at 2 a.m.

At 5:30 a.m., a vehicle theft occurred in the 8600 block of Pico.

An unknown suspect committed a petty theft in the 6200 block of Lexington at 2:15 p.m.

At 4 p.m., an unknown suspect burglarized a vehicle parked in the 300 block of N. Stanley.

An unknown suspect committed a petty theft in the 8400 block of Melrose Place at 4:30 p.m.

At 5:47 p.m., an unknown suspect committed a petty theft in the 5700 block of Hollywood.

Aug. 19

At 12:36 a.m., an unknown suspect burglarized a vehicle parked in the 6200 block of Wilshire.

An unknown suspect burglarized a vehicle parked in the 1200 block of N. Van Ness at 4:45 a.m.

At 8:50 a.m., an unknown suspect stole a vehicle parked in the 9300 block of Sierra Mar.

An unknown suspect burglarized a vehicle parked in the 6200 block of Wilshire at 12:26 p.m.

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KCCLA opens special exhibition on Hanji, past and present

The Korean Cultural Center Los Angeles, in collaboration with the Dongduk Women’s University Museum, presents the special exhibition “Hanji: The Past and Present” from Thursday, Aug. 29, through Thursday, Sept. 19. An opening reception will be held on Aug. 29 from 6-8 p.m. in the Korean Cultural Center’s Art Gallery, 5505 Wilshire Blvd.

The exhibition, the third in a series of traditional Korean art showcases promoting traditional Korean arts beyond popular culture, fosters a deeper understanding of

Korean art. Hanji is a traditional type of handmade Korean paper. The exhibition was specially curated to highlight the excellence and charm of Hanji, one of Korea’s representative traditional heritages.

“Hanji: The Past and Present,” being held for the first time in North America, results from a long-term collaboration with professor Lee Seung Chul of Dongduk Women’s University, a traditional Hanji researcher and a scholar at Kansong Art Museum. Lee previously presented Hanji exhibitions in France, Italy, Austria and Hungary. The exhibition introduces the history and tradition of Hanji, showcasing its historical journey and modern art pieces. It offers a comprehensive view of Hanji’s past and present through displays, including Hanji relics, bas-relief works and installation art.

The exhibition features a variety of Hanji-based relief works, including the “Moon Jar” series, “Buddha (Thousand Buddhas),” “Buddha (Manjusri Bodhisattva),” “Jesus Statue” and “Bandaji (Korean Cabinet).” The exhibit also includes Hanji relics such as clothes, woven paper bags, traditional lanterns and water bottles. On Thursday, Sept. 19, Lee will conduct a Hanji-making demonstration and workshop for students and faculty at Otis College of Art and Design.

“This exhibition, the first of its kind in North America, offers visitors a valuable opportunity to explore the past and present of Hanji through Korean relics and contemporary works that I have researched and collected over the past 30 years,” Lee said. “I hope the Korean American community shows interest, encouragement and



photo courtesy of KCCLA

The “Moon Jar” series is represented in the new exhibition of Hanji works.

LA Phil names new board chair

The Los Angeles Philharmonic Association’s board of directors has announced that Jason Subotky has been elected as the organization’s new board chair, effective Oct. 1. Subotky succeeds Thomas L. Beckmen, who has served as board chair since 2019. Beckmen will continue to serve on the LA Phil Board.

Subotky joined the LA Phil’s board of directors in 2019 and currently sits on the management committee.

“It is the honor of a lifetime to be elected as board chair of the LA Phil,” Subotky said. “I have been an enthusiastic fan of this orchestra starting from my student days, and in the years since I was elected to the board, I have felt honored to work with and learn from our remarkable directors, our brilliant leadership and of course our incomparable music and artistic director, Gustavo Dudamel and the members of the orchestra. Now, in this exciting moment of transition for the LA Phil, I look forward to helping the organization build on the LA Phil’s storied history, to achieve even greater things ahead.”

A trained musician, Subotky received a bachelor’s degree in piano performance from the University of Southern California before going on to earn an MBA from Brigham Young University. Having worked at a family office and as a vice president at Goldman Sachs, he joined Yacktman Asset Management in 2001 where he is a partner and portfolio manager. He is married to violinist Anne Akiko Meyers.

For information, visit laphil.org.



photo courtesy of LA Phil

Jason Subotky has been a member of the LA Phil board of directors since 2019.

MAK Center welcomes new director Beth Stryker

The MAK Center for Art and Architecture in Los Angeles has appointed Beth Stryker as its new director, effective Sept 1.

Through an intensive selection process, the visual arts expert was selected by the board of the MAK Center, the Californian branch of the MAK-Museum of Applied Arts, Vienna. Stryker has held positions in the art world for more than two decades and brings with her a wide range of experience in interdisciplinary and intercultural projects. She most recently served as executive director of Art Share L.A., an L.A.-based center for contemporary art.

Stryker is a graduate of Columbia University, Princeton University and the Whitney Museum of American Art Independent Study Program. She started her career in 1997 as cofounder and principal of the Utensil Art + Design Studio, New York. Stryker is also cofounder of CLUSTER (Cairo Laboratory for Urban Studies, Training and Environmental Research), a platform for urban research, architecture, art and design based in Cairo, in which she also served as principal from 2011-20. CLUSTER was awarded the Curry Stone Social Design Circle Prize in 2017 and represented Egypt at the Venice Architecture Biennale in 2016 and 2018.

Stryker has curated exhibitions and programs for institutions such

as the Museum of Contemporary Art Chicago and the Center for Architecture, AIA New York Chapter, where she was director of programs, as well as the Downtown Contemporary Arts Festival in Cairo. From 2018-23, she was executive and artistic director of ArteEast, a nonprofit dedicated to promoting contemporary art from Southwest Asia and North Africa.

“We extend a very warm welcome to Beth Stryker as the new director of the MAK Center and look forward to working with her. The MAK branch in Los Angeles is a special visionary, experimental location on the interface between art and architecture with an emphasis on cross-border projects,” MAK general director Lilli Hollein said. “With her wide-ranging expertise in architecture and art, her cross-genre, cross-cultural approach and her many years of experience in interdisciplinary discourse, Beth Stryker is the ideal person to further the MAK Center’s avantgarde program and the internationally renowned MAK Center Artists and Architects-in-Residence Scholarship Program.”

The MAK Center for Art and Architecture, Los Angeles, founded in 1994, stages exhibitions and events in three architectural landmarks designed by the Austro-American architect Rudolph M.



photo by Ree Magan

Beth Stryker will lead programming at the MAK Center for Art and Architecture in Los Angeles.

Schindler: the Schindler House (1922) in West Hollywood, the Fitzpatrick-Leland House (1936) and the Mackey Apartments (1939). Activities focus on new trends and developments in art and architecture. The MAK Center’s international Artists and Architects-in-Residence Scholarship Program, sponsored by the Austrian Federal Chancellery/Department of Art and Culture in cooperation with the MAK, is a key component of programming.

Schindler House is located at 835 N. Kings Road in West Hollywood. For information, visit makcenter.org.

The Autry comes to life after hours

Fans of the American West are invited to “Autry After Hours” on Thursdays from 6-9 p.m.

Join the Autry at night and explore the galleries, grab a drink and a bite to eat and discover the diverse array of emerging and established artists, musicians, poets and writers who represent the varied and unique communities in and around Los Angeles.

On Thursday, Sept. 5, from 6-9 p.m., the Autry presents a gallery talk on “Out of Site: Survey Science and the Hidden West.” The exhibit focuses on three technological revolutions to examine how visual technologies, artistic interventions and state power have evolved in tandem with the western landscape.

The exhibition features 90 artworks, archival materials and devices ranging from large plate cameras to

drones. Carleton Watkins’ Nevada mining photographs, 19th-century geological reports and stereoviews, and Margaret Bourke-White’s aerial surveys published in LIFE magazine in 1936, are juxtaposed with contemporary photographic and video pieces by David Maisel, Michael

Light and Steven Yazzie.

The Autry will present an in-gallery conversation with Hillary Mushkin and Brendan Threadgill, artists featured in “Out of Site: Survey Science and the Hidden West.”

Registration is recommended; admission to the event is free with \$18 museum admission. The Autry Museum is located at 4800 Western Heritage Way. For information, visit theautry.org.

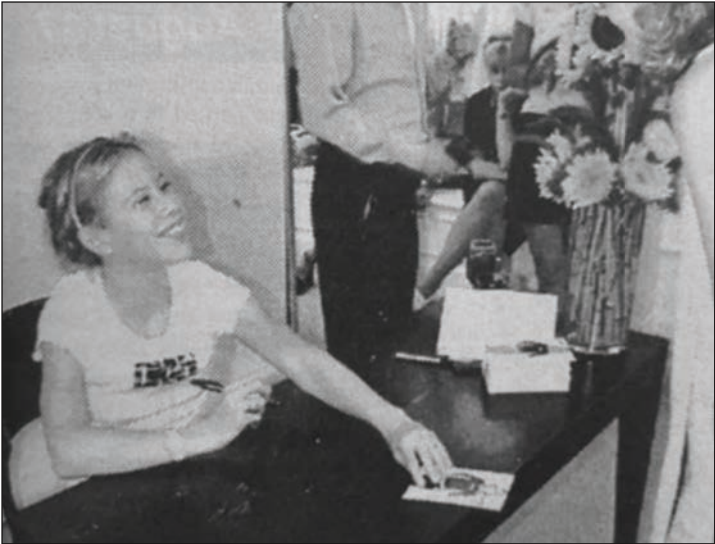


photo courtesy of The Autry

The Autry is holding a discussion on the exhibition “Out of Site: Survey Science and the Hidden West” on Sept. 5.

VINTAGE PARKLABREA NEWS

Figure skating champion greets fans in Beverly Hills



Olympic figure skater Tara Lipinski signed autographs at Saks Fifth Avenue in Beverly Hills in a photograph in the Aug. 27, 1998, issue of the Beverly Press and Park Labrea News. Lipinski won a gold medal in ladies singles figure skating in the 1998 Winter Olympics in Nagano, Japan, and was the 1997 world champion and U.S. national champion. Lipinski greeted fans and celebrated her competitive success at the Olympics. The accompanying article highlighted that she was the first woman to complete a triple loop-triple loop combination, her signature jump in competition.

‘Coco’ throws a ‘Fiesta’ at the El Capitan

Disney and Pixar’s “Coco” makes its vibrant return to the El Capitan Theatre. See the Fiesta of Lights featuring music from the movie before each screening. Plus see the Mariachi Divas and Ballet Folklórico de Los Angeles Live on Stage. Tickets are now on sale.

The fan event screening will take place at 7 p.m. on Friday, Sept. 20. Tickets are \$35 and include a reserved seat, popcorn, fountain beverage and event credential.

A special family pack is available for \$75 and includes four tickets, four 24-ounce fountain beverages and one El Capitan collectible popcorn tin with refill. A Spanish dubbed screening will be available on Saturday, Sept. 21 at 4 p.m.

Daily showtimes for “Coco” Sept. 17-22 are 10 a.m., 1 p.m., 4 p.m. and 7 p.m.



photo courtesy of Disney/Pixar

Music and dance will help ring in a special screening of “Coco” on Sept. 20.

Tickets are on sale now at elcapitantickets.com and fandango.com/el-capitan-theatre-aacon/theater-page or by calling

1(800)Disney-6. All seats are reserved. Tickets are \$16 for all ages. The El Capitan Theatre is located 6838 Hollywood Blvd.

TV Academy is ‘Giving’ for the Emmys

The Television Academy Foundation has announced its official Emmy Awards Giving Suite will be open to celebrity presenters, nominees and winners Sept. 13-15 backstage on rehearsal days and during the live telecast at the Peacock Theater at L.A. LIVE. The philanthropic gifting lounge, which raises funds for the nonprofit’s education programs, will be produced by RMNG Experiential Marketing Agency.

The Giving Suite is an exclusive experience where celebrities gather to celebrate the Emmys and give back. By interacting with leading brands, sponsors and donors, the stars help generate funds to support the foundation’s mission to champion inclusivity in television and media. Premier products and gift bags will be given to celebrity attendees in the ultra-chic lounge, and

stars will autograph items to be auctioned off at a later date to benefit the foundation. In addition, participating sponsors donate to the nonprofit. Brand sponsors include Dooney & Bourke, The Classic T-Shirt Company, Jinx, Beekeeper’s Naturals, Portillo’s, Crumbl Cookies, E-Ink, Terraria and Impossible Foods. Design sponsors include Cort Events and Bia Blooms.

The theme of this year’s Giving Suite will be an ode to the past with an eye toward the future, featuring an original art installation to celebrate the heritage of the Emmys while embracing its bright and vibrant future. Since its inception, the Emmy Awards Giving Suite has raised significant funds to support the Foundation.

“We’re incredibly excited to work with the Television Academy Foundation to bring this year’s

Giving Suite to life by crafting an experience that not only matches the prestige of the Emmys but also creates meaningful moments for the attendees,” said Alyssa Mason, director of accounts at RMNG.

For information, visit emmys.org. LA LIVE is located at 800 W. Olympic Blvd.

RMNG is the sole, authorized vendor for the official Emmy Awards Giving Suite. For sponsorship/donorship opportunities, contact Alyssa Mason, RMNG Director of Accounts, at Alyssa@rmng.co.

The 76th Emmy Awards, produced by Jesse Collins Entertainment, will broadcast live on ABC on Sunday, Sept.15, (8:00-11:00 PM EDT/5:00-8:00 PM PDT) from the Peacock Theater at L.A. LIVE and stream the next day on Hulu.

L.A. partners with Paris for Cultural Olympiad poetry finale

The city of Los Angeles Department of Cultural Affairs and Beyond Baroque have announced the poets who will represent the city of Los Angeles in the Paris 2024 Cultural Olympiad. Nearly 50 Los Angeles poets were selected to participate in a cultural handover from the city of Paris to the city of Los Angeles in honor of the L.A. 2028 Olympics. Eight L.A. poets will travel to Paris to perform in the finale of the Poetic Games of the Paris 2024 Cultural Olympiad, and 28 will perform in the Catch the Mic: Paris to L.A. handover in L.A. on Sept. 7. The project is made possible in part by a grant from DCA’s Public Space Activation Fund with support of community partners.

“The Department of Cultural Affairs is excited to partner with Beyond Baroque to involve the participation of nearly 50 poets from Los Angeles in the Poetic Games program of the Paris Cultural Olympiad, as part of an unprecedented collaboration between the cities of Paris and Los Angeles. We congratulate the Parisian and L.A. poets as they represent the greatness of both cities as global literary arts centers, on par with the prowess of French and U.S. athletes during the Paris 2024 Olympic and Paralympic Games, as we prepare to welcome the Games to L.A. in 2028,” DCA General Manager Daniel Tarica said.

This spring, the DCA partnered with Beyond Baroque, one of the leading literary arts nonprofits in

the United States, and with the city of Paris and Paris University Club, developed a project based on the theme of the Paris 2024 Cultural Olympiad: “Art+Sports.” In April, Beyond Baroque and DCA posted an open call for L.A. poets. A committee then selected 49 L.A. poets and commissioned each to write a new poem on “Art+Sports.” The poems will be published and performed over the next three years.

In July, eight L.A. poets were selected as the Paris Olympiad Poets, who will travel to and perform in Paris as part of the finale of the Poetic Games, a series of poetry-based activities for the city of Paris, culminating on Saturday, Sept. 7. Additionally, “Art+Sports” poems by four L.A. poets will be presented as voice recordings broadcast from a Speaking Tree in a Paris city park, and three additional L.A. poets were commissioned to write poems on iconic Olympic Moments from the 2024 Paris Olympics, which will be performed by French actors as part of the Poetic Games.

Finally, 28 additional L.A. poets, along with three Tongva artists, will perform at the public Catch the Mic: Paris to L.A. cultural handover event at the Mark Taper Auditorium at the Los Angeles Public Library, on Sat., Sept. 7, from 3-4:30 p.m.

Los Angeles Public Library is located at 630 W. 5th St.

For information, visit culture.lacity.gov.

New shows debut at Theatre West

When Theatre West was founded 62 years ago, its initial purposes included serving as a laboratory situation where writing, acting and directing could be developed and perfected. This included the development of new and exciting works, works of a non-commercial and experimental nature, with an eye to enhanced performances but presented with minimalist production design. At least once each year, Theatre West has included a festival of such works, providing audiences an opportunity to experience a wide variety of new work developed within the company. WestFest has become one of Theatre West’s most enduringly popular attractions.

Upcoming shows for Aug.30-Sept. 1 include “Aberration of Starlight,” “Have a Heart,” “I Can Play 32,” “Leap” and “Lady M.”

From Sept. 6-8, patrons can enjoy “Modern Love,” “Clive and Cecily,” “Unnatural Behavior” and “Stepping Down.”

WestFest 2024 presents four full weekends of shows, a different presentation each week, to entice the loyal audiences who have returned for WestFest every year, as well as to introduce new audiences to the richly varied work of the city’s longest running, continuously operating professional company. Performances are Fridays and Saturdays at 8 p.m., and Sundays at 2 p.m. Each week’s program runs about 90 minutes, no intermission. A reception with food and beverage follows each performance. There is a suggested donation of \$15 for admission.

Theatre West is located at 3333 Cahuenga Blvd. For information, visit theatrewest.org.

Second discussion added with Justice Jackson at Ebell

In Justice Ketanji Brown Jackson’s inspiring, intimate memoir “Lovely One,” the first Black woman to ever be appointed to the Supreme Court of the United States chronicles her extraordinary life story. In addition to its sold-out Sept. 17 evening event, Writers Bloc has added a 3 p.m. matinee discussion with Jackson, moderated by Angela Bassett. Both events will be held at the Wilshire Ebell Theatre.

With this unflinching account, Justice Ketanji Brown Jackson invites readers into her life and world, tracing her family’s ascent from segregation to her confirmation on America’s highest court within the span of one generation. Named “Ketanji Onyika,” meaning “Lovely One,” based on a suggestion from her aunt, a Peace Corps worker stationed in West Africa, Jackson learned from her educator parents to take pride in her heritage since birth. She describes her resolve as a young girl to honor this legacy and realize her dreams: from hearing stories of her grandparents and parents breaking barriers in the segregated south, to honing her voice in high school as an oratory champion and student body president, to graduating magna cum laude from Harvard, where she performed in musical theater and improv and participated in pivotal student organizations.

Jackson pulls back the curtain, marrying the public record of her life with what is less known. She reveals what it takes to advance in

the legal profession when most people in power don’t look like you, and to reconcile a demanding career with the joys and sacrifices of marriage and motherhood.

Bassett is a celebrated actress known for her powerful performances across film, television and theater. She gained widespread acclaim for her portrayals of iconic figures and characters such as Tina Turner in “What’s Love Got to Do with It,” Bernadine in “Waiting To Exhale,” Queen Ramonda in “Black Panther” and “Black Panther: Wakanda Forever,” and the ABC hit drama, “9-1-1,” to name a few. Bassett has earned numerous recognitions for her work, including DGA, BAFTA, SAG, Critics Choice, Golden Globe and NAACP Image Awards. Bassett received an Honorary Oscar in tribute to her extraordinary canon of work and she’s been nominated for two Academy Awards. Beyond her acting career, she is known for her advocacy in various social and humanitarian causes and is co-founder of Bassett Vance Productions with her husband, actor Courtney B. Vance.

No bags of any kind will be allowed into the event, with the exclusion of small clear bags. A valid ID is required to attend. Tickets are \$35, or \$65 to include a copy of the memoir. To reserve, visit eventbrite.com/e/an-afternoon-with-justice-ketanji-brown-jackson-tickets-1001784062097. The Wilshire Ebell Theatre is located at 4401 W. Eighth St. Parking is limited.



photo courtesy of Writers Bloc

Justice Ketanji Brown Jackson will appear at the Wilshire Ebell Theatre at 3 p.m. and 7:30 p.m. on Sept. 17.



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Wolves howl at NHM

The Natural History Museum of Los Angeles County announced the debut of “Wolves: Photography by Ronan Donovan” beginning Sept. 17. The traveling photography exhibit, created by National Geographic Society and the National Museum of Wildlife Art, will display Ronan Donovan’s stunning images and videos highlighting the contrast between wolves living in perceived competition with humans and those living without human intervention.

“Wolves: Photography by Ronan Donovan” will introduce visitors to wolves as seen by Donovan in the Greater Yellowstone Ecosystem and Ellesmere Island in the high Canadian Arctic. Visitors will see – in unparalleled intimacy – how the arctic wolves hunt, play, travel, rest and raise their young in one of the harshest environments on Earth. By contrast, their brethren in the greater Yellowstone ecosystem are fearful of humans, making it nearly

impossible to document their daily lives. These differences can be attributed to the fact that Arctic wolves rarely experience negative encounters with humans or view them as a threat.

Since 2014, Donovan – a National Geographic explorer and photographer of wild wolves – has examined the relationship between wild wolves and humans to better understand the animals, our shared history and what drives the persistent human-wolf conflict.

“Wolves are such a fascinating animal to me because of how complex their relationship is with humans,” Donovan said. “Wolves were the first animals humans domesticated some 30,000 years ago and they have lived alongside us ever since as guardians, workers and companions. Yet as humans moved to more sedentary lives, raising what amounts to easy prey in the form of livestock, wolves have found themselves in conflict

with humans.”

As wolves in North America are increasingly under threat due to recent extreme wolf-control laws and humans continue to impinge on the land and food sources that these animals need to survive, Donovan hopes that his photos will provide people with a better understanding of these often misunderstood animals.

“Wolves have acquired some of the most complex social behavior during their long history of evolution over several million years,” said Dr. Xiaoming Wang, NHM’s curator of vertebrate paleontology. “Such behaviors helped them become top predators in their communities. This exhibit both showcases Donovan’s unique perspectives and also illustrates how such a keystone species plays an outsized influence on the entire ecosystem.”

The visuals presented throughout “Wolves: Photography by Ronan Donovan” were captured from Donovan’s National Geographic Society-funded work and featured



photo by Ronan Donovan

The traveling photography exhibit explores the effects of human intervention on wolves and their habitat.

in National Geographic magazine’s 2016 Yellowstone issue and September 2019 issue, as well as the National Geographic WILD series “Kingdom of the White Wolf” in 2019.

The exhibition is on view at NHM through June 22, 2025, in a

newly-renovated gallery that connects to the museum’s new wing and community hub, NHM Commons.

The Natural History Museum of Los Angeles County is located at 900 Exposition Blvd.

