



**APPLICATIONS:**

**APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

**1. APPELLANT BODY/CASE INFORMATION**

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: TT-71751-1A

Project Address: 5555 W. Melrose Avenue

Final Date to Appeal: 08/19/2016

- Type of Appeal:
- Appeal by Applicant/Owner
  - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
  - Appeal from a determination made by the Department of Building and Safety

**2. APPELLANT INFORMATION**

Appellant's name (print): Beth S. Dorris

Company: Law Offices of Beth S. Dorris

Mailing Address: 3226 Mandeville Canyon Rd.

City: Los Angeles State: CA Zip: 90049

Telephone: (310) 476-4761 E-mail: beth.dorris@aol.com

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

- Self
- Other: Mary Ann Biewener

- Is the appeal being filed to support the original applicant's position?  Yes  No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Beth S. Dorris

Company: Law Offices of Beth S. Dorris

Mailing Address: 3226 Mandeville Canyon Rd.

City: Los Angeles State: CA Zip: 90049

Telephone: (310) 476-4761 E-mail: beth.dorris@aol.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?  Entire  Part

Are specific conditions of approval being appealed?  Yes  No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 08/17/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: \$ 89	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No: 31525	Deemed Complete by (Project Planner): Ulises Gonzalez	Date: 8/19/2016
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

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August 17, 2016

### Appeal Reasons Summary

Appeal of Planning Commission LOD on TT-71751-1A  
Paramount Pictures Project ("Proposed Project")  
Tentative Tract No. 71751  
CEQA No.: ENV-2011-2460-EIR  
Address: 5555 Melrose Avenue, Los Angeles, CA  
Council Districts: 13, 4  
Existing Zone: [Q]M1-2D, [Q]M1-1, [Q]C2-1, C2-1, R3-1  
Proposed Zone: PPSP-SN  
Community Plans: Hollywood, Wilshire

This Appeal Reasons Summary is submitted on behalf of Mary Ann Biewener ("Biewener"). The appeal seeks rescission, vacation and set aside of Los Angeles City Planning Commission's Letter of Determination dated August 9, 2016 ("PC LOD") to the extent it would:

- (1) Approve Paramount's Tentative Tract TT-71751;
- (2) Affirm the Planning Advisory Agency's decision on June 6, 2016 ("Advisory LOD") to approve TT-71751 (subject to certain condition changes described in the PC LOD);
- (3) Certify the associated environmental impact report and mitigation monitoring plan ("EIR"), subject to the revisions in a later-provided errata amendment thereto ("July EIR Revisions"); and
- (4) Adopt revised findings in support of TT-71751 and the EIR ("Revised Findings"), including a Statement of Overriding Conditions ("SOC").

The PC LOD is appealed for abuse of agency discretion and failure to comply with due process and notice requirements, California Environmental Quality Act (Public Resources Code section 21000 et seq.) and associated regulations (14 Cal. Code Regs. section 150000 et seq.) (jointly, "CEQA"), the City of Los Angeles Municipal Code ("LAMC"), and other legal authority discussed below.

#### The Site and Surrounding Residential Neighborhood.

The Proposed Project site ("Site") includes 7 lots spanning 62 acres. The surrounding buildings, for a radius of approximately 0.5 miles, are very low lying structures. Both commercial and residential buildings are limited to one or two stories. While border streets of the Site allow commercial use, immediately beyond them are residences. The vast majority of the surrounding neighborhood is residential.

The Site looks today much as it has for decades. It includes open space areas and large swaths zoned Medium Residential. There are some existing commercial buildings on the Site, but they are generally low-lying studios set back sufficiently to be fully screened from the surrounding residential area by 18 foot high hedges and other mature tree landscaping.

**The Proposed Project.**

The Proposed Project has three primary components. First, it contemplates construction of almost 2 million square feet (1,922,300 square feet) of commercial facilities on the Site. The vast majority of this development – about 1,385,700 square feet – would be entirely new development. The new buildings would be allowed height and mass far in excess of the current buildings on Site and in the surrounding neighborhoods.

