

## TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.
VTT-70318-CN-1A	SARAH MOLINA 213-473-9983	11
Items Appealable to Council:	Last Day to Appeal:	Appealed:
TENTATIVE TRACT	OCT 02 2009	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Location of Project (Include project titles, if any.)		
6040 AND 6055 CENTER DRIVE		
Name(s), Applicant / Representative, Address, and Phone Number.		
JOHN M. HARTZ, BREITZ <del>LLC</del> , LLC 10880 WILSHIRE BLVD SUITE 1010 LOS ANGELES, CA 90024  REP: ALLEN ABSHEZ GREENBERG TAURIG, LLP 2450 COLORADO AVE. SUITE 400 EAST SANTA MONICA, CA 90404  310-586-3873		
Name(s), Appellant / Representative, Address, and Phone Number.		
REX FRANKEL 6038 W. 75 <sup>TH</sup> STREET LOS ANGELES, CA 90045 310-738-0861		
Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)		
Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 275-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,655 net square foot site in the C2-1 zone.		
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Environmental No.	Commission Vote:
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ENV-2008-3887-MND-REC1	8-0

**JAMES WILLIAMS, Commission Executive Assistant I**

Date: OCT 07 2009

CITY OF LOS ANGELES  
PLANNING DEPARTMENT

## MASTER APPEAL FORM

**ORIGINAL**

APPEAL TO THE:

City Council

REGARDING CASE NO.:

VTT-70318-CN-2A

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

**APPELLANT INFORMATION: PLEASE PRINT CLEARLY**

Name

Rex Frankel

Mailing Address

6038 W 75th StreetL.ACA

Zip:

90045Work Phone: ( 310 )738 0861

Home Phone: ( )

- a) Are you or do you represent the original applicant?  
(Circle One) YES ☐ NO ☒
- b) Are you filing to support the original applicant's position?  
(Circle One) YES ☐ NO ☒
- c) Are you filing for yourself or on behalf of other parties, an organization or company?  
(Circle One) SELF ☒ OTHER ☐
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

**REPRESENTATIVE**

Name

None

Mailing Address

Zip

Work Phone: ( )

Home Phone: ( )

**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

**Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.**

Final Date to Appeal:

October 2, 2009

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?

☒ Entire ☐ Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

Approval of project violates CEQA's  
BON ON PIECEMEALING - which is splitting  
the approvals of a huge impacting project  
into small, non-controversial pieces to  
prevent consideration of the actual huge  
project. See attached letter.

**ADDITIONAL INFORMATION**

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

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

Appellant

Rex Inhof Rex Inhof 10/2/09

**OFFICIAL USE ONLY**

Receipt No. 282365 Amount \$142<sup>00</sup> Date 10-2-09

Application Received R. C.

Application Deemed Complete Ralph Avila

Copies provided:

☒ Determination

☐ Receipt (original applicant only)

Determination Authority Notified (if necessary)

☒

**APPEAL TO L.A. CITY COUNCIL, by Rex Frankel, October 2, 2009**  
**HOWARD HUGHES CENTER MND FOR VTT-70318-CN-1A**

Dear Honorable Members of the City Council,

We hereby appeal the approval of the Howard Hughes Center's two high-rises, 7 and 18 stories, by the City Planning Commission on August 13, 2009. Please reject the project and require a new EIR.

This project is a classic example of illegal piecemealing of a project which has incrementally increased the significant adverse impacts of this project with no revisions to the original 1984 EIR.

**This can best be explained by a timeline (all documents showing this are in our prior appeal):**

1984—EIR—project contained no 18 story tower on the proposed site. Project contained only a road and open space on the site. Also, project contained an approximately 4 story building on the site now proposed for a 7 story tower. The EIR found that high rises on the site would create significant adverse visual impacts.

1986—Development agreement—relying upon the unchanged 1984 EIR—project contained no 18 story tower on the currently-proposed site. Height of the 4 story, which was limited to 115 feet above sea level, was raised to 135 feet above sea level. The EIR's impact analysis was not changed to reflect this added height.

1999—Planning department's behind-the-scenes "Clarification" letter—converted the open space and road site to a maximum height of 326 feet above sea level. There was no public review of this letter and it was not revealed to the public until this current application in 2008. Approval of this huge increase in building height on an open space parcel violates the development agreement's section V.N.

2002—Development Agreement amendment—written to exempt a separate part of the Hughes Center not at issue today from paying \$5 million in City traffic impact fees. This amendment was done with a "categorical exemption" from CEQA. On the other hand, the Hughes Center applicant now claims that the 2002 amendment occurred with an EIR approved by the City Council September 4, 2002. However, the City Clerk's office has searched through their records and can find no record of any City Council meeting on such an EIR, nor any meeting at all by the Council that week!

This is the action by the City Council which the Hughes Center now claims was the approval of the addition of the 326" foot maximum tower to the Hughes Center. But a review of the City Planning department's public notices and staff reports reveals no addition of a tall building to this parcel. In fact, the Planning staff and the attorneys for the Hughes Center took great pains to argue in writing that nothing substantive was happening at the 2002 amendment hearings. They repeatedly argued that the action was merely "technical". There was no new or changed EIR. The applicant is, simply, making this up.

2009—now City Planning and the applicant claim that have had "rights" to build these towers on the site for many years, and so no revisions to the EIR are needed. But the fact remains that these two towers and their height are not in any EIR!!

**THIS IS THE CLASSIC WAY THAT PIECEMEALING OCCURS: A SERIES OF ALLEGEDLY NON-CONTROVERSIAL NON-IMPACTING ACTS OUT OF PUBLIC VIEW COME TOGETHER TO CREAT A HUGE ENVIRONMENTAL IMPACT.**





# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

**Determination Mailing Date:** SEP 22 2009

**CASE NO.:** VTT-70318-CN-1A

**Location:** 6040 and 6055 Center Drive  
**Council District:** 11  
**Plan Area:** Westchester – Playa Del Rey  
**CEQA:** ENV-2008-3887-MND-REC1  
**Zone:** C2-1

**Applicant:** John M. Hartz - BRE/TZ HHL, LLC  
**Appellant:** Rex Frankel

At its meeting on August 13, 2009, the following action was taken by the City Planning Commission:

1. Denied the appeal.
2. Sustained the decision by the Advisory Agency in approving Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,655 net square foot site in the C2-1 zone.
3. Adopted Advisory Agency's Conditions of Approval (attached).
4. Found that the information contained in the Mitigated Negative Declaration (ENV-2008-3887-MND-REC1) has been reviewed and considered by City Planning Commission, found that the MND adequately describes the potential impacts of the Project and no additional environmental clearance is necessary; and found that there is no evidence in the record that any of the conditions in CEQA Guidelines section 15162 are met.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

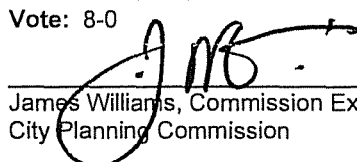
**Moved:** Kezios

**Seconded:** Woo

**Ayes:** Roschen, Freer, Burton, Hughes, Montañez, Romero

**Absent:** Cardoso

**Vote:** 8-0

  
James Williams, Commission Executive Assistant I  
City Planning Commission

**Effective Date/Appeals:** This action of the City Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

**FINAL DATE TO APPEAL:** OCT 02 2009

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**Attachment(s):** Advisory Agency's findings and conditions of approval  
**City Planning Associate:** Sara Molina

**CONDITIONS OF APPROVAL AND FINDINGS BY THE CITY PLANNING COMMISSION ON AUGUST 13, 2009.****UNIT MAP**

1. That the tract be permitted to record with final map units in a number and sequence satisfactory to the Advisory Agency. The subdivider shall submit the Unit Map Fee; a Unit Map showing the boundaries of all units, the Unit Number(s) of each Unit Map(s), and all applicable tract conditions in a matrix for each Unit Map(s). Should particular master tract condition(s) not apply to a Unit Map, the subdivider shall submit all evidences or documentation to prove so. All above required items shall be submitted satisfactory to the Advisory Agency prior to the clearance of all other conditions of approval. (Note: All conditions and requirements of the City Engineer for each unit map and the approved tract as whole shall be satisfactory to the City Engineer.)

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

2. That two copies of a parking area and driveway plan be submitted to the West Los Angeles District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.
3. That the final map be approved by the State Department of Transportation with respect to the alignment of the San Diego Freeway. Four copies of the final map shall be submitted to the City Engineer's office for the State's approval prior to recordation of the final map.
4. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the San Diego Freeway right-of-way.
5. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work in any sanitary sewer and drainage easements and to construct over the existing sanitary sewer and drainage facilities must be submitted to the City Engineer for approval.
6. That a set of drawings be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Section cuts at all locations where lot boundaries change.

7. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of the existing sewers in the area.
8. That any fee deficit under Work Order No. EXT00362 expediting this project be paid.
9. That a geotechnical report be submitted to the Geotechnical Engineering Group of the Bureau of Engineering for their review. The following items shall be addressed:
  - a. Provide geotechnical map that shows the limits of the engineering fill and a copy of the soils report by Pacific Soils Engineering, Inc. In addition, also provide areas of fill beyond the limits of the certified fill.
  - b. Provide minimum of one boring drilled at street grade through the roadway embankment on each side of the Center Drive and Howard Hughes Parkway in order to verify the quality of fill along the streets and the contact with the underlying native soil.
  - c. Provide geologic cross sections showing the existing storm drains and any other utilities in each of the streets affected by the proposed excavation. Please note the locations of the shoring anchors must be shown on the cross sections.
  - d. Provide additional analyses and recommendations for shoring and retaining walls surcharged by vehicular traffic.

The Geotechnical Engineering Group may issue additional review comments subsequent to review of the report.

#### DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

10. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated September 29, 2008, Log No. 64926 and attached to the case file for Tract No. 70318.

#### DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

11. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

- a. Provide a copy of affidavit AFF-02-0923485, AFF-06-0970094, AFF 06-0970093, AFF 000346914, AFF 990503801, AFF 67054, AFF 67059, AFF 59000 and AFF-58414. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- b. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, shall be "to the satisfaction of the Department of Building and Safety at the time of Plan Check."

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Del Reyes at (213) 482-6882 to schedule an appointment.

#### DEPARTMENT OF TRANSPORTATION

12. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. This determination does not include approval of the projects's driveways and internal circulation or parking scheme. Adverse traffic impacts could occur due to access and circulation issues. A parking area and driveway plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045.

**FIRE DEPARTMENT**

13. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
  - b. Adequate public and private fire hydrants shall be required.
  - c. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - d. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
  - e. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - f. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - g. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - h. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - i. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - j. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - k. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
  - l. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a

Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

- m. Building designs for multi residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street, or Fire Lane.
- n. Entrance to the main lobby shall be located off the address side of the building.
- o. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

#### **DEPARTMENT OF WATER AND POWER**

- 14. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **BUREAU OF STREET LIGHTING**

- 15. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

- 16. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

**INFORMATION TECHNOLOGY AGENCY**

17. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, 213 922-8363.

**DEPARTMENT OF RECREATION AND PARKS**

18. That the Quimby fee be based on the C2 Zone. (MM)

**DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

19. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 325 dwelling units and 1,500 square feet of commercial space on Lot No. 1 and 225 dwelling units on Lot No. 2.

With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

- b. Provide minimum off-street parking for residential and retail components on Lot No. 1 per LAMC Section 12.21 with the retail spaces to be located off-site pursuant to LAMC Section 12.21.A.4(g) AND 2 covered off-street parking spaces per dwelling unit on Lot No. 2, plus ½ guest parking spaces per dwelling unit to be located off-site pursuant to LAMC Section 12.21.A.4(g). All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better for residential uses and 12 or better for commercial uses in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
  - g. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
20. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Prior to the issuance of the building permit or the recordation of the final map, a copy case no. ZA-2008-2700-VCU shall be submitted to the satisfaction of the Advisory Agency. In the event that ZA-2008-2700-VCU is not approved, the subdivider shall submit a tract modification.
22. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Los Angeles Coastal Transportation Corridor Specific Plan.
23. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly



notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

#### DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

24. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 13, 18, 19c, 19f, 20, and 26 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
25. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - MM-1. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - MM-2. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
  - MM-3. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - MM-4. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - MM-5. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

- MM-6. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- MM-7. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- MM-8. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- MM-9. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-10. Legibility of stencils and signs must be maintained.
- MM-11. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-12. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-13. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-14. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- MM-15. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- MM-16. Concrete, not metal, shall be used for construction of parking ramps.

- MM-17. The interior ramps shall be textured to prevent tire squeal at turning areas.
- MM-18. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- MM-19. Unless otherwise prohibited, dual-flush water closets (maximum 1.28 gpf) and no-flush or waterless urinals shall be utilized in all restrooms as appropriate. In the case such installations are not permitted, high-efficiency toilets (maximum 1.28 gpf) and high-efficiency urinals (maximum 0.5 gpf) may be utilized. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- MM-20. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- MM-21. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-22. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
- a. High-efficiency toilets (maximum 1.28 gpf), including dual-flushwater closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
  - b. Restroom faucets with a maximum flow rate of 1.5 gallons per minute. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through

equipment and discharging the heated water to the sanitary wastewater system.)

MM-23. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- b. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- c. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-24. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;
- b. Matched precipitation (flow) rates for sprinkler heads;
- c. Drip/microspray/subsurface irrigation where appropriate;
- d. Minimum irrigation system distribution uniformity of 75 percent;
- e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and

- f. Use of landscape contouring to minimize precipitation runoff.
  - g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.
26. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
    - a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
    - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
    - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
  - CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
  - CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-14. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.

- CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

#### DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:
  - 1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  - 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.



- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the

setting of boundary monuments requires that other procedures be followed.

- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights: seven (7) on Center Drive; three (3) Howard Hughes Parkway; and one (1) on South 405 offramp.

NOTES: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213) 485-5675 upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may be required.
  - b. Improve Howard Hughes Parkway adjoining the tract by the reconstruction of existing curb, gutter and concrete sidewalk to complete a 10-foot concrete sidewalk adjacent to the property line with tree wells. The elimination of the right turn pocket shall be based upon the Department of Transportation determination after final review and approval of driveway access design/location.

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) on February 27, 2009. The MND was prepared to properly analyze any new potentially significant impacts that were not analyzed in the previous EIR's. The addition of a request for a Vesting Conditional Use permit and residential condominiums resulted in new potentially significant impacts that were mitigated to a less than significant level. The Department found that potential negative impact could occur from the project's implementation due to:

- Air Quality (operational);
- Biological Resources (tree removal);
- Geology and Soils (haul route);
- Hydrology and Water Quality (stormwater);
- Noise (operational);
- Transportation/Circulation (haul route); and
- Utilities (solid waste, water supplies).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 13, 18, 19c, 19f, 20, and 26** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 24.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 70318-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) **THE PROPOSED MAP WILL BE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Westchester - Playa del Rey Community Plan designates the subject property for Regional Commercial land use with the corresponding zone of C2. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan. The property contains approximately 2.7 net acres (117,654.8 net square feet after required dedication) and is presently zoned C2-1. The proposed development of a 325-unit apartment building and 1,500 square feet of commercial space on Lot No. 1 (located at 6040 Center Drive) and the proposed development of a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) will be allowable pursuant to LAMC Section 12.22-A, 18(a) which permits R5 density (200 square feet of lot area per dwelling unit) on lots with Regional Commercial land use designations. The "Deputy Advisory Agency" required the applicant to reduce their request to 225 residential condominiums on Lot No. 2 to comply with the permitted density. The direction to revise the number of units from 275 to 225 is without prejudice to the Applicant's ability to apply for the remaining 50 units authorized by the Second Amendment to the Howard Hughes Development Agreement. Consequently, the applicant redesigned the building on Lot No. 2, decreasing the height of the building from 326' MSL to a uniform height of 268' MSL.

The applicant also requested approval for Floor Area Ratio Averaging for the properties located at 5900, 5901, 6040 and 6055 Center Drive will be allowable with approval of a Vesting Conditional Use Permit (case no. ZA-2008-3887-

VCU). With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The General Plan Land Use Element Goal No. 3-F states that Regional Centers should be developed as "mixed use centers that provide jobs, entertainment, culture, and serve the region." The project advances this General Plan goal by providing residential, commercial, and retail uses within close proximity to each other.

The Westchester - Playa del Rey Community Plan promotes projects with the following objectives and policies:

Objective 1-1: Provide for the preservation of existing quality housing, and for development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Westchester-Playa del Rey Community Plan Area to the year 2025.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

Objective 1-2: Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers, public facilities, bus routes and other transit services.

The project will provide much needed new home ownership opportunities for the Plan area. The proposed project is also consistent with the Housing Element of the General Plan. Housing Element Objective 2-1 is to "promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacity within the City and each community plan area, or other pertinent service area." The project achieves this objective by providing up to 325 apartment units and 225 condominium units adjacent to jobs, retail, restaurants and entertainment. The project also further Objective 1-1, which is to "encourage the production and preservation of an adequate supply of rental and ownership housing". As stated, the project would provide 325 apartment units and 225 condominium units. This represents a significant increase in the number of housing ownership opportunities in the area. People at the hearing who worked in the Howard Hughes Center testified that they would prefer to live closer to their jobs.

The project is located along a major corridor with transportation service, office, schools, and retail all of which are amenities in close proximity to the residents that will live in these condominiums and apartments. Furthermore, the Transportation Element of the General Plan further supports growth of housing in close proximity to major corridors, such as Sepulveda Boulevard which contain public transportation services. This allows future residents sufficient opportunities to draw from the advantages of public transit within walking distance.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

Therefore, as conditioned, and with approval of ZA-2008-2700-VCU, the proposed tract map will be consistent with the intent and purpose of the applicable General and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Center Drive is a Local Street with a variable 106-120 foot width. This project is subject to the Los Angeles Coastal Transportation Corridor Specific Plan requirements. The proposed project will provide 483 residential parking spaces on-site and 15 restaurant parking spaces off-site on Lot No. 1 (located at 6040 Center Drive) with and 563 parking spaces Lot No. 2 (located at 6055 Center Drive) in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in parking congested areas, including 113 guest parking spaces located off-site. The building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building

located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

As conditioned and with approval of ZA-2008-2700-VCU, the design and improvements of the proposed project will be consistent with the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject site is currently vacant. The development of this tract is an infill of a master-planned mixed-use development known as "Howard Hughes Center" (HHC). The development was approved by the City of Los Angeles pursuant to a Development Agreement as well as other related approvals, including but not limited to, Tentative Tract Map No. 35269, Variance Case No. ZA-85-0624 (YV), Conditional Use Permit Case Nos. ZA-85-0625(CUZ), CPC-85-329(CU), and ZA-85-0623(CUB). The City Council originally entered into a Development Agreement for Howard Hughes Center dated November 3, 1986 (the "Original Development Agreement") after the City's certification of a full Environmental Impact Report for Howard Hughes Center. The 1986 EIR studied potential impacts such as traffic and view obstruction. As part of the certification of the 1986 EIR, the City Council also adopted mitigation measures as well as a Statement of Overriding Considerations for environmental effects of the HHC Project Approvals that were not reduced to a less than significant level. The Original Development Agreement was subsequently amended on September 4, 2002 (the "First Amendment"), and again on May 2, 2005 (the "Second Amendment") (collectively, the "Development Agreement").

All of the traffic and transportation measures required by the Development Agreement and the Howard Hughes Center EIR, including any necessary to mitigate traffic impacts from the project's proposed office and residential uses, have been implemented by Howard Hughes Center. The Howard Hughes Center currently implements a Transportation Demand Management program, in place since 1986, which includes rideshare and transit, carpools/vanpools, alternative modes (pedestrian, bike, etc), flex-time, mixed-use and health club incentives during peak traffic hours.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.



- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The site is bounded by Howard Hughes Parkway to the south, Sepulveda Boulevard to the west, and Interstate 405 (San Diego Freeway) to the northeast. The site is approximately nine miles southwest of downtown Los Angeles and approximately 1.35 miles north of the Los Angeles International Airport. Adjacent land uses consist of Interstate 405 to the north in the PF-1XL zone and single-family residential to the south in the R1-1 zone. Center Drive is a Local Street with a variable 106-120 foot width. The site is currently vacant, and the proposed project would provide 325 apartments on Lot No. 1 and 225 residential condominium units on Lot No. 2. The proposed project will comply with all LAMC requirements for parking, yards, and open space. As conditioned and with approval of ZA-2008-2700-VCU, the proposed tract map will be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

A Mitigated Negative Declaration, Case No. ENV-2008-3887-MND-REC1, was prepared for the proposed project. Prior to ENV-2008-3887-MND(REC1), two EIR's were certified addressing potential environmental impacts of the Howard Hughes project. On January 24, 1986, Environmental Impact Report (EIR) No. 23-83-ZC(CUZ)(ZV)(SUB) was certified for the Howard Hughes Center in connection with the approval of the Howard Hughes Center Development Agreement, including Tentative Tract Map No. 35269 and other related entitlements. On October 16, 1998, EIR No. 97-0182-SUB(CUB) was certified in connection with the Promenade at Howard Hughes Center to analyze components of the project that were not addressed in the previous EIR. In 2005, an Addendum to both EIRs was certified in conjunction with the approval of the Second Amendment to the Howard Hughes Center Development Agreement. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. The MND and two EIR's reflect the lead agency's independent judgment and analysis.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be

connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. However, the Bureau of Engineering has conditioned that any existing public utility easements within the subdivision be delineated on the final map. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 70318-CN.

S. Gail Goldberg, AICP  
Advisory Agency

MAYA ZAITZEVSKY  
Deputy Advisory Agency

MZ:SM:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
818 374-5050

**Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Subdivision staff at (213) 978-1362.



## LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: SEP 22 2009

CASE NO.: VTT-70318-CN-1A

Location: 6040 and 6055 Center Drive  
Council District: 11  
Plan Area: Westchester – Playa Del Rey  
CEQA: ENV-2008-3887-MND-REC1  
Zone: C2-1

Applicant: John M. Hartz - BRE/TZ HHL, LLC  
Appellant: Rex Frankel

At its meeting on August 13, 2009, the following action was taken by the City Planning Commission:

1. Denied the appeal.
2. Sustained the decision by the Advisory Agency in approving Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,655 net square foot site in the C2-1 zone.
3. Adopted Advisory Agency's Conditions of Approval (attached).
4. Found that the information contained in the Mitigated Negative Declaration (ENV-2008-3887-MND-REC1) has been reviewed and considered by City Planning Commission, found that the MND adequately describes the potential impacts of the Project and no additional environmental clearance is necessary; and found that there is no evidence in the record that any of the conditions in CEQA Guidelines section 15162 are met.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

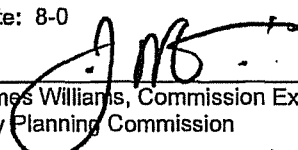
Moved: Kezios

Seconded: Woo

Ayes: Roschen, Freer, Burton, Hughes, Montañez, Romero

Absent: Cardoso

Vote: 8-0

  
James Williams, Commission Executive Assistant I  
City Planning Commission

**Effective Date/Appeals:** This action of the City Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's public Counters at 201 North Figueroa Street, Third Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

**FINAL DATE TO APPEAL:** OCT 02 2009

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment(s): Advisory Agency's findings and conditions of approval  
City Planning Associate: Sara Molina

**CONDITIONS OF APPROVAL AND FINDINGS BY THE CITY PLANNING COMMISSION ON AUGUST 13, 2009.****UNIT MAP**

1. That the tract be permitted to record with final map units in a number and sequence satisfactory to the Advisory Agency. The subdivider shall submit the Unit Map Fee, a Unit Map showing the boundaries of all units, the Unit Number(s) of each Unit Map(s), and all applicable tract conditions in a matrix for each Unit Map(s). Should particular master tract condition(s) not apply to a Unit Map, the subdivider shall submit all evidences or documentation to prove so. All above required items shall be submitted satisfactory to the Advisory Agency prior to the clearance of all other conditions of approval. **(Note:** All conditions and requirements of the City Engineer for each unit map and the approved tract as whole shall be satisfactory to the City Engineer.)

