Law Offices of Beth S. Dorris
3226 Mandeville Canyon Road
Los Angeles, California 90049

October 11, 2016

Hand-delivered to Los Angeles City Clerk before 10:00 am

Re: Supplemental Comments on Paramount Pictures Project ("Project"); CEQA No.: ENV-2011-2460-EIR ("EIR"); Council Files 16-0876, 16-0876-S1, 16-0876-S2, 16-0876-S3, 16-0876-S4, 16-0876-S5; Address: 5555 Melrose Avenue, Los Angeles; Appeals on Behalf of Mary Ann Biewener

Dear Councilmembers:

These comments supplement our prior comment letters on July 14, August 23, September 14, and September 27, 2016; the supporting historic surveys, Google maps, and signage impact studies submitted in 13 emails to the City Clerk (Sharon Dickinson) on August 29, 2016; the supporting documents concerning general plan amendment requirements on October 7, 2016; and our two administrative appeals on the Tentative Tract from the Project. These comments also supplement the comments by Mary Ann Biewener throughout the EIR review process.

As explained in our prior comments, the proposed Project would permit the future owners of more than 10 lots to swap retail, office, residential, alcoholic sale rights, and other uses at will. Further, the proposed Project would allow future owners to place buildings of varying heights (all significantly taller than virtually all the immediately surrounding buildings) wherever they want, among a host of siting options for each tower. The Project also removes most permitting and Community Council design review requirements. In so doing, the City and its EIR fail to specify a stable, accurate, and finite Project Description. By granting so much flexibility to the future owners, the City's decision makers and the public have been deprived of participating in a meaningful environmental review process. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405. An "accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655, *quoting County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. It was just this type arrangement that prompted Judge Chalfant to invalidate approvals of the Millennium Project (also in C13 in Los Angeles), due to an "inchoate envelope" instead of a finite project description as required under CEQA.

We appreciate your consideration of this matter.

Beth S. Dorris,
Law Offices of Beth S. Dorris

Law Offices of Beth S. Dorris
3226 Mandeville Canyon Road
Los Angeles, California 90049

September 27, 2016

Supplemental Comments on Paramount Pictures Project ("Project")
CEQA No.: ENV-2011-2460-EIR ("EIR")
Council Files 16-0876, 16-0876-S1, 16-0876-S2, 16-0876-S3, 16-0876-S4
Address: 5555 Melrose Avenue, Los Angeles, CA
Appeal on Behalf of Mary Ann Biewener ("Appeal")

Dear Councilmembers:

These comments concern all entitlements proposed as part of the Project, including without limitation the Project's proposed Tentative Tract ("TT") and the Specific Plan, General Plan Amendment, and zoning changes on which the TT relies.

Under Government Code section 66474.61, "the advisory agency ... shall deny approval of a tentative map ... if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
(b) That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.

Here, there is no question that the TT is inconsistent with the existing General Plan and applicable Community Plans and zoning. That is the reason amendments and other changes to said plans and zoning are part of the Project. The TT approvals themselves recognize this inconsistency, by relying on hypothetical general, specific, and community plans different from those in effect at the time.[1]

As we indicated in our first appeal, the Advisory Agency was not permitted to approve the TT based on the plans and zoning in effect at the time of its action. The proposed amendments and changes to said plans and zoning, on which its TT approval determination relied, will not be in place, if at all, unless later approved by the full City Council. The Planning Commission's affirmation of the Advisory Agency's approval was subject to the same limitation. (Gov. Code section 66474.61.)

Nor are such future theoretic Plan changes legitimate project conditions for a tentative tract map. One cannot presume that the applicant will subsequently obtain approval of General and Specific Plan amendments. *Woodland Hills Residents Assn., Inc. v. City Council of Los Angeles* (1975)

[1] We detailed various major inconsistencies between the Specific Plan and other Project entitlements with the pre-existing General Plan and associated community plans in prior comments. The plan inconsistencies not only invalidate the TT and Specific Plan, but the EIR's land use analysis.