For information, visit nhmlac.org

GMCLA announces new season

The Gay Men’s Chorus of Los Angeles has unveiled its 2024-25 season, which is now in its 46th year. Music director and conductor Ernest H. Harrison leads nearly 200 chorus members in a magical season not to be missed. The season will begin with its yuletide holiday concert “Sugarplum Fairies” in December 2024, followed by the slap-happy spring concert “Rhinstone Cowboys” in March 2025, and a GMCLA signature Pride Concert entitled “Dancing Queens” in June 2025. All concerts will be held at Beverly Hills’ premier venue, the Saban Theatre.

“Last season, our beautiful journey of song and service included three thrilling mainstage concerts and over 25 engaging community performances. It was a year made even more special with our GALA festival appearance in Minneapolis, where the chorus received awe-

inspiring standing ovations throughout our concert event,” said GMCLA executive director and producer Lou Spisto. “I’m confident GMCLA’s season 46 will continue to build on its artistic and organizational successes with a wide variety of music that we want to sing for our audiences, and that our concertgoers want to hear. And with these particularly cheeky show titles, patrons can expect great music, dance, and a whole lot of fun,” Spisto added, “We’re particularly excited that the entire season takes place at the beautiful Saban Theater, which is beloved by the chorus and our audience. GMCLA’s Season 26 is going to be a magical joining of music and community.”

Tickets for the three-concert subscription package go on sale Sept. 10, at gmcla.org. The Saban Theatre is located at 8440 Wilshire Blvd.



photo by Gregory Zabalski

GMCLA performs several concerts each year.

Get ‘Goofy’ at the El Capitan

Disney’s “A Goofy Movie” tickets are now on sale at El Capitan Theatre including a special opening night fan event. Before each screening, see Max and Goofy rock out live on stage.

The opening night fan event screening will take place at 7 p.m. on Friday, Sept. 6. Tickets are \$40 and include a reserved seat, one Power Limes Candy, popcorn, fountain beverage and event credential.

A special Max Duo is available for \$50 and includes two tickets, two Max Hair and Nose kits, two 24-ounce fountain beverages and one El Capitan collectible popcorn tin with refill.

Daily showtimes for “A Goofy Movie” Sept. 6-15 are 10 a.m., 1p.m., 4 p.m. and 7 p.m.

Tickets are on sale now at elcapitantheatre.com

tantickets.com and fandango.com/el-capitan-theatre-aacon/theater-page or by calling 1(800)Disney-6. All seats are reserved. Tickets are \$16 for all ages. The El Capitan Theatre is located at 6838 Hollywood Blvd.



photo courtesy of Disney

“A Goofy Movie” first premiered in 1995.

L.A. Cultural Affairs explores art and science with ‘Experimentations’

The city of Los Angeles Department of Cultural Affairs and the Los Angeles Municipal Art Gallery announced “Experimentations: The Art of Controlled Procedures,” a group exhibition including Carmen Argote, John Baldessari, Merce Cunningham, Charles Gaines,

Jesper Just, Shana Lutker, Benjamin Reiss and Analia Saban. Rooted in conceptualism and coming from an investigatory place characterized by process, “Experimentations: The Art of Controlled Procedures” is a group exhibition featuring work by artists whose approach to their practice



photo courtesy of the Department of Cultural Affairs

The new installations at the L.A. Municipal Art Gallery include works by Mexican American artist Carmen Argote.

involves a scientific mindset. By designing and executing controlled procedures to test a hypothesis, explore relationships between variables or investigate phenomena, the artists’ ideas are materialized and aestheticized using systems, chance, technology and other unconventional means.

“Experimentations” celebrates the playful fusion of art and science and demonstrates how controlled procedures and a spirit of curiosity and inquiry can lead to profound and unexpected artistic collaborations and outcomes. The exhibition includes multi-media installation, video, painting, drawing, sculpture and performance and invites viewers to engage with the artworks not just as finished products but as manifestations and documentation of ongoing processes of discovery and exploration.

“Experimentations: The Art of Controlled Procedures” will be on display from Sept. 7 through Jan. 5, 2025.

The Los Angeles Municipal Art Gallery is located at 4800 Hollywood Blvd.

For information, visit culture.lacity.gov.



10 Reasons Why I Don’t Want An Estate Plan

1. I want large sums of my hard-earned money to go to a law firm.
2. I want the government to decide who gets my life savings.
3. What for? My house is only worth a half-million dollars.
4. I really don’t care who raises our children.
5. I want a total stranger to go through all of my personal papers and financial affairs.
6. I like family fights – especially unnecessary ones.
7. I don’t care who inherits my hard earned money.
8. I’ve been messy in life; I’ll be messy in death.
9. They say you can’t take it with you, but what if you can?
10. Probate. Must be fun.

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WeHo lights the streets for Overdose Awareness Day

The city of West Hollywood joins the recovery community in recognizing Saturday, Aug. 31, as Overdose Awareness Day, a global event held annually to remember and memorialize the lives lost to drug overdoses and to promote awareness about the importance of overdose prevention.

West Hollywood City Hall and the city's lanterns over Santa Monica Boulevard will be lit in purple in recognition of Overdose Awareness Day. The city will also include #OverdoseAwarenessDay messaging via social media.

Originating in 2001, Overdose Awareness Day has become the world's largest annual campaign to end overdoses and prompt action and discussion about evidence-based treatment and harm reduction. Nearly 110,000 people died from overdoses in 2022, the highest number of recorded overdose deaths in a year in the United States, compared with 109,179 in 2021, according to the United States Centers for Disease Control

and Prevention. Fentanyl, a powerful synthetic opioid, has been a significant factor in the rise of deadly overdoses and accidental drug poisonings, authorities said. In 2022, the U.S. Drug Enforcement Administration issued a public safety alert on the widespread drug trafficking of fentanyl-laced fake prescription pills.

Accidental fentanyl overdose deaths in Los Angeles County increased 1,280 percent in seven years, from 109 deaths in 2016 to 1,910 deaths in 2022. Fentanyl is also mixed with illicit substances such as methamphetamine, cocaine, heroin and ecstasy. It is especially dangerous because people are often unaware of fentanyl contamination in the substances they are using and the potency of fentanyl greatly increases the risk of overdose.

The city of West Hollywood contracts with many agencies to provide services for people with substance use disorders and has taken steps to educate and raise awareness about

fentanyl. In 2019, the city began collaborating with its contracted partners to distribute fentanyl test strips. In 2023 and 2024, free fentanyl test strips and Naloxone/Narcan were available throughout the WeHo Pride Street Fair.

The Harm Reduction Center, operated by Being Alive, opened in West Hollywood in early July 2024 at 7976 Santa Monica Blvd. It is open Tuesday through Saturday from 1-5 p.m. and offers syringe exchange, free Narcan, harm reduction supplies, risk-reduction counseling and support services. For information, call (323)848-4445, or visit beingalivela.org.

The city partners with the Drug Awareness Foundation to raise awareness and end stigma about substance abuse and to provide primary prevention resources and support. The city is also continuing the renovation of the historic Log Cabin building, which houses the West Hollywood Recovery Center at 621 N. Robertson Blvd. Renovations are expected to be

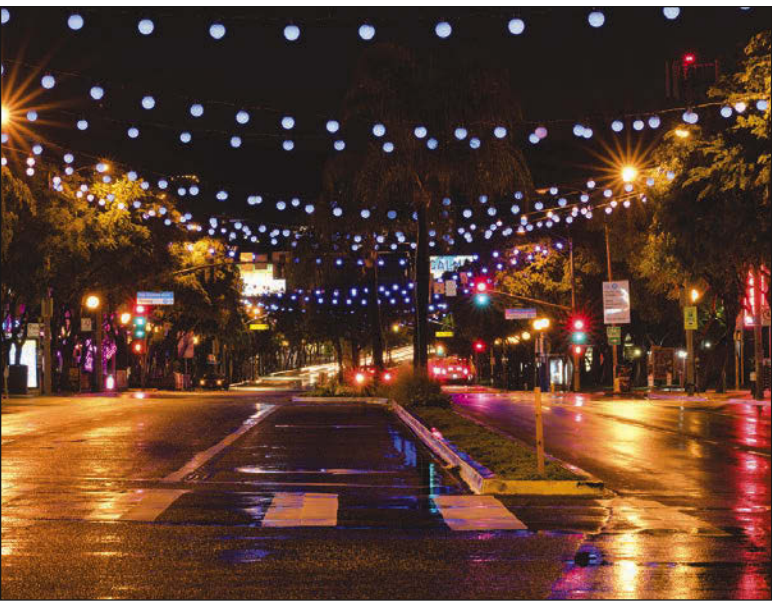


photo courtesy of the city of West Hollywood

The lanterns on Santa Monica Boulevard will be lit in purple for Overdose Awareness Day.

Michelson gives large grant for immunology center

UCLA has received a \$120 million commitment from surgeon, inventor and philanthropist Dr. Gary Michelson and his wife, Alya, to launch the California Institute for Immunology and Immunotherapy, an innovative public-private partnership aimed at spurring breakthrough discoveries that prevent and cure diseases and catalyze economic growth and innovation.

Michelson, a spine surgeon and inventor who holds nearly 1,000 individual patents, is co-founder and chair of the board of the institute, which will be housed at UCLA's state-of-the-art research park at the site of the former Westside Pavilion. Michelson is also founder of Michelson Philanthropies, based on South Robertson Boulevard.

The gift, distributed via the Michelson Medical Research

Foundation, designates \$100 million to establish two research entities within the institute, each funded by \$50 million. One will focus on rapid vaccine development and the other on harnessing the microbiome to advance human health. The microbiome research will be conducted in collaboration with the new UCLA Goodman-Luskin Microbiome Center.

The foundation, part of the Michelson Philanthropies network of foundations, is funding a \$20 million endowment to provide research grants to young scientists using novel processes to advance immunotherapy research, human immunology and vaccine discovery.

"The UCLA community owes Alya and Gary Michelson a debt of gratitude for this transformative gift," UCLA Interim Chancellor

Darnell Hunt said. "The Michelsons envisioned an institute that would leverage UCLA's strengths for maximum public good, create new knowledge leading to better medical treatments and reshape the study of immunology. The gift will change countless lives here and across the globe."

"Immunology is the mediator of nearly all human diseases, whether

we're talking about cancer or heart disease or Alzheimer's," Michelson said. "The vision for this institute is to become a 'field of dreams' – the world's leading center for the study of the immune system to develop advanced immunotherapies to prevent, treat and cure all of the diseases that afflict people and to end these diseases in our lifetime."

The institute will operate as a non-profit medical research organization governed by an independent board that includes UCLA representatives.

The recipient of the \$120 million gift from the Michelsons is the David Geffen School of Medicine at UCLA, which will use the funding to support research at the institute. The institute leverages public investment, philanthropic funding and UCLA's clinical treatment and scientific research to accelerate the development and delivery of new pharmaceuticals and treatments for patients.

For information, visit michelson-medicalresearch.org.



photo courtesy of Michelson Philanthropies

Dr. Gary Michelson and his wife, Alya, are supporting the launch of the California Institute for Immunology and Immunotherapy.

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Viper Room to be recreated in new project

From page 1

ious versions with differing sizes and scales had been proposed in the past. The version greenlit is 11-stories. With 78 residential units, 20% – 16 units – earmarked as affordable housing.

“The developer’s offer of 16 units or 20% designated ‘affordable,’ as if that’s an extraordinary public benefit when the state is demanding that 60% of new units built be ‘affordable,’ is not such a great deal for the city,” Councilwoman Lauren Meister said. “The city’s own inclusionary housing ordinance required 20% affordable units in new projects. Had the developer offered even 30 or 40% affordable, that at least would have been more than what we’re typically getting anyway [without a development agreement]. But 20%? Nothing special.”

Councilman John Heilman agreed with Meister, and added that the developers “didn’t have actual hotel operators ready to occupy the hotel portion of the project.” He noted that occupants could make “major changes to the building’s layout.”

“I’m afraid developers will simply turn around and sell the project to someone else who will need to make changes,” Heilman said. “I don’t think the project is really feasible from a financial standpoint. I’m afraid we’ve spent a lot of time and energy and we will end up with another approved proposal which won’t be built. The community deserves better.”

Silver Creek Development, the company behind the project, provided renderings and a 3D simulation of what the completed structure will look like, which were previewed during the meeting.

Many residents near the Sunset Strip have long rallied against the project, arguing that the size and scope will cause noise and traffic congestion.

“Yes, the developer has been meeting with the neighbors since 2018, but the biggest issues we’ve been asking them to do, they haven’t done,” WeHo Heights Neighborhood Association chair Elyse Eisenberg said. “We’ve been concerned about the density – there’s simply too much going on for this site. We’ve been concerned about the traffic circulation and parking ... The current plan is unmanageable and just not realistic. The city staff has spent more time analyzing the billboard revenue than it has actually the impact of what this project is going to mean for the neighborhood.”

Eisenberg added she has advocated for the project to become entirely residential units, along with the Viper Room, restaurant and retail spaces, “if the city really cared about affordable housing.”

Others pointed to the historical value of the property.

“It is a historic site in the hearts of every true Los Angeleno,” resident Brenda Campos said. “The design and scale of the project will turn the

Hollywood landmark into a tower that loses all its old entertainment charm. We don’t need this eyesore in our neighborhood, and not to mention the parking is going to be a mess.”

“These spaces cannot be replicated,” resident Caroline Nagy said. “Because when you walk into the Viper Room, you enter a lived space – a creative music [center] with storied history. This project’s investors claim they are preserving the authenticity of Viper in this new commercial development by simply repurposing the name and the green neon.”

Members of United Here 11, a hotel workers union, spoke in favor of the project at the meeting.

“I want to share my hopes in believing that I will be able to live in a complex like this, and not only work in the area but live and be an integral part of this community,” said Mavis Rodriguez, who works as a housekeeper at 1 Hotel on the Sunset Strip. “Normally, projects like these are associated with people of very grand wealth, and someone like me and other housekeepers who may have a good wage would still have to pay more than half of my wages to live here. So these projects are crucial to people like me to help mitigate our housing crisis. And allow people like me to have a better quality of life and the opportunity to work near our jobs and give us more time with our families.”

Tommy Black, general manager



photo by Jon Viscott

Numerous community members spoke at the public hearing on Aug. 26 for the controversial 8850 Sunset Blvd. project.

of the Viper Room, also spoke in favor, citing the benefits of a new, upgraded space for the historic club.

“For many reasons, I fully support the mixed-use project at 8850 Sunset. In regards to the Viper Room specifically, 8850 presents an exciting and important opportunity for my staff, our patrons and our neighbors,” Black said. “The reimaged Viper Room is a chance for us to attract a wider range of talent, accommodate a larger audience, modernize our space, showcase rock ‘n’ roll memorabilia as an additional attraction and of course generate more revenue for this city. Being in the same complex as a hotel and restaurant will certainly attract more people to the Viper. These changes will add to the neighborhood’s vibrancy and activate this

section of the Sunset Strip. I know there are people opposing this project because they don’t want to lose the Viper Room, but I believe a new life could be given to the Viper Room through the proposed 8850 project.”

Several years ago, Silver Creek Development purchased the Viper Room.

Ultimately, the council determined that the benefits would outweigh the drawbacks.

“This project is going to take years to be built, and when it’s built, I think people are going to realize that we have a better building there than, frankly, an eyesore on the historic Sunset Boulevard,” Erickson said.

No precise timeline on construction has yet been determined.

Beverly Hills faces challenge over housing project

From page 1

(j), including, but not limited to, referral to the California Office of the Attorney General,” the letter read.

The project just south of Wilshire Boulevard exceeds usual height and density requirements under city code, and relies on a California provision known as the builder’s remedy. The builder’s remedy provision is a state law that allows private developers to bypass certain code restrictions – including height and density – provided that the building reserves at least 20% of units for low-income housing. The goal of the builder’s remedy is to incentivize the creation of affordable housing to address California’s ongoing housing crisis. The builder’s remedy falls under the state’s Housing Accountability Act, which was passed in 1982 and significantly expanded in 2017.

The builder’s remedy takes effect

when a city’s housing element is out of compliance with state requirements. The housing element requires all cities in California to zone for a certain amount of affordable housing units.

Beverly Hills’ housing element for the 2021-29 cycle was out of compliance with state law from October 2021 until May 2024. Because the application for the project on South Linden Drive was initially submitted during this time, the builder’s remedy takes effect. The 200-foot-tall development would include 165 rental units, 33 of which would be reserved for low-income residents. Additionally, the building would feature a 73-room hotel and restaurant and a two-level underground parking structure.

Although the development utilizes the novel provision to bypass building requirements, the city still

required the project’s application to undergo rules that would not apply to a builder’s remedy project. City staff determined that the application was incomplete because the developer did not submit a request for the city to amend its general plan or zoning code. The developer appealed the incomplete determination, but the appeal was rejected by the Beverly Hills City Council on June 27. In the letter from HCD, the state said the city’s action violated the Housing Accountability Act and the Permit Streamlining Act.

Gov. Gavin Newsom criticized the city’s actions in a statement.

“We can’t solve homelessness without addressing our housing shortage,” Newsom said. “The state has provided \$40 billion to create new housing, and we expect locals to do their part. While I’m glad Beverly Hills has finally adopted a compliant housing plan, their attempt to block this housing project violates the law. Now is a time to build more housing, not cave to the demands of NIMBYs.”

The city responded to the state’s letter by releasing a statement accusing the state of leaking its letter – which is public information – to the media before sending a copy to the city. The city also asserted that its action to deny the project’s appeal did not constitute a project denial.

“The city wants to clarify that the project has not been denied, and that the appeal hearing was related to procedural matters,” the statement read. “What was originally submitted as a purely residential project has now morphed into a 73-room hotel and restaurant project with 35 fewer residential units,

including a reduction of seven affordable units.”

The city also indicated that it would submit “detailed reasoning” for its actions to the state by the Sept. 20 deadline, and maintained that the actions were taken in good faith.

In an interview with Beverly Press, Rand said he hopes the city will consider approving the project after receiving the letter from HCD, though Pustilnikov is “seriously” considering filing litigation if it does not. He said the developer was “emboldened” that the state appeared to agree with their legal position.

“We’re barreling towards litigation. Hopefully, there’s still plenty of time to go a different route, and we’ll see if the city is interested in doing that,” Rand said.

Litigation on the appeal denial has already been filed by housing advocacy group Californians for Homeownership, which is seeking a court order to approve the project.

“HCD’s notice of violation reiterates what HCD already told the city before the City Council’s meeting on June 27: the city’s incompleteness determination is, legally, a denial of the Linden project under the Housing Accountability Act,” Californians for Homeownership counsel Matt Gelfand said. “At the time, the City Council ignored HCD’s admonition related to the Linden project, instead focusing on a misinterpretation of an earlier letter sent by HCD on a different issue, to a different city. With this notice of violation, we are hopeful that the city will reverse course and deem the project complete. If it doesn’t, we are prepared for trial against the city in the coming months.”

If the city does not allow the project to move forward, it will likely face three similar lawsuits from different plaintiffs – Californians for Homeownership, developer Leo Pustilnikov and the state of California.

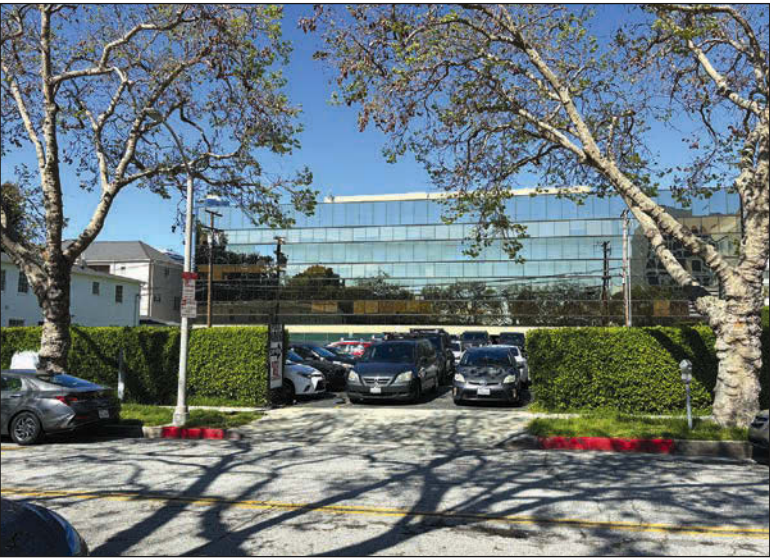


photo by Tabor Brewster

The state sent the city a notice of violation regarding its denial of an appeal for a 19-story development at 125-129 S. Linden Drive.

State extends more support to help cities end homelessness

Gov. Gavin Newsom signed two bills on Aug. 27 into law – Assembly Bill 2835 and Assembly Bill 3057 – to help create more shelter beds and build housing units faster.

“The homelessness crisis demands immediate and innovative action, not the status quo. With these new laws, local governments have even more tools to provide housing. I urge them to fully utilize the state’s unprecedented resources to address homelessness,” Newsom said.

The bills will assist local governments and housing providers

to create more shelter and more housing AB 2835, authored by Assemblyman Jesse Gabriel (D-Woodland Hills), removes the sunset date on tenancy rules that make it easier for service providers to place people experiencing homelessness into privately owned hotels and motels for more than 30 days. AB 3057, authored by Assemblywoman Lori Wilson (D-Suisun City), will streamline the process for local governments to permit and facilitate the construction of junior accessory dwelling units to create more affordable living spaces.

WeHo residents concerned over street project

From page 1

“This street was chosen because it is the widest street in the area, giving us ample opportunities to devise plans,” Vice Mayor Chelsea Byers said. “We are going to continue to listen and work with the community to find solutions that support our shared goals.” Councilwoman Lauren Meister also supports a design that would not eliminate parking, which she noted was one of the options initially proposed to council. “This is a quality-of-life issue,” she said. “It’s one thing to inconvenience motorists, it’s another to inconvenience our residents.”

Nickle, who is running for City Council this November, also pointed out that the council majority had bypassed a plan that would have saved parking when the redesign was initially approved in March. “I have little hope that our current council majority will address the concerns of residents. The only way forward is compromise. That compromise was offered to council in March. It may need to wait for a new commonsense majority to make the right decision for the residents of West Hollywood,” he said. Residents also spoke out about the issue at the Aug. 26 City Council meeting. “While I understand and support efforts to promote cycling as an environmentally-friendly mode of transportation, I oppose the removal of valuable parking spaces to make way for new bike lanes,” resident Sam Salt said. “As a parent, safety is always my top priority.