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

2. That two copies of a parking area and driveway plan be submitted to the West Los Angeles District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.
3. That the final map be approved by the State Department of Transportation with respect to the alignment of the San Diego Freeway. Four copies of the final map shall be submitted to the City Engineer's office for the State's approval prior to recordation of the final map.
4. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the San Diego Freeway right-of-way.
5. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work in any sanitary sewer and drainage easements and to construct over the existing sanitary sewer and drainage facilities must be submitted to the City Engineer for approval.
6. That a set of drawings be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Section cuts at all locations where lot boundaries change.

7. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of the existing sewers in the area.
8. That any fee deficit under Work Order No. EXT00362 expediting this project be paid.
9. That a geotechnical report be submitted to the Geotechnical Engineering Group of the Bureau of Engineering for their review. The following items shall be addressed:
  - a. Provide geotechnical map that shows the limits of the engineering fill and a copy of the soils report by Pacific Soils Engineering, Inc. In addition, also provide areas of fill beyond the limits of the certified fill.
  - b. Provide minimum of one boring drilled at street grade through the roadway embankment on each side of the Center Drive and Howard Hughes Parkway in order to verify the quality of fill along the streets and the contact with the underlying native soil.
  - c. Provide geologic cross sections showing the existing storm drains and any other utilities in each of the streets affected by the proposed excavation. Please note the locations of the shoring anchors must be shown on the cross sections.
  - d. Provide additional analyses and recommendations for shoring and retaining walls surcharged by vehicular traffic.

The Geotechnical Engineering Group may issue additional review comments subsequent to review of the report.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

10. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated September 29, 2008, Log No. 64926 and attached to the case file for Tract No. 70318.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

11. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

- a. Provide a copy of affidavit AFF-02-0923485, AFF-06-0970094, AFF 06-0970093, AFF 000346914, AFF 990503801, AFF 67054, AFF 67059, AFF 59000 and AFF-58414. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- b. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, shall be "to the satisfaction of the Department of Building and Safety at the time of Plan Check."

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Del Reyes at (213) 482-6882 to schedule an appointment.

#### DEPARTMENT OF TRANSPORTATION

12. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. This determination does not include approval of the projects's driveways and internal circulation or parking scheme. Adverse traffic impacts could occur due to access and circulation issues. A parking area and driveway plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045.

**FIRE DEPARTMENT**

13. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
  - b. Adequate public and private fire hydrants shall be required.
  - c. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - d. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
  - e. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - f. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - g. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - h. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - i. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - j. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - k. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
  - l. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a



Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

- m. Building designs for multi residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater then 150 feet horizontal travel distance from the edge of the public street, private street, or Fire Lane.
- n. Entrance to the main lobby shall be located off the address side of the building.
- o. Any required Fire Annunciator panel or Fire Control Room shall be located within 50feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

#### **DEPARTMENT OF WATER AND POWER**

- 14. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **BUREAU OF STREET LIGHTING**

- 15. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

- 16. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

**INFORMATION TECHNOLOGY AGENCY**

17. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, 213 922-8363.

**DEPARTMENT OF RECREATION AND PARKS**

18. That the Quimby fee be based on the C2 Zone. (MM)

**DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

19. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 325 dwelling units and 1,500 square feet of commercial space on Lot No. 1 and 225 dwelling units on Lot No. 2.

With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

- b. Provide minimum off-street parking for residential and retail components on Lot No. 1 per LAMC Section 12.21 with the retail spaces to be located off-site pursuant to LAMC Section 12.21.A.4(g) AND 2 covered off-street parking spaces per dwelling unit on Lot No. 2, plus ½ guest parking spaces per dwelling unit to be located off-site pursuant to LAMC Section 12.21.A.4(g). All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better for residential uses and 12 or better for commercial uses in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
  - g. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
20. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Prior to the issuance of the building permit or the recordation of the final map, a copy case no. ZA-2008-2700-VCU shall be submitted to the satisfaction of the Advisory Agency. In the event that ZA-2008-2700-VCU is not approved, the subdivider shall submit a tract modification.
22. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Los Angeles Coastal Transportation Corridor Specific Plan.
23. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly

notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

#### DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

24. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 13, 18, 19c, 19f, 20, and 26 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
25. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - MM-1. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - MM-2. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
  - MM-3. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - MM-4. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate ~~for~~ developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - MM-5. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

- MM-6. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- MM-7. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- MM-8. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- MM-9. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-10. Legibility of stencils and signs must be maintained.
- MM-11. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-12. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-13. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-14. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- MM-15. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- MM-16. Concrete, not metal, shall be used for construction of parking ramps.

- MM-17. The interior ramps shall be textured to prevent tire squeal at turning areas.
- MM-18. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- MM-19. Unless otherwise prohibited, dual-flush water closets (maximum 1.28 gpf) and no-flush or waterless urinals shall be utilized in all restrooms as appropriate. In the case such installations are not permitted, high-efficiency toilets (maximum 1.28 gpf) and high-efficiency urinals (maximum 0.5 gpf) may be utilized. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- MM-20. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- MM-21. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-22. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
- a. High-efficiency toilets (maximum 1.28 gpf), including dual-flushwater closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
  - b. Restroom faucets with a maximum flow rate of 1.5 gallons per minute. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through

equipment and discharging the heated water to the sanitary wastewater system.)

MM-23. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- b. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- c. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-24. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;
- b. Matched precipitation (flow) rates for sprinkler heads;
- c. Drip/microspray/subsurface irrigation where appropriate;
- d. Minimum irrigation system distribution uniformity of 75 percent;
- e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and

- f. Use of landscape contouring to minimize precipitation runoff.
- g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

26. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.



- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-14. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.

- CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

#### **DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS**

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:
  - 1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  - 2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the

setting of boundary monuments requires that other procedures be followed.

- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights: seven (7) on Center Drive; three (3) Howard Hughes Parkway; and one (1) on South 405 offramp.

NOTES: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213) 485-5675 upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may be required.
  - b. Improve Howard Hughes Parkway adjoining the tract by the reconstruction of existing curb, gutter and concrete sidewalk to complete a 10-foot concrete sidewalk adjacent to the property line with tree wells. The elimination of the right turn pocket shall be based upon the Department of Transportation determination after final review and approval of driveway access design/location.

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

#### **FINDINGS OF FACT (CEQA)**

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) on February 27, 2009. The MND was prepared to properly analyze any new potentially significant impacts that were not analyzed in the previous EIR's. The addition of a request for a Vesting Conditional Use permit and residential condominiums resulted in new potentially significant impacts that were mitigated to a less than significant level. The Department found that potential negative impact could occur from the project's implementation due to:

- Air Quality (operational);
- Biological Resources (tree removal);
- Geology and Soils (haul route);
- Hydrology and Water Quality (stormwater);
- Noise (operational);
- Transportation/Circulation (haul route); and
- Utilities (solid waste, water supplies).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 13, 18, 19c, 19f, 20, and 26** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 24.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 70318-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

**(a) THE PROPOSED MAP WILL BE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Westchester - Playa del Rey Community Plan designates the subject property for Regional Commercial land use with the corresponding zone of C2. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan. The property contains approximately 2.7 net acres (117,654.8 net square feet after required dedication) and is presently zoned C2-1. The proposed development of a 325-unit apartment building and 1,500 square feet of commercial space on Lot No. 1 (located at 6040 Center Drive) and the proposed development of a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) will be allowable pursuant to LAMC Section 12.22-A, 18(a) which permits R5 density (200 square feet of lot area per dwelling unit) on lots with Regional Commercial land use designations. The "Deputy Advisory Agency" required the applicant to reduce their request to 225 residential condominiums on Lot No. 2 to comply with the permitted density. The direction to revise the number of units from 275 to 225 is without prejudice to the Applicant's ability to apply for the remaining 50 units authorized by the Second Amendment to the Howard Hughes Development Agreement. Consequently, the applicant redesigned the building on Lot No. 2, decreasing the height of the building from 326' MSL to a uniform height of 268' MSL.

The applicant also requested approval for Floor Area Ratio Averaging for the properties located at 5900, 5901, 6040 and 6055 Center Drive will be allowable with approval of a Vesting Conditional Use Permit (case no. ZA-2008-3887-



VCU). With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The General Plan Land Use Element Goal No. 3-F states that Regional Centers should be developed as "mixed use centers that provide jobs, entertainment, culture, and serve the region." The project advances this General Plan goal by providing residential, commercial, and retail uses within close proximity to each other.

The Westchester - Playa del Rey Community Plan promotes projects with the following objectives and policies:

Objective 1-1: Provide for the preservation of existing quality housing, and for development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Westchester-Playa del Rey Community Plan Area to the year 2025.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

Objective 1-2: Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers, public facilities, bus routes and other transit services.

The project will provide much needed new home ownership opportunities for the Plan area. The proposed project is also consistent with the Housing Element of the General Plan. Housing Element Objective 2-1 is to "promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacity within the City and each community plan area, or other pertinent service area." The project achieves this objective by providing up to 325 apartment units and 225 condominium units adjacent to jobs, retail, restaurants and entertainment. The project also further Objective 1-1, which is to "encourage the production and preservation of an adequate supply of rental and ownership housing". As stated, the project would provide 325 apartment units and 225 condominium units. This represents a significant increase in the number of housing ownership opportunities in the area. People at the hearing who worked in the Howard Hughes Center testified that they would prefer to live closer to their jobs.

The project is located along a major corridor with transportation service, office, schools, and retail all of which are amenities in close proximity to the residents that will live in these condominiums and apartments. Furthermore, the Transportation Element of the General Plan further supports growth of housing in close proximity to major corridors, such as Sepulveda Boulevard which contain public transportation services. This allows future residents sufficient opportunities to draw from the advantages of public transit within walking distance.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

Therefore, as conditioned, and with approval of ZA-2008-2700-VCU, the proposed tract map will be consistent with the intent and purpose of the applicable General and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Center Drive is a Local Street with a variable 106-120 foot width. This project is subject to the Los Angeles Coastal Transportation Corridor Specific Plan requirements. The proposed project will provide 483 residential parking spaces on-site and 15 restaurant parking spaces off-site on Lot No. 1 (located at 6040 Center Drive) with and 563 parking spaces Lot No. 2 (located at 6055 Center Drive) in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in parking congested areas, including 113 guest parking spaces located off-site. The building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building

located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

As conditioned and with approval of ZA-2008-2700-VCU, the design and improvements of the proposed project will be consistent with the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject site is currently vacant. The development of this tract is an infill of a master-planned mixed-use development known as "Howard Hughes Center" (HHC). The development was approved by the City of Los Angeles pursuant to a Development Agreement as well as other related approvals, including but not limited to, Tentative Tract Map No. 35269, Variance Case No. ZA-85-0624 (YV), Conditional Use Permit Case Nos. ZA-85-0625(CUZ), CPC-85-329(CU), and ZA-85-0623(CUB). The City Council originally entered into a Development Agreement for Howard Hughes Center dated November 3, 1986 (the "Original Development Agreement") after the City's certification of a full Environmental Impact Report for Howard Hughes Center. The 1986 EIR studied potential impacts such as traffic and view obstruction. As part of the certification of the 1986 EIR, the City Council also adopted mitigation measures as well as a Statement of Overriding Considerations for environmental effects of the HHC Project Approvals that were not reduced to a less than significant level. The Original Development Agreement was subsequently amended on September 4, 2002 (the "First Amendment"), and again on May 2, 2005 (the "Second Amendment") (collectively, the "Development Agreement").

All of the traffic and transportation measures required by the Development Agreement and the Howard Hughes Center EIR, including any necessary to mitigate traffic impacts from the project's proposed office and residential uses, have been implemented by Howard Hughes Center. The Howard Hughes Center currently implements a Transportation Demand Management program, in place since 1986, which includes rideshare and transit, carpools/vanpools, alternative modes (pedestrian, bike, etc), flex-time, mixed-use and health club incentives during peak traffic hours.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

- (d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The site is bounded by Howard Hughes Parkway to the south, Sepulveda Boulevard to the west, and Interstate 405 (San Diego Freeway) to the northeast. The site is approximately nine miles southwest of downtown Los Angeles and approximately 1.35 miles north of the Los Angeles International Airport. Adjacent land uses consist of Interstate 405 to the north in the PF-1XL zone and single-family residential to the south in the R1-1 zone. Center Drive is a Local Street with a variable 106-120 foot width. The site is currently vacant, and the proposed project would provide 325 apartments on Lot No. 1 and 225 residential condominium units on Lot No. 2. The proposed project will comply with all LAMC requirements for parking, yards, and open space. As conditioned and with approval of ZA-2008-2700-VCU, the proposed tract map will be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

A Mitigated Negative Declaration, Case No. ENV-2008-3887-MND-REC1, was prepared for the proposed project. Prior to ENV-2008-3887-MND(REC1), two EIR's were certified addressing potential environmental impacts of the Howard Hughes project. On January 24, 1986, Environmental Impact Report (EIR) No. 23-83-ZC(CUZ)(ZV)(SUB) was certified for the Howard Hughes Center in connection with the approval of the Howard Hughes Center Development Agreement, including Tentative Tract Map No. 35269 and other related entitlements. On October 16, 1998, EIR No. 97-0182-SUB(CUB) was certified in connection with the Promenade at Howard Hughes Center to analyze components of the project that were not addressed in the previous EIR. In 2005, an Addendum to both EIRs was certified in conjunction with the approval of the Second Amendment to the Howard Hughes Center Development Agreement. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. The MND and two EIR's reflect the lead agency's independent judgment and analysis.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be

connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. However, the Bureau of Engineering has conditioned that any existing public utility easements within the subdivision be delineated on the final map. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 70318-CN.

S. Gail Goldberg, AICP  
Advisory Agency

MAYA ZAITZEVSKY  
Deputy Advisory Agency

MZ:SM:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
818 374-5050

Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Subdivision staff at (213) 978-1362.



## DEPARTMENT OF CITY PLANNING

### NOTICE OF PUBLIC HEARING AND APPEAL REPORT



#### City Planning Commission

**Date:** Thursday, August 13, 2009

**Time:** 8:30 AM\*

**Place:** City Hall, Room 1010  
200 N. Spring Street  
Los Angeles, CA 90012

**Public Hearing:** Required

**Appeal Status:** Appealable to the City Council

**Expiration Date:** August 13, 2009

**Case No.:** VTT-70318-CN-1A  
**CEQA No.:** ENV-2008-3887-MND-REC1  
**Incidental Cases:** None  
**Related Cases:** ZA-2008-2700-VCU  
**Council No.:** 11  
**Plan Area:** Westchester – Playa del Rey

**Specific Plan:** Los Angeles Coastal  
Transportation Corridor  
**Certified NC:** Westchester - Playa del Rey  
**GPLU:** Regional Commercial  
**Zone:** C2-1

**Applicant:** John M. Hartz  
BRE/TZ HHL, LLC

**Representative:** Allan Abshez  
Greenberg Traurig, LLP  
(310) 586-3873

**Appellant:** Rex Frankel

**PROJECT LOCATION:** 6040 and 6055 Center Drive

**PROPOSED PROJECT:** Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 275-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,655 net square foot site in the C2-1 zone. The tract approval includes Adoption of Mitigated Negative Declaration (MND), Case No. ENV-2008-3887-MND-REC1.

**REQUESTED ACTION:** Appeal of the entire decision by the Deputy Advisory Agency's approval of Vesting Tentative Tract Map No. 70318-CN including the adoption of the MND stating that the proposed building heights differ from the previously certified EIR, improper modification or deletion of view mitigation measures from EIR, proposed project requires additional CEQA analysis and circulation in the form of an EIR.

**RECOMMENDED ACTIONS:**

1. **Recommend** that the City Planning Commission sustain the Deputy Advisory Agency's approval of Vesting Tentative Tract Map No. 70318-CN; and
2. **Deny** the appeal; and
3. **Find** that the information contained in the Mitigated Negative Declaration has been reviewed and considered by Deputy Advisory Agency, find that the Mitigated Negative Declaration adequately describes the potential impacts of the Project and no additional environmental clearance is necessary; and find that there is no evidence in the record that any of the conditions in CEQA Guidelines section 15162 are met.

S. GAIL GOLDBERG, AICP  
Director of Planning

  
Maya E. Zaitzevsky, Deputy Advisory Agency

  
Sarah Molina, City Planning Associate  
(213) 473-9983 or Sarah.Molina@lacity.org

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



## TABLE OF CONTENTS

<b>Project Analysis.....</b>	<b>A-1</b>
Project Summary .....	A-1
Background .....	A-1
Appeal.....	A-3
Recommendation .....	A-7

### **Exhibits:**

- 1 – Radius Map
- 2 – Tract Map
- 3 – Appeal Application
- 4 – Advisory Agency's Decision Letter (VTT-70318-CN)
- 5 – Environmental Case No. ENV-2008-3887-MND-REC1
- 6 - Letter of Clarification dated November 4, 1999
- 7 - Letter of Clarification dated December 27, 2002
- 8 – City Council Action dated January 24, 1986
- 9 - Amendment to Howard Hughes Center Development Agreement dated  
    September, 2002

## PROJECT ANALYSIS

### Project Summary

Vesting Tentative Tract Map No. 70318-CN (Exhibit 2) comprised of a two-lot subdivision to permit the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 275-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,654.8 net square foot site in the C2-1 zone.

### Background

Howard Hughes Center is a master-planned mixed-use development, which was approved by the City of Los Angeles pursuant to a Development Agreement as well as other related approvals (including but not limited to Tentative Tract Map No. 35269; Variance No. ZA-85-0624 (YV); Conditional Use Permit Nos. ZA 85-0625 (CUZ), CPC 85-329 CU and ZA 85-0623 (CUB). The City Council originally entered into a Development Agreement for Howard Hughes Center dated November 3, 1986 after the City's certification of the Environmental Impact Report (EIR) for Howard Hughes Center. The 1986 EIR studied potential impacts such as traffic and view obstruction. As part of the certification of the 1986 EIR, the City Council also adopted mitigation measures as well as a Statement of Overriding Considerations for significant environmental impacts of the HHC Project Approvals.

The original Development Agreement was amended on September 11, 2002 (the "First Amendment"), and again on May 2, 2005 (the "Second Amendment").

The Development Agreement currently grants a vested right to complete the development of Howard Hughes Center with the following uses:

- A. A maximum of 1,950,000 square feet of commercial office and retail development, including, as an option, a maximum 100,000 square feet of retail and a maximum 100,000 square foot fitness center;
- B. A 250,000 square foot entertainment/retail center;
- C. A maximum of 600 hotel rooms; provided, however, that up to 900 additional hotel rooms may be constructed, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office/retail space for each additional hotel room; and
- D. A maximum of 600 residential units; provided, however, each residential unit constructed shall reduce by one hotel room the number of hotel rooms that is allowed to be constructed under paragraph (c) above.

The right to construct 600 residential units in-lieu of 600 hotel rooms was expressly authorized by the Second Amendment. Prior to approving the Second Amendment in 2005, the City Council approved an Addendum to the Howard Hughes Center EIR. The Addendum concluded that developing 600 residential units in-lieu of 600 hotel rooms would not result in any new significant environmental impacts not already considered, mitigated or overridden through the City Council's adoption of Overriding Considerations in 1986, and that a Subsequent EIR would not be required for such residential development.

Howard Hughes Center is nearly built-out. The Project Applicant proposes to utilize the remaining rights granted by the Development Agreement by developing the four remaining undeveloped lots at Howard Hughes Center: 5900 Center Drive, 5901 Center Drive, 6040 Center Drive, and 6055 Center Drive. Specifically, the Applicant has proposed the construction of an apartment building consisting of 325 units and a 1,500 sq. ft. ground floor retail/commercial use at 6040 Center Drive (Lot No. 1), the construction of a condominium building consisting of 275 condominium units at 6055 Center Drive (Lot No. 2), the construction of an office building comprised of 248,871 sq. ft. at 5900 Center Drive (not a part of VTT-70318-CN approval), and an office building comprised of 238,222 sq. ft. at 5901 Center Drive (not a part of VTT-70318-CN approval).

The Applicant's original application for a Vesting Conditional Use (ZA-2008-2700-VCU) to allow floor area averaging pertained to 5900, 5901 and 6040 Center Drive. The Applicant revised the application in January, 2009, to add 6055 Center Drive to the floor area averaging request and to reduce the proposed floor area of the building to be located at 6055 Center Drive from 271,275 sq. ft. to 248,723 sq. ft. The proposed unit count, square footages and features of the buildings at 5900, 5901 and 6040 Center Drive remained the same. The Applicant also revised its floor area averaging request to exclude lot area located below Center Drive.

Planning Staff subsequently deduced that the maximum number of units permitted at 6055 Center Drive (Lot No. 2) is 225 and directed the Applicant to revise its plans for this building accordingly. The maximum unit count changed because the Applicant was no longer including the area below Center Drive in the net lot square footage calculation. The Applicant also agreed to voluntarily reduce the height of the building to be located at 6055 Center Drive from a maximum height of 326' MSL to a uniform height of 268' MSL, which is the alternative uniform maximum height for this parcel designated by the Advisory Agency's Letter of Clarification dated November 4, 1999.

Pursuant to the Development Agreement, each lot at Howard Hughes Center is permitted a floor area ratio ("FAR") of 3:1. The four proposed buildings will comprise a total of approximately 1,051,239 sq. ft. of floor area located on 350,413 sq. ft. of lot area, with a resulting average FAR of 3:1.

Vesting Tentative Tract Map No. 70318-CN was approved by the Deputy Advisory Agency and Mitigated Negative Declaration No. ENV-2008-3887-MND-REC1 was adopted on June 12, 2009.

#### Relevant Cases:

ZA-2008-2700-VCU: Vesting Conditional Use to allow Floor Area Averaging for the properties located at 5900, 5901, 6055, and 6040 Center Drive. This case is currently under advisement pending additional information from the applicant as requested by the AZA.

ENV-2008-3887-MND: Mitigated Negative Declaration for a two-lot subdivision and a Vesting Condition Use to allow Floor Area Averaging. The Environmental clearance date is November 11, 2008.

AA-2005-3599-PMEX: A lot line adjustment between 2-parcels owned by different entities. Approved on October 5, 2005.

CPC-2004-1790-DA: Amendment to Howard Hughes Center Development Agreement to extend time limit and to permit residential in lieu of hotel. Approved on November 10, 2004.

EIR No. 97-0182-(SUB)(CUB) and SCH No. 97061068: Howard Hughes Entertainment Center Environmental Impact Report certified on October 16, 1998.

EIR No. 282-83-(ZC)(CUZ)(ZV)(SUB) and SCH No. 83090705: Howard Hughes Center Environmental Impact Report certified on January 24, 1986.

TT-35269: Tentative tract map to permit a subdivision for the development of the Howard Hughes Center. Approved on January 24, 1986.

CPC-1986-406-DA: Amendment to Howard Hughes Center Development Agreement to extend time limit and to permit residential in lieu of hotel. Approved on July 2, 2002.

CPC-1986-457-ZC: Zone change to zones C2-1 and R1-1, incident to a subdivision. Ordinance No. 161,751 effective on December 14, 1986.

#### Written Communications:

Prior to the public hearing numerous letters and e-mails from the public were received from both supporters and opponents of the proposed subdivision. Letters in opposition included objections to: the proposed building height; traffic; construction noise; pollution; density; and lack of sufficient environmental review. The Department of City Planning received many letters of support from community members in a package from the applicant's representative, Consensus Planning Group.

#### Public Hearings:

On November 19, 2008 a joint public hearing was held by the Deputy Advisory Agency (DAA) and Associate Zoning Administrator (AZA) on VTT-70318-CN, ZA-2008-2700-VCU for FAR averaging, and ENV-2008-3887-MND-REC1. Eight community members testified, as well as the applicant's representatives and a representative from Council District 11. Testimony was received in support and in opposition to the proposed requests. At the close of the public hearing the DAA took the tract map and ZA request under advisement so that the applicant could provide more information regarding the use of Center Drive in the FAR calculation and to adequately address any environmental concerns of the community. A second public joint DAA and AZA hearing was held on March 4, 2009 after the project was revised. The applicant revised the application to exclude Center Drive in the FAR calculation as well as other minor changes. However, Center Drive was still used for the density calculation on Lot No. 2. The DAA took the tract map under advisement pending the submittal of a revised tract map showing compliance with the LAMC for the density on Lot No. 2. VTT-70318-CN was approved by the DAA on June 12, 2009.