44 Cal.App.3d 825, 838 (absence of statutory finding required invalidation of the approval). The TT's approval by the Advisory Agency, and later affirmation by the Planning Commission, were premature. These actions involved impermissible prejudgment or, as characterized by the Supreme Court, "*post hoc* rationalization." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.) In essence, the Advisory Agency and Planning Commission have "the process exactly backward". (*Berkeley Keep Jets Over the Bay v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1371.)

For that matter, the proposed General Plan Amendment and associated Specific Plan cannot be validly adopted, even in the future. The Los Angeles City Charter and Municipal Code both prohibit General Plan amendments unless "the part or area involved has significant social, economic or physical identity. (LA Charter section 555; LAMC section 11.5.6 ("GPA Code Provisions").) The concept is to prevent spot zoning to reward and enrich individual owners with entitlements that normal zoning does not allow. Here, the proposed Project site is not limited to the Paramount studio main lot, but includes various other lots (and offsite billboards) nearby, some of which are zoned residential. Further, the TT and associated Specific Plan is designed to break up the Paramount main lot into little pieces, most of which could then be sold off for non-studio uses such as office, retail, and liquor consumption – that is, common uses not the least bit unique to this area. Indeed, even "studio" use is not unique to the Paramount main lot, but rather common to much of the surrounding industrial properties as well.

As an additional procedural concern, we note that the Applicant, the current landowner, initiated the General Plan Amendment. Yet a General Plan Amendment cannot be initiated by the applicant, but only on the formal request of the Council, the City Planning commission or the Director Planning itself, with a formal report thereon meeting specific GPA Code requirements. This makes the TT approval all the more speculative, premature and unsupported.

We appreciate your consideration of this matter.

Regards,

Beth S. Dorris,
Law Offices of Beth S. Dorris

Law Offices of Beth S. Dorris
3226 Mandeville Canyon Road
Los Angeles, California 90049

September 14, 2016

Supplemental Comments on Paramount Pictures Project ("Project")
CEQA No.: ENV-2011-2460-EIR ("EIR")
Council Files 16-0876, 16-0876-S1, 16-0876-S2, 16-0876-S3, 16-0876-S4
Address: 5555 Melrose Avenue, Los Angeles, CA

Dear Councilmembers:

Two key issues, alluded to in prior comments and discussions, are worth highlighting to the full Council.

First, the Specific Plan and EIR allow future owners to choose among multiple locations for a *single* 150-foot office tower. One alternative site for this tower is right by Plymouth Gate and the historic KCal building ("Plymouth Alternative Site"). As explained in prior comments, the Plymouth Gate is narrow and relies on a fire access road, thus raising traffic congestion, intrusion, and emergency access impairment concerns. Further, the Plymouth Alternative Site would cause the 150-foot office tower to loom over the historic KCal building and surrounding 1-2 story (largely residential) buildings in a historic zone. The Plymouth Alternative Site thus imposes aesthetic and cultural historic impacts, as well as significant air quality, noise/vibration, traffic intrusion, and other transportation impacts on the surrounding community. It is a particularly impacting location.

Other sites for the 150-foot tower, expressly approved in the Specific Plan and EIR, are available along a long swath in the Main Lot on Melrose, roughly between the Bronson Gate and Van Ness ("Bronson Alternative Sites"). The Bronson-Van Ness stretch allows for more than one footprint that could accommodate a 150-foot tower. On this stretch, the tower would be across from (a) the new multi-story parking structure on the S. Bronson Lot and (b) the 5-story Raleigh Studios industrial area. The commercial and residential area across Van Ness is not historic. This area across Van Ness also could be much farther removed from the 150-foot tower than the 1-2 story historic buildings across from the Plymouth Alternative Site -- especially if the proposed 150-foot tower is located on the western portion of the Bronson Alternative Sites.

In sum, the Bronson Alternative Sites are much less impacting, on their face, than the Plymouth Alternative Site. Yet the EIR and associated Findings ignore this self-evident, feasible opportunity to provide a less impacting alternative, and reduce and mitigate aesthetic, cultural/historic, transportation, noise/vibration, and air quality impacts.