Second, the Proposed Project would include new mass marketing mega-signs, some made all the more massive by being installed in banks of six at one location. Several super-sized billboards are given special exemptions from existing signage requirements that are located blocks away from the gated Paramount complex and the Proposed Project building development

Third, because the Proposed Project is so massive and intrusive, it requires an entire rewrite of virtually all applicable land use, zoning, landscaping, green energy, water conservation, and signage requirements. These rewrites include entitlements beyond the Tentative Tract approved in the PC LOD. Among other matters, the Proposed Project includes a General Plan Amendment, the new Paramount Studios Specific Plan (including signage and a Historic Resources Preservation Plan), the related Zone Change and Code Amendment, landscaping requirements exceptions, and revisions to the Hollywood and Wilshire Community Plans. The last time the City made such an expansive set of changes to pave the way for commercial development in this area – the last Hollywood Community Plan Update – it had to be rescinded and vacated by Court order.

**Biewener Is Aggrieved Because She And Her Tenants Will Potentially Experience Significant Impacts From The Proposed Project, As Neighboring Residents .**

Biewener occupies and owns a 2-story residential duplex at the 600 Block of N. Plymouth, South of Melrose, in Los Angeles, California. The residential duplex is less than 380 feet from the Proposed Project. As a result of this proximity, Appellant and her tenants are directly impacted by each of the issues and violations discussed below. The problems described below also impact the entire neighborhood to which the duplex is inextricably tied.

**The Proposed Project Does Not Provide Overriding Conditions To Justify Imposing Such Severe Significant Impacts On So Many Neighboring Families.**

We request that the Commission not accept the Statement of Overriding Conditions. Paramount is on the block. Current plans involve a sale to foreign country interests. Yet, essentially, the Proposed Project is a bundle of special entitlement favors, designed to enrich Paramount even as it promises to cash out the monetary value of those favors and leave. The generous entitlement package sought in the Proposed Project would impose over 3 million square feet of commercial structures in the heart of a heavy residential area. In so doing, it would provide bundles of special exceptions from zoning and signage protections. The Development Agreement would also exempt future owners/developers from most permitting requirements (excluding only those specified in the PC LOD approval conditions). The Tentative Tract Map would make these

entitlement gifts more marketable still. It divides what is now essentially one big studio lot with limited gated access into 10 separately-marketable parcels. The portions of the Proposed Project to be developed across the street from the Paramount Lot, with all these special favor entitlements, some dressed with a full suite of retail uses (and even liquor for on and offsite consumption), also could be ready broken off and sold, with no real “studio” use assured in the least.

All these valuable entitlement gifts from the City. That price would be borne by the families living in the immediately surrounding neighborhoods. The EIR promises great harm to our citizens from the Project. That is what “significant unmitigable impacts” mean. There are thousands of children residing in and/or going to school in the impacted area – children who the EIR acknowledges will be forced to suffer significant air quality and noise impacts potentially interfering with their health and education. Further, the Proposed Project promises exceptionally burdensome transportation impacts. The EIR itself acknowledges (though understates) the problem. Already over-burdened Melrose will be jammed past the breaking point. Surrounding neighborhoods will suffer significant traffic intrusion into what had otherwise been safe residential areas for families with small children. Construction hazards invite disaster for, what is promised here, entire decades. Indeed, the entitlement documents (including the Development Agreement) allow about 25 years of constant construction. The associated significant impacts are not theoretical inconveniences. They threaten the health and well being of thousands of families living in the significant impact area.

Creating a special entitlement package for Paramount to sell off to the highest bidders, potentially in foreign countries, simply does not justify such great harm to the surrounding community.

**The Proposed Project’s Scale And Placement Create Significant Aesthetic Impacts Inadequately Addressed in the EIR.**

The Proposed Project’s overall development design, and building height, mass, density, and set back, are all incompatible with the surrounding architecture. The EIR does not adequately address the significant adverse aesthetic impacts that result. The photometric studies, pictures and maps attached to our prior Appeal of the Advisory LOD help illustrate just how dramatic, and out of character, the Proposed Project would be.