**Appeal:** Rex Frankel. See Exhibit 3 for the full appeal.

The following comments are from the appellant's letters dated March 18, 2009, March 4, 2009, and November 14, 2008 (Exhibit 3). No new appeal information or letter was submitted with this appeal stating how the DAA erred or abused their judgment:

- (1) The building heights in this proposal differ significantly from the 1984 EIR / The added heights of residential buildings is not authorized by the original project approvals:

#### Staff's Response:

Height limits for the Howard Hughes Center were established in the Deputy Advisory Agency's approval of TT-35269, Condition No. 19 on November 4, 1985. The final map

was recorded in multiple map units which resulted in a realignment of Center Drive. A consequence of the realignment was a reconfiguration of the lots of TT-35269. The realignment of Center Drive was reflected on Final Tract Map No. 51419. On November 4, 1999 the Deputy Advisory Agency issued a Letter of Clarification which established height limitations for each lot that was reconfigured as a result of the realignment of Center Drive. The lots that were not affected are located at 6040 (Lot No. 1), 5900, and 5901 Center Drive. The lot located at 6055 Center Drive (Lot No. 2) was adjusted approximately 100 feet to the northeast, essentially switching places with the original location of Center Drive. The maximum height established for each lot is as follows: 140-feet MSL for 5901 Center Drive; 140-feet MSL for 5900 Center Drive; 135-feet MSL for 6040 Center Drive (Lot No. 1); and 326-feet MSL for 6055 Center Drive (Lot No. 2). The proposed heights of the buildings are as follows:

5900 Center Drive (not a part of VTT-70318-CN):	139-feet, 9-inches MSL (5 stories)
5901 Center Drive (not a part of VTT-70318-CN):	139-feet MSL (5 stories)
6040 Center Drive (Lot No. 1):	135-feet MSL (6 stories)
6055 Center Drive (Lot No. 2):	268-feet MSL, 18 stories

As proposed, the heights of the buildings are either equal to or less than the maximum allowed height per lot.

(2) Visual impacts are being increased

Staff's Response

The 1985 EIR discloses that the Howard Hughes Center would pose adverse effects on views stating that,

"Implementation of the proposed project will alter existing views from adjacent residential properties."

The proposed structures would combine to obstruct private views to the north (towards Hollywood and Baldwin Hills), northeast and east looking from south and west. The Final EIR included figures depicting the blockage of these views. The project as revised will not result in any new significant impacts to views as a Statement of Overriding Considerations was already adopted for this loss of views. The maximum building height has been reduced in response to discussions with community members.

(3) Improper modification or deletion of view mitigation measures:

Staff's Response

The view mitigation measure stated in the EIR is as follows:

"Opportunities to mitigate the project's view obstruction impacts are limited to some set of modifications to the proposed structural massing. This could be accomplished by limiting the building heights to a fixed level lower than surrounding viewing locations or by opening wider or more viewing lanes through the project, or both."

The 1985 final EIR (certified in 1986) acknowledged that views over the Howard Hughes site would be "largely obstructed". The FEIR also stated that private view impacts could not be avoided by reducing the height of anticipated high-rise buildings because allowing

buildings that were "50 feet higher in elevation that these viewing locations would have the same view obstruction impacts."

The project does contain viewing lanes that have been slightly modified or shifted from the original project. View mitigation measures were adopted and amended by the Los Angeles City Council on January 24, 1986 as well as findings to support the amendment and certification of the EIR and addendum to the EIR (Exhibit 8).

- (4) The 1999 clarification letter has no legal force and cannot increase impacts without CEQA review:

Staff's Response

Tentative Tract Map No. 35269 to permit a 63-lot subdivision was originally approved on November 4, 1985. The Letter of Clarification dated November 4, 1999 (Exhibit 6) clarifies several conditions of approval, including maximum building heights, of Tentative Tract Map No. 35269 as well as final map no. 51419. A subsequent Letter of Clarification was issued on December 27, 2002 (Exhibit 7) further clarifying the first Letter of Clarification. The final map unit and the Letter of Clarification did not create further environmental impacts and therefore did not require further CEQA review.

The Department of City Planning (DCP) issues Letters of Clarification after Letters of Approval are issued to clarify conditions, usually when minor changes are made to the project. The Letter of Clarification in question was issued approximately 10 years ago and was incorporated in the Amendment to the Howard Hughes Center Development Agreement which was adopted in September of 2002 (Exhibit 9).

- (5) A history of the deceptive process of the awarding of entitlements to the Hughes Center / There has been repeated violation of CEQA's mandate of public notice

Staff's Response

The tract map approval process of VTT-70318-CN and the adoption of Case No. ENV-2008-3887-MND-REC1 did not avoid CEQA, public review, or a public hearing. The MND had a 30-day public comment period from January 29, 2009 to February 27, 2009. During that time, the MND was available to the public Monday through Friday at City Hall and online through the DCP website. A 24-day notice for the March 4, 2009 hearing was mailed to owners and occupants within a 500-foot radius of the project, as well as approximately 30 community members who asked to be included. The hearing notice was also published in the Daily Journal on February 6, 2009.

There were no violations regarding the approval of VTT-70318-CN and the adoption of ENV-2008-3887-MND-REC1. Past approvals are not before the City Planning Commission.

- (6) New project, new significant impacts, therefore an EIR is required

Staff's Response:

Prior to ENV-2008-3887-MND(REC1), two EIR's were certified addressing potential environmental impacts of the Howard Hughes project. On January 24, 1986, Environmental Impact Report (EIR) No. 23-83-ZC(CUZ)(ZV)(SUB) was certified for the Howard Hughes Center in connection with the approval of the Howard Hughes Center Development Agreement, including Tentative Tract Map No. 35269 and other related

entitlements. On October 16, 1998, EIR No. 97-0182-SUB(CUB) was certified in connection with the Promenade at Howard Hughes Center to analyze components of the project that were not addressed in the previous EIR. In 2005, an Addendum to both EIRs was certified in conjunction with the approval of the Second Amendment to the Howard Hughes Center Development Agreement.

City Council (a) certified both Final Environmental Impact Reports (Case Nos. EIR No. 97-0182-(SUB)(CUB), SCH No. 97061068 on October 16, 1998 and EIR No. 282-83-(ZC)(CUZ)(ZV)(SUB), SCH No. 83090705 on January 24, 1986; (b) adopted the California Environmental Quality Act Findings and Statement of Overriding Considerations; (c) approved the mitigation measures as proposed in the Final Environmental Impact Report; and (d) adopted the Mitigation Monitoring Program. No additional CEQA clearance is required at this time because neither the Project nor the circumstances surrounding it have changed such that the provisions of State CEQA Guidelines section 15162 would require an additional environmental review.

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the significant impacts.

- a. The first possible finding is that "changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)); and
- b. The second possible finding is that "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (Guidelines Section 15091(a)(2)); and
- c. The third possible finding is that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or project alternatives identified in the final EIR." (Guidelines, Section 15091(a)(3)).

The Department of City Planning served as the Lead Agency under CEQA with respect to the Project. In approving the project and making these findings, the City Council and Deputy Advisory Agency have considered all of the information in the administrative record of proceedings, including but not limited to: the applications for the Project Approvals, City staff reports, all public comments received both written and verbal, and the Final EIR. On the basis of all the foregoing information, the City Council and Deputy Advisory Agency find:

- a. Pursuant to Public Resources Code Section 21081(a)(1), that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the Final EIR's and MND; and
- b. Pursuant to State CEQA Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR's and MND; and

- c. The Final EIR's and MND have been completed in compliance with CEQA and is adequate under CEQA for approval of the Tract Map and all other City permits, entitlements, and discretionary approvals for the Project; and
- d. Rejects the alternatives set forth in Section III.F of the DEIR's, for the reasons set Forth in that Section.

The City Council, who certified both Final Environmental Impact Reports (Case Nos. EIR No. 97-0182-(SUB)(CUB), SCH No. 97061068 on October 16, 1998 and EIR No. 282-83-(ZC)(CUZ)(ZV)(SUB), SCH No. 83090705 on January 24, 1986 and the Deputy Advisory Agency who adopted Mitigated Negative Declaration No. ENV-2008-3887-MND-REC1 on June 12, 2009, find and declare that substantial evidence for each and every finding made is contained in the Draft EIR's, Final EIR's, Traffic Study, MND and other related materials. Moreover, the City Council and Deputy Advisory Agency find that where more than one reason exists for any finding, that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

The Deputy Advisory Agency finds that none of public comments to the Draft EIR's and MND include substantial evidence that would require recirculation of the Final EIR's and MND prior to its certification/adoption and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR's and MND prior to certification/adoption, and that the Final EIR's and MND need not be re-circulated prior to their certification/adoption.

### **Recommendation**

Staff recommends that the decision of the Deputy Advisory Agency to adopt ENV-2008-3887-MND-REC1 and approve Vesting Tentative Tract Map No. 70318-CN, to allow a maximum of 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) and a 275-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) be sustained and the appeal be denied.

In consideration of the foregoing, it is submitted the Deputy Advisory Agency acted reasonably in adopting ENV-2008-3887-MND-REC1 and approving VTT-70318-CN. Therefore, the DAA recommends the appeals be denied and that the following be considered by the City Planning Commission:

1. Recommend that the City Planning Commission sustain the Deputy Advisory Agency's approval of Vesting Tentative Tract Map No. 70318-CN; and
2. Deny the appeal; and
3. Find that the information contained in the Mitigated Negative Declaration has been reviewed and considered by the Deputy Advisory Agency, find that the Mitigated Negative Declaration adequately describes the potential impacts of the Project and no additional environmental clearance is necessary; and find that there is no evidence in the record that any of the conditions in CEQA Guidelines section 15162 are met.







CITY OF LOS ANGELES  
PLANNING DEPARTMENT

## MASTER APPEAL FORM

APPEAL TO THE: City Planning CommissionREGARDING CASE NO.: VTTM 70318-CN

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

APPELLANT INFORMATION: PLEASE PRINT CLEARLYName Rex FrankelMailing Address 6038 W 75th Street  
Los Angeles CAZip: 90045Work Phone: ( ) Home Phone: ( 310 ) 738 0861

- a) Are you or do you represent the original applicant?  
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?  
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?  
(Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

\_\_\_\_\_

\_\_\_\_\_

## REPRESENTATIVE

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Zip \_\_\_\_\_

Work Phone: ( ) Home Phone: ( )

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: JUNE 22, 2009**EXHIBIT 3**

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?



Entire



Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

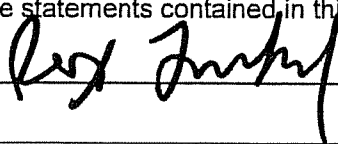
Please see Letters Dated 3/18/2009,  
11/14/2008, 11/19/2008, + 3/4/2009  
Personally aggrieved, Project destroys significant viewshed.  
Violation of P.R.C. Section 21080(d): an MND is not  
sufficient, as there is evidence of new unanalyzed  
visual impacts. An EIR is Required.

**ADDITIONAL INFORMATION**

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

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

Appellant


**OFFICIAL USE ONLY**

Receipt No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

Application Received \_\_\_\_\_

Application Deemed Complete \_\_\_\_\_

Copies provided:



Determination

Receipt (original  
applicant only)

Determination Authority Notified (if necessary)



June 10, 1996

TO: Public Counters  
Zoning Administrators

FROM: Robert Janovici

SUBJECT: **REJECTION OF IMPROPER APPEALS**

*The Municipal Code provides that an appeal from a Zoning Administrator's action must "...set" forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Zoning Administrator".*

*It has historically been the City's policy to be liberal when viewing appeals and determining whether they met the requisite minimum threshold. However, a review of the requirements seems appropriate at this time. Recently, I dismissed an appeal which by its terms clearly was based upon a personal dispute between two adjoining property owners and having nothing to do with the historic, current or prospective use of the property which was the subject of the original application.*

*I am requesting that all appeals be reviewed upon submittal in detail to ensure that the prospective appellants indicate clearly how they are personally aggrieved (impacted) by the underlying action and wherein the Zoning Administrator erred or abused discretion. Staff should never write out language for an individual nor give advice as to the possible outcome of an appeal or underlying action. If there is an issue in a particular case as to whether an appeal is properly filled out, contact me directly. If I am unavailable, contact the Administrator who is liaison to the counter.*

*Persons asking questions about appeals should be advised not to wait until the last minute to do so - in the event they are unexpectedly late due to traffic or other reasons, no exceptions will be made. Likewise, no leeway will be given due to the mail, private delivery service or other source not delivering the appeal on time. As such, prospective appellants should be strongly urged to file the appeals personally.*

RJ:Imc

3/18/2009 Letter

**ADDITIONAL COMMENTS ON HOWARD HUGHES CENTER MND. March 18<sup>th</sup> 2009**

From Rex Frankel, 6038 west 75<sup>th</sup> street, L.A. CA 90045

**CASE NUMBER VTT-70318-CN, ENV-2008-3887-MND (REC 1), AND ZA-2008-2700-VCU**

---

**TO: Sarah Molina and Maya Zaitzevsky, L.A. City Planning Department**

As we stated on March 4<sup>th</sup>, at each step in the process of awarding entitlements to build this project, the applicant and their predecessor owners have misled the public into believing that the crucial entitlements were awarded at a prior hearing or public process, so the opportunity to complain about it has passed. This is precisely the definition under CEQA of an illegal "piecemealing", in which environmental review of a project occurs in stages where the whole of an action is not taken into consideration.

As we stated before, the 1984 EIR did not contain a tower in this location. The 1999 "Clarification Letter" authorized the tower but there was no public review nor any opportunity to appeal the decision. The applicant now claims the 1999 private letter was approved in a public process in 2002, and goes so far in several of their submissions to say an EIR was approved for this change on September 4, 2002. In fact, no such EIR exists nor was approved as the only change to the Hughes Center in 2002 was for different parcels in the project and those changes were called "merely technical" and were approved with a "categorical exemption" from CEQA.

So what we are left with today is a project that relies upon non-public or non-existent environmental review documents to site the tallest tower in the Hughes Center, in fact the tallest tower in the Westchester-LAX area. It is implicit that now the law be followed, that an EIR consider in a discretionary manner each permit that has been granted for this tower and the other three lots for any impacts that differ from the 1984 EIR.

---

**1. THE BUILDING HEIGHTS IN THIS PROPOSAL DIFFER SIGNIFICANTLY FROM THE 1984 EIR:**

Neither the adoption of a development agreement nor the 1999 "Clarification Letter" can justify added height or greater visual impacts than were revealed in the 1984 EIR. (See attachment 1). The heights of each of the 4 parcels in this application should be limited in this way, as was shown in the 1984 EIR view impacts exhibit:

6040 Center Drive should be limited to 115 feet above sea level;  
6055 Center Drive should be limited to 115 feet above sea level;  
5900 Center Drive should be limited to 140 feet  
5901 Center Drive should be limited to 115 and 140 feet

**2. IMPROPER MODIFICATION OR DELETION OF VIEW MITIGATION MEASURES:**

Whether you choose to find that the view mitigation measures in this project were changed without a finding that they are infeasible, or merely changed with no public review in violation of the development

agreement's section V.N., either way, the 268 or 326 foot condo tower cannot be approved using this Mitigated Negative Declaration as the sole review of impacts.

The Hughes Center project could have been approved by the City Council in 1986 with no view mitigation measures, provided they were infeasible. But the Council instead chose to find that there were feasible mitigation measures and so they must be enforced. Because the project design was stated to be the view mitigation measure, by definition, changes to the project design that altered this mitigation measure needed to be reviewed by the public and not done through a private letter between the landowner and the planning department. It is true that with the mitigation measures and the project design as shown in the 1984 EIR, still, many views of the "horizon" will be blocked. That doesn't mean that new impacts to the remaining view corridors are insignificant. To the contrary, they are more significant, much as the way a 1% increase of traffic to an "F" rated intersection is significant, while the same impact to a "C" rated intersection might not be. If the baseline is already severely impacted, it takes less additional impact to trigger the CEQA impact significance threshold.

The applicant at the hearing on March 4<sup>th</sup> attempted to narrowly interpret what the views are from the surrounding neighborhoods, stating that if a view of the "horizon" is blocked, then there is no problem with blocking everything above this horizon, too.

This is the precise problem with applicant's slide entitled "Responding to Concerns: Relocation of Tower, View 3A and 3B" which is taken at the lowest possible elevation, around 40 feet above sea level, and taken from within the Hughes Center's property. The photo is not taken from our neighborhood, nor is it representative of the true impacts from the EIR upon it, which showed 115 foot buildings, not 135 foot buildings. Since elevations in the immediate neighborhood range from 40 feet to 129 feet, it is misleading to assume that a view of a significant vista that would have been blocked by a 115 foot building (as shown in the EIR) from elevation 40 would also be completely blocked as seen from a home at 100 feet elevation. As the photo which I submitted shows, views of the mountains are still possible over a 115 foot building or even the more distant 135 foot parking structure. However, this view mitigation measure would be completely destroyed if the building is 268 or 326 feet in elevation.

The only thing that is accurate in this exhibit "View 3A and 3B" is that the 326 foot tower has been dramatically shifted to the east from a location that was behind a wall of three high-rises. So what the public will actually see is 4 high-rise towers in a row, instead of three with another behind it. The point of this is that the original 1984 EIR featured all the tallest towers in this part of the Hughes Center being clustered together; the 1999 "clarification letter" spread them out, thus increasing the portion of the skyline and mountains that would be blocked.

The applicant's reliance on a map titled "figure 45" from the original draft EIR as a view corridor map that shows virtually no view corridors is simply a false reading of this exhibit. This map is a summary of view impacts from selected locations at the Hughes Center's property line and does not show the wide variance in elevations in the surrounding immediate neighborhood, which within the space of two streets goes from 40 feet to 129 feet.

The applicant stated on March 4<sup>th</sup> that "There were no view corridors designated". While it would have been helpful if the project's conditions of approval also specified more details about the view mitigation corridors, the CEQA findings adopted by the City Council on January 24, 1986 were explicit enough:

"The proposed high-rise structures will obstruct existing views over the project site from adjoining and nearby private properties on the south and west. This impact will be partially mitigated by the siting

**and placement** of high-rise structures and by project-imposed height restrictions which will allow viewing channels between some taller buildings and **over some lower buildings.**” (Emphasis added) (see attachment 2)

This establishes that the project design was a mitigation measure and as such, it is not something that can be changed through a “ministerial” (behind the scenes/non-public process), because the original mitigation measure was adopted through a “discretionary” (ie., a public) process. Moreover, the applicant has not shown any authority that allows them to have altered this mitigation measure in private. They instead claim the mitigation measure is non-existent.

Finally, it is the applicant’s own CEQA consultant that has concluded that changes to the location of tall view-impacting buildings can cause significant impacts. The June 20, 2008 letter from Christopher A. Joseph & Associates to Maya Zaitzevsky (which is in the file for this project application) states several revealing facts:

“The tract approval contained lot-by-lot height limitations to allow for view corridors through the project development...(page 4)

“Because the proposed Projects and requested Implementing Permits would not alter building placement or permitted height as otherwise permitted and analyzed under prior environmental reviews, the Apartment Project and Condominium Project will not result in any new significant view obstructions...” (page 5)

They are in effect admitting that if they **were** considering **changing** the location of the 24 story condo tower today, it would be considered a significant impact. As this would be a significant impact, an EIR is required. The change in “building placement” was instead performed in a non-public process and is now being relied upon to claim that no impact is really happening today. But if the change in building placement was being sought today, along with all of the other permits, an EIR would be required. What this shows is that the 1999 Clarification Letter accomplished an illegal “piecemealing” of the review of the impacts of this relocated high-rise tower in a very sensitive view-impacting location. This piecemealing has created the fiction that the change sought in 1999 had no impact, and that the permits relying on that 1999 change sought today also have no impact. The reality is that the net effect of the 1999 action and today’s action do cause a significant impact based in the reasoning of Equity Office’s own EIR consultant.

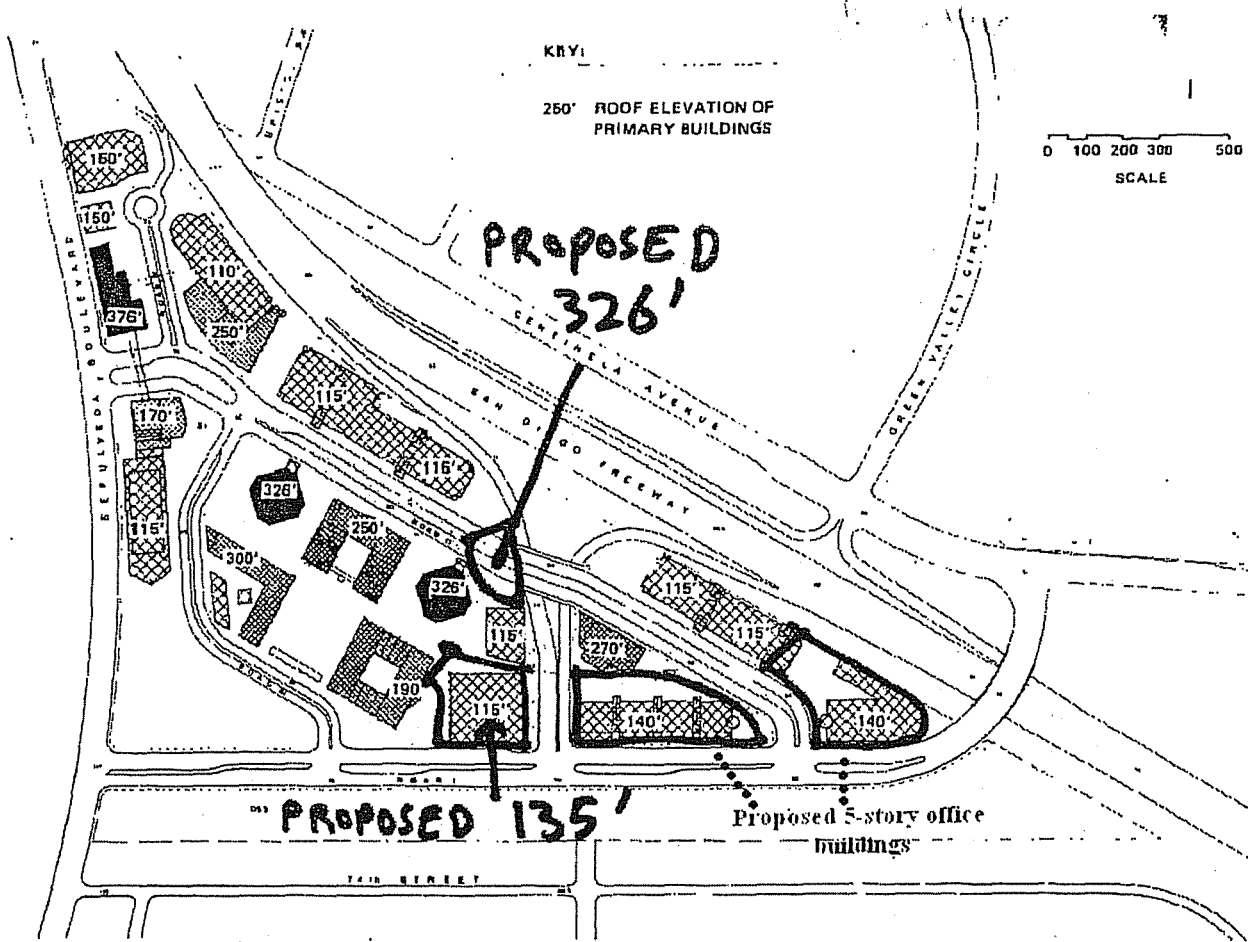
Thank you, Rex Frankel

#### ATTACHMENTS:

- #1---11/1984 Draft EIR Height Limits and view corridors map
- #2---January 24, 1986 CEQA Findings on view impacts as approved by the City Council
- #3---Table of previous CEQA review of view impacts at the Hughes Center
- #4---Elevation Map of Westport Heights neighborhood south of the Hughes Center
- #5---Equity Office’s brochure claiming that an EIR was approved in 2002
- #6---Equity Office’s brochure showing changed view impacts for Westport Heights neighborhood
- #7---Photo of view impacts from 100 foot elevation with old and new tower locations shown



# ATTACHMENT 1



View Corridors Map—Excerpt from 11 1984 Draft EIR for Howard Hughes Center Showing Proposed Building Heights. The Dark Red outline shows the remaining un-built lots. The Pink line shows the final route of Center Drive.