Second, the community remains deeply concerned about transportation impacts that are ignored or underreported in the EIR. This stems at least in part from the intrinsically flawed nature of the transportation study relied on in the EIR. That study ignores what makes this particular Project Site virtually unique in Hollywood and the immediately surrounding areas: there is no east-west

bound public street for at least one-half mile. North of Melrose, between Gower and Van Ness, one has to travel a full half mile to Santa Monica Blvd. before one can cross east-west. The following screenshot comes from Google Maps:

Nowhere does the transportation study adjust its presumptions or methods of calculations, let alone the final tallies of vehicle trips and other projections, to reflect this extraordinary situation.

We respectfully request you decline to certify the EIR or approve the Project, for the reasons provided above and in our prior comments and appeals.

LAW OFFICES OF BETH S. DORRIS

By _____
Beth S. Dorris

Law Offices of Beth S. Dorris
ATTORNEY AT LAW
3226 Mandeville Canyon Road
Los Angeles, California 90049
(310) 476-4761
beth.dorris@aol.com

August 23, 2016

City of Los Angeles City Council ("Council") PLUM Committee ("PLUM")
Attn: Sharon Dickinson, PLUM City Clerk
sharon.dickinson@lacity.ca.org

Re: Council File No. 16-0876
Paramount Pictures Project ("Proposed Project")
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
CPC File Nos: CPC-2011-2462-DA
CPC-2001-2459-CPA-ZC-SP-SN-CA
TT-71751-1A
CEQA ENV-2011-2460-EIR
Pending Dorris/Biewener Appeal to City Council, TT-71751-2A, CEQA ENV-2011-2460-EIR

Dear PLUM Councilmembers:

This comment letter is submitted on behalf of Mary Ann Biewener ("Biewener"). Ms. Biewener is one of many residents living right by the Proposed Project. We have appealed to the City Council the Los Angeles City Planning Commission's Letter of Determination dated August 9, 2016 ("PC LOD") purporting to approve Tentative Tract 71751 and certify the EIR for the Proposed Project. This comment letter concerns the Commission's Letters of Determination, also issued on August 9, 2016, purporting to:

(1) Approve the Specific Plan, General Plan Amendment, Zone Change, and any other entitlements for the Proposed Project;
(2) 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");
(3) Adopt revised findings in support thereof ("Revised Findings"), including a Statement of Overriding Conditions ("SOC");
(4) Approve the Development Agreement (collectively, "Project Approvals"); and
(5) Recommend to the Council that it approve, adopt, and certify the Project Approvals.

We respectfully submit that the Project Approvals should not be given. Doing so would be an abuse of agency discretion and would not comply with applicable laws, including: Government Code sections 65451, 65455, and 65867.7, and associated OPR Guidance (referenced below); 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"); due process and notice requirements; and other legal authority discussed below.

The Site and Surrounding Residential Neighborhood.

The Proposed Project site ("Site") spans 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, on certain lots closest to the bordering residential neighborhoods, large swaths zoned residential. There are existing commercial buildings on the Main Lot, 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 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 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.

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. The rewrites include a General Plan Amendment, the new Paramount Studios Specific Plan (including signage and a Historic Resources Preservation Plan), a Zone Change and Code Amendment, landscaping requirements exceptions, and subdivision of the Paramount Main Lot into 10 separately marketable lots. 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.

1. The Specific Plan Does Not Meet Basic Legal Requirements For A Valid Specific Plan.

The Specific Plan does not meet the statutory requirements of Government Code sections 65451 and 65455, for the reasons set forth below.

a. The Specific Plan Does Not Adequately Define The Major City Infrastructure Components Needed To Support The 3.8 Million Square Foot Complex.

The Specific Plan lacks the maps, diagrams, and other materials needed to adequately describe the distribution, location, extent, size, cost, and financing of the major infrastructure components needed to serve the project. Energy and solid waste facilities are overlooked. Yet the Proposed Project, when completed, will result in a 3.84 million square foot development in the Paramount Studio lot, where virtually no infrastructure improvements have been introduced for decades. Sewers, water lines, and other pipelines and utilities are strained to the maximum as is. That these components are essential is set forth in OPR's Guidance on what must be contained in Specific Plans to comply with the Government Code sections 65451 and 65455. (*See* https://www.opr.ca.gov/docs/specific_plans.pdf.).