One way in which the EIR attempts to justify allowing elevations as high as 150 feet in the Proposed Project is to base compatibility on two buildings far too distant (about 19 blocks) from the Site: 321 Larchmont [Medical Building] (140 feet high) and 450 Rossmore [El Royale Apts., a unique historical building grandfathered-in] (160 feet high). Doing so is misleading and an abuse of discretion. Between those two distant buildings and the Project site lies more than 415 low-lying, predominantly single story homes (“Larchmont Heights”). Whether commercial or residential, the structures in this area right near the Project are two stories. All would be dwarfed by a series of 60 foot buildings (proposed with no set back along Melrose), let alone a 135 foot or a 150 foot building.

Notably, the hundreds of homes in the immediately adjacent Larchmont Heights are Neighborhood Conservation Areas under Interim Control Ordinance (ICO) Area 6 Larchmont Heights. Recent neighborhood surveys, submitted to this Record, found that nearly 80% of these

residences, whether one-story or two-story, would be contributors in an HPOZ (Historic Preservation Overlay Zone).

The historic survey and cultural impacts analysis provided in the EIR must consider the overall historic value of this neighborhood, whether or not already formally recognized by the City as an HPOZ.

CEQA and the National Parks Historic Preservation Standards, discussed further below, require instituting construction design controls to ensure that the scale and placement of the new construction do not overwhelm neighboring historic resources. Those controls are missing from the Proposed Project, and in particular from the proposed Paramount Studios Specific Plan that the Tentative Tract Approval explicitly relies upon. This presents yet another reason the PC LOD approvals were an abuse of agency discretion and must be vacated.

Nor do the EIR and MMP take advantage of feasible mitigations or alternatives to reduce significant aesthetic impacts. Setbacks along the southern property boundaries should be increased by at least another 5 ft. Further screening landscaping also should be required. These are, on their face, feasible measures that help mitigate view and light impacts.

These same mitigation measures also would reduce noise and air quality impacts from the screened structures, and thus should be used as noise and air quality mitigation measures as well.

**The EIR Fails To Address The Noise, Parking, Traffic, Emergency Access, and Safety Impacts Associated With “Plymouth Gate”.**

The Proposed Project includes a 150-foot high, 30,000 square foot office building with integrated parking. Access to the parking is on a fire lane connecting the Paramount Site to Melrose. This fire lane is currently required for emergency access. This access road links to Melrose right by Plymouth Boulevard and Melrose (“Plymouth Gate”). Plymouth just south of Melrose consists of one- and two- story residences.

The Final EIR presumes, without support, that Paramount employees and guests will generally not use Plymouth or other residential streets to access Plymouth Gate, but instead rely on Melrose for access. The unsupported notion espoused there is that a slight “T” of a few feet (less than a quarter of a block) between Plymouth and the Gate along Melrose would magically prevent people from using Plymouth. This unsupported assumption is completely contradicted by the recorded statements and testimony of neighbors, who have repeatedly witnessed Paramount employees and guests using neighboring residential streets as an alternative to Melrose. Additional traffic congestion on Melrose introduced by the Proposed Project (and Related Projects) can only exacerbate this problem. Moreover, the additional traffic to/from the Plymouth Gate, on Plymouth and elsewhere, will impede an emergency access route. Obstruction of emergency access compounds the safety concerns.

**The Proposed Project’s Addition Of Almost 1.4 Million Square Feet Of New Commercial Facilities Will Create Significant Transportation Impacts Inadequately Addressed In The EIR And MMP.**

Traffic and pedestrian safety impacts were insufficiently addressed in the EIR and associated transportation study, both during and after construction. This concern applies to the entire

potential impact regions and associated intersections, including, without limitation, Melrose and the neighborhood south of Melrose, including Irving, Bronson, Windsor, Plymouth and Clinton. (With respect to Melrose, that avenue is already overburdened and, in part because so narrow, cannot take on additional traffic flow.) There are virtually no meaningful new traffic improvements proposed for these locations -- just a few modest upgrades of pre-existing signals and conversion of a portion of the existing street into a dedicated right-turn lane at Gower and Melrose. This leaves significant traffic and associated safety impacts largely unaddressed. Surely a huge studio of Paramount's stature could afford some basic transportation and safety mitigations to better address these problems; the feasibility of included further traffic and associated safety improvements was never really in question.