# CITY COUNCIL CEQA FINDINGS 1/24/1986

## Utilities (Solid Waste):

Add at the end of the last sentence: "which may be considered significant."

## View:

Replace in entirety as follows:

The proposed high-rise structures will obstruct existing views over the project site from adjoining and nearby private properties on the south and west. This impact will be partially mitigated by the siting and placement of high-rise structures and by project-imposed height restrictions which will allow viewing channels between some taller buildings and over some lower buildings. This impact will be further mitigated by a clear project commitment to overall project quality and distinguished project appearance as evidenced by significant design efforts and expenditures in a major linear park/garden totaling some 11.5 acres along the southern property line. Therefore, while the project will obstruct views available over the site from adjoining residences, it will also create views available from within the project and will create in itself an attractive urban viewscape as seen from around the project. Nevertheless, the obstruction of views from some nearby residential properties may be considered significant as meant by CEQA, the project's beneficial visual characteristics notwithstanding. Such additional mitigation as may be provided by placing the same amount of building area in buildings that would be lower than the surrounding viewing locations was found to have undesirable effect on functional design and visual character due to the resulting loss of exterior circulation area for service and pedestrian access, loss of open space, and excessively large interior floors having disadvantageous leasing implications. Moreover, mitigation as may be provided by reduced building intensity would have unacceptable impacts on the project objectives.

**Table 2**  
**Comparison of Environmental Findings between the**  
**Howard Hughes Center EIR (1986), the Howard Hughes Entertainment Center EIR (1998)**  
**and the Addendum for the Second Amendment to the Howard Hughes Center Development Agreement**

Environmental Issue	HHC EIR (1986)	HHC Entertainment Center EIR (1998)	2004 Addendum
Aesthetics (Views)	<u>Significant Impact</u>	Not Analyzed	No Change
Air Quality	Significant Impact	Significant Impact	No Change
Cultural/Archaeological Resources	Less Than Significant Impact	Not Analyzed	No Change
Earth (Grading)	Less Than Significant Impact	Not Analyzed	No Change
Hydrology / Water Quality	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Land Use and Planning	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Noise	Significant Impact	Less Than Significant Impact	Less Than Significant Impact - No Change
Population and Housing	Less Than Significant Impact	Not Analyzed	Less Than Significant - Beneficial Impact
Public Services- Fire Protection	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Public Services - Police Protection	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Public Services - Schools	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Public Services - Parks and Rec.	Less Than Significant Impact	Not Analyzed	Less Than Significant Impact
Transportation and Traffic	Significant Impact	Less Than Significant Impact	Less Than Significant Impact
Utilities - Energy Conservation	Significant Impact	Not Analyzed	No Change
Utilities - Sewer	Significant Impact	Not Analyzed	Less Than Significant Impact
Utilities - Solid Waste	Significant Impact	Not Analyzed	Less Than Significant Impact
Utilities - Water Availability	Not Analyzed	Not Analyzed	Less Than Significant Impact

# ELEVATIONS IN AFFECTED NEIGHBORHOOD

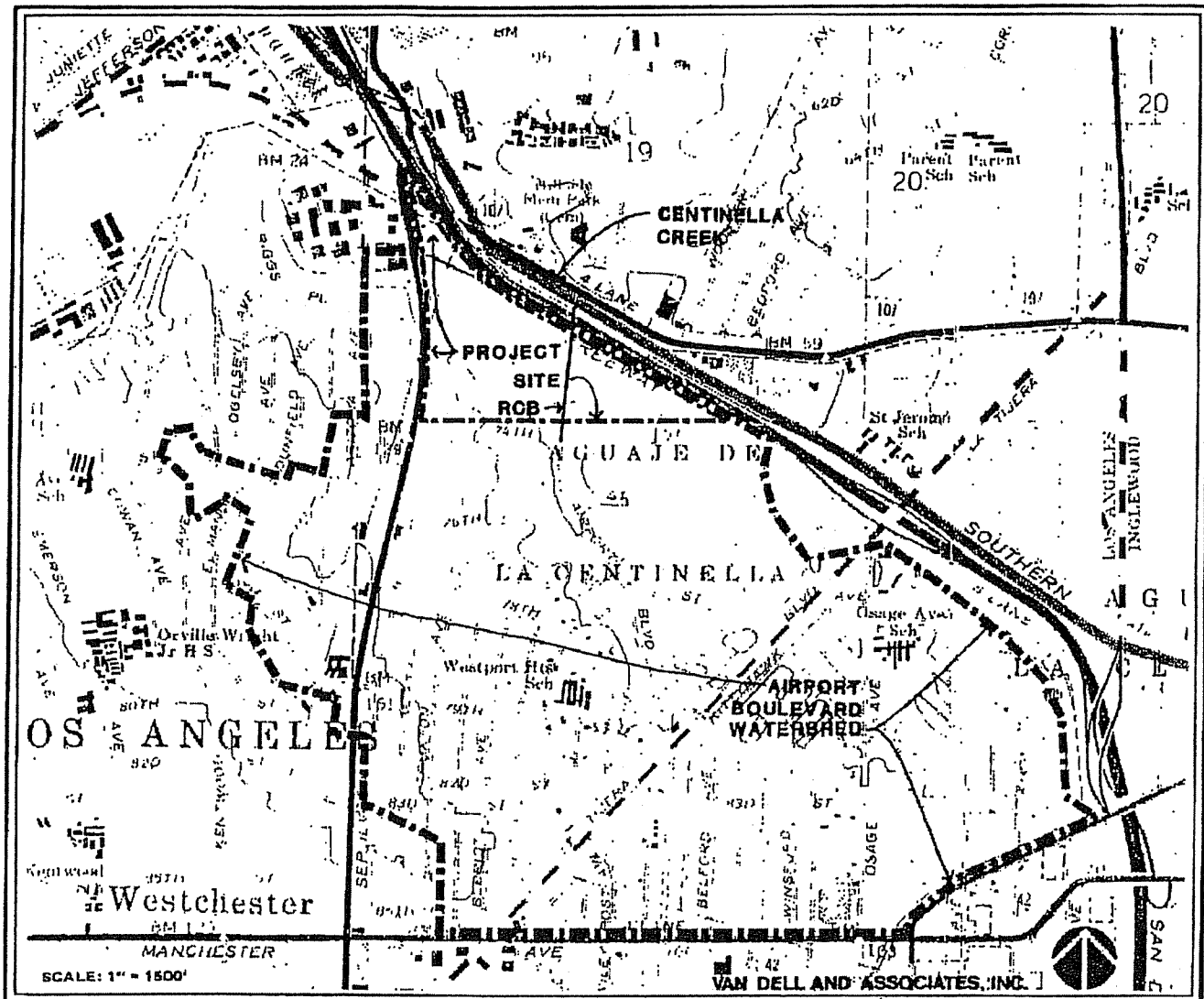


FIGURE 15: PROJECT SITE AS PART OF THE AIRPORT BOULEVARD WATERSHED

From 11/1984 Hughes Center Draft EIR

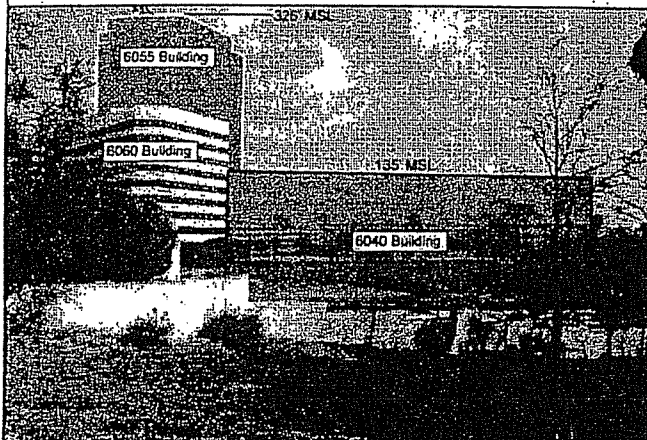
Ranges From 40 feet to  
129 feet in 2 block's  
Distance

## Fulfilling the Vision: Live, Work, Play at Howard Hughes Center



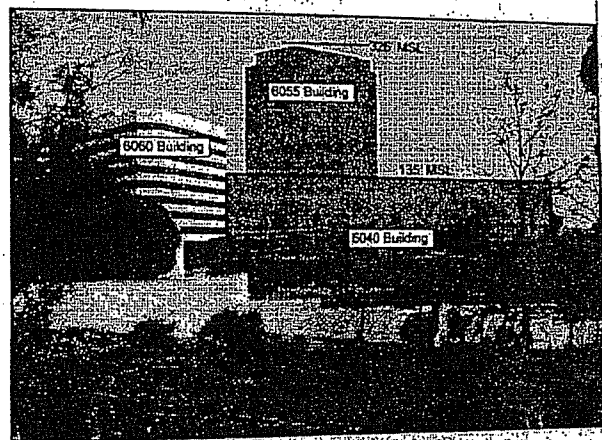
- Development Agreement approved and EIR certified November 3, 1986
- September 16, 1998 Modification to Tentative Tract 35269
- Development Agreement amended and second EIR certified September 4, 2002
- Development Agreement amended again and EIR Addendum approved May 2, 2005

## Responding to Concerns: Relocation of Tower



View 3A: White Outline: Proposed condominium structure on Lots D-3/5.  
Black Outlines: Approximate outlines of other approved buildings.

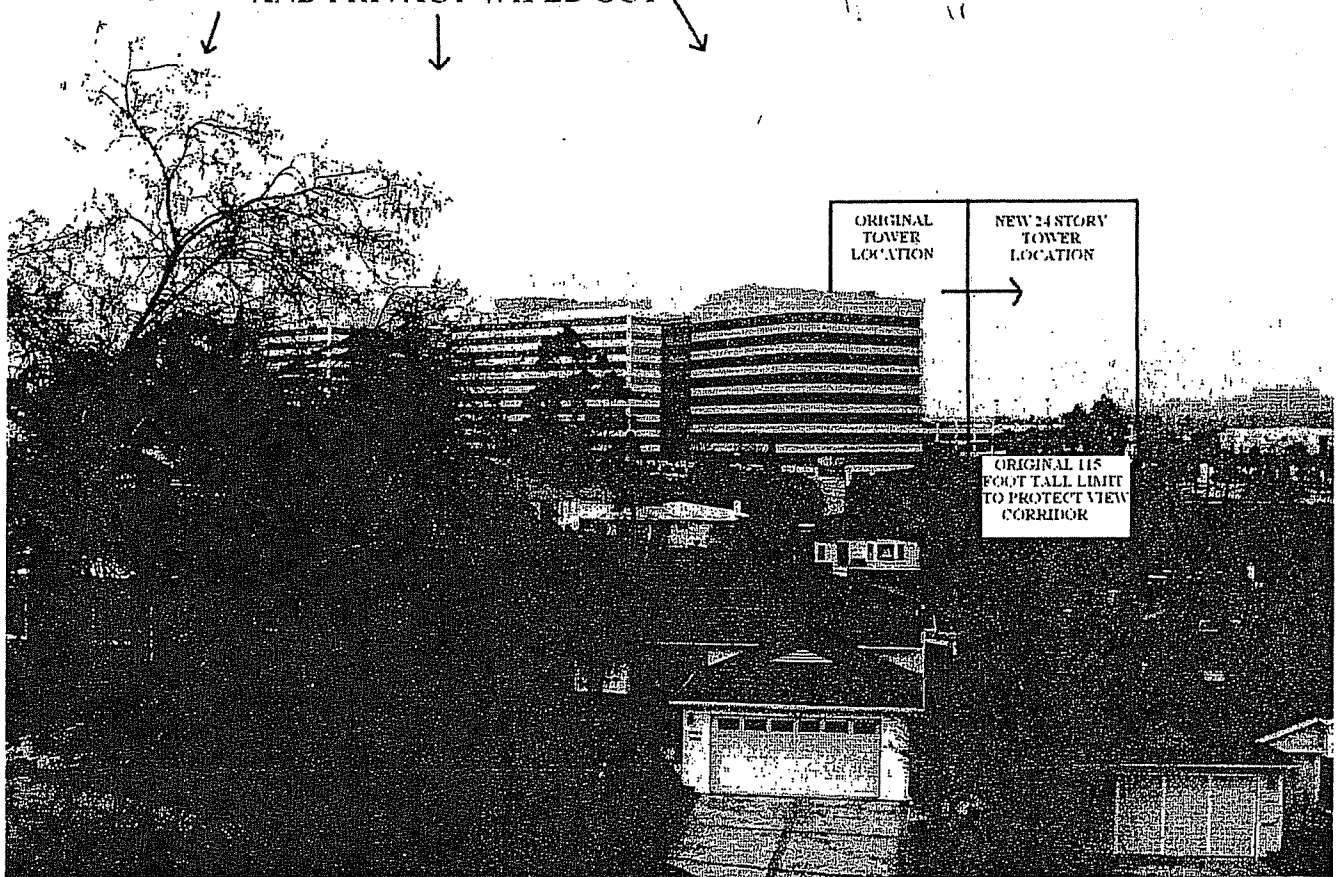
1984 EIR LOCATION



View 3B: White Outline: Proposed condominium structure on Lot 18.  
Black Outlines: Approximate outlines of other approved buildings.

NEW LOCATION

**NO VIEW MITIGATION CORRIDOR  
HERE--ALL EXISTING VIEWS  
AND PRIVACY WIPED OUT**



11/14/2008

COMMENTS ON HOWARD HUGHES CENTER MITIGATED NEGATIVE DECLARATION

NOTE: THIS LETTER CONTAINS TWO ATTACHED FILES OF EXHIBITS

CASE NUMBERS: VTT-70318, ENV-2008-3887-MND, ZA-2008-2700-VCU

FROM:

Rex Frankel, 6038 west 75<sup>th</sup> Street,  
Los Angeles, CA 90045  
310-738-0861

To: Sarah Molina, L.A. City Planning Department

The Hughes Center through the years has received numerous and excessive gifts from the City, from zoning and plan changes that tripled the value of their land and the size of what they could build, to a special 25 year exemption from voter attempts to undo these gifts. The community that has been severely impacted by this massive wall of high-rises has received nothing in return.

Now they seek more high-rises at the expense of our neighborhood. It is time the City's officials stood up to them and said "Enough is Enough!" Hasn't the Hughes Center developer profited enough at our expense?

**MY COMMENTS ON THE CEQA DOCUMENT:**

An EIR is the appropriate CEQA document, not an MND, for this project

It is claimed that the current action doesn't increase the entitlements and impacts and so no new EIR is required. Not so.

The previous 1984 EIR did not analyze or authorize buildings taller than 115 feet on the two proposed residential parcels. In fact, for the location of the proposed 326 foot condominium tower, the Draft EIR map shows a road and open space. Therefore this new project is an increase in entitlements. With the increase in entitlements and building heights comes an increase in impacts. This increase in impacts mandates an EIR.

**SEE EXHIBIT 1**

An entire neighborhood faces the wall of high-rises already constructed at the Hughes Center. Adding more will cause even more significant view and privacy impacts.

**SEE EXHIBIT 2**

# **1. VISUAL IMPACTS ARE BEING INCREASED:**

Development of two new 135 and 326-foot tall towers will have significant visual impact as the development of the other high-rises in the Hughes Center was found in 1985 by the City to have significant and unmitigable adverse visual impacts. It can be easily shown that by the fair argument standard in CEQA it is likely that the increased height will cause significant view and aesthetic impacts.

Calif. Public Resources code section 21080 (d) states: " If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared."

View corridors were left as mitigation measures in the 1984 EIR and ratified in the City Council's approval of the tract map. Mitigation measures cannot now be eliminated without a finding that they are infeasible. This finding must be supported by substantial evidence and not just because the land owner wants to eliminate them for his own profit. (See Lincoln Place Tenants Association v. City of L.A. 130 Cal App.4<sup>th</sup> 1491, pages 1508-1509; also see Napa Citizens for Honest Government v. Napa County, 91 Cal App 4<sup>th</sup> 342, page 345)

These mitigation measures were described this way in the Final EIR dated June 1985: "The siting and placement of structure (sic) should allow for viewing channels through the project development". (page F-xiii). **SEE EXHIBIT 3**

The tract map approval letter dated 11/4/1985 stated "The tract approval limits the height of buildings to allow for viewing channels through the project development." The Council required on 1/24/1986 that the project would include "project-imposed height restrictions" and "viewing channels".  
**SEE EXHIBIT 5**

The elimination of the view corridors by the addition of 2 new towers will also be cumulatively significant, as the existing towers severely constrained the views and invaded the privacy of the thousands of homes in the bowl-like neighborhood that is to the south and west of the Hughes Center; this makes the added view impacts even more significant. Just because earlier phases of the Hughes Center wiped out most views and invaded the privacy of residents doesn't make this new impact less significant. In fact, under CEQA, the impact is more significant because the community and therefore the affected "environment" is more sensitive to the new impact.

While the applicant claims a right to build to 326 feet and the original 1984 EIR shows that the Airport Hazard Elevation Limit puts a maximum height on these 4 parcels of 326 feet, the original EIR limited the heights further to 115 and 140 feet. This limitation was put in by the applicant as mitigation for their huge increase in zoning entitlement that was approved at the same time as the project. (SEE SECTION 4 OF THIS LETTER FOR MORE ON THIS SUBJECT)

When the 1984 EIR was certified and the development agreement was approved based on this EIR, the applicant and City Councilwoman at the time told the City Council that there would be no occupied floors taller than 16 stories.  
**SEE EXHIBIT's 4 AND 6**

**All evidence clearly shows that the two proposed residential parcels are limits by all city approvals to much less height than the applicant is currently seeking.**



## **2. THE 1999 CLARIFICATION LETTER HAS NO LEGAL FORCE AND CANNOT INCREASE IMPACTS WITHOUT CEQA REVIEW**

The applicant today relies upon a 1999 “clarification” letter written by a city planner to justify this added height. Since the clarification letter added significant buildable height to the parcels at issue, there should have been CEQA review of this added impact, since it was already found by the City that the existing towers caused significant view impacts. There was in fact no CEQA review of this letter, and no public hearings or action of the City Council to approve the height increases. Moreover, a mitigation measure for a significant impact cannot be merely waived away by a private letter between city planning and a landowner.

Whether or not anyone challenged the 1999 clarification letter is irrelevant because no public notice was sent out. Therefore, there is no statute of limitations on a challenge to the granting of increased entitlements and impacts without CEQA review. When the public notice is defective, the statute of limitations is waived.

The development agreement was approved in 1986. It can only authorize entitlements that were analyzed in the EIR. Neither the Development Agreement nor a clarification letter can authorize more impacts without additional CEQA review of the significance of the impact. The legal maximum height that can be built on the two proposed residential lots is 115 feet or less.

As the Development agreement states on page 7 : “The maximum height of the project’s proposed buildings is shown on the table attached as Exhibit E hereto and is subject to the limitations set forth in the project approvals.” (emphasis added)

The project approvals and EIR show no tall buildings on the two proposed residential sites.

The applicant claims the Development Agreement gives them the right to this excessive height. In fact, as page 18 of the Agreement states:

“Any subsequent discretionary Action initiated by Company which changes the density, phasing, **building heights** or proportion of office, hotel and retail space shall be subject to the rules, regulations and official policies of the city then in effect...”

This means that the Development Agreement acknowledges that any height increases are OUTSIDE the scope of the original Agreement and may be rejected or modified by the City without breaking the original agreement.

## **3. THE ADDED HEIGHT OF RESIDENTIAL BUILDINGS IS NOT AUTHORIZED BY THE ORIGINAL PROJECT APPROVALS:**

Floor-Area-Ratio averaging was originally allowed in the 1984-1966 project approvals, but was invalidated by the Superior Court as the proper findings for the granting of the necessary zoning variance could not be made. This averaging was approved originally in order to allow some of the towers at the Hughes Center to reach 6 to 1 F.A.R. by claiming that lots containing parking structures did not count as built area.

The Court's invalidation of the height transfer variance means that the existing development agreement does not authorize the averaging of F.A.R.'s between separate lots divided by a public street.

As the original approved project as modified by the court order does not allow buildings to exceed 3 to 1 F.A.R., the applicant's requested averaging of F.A.R.'s for the purpose of transferring extra height to the apartment tower to build to a 4.35 F.A.R. to the apartment parcel, which is a 40% increase in size and height over the current limits, has not been previously reviewed nor analyzed nor mitigated. This F.A.R. limit and height increase is going to cause additional significant view impacts, and so an EIR is required.

The conversion of 600 hotel rooms into 600 housing units is absolutely an increase in the size of the buildings. The average size of hotel rooms is a fraction of the size of most apartment or condominium units. Therefore, this conversion from hotel to residential is an increase in impacts.

This attempt to approve increased entitlements by claiming that they were granted long ago is very similar to the recent court overturning of Playa Vista Phase 2, which was "sold" to the public as a downzoning when in truth it was a huge upzoning, or increase in impacts compared to the actual zoning. By understating the impacts of the actions required to authorize a development, namely a rezoning, the true effects and political choices involved in the approval of the project are distorted. The public is cheated of their right to know the true impacts of the development.

The actual zoning and entitlements on the 2 proposed residential parcels are for, at most, 115 foot tall buildings, not for anything taller.

### **THE CONDOMINIUM PROJECT WOULD SEVERELY EXCEED THE 3 TO 1 F.A.R. MAXIMUM IN THE DEVELOPMENT AGREEMENT:**

The applicant seeks an F.A. R. on the condominium site of 8 to 1, much higher than the 3 to 1 limits allow. The landowner seeks to accomplish this by counting their ownership of land underneath a city street. Normally, a landowner can count land under a "future street" as part of their lot for the purposes of determining the buildable area. However, this is not a future street, but an existing street for the past ten years. Based on the actual buildable area of this lot, which is 34,807 square feet, minus fire lane and drainage easements, the allowable building size should be 104,421 square feet instead of the proposed 273,030 square feet.

The applicant claims that they kept ownership of the street in front of their condo lot because they always intended to keep ownership of "airspace" under or over the streets.

In fact, the 1984 Draft EIR shows the purpose of these airspace easements as for locating parking structures below grade. This had the effect of putting some of the massive density of the Hughes Center below grade, A LAUDABLE GOAL. However, after project approval, no other builders in the Hughes Center constructed any below-street parking garages and neither does the current applicant intend to do this. So instead, what the applicant now seeks to do is benefit from this unused airspace easement in order to construct an even taller structure than was ever considered in any EIR for their property!

## **SEE EXHIBIT 7**

It is a cynical misconstruing of the municipal code and the original project approvals to attempt to justify this massive exceedance of the allowable Floor Area Ratio.

It is telling that the applicant can point to nowhere in the Development Agreement that would allow this mis-use of an airspace easement, precisely because these airspace easements are not mentioned in the Agreement.

## **4. A HISTORY OF THE DECEPTIVE PROCESS OF THE AWARDING OF ENTITLEMENTS TO THE HUGHES CENTER:**

This is the second time the Hughes Center has sought approval of massive development and to avoid both CEQA and public review of the impacts and alternatives to a proposed increase in entitlements that are not currently allowed.

In authorizing a 3.1 million square foot high-rise project at the Hughes Center, the June 1985 Final EIR found, "The project is proposed with less than 50 percent of the development intensity permissible in the M1 zone designated by the District Plan." (page 109) **SEE EXHIBIT 8**

In fact, a plan amendment was required as part of the tract map approval because the then-current Westchester District Plan only allowed a maximum of 1.1 million square feet of limited industrial type development on the site.

This huge upzoning was repeatedly denied by City officials and the Hughes Center's spokesmen and their deception served to prevent the public from knowing the true nature of the project.