The supporting EIR also glosses over this subject. The EIR offers to later provide sewage and other infrastructure if needed, with no effort to determine what is needed where, let alone the impacts of building this infrastructure. Exactly where the infrastructure will go, how big it will be, how long the already burdened streets would need to be closed, and specifically what if any offsite plant utility

improvements would be needed – all this and more is critical information that is missing. This information is required for a legally adequate Specific Plan (and EIR, discussed below).

The infrastructure detail missing from the Specific Plan has not just legal, but also practical ramifications. During the 22- plus year construction period allowed for the Proposed Project, there will necessarily be other infrastructure repairs and improvements that are *not* part of the Proposed Project (e.g., repaving, pipeline repairs/installation, utility undergrounding, substation/plant improvements) ("Other Infrastructure Projects"). A valid specific plan should have enough information on the location and timing of infrastructure improvements associated with the Proposed Project to allow and promote coordination with Other Infrastructure Improvements, to avoid unnecessary or prolonged separate shut-downs of rights of way and impacted portions of utility lines and plants. Such coordination is not possible here, because the Specific Plan here is missing infrastructure improvements maps and descriptions. As a result, the surrounding community will be forced to suffer unnecessary and prolonged interruptions of essential rights-of-way and utility services.

b. <u>The Specific Plan Does Not Address Inconsistencies With The General Plan and Community Plans.</u>

The Specific Plan itself fails to adequately detail the relationship of the Specific Plan to the General Plan and associated Community Plans, including consistency between both plans and a comparison of goals, objectives, and policies. This too is a critical requirement for Specific Plans under the Government Code sections 65451 and 65455, as further explained by the OPR Guidance.

In fact, the Specific Plan is inconsistent with the goals and policies of the General Plan and Wilshire and Hollywood Community Plans in many ways, not addressed in either the Specific Plan or the Findings:

- The General Plan Air Quality Element Goal AQ 1 is "Protection from exposure to harmful air pollutants." The EIR recognizes significant unmitigable air quality impacts from the Specific Plan development in direct contradiction of AQ 1.
- The General Plan Air Quality Element expressly relies on implementation of the County of Los Angeles' Energy and Environment Program ("EEP") to meet its goals. That program in turn requires an annual 20% reduction of water and energy use citywide. The Proposed Project would necessarily increase water and energy use with the development of almost 2 million square feet of intensely used commercial and retail structures and unspecified additional landscaping. This creates an inherent conflict between the Specific Plan and the EEP, State Water Resources Control Board drought regulations (which still apply), and the General Plan.
- The rosy picture of commercial wealth and expansion, which the Specific Plan promises the owners of the Proposed Project, does not take into account the urban decay/blight on surrounding properties associated with the massive billboard/signage program in the Specific Plan (see Section 5.f below).
- More generally, the Specific Plan is inconsistent with General Plan goals and policies to protect health and safety in the surrounding community. The EIR specifically acknowledges significant adverse impacts on air quality during construction (lasting 22 years, and thus *not* "short-term" and requiring a health study), noise/vibrations, and transportation – all of which adversely affect health and safety.
- Nor does the consistency discussion address the adverse effects on aesthetics/cultural resources and urban decay/blight (*see* Section 5.f below), which along with the air quality, noise/vibration, and transportation impacts, adversely effect the quality of life in the surrounding community. This means that the Specific Plan runs counter to General Plan goals and policies to protect high quality of life.
- The Specific Plan does not delineate landscaping requirements. The EIR (including the MMP) also defers any meaningful delineation of exactly what landscaping is required. As a result, the

Proposed Project is potentially inconsistent with both Community Plans and the General Plan's landscaping goals and policies. Further, because unidentified, the landscaping may be inconsistent, and in violation of, State Water Resources Control Board water preservation and drought regulations.