Eliminating parking spaces will force parents to spend more time circling looking for parking in areas that are less safe for children, increasing the risk of accidents. We are not just talking about inconveniences. We are talking about real dangers to our kids and the most vulnerable members of our community. Every time we enter a crosswalk, I tell my six-year-old son to look twice, not just for cars, but for scooters and bikes because they blow through the stop signs.” Some residents complained that the city had not adequately reached out to the community. “Council wants community input and outreach, especially regarding the bike plan,” resident Cathy Blaivas said. “And it has been acknowledged the community was never notified [about the loss of parking on Gardner Street]. And staff has stated over and over again that they act at the direction of the council. Then who is responsible for the postcards and mailings sent to resident omitting the actual language of loss of parking – instead, euphemisms like ‘parking considerations’ [and] ‘parking reconfiguration’ was used. And at who’s direction? ... Is the object to keep us uninformed?” “I agree with the residents on Gardner,” Councilman John Heilman said. “Unfortunately, the council majority seems more than willing to ignore the legitimate concerns raised by the neighborhood. Even some advocates for bike lanes recognize that the neighbors have valid concerns about the

loss of parking.” But Streets for All CEO Michael Schneider said that by giving people “safe alternatives to driving,” the parking demand would be reduced, citing that 50% of trips in the region are three miles or less. “In a region where a pedestrian is injured every five hours and killed every two days, we need to do everything possible to calm traffic down and give people safe alternatives to driving,” Schneider said. An item was shelved during the City Council meeting that would approve grant funding from the California Air Resources Control Board for Transportation Improvements. It was tabled because of language that specified the installation of protected bike lanes on Fountain Avenue. While a streetscape project has been approved for Fountain Avenue, only a pilot program has been OK’d by council for bike lanes. “I hope the language will be modified to reflect what council voted on – a Fountain Streetscape Plan, where we look at Fountain Avenue holistically – that means studying sidewalks for ADA compliance and pedestrian activity, parking spaces, number of automobiles versus bicyclists, car lanes, bike lanes and parkways and, importantly, getting feedback from the community,” Meister said. “A grant application must accurately represent the project for which the money is going to be spent. In addition, I hope the steering committee is expanded to include a few



photo by Jon Viscott

Vice Mayor Chelsea Byers addressed residents during a meeting on Aug. 22 to discuss parking considerations on Gardner and Vista streets in West Hollywood.

long-time residents of Fountain and an adjacent part of La Cienega. No one knows the challenges of Fountain better than people who have lived there a while. Right now, the steering committee is heavily skewed towards bicyclists.” “I don’t want us to accept state funds to implement a project which doesn’t have full community support and may not be feasible,” Heilman added. The \$8.2 million grant would also help improve other pedestrian and bike safety infrastructure, as well as an expansion of commuter shuttles and an investment in an EV transit vehicle fleet. “I’ve never known a city to turn down \$8-plus million dollars of free money to invest in their streets, trees and sidewalks, but it sounds like individuals would rather be anti-bike lane than clean-

er air,” Erickson said. “We should be immensely proud that our city is leading on climate change, sustainability and street-safety issues in our region to the point that we have earned the support of statewide funding programs to accelerate the long-term plans our community has been creating,” Byers said. Streetscape projects are costly investments and we should ensure we are maximizing the opportunity to use partner funds to meet regional goals. The grant approval is expected to come back to council with revised language. “It’s going to come back to the council, and we’re going to accept it, because this is free money to invest directly into our community, to clean the air and anyone that is against that should get their priorities checked,” Erickson said.



photo courtesy of Harry's Auto Collision

Harry’s Auto Collision is recognizing a half-century in business with a special party on Sept. 5.

Harry’s Auto Collision prepares to celebrate 50 years of service

Harry’s Auto Collision, located at 1013 S. La Brea Ave., is celebrating its 50th anniversary on Thursday, Sept. 5, from 5:30-9:30 p.m. The celebratory event will include food, live entertainment and giveaways. For half a century, Harry’s Auto Collision has been a premier choice for expert collision repairs in the greater Los Angeles area. Founded by Harry Barseghian, the collision center started as a small 400-square-foot auto shop and has grown into a significant contributor to the local community. Harry’s Auto Collision has achieved significant milestones over the years, including becoming

one of the first Aston Martin factory-appointed Category A structural repair centers on the West Coast. Harry’s Auto Collision was recognized as the top body shop in North America and Canada by Bentley Motors and Tesla. In 2014, Harry’s Auto Collision expanded to a second location at 3608 Thousand Oaks Blvd. Harry’s 50th anniversary will be celebrated as a testament to the leadership, integrity and ingenuity he has instilled in the organization. To RSVP for the celebration, email nh@harryscollision.com. For information about Harry’s Auto Collision, call (323)933-4600 or visit harryscollision.com.

Wire theft prompts aggressive tactics

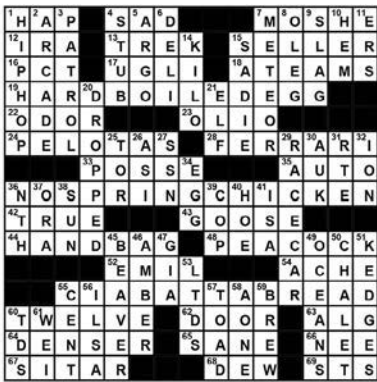
From page 1

is costing the city millions of dollars. “The individual thief may pocket \$50 for a single theft of material that the recycler sells for thousands of dollars,” Krekorian added. “But the cost to the public for repairing the damage runs into the hundreds of thousands. The copper wire recovered in the last three operations has a resale value of \$39,900 but cost the city half a million in damage and repair costs. Thefts like this have cost the city over \$24 million in a single five-year period.” Krekorian, in conjunction with the LAPD, launched a copper wire theft task force in his 2nd District in the San Fernando Valley that has resulted in multiple arrests. At the Aug. 27 press conference, LAPD Deputy Chief Alan Hamilton sent a message directly to would-be thieves who steal copper wire from streetlights to sell as scrap, and unscrupulous recyclers who buy the metal. “We will follow the problem wherever it goes. I just want to be very clear and direct that our reach is far,” Hamilton said. “We will surveil them and investigate wherever the case leads us, and we will take effective action against both the individual committing the crime and the crooked recycler who is taking those metals in.” Hamilton said the county of Los Angeles and state of California have also been victims of widespread copper wire theft and are working in partnership with the LAPD. In one instance alone, thieves stole wire valued at \$150,000 from a Caltrans site in the city of Los Angeles.

“When thieves steal copper from Caltrans, electrical infrastructure for resale, it creates a safety issue for motorists who use traffic systems such as lights, signs and meters to navigate,” said Blanca Rodriguez, chief of external affairs for Caltrans’ District Seven in L.A. “Just in the past four years, Caltrans spent more than \$24 million to repair theft and vandalism to electrical infrastructure in Los Angeles and Ventura Counties alone.” Hamilton said the LAPD is taking steps throughout the city to reduce copper wire theft and is working with the Los Angeles County District Attorney’s Office on felony prosecutions of thieves. The city is also going after recyclers with criminal charges and civil lawsuits. “Nine months ago, I announced along with City Attorney [Hydee] Feldstein Soto, that we were going to be watching the metal dealers in Los Angeles. We sent out warning letters to every single metal dealer in the city of Los Angeles, citing the state law and letting them know that any violations of these state laws would be prosecuted,” Krekorian said. Hutt and Yaroslavsky are trying to address the thefts from another angle, looking at the possibility of using solar power as an alternative that would eliminate the need for copper wire in streetlights. While it is unclear how much it would cost, the council members cited the use of solar lighting in some Los Angeles park facilities as an example and asked the Bureau of Street Lighting to report back on the possibility of converting the city’s 223,000 streetlights to solar power.

“Solar-powered lighting is an innovative way to brighten our streets, using cleaner energy while minimizing our carbon footprint. The rising rates of vandalism and increased power outages near existing lights is a huge public safety risk for our constituents,” Hutt said. “The city continues to find solutions to copper wire theft and the continued maintenance of our street lamps, and solar-powered lighting can give us the unique opportunity to brighten our city in a cutting-edge and sustainable way.” “Copper wire theft and vandalism have affected too many communities for too long, and it’s time we explore smarter solutions like solar-powered streetlights,” Yaroslavsky added. “These lights are more reliable and can help us avoid the constant outages some neighborhoods in L.A. have experienced. By moving toward solar where it makes sense, we’re making sure our streets stay lit and safe for everyone.”

Answers From Page 27



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- Eeyorean in demeanor
- Israel's Dayan
- Lyricist Gershwin
- Arduous journey
- Vendor
- Loan figure, abbr.
- Hybrid fruit
- Elite groups
- Breakfast choice
- Sensory input
- This and that
- Jai alai balls
- Big name in Formula One racing
- Chasers
- Taurus or Focus
- An old-timer
- Unquestionable
- Snow or Canadian
- Compact carrier
- NBC logo
- Runner Zatopek
- Throb
- Italian loaf
- Jury, often
- Opening
- H.S. subject
- Thicker
- Not crazy
- Formerly
- Long-necked instrument

- Morning drops
- D and C, in D.C., e.g.

Down

- Billboard genre
- Covered way
- CHiP's part
- Theatergoer's souvenir
- Jason's ship, in myth
- Eatery
- Shooting star
- Russian figure skater Protopopov
- Cinder
- Goes with haw
- Hosp. units
- Fruit weight in EU
- Miss Hawkins of Dogpatch
- Went down in value
- North pole pixie
- Craggy peak
- Do-say link
- Prevalent ID
- Indy entry
- North Sea diver
- Travellers info
- Physicist's study
- Taunt
- Theoretical extreme
- Prefix denoting mouth
- Shining light
- "Law & Order" role
- Turn over

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- O.T. book
- Oregon State mascot
- Jewelry material
- 1980s supermodel
- A whole lot
- Swiss Alp's abode
- Anchors
- Former Fords
- Piece of a buck
- Faust in "Mission: Impossible: Rogue- Nation"

- Frog's relative
- First-rate
- Moonshine
- N.F.L. scores
- Early Chinese dynasty

answers on page 26

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(left to right) Dylan Dordick, Esq., Taylor Dordick, Esq., Gary A. Dordick, Esq., Nava Dordick, Esq., Michelle Dordick, Esq.

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September 3, 2024

VIA PUBLIC COMMENT PORTAL

Los Angeles City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

Re: TVC 2050 Project: Appeal of Advisory Agency's Vesting Tentative Tract Map Approval and Certification of EIR (Case Nos. VTT-83387, ENV-2021-4091-EIR)

Dear Honorable Commissioners:

On behalf of The Grove, LLC ("Appellant"), we respectfully request that the Planning Commission vacate the Advisory Agency's May 28, 2024 approval of Vesting Tentative Tract Map ("VTTM") No. 83387 and certification of the Environmental Impact Report for the TVC 2050 Project (the "Project").

As explained in Appellant's appeal and the other eight appeals of the Advisory Agency's approval (collectively, the "Appeals"), the Advisory Agency violated the City's required procedures and approved a map that does not comply with the law. The appeal must be granted and the map sent back to the Advisory Agency for further review.

The Advisory Agency ignored the City's procedures. The Advisory Agency hearing was on May 15. The Advisory Agency approved map, as reflected in the Letter of Determination, was filed on May 17, two days after the hearing. How could the Advisory Agency approve a map filed after the hearing, that is different than the one attached to the staff report, that was never made available to the public, and that was not considered at the hearing? It could not have. The Advisory Agency violated the Los Angeles Municipal Code ("LAMC") and state law. Among those violations, the Advisory Agency approved a map that was never circulated to the Subdivision Committee. This isn't just process for process' sake. The Subdivision Committee provides its expert opinions to the Advisory Agency. That never happened for the approved map. This cannot be cured by the Planning Commission's process. The Advisory Agency must start its process anew.¹

¹ Appellant incorporates by reference the other eight appeals of the Advisory Agency's approval of the Project, submitted by Save Beverly Fairfax, Beverly Wilshire Homes Association, A.F. Gilmore, Mayer Beverly Park Limited Partnership, Neighbors for Responsible TVC

The Advisory Agency approved a map that lacks the information required for vesting tentative tract maps. The approved VTTM lacks the basic information the law requires for vesting tentative tract maps. Driveways and locations of perimeter walls and fences are missing, information regarding building heights and lot size is missing, and information regarding grading, cut/fill, and import/export quantities is missing. The LAMC requires this information on the map. It is not there. The appeal must be granted.

The map is inconsistent with the Project described in the EIR. The VTTM must be consistent with the Project analyzed in the EIR. It is not. The Advisory Agency approved VTTM shows three proposed ground lots, some building outlines, and just one driveway off of Beverly Boulevard, which is inconsistent with the Project studied in the EIR. The VTTM's approval must be set aside.

Given these failures, the approval of the VTTM is invalid on its face as is the Advisory Agency's certification of the EIR. The Planning Commission must grant the Appeals.

I. THE ADVISORY AGENCY ILLEGALLY APPROVED A MAP FILED AFTER THE ADVISORY AGENCY'S MAY 15 PUBLIC HEARING

The Advisory Agency approved a VTTM filed two days *after* the Advisory Agency's hearing that is substantially different from the map attached to and analyzed in the Advisory Agency's staff report, made available to the public and considered by the Subdivision Committee and at the hearing. This is legally indefensible. The Advisory Agency's action is void.

The Advisory Agency hearing staff report made available to the public attached a map dated March 26, 2021. *See* Attachment "A." The Advisory Agency met on May 15 to hold a hearing on the March 26, 2021 map. Yet the Advisory Agency approved a different VTTM that was filed after the hearing on May 17, 2024. *See* Attachment "B." The VTTM approved by the Advisory Agency was not made available to the public prior to the Advisory Agency hearing. This Advisory Agency approved map is different from the one attached to the staff report which was the subject of public comment and was considered at the public hearing.

Moreover, there is no indication that the Advisory Agency approved VTTM was ever circulated to the Subdivision Committee as required by LAMC Section 17.03B. Approving a map that was never circulated to the Subdivision Committee, never made available to the public, and different from the version that was the subject of the Advisory Agency's staff report and public hearing clearly violates the LAMC and is an abuse of discretion. The Advisory Agency shall not act on a tentative map until 39 days after the map is filed or reports have been received by all Subdivision Committee members. LAMC § 17.03. Every tentative map shall be considered by the Advisory Agency at a public meeting. *Ibid.* The Subdivision Committee is required to make recommendations upon all tentative maps. LAMC § 17.04. The Advisory Agency

Development, Fix the City, Park La Brea Impacted Residents Group, Miracle Mile Residents Association. Appellant also incorporates by reference the numerous public comments on the Draft EIR and the separate letter from Appellant regarding the other Project actions before the Planning Commission.

approved a map that was filed after the public hearing on a different map and only 11 days before issuance of the Letter of Determination, with no Subdivision Committee review or public meeting.

In addition, the Advisory Agency approved map is inconsistent with the Project described in the Final EIR and the latest version of the TVC 2050 Specific Plan. *Compare* Attachment "C" (project site plans from Draft EIR); *with* Attachment "D" (conceptual site plan from draft Specific Plan).

These errors cannot be cured by a Planning Commission hearing. The Advisory Agency must restart its review of the proposed VTTM, circulate the new VTTM to the Subdivision Committee, issue a new public report based on the new VTTM, and hold a new Advisory Agency hearing, all consistent with the requirements of the Subdivision Map Act, the LAMC, and the Final EIR.

These errors also violate the due process rights of affected property owners and occupants including our client, who were unable to review the May 17th map ahead of the May 15, 2024 hearing to understand how it would affect their property interests. *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1413-14 (city's failure to timely provide maps before hearing on redevelopment plan as required by statute created unreasonable risk of erroneous deprivation and violated procedural due process); *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 614-615 (procedural due process protections apply to adjoining property owners if their property interests are substantially affected by adjudicatory land use decisions on an adjacent property).

A new hearing is required to evaluate the May 17th map once the Subdivision Committee has reviewed it.²

II. THE ADVISORY AGENCY APPROVED MAP LACKS THE DETAILS LEGALLY REQUIRED FOR APPROVAL OF A VESTING TENTATIVE TRACT MAP

LAMC Sections 17.06 and 17.15 detail what must be included in a vesting map. This detail is lacking from both the March 26, 2021 dated map attached to the Advisory Agency staff report and considered at the hearing, and the Advisory Agency approved VTTM dated May 17, 2024.

The Advisory Agency approved May 17, 2024 VTTM is missing the grading, cut/fill and import/export quantities, lot size, building envelopes showing height, size, number of units, and approximate location of buildings, driveways, and perimeter walls and fences. The approved VTTM merely shows three proposed ground lots, some building outlines and one driveway off of Beverly Boulevard (all of which is inconsistent with the Final EIR and the proposed Specific

² As noted in this letter, there are other major deficiencies with the map that will necessitate revisions prior to processing and approval.

Plan). There is no information regarding these outlined buildings, no information regarding perimeter walls and fences, and no information regarding grading or cut/fill. And the driveways required by the proposed Specific Plan on Fairfax, Beverly, and The Grove Drive are not depicted on the May 17, 2024 VTTM. The Advisory Agency approved VTTM does not even completely satisfy the requirements for a tentative tract map, let alone a vesting tentative tract map.³

Because the Advisory Agency-approved VTTM lacks the information required to file and process the map, it cannot acquire vesting rights back to Applicant's initial filing even if these deficiencies are corrected. The City cannot approve a VTTM that does not comply with the requirements of the LAMC.

III. THE ADVISORY AGENCY'S DECISION VIOLATES THE SUBDIVISION MAP ACT

The Subdivision Map Act requires a public agency considering approval of a tract map to make specific findings. A map must be denied if (a) the proposed map is inconsistent with the applicable general and specific plans, (b) the design or improvement of the proposed subdivision is inconsistent with applicable general and specific plans, (c) the site is not physically suitable for the type of development, (d) the site is not physically suitable for the proposed density of development, (e) the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (f) the design of the subdivision or type of improvements is likely to cause serious public health problems, or (g) the design of the subdivision or type of improvements will conflict with certain public access easements. Gov. Code § 66474. In addition, a subdivision for which a map is required must provide to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision. Gov. Code § 66473.1.

The Advisory Agency abused its discretion in approving the VTTM because the findings under Government Code Section 66474 could not be made. The findings stated in the Letter of Determination are also inconsistent with the information in the Final EIR, providing further evidence that the Advisory Agency abused its discretion. The Project studied in the Final EIR is a different project from the VTTM, which was not even the map that was considered by the Advisory Agency during the May 15 hearing.

³ There also is confusion as to what has been approved regarding street widths. The Bureau of Engineering included a three-foot dedication along Grove Drive as a condition of approval. The Letter of Determination states that a waiver of a three-foot dedication along The Grove Drive has been requested and the waiver is shown on the VTTM. But the Letter of Determination is silent as to whether the waiver request is granted or denied. The VTTM could not have been approved without denial of the waiver, which the Advisory Agency did not include in the Letter of Determination.

A. The VTTM and Proposed Design of the Subdivision is Inconsistent with the General and Specific Plans

The Advisory Agency approved VTTM is inconsistent with the applicable General and Specific Plans, and would conflict with the objectives and policies of the General Plan. Gov. Code § 66473.5; LAMC § 17.05.C; see *Joshua Tree Downtown Business Alliance v. County of San Bernardino*, 1 Cal.App.5th 677, 695 (abuse of discretion in governing body's conclusion that project is consistent with the general plan can include not proceeding in a manner required by law or making decisions not supported by substantial evidence). The proposed TVC 2050 Specific Plan is still in draft form and has not even been considered by the City Planning Commission or City Council, and it was not possible for the Advisory Agency to determine that the approved VTTM is consistent with what may ultimately be in the proposed Specific Plan in order to make the required findings. The VTTM conditions relative to approval of the proposed Specific Plan do not specify a version of the proposed Specific Plan that must be approved. Unlike a finding of consistency with a requested zone change to an established zone, the Advisory Agency does not have a basis to confirm consistency with an unspecified Specific Plan. It's a moving target. Even worse, the approved VTTM is inconsistent with the current draft Specific Plan that was in circulation at the time of the Advisory Agency hearing. By way of one example, the proposed Specific Plan requires vehicular entries from Fairfax Avenue, Beverly Boulevard and The Grove Drive, but the VTTM includes only one access point on Beverly Boulevard.

The Advisory Agency could not find that the scale, height, density and uses of the Project are consistent with the General Plan Framework. First, as noted above, the VTTM does not even provide the scale, height, density and use information to assess consistency. Moreover, from the Project information in the proposed Specific Plan and EIR, the scale, height, density and uses would be inconsistent with the General Plan and Community Plan. For example, the General Plan Framework defines Community Commercial areas as having building heights ranging from two- to six- stories. The Project proposes heights up to 225 feet (above a defined grade that could even result in buildings taller than 225 feet.) Further, while the Advisory Agency's findings state that the proposed Specific Plan would restrict development for studio land uses, the draft TVC 2050 Specific Plan does not enumerate permitted uses or require that a studio exist on the property. Rather, the draft Specific Plan would allow any use "consistent with" the five broadly defined land use categories. Such a broad range of uses is inconsistent with the General Plan and the Advisory Agency's own findings.

The Project is also inconsistent with the General Plan's Mobility Element, Mobility Plan 2035 ("Mobility Plan"). For example, the analysis in the EIR assumes that pedestrian, bicyclist and motorist safety will be adequately addressed with basic improvements like crosswalks and signage. But this is an area the City has already identified as prone to accidents as part of the High Injury Network. And the Project has the potential to increase accidents and hazards by adding trips, increasing truck traffic, adding new driveways, and adding a fully signalized private street intersection. As explained in Appellant's comments on the Draft EIR, the Project will significantly impact pedestrians. The proposed new driveways on Beverly Boulevard and The Grove Drive would adversely affect pedestrian movement to existing residential areas,

recreational centers and schools. Further, the analysis of the Project ignores the Mobility Plan policy to limit truck movement to the arterial street network and does not include any conditions to limit truck activity to the Project's existing driveways on Beverly Boulevard and Fairfax Avenue (rather than a Collector Street, The Grove Drive). The Grove Drive is designated as a Collector Street and is designated as part of the Pedestrian Enhanced Network, with portions designated as part of the Neighborhood Enhanced Network and Bicycle Enhanced Network in the Mobility Plan, yet the Project would include two new driveways on The Grove Drive (although not shown on the Advisory Agency approved VTTM), for unlimited vehicle and truck traffic.