### **HOW THIS DECEPTION OCCURRED:**

In 1984 and 1985, the project entitlements for the Hughes Center were split into 2 EIR's which were reviewed during the same time span:

The 12/1984 Hughes Center EIR analyzed the subdivision of the land and required mitigation for the impacts of the project that was described as being ½ as dense as the zoning allowed. This EIR authorized a project totaling 3.1 million square feet instead of the 6.2 million square feet that it was claimed was allowed. This EIR did not consider nor authorize the Plan changes that increased the allowable size of the Center. **SEE EXHIBIT 9**

The March 1985 EIR for the Coastal Transportation Specific Plan contained a Plan Amendment that increased the zoning entitlements at the Hughes Center from 1.1 million square feet to 6.2 million square feet, from 0.5 F.A.R. to 3 F.A.R. Therefore, the earlier 12/84 EIR actually assumed that the later 3/85 EIR had already granted this huge increase in entitlements.

The CTCSP EIR never explained that this plan amendment, from Limited Industry to Community Commercial, would actually increase the entitlements of the Hughes Center.

Before these two EIRS were released, the adopted 1974 Westchester/Playa del Rey District plan showed this site that was zoned as M1-1 was "planned" for Limited Industry. The planning department staff's review of the Hughes Center EIR determined that any development greater than 1.1 million square feet would have to be ratified by the City Council and the Plan would have to be amended to allow this high density. The staff insisted that this plan amendment be a condition of the City's approval of the project. So, why wasn't this fact plugged into the Final EIR for the Hughes Center? Why wasn't the Draft EIR recirculated with this new project feature honestly described? **SEE EXHIBIT 11**

Instead, the planning department chose to put the plan amendment into the CTCSP EIR, which was a project entirely about widening roads in this area and assessing developers for the cost of the road widenings. A reader of the summary section of the CTCSP EIR would find no notice that there was a Plan Amendment proposed for the Hughes Center. It took a search by readers into the middle of the EIR to learn that, yes, a plan amendment was proposed for the Hughes Center. But the EIR text made it seem that the amendment had no impact, therefore 'No further environmental review of this action is needed.' (page III-29) **SEE EXHIBIT 10**

The net effect of splitting the project approval and the necessary zoning increase into 2 separate EIR's was to avoid alerting the public that the Hughes Center was not allowed by the present zoning.

The existing 1.1 million square feet entitlement was based on the fact that areas with a plan designation of Limited Industry were supposed to be built with 1-story manufacturing and light office uses covering half the land, with the rest being parking. This led to the F.A.R. of 0.5 to 1, or a square footage entitlement equal to half of the available 48 acres of M1 zoned land. This lower F.A.R. in district plan designations as compared to the zoning F.A.R. of 3 to 1 was not unusual at the time, since for as much as 15 years after creation of the district plans in the mid-1970's much of the city was zoned for much higher entitlements than the applicable district plan allowed. This confusion and non-enforcement of community-designed Plans led the state legislature to pass Assembly Bill 283 to require cities to conform their zoning and general plans.

The Hughes Center's attorneys argued that because their project was "zoned" in height district one, they were entitled to an F.A.R. of 3 to 1. They argued that since they had always been allowed to build office buildings in that zone, that the change from Limited Industry to Community Commercial would have no impact. In fact, office uses were only allowed in the Limited Industry designation if they were incidental to the manufacturing or other Limited Industrial use.

The Hughes Center and developers citywide were given a gift by the City Council in a poorly-publicized ordinance, # 158939, approved May 10, 1984, which changed the definition of the M1 zone to allow all C2 uses except sanitariums or hospitals. This change in the allowed uses in M1 zones received no CEQA review because no specific properties were being rezoned. Instead, the definition of the zone designation was changed. But because the M1 zone would now allow offices and retail uses, the planning department used this as an excuse to say that changing the plan designation of industrially zoned lands in the city to higher density commercial would now have no environmental impact. **SEE EXHIBIT 12**

This action by the Council was actually counter to planning department policy. As staff wrote in the June 1985 Hughes Center Final EIR, page F-ivx: "industrially zoned land acreages are being depleted

and utilized for office/commercial uses and not as recommended by the respective plans." (emphasis added). **SEE EXHIBIT 13**

Therefore, it took a tortured interpretation of the planning department which wrote in the January 24, 1986 Council hearing staff report that building at the existing industrial zoning was infeasible:

"Further, it would be unreasonable to deprive the applicant of the value of the commercial development in light of the historic expectation of such development based upon existing zoning and previous and current District Plan designations and the City's inability to provide compensation for such loss."

It is laughable that staff described a right that had existed for a year and a half as "historic expectation". **SEE EXHIBIT 15**

Of course, the zoning entitlement was being increased at the Hughes Center, but officials kept denying it. At the Council's 1218/1985 Planning and Environment Committee hearing when the Hughes Center plan designation was changed, Council President Pat Russell was quoted in the minutes:

"She stated that there would be no density changes through adoption of the plan amendments."

**SEE EXHIBIT 14**

The action of the Council was legally described as a "clarification", as opposed to what it really was, a massive zoning increase and gift.

After the City Council approved the Hughes Center, neighborhoods around the city grew outraged at the pace of commercial office and retail development replacing neighborhood commercial stores and small industrial buildings.

Two members of the city council began on February 26, 1986 to circulate an initiative measure to cut the allowed density by half in all areas of the city located in height district one.

**SEE EXHIBIT 16**

This would affect the Hughes Center, and so on March 10<sup>th</sup>, 1986, the Hughes Center's attorneys petitioned the City to give them a 20-year development agreement to lock-in their 3 to 1 zoning rights despite any future downzoning action by voters or the city council.

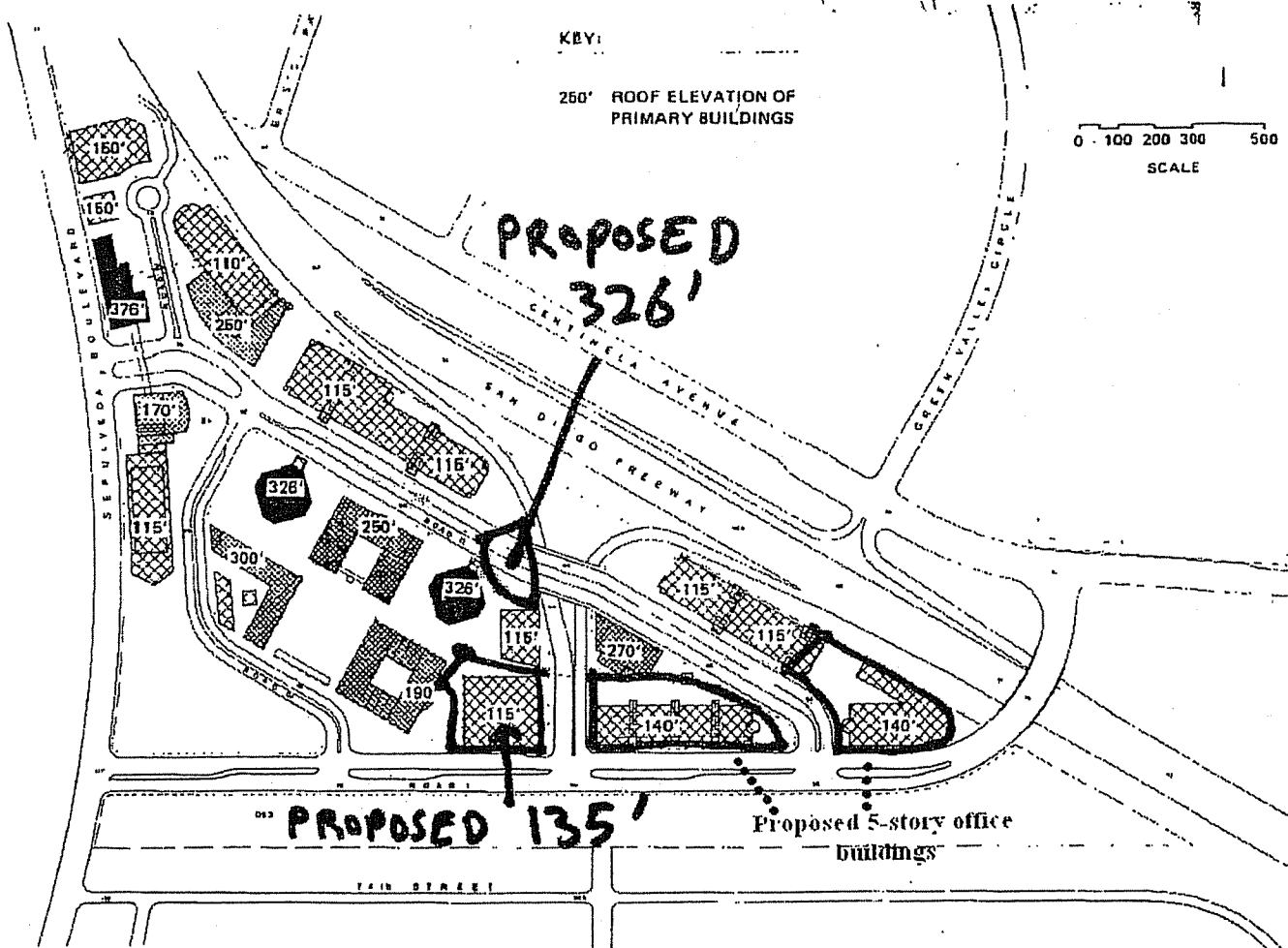
**SEE EXHIBIT 17**

In fact, while voters approved Proposition U by a 2 to 1 margin on November 4<sup>th</sup> 1986, the Hughes Center development agreement was signed by the Mayor on November 3<sup>rd</sup>.

Meanwhile, the City Council member representing this district ran for re-election in 1987. Her campaign manager was the chief lobbyist for the Hughes Center. **SEE EXHIBIT 18**

-----  
Thank you for reviewing and responding to our neighborhood's concerns.  
Rex Frankel

# EXHIBIT 1-FROM 11/1985 DRAFT EIR



View Corridors Map--Excerpt from 11 1984 Draft EIR for Howard Hughes Center Showing Proposed Building Heights. The Dark Red outline shows the remaining un-built lots. The Pink line shows the final route of Center Drive.

# EXHIBIT 2-FROM 11/1984 DRAFT EIR, SHOWS TOPOGRAPHY OF THE NEIGHBORHOOD THAT FACES THE HUGHES HIGHRISES

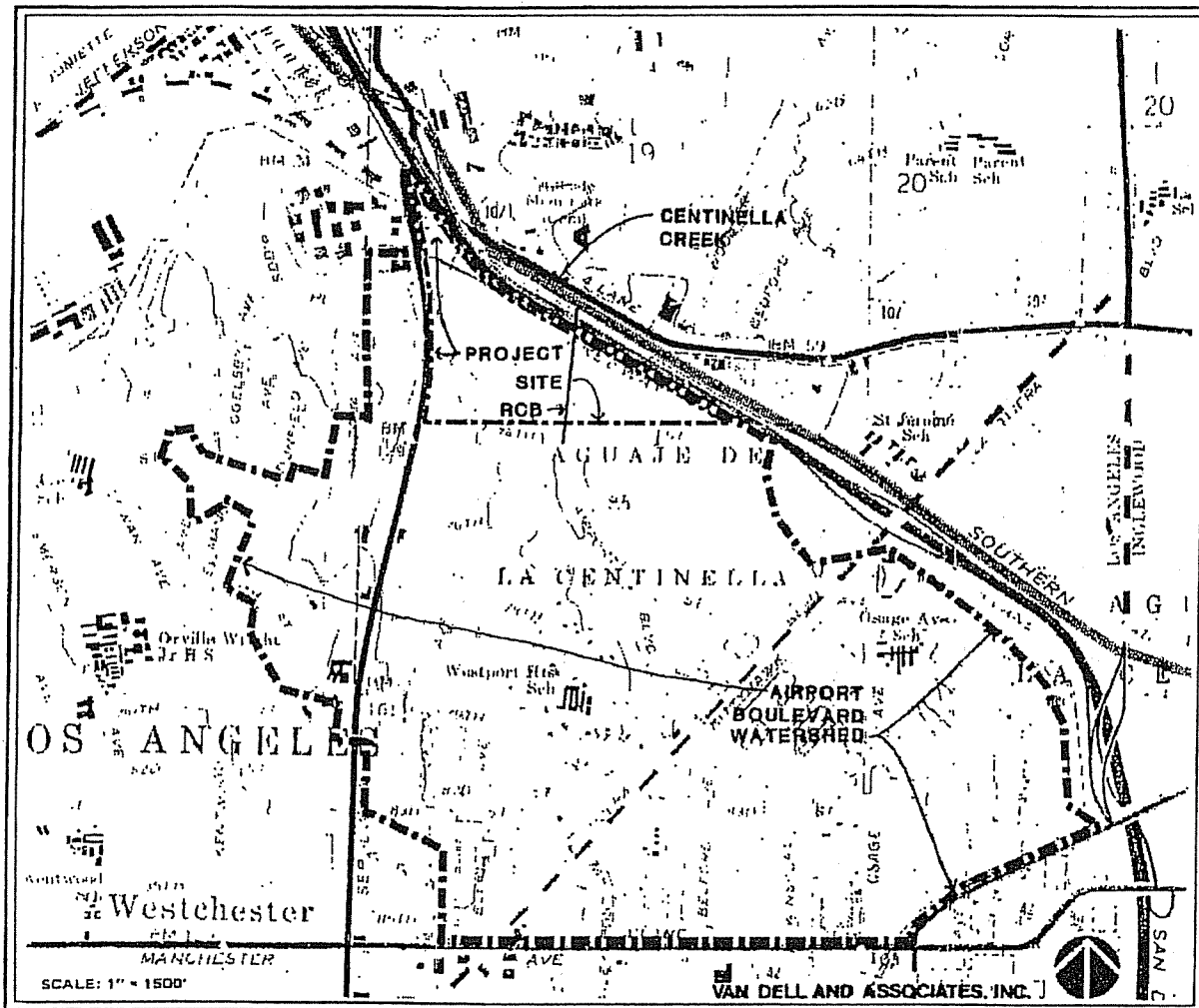


FIGURE 15: PROJECT SITE AS PART OF THE AIRPORT BOULEVARD WATERSHED

# EXHIBIT 3-FROM 6/1985 FINAL EIR

NO. 282-83-ZC(SUB)(CUZ)(ZV)

Page F-xiii

ADVERSE IMPACTS	RECOMMENDED OR CODE REQUIRED MITIGATED MEASURES	NET UNMITIGATED ADVERSE IMPACT
-----------------	---	-----------------------------------

## UTILITIES (Solid Waste) (Cont'd)

day. This solid waste would be transported to existing landfill sites and will contribute to the reduction in the lifespan of the landfill. (DEIR pg 162-165)

central collection facilities and recycling systems. (Recommended)

lifespan of existing regional landfill.

## VIEW

The proposed high-rise structures will obstruct existing views over the project site from adjoining and nearby properties on the south and west. (DEIR pg. 166-171)

The siting and placement of structure should allow for viewing channels through the project development. (Recommended)

Existing views will be obstructed.

## CULTURAL RESOURCES (Archaeological)

The project site is located in an area of high archaeological sensitivity. Two recorded archaeological sites (LAN 213, LAN 216) are located on the project site. Extensive test excavation of these two sites revealed no historical or archaeological evidence of any significance. (DEIR pg. 172-173)

In the event any artifacts are uncovered in the course of the development of the project, the UCLA Archaeological Survey be contacted and an assessment made to assure recovery of any significant resources.

None if property mitigated.



# EXHIBIT 4

Sunday, October 6, 1985/W

Los Angeles Times

## HUGHES: 3 Hotels

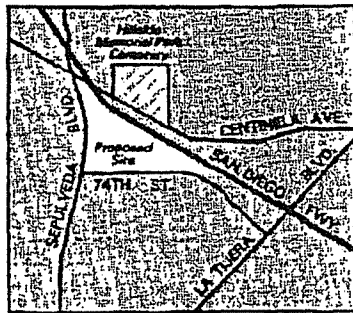
Continued from Page 1

like to see homes being developed in this area."

Marilyn Cole, a spokesman for the Coalition of Concerned Communities, a group representing 18 homeowner associations, asked that no more development approvals be granted in the area until the city has solved problems at Hyperion.

Gilbert Archuleta, an attorney representing Culver City, accused Los Angeles officials of failing to prepare an adequate environmental impact report on the project. In an interview later, he said Culver City officials have asked for a 13% reduction in the size of the project and that they are likely to appeal the commission action if Westchester homeowners do not.

Planning Commissioner Robert Abernathy said he shared concerns about traffic congestion in Westchester. But Abernathy led support for the project, describing it as a sensitive approach to development that would result in important highway projects in the area. Tooley officials estimated they would spend perhaps \$8 million to



GEORGE CAREY / Los Angeles Times

Planning Commission has approved building of up to three hotels proposed for Howard Hughes Center (white area).

\$10 million for new freeway ramps.

The ramps will enable travelers on the Marina Freeway to go southbound on the San Diego Freeway without exiting to surface streets, McGregor said.

McGregor, who outlined the project in an interview, said the company has taken several additional steps to try to meet the concerns of residents. He said the company has just completed work

on a \$2-million park, two-thirds of a mile long and 160 feet wide, that would help to shield the project from adjoining neighborhoods.

In addition, he said, the company has agreed to limit building heights to 16 stories, despite existing zoning laws that would allow construction up to 26 stories. McGregor said the company still plans to erect some type of unoccupied "theme" structure—which he described as a spire or monument—which could reach 26 stories.

McGregor said the project is designed to create no impact on traffic, which he called "an enormous goal for a project of 70 acres." However, he conceded that the development of the Hughes Center and surrounding major projects could worsen traffic.

# EXHIBIT 5-COUNCIL APPROVAL LETTER

ELIAS MARTINEZ  
CITY CLERK

CITY OF LOS ANGELES  
CALIFORNIA



TOM BRADLEY  
MAYOR

OFFICE OF  
CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CA 90012  
485-5708

WHEN MAKING INQUIRIES  
RELATIVE TO THIS MATTER,  
REFER TO FILE NO

85-2313

CD 6

January 24, 1986

City Attorney (w/copy of motion)  
City Planning Commission (w/copy of motion)  
Deputy Advisory Agency (w/copy of motion)  
Board of Public Works (w/copy of motion)  
Bureau of Engineering (w/copy of motion)  
Department of Building & Safety  
(w/copy of motion)

Latham & Watkins  
555 S. Flower St.  
Los Angeles, CA. 90071  
(w/copy of motion)

Tooley and Company  
Attn: Wm. McGregor  
6167 Bristol Parkway  
Suite 324  
Culver City, CA. 90230  
(w/copy of motion)

A Coalition of Concerned  
Communities (w/copy of motion)  
7927 Stewart Ave.  
Los Angeles, CA. 90045

RE: HOWARD HUGHES CENTER - 6900 SEPULVEDA BOULEVARD

At the meeting of the Council held January 24, 1986, the following  
action was taken:

Attached report adopted as amended.....	X
" motion 2A adopted (Finn-Russell).....	X
" resolution " ( ).....	
Ordinance adopted.....	
Motion adopted to approve attached report.....	
" " " communication.....	
To the Mayor for concurrence.....	
To the Mayor FORTHWITH.....	
Mayor concurred.....	
Appointment confirmed.....	
Appointee has/has not taken the Oath of Office.....	
Findings adopted as amended.....	X
Negative Declaration adopted.....	
Categorically exempt.....	
Generally exempt.....	
EIR and addendum to EIR certified.....	X
Tract map approved for filing with the County Recorder.....	
Parcel map approved for filing with the County Recorder....	
Bond approved.....	
Bond is No .....	
Resolution of acceptance of future street to be known as adopted.....	
Agreement mentioned therein is/are No. ....	
of Contracts.....	

*Elias Martinez*

City Clerk  
mb

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

# CITY COUNCIL CEQA FINDINGS - 1/24/1986

## Utilities (Solid Waste):

Add at the end of the last sentence: "which may be considered significant."

## View:

Replace in entirety as follows:

The proposed high-rise structures will obstruct existing views over the project site from adjoining and nearby private properties on the south and west. This impact will be partially mitigated by the siting and placement of high-rise structures and by project-imposed height restrictions which will allow viewing channels between some taller buildings and over some lower buildings. This impact will be further mitigated by a clear project commitment to overall project quality and distinguished project appearance as evidenced by significant design efforts and expenditures in a major linear park/garden totaling some 11.5 acres along the southern property line. Therefore, while the project will obstruct views available over the site from adjoining residences, it will also create views available from within the project and will create in itself an attractive urban viewscape as seen from around the project. Nevertheless, the obstruction of views from some nearby residential properties may be considered significant as meant by CEQA, the project's beneficial visual characteristics notwithstanding. Such additional mitigation as may be provided by placing the same amount of building area in buildings that would be lower than the surrounding viewing locations was found to have undesirable effect on functional design and visual character due to the resulting loss of exterior circulation area for service and pedestrian access, loss of open space, and excessively large interior floors having disadvantageous leasing implications. Moreover, mitigation as may be provided by reduced building intensity would have unacceptable impacts on the project objectives.

# EXHIBIT 6



Pat Russell

PRESIDENT, CITY COUNCIL  
COUNCILWOMAN, SIXTH DISTRICT  
CITY OF LOS ANGELES

Dear Residents:

The Howard Hughes Center, bounded by Sepulveda Blvd., Centinela Ave., and the San Diego Freeway, is a 67 acre, 2.7 million square foot project with a floor area ratio of 1.5. By legal right, the project could be developed at nearly twice that size. But since that would have devoured the nearby neighborhoods, I worked to scale the development down to a more compatible size; still, property that is privately held cannot be completely taken out of the hands of the holders--instead, it can be effectively monitored and given to credible requirements.

There is no way to ignore a particular development's impact on existing conditions, for adding any variable changes the equation. We can, however, keep these impacts in hand, and I believe, with respect to the Howard Hughes Center, we have.

While a park to protect the 74th Street residents was landscaped as a buffer zone at the residents' request, by my urging the developers scrapped their plans to construct a heliport on the site.

Most significantly, however, is the transportation network that was devised over a three year period, and that will, according to all projections, improve upon existing traffic conditions at most of the surrounding intersections. Four new on and off ramps to the San Diego Freeway, (north and south), will be constructed, and plans have been finalized to complete the (long dormant) Marina Freeway eastbound ramp to the southbound San Diego Freeway, which will further reduce the traffic cluttering the Sepulveda/Centinela intersection. The project must also live up to the terms of my Coastal Transportation Corridor Specific Plan, calling for the reduction of site traffic by 17 percent before future phases can begin. If not, future phases will not be built.

The project's tallest structure is now under construction, but what we are truly building is, in the long run, a planning strategy that recognizes certain economic realities as well as human ones, one that balances them admirably. By working together to meet the needs of community life, the Howard Hughes Center has become a good beginning.

Sincerely,

Pat Russell  
Councilwoman, Sixth District

The site plan illustrates the layout of the San Diego Convention Center and its parking facilities. Key features include:

- Streets:** KIEPULVEDA BOULEVARD, ARRIOLA DRIVE, CENTINELA AVENUE, SAN DIEGO FREEWAY, ORTEGA VALLEY CIRCLE, and FAIR STREET.
- Parking Structures:**
  - Free-standing parking structures:** Represented by solid black rectangles, located primarily along the western and southern sides of the convention center complex.
  - Subterranean, attendant parking:** Represented by dashed-line rectangles, interspersed among the free-standing structures and along the eastern side of the complex.
- Key:**
  - Free-standing parking structure
  - Subterranean, attendant parking
- Scale:** A graphical scale bar indicating distances of 0, 100, 200, 300, and 500 feet.

FIGURE 7: THE DISTRIBUTION OF ON-SITE PARKING FACILITIES

# EXHIBIT 8-FROM 6/1985 FINAL EIR

NO. 282-83-ZC(SUB)(CUZ)(ZV)

Page 10

Comment No. 2.C. (March 6, 1985). The subject project does not propose any permanent on-site housing. In calling for additional housing, SCAG's jobs/housing balance policy does not specify that new residential development be provided as part of this project or that the responsibility to provide housing lies with commercial and industrial developers. Instead, the policy refers responsibility for the development of new housing to local jurisdictions in job-rich subregions. Nevertheless, an entity related in ownership to the project applicant does presently have application before the City of Los Angeles for the development of approximately 205 residential units located in the greater project locale. In addition, ownership of additional property is retained by this entity for future residential development of an unspecified amount of new housing.