**The Historic Preservation Plan And Associated New Construction Design Standards Need To Be Expanded To Comply With CEQA As Well As Local And State Historic Preservation Standards.**

The Proposed Project would have significant historic preservation impacts in two potential historic districts and the individually eligible KCAL Building. Per National Park Service historic preservation standards ("Standards"), introducing a new building or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character is not recommended. According, in addition to preservation efforts, the PC LOD should have conditioned approval on incorporation of new construction design standards, to ensure that historic relationships and features are retained and sensitively incorporated into new development. Further, the construction design standards should require a transparent review process that involves both the City's Office of Historic Resources and the Los Angeles Conservancy.

The Proposed Project's planned construction by the historic KCAL Building is exactly the type of massive new construction that would overwhelm the historic resources by them, and thus is inconsistent with the Standards and historic resource impact mitigation requirements under CEQA. The Proposed Project currently would allow a new structure (up to 15 stories and 150 feet in height) to be constructed behind the KCAL Building, greatly exceeding the otherwise 75-foot height limit established for this zone.

In addition, Stages 19, 20 and 21 are perhaps the most visible aspect of the Paramount Pictures Main Lot to the public. The Stage 21 Studio Globe is an iconic element *as part of the Paramount Pictures Main Lot*. Moving it offsite adversely affects its cultural significance. It also is important in terms of the historic significance and evolution of studio production and use at this location over time. This important façade wall needs to be maintained, where it is, for historic preservation purposes.

**The EIR Fails To Disclose And Address Significant Aesthetic, Blight, And Safety Impacts Associated With The Proposed Project's Signage.**

The Proposed Project would create a cluster of mass marketing signs on the Site, akin to the futuristic billboard landscape in the Sci-Fi horror film *Brazil*. Mass marketing media signs are designed to grab the attention of as many people as possible. To make their appearance more massive still, at certain locations the mega-signs will be banked right next to each other, six in a row. The signs will be elevated or positioned on the walls of the new multi-storied buildings (60 to 150 feet tall) to be seen from the distance. The low-rise (1 to 2 story) nature of the

surrounding neighborhood exacerbates the impact, in that the signs will be visible from the entire residential (and commercial) area.

Throughout the Site, these mega-signs will project attention-arresting images of whatever level of bare skin and gore sells best. Advertising images, or the structures designed to feature them, will block and replace current views of the Hollywood Hills and/or lovely historic buildings. Families in surrounding homes will have no respite in their yards or bedrooms, day or night, from these advertising images or the attendant light and glare. Sleep patterns of young children and others will be disrupted. Drivers on already-congested streets filled with pedestrians will be distracted, causing further traffic delays and accidents. The new cluster of mass marketing signs will change and blight the overall character of the surrounding neighborhoods.

The EIR and CEQA findings fail to adequately disclose or mitigate the aesthetic, blight/urban decay, and pedestrian and traffic safety issues associated with the proposed new cluster of mass marketing signs.

Further, the EIR, findings and MMP improperly rely on an undisclosed future illumination plan. The EIR needed to specify the illumination plan. Failure to do so improperly defers mitigation planning or, to use different labels for the same net effect, failure to provide sufficient description of mitigating elements included in the Project Description. EIR commenters like Appellant and responsible and commenting agencies need to see illumination plan and have an opportunity to comment on whether it is sufficient *before* the EIR is certified and the MMP is adopted. The governing body of the Lead Agency also needs to see this plan to evaluate and confirm its efficacy, *before* it can provide meaningful CEQA Approvals.

The EIR also fails to adequately consider whether the cluster effect of so many lit mega-signs on the Site would, collectively or cumulatively, create adverse aesthetic impacts as to light and glare, day or nighttime views, or the visual character or quality of the Site and surrounds. Instead, the EIR focuses on impacts from *individual* sign impacts, and cumulative ambient light and glare from a list of Related Projects assembled for traffic analysis purposes. (Final EIR p. III-162) This issue was identified long before the draft EIR was put in "Final" EIR form, but not properly addressed in that "Final" EIR. The Staff Report to the Planning Commission on our prior appeal does not respond to this issue either. Instead, it focuses on what would be a significant cumulative lighting/glare impact, given the urban nature of the environment. This focus begs the issue. The circulated EIR, not a last minute Staff Report, is supposed to study and identify significant cumulative impacts. The Staff Report suggests that background illumination levels may already be significant, thus cumulative impacts would be irrelevant. This conclusion is the *opposite* of what CEQA requires. Where background impacts are already severe, a small individual impact is even more likely to create a *cumulative* impact, and must be studied in the EIR. (See, e.g., *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 119-120.)