- The plans for the Windsor and Bronson lots, in CD4, are jarringly different than surrounding low-rise traditional residential homes of 1 to 2 stories. Under the Specific Plan, these lots would be precluded from the Urban Design Standards and Review process otherwise required under the Wilshire Community Plan ("WCP"). Such review is needed to assure compatibility with the existing historical residential zone by the neighborhood organizations directly adjacent to these commercial properties, as discussed further below.
- As discussed above, the Specific Plan results in significant unmitigable environmental impacts identified in the EIR, all of which directly affect the safety, security, and high quality residential environment. In this respect, the Specific Plan directly conflicts with WCP Goal 1. Goal 1 is to "provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire Community."
- The EIR acknowledges (though understates) significant impacts on the surrounding residences from access, parking, intersection LOS, and neighborhood intrusion – during and after construction. These impacts from the development contemplated by the Specific Plan directly conflict with WCP requirements to:
    - "Locate access to major development projects so as not to encourage spillover traffic on local residential streets" (WCP page III-2, 1-3.4);
    - "Incorporate Neighborhood Traffic Mitigation Plans (NTMP) for major development and provide LADOT assistance to neighborhoods in design of NTMPs (WCP page III-4); and
    - "Provide a well-maintained, safe, efficient freeway, highway and street network. (WCP Goal 3, at p.111-3).
- The signage regulations in the Specific Plan directly conflict with WCP's signage goals and other requirements (WCP Chapter 5, section G, pp. V-13 to V-14). Among other matters, the WCP requires "all signs to relate harmoniously to the building they reference" and that the City "[e]nsure that public signage complements, and does not detract from adjacent commercial and residential uses. *(Id.)*
- The Specific Plan allows on and offsite alcohol consumption for the Main Lot, Windsor Lot, and South Bronson Lot. (*See* Specific Plan at p. 40.) For that matter, under the Land Swap provisions, alcohol service arguably can be placed anywhere. In this respect, as well, the Specific Plan is inconsistent with WCP goals and policies to protect the character and "quality" of the surrounding residential neighborhood, especially to the south of the Site.

c. <u>The Specific Plan Does Not Discuss Implementation Of Pre-Existing General Plan Policies.</u>

The Specific Plan also fails to adequately discuss how the plan implements the policies of the General Plan. This is required for the Specific Plan to meet standards in Government Code sections 65451 and 65455, and under the OPR Guidance.

d. <u>The Specific Plan Contains Virtually No Actual "Specifics" Due To Poorly Drafted "Land Swap" Provisions.</u>

The City should place limits on uses in a Specific Plan. Instead, the Specific Plan allows unlimited Land Use Swaps. As worded in the Specific Plan, the Land Use Swap arrangement is little more than an open door to any use, regardless of who owns any of the more than dozen separate lots contained in the Specific Plan area. Under the Specific Plan and associated Development Plan, future owners could turn the entire 62 acres into an amusement park or a giant retail complex, and serve alcohol for on and offsite

consumption anywhere and everywhere. The City is essentially ceding to various future owners of multiple lots the City's land use authority over 62 acres, throughout the duration of the Specific Plan.

Sadly, giving the owner(s) such freedom from normal City land use regulation is an *invitation* to the current owner, Paramount, to leave. The entitlements granted are so valuable and long-lived, that the wise business decision would be to cash them in rather than continue with lower-return studio use.

e. <u>The Specific Plan Creates An Unlawful Signage District</u>.

Originally, the Specific Plan treated the special signage exemptions proffered to the various future owners of the many lots in Site as a "signage district". Under LAMC 13.11, creation of a new signage district, especially for the types of mega-signs allowed under the Specific Plan, requires meeting standards. Those standards are not met here. In fact, there are no findings that the LAMC signage district standards are met here. To hide this flaw, the Planning Commission, on Staff's recommendation, relabeled the signage district as "signage regulations." Whatever the label, the regulations actually do create one big new signage district over the Special Plan area (plus at least two off-site billboards) and then 11 subdistricts. The Commission did not make the findings necessary to support creation of a new district, let alone 11 of them.

We note that at least two existing billboards, offsite from the Paramount Main Lot, are allowed to be replaced and modernized under the Specific Plan. This would be an exception from the offsite sign ban, and thus requires special findings that are not provided or supported. Further, it suggests that the Specific Plan, with or without the label "sign district", is essentially contributing to an overall pattern of specific plans and sign districts in this region of the City that undermines the sign ban.

3. <u>Development Agreement and Other Entitlement Documents</u>.