## Comment No. 8: DEVIATION FROM THE WESTCHESTER-PLAYA DEL REY DISTRICT PLAN (W-DRDP)

On page 1 of the W-DRDP it states: "Development may vary slightly from the plan provided the total acreage of each type of land use, the land use intensities and the physical relationships among the various land uses are not altered. Development should not be allowed which is not consistent with the intent and purpose of the plan." Since the proposed project is bordered on three sides by residential communities the project as proposed is incompatible with the W-DRDP. In addition, the proposed plan further deviates from the W-DRDP required policies, which gives preference to residential developments, by development intensity well in excess of any nearby, comparable commercial/industrial development; by blockage of long established views; and, the elimination of a last open area on the east side of Westchester.

Response: The adopted Westchester-Playa del Rey District Plan designates approximately 75 percent of the project site for Limited Industrial purposes with corresponding M1, MR1 and P zoning classifications. The City of Los Angeles has zoned the same 75 percent of the project site M1, one of the corresponding zones cited in the District Plan. The M1 Zone allows office and retail uses. The project site was surrounded by virtually the same land use pattern in 1974 when the District Plan was adopted as it is today. The proposed project appears to be consistent with the recommendations of the District Plan. In addition, the project is proposed with less than 50 percent of the development intensity permissible in the M1 Zone designated by the District Plan.

## Comment No. 9: RECOMMENDATIONS

The Coalition of Concerned Communities recommends the following:

Have the applicant include in the final EIR an easily followed schedule of committed road improvements that is overlayed with the projects key milestones schedule.

Response: A summary schedule of traffic mitigation improvements is presented in Table 18 of the DEIR.

Comment No. 10: Have the applicant's traffic consultant re-calculate traffic circulation predictions based only on committed improvements. Compare predicted performance with and without the TSM program; and, evaluate the impact of I-405 congestion on project roadways as well as on Road 1 and Road 2 at Sepulveda.

# EXHIBIT 9—PROJECT DESCRIPTION FROM 6/1985 FINAL EIR

Los Angeles City Planning Department

Room 561 City Hall

WESTCHESTER-PLAYA del REY DISTRICT  
COUNCIL DISTRICT 6

EIR 282-83-ZC(SUB)(CUZ)(ZV)  
SCH. NO. 83090705  
(HOWARD HUGHES CENTER)

The proposed final Environmental Impact Report (EIR) on this project consists of this report, together with the Draft Environmental Impact Report.

## Project

The development of 69 acres with an office/commercial complex having a range of 2.3 million square feet of office space and 600 hotel rooms or 1.8 million square feet of office space and 1,500 hotel rooms. Within the office space potential includes approximately 100,000 square feet of retail, restaurant and financial space and 100,000 square feet of fitness center. Height of structures ranges from three to 26 stories. Approval is requested for a tentative tract map with a zone change incident to subdivision and commercial condominium; conditional use to permit hotel use, a private park, sale and consumption of alcoholic beverages in the restaurant; and variance to permit buildings to exceed floor area limitations of Height District 1.

APPLICANT: Howard Hughes Development Corporation and  
Tooley and Company Investment Builders  
6167 Bristol Parkway  
Culver City, CA 90230

Prepared By:  
Environmental Review Section  
June 1985

## Table of Contents

	<u>Page</u>
Summary	F-i
Corrections and Additions to the Draft EIR	1
Comments from Persons and Organizations Consulted	6
Persons and Organizations not responding to the Draft EIR	148

# EXHIBIT 10

March, 1985

---

Draft Environmental Impact Report  
for the City of Los Angeles Coastal Transportation  
Corridor Specific Plan and Related Community  
and District Plan Amendments

Prepared for the CITY OF LOS ANGELES

Prepared by ENVICOM CORPORATION in association with  
BOLT BERANEK & NEWMAN, INC. • WILLIAMS-KUELBECK & ASSOCIATES  
• ARCHPLAN • PRC ENGINEERING, INC.



development of this property were addressed in the Howard Hughes Center EIR No. 282-83-ZC (CUZ)(ZV) (Sub); significant adverse environmental impacts identified in this EIR were air quality transportation/circulation, sewers, and visual resources. Because the previous EIR addressed the environmental consequences of the future uses of the Spicer property, no further environmental review of this action is required. The Howard Hughes Center EIR is available from the Department of City Planning, 200 N. Spring Street, Los Angeles and is hereby incorporated by reference.

The City of Los Angeles also proposes to amend the Westchester-Playa del Rey District Plan land use designation of a group of parcels located south of Century Boulevard and north of Iowa Street, between Aviation and La Cienega Boulevards (see Figure 7). The existing land use designation for this area is currently Light Industry, which would be changed to a Community Commercial use. Under the provisions of the Community Commercial land use designation, the subject property potentially could be developed with a range of uses including most commercial activities (e.g., office commercial, retail businesses, automotive-related operations), residential, and institutional (e.g., hospitals, schools, churches) uses, but not light manufacturing operations. Under the former Light Industry land use designation, the site could have supported light manufacturing and most commercial uses, but not residential and institutional land uses. Given the site's frontage on a major arterial lined with intensive commercial and hotel uses, it is expected that the subject property would be developed with similar intensive commercial uses such as office and professional commercial uses.

The proposed land use designation change to Community Commercial for the 23.55-acre site is not expected to result in new environmental impacts that would not result under the existing Light Industry designation. That is, under both the existing and proposed land use designations, the most intensive land use (i.e., commercial office uses) is permitted. Consequently, the types of environmental impacts (i.e., worst case) resulting from commercial office use would result with both existing and

# EXHIBIT 11

TENTATIVE TRACT 35269  
CITY PLAN CASE NO. 84-052 (ZC)

7/31/1985  
Staff Report

PAGE 2

- b. Reducing the amount of parking to below that which is usually required for similar projects, essentially forcing all future owners within the project to keep up their TDM systems by creating an artificial scarcity.
- c. Imposing a Fine and/or legal charge if maintenance of the 17 percent goal fails. Monies could be deposited with a Coastal Transportation Corridor Fund to advance construction transit lines. Code violations are currently misdemeanors punishable by up to a \$500 fine and/or 6 months imprisonment. Failure to maintain the reduction could result in fines.
- d. Maximum square footage established whenever an intersection at Level of Service (LOS) E or F increases by 0.02 or more as a result of the project.
- e. TDM enforcement plan. This alternative would require the applicant to retain a consultant to devise a long range TDM enforcement plan.

In the final analysis, we see several alternative approaches to enforce the proposed Transportation Demand Management (TDM) program after project completion, some more effective than others. We recommend concept "a" which will reduce the traffic impacts. Concept "a" is also a project variable requested by the applicant. In addition, we recommend concept "e".

- \* ( 4. The issue as to whether the proposed intensity of development, approximately 2.7 million square feet (including the 400,000 square feet approved by P.M. LA NO. 4070), constitutes a "center" as defined by the Concept Plan has been debated. The project, on its own, does not fit the strict interpretation of a center because, as proposed, it lacks housing and would not function as a self-contained environment. However, the proposed intensity and land use are considered as components of a center. An added factor is the location of the project site adjacent to an area known as "Fox Hills", a regional shopping center, which is emerging as a significant regional commercial center. The Westchester-Playa Del Rey District Plan, adopted March 20, 1974, designates the subject site for limited industrial development, corresponding to the M1, MR1 and P zones. If the subject site was developed for industrial use, the maximum allowable square footage would be 1.1 million. Therefore, staff recommends that development beyond this approximate level be tied to an amendment to the Westchester-Playa Del Rey District Plan or other City Council action whereby it is clear that the proposed project intensity is appropriate for the subject site. ) \*

5. The adopted Bicycle Plan identifies both Sepulveda and Centinela Boulevards as part of the backbone system of the Bicycle Plan map. Although the applicant does not propose bike paths as a part of the project, staff recommends inclusion of these bikeways.
6. The conceptual design for the project embodies an inward-looking project with strong physical and visual edges on two sides (one to buffer the site from the freeway and one to buffer the single family neighborhood from the site) and a central gathering place for all who will work or stay there.

# EXHIBIT 12-ORDINANCE REFINING THE M1 ZONE TO ALLOW C2 USES

ly Journal

P.O. Box 54026  
California 90054  
(213) 625-2141

## Publication

5.5 C.C.P.)

35

8-939

United States and a resident of the  
is. I am over the age of eighteen  
ty to or interested in the above  
the principal clerk of the printer  
LOS ANGELES DAILY JOURNAL, a  
nted and published in the English  
of Los Angeles, and adjudged a  
ral circulation as defined by the  
California by the Superior Court of  
es, State of California, under date  
e No. 599 382 That the notice, of  
d is a printed copy, has been  
regular and entire issue of said  
in any supplement thereof on the  
will.

184

! under penalty of perjury that the  
id correct.

*Lores*  
Signature

ORDINANCE NO. 15839

An ordinance amending Sections 12.03, 12.17.5, 12.17.6,  
12.19, 12.20 and 12.24 of the Los Angeles Municipal Code to clarify  
certain uses permitted in industrial zones.

THE PEOPLE OF THE CITY OF LOS ANGELES  
ORDAIN AS FOLLOWS:

Section 1. Paragraph a of Subdivision 4 of Subsection A  
of Section 12.17.5 is hereby repealed.

Sec. 2. Paragraph a of Subdivision 4 of Subsection A of  
Section 12.17.5 of the Los Angeles Municipal Code is hereby amended  
to read:

c. Veterinary, dog and cat hospitals, kennels, or  
facilities for breeding and boarding of animals (no  
outside keeping of animals - no open fur). In no case,  
however, shall any new kennel or animal breeding and  
boarding facility be constructed where any portion of the  
parcel is located within 500 feet of a residential zone  
without obtaining a conditional use permit pursuant to  
Section 12.34C1 of this Code.

Sec. 3. Subdivision 3 of Subsection A of Section 12.17.6  
of the Los Angeles Municipal Code is hereby amended by adding a new  
Paragraph (b) to read:

(b) Poultry or rabbit killing incidental to a  
retail business on the same premises.

Sec. 4. Subdivision 3 of Subsection A of Section 12.17.6  
of the Los Angeles Municipal Code is hereby amended to read:

Any commercial use permitted in the C2 zone except  
sanitation and hospitals, provided that these uses are  
undertaken in accordance with all building envelope and fence  
envelope limitations of said C2 zone.

Sec. 5. Paragraph (c) of Subdivision 3 of Subsection A of  
Section 12.17.6 of the Los Angeles Municipal Code is hereby amended  
to read:

(c) Rental of equipment commonly used by contractors,  
including rental, storage, or storage for rental purposes of  
household moving rental trucks and utility rental trailers or  
commercial vehicles of any weight.

Sec. 6. Paragraph (f) of Subdivision 3.5 of Subsection A  
of Section 12.19 of the Los Angeles Municipal Code is hereby  
amended to read:

(f) Concrete or cement products manufactured in the  
open.

Sec. 7. Paragraph (a) of Subdivision 4 of Subsection A of  
Section 12.19 of the Los Angeles Municipal Code is hereby amended  
by adding a new Subparagraph (4) to read:

(4). Storage, display, processing, or sales of  
second-hand boxes, crates, barrels, drums, or similar  
containers.

Sec. 8. Subdivision 1 of Subsection A of Section 12.20 of  
the Los Angeles Municipal Code is hereby amended to read:

1. Any use permitted in the M1 zone.

Sec. 9. Subdivision 37 of Subsection A of Section 12.28  
of the Los Angeles Municipal Code is hereby amended by adding a new

e F Fed me  
6/21/84  
1984

MRI zone

NOTE:  
Section  
4  
Revision -  
ALLOWS  
ALL C2  
USES IN  
M1  
ZONES

M1

M1

M1

M2

M2

M3

# EXHIBIT 13—FROM 6/1985 FINAL EIR

NO. 282-83-ZC(SUB)(CUZ)(ZV)

Page F-ivx

## MAJOR IMPLICATIONS

The adopted 1974 Westchester-Playa del Rey District Plan designates the project site for Limited Industrial (M1, MR1 and P) and Low Density Housing (R1, RS and RE9) land use. The Plan essentially acknowledges the existing M1-1 and R1-1 zoning pattern which has been in existence for many years. As with other proposed and/or planned developments in the vicinity of LAX-Westchester-Marina Area, ~~industrially zoned land acreages are being depleted and utilized for office/commercial uses and not as recommended by the respective plans.~~

The project site was initially approved under PMLA No. 4070 in 1970 as a three lot parcel map with a limitation of 400,000 square feet of office use. The proposed project continues the development in phases to a total development of 2.7 million square feet consisting of 2.3 million square feet of office space plus 600-room hotel, including 100,000 square feet of retail, restaurant, financial and a 100,000-square-foot health and fitness center. As proposed, the full development of the project is committed to a program of traffic reduction measures to achieve a 17 percent reduction during the peak hours or failing that, an equivalent percentage reduction in project intensity. This program of traffic reduction measures should be applied throughout the phases of development and safeguarded by a measure of achievement for compliance at each level of development.

The issue of the project intensity (2.7 million square feet), whether such a development constitutes a "center" as defined by the intent and scope of the Concept Plan has been frequently debated. The strict interpretation of a "center" consist of high intensity development characterized with a mixture of land uses, including residential, commercial, industrial, recreational uses and functions as a self-contained environment. ~~This definition does not precisely fit the description of the proposed project. However, the proposed intensity and land use of the development are considered as one of the components that is characteristically located within a center.~~ An added factor is the location of the project site, adjacent to the area known as "Fox Hills", which is a regional commercial shopping center which is emerging as a significant regional commercial center. This emergence of Fox Hills as a center, which the Concept Plan designates as a Node, requires a reassessment of the Concept Plan.

The accelerated development and growth within the environs of LAX, Westchester and the Marina Area has caused residents concern about the adequacy of local and regional transportation facilities and the potential level of future development based on the land use provisions of the Community Plans and the resultant quality of life. With this concern, the City Council has initiated the preparation of the Coastal Transportation Corridor Specific Plan. Within the Specific Plan Area, the Plan will coordinate the phasing of development with the expanding capacities of the supporting transportation networks; implement transportation improvement projects and public transit programs and collect impact assessment fees necessary to implement the transportation systems. It will establish a mechanism by which public/private agreements would be formed to link facilities improvements with phased developments and cause the cost of transportation improvements to be borne by the development generating the impact.

# EXHIBIT 14-MINUTES OF COUNCIL HEARING 12/18/1985

total: 81 pages

PLACE IN FILES

JK  
DEPUTY

Item 7  
CF 83-1940-S1  
December 18, 1985

2 Speakers (one at 14:00, dec  
P. H. Mc.  
By 1:10 p.m.)

This being the time set for the hearing relative to the approval of a Resolution and recertification of an Environmental Impact Report (EIR) amending the Westchester-Playa del Rey District Plan, the Los Angeles International Airport Interim Plan, the Palms-Mar Vista-Del Rey District Plan, the Venice Community Plan and the Highways and Freeways Plan, the matter was taken up.

The Clerk then presented the Planning and Environment Committee Report, Resolution and EIR which are as follows:

(Insert P&E Rpt & Resolution)

Following presentation of the Committee report and resolution, the President inquired if there were any persons present desiring to be heard on the matter.

Whereupon the following persons addressed the Council in opposition to the proposed amendments: Bryan Allen; and Patrick McCartney, President of the Coalition of Concerned Communities.

It should be noted that the speakers in opposition expressed concern about the preservation of industrially-zoned land

Page 1/81

of the EIR, and indicated that there were inconsistencies between the General Plan and the proposed plan amendments. The speakers also requested that Council delay voting on the plan amendments until the Westchester community had sufficient opportunity to address the Planning Commission on major changes in the Westchester Plan.

The public hearing was closed; and thereafter a period of general commentary by the members of the Council took place.

Mr. Dave Gay, Planning Department, was seated at the center table to answer questions and provide information to Councilmembers.

Mr. Gay explained the basic provisions of the proposed clarification amendments, responded to questions on the adequacy of the EIR, and outlined the departmental review procedures involving the Planning Commission and Mayor.

At this time, Councilmember Yaroslavsky assumed the Chair and President Russell took a seat in the Council semi-circle.

Mr. Finn was recognized and spoke in support of the Committee recommendations. He stated that the proposed plan amendments were structured in a flexible manner in order to meet the changing conditions of developments as they may occur in the future.

2/8/

At this time, Councilmember Wachs entered the Council Chamber and took his seat, and Councilmember Bernardi was excused and left the Chamber.

Mrs. Russell was recognized and spoke in favor of the proposed plan amendments. She stated that there would be no density changes through adoption of the plan amendments. She added that the entire development of the transportation ordinance had been processed openly through meetings with City staff and members of the community, and concluded her remarks by asking for Council's approval of the subject amendments.

Thereafter, the Planning and Environment Committee report, Resolution and EIR were adopted by the following vote: Roll (11-0).

The Chair then instructed the Clerk to proceed with the next order of business.

3/81

# EXHIBIT 15-COUNCIL APPROVAL FINDINGS 1/24/1986

## 4. Change in land use.

- a) All industrial alternative. Add the following to the end of this section:

Also, the economic implications of this alternative with respect to employment and tax base and private sector attractiveness would not be expected to compare favorably with those of the project. Further, it would be unreasonable to deprive the applicant of the value of commercial development in light of the historic expectation of such development based upon existing zoning and previous and current District Plan designations and the city's inability to provide compensation for such loss. For the foregoing reasons, this alternative has been rejected.

- b) Development per Existing Zoning. Add the following language to the end of this section:

This alternative has been rejected for the same reasons as the "all industrial alternative".



# EXHIBIT 16—DOWNZONING INITIATIVE UNVEILED

2-27-86

Editorial Pages

U.S. 100/1  
100/1  
100/1

ATTN

CC/Part II

## L.A. 'Strangling'; Move Begun to Curb Density of Building

By VICTOR MERINA, Times Staff Writer

Warning that unbridled developments are "strangling" local neighborhoods, Los Angeles City Councilmen Marvin Braude and Zev Yaroslavsky launched an initiative campaign Wednesday to drastically reduce the density of future commercial building in most parts of the city.

The sweeping measure, if it qualifies for the November ballot, would reduce the development potential of roughly 75% of the city's commercial properties and is expected to encounter fierce opposition from influential developers.

Although the proposal would exempt "city centers" where intense development is allowed—including the downtown business district, the Wilshire corridor and central Hollywood—construction in the remainder of the city would be bound by the voter-approved restrictions.

### Planning Chief Backs It

City Planning Commission President Daniel Garcia joined Yaroslavsky and Braude in proposing the ballot initiative.

"The reasons we are doing this is because we do not feel that the existing zoning regulations adequately protect the neighborhoods of this city, adequately deal with the traffic problems of this city and that the current land-use regulations are frankly not very sound," said Yaroslavsky, who represents the Westwood area.

Braude, whose district includes

portions of the San Fernando Valley where commercial developers have clashed with local homeowners, agreed.

"Overbuilding and traffic congestion are strangling our city and our neighborhoods," he said. "We are facing a real crisis because our streets can no longer handle the ever-expanding volumes of traffic. . . ."

In announcing the initiative, Yaroslavsky said supporters were bypassing the council to ensure that "no lobbyists, no compromises, no backroom deals" would jeopardize the proposed change. He and Braude promised to raise "seed money" for the campaign, although neither would provide any details.

### Plans Outlined

The two council members outlined their plans at a City Hall news conference where they were joined by Garcia and two other co-sponsors of the initiative: Mark W. Hall, immediate past president of the Los Angeles chapter of the American Institute of Architects, and Irma W. Dobbyn, former president of the Tarzana Property Owners Assn.

Supporters of the initiative need to collect 69,516 signatures to qualify the measure for the November ballot in what looms as an expensive and contentious political campaign.

"I would say we'd be very unified against this," said Richard Wirth, executive director of the Govern-

Please see BUILDING, Page 6

# EXHIBIT 17—HUGHES SEEKS EXEMPTION FROM DOWNZONING INITIATIVE

## LATHAM & WATKINS

ATTORNEYS AT LAW

555 SOUTH FLOWER STREET

LOS ANGELES, CALIFORNIA 90071-2466

TELEPHONE (213) 485-1234

TELECOPIER (213) 680-2098

TLX 590773

ELN 62793268

CABLE ADDRESS LATHWAT

PAUL W. WATKINS (213) 485-1234  
DANA LATHAM (213) 680-2098

### CHICAGO OFFICE

DEARS TOWER SUITE 8000

CHICAGO ILLINOIS 60606

TELEPHONE (312) 875-7700

TELECOPIER (312) 993-9707

TLX 590776

ELN 62793271

### NEWPORT BEACH OFFICE

550 NEWPORT CENTER DRIVE, SUITE 1400

NEWPORT BEACH, CALIFORNIA 92660

TELEPHONE (714) 752-9100

TELECOPIER (714) 752-8881

TLX 590777

ELN 62793272

### NEW YORK OFFICE

437 MADISON AVENUE SUITE 1400

NEW YORK NEW YORK 10022

TELEPHONE (212) 310-2570

TELECOPIER (212) 751-4664

TLX 51010100

ELN 62861022

### SAN DIEGO OFFICE

701 "B" STREET SUITE 2100

SAN DIEGO CALIFORNIA 92101-8197

TELEPHONE (619) 236-1234

TELECOPIER (619) 606-8281

TLX 590778

ELN 62793275

### WASHINGTON DC OFFICE

1333 NEW HAMPSHIRE AVE. N.W. SUITE 1200

WASHINGTON DC 20036-5804

TELEPHONE (202) 829-4400

TELECOPIER (202) 829-4415

TLX 590775

ELN 62793269

March 10, 1986

The City Council of the  
City of Los Angeles  
c/o City Clerk  
City Hall, Room 395  
200 North Spring Street  
Los Angeles, California 90012

Re: Development Agreement For Howard  
Hughes Center

Dear Councilmembers:

This letter is written on behalf of our clients, Howard Hughes Properties Limited Partnership ("Hughes"), the owner of the 69-acre property located at 6900 Sepulveda Boulevard in Westchester, and Tooley & Company Investment Builders ("Tooley"), the managing developer for Hughes of the project commonly known as Howard Hughes Center (the "Project"), for the purpose of requesting that pursuant to Section 8 of the Coastal Transportation Corridor Specific Plan (Ordinance No. 160,394), the City of Los Angeles enter into a Development Agreement with Hughes covering the Project.

The Project consists of a maximum of 2.7 million square feet of commercial office space (including a maximum of 100,000 square feet of retail space and a maximum 100,000 square feet of health fitness center) and 600 hotel rooms. The Master Plan for the Project is the result of over three years of comprehensive and coordinated planning by Hughes, Tooley, the City and the Westchester community in which private and public goals, objectives and interests were thoughtfully integrated and resolved in a fashion that provides significant benefits to all parties. This Master Plan has been endorsed in each of the numerous City

# EXHIBIT 18—COUNCIL PRESIDENT HAS CLOSE TIES TO HUGHES' LOBBYIST

Vol. 68 No. 27

Wednesday, June 11, 1986

Westchester WAVE

## Russell Takes Grilling In Stride

By TODD WHITE  
Staff Writer

Los Angeles City Council President Pat Russell confronted 300 skeptical residents June 4 in Westchester and defended her 1987 re-election bid.

Russell did not rule out re-ignoring Curtis Rossiter, her former campaign manager and top aide, in direct her next campaign even though he has been a lobbyist for big Westside developers for more than a year.

Concerned coalition Members of A Coalition of Concerned Communities grided Russell for an hour on whether she is protecting their neighborhoods from an invasion of commercial developments that would affect her Westchester-Venice district, Culver City, Inglewood and Hawthorne.

Russell also represents the Shaw and Baldwin hills areas in Los Angeles.

### Audience response

The councilwoman calmly fielded questions amid groans of disapproval and disbelieving scoffs at her replies from the audience.

Tension mounted when 20-year Westchester resident Marilyn Cole asked bitterly, "Do you really have the audacity to run for re-election?"

Russell shot back, "The water is fine just come and jump in!"

### Lobbyist

Rossiter is a lobbyist for three developers who plan giant projects in or near Russell's council district.

Russell was asked whether

(Continued on page 7)

## Russell

(Continued from page 1)

she saw an ethical problem in employing Rossiter, the lobbyist.

### Some beliefs

She said she believes in economic growth and that she is not going to let the city be a barrier to the south.