With the Advisory Agency approved VTTM showing just one driveway on Beverly Boulevard providing all access for the site, the Advisory Agency could not have evaluated the circulation issues associated with the various access points included in the proposed Specific Plan and EIR. The Advisory Agency failed to properly evaluate the approved VTTM's consistency with the Mobility Plan.

Contrary to the Advisory Agency's findings, the VTTM is not consistent with the design standards established by the Subdivision Map Act and LAMC regulations. The VTTM does not include, for example, the lot size, traffic access, or grading information necessary for the Advisory Agency to make such finding. The Advisory Agency's findings erroneously state that the VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee. However, as noted, the VTTM was not filed until after the Advisory Agency hearing and the Advisory Agency's determination was made only 11 days after the filing of the VTTM. There is no indication that the approved VTTM was circulated to the Subdivision Committee or the public.

In addition, the conditions of approval for the Advisory Agency approved VTTM do not include a condition requiring approval of the General Plan Amendment or compliance with applicable General Plan policies, prior to recordation of the final map. LAMC § 17.15(D).

For these and other reasons, the Advisory Agency's finding regarding General Plan consistency are unsupported by the evidence in the record.

B. The Site is Not Physically Suitable for the Type or Proposed Density of Development

The Advisory Agency's finding that site is physically suitable for the type or proposed density of development is unsupported by the evidence in the record. The basic information required by the Subdivision Map Act to evaluate the type and density of development proposed is not presented on the approved VTTM.

In addition, the proposed TVC 2050 Specific Plan does not specify the type, density or location of development within the VTTM. The proposed Specific Plan has five broad categories of land uses and would allow any permitted uses "consistent" with those broad categories. The Specific Plan would also allow a dozen ancillary uses and the permitted and ancillary uses could be located anywhere within the Specific Plan area. In addition, under the proposed Specific Plan

the floor area is grossly undercounted, and the density of development could increase. The Final EIR failed to analyze the actual Project, which is still undefined, and instead studied a conceptual envelope of impacts that the Project might include, but is not bound by. And the map (whether the original draft or the Advisory Agency approved map) is not even consistent with that conceptual Project as presented in the Draft EIR, Final EIR, Errata or the draft TVC 2050 Specific Plan. Given the missing information in the approved VTTM, the undefined nature of the Project, and undercounting of floor area, the Advisory Agency could not determine the physical suitability of the site for the development.

While the VTTM does not include the required information to determine the location, type and density of the proposed development, based on evidence in the EIR, the site is not physically suitable for the proposed type or density of development for a variety of reasons, including for example that the Project has potential to create unsafe traffic conditions, parking conditions, and other physical hazards. The Project site is located adjacent to a historic residential neighborhood, other historic structures and uses, religious institutions, a park and other sensitive uses, and is not physically suited for the massive scale and density of the Project as proposed.

The Project would create unsafe traffic conditions on the surrounding surface streets, most notably on The Grove Drive. The traffic and circulation analysis in the EIR is fundamentally flawed regarding VMT assumptions, and the traffic on The Grove Drive from new driveways that the Project proponent seeks to add would result in queueing and safety impacts for drivers, bicyclists and pedestrians. The Final EIR assumes without supporting evidence that if there is traffic congestion on The Grove Drive, drivers could enter the site through the driveways on Beverly Boulevard and Fairfax Avenue, but there is no analysis of how those drivers would then access the parking structure on the site, for example. The EIR also fails to analyze how this traffic congestion could impact emergency response times, potential safety impacts from cut through traffic in nearby residential neighborhoods, and air quality impacts and increased greenhouse gas emissions from traffic congestion.

Related to the Final EIR's flawed VMT counts, the Project also does not provide for adequate parking for all site users when taking into account the maximum potential audience guests and special events. Lack of adequate parking has potential to result in spillover parking in adjacent residential neighborhoods, and at the existing parking provided for The Grove and The Farmers Market. This lack of parking can result in air emissions and safety impacts as drivers search for parking in nearby neighborhoods and add to congestion on surrounding streets.

The Project proposes to include a helipad without restrictions on location or use. Helicopters may be flying in and out of the Project site at all times of the day and night. The Advisory Agency failed to analyze how a helipad is suitable for the Project site once redeveloped. While the Final EIR asserts that future helipad operations would be the same as the supposed past helipad use, the Specific Plan fails to include any such locational or operational restrictions. Based on this lack of evidence in the record, the Advisory Agency could not find that the site is physically suitable for the proposed helipad use as part of the Project.

While the VTTM does not include required building height information, the site is not physically suited for the proposed height of buildings in the Specific Plan, which could be as tall as 225 feet in Height Zone D and 145 feet in Height Zone C. While it is unknown where in the height zone buildings would be constructed since the Final EIR only studied an envelope of potential uses and does not settle on precise locations for buildings, these buildings have potential to block light and views from the immediately adjacent residential sensitive receptor, and result in noise and privacy impacts to residents. In addition to the impact of these buildings on the adjacent residential use, they have potential to impact historic resources including the Gilmore Adobe and The Farmers Market.

In addition, the Project site has existing recognized environmental conditions. The Project proposes to implement various as yet prepared plans to mitigate these conditions, but the plans have not been developed or reviewed by the Advisory Agency or Subdivision Committee. Therefore, the Advisory Agency could not find that the Project site is suitable for development with the known conditions.

Based on the information in the record, and the lack of a clearly defined project, it was impossible for the Advisory Agency to find that the site is physically suitable for the type or proposed density of development, and therefore the Advisory Agency abused its discretion.

C. The Design of the Subdivision and Type of Improvements are Likely to Cause Substantial Environmental Damage

The Advisory Agency was required to deny the VTTM because the Final EIR for the Project is deficient and fails to address numerous significant environmental impacts that would result from the Project, which is also not clearly defined in the Final EIR. The Responses to Comments on critical questions in the Final EIR failed to respond to comments and were incomplete, evasive, and misleading. The record evidence does not provide support for a finding under the Subdivision Map Act that the Project would not cause substantial environmental damage,⁴ or for the exemption from such a finding under Government Code Section 66474.01. Therefore, the design of the subdivision and improvements is likely to cause substantial environmental damage and the Advisory Agency's finding is unsupported by the evidence in the record.

D. The Design of the Subdivision or Type of Improvements is Likely to Cause Serious Public Health Problems

The Advisory Agency was required to deny the VTTM because there is insufficient information in the VTTM to assess the extent of the potential public health problems that may be caused by the Project. However, the information provided indicates that the subdivision and type

⁴ *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1355 (finding "substantial environmental damage" is equivalent to "significant effect on the environment" as used in CEQA, and documents prepared for CEQA could provide a sufficient factual record for making Subdivision Map Act findings).

of improvements are likely to cause serious public health problems as discussed in previous comments on the Draft EIR.

For example, LADOT has conceded that it may be impossible to mitigate the effects of cut-through traffic caused by the Project in surrounding residential neighborhoods, because traffic-calming measures themselves can cause traffic diversion to other residential streets. Cut-through traffic can result in serious public safety impacts, including to the elderly, the disabled, children, and bicyclists, increasing the risk of injury and death due to collisions. In addition, the secondary environmental impacts from people circling for parking spots, including to air quality and increased greenhouse gas emissions, are well known, as discussed in comments on the Draft EIR. Yet the City has failed to analyze the full scope of impacts to residential neighborhoods, which cannot even be accurately analyzed given the lack of a stable project description.

Further, the Project site has existing recognized environmental conditions. The Project site also has naturally-occurring methane that will create a safety problem for the underground facilities proposed for the Project. As discussed in comments on the Draft EIR the proposed plans and methane mitigation systems are inadequate to address these risks, and could create other potential impacts such as venting methane and other gases towards the nearby Broadcast Center Apartments.

E. No Evidence Supports that the Subdivision Will Provide Future Passive or Natural Heating or Cooling Opportunities

The Advisory Agency abused its discretion in finding the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. Examples of passive or natural heating opportunities in subdivision design are described in Government Code Section 66473.1, including design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, and to permit orientation of a structure to take advantage of shade or prevailing breezes. While the Letter of Determination states the applicant has “prepared and submitted materials which consider the local climate, contours and configuration of the lot(s) to be subdivided and other design and improvement requirements,” there is no evidence of this in the administrative record – these documents are not included in the staff report for the VTTM, with the Letter of Determination, or in the publicly available documents for the Project, and it is unclear what these include. As discussed above, the Project is not clearly defined, and the VTTM considered by the Advisory Agency at the hearing on May 15, 2024 is not even the same map that was approved by the Advisory Agency. The Advisory Agency’s finding is unsupported by the evidence in the record.

LATHAM & WATKINS LLP

For the foregoing reasons, the Appellant respectfully requests that the Planning Commission grant the appeal and vacate the Advisory Agency's approval of the Project. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Hoyer', with a stylized flourish at the end.

Maria P. Hoyer
of LATHAM & WATKINS LLP

Enclosures

cc: Mx. Paul Caporaso, City Planner

ATTACHMENT A

VESTING TENTATIVE TRACT MAP No. 83387

FOR MERGER AND RESUBDIVISION PURPOSES

LEGAL DESCRIPTION

PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCB-152821-S&I DATED SEPTEMBER 17, 2000
REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL A:

LOT 1 OF TRACT NO. 15680, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 424 PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

THAT PORTION OF THE RANCHO LA BREA, PARTLY WITHIN AND PARTLY WITHOUT THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET WEST, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60 FEET MORE, AS SHOWN ON MAP OF TRACT NO. 5177, RECORDED IN BOOK 129 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTWARD ALONG THE SOUTHERLY LINE OF SAID GENESEE AVENUE, 100.00 FEET, MORE OR LESS, TO THE NORTHEASTLY CORNER OF THE LAND DESCRIBED IN THE MAP TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21563 PAGE 88, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTHERLY ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED, TO THE SOUTHWESTLY CORNER OF SAID LAND, THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID GENESEE AVENUE, 388.19 FEET, MORE OR LESS, TO A POINT IN SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE, THAT IS DISTANT SOUTHERLY 463.73 FEET FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE, 463.73 FEET TO THE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE RANCHO LA BREA, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTLY CORNER OF THE LAND DESCRIBED IN THE DEED TO PAN PACIFIC AUTOMOBILE, INC., A CORPORATION RECORDED IN BOOK 13347 PAGE 178, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 89° 40' 30" WEST, PARALLEL WITH THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60.00 FEET, MORE OR LESS, AS SHOWN ON MAP OF TRACT NO. 5177, RECORDED IN BOOK 129 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTHERLY ALONG SAID SOUTHERLY PROLONGATION OF SAID WESTERLY LINE OF SAID GENESEE AVENUE, 405.36 FEET, THENCE EASTWARD PARALLEL WITH THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 388.19 FEET, MORE OR LESS, TO THE SOUTHWESTLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21563 PAGE 88, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTWARD ALONG THE SOUTHERLY LINE OF SAID LAND DESCRIBED IN SAID DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES TO THE SOUTHEASTLY CORNER THEREOF; THENCE SOUTHERLY 454.48 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS MORE PARTICULARLY DESCRIBED AND CREATED BY THAT CERTAIN INSTRUMENT ENTITLED "OUTLINE OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND AGREEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 03-140088, OFFICIAL RECORDS, AS AMENDED BY INSTRUMENT ENTITLED "FIRST AMENDMENT TO OUTLINE OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND AGREEMENTS" RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-136436, OFFICIAL RECORDS, OVER THE FOLLOWING DESCRIBED LAND:

A PORTION OF LOTS A, S AND R OF TRACT NO. 45628, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 1265 PAGES 33 TO 38 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4 OF SAID TRACT NO. 45628, AS SHOWN ON SAID MAP FILED IN BOOK 1265 PAGES 33 TO 38 INCLUSIVE OF MAPS, IN SAID RECORDER'S OFFICE, SAID CORNER LYING ON THE WESTERLY LINE OF THE GROVE DRIVE, 60.00 FEET IN WIDTH, AS SHOWN ON SAID MAP; THENCE ALONG SAID WESTERLY LINE OF THE GROVE DRIVE SOUTH 9° 00' 53" WEST 19.19 FEET TO A LINE LYING 19.19 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES FROM, THE NORTHERLY LINE OF SAID LOT A, S AND R; THENCE ALONG SAID PARALLEL LINE SOUTH 89° 47' 40" WEST 283.75 FEET, THENCE SOUTH 89° 47' 40" WEST 383.00 FEET, THENCE SOUTH 9° 10' 25" EAST 1.87 FEET, THENCE SOUTH 89° 47' 40" WEST 3.81 FEET, THENCE NORTH 30° 10' 19" WEST 25.00 FEET TO A POINT ON SAID NORTHERLY LINE OF SAID LOT 8 LYING THEREON NORTH 89° 47' 40" EAST 7.20 FEET FROM THE EASTLY NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE OF LOTS A, S AND R NORTH 89° 47' 40" EAST 600.12 FEET TO SAID POINT OF BEGINNING.

APN: 5512-001-003 and 5512-002-001 and 5512-002-002 and 5512-002-009

EXCEPTIONS

PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCB-152821-S&I DATED SEPTEMBER 17, 2000
(A) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 23, 1940 AS BOOK 17281, PAGE 190 OF OFFICIAL RECORDS.

IN FAVOR OF: PAN PACIFIC AUTOMOBILE, INC., A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

15. AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED DECEMBER 18, 194 AS BOOK 18971, PAGE 245 OF OFFICIAL RECORDS.

IN FAVOR OF: J. E. ELLIOTT
AFFECTS: AS DESCRIBED THEREIN

16. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 21, 1950 AS BOOK 34352, PAGE 291 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF LOS ANGELES
AFFECTS: AS DESCRIBED THEREIN
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

(A) AN EASEMENT SHOWN OR INDICATED ON THE MAP OF TRACT NO. 15680 RECORDED JANUARY 02, 1952 ON FILE IN BOOK 424, PAGE 3 AND 4, OF MAPS.

FOR: DRAINAGE, SANITARY SEWER AND INCIDENTAL PURPOSES.
(AFFECTS PARCEL A)

(A) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1804, BOOK 56458, PAGE 324 OF OFFICIAL RECORDS.

IN FAVOR OF: A. F. CLUMKE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(A) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1804, BOOK 56458, PAGE 328 OF OFFICIAL RECORDS.

IN FAVOR OF: FRANCES L. HELM AND ELIZABETH J. HELTY
AFFECTS: AS DESCRIBED THEREIN

(A) AN OFFER OF DEDICATION FOR PUBLIC STREET OR HIGHWAY AND INCIDENTAL PURPOSES, RECORDED MARCH 26, 1964 AS INSTRUMENT NO. 8259 OF OFFICIAL RECORDS.

TO: CITY OF LOS ANGELES
SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED AUGUST 28, 1964 AS INSTRUMENT NO. 8657 OF OFFICIAL RECORDS.

(A) AN EASEMENT FOR PIPE LINES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 30, 1969 AS INSTRUMENT NO. 2534 OF OFFICIAL RECORDS.

IN FAVOR OF: PACIFIC LIGHTING SERVICE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(A) AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 31, 1971 AS INSTRUMENT NO. 4443 OF OFFICIAL RECORDS.

(A) AN EASEMENT FOR COVERED STORM DRAIN AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 03, 1983 AS INSTRUMENT NO. 63-130824 OF OFFICIAL RECORDS.

IN FAVOR OF: LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AFFECTS: AS DESCRIBED THEREIN

(A) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MAINTENANCE OF BUILDING" RECORDED JANUARY 09, 1988 AS INSTRUMENT NO. 68-23564 OF OFFICIAL RECORDS.

(A) THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "OUTLINE OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 03-140088 OF OFFICIAL RECORDS.

DOCUMENTS DECLARING MODIFICATIONS THEREOF RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-136436 OF OFFICIAL RECORDS.

(A) AN OFFER OF DEDICATION FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 09, 2000 AS INSTRUMENT NO. 03-253519 OF OFFICIAL RECORDS.

TO: THE CITY OF LOS ANGELES
SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED APRIL 30, 2002 IN OFFICIAL RECORDS AS INSTRUMENT NO. 02-09551A.

COMMENTS

SITE ADDRESS: 7704, 7714, 7716, AND 7700 BEVERLY BOULEVARD, LOS ANGELES, CA

NEW NOTES: 2012-01-01-012, 2012-01-01-013, 2012-01-01-014, AND 2012-01-01-015

BOUNDARY LINES: WERE ESTABLISHED FROM THE RECORDED CITY COUNTY MEASUREMENT SURVEY MONUMENTS WHOSE CHARACTER AND SOURCE ARE SO NOTED ON THE SURVEY.

THE LOCATIONS OF IMPROVEMENTS ALONG THE CONTINUES OF BEVERLY BOULEVARD, SHOWN AS IMP-42-102C ON THE MAP OF TRACT NO. 15680, AS RECORDED IN BOOK 424, PAGES 3 AND 4 OF MAPS RECORDED IN LOS ANGELES COUNTY WAS TACKED AS THE BASIS OF MEASUREMENT FOR THIS SURVEY.

(D) INDICATES PRELIMINARY TITLE REPORT EXCEPTION NUMBER PLATTED HEREON.

LAND AREA: (MSSS AREA (CONTING))

TO: STREET (CONTRIBUTOR) LITERS NO. FT. OR 2025 ACRES, MORE OR LESS
OVERALL SITE: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 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619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 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1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357,

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Case No. VTT-83387



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SHEET 2 OF 2

ATTACHMENT B

VESTING TENTATIVE TRACT MAP No. 83387

FOR MERGER AND RESUBDIVISION PURPOSES

LEGAL DESCRIPTION

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCS-1032821-SA1 DATED SEPTEMBER 17, 2020)
REAL PROPERTY IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
DESCRIBED AS FOLLOWS:

PARCEL A:

LOT 1 OF TRACT NO. 15680, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 424 PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

THAT PORTION OF THE RANCHO LA BREA, PARTLY WITHIN AND PARTLY WITHOUT THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET WIDE, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60 FEET WIDE, AS SHOWN ON MAP OF TRACT NO. 5177, RECORDED IN BOOK 109 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.21 FEET, MORE OR LESS, TO THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21553 PAGE 68, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF THE LAND DESCRIBED IN SAID LAST MENTIONED DEED, TO THE SOUTHWESTERLY CORNER OF SAID LAND; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.18 FEET, MORE OR LESS, TO A POINT IN SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE THAT IS DISTANT SOUTHERLY 483.73 FEET FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID GENESEE AVENUE 483.73 FEET TO THE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE RANCHO LA BREA, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGES 289 AND 290 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO PAN PACIFIC AUDITORIUM, INC., A CORPORATION RECORDED IN BOOK 15347 PAGE 179, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 89° 48' 30" WEST, PARALLEL WITH THE SOUTHERLY LINE OF BEVERLY BOULEVARD, 100.00 FEET WIDE, 647.82 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF GENESEE AVENUE, 60.00 FEET WIDE, AS SHOWN ON THE MAP OF TRACT NO. 5177, RECORDED IN BOOK 109 PAGES 36 AND 37 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THAT IS DISTANT SOUTHERLY 889.08 FEET FROM THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD; THENCE NORTHERLY ALONG SAID SOUTHERLY PROLONGATION OF SAID WESTERLY LINE OF SAID GENESEE AVENUE, 405.35 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, 366.18 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES, RECORDED IN BOOK 21553 PAGE 68, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LAND DESCRIBED IN SAID DEED TO THE INSTITUTE OF THE AERONAUTICAL SCIENCES TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTHERLY 404.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS MORE PARTICULARLY DESCRIBED AND CREATED BY THAT CERTAIN INSTRUMENT ENTITLED "QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 00-1430068, OFFICIAL RECORDS, AS AMENDED BY INSTRUMENT ENTITLED "FIRST AMENDMENT TO QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-1384639, OFFICIAL RECORDS, OVER THE FOLLOWING DESCRIBED LAND:

A PORTION OF LOTS 4, 5 AND 6 OF TRACT NO. 45628, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 1265 PAGES 33 TO 39 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4 OF SAID TRACT NO. 45628, AS SHOWN ON SAID MAP FILED IN BOOK 1265 PAGES 33 TO 39 INCLUSIVE OF MAPS, IN SAID RECORDER'S OFFICE, SAID CORNER LYING ON THE WESTERLY LINE OF THE GROVE DRIVE, 60.00 FEET IN WIDTH, AS SHOWN ON SAID MAP; THENCE ALONG SAID WESTERLY LINE OF THE GROVE DRIVE SOUTH 0° 00' 53" WEST 19.19 FEET TO A LINE LYING 19.19 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES FROM, THE NORTHERLY LINE OF SAID LOT 4, 5 AND 6; THENCE ALONG SAID PARALLEL LINE SOUTH 89° 47' 40" WEST 283.75 FEET, THENCE SOUTH 89° 59' 13" WEST 265.80 FEET; THENCE SOUTH 0° 05' 35" EAST 1.97 FEET; THENCE SOUTH 89° 47' 40" WEST 35.81 FEET; THENCE NORTH 35° 10' 19" WEST 25.05 FEET TO A POINT ON SAID NORTHERLY LINE OF SAID LOT 6 LYING THEREON NORTH 89° 47' 40" EAST 7.20 FEET FROM THE EASTERLY NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG SAID NORTHERLY LINE OF LOTS 4, 5 AND 6 NORTH 89° 47' 40" EAST 600.12 FEET TO SAID POINT OF BEGINNING.

APN: 5512-001-003 and 5512-002-001 and 5512-002-002 and 5512-002-009

EXCEPTIONS

(PER FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. NCS-1032821-SA1 DATED SEPTEMBER 17, 2020)

(14) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 23, 1940 AS BOOK 17291, PAGE 190 OF OFFICIAL RECORDS.

IN FAVOR OF: PAN PACIFIC AUDITORIUM, INC., A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

15. AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED DECEMBER 16, 194 AS BOOK 18971, PAGE 245 OF OFFICIAL RECORDS.

IN FAVOR OF: J. E. ELLIOTT
AFFECTS: AS DESCRIBED THEREIN

16. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 21, 1950 AS BOOK 34532, PAGE 281 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF LOS ANGELES
AFFECTS: AS DESCRIBED THEREIN
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

(18) AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT NO. 15680 RECORDED JANUARY 02, 1952 ON FILE IN BOOK 424, PAGE 3 AND 4, OF TRACT MAPS.