The time frame of the Development Agreement – 22 years -- is too long. Paramount may change the nature of its business entirely or be acquired by a foreign country. The City should include an option to terminate the agreement earlier. The City also should place limits on uses (as required by statute), rather than allow unlimited Land Use Swaps that could turn the entire 62 acres into an amusement park or a giant retail complex. The Land Use Swap arrangement is little more than an open door to any use. The City is essentially ceding to a private business its entire land use authority over 62 acres, for 22 years. Sadly, doing so is an *invitation* to Paramount to leave. The entitlements granted are so valuable and long-lived, that the wise business decision would be to cash them in rather than continue with lower-return studio use.

We request that the City require the Developer to pay more towards the impacted residential neighborhoods. Neighbors are being asked to endure tremendous burdens. Children will be exposed to significant air quality and noise impacts for 22 years of construction under the Development Agreement. Traffic on already-overburdened thoroughfares and traffic intrusion into the residential streets will come to a halt.

Further, the Development Agreement is inconsistent with objectives, goals and policies in the General Plan and associated Community Plans, contrary to Government Code section 65867.5. The plan inconsistencies described in Section 1.b above apply equally to the Development Agreement.

As for the other code, ordinance, plan, map, and zoning changes associated with the Proposed Project, they are subject to the concerns expressed elsewhere in this letter or our prior comments and appeals on building height, setbacks, intensity, historic preservation, Land Use Swap, plan inconsistency, CEQA noncompliance, and signage.

4. 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 3.8 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 Specific Plan's Land Swap and unique permitting provisions would also exempt future owners/developers from most normal permitting requirements. 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 come at a price. 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, transportation, and noise impacts potentially interfering with their health, safety and education. Further, the Proposed Project promises exceptionally burdensome transportation impacts. The EIR itself acknowledges (though understates) the problem. In addition, 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. (The Development Agreement contemplates at least 22 years of construction.) The associated significant impacts are not theoretical inconveniences. They threaten the health and wellbeing 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.

5. The EIR Does Not Comply With CEQA.

As explained below and in our prior comments and appeals, the EIR does not adequately analyze or mitigate transportation, aesthetic/cultural, air quality, and noise impacts, or address the blighting/urban decay effects of the Project's massive signage program.

a. A Full Formal Health Study Is Needed For Significant Unmitigated Construction Impacts On Air Quality.

The EIR found significant air quality impacts throughout construction. It excused itself from a health study, however, on the theory that construction impacts are only "short term". According to the Development Agreement, construction impacts will continue for at least 22 years. That is not short term. A full formal health study is needed for the air quality impacts.

b. 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.

We appreciate Staff's recommendation to lower the building height maximum to 150 feet. Lowering the maximum to 135 feet, however, would better alleviate the incompatibility with the surrounding 1- and 2-story structures. Most of these surrounding structures are historic and part of existing or pending HPOZs. These historic structures would be overpowered – thus negating historic preservation under the Standards -- by any building 150-240 feet tall (where allowed in the Specific Plan). These low-lying surrounding areas also would be overpowered (and significantly shaded) by the 5-story parking structure proposed by Plymouth and Melrose. This parking structure could be at least partially undergrounded, and staged so that the front half is also 2 stories with the back half higher. Instead, Staff has proposed an additional 5 foot setback. Unfortunately, the additional 5 feet is just too small. It cannot redress the incompatibility of a 5-plus story structure in a 1-2 story residential area.

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.

c. <u>The EIR Fails To Address The Noise, Parking, Traffic, Emergency Access, and Safety Impacts Associated With "Plymouth Gate".</u>

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.

d. <u>The Proposed Project Will Create Significant Transportation Impacts Inadequately Addressed In The EIR And MMP.</u>

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.

e. <u>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.</u>

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.

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 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.

The Specific Plan's Historic Preservation plan proposes "consultation" between the Project owner/builder and the City specialists on unresolved historic preservation matters. Unfortunately, this approach has "no teeth" and so is, essentially, meaningless.

f. <u>The EIR Fails To Disclose And Address Significant Aesthetic, Blight/Urban Decay, And Safety Impacts Associated With The Proposed Project's Signage.</u>

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.)

g. 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. If these infrastructure improvements are viewed as mitigations, then the EIR improperly defers mitigation planning.