**The EIR Lacks Necessary Information On Required Infrastructure Improvements; The EIR Improperly Defers Mitigation; And Removal Of Standard Permitting Requirements Undermines Reliance On A Vague Master Plan EIR.**

The EIR lacks any meaningful description of the specific infrastructure needed to support such a massive new development (over 3 million square feet in the aggregate). This information gap is



discussed in our comments submitted immediately prior to the Planning Commission meeting on the Proposed Project.

The EIR attempts to excuse the lack of City-services/utilities infrastructure information by promising that the developers/future owners will look into it later. But without this information, no meaningful assessment by the public or decisionmakers can be made as to what the actual full environmental impacts of the Proposed Project are. The EIR thus improperly “piece-meals” study of impacts from sewer, utilities, and other infrastructure improvements that will be needed to support the massive Project, and improperly defers mitigation.

Similarly, for virtually every significant impact, mitigations relied on in the PC LOD are not actually described. Rather, they are presented as ideas to be turned into plans in the future, without any public or governing body direct review and input as to efficacy or adequacy – in violation of CEQA. This concern includes mitigations for: (a) aesthetics/visual quality and views/cultural resources and (b) both during and after construction: hazards/hazardous materials, noise, air quality/greenhouse gas emissions, public services, traffic, access and parking, utilities and service systems (including water supply, wastewater, solid waste, energy, and sewer systems). This violates CEQA.

Similarly, the Proposed Project is vague and changeable, at will, by future developers/owners. This extreme changeability is illustrated in the Development Agreement for the Proposed Project. That agreement expressly allows the future developers/owners of any part of the Proposed Project to put any commercial use anywhere any partial developer/owner wants (even, taken literally, at greater density levels per use than otherwise allowed, though we hope this was not the City’s intent). Such changeability impairs meaningful CEQA review. It is hard for the public or decisionmakers to evaluate a project that is nebulously described, in essence, as anywhere for almost anything.

Master plan level EIRs can deal with *some* uncertainty, as long as specific project level EIRs (or similar CEQA studies) are intended to be forthcoming going forward. Here, however, Development Agreement waives normal City permitting requirements. Only specific permits and City approvals identified in the PC LOD would be required. Such permits/approvals are generally needed to trigger specific project level CEQA studies. In essence, the Proposed Project would excuse each future developer/owner from doing specific construction level studies, though necessary to support the otherwise too-vague master plan study endorsed in the PC LOD.

#### **The EIR Requires Recirculation.**

The July EIR Revisions identify new significant unmitigable impacts omitted from the critical list of such impacts in the previously circulated draft EIR. The list was revised to include “Caltrans facilities based on supplemental Caltrans analysis.” Disclosure of new significant unmitigable impacts requires recirculation under CEQA.

#### **The PC LOD Does Not Comply With CEQA On EIR Certification Procedures, And The Byzantine Approval/Appeal Process In Various City Departments Raise Further Due Process, Notice, And Potential Authority/Jurisdictional Concerns.**

The Advisory LOD purported to provide full certification of the entire EIR. It was signed by a Deputy Advisor, a staff member, of the City Planning Department. For the reasons set forth in

our prior administrative appeal (dated June 16, 2016), this was not a proper EIR certification by the governing body of a properly designated lead agency under CEQA.