FOR: DRAINAGE, SANITARY SEWER AND INCIDENTAL PURPOSES.

(AFFECTS PARCEL A)

(19) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1804, BOOK 56458, PAGE 324 OF OFFICIAL RECORDS.

IN FAVOR OF: A. F. GILMORE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(20) AN EASEMENT FOR ROAD AND STREET AND INCIDENTAL PURPOSES, RECORDED JANUARY 31, 1958 AS INSTRUMENT NO. 1805, BOOK 56458, PAGE 326 OF OFFICIAL RECORDS.

IN FAVOR OF: FRANCES L. HILEN AND ELIZABETH J. HILTY
AFFECTS: AS DESCRIBED THEREIN

(25) AN OFFER OF DEDICATION FOR PUBLIC STREET OR HIGHWAY AND INCIDENTAL PURPOSES, RECORDED MARCH 26, 1964 AS INSTRUMENT NO. 5529 OF OFFICIAL RECORDS, TO: CITY OF LOS ANGELES

SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED AUGUST 28, 1964 AS INSTRUMENT NO. 6601 OFFICIAL RECORDS.

(26) AN EASEMENT FOR PIPE LINES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 30, 1969 AS INSTRUMENT NO. 2516 OF OFFICIAL RECORDS.

IN FAVOR OF: PACIFIC LIGHTING SERVICE COMPANY, A CORPORATION
AFFECTS: AS DESCRIBED THEREIN

(27) AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 01, 1971 AS INSTRUMENT NO. 4463 OF OFFICIAL RECORDS.

(28) AN EASEMENT FOR COVERED STORM DRAIN AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 03, 1983 AS INSTRUMENT NO. 83-1308294 OF OFFICIAL RECORDS.

IN FAVOR OF: LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AFFECTS: AS DESCRIBED THEREIN

(32) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MAINTENANCE OF BUILDING" RECORDED JANUARY 08, 1988 AS INSTRUMENT NO. 88-23584 OF OFFICIAL RECORDS.

(41) THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "QUITCLAIM OF EASEMENTS, GRANT OF EASEMENTS AND DECLARATION OF RECIPROCAL RIGHTS, OBLIGATIONS AND EASEMENTS" RECORDED SEPTEMBER 12, 2000 AS INSTRUMENT NO. 00-1430068 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MAY 15, 2003 AS INSTRUMENT NO. 03-1384639 OF OFFICIAL RECORDS.

(42) AN OFFER OF DEDICATION FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 09, 2001 AS INSTRUMENT NO. 01-2152518 OF OFFICIAL RECORDS.

TO: THE CITY OF LOS ANGELES

SAID EASEMENT WAS ACCEPTED BY RESOLUTION OF THE CITY OF LOS ANGELES RECORDED APRIL 30, 2002 IN OFFICIAL RECORDS AS INSTRUMENT NO. 02-0995136.

COMMENTS

SITE ADDRESS 7800, 7860, 7716, 7716 AND 7720 BEVERLY BOULEVARD, LOS ANGELES, CA

APN NO'S. 5512-001-003, 5512-002-002, 5512-002-001, AND 5512-002-009

BOUNDARY LINES WERE ESTABLISHED FROM THE RECOVERED CITY, COUNTY AND/OR PRIVATE SURVEY MONUMENTS WHOSE CHARACTER AND SOURCE ARE SO NOTED ON THE SURVEY.

BASIS OF BEARINGS THE BEARING OF N89°43'51"E ALONG THE CENTERLINE OF BEVERLY BOULEVARD, SHOWN AS N89°48'30"E ON THE MAP OF TRACT NO. 15680, AS RECORDED IN BOOK 424, PAGES 3 AND 4 OF MAPS RECORDS OF LOS ANGELES COUNTY WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

(1) INDICATES PRELIMINARY TITLE REPORT EXCEPTION NUMBER PLOTTED HEREON.

GROSS AREA (EXISTING)

TO STREET CENTERLINE: 1,178,809 SQ. FT. OR 27.062 ACRES, MORE OR LESS
OVERALL SITE: 1,063,726 SQ. FT. OR 24.405 ACRES, MORE OR LESS
LOT 1: 183,022 SQ. FT. OR 4.222 ACRES, MORE OR LESS
LOT 2: 510,768 SQ. FT. OR 11.725 ACRES, MORE OR LESS
LOT 3: 370,937 SQ. FT. OR 8.538 ACRES, MORE OR LESS

NET AREA (POST PROPOSED MERGER AND WAIVER OF DEDICATION)

OVERALL SITE: 1,071,011 SQ. FT. OR 24.587 ACRES, MORE OR LESS
LOT 1: 209,235 SQ. FT. OR 4.803 ACRES, MORE OR LESS
LOT 2: 504,954 SQ. FT. OR 11.589 ACRES, MORE OR LESS
LOT 3: 356,819 SQ. FT. OR 8.192 ACRES, MORE OR LESS

ALL VISIBLE ABOVE-GROUND UTILITY FEATURES SHOWN ON THIS MAP WERE OBTAINED BY CONVENTIONAL MEANS. ABOVE-GROUND UTILITIES WERE COMBINED WITH CITY OF LOS ANGELES SUBSTRUCTURE MAPS TO PLOT UNDERGROUND UTILITY LINES SHOWN HEREON. NO REPRESENTATION IS MADE AS TO THE COMPLETENESS OF SAID UTILITY INFORMATION AND ANY USER OF THIS INFORMATION SHOULD CONTACT THE UTILITY OR GOVERNMENT AGENCY DIRECTLY.

FLOOD INSURANCE RATE MAP ZONE "X" AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE, FLOOD INSURANCE RATE MAP (FIRM) MAP PANEL, MAP NO. DB037C1605F EFFECTIVE DATE SEPTEMBER 26, 2009.

ZONING INFORMATION EXISTING ZONING: C1.5-2D-0 AND C2-1-0 COMMERCIAL ZONE (CITY OF LOS ANGELES). INFORMATION FROM ZIMAS WEBSITE PULLED ON 03/25/2024.

PROPOSED ZONING: TVC

STREET DESIGNATIONS BEVERLY BLVD AVENUE 1 (100')
FAIRFAX AVENUE AVENUE 8 (86')
GROVE DRIVE COLLECTOR STREET (86')

PROJECT NOTES

PROJECT CONSISTS OF 3 GROUND LOTS.

THOMAS BROTHERS GUIDE: PAGE 833 - GRID B1

CADASTRAL MAP: 1386177

COMMUNITY PLAN AREA: WALSHIRE

EXISTING UTILITIES: UNDERGROUND UTILITIES SHOWN HEREON WERE OBTAINED FROM CITY SUBSTRUCTURE MAPS OBTAINED ON THE WAYGATE LAS WEBSITE. CERTAIN UTILITIES SUCH AS TRAFFIC SIGNAL LINES AND ABANDONED LINES MAY NOT BE SHOWN HEREON.

PROPOSED UTILITIES: SEWAGE AND DRAINAGE WILL BE PROVIDED BY THE CITY OF LOS ANGELES INFRASTRUCTURE SYSTEMS

THE SITE SHALL TIE INTO EXISTING SEWER INFRASTRUCTURE.

LOT CONFIGURATIONS AND SIZES ARE APPROXIMATE IN NATURE AND WILL BE FINALIZED DURING THE FINAL MAP PHASE.

WE RESERVE THE RIGHT TO CONSOLIDATE LOTS.

PROPOSED RECIPROCAL INGRESS/EGRESS EASEMENTS (IF ANY) ARE YET TO BE DETERMINED.

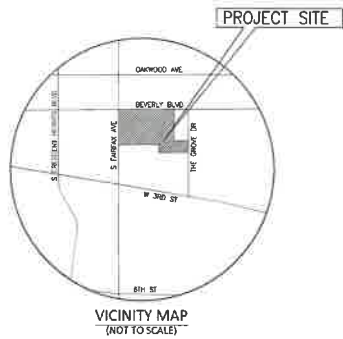
THE SITE DOES NOT CONTAIN ANY PROTECTED TREES. ALL TREES ARE TO BE REMOVED.

WE RESERVE THE RIGHT TO PHASE THE FINAL MAP.

WE PROPOSE A 7' MERGER ALONG FAIRFAX AVENUE.

WE PROPOSE A 3' WAIVER OF DEDICATION ALONG THE GROVE DRIVE.

A TOTAL OF 181 TREES AND PALMS WERE INVENTORIED FOR THE TELEVISION CITY SPECIFIC PLAN PROJECT. THERE ARE 62 PRIVATE TREES/PALMS AND 88 OFF-SITE TREES WHOSE CANOPIES OVERHANG THE SUBJECT PROPERTY AND WILL BE REMOVED AS PART OF THIS PROJECT. THIRTY-ONE (31) CITY OF LOS ANGELES RIGHT-OF-WAY TREES ARE ALSO ASSOCIATED WITH THE PROJECT BUT WILL NOT BE REMOVED. (CARLBERG ASSOCIATES TREE INVENTORY REPORT - AUGUST 21, 2020)



kpff

780 FLOWER ST., SUITE 2100
LOS ANGELES, CA 90017
P: 213.266.5294
WWW.KPFF.COM

OWNERS:

TELEVISION CITY STUDIOS LLC
4080 INCE BOULEVARD
CULVER CITY, CA 90232
ATTN: BRENT KLOUJAN
(310) 473-8900

SUBDIVIDER:

TELEVISION CITY STUDIOS LLC
4080 INCE BOULEVARD
CULVER CITY, CA 90232
ATTN: BRENT KLOUJAN
(310) 473-8900

LAND SURVEYOR:

KPFF CONSULTING ENGINEERS, INC.
700 S. FLOWER STREET, SUITE 2100
LOS ANGELES, CA 90017
CONTACT: CHRIS JONES, PLS
(213) 418-0201

LOS ANGELES DEPT. OF CITY PLANNING

SUBMITTED FOR FILING

TENTATIVE MAP

MAY 17 2024

REVISED MAP

FINAL MAP UNIT

DEPUTY ADVISORY AGENCY

REVISIONS

DATE ISSUED FOR

DATE 03/26/2024

PROJECT NUMBER 2000630

DRAWN BY NLAJK

CHECKED BY CJ

SCALE AS SPECIFIED

PROJECT DESCRIPTION

7800, 7860, 7716, 7716, 7720 BEVERLY BLVD
LOS ANGELES, CA 90009

VESTING TENTATIVE TRACT MAP NO. 83387

SHEET NUMBER

SHEET 1 OF 2

PREPARED UNDER THE DIRECTION OF:

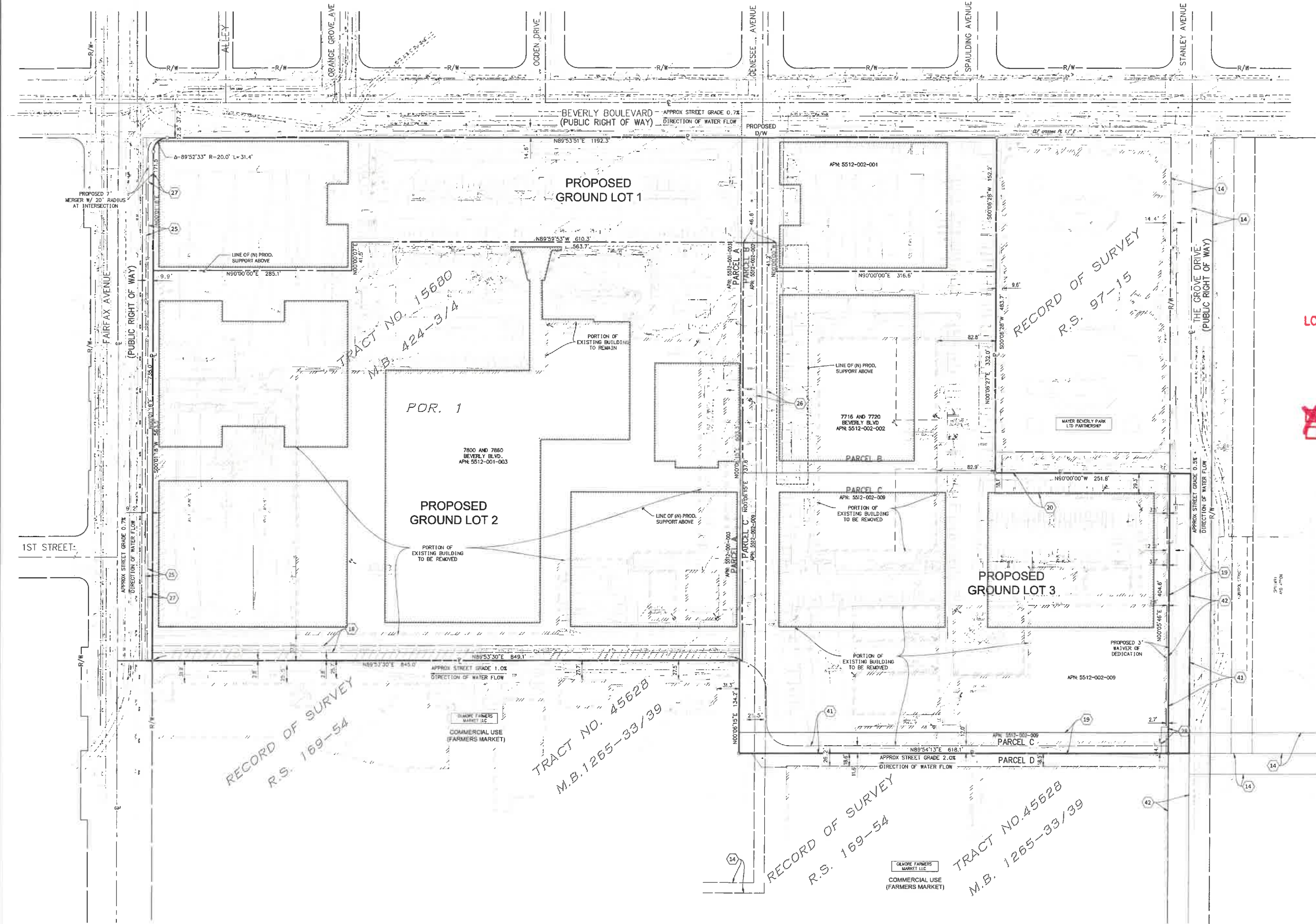
CHRISTOPHER M. JONES
CHRIS.JONES@KPFF.COM

03/26/2024



VESTING TENTATIVE TRACT MAP No. 83387

lpff
700 FLOWER ST., Suite 2100
LOS ANGELES, CA 90017
P: 213.266.2700
F: 213.266.2704
WWW.LPFF.COM



LOS ANGELES DEPT. OF CITY PLANNING
SUBMITTED FOR FILING
☒ TENTATIVE MAP

MAY 17 2024

☒ REVISED MAP ☐ EXTENSION OF TIME
☒ FINAL MAP UNIT ☐ MODIFIED
DEPUTY ADVISORY AGENCY



REVISIONS
DATE ISSUED FOR

DATE 03/25/2024
PROJECT NUMBER 2000630
DRAWN BY NL/MK
CHECKED BY CJ
SCALE AS SPECIFIED

PROJECT DESCRIPTION
7800, 7860, 7716, 7718, 7720 WEST BEVERLY BLVD
LOS ANGELES, CA 90006
VESTING TENTATIVE TRACT MAP NO. 83387

SHEET NUMBER

ATTACHMENT C



Existing Project Site



Figure II-4
Conceptual Site Plan

ATTACHMENT D



Source: Foster + Partners, 2024

Foster + Partners

701 Ocean Front Walk, Unit 2
Venice, California 90291
fosterandpartners.com

3338

NOT FOR
CONSTRUCTION

ENTITLEMENT SET 02/16/2024

TELEVISION CITY

INITIAL DEVELOPMENT PLAN

FEBRUARY 2024

As Indicated

A0.01

© Foster + Partners 2024

A0.01-INITIAL DEVELOPMENT PLAN

Scale: 1" = 20' - 402'-0"

1



**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

ELIZABETH ZAMORA
VICE-PRESIDENT

MARIA CABILDO
CAROLINE CHOE
MARTINA DIAZ
KAREN MACK
MICHAEL R. NEWHOUSE

August 16, 2024

Applicant

Kaz Moghim
Persepolis Partners, LLC
12439 W. Magnolia Blvd. #300
Los Angeles, CA 91607

Owner

Marvin-Culver, LLC and
Polycomp Trust Company Custodian
Farshad Raffi IRA #300265
1064 Hillcrest Rd
Beverly Hills, CA 90210

Representative

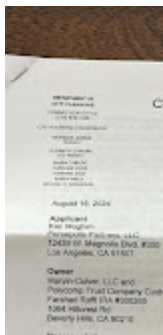


(no subject)

mary simitian <emaillessie1@gmail.com>
To: "cpc@lacity.org" <cpc@lacity.org>

Sun, Sep 1, 2024 at 12:07 PM

Hello. There is a housing project for 1205 n mariposa la ca 90029 (see attachment). 5 story 182 units??? How can they even suggest such a big building on this street?? The street is NARROW 2 cars barely pass each other, no parking on 1/2 of street because of elementary school front, traffic every day. 200 feet from school. Street Permit parking which has limitations. Zoning for building height can't be more than 30 feet so this is illegal. There are kids on this street, you can not build such large building here and bring low income/homeless people drug addicts to house. Who is suggesting this without looking at the facts? This project must be revoked right away. If they want to build something this big they need to look into other streets. Please look into this. I've sent several messages and emails and no one is responding.



Screenshot_20240901-115617_Messenger.jpg
754K

I Support Television City Studios - Mobility

Polina Divinsky

Postal Code:

Email Address: pdivinsky@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:11

Submission Letter:

Dear Mr. Caporaso,

I strongly support the TVC Project, a plan that will retain the existing studio use of Television City and preserve the historic lot, while modernizing the facility to meet the changing needs of the entertainment industry.

I am so excited to see the completion of the pedestrian focused activation of the public spaces around TVC. With the creation of a green focused state-of-the-art multimodal mobility hub, TVC will provide convenient access for studio workers with dedicated employee shuttles and improved connectivity to transit options including the Metro Purple Line. TVC is committed to getting employees out of their cars and utilizing transit, shuttles and rideshare programs, along with advancing concepts for improved bike plans that would connect to the near Metro stations along the Purple line.

TVC's commitment to go above and beyond the requirements to both beautify and shore up safety concerns by providing funds for neighborhood traffic calming measures and new trees and sidewalks is an example that all developers should follow.

The Draft Environmental Impact Report (DEIR) determined that this project would not result in significant traffic impacts during construction and operations. Based on the comprehensive mobility commitment by TVC, I trust TVCs commitment to being a responsible and considerate neighbor for the long run.

For nearly 70 years, TVC has been an integral part of the entertainment industry. Please protect L.A.'s legacy as a leader in film and television and move the TVC project forward for approval.

I Support Television City Studios - Mobility

Michelle Fredricks

Postal Code:

Email Address: michellemfreder@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:10

Submission Letter:

Dear Mr. Caporaso,

I strongly support the TVC Project, a plan that will retain the existing studio use of Television City and preserve the historic lot, while modernizing the facility to meet the changing needs of the entertainment industry.

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For nearly 70 years, TVC has been an integral part of the entertainment industry. Please protect L.A.'s legacy as a leader in film and television and move the TVC project forward for approval.

I Support Television City Studios - Mobility

Heidi Quezada

Postal Code:

Email Address: heidiquezada111@gmail.com

Date of Submission: Tue, 07/23/2024 - 13:44

Submission Letter:

Dear Mr. Caporaso,

I strongly support the TVC Project, a plan that will retain the existing studio use of Television City and preserve the historic lot, while modernizing the facility to meet the changing needs of the entertainment industry.

I am so excited to see the completion of the pedestrian focused activation of the public spaces around TVC. With the creation of a green focused state-of-the-art multimodal mobility hub, TVC will provide convenient access for studio workers with dedicated employee shuttles and improved connectivity to transit options including the Metro Purple Line. TVC is committed to getting employees out of their cars and utilizing transit, shuttles and rideshare programs, along with advancing concepts for improved bike plans that would connect to the near Metro stations along the Purple line.

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For nearly 70 years, TVC has been an integral part of the entertainment industry. Please protect L.A.'s legacy as a leader in film and television and move the TVC project forward for approval.

I Support Television City Studios - Jobs

John Root

Postal Code:

Email Address: john_Root@hotmail.com

Date of Submission: Thu, 08/15/2024 - 16:15

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project, a modernization plan for Television City Studios that will help revive Los Angeles' role as a leader in film and television.

Los Angeles has long been renowned as a crucial player in the entertainment industry, but its reputation is currently at stake. As film and production jobs migrate away from the region, the need to bring modern, well-equipped studios back to Los Angeles becomes a significant priority. The TVC Project will provide modern studio spaces for the changing needs of the industry and will help keep entertainment industry jobs here in Los Angeles. The project will create much needed jobs both during and after construction, and generate more than \$2.4 billion in new, annual economic output.

TVC is also committed to a Project Labor Agreement that will support well-paying union jobs and apprenticeship opportunities. Additionally, as part of the TVC Changing Lenses initiative, the studio will continue to provide mentorship and job training opportunities in the media industry, partnering with industry leaders to achieve greater diversity and inclusion in the entertainment industry.

By investing in production and the entertainment industry, we can protect TVC's 70 year legacy of supporting Los Angeles' status as the creative capital of the world. I urge you to take action in bringing studios back to Los Angeles by supporting the TVC plan.

I Support Television City Studios - Jobs

Zulekha Vahed

Postal Code:

Email Address: zulekhav@gmail.com

Date of Submission: Tue, 07/23/2024 - 15:07

Submission Letter:

Dear Mr. Caporaso,

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I Support Television City Studios - Jobs

Zulekha Vahed

Postal Code:

Email Address: zulekhav@gmail.com

Date of Submission: Tue, 07/23/2024 - 15:05

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project, a modernization plan for Television City Studios that will help revive Los Angeles' role as a leader in film and television.

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I Support Television City Studios - Jobs

Osmin Villatoro

Postal Code:

Email Address: osmin.villatoro@restla.org

Date of Submission: Tue, 07/23/2024 - 14:04

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project, a modernization plan for Television City Studios that will help revive Los Angeles' role as a leader in film and television.

Los Angeles has long been renowned as a crucial player in the entertainment industry, but its reputation is currently at stake. As film and production jobs migrate away from the region, the need to bring modern, well-equipped studios back to Los Angeles becomes a significant priority. The TVC Project will provide modern studio spaces for the changing needs of the industry and will help keep entertainment industry jobs here in Los Angeles. The project will create much needed jobs both during and after construction, and generate more than \$2.4 billion in new, annual economic output.