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.

h. The EIR Requires Recirculation.

The July EIR Revisions identify new significant unmitigitable 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.

i. 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.

A Deputy Advisor on the Planning Department Staff originally purported to certify the EIR as complete. For the reasons set forth in our prior administrative appeal on the Proposed Project's Tentative Tract Map (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 the Planning Commission, and thus *not* the Deputy Advisor, is certifying the EIR as the purported governing body of the purported Lead Agency. At the same time, the PC LOD "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. 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. 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 hearing and hearing notice requirements were not strictly complied with. The full EIR, *with* the July EIR Revisions, did not have a public hearing (though required under CEQA). In addition, Planning Commission staff informed us by telephone today that, while uncertain, PLUM might review the Paramount Project and decide our pending appeal next week, perhaps August 30, 2016. We have not received any such meeting/hearing notice from PLUM, nor is it posted on the online City Council/Committee meeting calendar. We note that the time period is already too short to meet hearing notice requirements.

This comment letter is intended to supplement, not waive, concerns raised in prior comments and administrative appeals. Thank you for your consideration.

COMMENTS ON PARAMOUNT MASTER PLAN PROJECT,
CASE NO. CPC-2001-2459-CPA-ZC-SP-SN-CA, CPC-2011-2462, TT-71751-1A, ENV-2011-2460-EIR
SUBMITTED BEFORE PLANNING COMMISSION HEARING JULY 14, 2016 BY
LAW OFFICES OF BETH S. DORRIS (APPELLANT) ON BEHALF OF MARY ANN BIEWENER

1. Specific Plan and Staff's Proposed Removal of Signage District. We support Staff's recommendation to eliminate from the Project new digital, projected and supergraphic signage. Staff's changes do not go quite far enough, however. The Specific Plan would still allow massive signs lit until 2 am (with sign-faces up to 15,000 square feet). It also allows upgrade of two existing *offsite* billboards – something no Specific Plan should do.

Staff relabeled the signage district as "signage regulations" Either way, they really are "signage special favors." They run completely contrary to the hard-won legal protections embodied in existing signage requirements. The Specific Plan should conform to the City signage requirements. Moreover, the choice of label is form over substance. Whether signage "regulations", "districts" or "sub-districts", the new rules need to meet basic findings requirements for new signage districts but do not.

We appreciate Staff's recommendation to lower the building height maximum to 150 feet. Lowering the maximum to 135 feet, however, would better alleviate the incompatibility with the surrounding 1- and 2- story structures. Most of these surrounding structures are historic and part of existing or pending HPOZs. These historic structures would be overpowered – thus negating historic preservation under the Standards -- by any building 150-240 feet tall (where allowed in the Specific Plan). These low-lying surrounding areas also would be overpowered (and significantly shaded) by the 5-story parking structure proposed by Plymouth and Melrose. This parking structure could be at least partially undergrounded, and staged so that the front half is also 2 stories with the back half higher. Instead, Staff has proposed an additional 5 foot setback. Unfortunately, the additional 5 feet is just too small. It cannot redress the incompatibility of a 5-plus story structure in a 1-2 story residential area.

Staff has proposed "consultation" between the Project owner/builder and the City specialists on unresolved historic preservation matters. Unfortunately, this approach has "no teeth" and so is, essentially, meaningless.

The Specific Plan does not meet the statutory requirements of Government Code sections 65451 and 65455 (*see also* OPR Guidance at https://www.opr.ca.gov/docs/specific_plans.pdf), as follows:
- The Specific Plan lacks the maps, diagrams, and other materials needed to adequately describe the distribution, location, extent, and size of the major infrastructure components needed to serve the project. Energy and solid waste facilities are overlooked. The supporting EIR also glosses over this subject. The EIR offers to later provide sewage and other infrastructure if needed, with no effort to determine what is needed where, let alone the impacts of building this infrastructure. Where the infrastructure will go, how big it will be, how long the already burdened streets would need to be closed, and what if any offsite plant improvements would be needed – all this and more is critical information. This information is not only required for a legally adequate Specific Plan; it also is critical to coordinate other infrastructure projects (such as repaving, pipeline repairs/installation, utility undergrounding to avoid unnecessary or prolonged separate shut-downs of rights of way).
- The Specific Plan fails to adequately detail the relationship of the Specific Plan to the General Plan, including consistency between both plans and a comparison of goals, objectives, and policies.
- It also fails to adequately discuss how the plan implements the policies of the General Plan.