The PC LOD now claims that it, and thus *not* the Advisory Agency, is certifying the EIR as the purported governing body of the purported Lead Agency. At the same time, the Planning Commission's determination on related case CPC-2011-2462-DA recommends that the *City Council* "certify and adopt the EIR". Meanwhile, the Notice of Preparation designated the City of Los Angeles as the Lead Agency. The NOP is where the lead agency is required to be designated under CEQA, *before* scoping. Along the same lines, the PC LOD itself states that the "City" is the lead agency (see PC LOD p.6). This would mean that the City Council, and not the Deputy Advisor or the Planning Commission, is the governing body for certification purposes under CEQA. CEQA does not contemplate multiple certifications of an EIR as complete; it must be done once, by the governing body of the actual lead agency – here, the City Council.

Any and all approvals of the Proposed Project, or parts thereof, cannot be validly made until the City Council, as the governing body of the Lead Agency, certifies the EIR.

This issue goes to the heart of providing clear and meaningful disclosures to, and being open to input from, the public, as required under CEQA. Just who certifies (certified?) the EIR and when in the complex maze of City proceedings has been hopelessly garbled. So too has the approval of the Proposed Project. Various departments, individuals, and commissions have held hearings or meetings and issued determinations on various pieces of the Proposed Project, and at the same time make recommendations for others to approve other pieces. At the same time, from the Deputy Advisor staffperson on, each level of administrative review purports to separately certify the EIR. Even now, the PC LOD purports to certify the EIR, though the Deputy Advisor claimed to have already done so in the Advisory LOD (without the July EIR Revision), and the Planning Commission "recommends" in its various August 9, 2016 determinations that the *City Council* itself certify the EIR as complete, at some date months later. Some parts of the Proposed Project will not go before the City Council at all for approval, even as the EIR and other parts will.

All this slicing and dicing of parts of the Project for approval at various times, before it even gets to the City Council, is unnecessary. The various departments and commissions, such as the Advisory Agency and Planning Commission, could have simply recommended approval and certification of the portions before them to the City Council. Instead, the Advisory Agency, and now the Planning Commission, has purported to finally certify the EIR and approved the Tentative Tract (among other matters), even though the City Council will still have to review the EIR in order to issue final necessary approvals for the Proposed Project anyway. The net effect of prematurely purporting to certify the EIR is to curtail public input prematurely. By purporting to "certify" the EIR as complete back in June 2016, the City created the perception that any comment after that would be too late. The PC LOD attempts to close the same door, again, as of August 9, 2016. Both efforts discouraged further comment and public participation on the EIR (absent this appeal).

Another outgrowth of this procedural approval maze is that, in the great shuffle, CEQA hearing requirements were not strictly complied with. The full EIR, *with* the July EIR Revisions, did not have a public hearing (though required under CEQA).

Beyond this, approval of the Tentative Tract goes beyond merely approving a subdivision to create 10 new lots. The PC LOD essentially approves the whole Proposed Project, even though the Planning Commission clearly does not have designated City authority to do so. The approval appears to include “construction of up to 1,922,300 square feet [of commercial buildings]..., under the guidance of the Paramount Pictures Specific Plan ... in the Hollywood and Wilshire Community Plans.” (The Commission’s warning that zoning aspects are subject to further review does not really address this issue, since it is approving the construction without the value of such later further review.)

For all the reasons stated in this Appeal Reasons Summary, we respectfully request rescission, vacation, and set aside, as abuses of agency discretion, of the PC LOD’s certification of the EIR; adoption of the Revised Findings; and approval of the Tentative Tract.

We note that many of the concerns raised in this Appeal were first raised during scoping back in 2011, but remain unaddressed to this day. This Appeal is intended to supplement, not waive, concerns raised by Appellant (or others) in prior comments or appeals.

There was a short 10-day limit from the mailing date of the PC LOD to file this Appeal. During this time period, no transcript of the Commission’s hearing/meeting was available. Nor were redlines provided in the PC LOD mailing to show changes made to the Tentative Tract and other Project entitlement documents. Appellant reserves the right to present, prior or during the hearing on this Appeal, inconsistencies between the Tentative Tract and other Project documents/entitlement and/or the Planning Commission vote at its July 14, 2016 meeting. Appellant also reserves the right to submit further supplemental information supporting this Appeal prior to or during the hearing.

Thank you for your consideration.

LAW OFFICES OF BETH S. DORRIS

By   
Beth S. Dorris

August 17, 2016

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