Russell is a member of the Los Angeles City Council and is the president of the council.

Page 2

Summa Corp., developer of 957-acre Playa Vista on Marina del Rey's southern border.

Howard Hughes Realty and Toolay and Co., owner and developer of 60-acre Howard Hughes Center on the southern border of Culver City; and

Continental Development Corp., developer of 29-

## Russell

(Continued from page 2)

tolerable, the law forces the city to "stop the development" of the final building phases in the four developments, she said.

"Stop it now!" shouted a caller.

Connected intersection Disbelieving laughter interrupted Russell's explanation and her claim that "we

are now seeing improvements at the Sepulveda and Centinela intersection," thanks to the traffic law.

Coalition founder Ray Licini complained, "Fifty percent of our intersections will become completely congested, even after the traffic plan is carried out."

No build-out That congestion, countered

But if traffic becomes in

(Continued on page 4)

here Continental Cities, to be built on the El Segundo-Westchester border near Hawthorne.

LAX Northside

Russell defended these and the LAX Northside projects by saying each could have been built much larger, had the city not passed restrictions which she supported.

One such measure was the Playa Vista incorporation by the Los Angeles City Council. Had the area remained coun-

ty land, the project could have been built 26 times more dense, Russell asserted.

Transportation law

Another law, the coastal transportation corridor traffic plan, requires developers to widen roads and institute other "traffic mitigation measures."

Hughes Center will spend \$30.10 million in transportation improvements in the area, Russell predicted.

Stop development But if traffic becomes in

(Continued on page 4)

Russell, is only possible "with complete build-out, which we're not going to have."

For example, the final 500,000 square feet to be built at Hughes Center will be permitted only if Hughes cuts back on the auto trips it generates by 17 percent, she said.

—Todd White

6/11/1986

## **STATEMENT BY REX FRANKEL AT 11/19/2009 HEARING BY DEPUTY ADVISORY AGENCY**

I hope you read our 25 page letter and the detailed history of how the Hughes Center was jammed down our throats in violation of our Community Plan. 23 years ago, the owner of the Hughes Center and their friends at City hall conspired together to deceive our community and triple the size of the Hughes Center. All the while they were telling us they were cutting this project in half. The result is a wall of skyscrapers that stare at us through our windows and yards and rob us of our privacy while the developers made a ton of money.

You now describe your latest addition of two new taller than previously allowed residential towers as the only way to bring housing to the Hughes Center. Those of us that were involved twenty three years ago remember our cry "homes not highrises". Even the planning department agreed that this area was already severely jobs-rich and needed housing to balance this out and reduce traffic jams. But the politicians cut a deal for their buddies. You can still build housing, if that's what you really want, now. I encourage you to do that—just stick within the limits that your predecessor promised us in 1985.

This project is being deceptively fast-tracked very similarly to the way Playa Vista Phase 2 was. That project's backers claimed they already had the rights to build a massive project, and so they were doing us a favor by reducing it slightly. The Appeals court saw through this deception because, hidden in the middle of their EIR, on only one page, the truth was that Playa Vista had used up their development rights in Phase 1. So Phase 2 wasn't a reduction, but a massive upzoning.

You're doing the same thing here, mis-stating the environmental baseline, telling us don't look behind the curtain, nothing's really going on here.

The fact is this project today is an addition of two buildings that go far, excessively far beyond the heights and footprint of high-rises in the original project. You are seeking to wipe out the view corridors that were originally designed to mitigate the horrific intrusion on our neighborhood by your towers. You are seeking to impose more massive impacts on our community without the courtesy of even an Environmental Impact Report.

My organization is the plaintiff that beat Playa Vista phase 2 and Latham and Watkins last year. They are the most powerful developer in the city and the toughest developer law firm. And we wiped their project out. Do not underestimate our community's anger over what was done to us 23 years ago. And do not underestimate our determination to stop your newest attack on Westchester.

# **PUBLIC HEARING COMMENTS—3/4/2009**

**COMMENTS ON HOWARD HUGHES CENTER, CASE NUMBER VTT-70318-CN, ENV-2008-3887-MND (REC 1), AND ZA-2008-2700-VCU---by Rex Frankel 3/3/2009**

We hereby incorporate our previous 7 page comment letter and 18 exhibits that were submitted in response to the original MND for this project.

## **1. NEW PROJECT, NEW SIGNIFICANT IMPACTS: THEREFORE AN EIR IS REQUIRED.**

The 24-story tower is new, in a location never before considered, on parcels originally planned as a roadway and a view mitigation corridor and due to the new significant visual impacts, an EIR is mandated. An MND is not the appropriate CEQA document for this action sought today. It can be easily shown by the fair argument standard in CEQA that it is likely that the 7 and 24 story residential towers' increased height will cause significant view and aesthetic impacts compared to the project analyzed in the 1986 EIR.

Calif. Public Resources code section 21080 (d) states: " If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared."

The applicant replies that this was all approved years ago—either in 1986, 1999, or 2002, and therefore, the public missed its chance to protest. That would be true only if the public was honestly or even actually notified.

## **2. YOU CAN'T ELIMINATE THE VISUAL IMPACTS MITIGATION MEASURES SIMPLY BECAUSE THE DEVELOPER WANTS ANOTHER HIGH-RISE.**

Whether you require a new EIR or rely upon older environmental documents, the 24 story tower significantly harms and eliminates mitigation measures required in the 1986 project approval and they can't be removed without a finding that they are "infeasible". As the January 24, 1986 City Council project approval specified in the CEQA findings: the significant visual impact "will be mitigated by the siting and placement of high-rise structures and by project-imposed height restrictions which will allow viewing channels between some taller buildings and over some lower buildings."

The project today seeks to rely upon a city council action from 2002 that allegedly ratified a secret 1999 planning department letter and all of it was done with no more than a "categorical exemption" from CEQA. CEQA Guidelines section 15300.2 limits use of categorical exemptions when "a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant....A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The site of this 24 story tower is clearly both "sensitive" and "unusual" because the project design is a specific mitigation measure. Why is this? Because the Hughes Center has well-documented and highly-controversial significant visual impacts, and so the City Council mandated mitigation measures that specify that the project design is the main mitigation measure for the visual impacts. Therefore this should have been the "red flag" that a new visual impact was going to happen.

This should have triggered CEQA review in 1999 over the siting of the 24 story tower in a location where none was planned before. But no CEQA review occurred.

**3. THERE HAS BEEN REPEATED VIOLATION OF CEQA'S MANDATE OF PUBLIC NOTICE AND TRUTHFUL PROJECT DESCRIPTION WHEN MAJOR ENTITLEMENTS WERE AWARDED TO THIS PROJECT IN THE PAST**

An important question today is when was the 1986 project modified to locate a 24 story tower on this site?

THE MOVING OF THE 24 STORY TOWER IS A MAJOR CHANGE AND COULD NOT BE DONE WITH A "CLARIFICATION" LETTER:

The development agreement is very clear in section V.N. that major changes to the project require a public notice and a public hearing. As city staff concluded (5/9/2002 staff report, page S-1) "Minor amendments ...do not require a new notice or public hearing". The development agreement specifies exactly what changes to the project are major changes. Those include changes to "height or sizes of buildings". So here we have a location where no building was planned, or zero building height as proposed in the original EIR. At what public hearing was the public specifically told that a 326 foot tower would now be sited here? Until today, none. But alas, the public is too late, the developer says. The action of the city that allowed a 326 foot tower was a non-public "letter of clarification" from 1999 between the developer and the city planning department. In the Hughes Center attorney's letter to the city dated May 1<sup>st</sup> 2002, this clarification letter was described as causing "substantive changes" to the project. According to the current MND, it states on page 8 that the 1999 "Letter of Clarification was incorporated in the First Amendment to the HHC Development Agreement in 2002, which was approved by the City Council on June 9, 2002..."

**(SEE ATTACHMENT #1)**

But in the same Hughes Center attorney's letter dated May 1, 2002, after saying that the 1999 clarification letter contained "substantive changes", they said "No substantive changes in this regard of any kind are before the Commission at this time." So by their own admission, the "substantive" changes to the project authorized by this secret 1999 letter were not reviewed nor approved by the City in 2002, as all 2002 actions sought by the Hughes Center were "technical" or minor.

The staff report and public notices for the 2002 DA amendment were very careful to claim that nothing of any concern was happening in 2002. They do not mention the siting of this tower or allowing 326 foot height on parcels originally planned as a roadway. The 4 items listed as the amendments do not mention anything like this project. Both the May 9, 2002 staff report and the May 1, 2002 letter from the applicant's attorney describe all actions as "technical changes" and declared that there would be no environmental impact using a "categorical exemption" from CEQA. Now, a categorical exemption is different from a negative declaration, a mitigated negative declaration, or an EIR. This type of CEQA determination is a statement that absolutely no impact is happening. So nothing significant happened in 2002, by the applicant's own admission.

**(SEE ATTACHMENTS 2, 3 AND 4)**

Summing up, contrary to what is claimed in the current MND, if we believe the 2002 staff report and the developer's own words, then no "substantive change" occurred in the 2002 DA amendment and therefore the substantive change which they are trying to rely upon today actually happened in secret in 1999.

So today, the owners of the Hughes Center are trying to have things whatever way prevents any impact review from occurring. They say there is no need for an EIR today because the substantive change happened in 2002. But in 2002, they said there was no need for CEQA review at all because the "substantive change" happened in 1999. In 1999 there was no CEQA review because the change was called "minor", even though it clearly fits the Development agreement's definition of a "substantive" or major change. Each successive city action has passed the buck backwards in order to avoid the necessary CEQA review of these added significant impacts. The public didn't miss its chance to protest because they were never told the truth about what was happening.

This project owners have a long historical pattern and practice of over-stating their development rights, and misleading the public into thinking that major entitlements have already been awarded in order to demoralize and minimize the opposition and short-circuit the CEQA review process. Beginning in 1986, this project was claimed to be half of what the City's rules allowed, while in fact it was three times what the City's rules allowed. This allowed the developer to claim they were giving the community a "gift" of a reduction, while in reality it was the developer that got the huge increase.

Today, the proposal for the project's tallest tower yet rests on the false assumption that the right to build it happened either in 1986, 1999 or 2002. And yet the tower was not in the 1986 project, the 1999 clarification letter was done in secret with no public review, and the 2002 action did not mention this tower and took great pains to call everything merely "technical" and categorically exempt from CEQA.

So when will CEQA actually be enforced? When will an honest public review of the new high-rises at the Hughes Center occur?

# ATTACHMENT # 1

City of Los Angeles

## MND-aesthetics Section

December 2008

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	---	---------------------------------	-----------

realigned portion of Center Drive through such site. Exhibit B also shows (in blue) the location area to which the displaced 326' MSL building area was allocated as a result of Center Drive being realigned. The Letter of Clarification was incorporated in the First Amendment to the HHC Development Agreement in 2002, which was approved by the City Council on July 9, 2002 after the City Council found that the intensity, building height and uses set forth in the Amendment were permitted and consistent with Tract Map 35269 as modified by the City Council in 1998 and approved a Categorical Exemption under CEQA.

In 2005, the City Council approved the Second Amendment to HHC Development Agreement after processing an Addendum to the previous environmental review documents for Howard Hughes Center. The 2005 Addendum found that that the proposed substitution of 600 residential dwelling units as an alternative to 600 hotel rooms would not affect building placement and height limitations for building sites, and that the view obstruction impacts of such development had already been disclosed, analyzed, and mitigated, with the residual unavoidable view impacts having been subjected to overriding considerations. Accordingly, the Addendum concluded that no revisions to the prior environmental findings with respect to views and aesthetics were required. In addition, the 2005 Addendum found that the exchange of residential units in place of hotel rooms would not create any additional sources of light or glare than anticipated under the then-existing entitlements. As such, light impacts on the surrounding environment were found to be less than significant and no mitigation was deemed warranted.

The Project will comply with all height limits established within the HHC Development Agreement and other Project Approvals. The 6040 Center Drive apartment building will be 7 stories and will comply with the 135' mean sea level (MSL) height limitation for such lot.<sup>4</sup> The 6055 Center Drive condominium building will be 24 stories, and, as discussed above, has a range of height limits varying from 125' to 326' MSL level consistent with the height limitations for such lot.<sup>5</sup> The 5900 Center Drive Office Building will be 5 stories and will not exceed 140 feet MSL, which is the lower of the two height limits that apply to such lot. The 5901 Center Drive Office Building be 5 stories and will comply with the 125' and 140' MSL height limitations for such lot. Because the proposed Project would not alter building placement or permitted height as otherwise permitted and analyzed under prior environmental reviews, the Project is consistent with the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations. Therefore, no further review is necessary pursuant to CEQA.

**II. AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources

☐☐☐☒

<sup>4</sup> City of Los Angeles, Letter of Clarification, re Tract No. 35269 Counsel District No. 6, November 4, 1999.

<sup>5</sup> Ibid.



LOS ANGELES CITY PLANNING DEPARTMENT  
RECOMMENDATION REPORT

## CITY PLANNING COMMISSION

CASE NO. CPC-86-0406-DA

CEQA: ENV-2002-1825-CE

DATE: May 9, 2002

TIME: after 9:30 a.m. \*

PLACE: Los Angeles City Hall  
200 N. Spring Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90012

Location: 6900 South Sepulveda Boulevard

Plan Area: Westchester-Playa Del Rey

Plan Land Use: Community Commercial

Zone: C2-1, R1-1

District Map: 102B169, 102B165

Legal Description: Lot 1 of Tract 44629; Lots 1-8,  
18 and 19 of Tract 49299; Lots 1-24 of  
Tract 51419

## PUBLIC HEARING REQUIRED

## REQUEST:

Pursuant to Section 65868 of the State Government Code and City implementing procedures, a **Development Agreement Amendment** to the following Sections of the Howard Hughes Center Development Agreement in order to maintain consistency with the City Council's 1998 modification of Tract Map No. 35269:

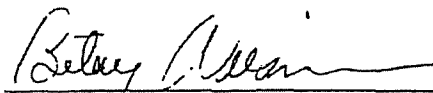

1. Section II.D.1: reduce the commercial office/retail development from 2,700,000 square feet to 1,950,000 square feet, and add a 250,000 square foot entertainment center which includes a maximum number of 4,500 theater seats and supporting retail of up to 100,000 square feet.
2. Section IV.A.2: require that excess "In Lieu Credit" be contained within the boundaries of Tentative Tract Map No. 35269.
3. Section C of Exhibit C: modify the phasing plan for the Project by eliminating 600 hotel rooms from Phase I and adding it to Phase II, reduce the square footage for office/retail in Phase II from 750,000 square feet to 675,00 square feet and add a 250,000 square foot entertainment center in Phase II. Reduce the square footage of office/retail in Phase III from 1,090,000 square feet to 425,000 square feet and require that certain parcels be developed as an open area court of at least 66,211 combined square feet by Phase IV.
4. Section V.F: add language that requires the applicant to reimburse the City of Los Angeles for the costs associated with the annual review.

PROJECT: No new project construction is proposed at this time.

APPLICANT: ARDEN REALTY LIMITED PARTNERSHIP

## RECOMMENDATION:

1. **Approve and Recommend** that the City Council adopt the requested amendment, attached as Exhibit "C"
2. **Recommend** that the City Council adopt an ordinance, attached as Exhibit "D", and subject to review by the City Attorney as to form and legality, authorizing the execution of the subject Development Agreement amendment.
3. **Adopt** Categorical Exemption No. ENV-2002-1825-CE.
4. **Adopt** the attached Findings.

  
Betsy Weisman, Principal Planner  
Jim Tokunaga, Hearing Officer  
(213)978-1174

# attachment # 3

FROM LATHAM & WATKINS 213- 8763 #2 (WED) 5. 1' 02 15:4. T. 15:40/NO. 4861880396 P 2

BOSTON  
BRUSSELS  
CHICAGO  
FRANKFURT  
HAMBURG  
HONG KONG  
LONDON  
LOS ANGELES  
MOSCOW  
NEW JERSEY

**Latham & Watkins**  
ATTORNEYS AT LAW  
WWW.LW.COM

NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
PARIS  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
SINGAPORE  
TOKYO  
WASHINGTON, D.C.

May 1, 2002

FILE NO. 027260-0003

Citywide Planning Commission  
c/o Commission Secretariat  
City Hall, Room 532  
200 North Spring Street  
Los Angeles, CA 90012

Re: Case No. CPC-86-0406-DA  
Agenda Item No. 4, May 9, 2002  
Technical Amendment To  
Howard Hughes Center Development Agreement

Dear Commissioners:

This letter is written on behalf of our clients, Arden Realty Limited Partnership ("Arden") and Orix Snyder LA Venture ("Orix/Snyder"), for the purpose of respectfully requesting, for the reasons set forth below, your favorable consideration of the proposed technical Amendment to the Howard Hughes Center Development.<sup>1</sup>

As stated in the Notice of Public Hearing on this matter, the proposed technical Amendment is necessary in order to maintain consistency between the Development Agreement and the conditions of approval of Tract Map No. 35269 which were modified by the City Council on October 16, 1998 in connection with its unanimous approval of a Tract Modification that substituted the Entertainment Center for 750,000 sq. ft. of office space that was otherwise entitled to be developed at Howard Hughes Center.

Specifically, the technical Amendment is proposed in order that the definition and description of "Project" and "phasing plan" in the Development Agreement explicitly match the definition and description of the "Project" and the "phasing plan" under Tract 35269. The description of the changes in the "Project" and "phasing plan" definitions that is set forth in the Notice of Public Hearing for this matter erroneously implies that the Commission will be considering substantive changes in these definitions. This is not the case. To the contrary, the Commission is merely being asked to recommend to the City Council approval of appropriate technical amendments in order to ensure consistency between the Development Agreement and the conditions of Tract 35269. The substantive changes in the Project description were

<sup>1</sup> Arden is the owner and developer of the majority of the property within Howard Hughes Center, and Orix/Snyder is the owner and developer of The Promenade At Howard Hughes Center, a fully completed 250,000 sq. ft. entertainment and retail center (the "Entertainment Center").

~~LATHAM & WATKINS~~

City Planning Commission

May 1, 2002

Page 2

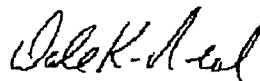
previously made by the City Council when it approved the Tract Modification for the Entertainment Center in 1998 and, consistent with the City Council's intent in approving the Tract Modification for the Entertainment Center, substantive changes in the phasing plan were previously made by the Advisory Agency in a Letter of Clarification dated November 4, 1999. No substantive changes in this regard of any kind are before the Commission at this time.

In addition, the technical Amendment merely restates the last two sentences of Section IV.A.2 of the Development Agreement so that they clearly reflect their original intent and purpose to allow excess In Lieu Credit under the Coastal Transportation Corridor Specific Plan to be reserved and credited toward Transportation Fees otherwise attributable to any development within Howard Hughes Center (i.e., within the boundaries of Tract 35269) and to prohibit excess In Lieu Credit from being reserved and credited toward the Transportation Fee payable by "related Developments" outside of Howard Hughes Center (i.e., outside the boundaries of Tract 35269).

Finally, the technical Amendment merely adds language that requires the applicant to reimburse the City of Los Angeles for the costs associated with the annual review of compliance with the Development Agreement.

In summary, the proposed Development Agreement Amendment involves mere technical amendments to conform certain provisions of the Development Agreement to substantive changes previously made by the City Council and the Advisory Agency to the conditions of approval applicable to development at Howard Hughes Center. For this reason, the Amendment deserves your favorable consideration which we hereby respectfully request.

Respectfully submitted,



Dale K. Neal  
of LATHAM & WATKINS

cc: Councilwoman Ruth Galanter  
Con Howe  
Larry Friedman  
Jim Tokunaga  
Jerry Snyder  
Marsh Holtzman  
David Swartz

Attachment # 4

C# 02-0993

BOSTON  
BRUSSELS  
CHICAGO  
FRANKFURT  
HAMBURG  
HONG KONG  
LONDON  
LOS ANGELES  
MILAN  
MOSCOW  
NEW JERSEY

**Latham & Watkins**  
ATTORNEYS AT LAW  
WWW.LW.COM

NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
PARIS  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
SINGAPORE  
TOKYO  
WASHINGTON D.C.

June 28, 2002

**BY MESSENGER**

The City Council  
City of Los Angeles  
c/o City Clerk  
200 No. Spring Street, Room 395  
Los Angeles, California 90012

Re: Agenda Item No. 1  
Tuesday, July 2, 2002  
Council File No. 02-0993  
CPC No. 86-0406 DA

PROBING  
CITY OF LOS ANGELES  
JUL 28 11:11  
CLERK  
BY

Dear Honorable Councilmembers:

This letter is written on behalf of our clients, Arden Realty Limited Partnership ("Arden") and ORIX Snyder LA Venture ("ORIX/Snyder")<sup>1</sup>, for the purpose of respectfully requesting, for the reasons set forth below, that you follow the unanimous recommendation of your PLUM Committee and the City Planning Commission and approve the proposed technical amendments to the Howard Hughes Center Development Agreement and adopt the Ordinance to effect such amendments.

The Proposed Technical Amendments Are Not Substantive But Rather Are Necessary To Ensure Consistency Between The Development Agreement And Tract 35269

As the PLUM Committee and the City Planning Commission recognized, the proposed amendments are technical in nature, in that they are necessary in order to maintain consistency between the Development Agreement and the conditions of approval of Tract Map No. 35269 which were modified by the City Council on October 16, 1998 in connection with its unanimous approval of a Tract Modification that substituted the Entertainment Center for

<sup>1</sup> Arden is the owner and developer of the majority of the property within Howard Hughes Center, and ORIX/Snyder is the owner and developer of The Promenade At Howard Hughes Center, a fully completed 250,000 sq. ft. entertainment and retail center (the "Entertainment Center").

750,000 sq. ft. of office space that was otherwise entitled to be developed at Howard Hughes Center.

Specifically, the technical amendments are proposed in order that the definition and description of "Project" and "phasing plan" in the Development Agreement explicitly match the definition and description of the "Project" and the "phasing plan" under Tract 35269. No substantive changes in these definitions are before the City Council at this time. To the contrary, the Project description in the conditions of approval of Tract 35269 was changed by the City Council when it approved the Tract Modification for the Entertainment Center in 1998 and, consistent with the City Council's intent in approving the Tract Modification for the Entertainment Center, the changes in the phasing plan were previously made by the Advisory Agency in a Letter of Clarification dated November 4, 1999.

In addition, the technical amendments merely restate the last two sentences of Section IV.A.2 of the Development Agreement so that they clearly reflect their original intent and purpose to allow excess In Lieu Credit under the Coastal Transportation Corridor Specific Plan ("CTCSP") to be reserved and credited toward Transportation Fees otherwise attributable to any development within Howard Hughes Center (i.e., within the boundaries of Tract 35269) and to prohibit excess In Lieu Credit from being reserved and credited toward the Transportation Fee payable by "related Developments" outside of Howard Hughes Center (i.e., outside the boundaries of Tract 35269).

Finally, the technical amendments merely add language that requires the applicant to reimburse the City of Los Angeles for the costs associated with the annual review of compliance with the Development Agreement.

Claims Made By Rex Frankel In Opposition To the Proposed Amendments Are Without Merit

At the PLUM Committee hearing, Mr. Rex Frankel made the following erroneous claims:

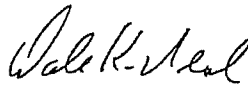
1. That the proposed amendments somehow violate a recent ruling by Judge Janivs (the "Janivs' Ruling") regarding the transferability of excess In Lieu Credit from Arden to ORIX/Snyder. Aside from the fact that the Janivs' Ruling has been appealed by the City, Arden and ORIX/Snyder (and therefore, has no current binding legal effect), it is not true that the proposed amendments violate the Janivs' Ruling. To the contrary, the proposed amendments conform with the Janivs' Ruling in that the Janivs' Ruling does not affect the City's ability to lawfully amend the Development Agreement.
2. That the amendments represent an attempt to add an additional 250,000 sq. ft. of office development at Howard Hughes Center. Nothing could be further from the truth. As noted above, the proposed amendments are

merely necessary in order to maintain consistency between the Development Agreement and the conditions of approval of Tract Map No. 35269 which were modified by the City Council in 1998 in connection with its unanimous approval of a Tract Modification that substituted the 250,000 sq. ft. Entertainment Center for 750,000 sq. ft. of office space that was otherwise entitled to be developed at Howard Hughes Center.