2. The Development Agreement. The time frame of the Development Agreement – 22 years -- is too long. Paramount may change the nature of its business entirely or be acquired by a foreign country. The City should include an option to terminate the agreement earlier. The City also should place limits on uses (as required by statute), rather than allow unlimited Land Use Swaps that could turn the entire 62 acres into an amusement park or a giant retail complex. The Land Use Swap arrangement is little more than an open door to any use. The City is essentially ceding to a private business its entire land use authority over 62 acres, for 22 years. Sadly, doing so

is an *invitation* to Paramount to leave. The entitlements granted are so valuable and long-lived, that the wise business decision would be to cash them in rather than continue with lower-return studio use.

We request that the City require the Developer to pay more towards the impacted residential neighborhoods. Neighbors are being asked to endure tremendous burdens. Children will be exposed to significant air quality and noise impacts for 22 years of construction under the Development Agreement. Traffic on already-overburdened thoroughfares and traffic intrusion into the residential streets will come to a halt.

According to the Staff Report, the Commission's approval of the Development Agreement would not be appealable. Planning Staff informed us that this precludes City Council review. The City Council, however, needs to review the Development Agreement. State statutes require that the Development Agreement be approved by the legislative body (that is, the City Council) as an ordinance. (Cal. Gov. Code section 65867.5.) The City may not supersede such State statutory requirements. Further, the approving authority must evaluate the Development Agreement's consistency with plans and zoning based on what is in in effect as of the date of approval. As of the Commission hearing, plan, map, zoning and ordinance changes on which this Development Agreement relies will not be in effect. Such changes will not be effective unless and until the City Council later approves them (and has any applicable second readings).

3. Other Entitlement Documents. We reiterate our appeal to vacate the Tentative Tract approval and not certify the EIR. As for the other code, ordinance, plan, map, and zoning changes associated with the Project, they are subject to the concerns expressed elsewhere in this letter or prior comments on building height, setbacks, intensity, historic preservation, Land Use Swap, plan consistency review, and signage.

4. Proposed EIR. As explained in our appeal and in prior comments, the EIR does not adequately analyze or mitigate transportation, aesthetic, air quality, and noise impacts, or address the blighting/urban decay effects of the Project's massive signage program.

- Beyond this, the pending 22-year Development Agreement exposes a particular issue in the EIR. The EIR finds significant unmitigable construction impacts, including air quality and noise, but mischaracterizes then as "short term" (to excuse itself from a full health study). Construction impacts will continue for 22 years. That is not short term. A full formal health study is needed for the air quality impacts.
- The Specific Plan's lack of specific infrastructure information is reflected in the EIR. The EIR patches over the lack of information by promising that Developer will look into it later. The EIR thus improperly "piece-meals" study of impacts from sewer and other infrastructure improvements that will be needed to support the massive Project, and improperly defers mitigation.
- We request that the Commission not accept the Statement of Overriding Conditions. For example, there are thousands of children residing in and/or going to school in the impacted area – children who will be forced to suffer significant air quality and noise impacts potentially interfering with their health and education. The Project does not justify such great harm to our citizens.

5. Notice/Due Process Issues. The Staff Reports were first made available on July 6, 2016 – eight days before the Commission meeting/hearing. The Staff Reports contain over 900 pages of heavy revisions to the entitlement documents. There simply was not enough time for either the public or the Commission to examine the enormous volume of revisions. The result is a serious notice/due process issue – one that impedes not only the public's ability to meaningfully comment, but also the Commission's ability to meaningfully review the volume of brand new materials before it. (As a separate issue, Paramount did not post an actual "hearing" notice per City form. The notice that was posted referred only to a "meeting" and gave the wrong place and date.)

For these reasons, we request that the Commission not approve the Paramount Master Plan Project entitlements before it, reject certification of the EIR, and grant our appeal.