Sharon Dickinson <sharon.dickinson@lacity.org>

FW: Council File No. 16-0876, Paramount Project, 5555 Melrose Avenue, Los Angeles

1 message

Beth Dorris <beth.dorris@aol.com> Tue, Aug 23, 2016 at 4:44 PM
To: sharon.dickinson@lacity.org

From: Beth Dorris [mailto:beth.dorris@aol.com]
Sent: Tuesday, August 23, 2016 4:26 PM
To: 'sharon.dickingson@lacity.org'
Cc: 'etta.armstrong@lacity.org'; 'somelrose@yahoo.com'; 'beth.dorris@aol.com'
Subject: Council File No. 16-0876, Paramount Project, 5555 Melrose Avenue, Los Angeles

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August 23, 2016

City of Los Angeles City Council ("Council") PLUM Committee

Attn: Sharon Dickinson, PLUM City Clerk

sharon.dickinson@lacity.ca.gov

Re: Council File No. 16-0876, Paramount 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. The Specific Plan Does Not Address Inconsistencies With The General Plan and Community Plans.

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. The Specific Plan Does Not Discuss Implementation Of Pre-Existing General Plan Policies.

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. The Specific Plan Contains Virtually No Actual "Specifics" Due To Poorly Drafted "Land Swap" Provisions.

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. The Specific Plan Creates An Unlawful Signage District.

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. Development Agreement and Other Entitlement Documents.

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. 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.

d. The Proposed Project 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.

e. 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.

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. The EIR Fails To Disclose And Address Significant Aesthetic. Blight/Crban Decay. 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 stmctures 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 smrounding 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 fonn, 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. <u>The EIR Requires Recirculation</u>.

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. <u>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.</u>

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.

Sharon Dickinson <sharon.dickinson@lacity.org>

Sign Ordinance

1 message

Judith Summers Brown <jlsummersb@gmail.com> Tue, Aug 23, 2016 at 7:53 PM
To: Sharon.Dickinson@lacity.org

1) I strongly support the City Planning Commission's 10/22/15 recommendations to strengthen the sign ordinance

2) I strongly oppose efforts to allow digital billboards outside of sign districts.

3) I suggest that **if** the Council is compelled to permit new digital signs outside of sign districts that they be placed in **very** limited numbers on PUBLIC land only as public land is the only place where content may be regulated.

4) **If** the Council goes forth with permitting new digital signs outside of sign districts, local neighborhood councils and council districts should have the ability to **OPT OUT** of any such agreement thus retaining the ban on digital signs outside of sign districts. If the full Council lacks the courage to tell the billboard companies that they do not want their digital signs outside of sign districts, the local communities should have the ability to do so! There will be plenty of opportunities for new digital billboards **in** sign districts which was the compromise that communities made over the many years a sign ordinance has been under consideration.