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I Support Television City Studios - Jobs

Scott Rockett

Postal Code:

Email Address: scott@skyyrockett.com

Date of Submission: Tue, 07/23/2024 - 14:01

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project, a modernization plan for Television City Studios that will help revive Los Angeles' role as a leader in film and television.

Los Angeles has long been renowned as a crucial player in the entertainment industry, but its reputation is currently at stake. As film and production jobs migrate away from the region, the need to bring modern, well-equipped studios back to Los Angeles becomes a significant priority. The TVC Project will provide modern studio spaces for the changing needs of the industry and will help keep entertainment industry jobs here in Los Angeles. The project will create much needed jobs both during and after construction, and generate more than \$2.4 billion in new, annual economic output.

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I Support Television City Studios - Sustainability

Evan Simon

Postal Code:

Email Address: public@curiosityrealty.com

Date of Submission: Thu, 08/15/2024 - 16:21

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project. For nearly 70 years, Television City has had a remarkable history in the entertainment industry, but it is apparent the studio requires updates to adapt to changing times.

The TVC Project will help the studio meet the changing needs of the industry, but do so while embracing environmentally friendly design, building materials, and local partnerships. I am thrilled to see that the TVC Project will be L.A.'s first all-electric studio. A number of sustainability measures will be incorporated into the Project, including solar panels, a mobility hub to help reduce vehicle miles traveled for production vehicles and studio employees, water-efficient plantings with drought-tolerant species, and shade trees in public areas. This not only demonstrates a commitment to embracing greener practices, but will also ensure a sustainable future for the entire facility.

TVC also goes beyond the studio with plans to enhance walkability surrounding the lot while also being a good neighbor as shown in its recent investment in the playground at Pan Pacific Park. The TVC Project will not only contribute to a safer, greener, and more walkable place to live, and I am confident that TVC will continue to help elevate the Beverly/Fairfax neighborhood in the coming years.

I wholeheartedly support TVC's endeavors and the its plan to revitalize the studio and leave a positive and lasting impact on the community it calls home.

I Support Television City Studios - Sustainability

Charles Reese

Postal Code:

Email Address: TheCharlesReeseExp@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:20

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project. For nearly 70 years, Television City has had a remarkable history in the entertainment industry, but it is apparent the studio requires updates to adapt to changing times.

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I Support Television City Studios - Sustainability

Kuntheary Simon

Postal Code:

Email Address: etweds@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:17

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project. For nearly 70 years, Television City has had a remarkable history in the entertainment industry, but it is apparent the studio requires updates to adapt to changing times.

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I Support Television City Studios - Sustainability

Anna Paikow

Postal Code:

Email Address: a.paikow@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:14

Submission Letter:

Dear Mr. Caporaso,

I am writing to express my enthusiastic support for the TVC Project. For nearly 70 years, Television City has had a remarkable history in the entertainment industry, but it is apparent the studio requires updates to adapt to changing times.

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I Support Television City Studios - Sustainability

David Rodriguez

Postal Code:

Email Address: losangeleschicagonewyork3@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:13

Submission Letter:

Dear Mr. Caporaso,

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I Support Television City Studios - Sustainability

Ryan Schultz

Postal Code:

Email Address: sanbuenafilms@gmail.com

Date of Submission: Thu, 08/15/2024 - 16:07

Submission Letter:

Dear Mr. Caporaso,

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MBS Alum Support Letter

Emma Forthofer

Postal Code:

Email Address: eforthfilm@gmail.com

Date of Submission: Thu, 08/22/2024 - 13:50

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

Dear City Planning Commission,

I am writing to express my enthusiastic support for the TVC studio project. As a participant of the Illumination Training hosted at TVC, I found the experience to be transformative and invaluable to my growth in the industry.

TVC's commitment to providing opportunities for underserved groups in entertainment is a core part of their commitment to help diversify the industry. Through the Illumination Training, they have empowered over 250 underrepresented students like myself, offering hands-on learning and networking opportunities with industry professionals. Learning from industry veterans and gaining real-world experience at TVC studios was pivotal in equipping me with the skills and confidence needed to pursue a career in the industry.

I am deeply grateful to the Illumination Training for organizing such a comprehensive and empowering program. It has equipped me with the skills and confidence needed to navigate the industry.

I wholeheartedly support the TVC project. Their commitment to supporting underrepresented groups in the industry is essential for fostering a more inclusive and thriving community.

Sincerely,

MBS Alum Support Letter

Ashby Arciero

Postal Code:

Email Address: awesomeashby@gmail.com

Date of Submission: Tue, 08/20/2024 - 21:24

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Elon Townsend

Postal Code:

Email Address: elonmtownsend@gmail.com

Date of Submission: Tue, 08/20/2024 - 16:21

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Tatiana Bovia

Postal Code:

Email Address: tati.bovia@gmail.com

Date of Submission: Tue, 08/20/2024 - 15:12

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

Dear City Planning Commission,

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Sincerely,

MBS Alum Support Letter

Gina Villalobos

Postal Code:

Email Address: gina.l.villalobos@gmail.com

Date of Submission: Tue, 08/20/2024 - 13:52

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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I wholeheartedly support the TVC project. Their commitment to supporting underrepresented groups in the industry is essential for fostering a more inclusive and thriving community.

Sincerely,

MBS Alum Support Letter

Kristen Meloche

Postal Code:

Email Address: kristen.meloche@gmail.com

Date of Submission: Tue, 08/20/2024 - 12:58

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

Dear City Planning Commission,

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Sincerely,

MBS Alum Support Letter

Jennifer Pirante

Postal Code:

Email Address: jennifer.pirante@gmail.com

Date of Submission: Tue, 08/20/2024 - 12:49

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

Dear City Planning Commission,

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Sincerely,

MBS Alum Support Letter

Robyn Coburn

Postal Code:

Email Address: deignarob@gmail.com

Date of Submission: Tue, 08/20/2024 - 12:31

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Nicole Valencia

Postal Code:

Email Address: nicole.de.valencia@gmail.com

Date of Submission: Tue, 08/20/2024 - 12:25

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Cassandra Giraldo

Postal Code:

Email Address: cassandrarian.giraldo@gmail.com

Date of Submission: Tue, 08/20/2024 - 11:27

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Ruben Cebrreros Jr

Postal Code:

Email Address: rubencebrerosjr@gmail.com

Date of Submission: Tue, 08/20/2024 - 11:18

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Vickey Song

Postal Code:

Email Address: vickeysongy@gmail.com

Date of Submission: Tue, 08/20/2024 - 11:12

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Adrian Wittenberg

Postal Code:

Email Address: knockmeakiss@gmail.com

Date of Submission: Sat, 08/17/2024 - 21:00

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Ruben Ceballos Jr

Postal Code:

Email Address: rubenceballosjr@gmail.com

Date of Submission: Wed, 08/14/2024 - 15:00

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Christian Hernandez

Postal Code:

Email Address: Christianhernandez2169@gmail.com

Date of Submission: Tue, 08/13/2024 - 17:48

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Lesley Dike

Postal Code:

Email Address: lesleydike@gmail.com

Date of Submission: Sun, 08/11/2024 - 03:04

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Hannah Hoang

Postal Code:

Email Address: hannahkhoang@gmail.com

Date of Submission: Fri, 08/09/2024 - 09:42

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Fernando Anglero

Postal Code:

Email Address: fernando_anglero@yahoo.com

Date of Submission: Fri, 08/09/2024 - 09:30

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Alyssa Lopez

Postal Code:

Email Address: alyssamarielopez@outlook.com

Date of Submission: Thu, 08/08/2024 - 20:53

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Beth Scorzato

Postal Code:

Email Address: b.scorzato@gmail.com

Date of Submission: Thu, 08/08/2024 - 17:34

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Alishah Castillo

Postal Code:

Email Address: acastillo2025@smprep.org

Date of Submission: Thu, 08/08/2024 - 11:55

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Diego Aquino

Postal Code:

Email Address: diegoaquino513@gmail.com

Date of Submission: Thu, 08/08/2024 - 11:01

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Brandon Hopkins

Postal Code:

Email Address: brandonhopkins25@gmail.com

Date of Submission: Thu, 08/08/2024 - 10:33

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

JP Price

Postal Code:

Email Address: Judi@judiprice.com

Date of Submission: Thu, 08/08/2024 - 10:15

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Jeremy McKibbins

Postal Code:

Email Address: jeremiahmckibbins@gmail.com

Date of Submission: Thu, 08/08/2024 - 10:05

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Amahl Chekh Khalil

Postal Code:

Email Address: mahl.jmal.00@gmail.com

Date of Submission: Thu, 08/08/2024 - 09:54

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Geonni Sigl

Postal Code:

Email Address: geonni@onncreative.xyz

Date of Submission: Thu, 08/08/2024 - 09:21

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Amazon Beard

Postal Code:

Email Address: warriorfemaletime@yahoo.com

Date of Submission: Thu, 08/08/2024 - 08:50

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

Dear City Planning Commission,

I am writing to express my enthusiastic support for the TVC studio project. As a participant of the Illumination Training hosted at TVC, I found the experience to be transformative and invaluable to my growth in the industry.

TVC's commitment to providing opportunities for underserved groups in entertainment is a core part of their commitment to help diversify the industry. Through the Illumination Training, they have empowered over 250 underrepresented students like myself, offering hands-on learning and networking opportunities with industry professionals. Learning from industry veterans and gaining real-world experience at TVC studios was pivotal in equipping me with the skills and confidence needed to pursue a career in the industry.

I am deeply grateful to the Illumination Training for organizing such a comprehensive and empowering program. It has equipped me with the skills and confidence needed to navigate the industry.

I wholeheartedly support the TVC project. Their commitment to supporting underrepresented groups in the industry is essential for fostering a more inclusive and thriving community.

Sincerely,

MBS Alum Support Letter

Jennifer Pirante

Postal Code:

Email Address: jennifer.pirante@gmail.com

Date of Submission: Thu, 08/08/2024 - 08:43

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

MBS Alum Support Letter

Maximiliano Aguilar

Postal Code:

Email Address: maxaguilar2242@gmail.com

Date of Submission: Thu, 08/08/2024 - 08:29

Submission Letter:

City of Los Angeles - City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

RE: Television City Project (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;
CPC-2021-4090-DA; ENV-2021-4091-EIR; VTT-83387)

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Sincerely,

Supplement to Appeal Justification

TVC 2050

VTT No. 83387, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN , ENV-2021-4091-EIR
7716-7860 W. Beverly Blvd.

Appellants: Park La Brea Impacted Residents Group (PLBIRG) is a group of multi-family residents living in the sprawling Park La Brea apartment complex located 1/2 mile due south of the TVC 2050 Project.

With its proposed TVC 2050 Specific Plan (“Specific Plan”), applicant Television Studios LLC (“TSLLC”) calls for an unprecedented amount of flexibility and ability to alter its initial “concept” about how the land will be developed over the course of (an equally unprecedented) twenty year lifespan.

The Specific Plan cites the need to be able to adapt to the “evolving needs of the entertainment and media industries” and “support Los Angeles as the global capital of media and entertainment.”

It claims a need to more than double the density on the TVC property to fulfill “the unmet and anticipated future demands of movie, TV, and streaming” content production.

The entertainment and media industries ARE evolving, but not in the way implied by the Specific Plan. LA is still the leading hub for film, tv and streaming production but that lead has steadily shrunk since Hackman Capital (“Hackman”) acquired the Television City property in 2018.

In fact, unlike the William Pereira and Charles Luckman’s “original vision” for Television City cited in the Specific Plan preamble, Hackman is not a major studio headquarters, not an entity or company in the business of creating and distributing TV, movies, or similar entertainment content. Hackman is akin to an Air n B that leases space to a revolving door of production companies. They are passively dependent on rather than a driver what happens in the production landscape, and what is happening in that landscape is that U.S. production has declined and production in Los Angeles has declined even more.

Hackman is intentionally misleading the public about its intentions for redevelopment of Television City, and that in fact it is bringing a Trojan Horse in the form of a Specific Plan that if approved would allow it to REDUCE or even potentially eliminate film and TV studio

uses and use the land for purposes that neither the public nor the City, except for one official, would get to weigh in on.

The reality of the “changing needs of the constantly evolving media and entertainment industry” is that film and TV production in Los Angeles is on a downward trend, with more and more productions moving to other states and countries:

“Other regions in the U.S., Canada and Europe have steadily increased incentives to attract TV shows and movies, leaving California in the dust. Our state has fallen far behind in the tax-break arms race.”

—[*Ivan Ehlers, Los Angeles Times, May 21, 2024*](#)

Studio execs, Guild leaders, industry analysts, entertainment reporters, Film and TV industry experts in academia, and market researchers widely attribute the significant contraction in film and TV production in Los Angeles to a common set of factors:

- [Failure to be competitive with tax incentives](#). An explosion of studio production facilities in other states and countries fueled by highly competitive tax incentives are magnetizing a growing share of TV and movie production while LA is increasingly seen as non-competitive. For example: last year [New York boosted the annual film tax credit allocation to \\$700 million, up from \\$420 million](#). (California’s tax credit program is only worth about [\\$330 million](#).) LA might still be, for the moment, the world’s biggest production hub, but it’s steadily losing ground to other states and countries with more generous incentives for shooting there.
- [The end of “Peak TV.”](#) After the so-called streaming wars when companies spent exorbitant amounts of money on direct-to-digital content to compete with Netflix, studios have dramatically slowed their pace. The race to have the most selection of content to attract the most subscribers has been overtaken by cold, hard scrutiny on containing costs and increasing profitability.
- Increased reliance on foreign-produced TV series and movies which have proven to be appealing to U.S. viewers, lessening the need for costly production operations in Los Angeles. [Netflix, for one, is expected to spend more than half its content spend this year on titles produced outside of North America.](#)

[U.S. film and TV production is down 40% from Peak TV levels](#) according to a new report by ProdPro. “The entertainment industry...is undergoing once-in-a-generation changes...it is less dependent on film and television studios, more oriented toward online content

creation, live events and gaming...What it means to work in Hollywood is starkly different today.”

“The grim reality...points to [an industry in a painful state of flux, mirroring the digital transition that overwhelmed the newspaper industry](#),” according to Brian Lowry, former media critic for CNN and Variety and former reporter and columnist at the LA Times.

The production drought is here to stay, and the production jobs that have disappeared from Los Angeles are not coming back, no matter how slick and glossy of a dog and pony show Hackman puts on. [Talent reps are even marketing their clients to overseas productions to keep them afloat.](#)

Unlike major studios like Warner Bros. or Universal, Hackman is not a force or even a factor in content development, production or distribution. They are a developer / operator of independent studio production facilities, akin to a giant Air B n B that leases space to a revolving door of production companies. They are dependent on, rather than a driver of, what happens in the production landscape.

Given the industry consensus that the production decline in Los Angeles is “here to stay,” it is inconceivable that in 2024 an independent studio operator like Hackman would acquire Television City to invest (according to their website) a billion dollars to “expand, update and modernize” it for TV and film production. Indeed, the evidence points to not being able to recoup such an investment via revenue related to film and TV production in Los Angeles.

In 2018 when Hackman acquired Television City it was a different story. It was the heady Peak TV era, and the sky was the limit. But that has all since crumbled, and we must look elsewhere for Hackman’s intentions for the future of Television City.

The Specific Plan professes to be about “modernizing and expanding its existing facilities to address the unmet and anticipated future demands of movie, television, streaming, and other forms of content production to remain competitive in the industry. This portends a cruel joke on the public and the City because the “unmet and anticipated future demands of movie, television and streaming content production” are now known to be in permanent decline.

Yet over the past two years Hackman has invested millions of dollars marketing their fictional narrative to the public and the City, and it seems that many officials and some members of the public have fallen for the bedtime story that the proposed upzoning bonanza will make dreams come true by revitalizing what has become a vulnerable and depressing landscape for LA- based industry professionals.

Trojan Horse

Why did the Trojans of antiquity open their gates and bring their enemy's "gift" of a massive carved wooden horse into their city? Why did they believe Sinon's narrative that the Greeks had abandoned the war and left a giant wooden horse as an offering to the goddess Athena who would make the City of Troy impregnable to its enemies?

We know how that turned out.

The truth that is that that the [lost LA production jobs ship has sailed](#). Unless and until the state of California enacts significantly richer incentives competitive with those available in other emerging production hubs in the United States and overseas, the Specific Plan and its voracious upzoning and ludicrous blank check parameters will serve only one purpose: to give Hackman the most generous, lucrative entitlements possible to exponentially multiply the value of the property, salvage their purchase of Television City, and even potentially result in the flipping of the property to cash in. None of that benefits the public.

There is nothing in the Specific Plan that will keep production in Los Angeles as the "evolution" of the industry unfolds. Hackman—an established, successful player in the independent studio business—knows it.

But hiding in plain sight in the proposed Specific Plan are indications that not only does Hackman not plan to expand film and TV studio production capacity as the Specific Plan describes, but is likely to actually reduce it.

With demand for studio production facilities in permanent decline, no reasonable person would sink hundreds of millions of dollars—let alone a billion dollars—into expanding, updating and modernizing Television City without some guarantee of longterm revenue from tenants (much as the Caruso-owned Grove is a long term tenant on the Gilmore property). Hackman has yet to indicate any such prospective longterm tenant committed to lease a significant chunk of a redeveloped Television City .

On the face of it, the Land Use Exchange program (Section 5.2.E in the Specific Plan) would let Hackman swap some of the other permitted land uses to increase the amount of density for actual studio production uses. The Specific Plan doesn't mention a land use swap in the other direction, i.e. swapping studio production floor area for, say, a theme park. But it's there; you just have to know where to look.

They have layered in another provision which states that if due to changing circumstances Hackman wants to alter what the land can be used for, they (or a future owner of the prospective entitlements) can ask the Director of Planning to approve a reassignment of land use from the nominally designated studio / production offices to...just about anything.

The hidden agenda is hiding in plain sight in Section 5.1.D of the Specific Plan.

“Proposed uses not listed...may be permitted upon determination by the Director pursuant to Section 13B.4.6. of the [Zoning] Code that such uses are similar to and nor more objectionable to the public welfare than the uses provided in Section 5.1 of the Specific plan. Upon approval thereof, such uses shall be deemed Permitted Uses for all purposes under the Specific Plan.”

As an example, the Specific Plan allows for entertainment uses. The Director could “interpret” that to mean floor area designated for studio production floor area – or general office floor area -- could instead be used to build, for example,

A concert arena.

A theme park.

A helicopter transportation center that includes tourist rides.

A sports arena.

A 9 hole celebrity golf course.

A resort.

A cineplex.

A gaming / virtual reality venue.

All of these are related to entertainment. But their impacts are wildly different and those impacts would not need to be identified, mitigated or even discussed.

Under this cleverly crafted scheme, all Hackman needs to do is persuade one person, the Director of Planning, that the prospective use is “similar to and no more objectionable to the public welfare” than the uses provided in Section 5.1 of the Specific Plan. “Upon approval thereof, such uses shall be deemed Permitted Uses for all purposes under the Specific Plan.”

In other words two men in a room could decide that instead of a superfluous independent production studio (superfluous because of declining demand) – or instead of an equally superfluous “general office” office park (office towers are going begging in Los Angeles these days), the applicant can decide to swap that out for a sports / music/ gaming / complex with helicopter service and an amusement park thrown into the bargain.

Without any public scrutiny or right to appeal.

And there you have it, Hackman in the role of the Greek warriors ready to jump out of the Trojan-Horse-of-a-Specific-Plan to redevelop Television City to be whatever will make the most money without regard for impacts on the community—which will have never been discussed, studied, or mitigated because it will be just two men in a room making the decision about what will actually be built, or not built, at Television City.

LADCP is known for calling such comments “speculative.” 🙄 They will say Hackman has never expressed any interest in building a concert venue, theme park, sports arena, aerial sightseeing center, or the like, so it’s speculative to even talk about it. But what’s really speculative is to buy into Hackman’s narrative that the motivation for more than doubling the density of Television City is to ensure the film and TV production business in LA stays competitive in a continually evolving marketplace.

Our comments are abundantly supported by the industry’s own assessment of the future of film and TV production in Los Angeles: It’s bleak.

This Commission should send a clear message to Hackman that this is not how a transparent process works:

Grant PLBIRG’s appeal. Reject their game of “Hide the Ball.”

Tell Hackman you’re not letting their oversized wooden horse into your city.

Send them away to prepare an honest project that is real. It doesn’t have to be a studio project, given the realities of the industry’s “evolution,” but it does have to be transparently developed and put forward.

We look forward to seeing what they come up with.

PARK LA BREA IMPACTED RESIDENTS GROUP (PLBIRG)

September 3, 2024

BY EMAIL

City Planning Commission
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012
Email: cpc@lacity.org

Re: Comments on Final Environmental Impact Report and Erratum No. 1
For Proposed TVC 2050 Project re Inadequate Project Description
and Required Recirculation of Draft EIR (Case Nos.
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA,
VTT-83387 and ENV-2021-4091-EIR)

Honorable President and Commissioners:

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp., which owns and operates the Broadcast Center Apartments ("Broadcast Center") located at 7660 Beverly Boulevard ("BC Site").

Broadcast Center has requested our assistance with respect to the Final Environmental Impact Report ("FEIR") and Erratum No. 1 ("Erratum") prepared for the proposed TVC 2050 Project ("Project"), as currently proposed by Television City Studios, LLC, which we understand is controlled by Hackman Capital Partners ("Hackman"), on an approximately 25-acre site located at 7716-7860 Beverly Boulevard (the "Project Site") in the City of Los Angeles (the "City").

The BC Site is located adjacent to the Project Site at both its western and southern boundaries and borders Beverly Boulevard to the north and The Grove Drive to the east. Broadcast Center affiliates also own nearby Palazzo West, Palazzo East and the Villas at Park La Brea, which collectively provide, including the approximately 500 Broadcast Center residents, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.

Our client's primary concerns for its residents relate to the Project's air quality, noise, traffic, safety and aesthetic impacts. In particular, the BC Site could now be encircled on all four sides by streets, including two new onsite project streets to the south and west with a significant new access point on The Grove Drive adjacent to Broadcast Center. In addition, the Project could encircle the BC Site with buildings from 120-145 feet in height that would dwarf our client's building, and could also include a 120-foot-high parking structure in close proximity to the BC Site. These improvements could significantly limit light and views and pose significant air quality and noise impacts that could be needlessly detrimental to resident health. We say "could" throughout this paragraph because, as discussed below, Broadcast Center continues to have no idea of what Hackman might actually develop on the Project Site because it is not bound by the various versions of the illustrative conceptual development scenario in the CEQA documentation and could build just about anything next to Broadcast Center.