Thank You ,

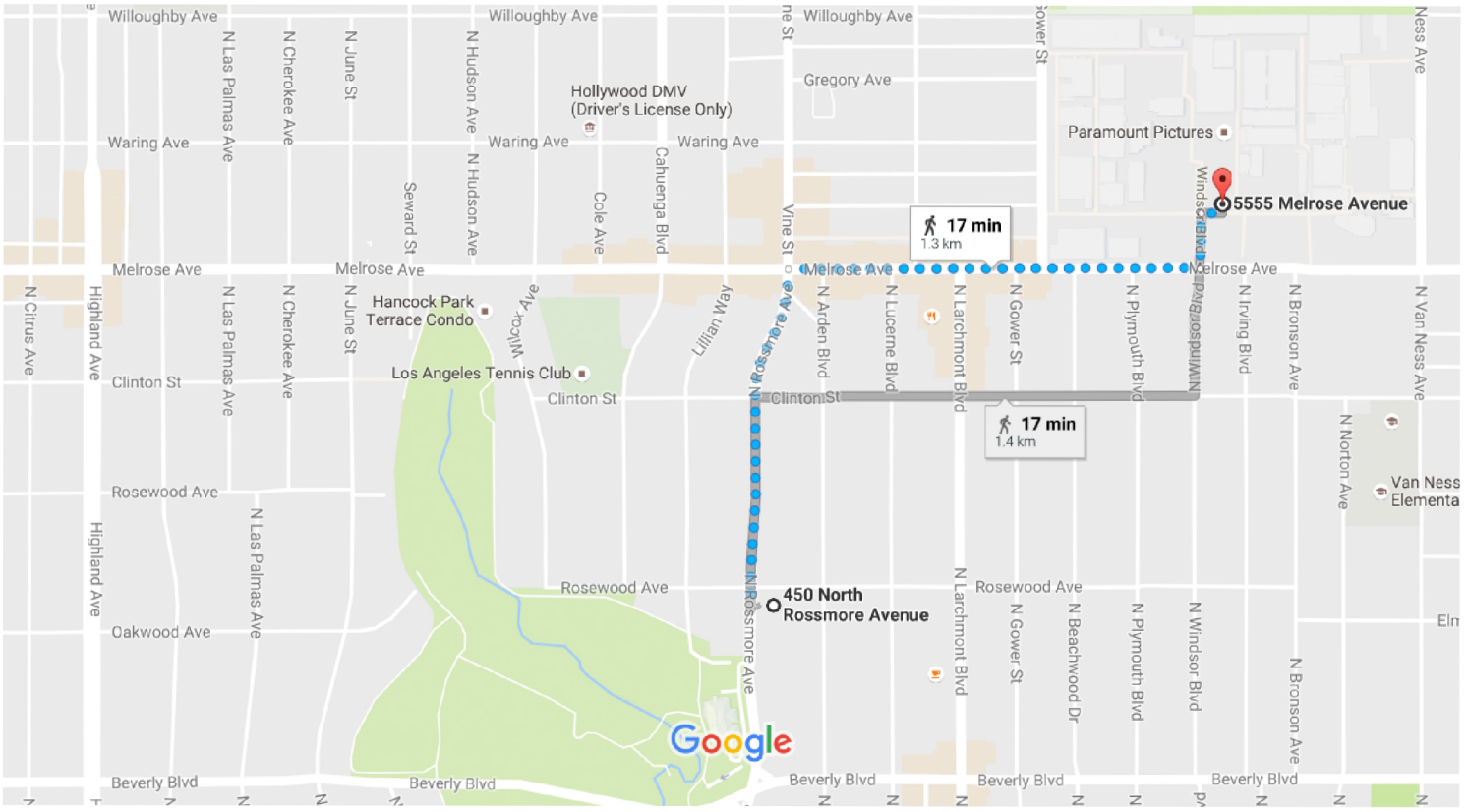
Judy Summers Brown

Homeowner, Bentley Ave, Los Angeles, CA 90049

Google Maps

450 North Rossmore Avenue to 5555 Melrose Avenue, Los Angeles, CA 90038

Walk 1.3 km, 17 min



Map data ©2016 Google 500 ft

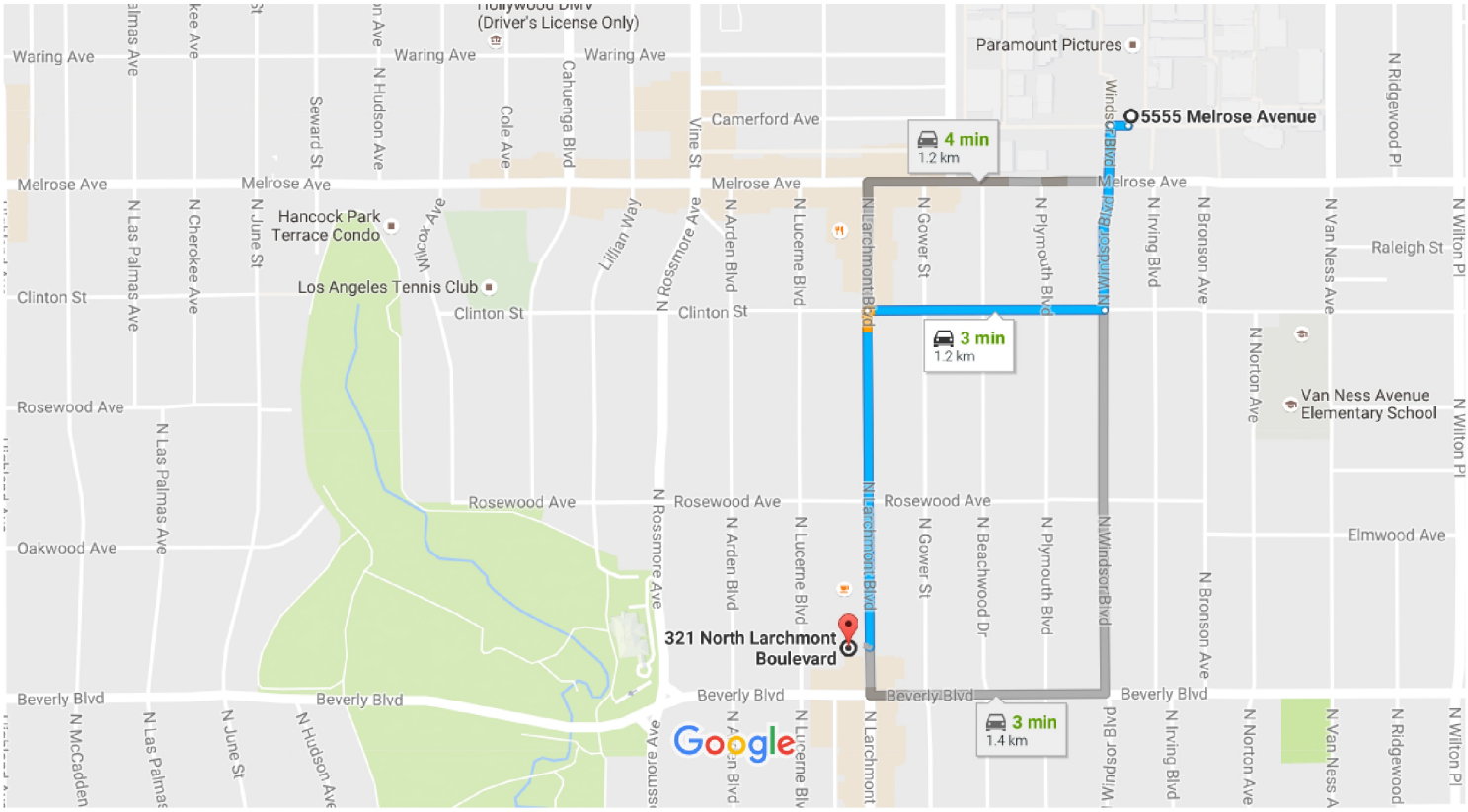
via N Rossmore Ave and Melrose Ave — 17 min, 1.3 km

via Clinton St — 17 min, 1.4 km

Google Maps

5555 Melrose Avenue, Los Angeles, CA 90038 to 321 North Larchmont Boulevard

Drive 1.2 km, 3 min



via Clinton St and N Larchmont Blvd — 3 min
3 min without traffic — 1.2 km

via Windsor Blvd and Beverly Blvd — 3 min
3 min without traffic — 1.4 km

via Melrose Ave and N Larchmont Blvd — 4 min
3 min without traffic — 1.2 km