As set forth in the Draft Environmental Impact Report ("DEIR"), the proposed Project originally included the development of up to 1,626,180 square feet of new studio development, the retention of up to 247,820 square feet of existing studio facilities and the demolition of up to 495,860 square feet of existing studio facilities. According to the DEIR, this resulted in a maximum of 1,874,000 square feet of "soundstage, production support, production office, general office, and retail uses" on the Project Site, as well as related circulation improvements, parking and landscaping. The Erratum reduced the maximum floor area to 1,724,000 square feet.

The Project requires numerous discretionary approvals, but the central entitlement is the proposed TVC 2050 Specific Plan ("Specific Plan") that would establish the zoning for the Project Site and largely override the applicable zoning standards and requirements in the Los Angeles Municipal Code that would otherwise govern development of the Project Site. Indeed, the first sentence in Section II (Project Description) of the DEIR states that "[t]he TVC 2050 Project . . . would establish the TVC 2050 Specific Plan." (DEIR, p. II-1)

On July 14, 2022, the City, through its Department of City Planning ("DCP"), circulated the DEIR, which includes hundreds of pages of text, as well as numerous technical appendices with additional environmental information regarding the Project. However, while the DEIR repeatedly references and purports to describe provisions in the proposed Specific Plan, and notwithstanding that those alleged provisions underpin much of the analysis in the DEIR, the City did not release any version of the Specific Plan to the public concurrently with its release of the DEIR or during the 60-day comment period for the DEIR, which ended on September 13, 2022.

Broadcast Center had significant and wide-ranging concerns regarding the DEIR's adequacy and submitted a 141-page letter ("DEIR Comment Letter")¹ to the City that laid out those inadequacies in some detail, and the myriad technical deficiencies discussed in that letter were supported by reports and other documentation prepared by an array of reputable experts. The DEIR drew such withering and widespread criticism from commercial and residential stakeholders that it took Hackman's consultants and the City well over a year to prepare written responses to all of their comments.

As documented at length in the DEIR Comment Letter, the DEIR included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review. Instead of identifying critical project characteristics such as the specific location, size, massing, height, configuration and other features of the proposed buildings and uses, the production areas, the circulation system and parking, the environmental analysis was largely based on a "conceptual site plan" (the "DEIR Conceptual Plan") that included nothing more than white boxes and several new onsite private streets that cover much of the Project Site, with no data or text at all. (DEIR, p. II-14 [Figure II-4]) The DEIR stated that this conceptual site plan "illustrates one possible development scenario" and that actual development would not be governed by the conceptual site plan, but rather by the requirements of the Specific Plan, which the public never saw at the time or had the opportunity to consider in connection with its review of, and comments on, the DEIR. (Id. p. II-13, emphasis added) As the City is aware, in *Stopthemillenniumhollywood.com v. City of Los Angeles* ("Stopthemillennium"), 39 Cal. App. 5th 1 (2019), the California Court of Appeal determined that an illustrative conceptual development scenario for a development project was not an accurate, stable or finite project description.

The City released the FEIR on November 21, 2023. In willful denial of legal reality and with remarkable temerity, the FEIR concludes that virtually every material concern raised by approximately **450** commenters who expressed opposition to the Project in about **26,000** pages of comments was unfounded.²

We beg to differ. The FEIR did little or nothing to address or ameliorate our client's concerns laid out in the DEIR Comment Letter or the concerns of hundreds of other stakeholders who submitted comments that the DEIR is legally inadequate and

¹ Capitalized terms not defined in this letter are as defined in the DEIR Comment Letter.

² Often, though, the FEIR attempts to refute comments in an unpersuasive manner, but at the same time tacitly acknowledges the deficiencies in the DEIR by introducing significant new information and analysis in an attempt to cure those deficiencies.

unlawful for numerous reasons. This letter focuses on the following unlawful aspects of the FEIR:

1. The project description continues to be neither accurate, finite nor stable.
2. The FEIR failed to provide good-faith, reasoned responses, or in some cases any response at all, to many significant comments in the DEIR Comment Letter.
3. Even if the modified project description in the FEIR was somehow accurate, stable and finite (which it is not), the DEIR would have to be fully revised and recirculated to provide the public with a meaningful opportunity for review and comment.

We are also in the process of preparing comments regarding the technical responses and many new technical reports analyses in the FEIR and the Erratum.

Broadcast Center continues to recognize the importance of the entertainment industry to the City and the need to retain and expand production facilities. However, the Project simply fails to strike an appropriate balance between addressing that need while preserving a reasonable quality of life for existing residents and avoiding undue and unnecessary impacts on them.

Broadcast Center has repeatedly attempted to engage with Hackman and the Council Office for more than two years to address Broadcast Center's significant concerns regarding the range of serious impacts the Project would have on its residents as originally and currently proposed, but the changes Hackman proposed in the Erratum do little to address those concerns, which were most recently summarized in a March 12, 2024 letter from our client to Councilmember Yaroslavsky, a copy of which is attached as **Exhibit 1**. If and when Hackman is willing to earnestly tackle these issues, Broadcast Center is prepared to engage further with them.

I. The Project Description Remains Inaccurate, Unstable, Not Finite and Unlawful.

For the many reasons discussed below, the project descriptions reflected in the FEIR and Erratum remain inadequate and unlawful and the FEIR's responses to the contrary with respect to this subject are extremely unpersuasive.

A. The Project Description is Not Lawful Just Because the Principal Entitlement is the Specific Plan.

The FEIR states that the nebulous and wholly unstable project description in the DEIR is acceptable because the principal entitlement is the Specific Plan, so that a conceptual development scenario is permissible. For example, Topical Response 1 (Clearly Defined Project Description and Specific Plan) in the Responses to Comment ("RTCs") in Section II of the FEIR states that "less detail is required for a specific plan project than an individual building development project," that "[a] specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development," and that "[s]pecific details about potential future buildings are unknown at this time." (FEIR, II-65; *see also* FEIR, II-66-67, 71, 279)

This is false and very misleading. This is a project-level EIR for a single site. The first page of the DEIR states that "[t]his Draft EIR is a 'Project EIR,' as defined in Section 15161 of the CEQA Guidelines [an EIR for a 'specific development project']." (DEIR, p. I-1) Therefore, the Specific Plan does not set forth "broad policy concepts," as the FEIR implicitly suggests, but rather is a specific plan for a development project, albeit one with an inchoate project description. Furthermore, even a specific plan that establishes land use policies must still include specific policies rather than an infinite number of potential different policies. An EIR prepared to analyze a policy proposal may require the formulation of various development assumptions to analyze the environmental impacts associated with that policy, but the policy itself must be finite and stable. The issue, in other words, is not whether the project description is more or less detailed, but whether the project description is accurate, stable and finite and thereby susceptible to any meaningful analysis. The City and Hackman cannot escape project-level analysis by packaging the unlawful project description in a specific plan.

Moreover the FEIR internally contradicts itself and undermines its baseless claim that a less detailed project description is required for a project subject to a specific plan by simultaneously arguing that it was proper to use the VMT calculator to measure the Project's VMT impacts (notwithstanding that the City's Department of Transportation ("LADOT") prohibits the use of the calculator for specific plans) because the Specific Plan here is **not** a land use plan for a large area, but rather includes development standards for a specific development project. (FEIR, II-117-118) In addition, in an effort to prove that the *Natural Resources Defense Council, Inc. v. City of Los Angeles* case is not applicable to the Project, the Final EIR states that that case "involved a Program EIR, whereas the Draft EIR in this case is a **Project EIR**" that "disclosed and comprehensively analyzed full buildout of the Project." (FEIR, II-294, emphasis added) The City and Hackman cannot have it both ways.

To try and support its claim that the project description in the DEIR was acceptable, the FEIR repeatedly states that it was impossible for Hackman to propose anything beyond a conceptual illustrative development scenario. For example, Topical Response 1 includes the conclusory and unsupported statements that "specific details about potential future buildings are unknown at this time" (DEIR, p. II-65), that "conceptual plans are the only plans that could meaningfully be provided when a draft EIR is prepared" (*id.*, p. II-73) and that "due to the nature of the Project, [project detail] simply does not now exist" (*id.*, p. II-71).

The administrative record belies these and similar false statements in the FEIR. First, as discussed in the DEIR Comment Letter (page 8), the Project Application submitted in 2021 included a plan set with 18 sheets ("Application Plans"). The second sheet is a "Conceptual Site Plan," but unlike the DEIR Conceptual Plan included in Section II of the DEIR, this conceptual site plan included a description of each of the illustrative buildings (*e.g.*, stage, office, production support) and graphically illustrated the large parking structure in the southeastern corner of the Project Site. In addition, the Application Plans included floor plans for Project Grade Level, Levels 2-4, Level 5 and Level B1, as well as Site Elevations from The Grove Drive (east), Beverly Boulevard (north), Fairfax Avenue (west) and the southern alley (south).

The DEIR Conceptual Plan, which consists of approximately 21 white boxes with no data or text that explains anything about any of them, does not include any of the details in the Application Plans. The preparers of the DEIR could easily have used the Application Plans as the basis for the project description. Not only did they decline to do so for never-explained reasons, neither the DEIR nor the numerous appendices thereto include the Application Plans or make **any** reference to them.

Second, as also discussed in the DEIR Comment Letter (pages 9-10), while claiming for purposes of the DEIR that Hackman could develop nothing more than the amorphous DEIR Conceptual Plan, Hackman was presenting multiple, evolving and quite specific project plans, including simulations, to the Cultural Heritage Commission.

Third, the DEIR includes lots of other evidence that, notwithstanding the absence of stability in the DEIR Conceptual Plan, Hackman has a very specific development project in mind. (DEIR Comment Letter, pp. 9, 10-12)

The self-evident truth is that nothing precluded the City and Hackman from including an accurate, stable and finite project description in the DEIR. But Hackman wants a nebulous project description in order to have broad flexibility to change the project in response to future market conditions. As Broadcast Center and numerous other

commenters noted, the DEIR stated that "[t]he specific mix of uses ultimately constructed will depend upon market demands, and the Specific Plan would allow flexibility in locating the various uses within the Project Site." (DEIR Comment Letter, pp. 23-24; DEIR, pp. II-13, IV.K-42) Similarly, the first project objective in the DEIR is to provide a studio facility with an expandable, **flexible**, and operationally seamless production ecosystem that can respond to evolving **market demands**" (DEIR, p. II-10, emphasis added)

This is the sole reason why the DEIR Conceptual Plan "illustrates one possible development scenario" among infinite scenarios (DEIR, p. II-13). However, *Stopthemillennium* flatly rejected uncertainty about market conditions as a lawful ground for the DEIR's incoherent and ambiguous project description. *Stopthemillennium*, 39 Cal. App. 5th 1, 14 (2019). Having now been apprised of the unlawful reliance on evolving market conditions as a means to omit a concrete project description, the FEIR never respond directly to this point and, as just discussed, offers no other justification for Hackman's inability to provide a fixed development proposal.

Simply put, the City and Hackman want to have their CEQA cake and eat it, too. They characterized the DEIR as a project EIR, and properly so, with the intention to eliminate or severely limit the need for additional environmental review for the unknown project that Hackman would actually develop, while at the same time refusing to state and illustrate a concrete development plan that would allow meaningful public input and understanding and thereby give Hackman carte blanche to develop whatever project it determines over the next 20 years is most responsive to its perception of market conditions.

As a result, Broadcast Center cannot begin to know what Hackman may eventually choose to develop in close proximity to its building and how that would impact its residents. As just one example (there are many more in the DEIR Comment Letter), the Application Plans (and the Modified Initial Development Plans attached as Appendix A to the Erratum) show two illustrative soundstages and an office building just 45 feet west of the BC Site. Based on the elevations on Sheet A2 of the Modified Initial Development Plans (Site Elevation - East [The Grove Drive]), the height of each illustrative soundstage is approximately **70 feet** and the height of the illustrative office building is approximately **104 feet**. But these illustrative buildings are located in Height Subarea B, which has a base height limit of 88 feet, but allows a maximum height of **145 feet** in 40% of Subarea B. Therefore, regardless of the illustrative buildings, the Specific Plan, if approved, would allow Hackman to construct a single building or multiple buildings within 45 feet of Broadcast Center that are fully or mostly 145 feet in

height.³ Not only does the DEIR (and FEIR) **not** account for this very real possibility (or else why does Hackman insist on a 145-foot height limit), neither Broadcast Center nor anyone else has any idea what Hackman will ultimately build there due to the inchoate project description. The FEIR therefore fails as an informational document and precludes informed decision-making and public participation.

B. The FEIR's Post-Hoc Reliance on the Application Plans Does Nothing to Change the Nebulous and Unstable Project Description.

The FEIR repeatedly claims in RTCs that the "illustrative" DEIR Conceptual Plan used as the project description in the DEIR is consistent with the "architectural plans on file with the City and available on the Department of City Planning's website." (FEIR, II-62, 72, 524, 1260, 1271) At least one RTC states that the "architectural plans" are Hackman's 2021 Application Plans. (FEIR, II-281) The FEIR then adds shortly after those statements that "future changes that are substantially different than the Project or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review." (*Id.*, pp. 62, 73, 282, 524, 1260, 1271-1272) While the preparers of the FEIR cannot bring themselves to expressly state it, these repetitive RTCs implicitly assert that, whatever the failings of the DEIR Conceptual Plan, the Application Plans constitute an accurate, stable and finite project description.

If that is what the FEIR is passively-aggressively getting at, it is unavailing for a host of reasons. Most important, even if the DEIR had used the Application Plans for the project description instead of the DEIR Conceptual Plan (which, as discussed below, it did not), the project description would still be inaccurate, unstable and not finite. While the almost complete absence of information in the DEIR Conceptual Plan contributes in part to the unlawful project description, the larger issue is that **the project description is unfixed one way or the other**. While the Application Plans have more information than the DEIR Conceptual Plan, they still just "illustrate one possible development scenario," and actual development would not be governed by the Application Plans any more than by the DEIR Conceptual Plan. In fact, the Application Plans include a "Conceptual Site Plan" that includes the same generic layout as the DEIR Conceptual Plan and states that it is a "conceptual illustrative site plan."

³ This is one of many examples of how, in reliance on the amorphous DEIR Conceptual Plan, the DEIR failed to analyze the Project's maximum possible impacts or otherwise address a reasonable worst-case scenario. (*See generally* DEIR Comment Letter, Section 2.C)

Furthermore, it does not matter whether additional CEQA review may be required if Hackman substantially deviates from the Application Plans; **the project description must be stable and finite in the first place.**⁴ And here it most decidedly is not.

The FEIR's implicit claim suffers from other infirmities as well. First of all, as previously mentioned, the Application Plans are not identified, referenced, described or included anywhere in the DEIR or the appendices thereto. This is why all the FEIR can say is that they are "architectural plans on file with the City." The public, however, is not required to scour the City's records to find plans that are nowhere referenced in the DEIR and then try and figure out if those plans formed the basis for the environmental review in the DEIR. The preparers of the DEIR deliberately chose to omit all mention of the Application Plans in the DEIR and instead base its review on a bunch of blank white boxes in the DEIR Conceptual Plan that disclosed virtually no information to the public or decisionmakers regarding the project description.

Furthermore, the revised DEIR text in Section III (Revisions, Clarifications, and Corrections to the Draft EIR) of the FEIR also includes no reference whatsoever to the Application Plans. Rather, it continues to repeatedly reference and rely on the DEIR Conceptual Plan and repeatedly state that Hackman can build just about anything just about anywhere, subject only to a maximum floor area, (overly generous) height envelopes, minimal setback requirements and other minor restrictions.

In addition, the preparers of the FEIR inherently acknowledge the inadequacy of the DEIR Conceptual Plan by augmenting it with new renderings and plans. The revised text for the Draft EIR includes two new renderings of the Project in Figures II-4(a) and (b) that it claims are renderings of the DEIR Conceptual Plan. (FEIR, p. III-8-10)

⁴ As one example of a RTC that **expressly** relies on this unlawful rationale, the DEIR Comment Letter includes Comment 35-40 (FEIR, II-1288-1289), which states that the DEIR failed to address the maximum environmental impacts related to project grading activities because the DEIR analyses assumed a maximum of 772,000 cubic yards of cut and export under the illustrative DEIR Conceptual Plan, when in fact the cut and export could significantly exceed that amount. After first attempting to create the false impression that the cut and export could not exceed 772,000 cubic yards (there is no such limitation), RTC 35-40 then tacitly admits no such limitation exists, but states that "any substantial changes from the Project would require future discretionary City review and approval and additional CEQA review." (*Id.*, II-1289) Once again, however, the potential for additional CEQA review when Hackman wants to building something that is different from the illustrative and wholly inadequate DEIR Conceptual Plan does nothing to cure a project description that is not accurate, stable or finite in the first place. This is another RTC that lacks good-faith, reasoned analysis.

Hackman, however, would not be bound by these renderings any more than it is bound by the DEIR Conceptual Plan. Moreover, the notion that the renderings are based on the DEIR Conceptual Plan is absurd because the DEIR Conceptual Plan does not include sufficient information to prepare those renderings. The "new" renderings appear to be old renderings that Hackman showed to the Cultural Heritage Commission in 2022.

The revised text for the Draft EIR further includes several other new graphics and related text to augment the DEIR Conceptual Plan, including the location of 585,902 square feet of "future **potential** outdoor production activity" (FEIR, pp. III-11-12, Figure II-4(c)), the locations of 371,600 square feet of basecamp areas (*id.*, pp. III-13-15, Figures II-4(d) and (e)) and a layout of the below-grade project level, including the locations of the Mobility Hub and production support basecamp and parking areas (*id.*, pp. III-16-17, Figure II-6(a)). Figure II-6(a) matches Sheet A1.04 in the Application Plans. Once again, though, Hackman is not bound by these new graphics any more than it is bound by the DEIR Conceptual Plan.

The revised DEIR text and RTCs in the FEIR often rely on these new graphics to explain the illustrative locations of the outdoor production activity areas, the basecamp areas and the Mobility Hub. They were forced to identify the illustrative locations and sizes of these illustrative project components in the FEIR because the DEIR utterly failed to do so. But not only do the preparers of the FEIR never admit this plain truth, they suggest that these additional graphics really were not necessary. They rely heavily on the new project graphics, but claim the DEIR was not required to include them because "exact details" are not required. (*See, e.g.,* DER, II-1292) The reality, however, is that the DEIR did not provide **any** details and, in any event, the details now provided also just "illustrate one possible development scenario."

C. *Stopthemillennium* is Fully on Point, Notwithstanding the FEIR's Extremely Unpersuasive Claim to the Contrary.

Topical Response 1.D in the Final EIR contends that the *Stopthemillennium* case is distinguishable because (1) that case "involved an individual development project rather than a specific plan project" and (2) the project description in that case is different from the project description here in all material respects. (FEIR, II-71-75) Those responses are meritless, as discussed below.

1. **The Specific Plan Relates to a Specific Development Project and Provides No Basis to Distinguish *Stopthemillennium*.**

As previously discussed at length in Section II.B, the Project is in fact a development project and the FEIR admits this. The fact that Hackman has sought a specific plan for this development project has no legal relevance to the determination in *Stopthemillennium* that the project description there was not accurate, stable or finite.

Specifically, for the *Stopthemillennium* project, the City and developer simply used a different mechanism – a development agreement with a 25-year term – to establish minimal "impact envelopes" for the amorphous project. Precisely like the Specific Plan here, the development agreement "embod[ied] the project's pre-defined limits 'regarding developable floor area, permitted land uses, design guidelines, and sight-specific development standards,' which would 'control the scale and massing of the Project.'" *Stopthemillennium*, 39 Cal. App. 5th at 8. And strikingly similar to the DEIR here, the draft EIR in *Stopthemillennium* stated that because

flexibility as contemplated in the Development Agreement with regard to particular land uses, siting, and massing characteristics, a conceptual plan has been prepared as an *illustrative scenario* to demonstrate a *potential development program* that implements the Development Agreement land use and development standards⁵ Thus, this concept plan was simply one "scenario" that might result from the approval of the development agreement. *Id.* at 9-10 (emphasis in original).

The court further emphasized that

[t]he draft EIR does not describe a building development project at all. Rather, it presents different conceptual scenarios that Millennium or future developers may follow for the development of this site. These concepts and development scenarios—none of which may ultimately be constructed—do not meet the requirement of a stable or finite proposed project. *Id.* at 18.

⁵ The draft EIR actually considered three conceptual illustrative scenarios – mixed-use, residential and commercial, as compared to just one in the DEIR here. *Id.* at 10.

The court therefore held that, regardless of the document in which the development envelope was stated, the developer's

failure to present any concrete project proposal, instead choosing concepts and "impact envelopes" rather than an accurate, stable, and finite project, was an obstacle to informed public participation, "even if we cannot say such input would have changed the project ultimately selected and approved." *Id.* at 20.

Sound familiar? Topical Response 1.D in the FEIR to *Stopthemillennium* ignores all of this and was not a good-faith, reasoned response.

In summary, the framework in which the unlawful project description resides, whether it be a specific plan, a development agreement or other land use or zoning plan or agreement, is unimportant.

2. The Project Description Here is the Same as the Project Description in *Stopthemillennium* in All Material Respects.

Topical Response 1.D relatedly attempts to factually distinguish the project description here from the project description in *Stopthemillennium*. It does so, however, by dodging or misstating the facts in *Stopthemillennium*. Below is a straightforward comparison of the two project descriptions, which demonstrate that Hackman and the City used the same unlawful playbook here to prevent any meaningful public participation in the CEQA process.

a. The *Stopthemillennium* project included "a concept plan and several land use scenarios" that "identified various components, including residential units, hotel, office, commercial, food and beverage, fitness center, and parking uses. The project description was designed to create an 'impact' envelope within which a range of development scenarios can occur." *Id.* at 8.

The project description here is essentially the same, except it only includes **one** conceptual illustrative development scenario, rather than three of them.

b. The *Stopthemillennium* project included the preservation of the historic Capitol Records Tower and a second building (*id.* at 6) that the court said were the "only stable and finite description of buildings at the site" (*id.* at 8).

The Project here would similarly preserve the two buildings that comprise the "Primary Studio Complex," which the FEIR alleges include the only historical

resources on the Project Site, and these buildings are the only stable and finite buildings in the project description.

c. As previously discussed, the development agreement for the *Stopthemillennium* project included limits on developable floor area, permitted land uses, design guidelines and sight-specific development standards that regulated the scale and massing of the project. (*Id.* at 8)

The Specific Plan here includes similar regulatory standards that establish a similar development envelope. The only material quantified standards here, however, are maximum floor area, height envelopes and minimum setback requirements. There are otherwise no limitations on the locations, dimensions and uses of project buildings, streets and other improvements like those in *Stopthemillennium*.

d. The project description for *Stopthemillennium* included a land use equivalency program that allowed the developer to transfer floor area among parcels, subject to the maximum floor area allowed on the site, which the court stated "could result in several potential development scenarios" and therefore "failed to describe a stable or finite commitment regarding the uses to be made of the undisclosed and undescribed constructed buildings." (*Id.* at 8-9)

Here, Section 5.2.E of the current draft of the Specific Plan (dated April 2024) similarly allows the stated floor areas for different categories of uses to be substantially increased and/or decreased pursuant to "Land Use Exchanges" between the various uses that would be permitted in the Specific Plan. For example, the total permitted Sound Stage Floor Area may be increased from 238,560 to 450,000 square feet in exchange for an equivalent decrease in the floor area of other studio land uses. In addition, the total permitted Production Support Floor Area can be increased from 215,440 to 450,000 square feet in exchange for an equivalent decrease in the floor area of other studio land uses. Given other restrictions in Section 5.2.E, this effectively means that a total of 446,000 square feet of floor area (which is a bit more than **25%** of the currently proposed maximum floor area of 1,724,000 square feet) can be transferred, with up to 211,440 square feet transferable from Sound Stage Floor Area to Production Support Floor Area and/or Retail Floor Area and up to 234,560 square feet transferable from Production Support Floor Area to Sound Stage Floor Area and/or Retail Floor Area.

e. As previously discussed, the draft EIR in *Stopthemillennium* included three conceptual illustrative development scenarios, which the court found did not constitute a stable and finite project. (*Id.* at 9-10)

The DEIR here is even more deficient. It analyzes, at best, just **one** conceptual illustrative development scenario.

f. The development regulations in the development agreement in *Stopthemillennium* regulated scale and massing of project buildings by establishing height zones (A, B, C and D) with maximum heights for each, as well as maximum floor plates for the two towers. In addition, the regulations included a massing envelope that included maximum tower lot coverage, minimum floor area below certain heights, maximum floor tower plates, minimum setbacks and minimum public open space. (*Id.* at 10) "Using these parameters, conceptual architectural renderings of a potential project were prepared. The draft EIR expressly noted, however, that 'these conceptual scale and massing renderings are not building designs and are being presented for purposes of depicting *potential* massing options that could be developed under the Development Regulations and Equivalency Program.'" (*Id.* at 11, emphasis in original)

The Specific Plan here similarly has development limitations that control scale and massing, including height zones with Subareas A, B, C, D, E and F with maximum heights in each, minimum setbacks and a maximum total floor area. It does not, however, include the other controls in the *Stopthemillennium* and therefore provides Hackman with even more development flexibility than what the court rejected in *Stopthemillennium*.

g. In *Stopthemillennium*, "other than being assured that ten viewpoints would be preserved, the public had no idea how many buildings or towers would be built and where they would be located on the project site. Instead, had only conceptual drawings of a development that might not be built. (*Id.* at 11)

The same holds true here.

h. The draft EIR in *Stopthemillennium* did not "contain site plans, cross-sections, building elevations, or illustrative massing to show what buildings would be built, where they would be sited, what they would look like, and how many there would be." (*Id.* at 19)

The DEIR here also omitted all of that information. Not only did the DEIR Conceptual Plan include nothing more than one illustrative conceptual development scenario that the DEIR expressly stated did not govern the development of the Project, that meaningless plan was devoid of information. All it included was a bunch of white boxes and several new onsite streets, with no data or text at all.⁶

i. In *Stopthemillennium*, the developer's "uncertainty about market conditions or the timing of its buildout is an insufficient ground for the ambiguous and blurred Project Description" (*id.* at 14) and "there were no practical impediments as to why Millennium could not have provided an accurate, stable, and finite description of what it intended to build here" (*id.* at 19).

Identically here, and as previously discussed, the only reason stated in the DEIR or the FEIR for Hackman's refusal to provide a concrete project description is its desire to build whatever it wants to in response to evolving market conditions over a 20-year period.

3. The Project in the *Treasure Island* Case is Wholly Different From the TVC Project.

Several hundred pages after the unsuccessful effort by the preparers of the FEIR to distinguish *Stopthemillennium*, they claim in RTC 26-5 that the Project here is similar to the project in *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* ("*Treasure Island*"), 227 Cal. App. 4th (2014). However, the *Stopthemillennium* court (as well as the trial court below) easily distinguished *Treasure*

⁶ The City and Hackman no doubt attempted to cure this significant defect, one of so many in the DEIR, by referencing the Application Plans in the FEIR (as previously discussed) and adding a modified version of the Application Plans as Appendix A to the current draft of the Specific Plan and described there as the Initial Development Plans). But that cannot compensate for their absence in the DEIR and the City's failure to provide any version at all of the Specific Plan to the public until long after the comment period on the DEIR ended. Moreover, the belated references to the Application Plans do not change the dispositive fact that the Application Plans/Initial Development Plans themselves only provide one illustrative conceptual development scenario that Hackman does not have to build.

Island for reasons that apply with equal force here. *Stopthemillennium*, 39 Cal. App. 5th at 19, 13-14. The court noted, as the trial court had, that in *Treasure Island*,

the island had been contaminated by hazardous materials that required cleanup, and the developer could not be sure when the island would be available for development. In that unusual circumstance, the *Treasure Island* court had concluded that a project description that included both fixed elements (such as street layouts) and conceptual elements (such as the shape of buildings or specific landscape designs) was all that could be meaningfully provided at present. *Id.* at 13-14.

The court concluded that the unique circumstances in *Treasure Island* were entirely absent in *Stopthemillennium*:

[A]s noted by the trial court, there were no practical impediments as to why Millennium could not have provided an accurate, stable, and finite description of what it intended to build. Unlike the *Treasure Island* developer, there were no contaminated sites on this property that interfered with making any firm commitment as to whether development would be possible and, if so, what type of development. (*Id.* at 19)

Similarly here, there is no site contamination or other unique circumstance that precluded Hackman from making a firm commitment to a project description. In other words, the nature of the Project or the Project Site did not prevent the formulation of an accurate, stable and finite project description. Rather, at most, the absence of a stable project description stems entirely from Hackman's alleged concern regarding future market conditions, which *Stopthemillennium* concluded was an insufficient ground for an ambiguous and blurred project description.

RTC 26-5 does not mention the critical facts in *Treasure Island* and the obvious factual distinction here, which constitutes another failure to provide a good-faith, reasoned response. Moreover, the Final EIR had no response to our Comment 35-33 in the RTCs that "there is no practical impediment as to why Hackman could not have provided an accurate, stable and finite project description of what it intends to build." (FEIR, II-1281) The preparers of the FEIR simply will not confront this issue.

D. The City's Failure to Make the Specific Plan Available to the Public Prior to the Release of the FEIR Significantly Contributed to the Absence of an Accurate, Stable and Finite Project Description.

The FEIR repeatedly asserts in the RTCs that CEQA did not require a draft of the proposed Specific Plan to be made available to the public at the time the DEIR was released, but a Preliminary Draft TVC 2050 Specific Plan was made publicly available on October 13, 2023⁷, solely for "informational purposes" and more than a year after the DEIR public comment period ended on September 13, 2022. (*See, e.g.*, FEIR, II-61, 67-68, 75-76, 278, 505)

Numerous DEIR commenters, including Broadcast Center, strongly disagreed. CEQA requires an accurate, finite and stable project description, and the City's failure make a draft of the Specific Plan available concurrently with the release of the DEIR further and significantly contributed to the absence of an accurate, finite and stable project description because it left the public in the dark regarding the blueprint for the Project, despite the fact that the Specific Plan provisions underpinned much of the analysis in the DEIR. It left them unable even to verify that the information in the DEIR regarding the Specific Plan was accurate and complete.

Topical Response 1.D asserts that a draft of the Specific Plan did not have to be released with DEIR because section 21065 of the California Public Resources Code "defines the 'project' to be analyzed in the EIR as the 'physical change to the environment,' not the regulatory document describing that change" and, pursuant to section 15358 of the CEQA Guidelines, "the environmental 'effects' and 'impacts' analyzed under CEQA 'must be related to a physical change.'" (FEIR, II-67, 68)

That is all beside the point. The relevant issue, for which the RTCs offer no response, is that the Specific Plan contains all of the project information that was supposed to provide the basis for the environmental review in the DEIR. It is the Specific Plan that includes the development standards that were supposed to provide the means for the DEIR to analyze the Project's "physical change to the environment." That is why the DEIR so often refers to the Specific Plan. That is why the first sentence in Section II (Project Description) of the DEIR states that "[t]he TVC 2050 Project . . .

⁷ Less than two months earlier, on August 28, 2023, DCP admitted that Hackman had submitted a draft of the Specific Plan with its 2021 Project Application, but stated that the City had mistakenly declined to make it available until that day and, in fact, had initially failed to produce it in response to a Public Records Act request submitted on April 17, 2023.

would establish the TVC 2050 Specific Plan." (DEIR, p. II-1) But the City simply refused, for reasons it still has not explained, to make any draft of the Specific Plan publicly available until shortly before the FEIR was completed, or to explain how it was able to prepare the DEIR without a final draft of the Specific Plan.

The preparers of the FEIR relatedly contend that the City was not required to release a draft of the Specific Plan concurrently with the Draft EIR because The Planner's Guide to Specific Plans, published by the State Office of Planning and Research in 2001, states that

[t]o the extent feasible, the process of preparing the specific plan and the environmental analysis should proceed concurrently because both documents require many of the same studies and resulting information. The information in the EIR provides decision makers with the insight necessary to guide policy development, thereby ensuring the plan's policies will address and provide the means by which to avoid potential impacts to the environment. ("OPR Statement," FEIR, II-67-68)

The FEIR then states its interpretation of the OPR Statement several pages later, in Topical Response 1.G:

"Per the OPR Guide, a specific plan is typically drafted concurrently with environmental review process and is not required to be included in the Draft EIR. This allows for comments on the Draft EIR and any potential revisions, corrections, and clarifications in the Final EIR to be reflected in the specific plan." (*Id.*, II-75)

The OPR Statement, however, is not reasonably susceptible to this novel interpretation, for which the FEIR cites no source, and really does not make any sense. What the statement more straightforwardly means is that a draft EIR and related draft specific plan should be **concurrently** prepared and then **concurrently** released to the public. The preparers of the FEIR essentially rewrite "concurrently" as "sequentially." To the contrary, nothing in the OPR Statement reflects that a specific plan should remain concealed at the time a related draft EIR is circulated for public comment, and in fact implicitly disfavors the continuing "preparation" of a specific plan after the draft EIR has been completed.

Furthermore, the notion that a draft specific plan should be deliberately withheld until decision-makers have an opportunity to review comments on the related draft EIR and potentially revise the specific plan to reflect those comments defies credibility. The

OPR Statement does not state that comments on the Draft EIR will provide insight to guide policy development, but rather that the "information" **in** the draft EIR provides such insight. Furthermore, a draft specific plan released to the public concurrently with a draft EIR can be revised in response to comments on the draft EIR just as the draft EIR can itself be revised in response to those comments.

In addition, the City's nondisclosure of a draft Specific Plan is at odds with its precedent. For example, the projects listed below (which include the recent Paramount Studios project) all required the adoption of specific plans, and the City included a draft specific plan as an appendix to the draft EIR prepared for each project (please click on the links to go to the draft EIRs and draft specific plans, all of which are incorporated herein this reference in lieu of attaching thousands of pages of documents that are already in the City's possession):

- CASP Draft EIR – September 2023 (Appendix D)
- Coastal Transportation Corridor Specific Plan Draft EIR – January 2016 (Appendix A)
- Paramount Studios Draft EIR – September 2015 (Appendix B)
- Boyle Heights Mixed Use Community Project Draft EIR – October 2011 (Appendix B)
- Loyola Marymount University Draft EIR – March 2010 (Appendix II).

Based on all of the foregoing, the City's refusal to provide a draft of the Specific Plan to the public concurrently with the release of the DEIR precluded meaningful public participation in the CEQA process and is another significant reason why the project description in the DEIR was neither accurate, stable nor finite.

Finally, the FEIR disingenuously states that "[a]n initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record." (FEIR, II-241) As previously discussed, that draft has not been publicly available since 2021, was not included or referenced in the DEIR, and was not produced in response to a Public Records Act request April 2023 for more than four months. This is not a good-faith, reasoned response.

E. The City's Preparation of the Erratum Months After the Release of the FEIR Further Contributed to the Absence of an Accurate, Stable and Finite Project Description.

More than four months after the City released the FEIR, Hackman again substantially modified the Project and caused the preparation of the Erratum, including

eight new supporting technical appendices and another version of the Specific Plan, to address those modifications. This sowed further confusion regarding the project description and what Hackman actually intends to build on the Project Site.

F. The RTCs in the FEIR to Comments Related to the Project Description Are Not Based on Good-Faith, Reasoned Analysis.

The evaluation and response to public comments is an essential part of the CEQA process. The lead agency must specifically explain its reasons for rejecting suggestions received in comments and for proceeding with the project despite its environmental impacts. "There must be **good faith, reasoned analysis in response**. Conclusory statements unsupported by factual information will not suffice." CEQA Guidelines § 15088(c); *see also People v. County of Kern*, 39 Cal. App. 3d 830, 841-42 (1974) ("where comments disclose new conflicting data or opinions that cause concern that the agency may not have fully evaluated the projects and its alternatives, these comments may not simply be ignored); *Environmental Protection Information Center v. Johnson*, 170 Cal. App. 3d 604, 628 (1985) ("conclusory responses unsupported by empirical information, scientific authorities or explanatory information have been held to be insufficient to satisfy the requirement of a meaningful, reasoned response: conclusory responses fail to crystallize issues, and afford no basis for a comparison of the problems caused by the project and the difficulties involved in the alternatives").

As discussed in the preceding sections, the responses in the FEIR to the concerns of numerous commenters that the project description in the DEIR is inaccurate, unstable and not finite for numerous, significant reasons do not constitute good-faith, reasoned analysis.

II. Even If the Project Description in the DEIR Was Somehow Lawful, The DEIR Must Be Revised to Incorporate the Significant New Information in the FEIR and Erratum and Then Recirculated for Public Comment.

If the lead agency adds "significant new information" to an EIR after circulation of the draft EIR, but prior to certification of the final EIR, the lead agency must recirculate the revised draft EIR, or pertinent portions thereof, for additional public comment and interagency consultation. Cal. Pub. Res. Code § 21092.1. New information is "significant" if, as a result of the additional information, "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 447 (2007); *accord* CEQA Guidelines § 15088.5(a). "Significant new

information" requiring recirculation includes "a disclosure showing that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." *Id.*, §15088.5(a)(4). The courts will not "countenance the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." *Mountain Lion Coalition v. Fish and Game Com.* ("*Mountain Lion Coalition*"), 214 Cal. App. 3d 1043, 1052 (1989).

The standard in section 15088.5(a)(4) is satisfied here with respect to how the preparers of the FEIR, the Erratum and the proposed Specific Plan vainly attempted to fix the "fundamentally and basically inadequate" project description in the DEIR that precluded "meaningful public review and comment." As previously discussed, they fundamentally changed the project description by (1) attempting to implicitly substitute the DEIR Conceptual Plan with the more detailed (albeit equally conceptual, illustrative and unlawful) Application Plans/Initial Development Plans, (2) adding many new project renderings and plans (also conceptual, illustrative and unlawful) in the revised text of the DEIR and the Erratum, and (3) unlawfully releasing a draft of the Specific Plan over a year after the DEIR comment period ended and just before the completion and public release of the FEIR, which draft included a new substantial conformance standard regarding proposed revisions to the Initial Development Plans and the potential for additional CEQA review.

None of this significant new information incorporated into the FEIR, the Erratum and the proposed Specific Plan cures the unlawful nature of the project description because all of the additional information reflects that the modified project description in the FEIR and the Erratum, like the project description in the DEIR, still centers around one conceptual, illustrative development scenario that Hackman does not have to build. However, even if this significant new information somehow cured the wholly inadequate project description in the DEIR, the public must have an opportunity to review and comment on a revised DEIR that is based on the substantially enhanced project description, which is the foundation for all of the environmental analyses in the DEIR. Otherwise, the public will be sandbagged in the manner that section 15088.5(a) forbids.

In RTC 9-4, the preparers of the FEIR claim that section 15088.5(a) has no application here because, in accordance with the *Mountain Lion Coalition* case, "courts have required recirculation of the draft EIR when an EIR wholly failed to evaluate an entire impact area," and it "did not omit the analysis of an entire impact area" (FEIR, II-272) They do not cite any authority for this claim and section 15088.5(a) says no such thing. In any event, an unlawful project description permeates the entirety of the DEIR and calls into question every impact analysis therein.

The FEIR also includes significant new technical data and analyses relating to a host of environmental impacts that further demonstrate the need to revise and recirculate the DEIR. We will summarize this additional significant new information in our technical letter and make the larger case for why the DEIR must be significantly revised and recirculated.

III. CONCLUSION.

Like so many other stakeholders, we again respectfully request on behalf of Broadcast Center that the City take no further action with respect to the proposed Project until such time as Hackman identifies a concrete development project for the Project Site that respects the Broadcast Center building and other surrounding uses, and the City thereafter prepares and circulates for public comment a revised DEIR for the Project that fully complies with CEQA.

Very truly yours,



Jack H. Rubens

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

EXHIBIT 1



March 12, 2024

BY EMAIL

Hon. Katy Yaroslavsky
Councilmember, District 5
City of Los Angeles
200 N. Spring Street, Suite 440
Los Angeles, California 90012

Re: Impact of TVC 2050 Project on AIR Communities Residents

Dear Councilmember Yaroslavsky,

I am writing to you on behalf of AIR Communities and its affiliates, which own Broadcast Center Apartments (Broadcast Center), Palazzo West, Palazzo East, and the Villas at Park La Brea, which collectively provide housing for more than 3,000 residents in your district. Broadcast Center is located adjacent to the site (Project Site) of the proposed TVC 2050 Project (Project) at both its western and southern boundaries. Palazzo West, Palazzo East, and the Villas at Park La Brea are located a short distance from the Project Site to the east.

We have shared our concerns regarding the Project on multiple occasions with the developer and walked the Project Site with them. We also submitted a detailed comment letter on the Draft Environmental Impact Report that addresses many of those concerns. To date, however, the developer has offered only minor concessions that do not address the fundamental concerns that AIR Communities and our residents have voiced.

AIR Communities remains deeply concerned regarding the impacts of the proposed Project on our properties and our residents' quality of life. The Project includes over 1.8 million square feet of improvements, as well as the significant expansion and intensification of the onsite and offsite traffic circulation system, with a significant portion of that development apparently oriented toward the eastern portion of the Project Site, in close proximity to our buildings and residents.

We say "apparently" because, as reflected in the Final Environmental Impact Report recently issued for the Project, the actual locations of the project buildings and improvements remain largely unknown because the developer has declined to identify a specific project. It continues to be difficult to have a meaningful conversation about how to address the Project's impacts on our residents when no fixed and binding project design exists.

AIR Communities appreciates the importance of the entertainment industry to Los Angeles and the need to provide sufficient studio space for its continued prosperity. But, as we and many

others have emphasized, the potential benefits of the Project must be balanced with careful consideration of its impacts on its neighbors and the community. As currently proposed, the Project's impacts, as best as we can understand them, are excessive and unacceptable.

Our primary concerns relate to the air quality, noise, traffic, safety, and aesthetic impacts on our residents that would result from the construction and operation of the Project. In particular, Broadcast Center would be encircled on all four sides by new onsite project streets, including a significant new access point on The Grove Drive that would be adjacent to Broadcast Center, and two public streets (The Grove Drive and Beverly Boulevard) that would experience significant increases in traffic which they are ill-equipped to handle. In addition, the developer apparently intends to construct a nine-story parking structure across the street from Broadcast Center.

To address these concerns, we respectfully request that you consider the following primary modifications to the project design:

- Require a fixed and reasonably detailed project design.
- Shift the primary development footprint, including height and density, west toward Fairfax Avenue in order to substantially reduce the Project's impact on neighboring residents. This shift would be beneficial to businesses along Fairfax Avenue, rather than detrimental to our residents.
- Increase the setback of buildings adjacent to Broadcast Center. The existing buildings on the Project Site are set back 80 feet from our property line. We therefore request that new buildings be set back at least 80 feet from our property line.
- No trucks or other vehicular traffic shall be permitted within the setback area.
- Limit the height of project buildings immediately west and south of Broadcast Center to the height of Broadcast Center (which is approximately 62 feet), with appropriate setbacks. We are in the process of installing solar panels on the roofs of many of our residential buildings, and limiting the heights of the new buildings in close proximity to Broadcast Center will preserve our ability to install and benefit from rooftop solar panels and advance the city's sustainability goals.
- Provide substantial view corridors between project buildings directly west of Broadcast Center.
- Relocate the parking structure to Fairfax Avenue, closer to the apparent location of the mobility hub. This would substantially reduce the Project's traffic impact on The Grove Drive and related air quality and noise consequences.
- Address the numerous traffic and construction concerns raised by The Grove regarding the Project's impacts on The Grove Drive and the turning movements from Beverly Boulevard.

We have also previously shared concerns and suggested changes regarding the operation of the Project, but the focus of this letter is the Project's basic design.

We believe that the project changes summarized above will not only benefit our residents, but also significantly enhance the Project's compatibility with the surrounding community.

We hope that you will seriously consider our concerns and requests. We look forward to hearing from you and working with you and your representatives to ensure that the Project best serves the interests of the city and its residents. Please contact me at patti.shwayder@aircommunities.com (303-691-4499) or Barb Frommell at Barbara.Frommell@aircommunities.com (303-325-1216) if you have questions or would like additional information.

Sincerely,



Patti Shwayder
Senior Vice President and Chief Corporate Responsibility Officer
AIR Communities

Cc: Vivian Rescalvo
Jack Rubens, Esquire