3. That the amendments somehow constitute a "gift of public funds" with respect to Transportation Fees that would otherwise be applicable to the Entertainment Center but for the applicability of excess In Lieu Credits. No such gift of public funds is effectuated by the proposed amendments to the Development Agreement. To the contrary, as noted above, the proposed amendments merely clarify certain provisions of the Development Agreement relating to the transfer of excess In Lieu Credit in accordance with their original intent and purpose to allow excess In Lieu Credit under the CTCSP to be reserved and credited toward Transportation Fees otherwise attributable to any development within Howard Hughes Center and to prohibit excess In Lieu Credit from being reserved and credited toward the Transportation Fees payable by development outside the boundaries of Howard Hughes Center.

In summary, the proposed Development Agreement amendments involve mere technical amendments to conform certain provisions of the Development Agreement with the changes previously made by the City Council and the Advisory Agency to the conditions of approval applicable to development at Howard Hughes Center and to otherwise clarify in accordance with their original intent and purpose certain provisions regarding the transfer of In Lieu Credit under the CTCSP. For these reasons, the amendments deserve your favorable consideration.

Respectfully submitted,



Dale K. Neal  
of LATHAM & WATKINS

cc: Each Councilmember  
Perry Singerman, LA Business Team  
Todd Borzi, LA Business Team  
Larry Friedman, Planning Department  
Jim Tokunaga, Planning Department  
Allyn Rifkin, Department of Transportation  
Patricia Tubert, Esq., City Attorney's Office  
Jack Brown, Esq., City Attorney's Office  
Jerry Snyder

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
VAN NUYS, CA 91401  
CITY PLANNING COMMISSION

WILLIAM ROSCHEN  
PRESIDENT  
REGINA M. FREER  
VICE-PRESIDENT  
DIEGO CARDOSO  
ROBIN R. HUGHES  
FR. SPENCER T. KEZIOS  
RICARDO LARA  
CINDY MONTAÑEZ  
MICHAEL K. WOO  
JAMES WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP  
DIRECTOR  
(213) 978-1271

VINCENT P. BERTONI, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

JOHN M. DUCAN, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

EVA YUAN-MCDANIEL  
DEPUTY DIRECTOR  
(213) 978-1273

FAX: (213) 978-1275

INFORMATION  
(213) 978-1270

www.planning.lacity.org

Decision Date: June 12, 2009

Appeal Period Ends: June 22, 2009

John M. Hartz (A) (O)  
BRE/TZ HHL, LLC  
10880 Wilshire Boulevard, Suite 1010  
Los Angeles, CA 90024

Thomas D. Iacobellis (E)  
Iacobellis and Associates, Inc.  
11145 Tampa Avenue, Suite 15-B  
Northridge, CA 91326

Alan Abshez (R)  
Greenberg Traurig, LLP  
2450 Colorado Avenue, Suite 400 East  
Santa Monica, CA 90404

RE: Vesting Tentative Tract Map No.: 70318-CN  
Related Case: ZA-2008-2700-VCU  
Address: 6040 and 6055 Center Drive  
Community Plan: Westchester – Playa del  
Rey  
Zone: C2-1  
Council District: 5  
CEQA No.: ENV-2008-3887-MND-REC1

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency approved Vesting Tentative Tract Map No. 70318-CN composed of two-lots, located at 6040 and 6055 Center Drive for a new **maximum 325- unit apartment complex with 1,500 square feet of commercial space on Lot No.1 and a 225-unit residential condominium on Lot No. 2** as shown on revised map stamp-dated May 28, 2009 in the Westchester – Playa del Rey Community Plan. This unit density is based on the C2-1 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Subdivision Counter call (213) 978-1362. The Advisory Agency's approval is subject to the following conditions:

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**EXHIBIT 4**

**UNIT MAP**

1. That the tract be permitted to record with final map units in a number and sequence satisfactory to the Advisory Agency. The subdivider shall submit the Unit Map Fee, a Unit Map showing the boundaries of all units, the Unit Number(s) of each Unit Map(s), and all applicable tract conditions in a matrix for each Unit Map(s). Should particular master tract condition(s) not apply to a Unit Map, the subdivider shall submit all evidences or documentation to prove so. All above required items shall be submitted satisfactory to the Advisory Agency prior to the clearance of all other conditions of approval. (**Note:** All conditions and requirements of the City Engineer for each unit map and the approved tract as whole shall be satisfactory to the City Engineer.)

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

2. That two copies of a parking area and driveway plan be submitted to the West Los Angeles District Office of the Bureau of Engineering for review and approval or that a Covenant and Agreement be recorded agreeing to do the same prior to the issuance of a building permit.
3. That the final map be approved by the State Department of Transportation with respect to the alignment of the San Diego Freeway. Four copies of the final map shall be submitted to the City Engineer's office for the State's approval prior to recordation of the final map.
4. That necessary arrangements be made with the State Department of Transportation prior to recordation of the final map for any necessary permits with respect to any construction and drainage discharge within or adjacent to the San Diego Freeway right-of-way.
5. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work in any sanitary sewer and drainage easements and to construct over the existing sanitary sewer and drainage facilities must be submitted to the City Engineer for approval.
6. That a set of drawings be submitted to the City Engineer showing the followings:
  - a. Plan view at different elevations.
  - b. Section cuts at all locations where lot boundaries change.
7. That the subdivider make a request to the West Los Angeles District Office of the Bureau of Engineering to determine the capacity of the existing sewers in the area.



8. That any fee deficit under Work Order No. EXT00362 expediting this project be paid.
9. That a geotechnical report be submitted to the Geotechnical Engineering Group of the Bureau of Engineering for their review. The following items shall be addressed:
  - a. Provide geotechnical map that shows the limits of the engineering fill and a copy of the soils report by Pacific Soils Engineering, Inc. In addition, also provide areas of fill beyond the limits of the certified fill.
  - b. Provide minimum of one boring drilled at street grade through the roadway embankment on each side of the Center Drive and Howard Hughes Parkway in order to verify the quality of fill along the streets and the contact with the underlying native soil.
  - c. Provide geologic cross sections showing the existing storm drains and any other utilities in each of the streets affected by the proposed excavation. Please note the locations of the shoring anchors must be shown on the cross sections.
  - d. Provide additional analyses and recommendations for shoring and retaining walls surcharged by vehicular traffic.

The Geotechnical Engineering Group may issue additional review comments subsequent to review of the report.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

10. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated September 29, 2008, Log No. 64926 and attached to the case file for Tract No. 70318.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

11. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Provide a copy of affidavit AFF-02-0923485, AFF-06-0970094, AFF 06-0970093, AFF 000346914, AFF 990503801, AFF 67054, AFF 67059, AFF 59000 and AFF-58414. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded.

Obtain approval from the Department, on the termination form, prior to recording.

- b. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. Any vested approvals for parking layouts, open space, required yards or building height, shall be "to the satisfaction of the Department of Building and Safety at the time of Plan Check."

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Del Reyes at (213) 482-6882 to schedule an appointment.

#### DEPARTMENT OF TRANSPORTATION

12. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
  - a. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. This determination does not include approval of the projects's driveways and internal circulation or parking scheme. Adverse traffic impacts could occur due to access and circulation issues. A parking area and driveway plan be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' to DOT's West LA/Coastal Development Review Section located at 7166 W. Manchester Ave., Los Angeles, 90045.

**FIRE DEPARTMENT**

13. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
- a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action.
  - b. Adequate public and private fire hydrants shall be required.
  - c. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - d. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
  - e. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - f. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - g. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - h. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - i. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - j. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - k. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
  - l. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a

Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

- m. Building designs for multi residential buildings shall incorporate at least one access stairwell off the main lobby of the building; but, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street, or Fire Lane.
- n. Entrance to the main lobby shall be located off the address side of the building.
- o. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

#### **DEPARTMENT OF WATER AND POWER**

- 14. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **BUREAU OF STREET LIGHTING**

- 15. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **BUREAU OF SANITATION**

- 16. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

**INFORMATION TECHNOLOGY AGENCY**

17. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12<sup>th</sup> Floor, Los Angeles, CA 90012, 213 922-8363.

**DEPARTMENT OF RECREATION AND PARKS**

18. That the Quimby fee be based on the C2 Zone. (MM)

**DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS**

19. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 325 dwelling units and 1,500 square feet of commercial space on Lot No. 1 and 225 dwelling units on Lot No. 2.

With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

- b. Provide minimum off-street parking for residential and retail components on Lot No. 1 per LAMC Section 12.21 with the retail spaces to be located off-site pursuant to LAMC Section 12.21.A.4(g) AND 2 covered off-street parking spaces per dwelling unit on Lot No. 2, plus ½ guest parking spaces per dwelling unit to be located off-site pursuant to LAMC Section 12.21.A.4(g). All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 11 or better for residential uses and 12 or better for commercial uses in order to reduce the effects of diminished air quality on the occupants of the project. (MM)
  - d. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - e. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - f. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. (MM)
  - g. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
20. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
21. Prior to the issuance of the building permit or the recordation of the final map, a copy case no. ZA-2008-2700-VCU shall be submitted to the satisfaction of the Advisory Agency. In the event that ZA-2008-2700-VCU is not approved, the subdivider shall submit a tract modification.
22. Prior to the issuance of a building permit, grading permit and the recordation of the final tract map, the subdivider shall record and execute a Covenant and Agreement to comply with the Los Angeles Coastal Transportation Corridor Specific Plan.
23. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the

defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

#### DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

24. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 13, 18, 19c, 19f, 20, and 26 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
25. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- MM-1. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - MM-2. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
  - MM-3. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - MM-4. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - MM-5. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
  - MM-6. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater

recharge and reduce excess runoff into storm drains.

- MM-7. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- MM-8. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- MM-9. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-10. Legibility of stencils and signs must be maintained.
- MM-11. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-12. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-13. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-14. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- MM-15. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- MM-16. Concrete, not metal, shall be used for construction of parking ramps.
- MM-17. The interior ramps shall be textured to prevent tire squeal at turning areas.



- MM-18. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- MM-19. Unless otherwise prohibited, dual-flush water closets (maximum 1.28 gpf) and no-flush or waterless urinals shall be utilized in all restrooms as appropriate. In the case such installations are not permitted, high-efficiency toilets (maximum 1.28 gpf) and high-efficiency urinals (maximum 0.5 gpf) may be utilized. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- MM-20. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).
- MM-21. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- MM-22. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
- a. High-efficiency toilets (maximum 1.28 gpf), including dual-flushwater closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
  - b. Restroom faucets with a maximum flow rate of 1.5 gallons per minute. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

MM-23. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- b. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- c. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

MM-24. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;
- b. Matched precipitation (flow) rates for sprinkler heads;
- c. Drip/microspray/subsurface irrigation where appropriate;
- d. Minimum irrigation system distribution uniformity of 75 percent;
- e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
- f. Use of landscape contouring to minimize precipitation runoff.
- g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas

totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

26. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
  - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
  - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
- CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

- CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.
- CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- CM-14. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation.

Non recyclable materials/wastes must be taken to an appropriate landfill.  
Toxic wastes must be discarded at a licensed regulated disposal site.

CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

#### DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be

submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by

separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

- (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated

slope easements or by grants of satisfactory rights of entry by the affected property owners.

- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights: seven (7) on Center Drive; three (3) Howard Hughes Parkway; and one (1) on South 405 offramp.

NOTES: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213) 485-5675 upon completion of construction to expedite tree planting.



- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, drainage facilities may be required.
  - b. Improve Howard Hughes Parkway adjoining the tract by the reconstruction of existing curb, gutter and concrete sidewalk to complete a 10-foot concrete sidewalk adjacent to the property line with tree wells. The elimination of the right turn pocket shall be based upon the Department of Transportation determination after final review and approval of driveway access design/location.

**NOTES:**

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

### **FINDINGS OF FACT (CEQA)**

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) on February 27, 2009. The MND was prepared to properly analyze any new potentially significant impacts that were not analyzed in the previous EIR's. The addition of a request for a Vesting Conditional Use permit and residential condominiums resulted in new potentially significant impacts that were mitigated to a less than significant level. The Department found that potential negative impact could occur from the project's implementation due to:

- Air Quality (operational);
- Biological Resources (tree removal);
- Geology and Soils (haul route);
- Hydrology and Water Quality (stormwater);
- Noise (operational);
- Transportation/Circulation (haul route); and
- Utilities (solid waste, water supplies).

The Deputy Advisory Agency, certifies that Mitigated Negative Declaration No. ENV-2008-3887-MND(REC1) reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition **No(s). 13, 18, 19c, 19f, 20, and 26** of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in Condition No. 24.

The custodian of the documents or other material which constitute the record of proceedings upon which the Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

#### **FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 70318-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The adopted Westchester - Playa del Rey Community Plan designates the subject property for Regional Commercial land use with the corresponding zone of C2. The property is located within the Los Angeles Coastal Transportation Corridor Specific Plan. The property contains approximately 2.7 net acres (117,654.8 net square feet after required dedication) and is presently zoned C2-1. The proposed development of a 325-unit apartment building and 1,500 square feet of commercial space on Lot No. 1 (located at 6040 Center Drive) and the proposed development of a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) will be allowable pursuant to LAMC Section 12.22-A, 18(a) which permits R5 density (200 square feet of lot area per dwelling unit) on lots with Regional Commercial land use designations. The "Deputy Advisory Agency" required the applicant to reduce their request to 225 residential condominiums on Lot No. 2 to comply with the permitted density. The direction to revise the number of units from 275 to 225 is without prejudice to the Applicant's ability to apply for the remaining 50 units authorized by the Second Amendment to the Howard Hughes Development Agreement. Consequently, the applicant redesigned the building on Lot No. 2, decreasing the height of the building from 326' MSL to a uniform height of 268' MSL.

The applicant also requested approval for Floor Area Ratio Averaging for the properties located at 5900, 5901, 6040 and 6055 Center Drive will be allowable with approval of a Vesting Conditional Use Permit (case no. ZA-2008-3887-VCU). With approval of ZA-2008-2700-VCU, the building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The General Plan Land Use Element Goal No. 3-F states that Regional Centers should be developed as "mixed use centers that provide jobs, entertainment, culture, and serve the region." The project advances this General Plan goal by providing residential, commercial, and retail uses within close proximity to each other.

The Westchester - Playa del Rey Community Plan promotes projects with the following objectives and policies:

Objective 1-1: Provide for the preservation of existing quality housing, and for development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Westchester-Playa del Rey Community Plan Area to the year 2025.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

Objective 1-2: Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities.

Policy 1-2.1: Locate higher residential densities near commercial centers, public facilities, bus routes and other transit services.

The project will provide much needed new home ownership opportunities for the Plan area. The proposed project is also consistent with the Housing Element of the General Plan. Housing Element Objective 2-1 is to "promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacity within the City and each community plan area, or other pertinent service area." The project achieves this objective by providing up to 325 apartment units and 225 condominium units adjacent to jobs, retail, restaurants and entertainment. The project also further

Objective 1-1, which is to "encourage the production and preservation of an adequate supply of rental and ownership housing". As stated, the project would provide 325 apartment units and 225 condominium units. This represents a significant increase in the number of housing ownership opportunities in the area. People at the hearing who worked in the Howard Hughes Center testified that they would prefer to live closer to their jobs.

The project is located along a major corridor with transportation service, office, schools, and retail all of which are amenities in close proximity to the residents that will live in these condominiums and apartments. Furthermore, the Transportation Element of the General Plan further supports growth of housing in close proximity to major corridors, such as Sepulveda Boulevard which contain public transportation services. This allows future residents sufficient opportunities to draw from the advantages of public transit within walking distance.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas).

Therefore, as conditioned, and with approval of ZA-2008-2700-VCU, the proposed tract map will be consistent with the intent and purpose of the applicable General and Specific Plans.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Center Drive is a Local Street with a variable 106-120 foot width. This project is subject to the Los Angeles Coastal Transportation Corridor Specific Plan requirements. The proposed project will provide 483 residential parking spaces on-site and 15 restaurant parking spaces off-site on Lot No. 1 (located at 6040 Center Drive) with and 563 parking spaces Lot No. 2 (located at 6055 Center Drive) in conformance with the LAMC and the Deputy Advisory Agency's parking policy for condominium projects in parking congested areas, including 113 guest parking spaces located off-site. The building on Lot No. 1 located at 6040 Center Drive shall be limited to 315,423 square feet, the building on Lot No. 2 located at 6055 Center Drive shall be limited to 248,723 square feet, the office building located at 5900 Center Drive shall be limited to 248,871 square feet and the office building located at 5901 Center Drive shall be limited to 238,222 square feet.

As conditioned and with approval of ZA-2008-2700-VCU, the design and improvements of the proposed project will be consistent with the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject site is currently vacant. The development of this tract is an infill of a master-planned mixed-use development known as "Howard Hughes Center" (HHC). The development was approved by the City of Los Angeles pursuant to a Development Agreement as well as other related approvals, including but not limited to, Tentative Tract Map No. 35269, Variance Case No. ZA-85-0624 (YV), Conditional Use Permit Case Nos. ZA-85-0625(CUZ), CPC-85-329(CU), and ZA-85-0623(CUB). The City Council originally entered into a Development Agreement for Howard Hughes Center dated November 3, 1986 (the "Original Development Agreement") after the City's certification of a full Environmental Impact Report for Howard Hughes Center. The 1986 EIR studied potential impacts such as traffic and view obstruction. As part of the certification of the 1986 EIR, the City Council also adopted mitigation measures as well as a Statement of Overriding Considerations for environmental effects of the HHC Project Approvals that were not reduced to a less than significant level. The Original Development Agreement was subsequently amended on September 4, 2002 (the "First Amendment"), and again on May 2, 2005 (the "Second Amendment") (collectively, the "Development Agreement").

All of the traffic and transportation measures required by the Development Agreement and the Howard Hughes Center EIR, including any necessary to mitigate traffic impacts from the project's proposed office and residential uses, have been implemented by Howard Hughes Center. The Howard Hughes Center currently implements a Transportation Demand Management program, in place since 1986, which includes rideshare and transit, carpools/vanpools, alternative modes (pedestrian, bike, etc), flex-time, mixed-use and health club incentives during peak traffic hours.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The site is bounded by Howard Hughes Parkway to the south, Sepulveda Boulevard to the west, and Interstate 405 (San Diego Freeway) to the northeast. The site is approximately nine miles southwest of downtown Los Angeles and approximately 1.35 miles north of the Los Angeles International Airport. Adjacent land uses consist of Interstate 405 to the north in the PF-1XL zone and single-family residential to the south in the R1-1 zone. Center Drive is a Local Street with a variable 106-120 foot width. The site is currently vacant, and the proposed project would provide 325 apartments on Lot No. 1 and 225 residential condominium units on Lot No. 2. The proposed project will comply with all LAMC requirements for parking, yards, and open space. As conditioned and with approval of ZA-2008-2700-VCU, the

proposed tract map will be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

A Mitigated Negative Declaration, Case No. ENV-2008-3887-MND-REC1, was prepared for the proposed project. Prior to ENV-2008-3887-MND(REC1), two EIR's were certified addressing potential environmental impacts of the Howard Hughes project. On January 24, 1986, Environmental Impact Report (EIR) No. 23-83-ZC(CUZ)(ZV)(SUB) was certified for the Howard Hughes Center in connection with the approval of the Howard Hughes Center Development Agreement, including Tentative Tract Map No. 35269 and other related entitlements. On October 16, 1998, EIR No. 97-0182-SUB(CUB) was certified in connection with the Promenade at Howard Hughes Center to analyze components of the project that were not addressed in the previous EIR. In 2005, an Addendum to both EIRs was certified in conjunction with the approval of the Second Amendment to the Howard Hughes Center Development Agreement. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. The MND and two EIR's reflect the lead agency's independent judgment and analysis.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. However, the Bureau of Engineering has conditioned that any existing public utility easements within the subdivision be delineated on the final map. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 70318-CN.

S. Gail Goldberg, AICP  
Advisory Agency

*Maya E. Zaitzevsky*

MAYA ZAITZEVSKY  
Deputy Advisory Agency

MZ:SM:jq



Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
818 374-5050

**Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Subdivision staff at (213) 978-1362.



## Environmental Review Section

City Hall • 200 N. Spring Street, Room 721 • Los Angeles, CA 90012



---

# ***INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WESTCHESTER - PLAYA DEL REY COMMUNITY PLAN AREA***

---

## ***Howard Hughes Center Residential and Office Buildings***

***Case No. ENV-2008-3887-MND-REC 1***

***Council District No. 11***

<p><b>THIS DOCUMENT COMPRISES THE INITIAL STUDY ANALYSIS AS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT</b></p>
---

**Project Address:** 5900, 5901, 6040 and 6055 Center Drive - Los Angeles, California 90045

**Project Description:** Howard Hughes Center is a master-planned mixed-use development, whose development was approved by the City of Los Angeles pursuant to a Development Agreement adopted on November 3, 1986 as well as other related approvals. The HHC Development Agreement, as amended, currently grants a vested right to complete the development of Howard Hughes Center with the following uses: (A) A maximum of 1,950,000 square feet of commercial office and retail development, including, as an option, a maximum 100,000 square feet of retail and a maximum 100,000 square foot fitness center; (B) A 250,000 square foot entertainment/retail center; (C) A maximum of 600 hotel rooms; provided, however, that up to 900 additional hotel rooms may be constructed, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office/retail space for each additional hotel room; and (D) A maximum of 600 residential units; provided, however, each residential unit constructed shall reduce by one hotel room the number of hotel rooms that is allowed to be constructed. The right to construct 600 residential units in-lieu of 600 hotel rooms was expressly authorized by the Second Amendment. Howard Hughes Center is nearly built-out. The Applicant seeks approval of a vesting tentative tract map (VTT 70318) for condominium purposes for two of the four lots (6040 Center Drive and 6055 Center Drive), and floor area ratio averaging in a unified development pursuant to Los Angeles Municipal Code Section 12.24.W.19 for all four lots (5900 Center Drive, 5901 Center Drive, 6040, and 6055 Center Drive)( ZA 2008-2700-CU). Specifically, the Project proposes the construction of an apartment building consisting of 325 units at 6040 Center Drive and a 1,500 sq. ft. ground floor restaurant, the construction of a condominium building consisting of 275 condominium units at 6055 Center Drive, the construction of an office building comprised of 248,871 sq. ft. at 5900 Center Drive, and an office building comprised of 238,222 sq. ft. at 5901 Center Drive. The Project is consistent with all applicable authorizations, limitations, conditions, and mitigation measures required by the HHC Project Approvals, including but not limited to the HHC Development Agreement.

**APPLICANT:**

Equity Office Properties  
10880 Wilshire, Suite 1010  
Los Angeles, 90024

**PREPARED BY:**

Christopher A. Joseph & Associates

---

*January 15, 2009*

**EXHIBIT 5**

## Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 83090705 and

Project Title: Howard Hughes Center Residential and Office Buildings

SCH #97061068

Lead Agency: City of Los Angeles

Contact Person: Sarah Molina

Mailing Address: 200 N. Spring Street, Room 721

Phone: (213) 473-9983

City: Los Angeles

Zip: 90012

County: Los Angeles

Project Location: County: Los Angeles

City/Nearest Community: Westchester area, Los Angeles

Cross Streets: Howard Hughes Center and Center Drive

Zip Code: 90045

Lat. / Long.: ° ' " N / ° ' " W

Total Acres: 3.74

Assessor's Parcel No.: \* See below

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: 405

Waterways: N/A

Airports: LAX

Railways: N/A

Schools: N/A

### Document Type:

CEQA:

☐ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☐ Neg Dec

(Prior SCH No.) 83090705, 97061068

☐ Draft EIS

☐ Other

☒ Mit Neg Dec

Other

☐ FONSI

### Local Action Type:

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☒ Use Permit

☐ Coastal Permit

☐ Community Plan

☐ Site Plan

☒ Land Division (Subdivision, etc.)

☐ Other

### Development Type:

☒ Residential: Units 600

Acres

☐ Water Facilities: Type

MGD

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type

☒ Commercial: Sq.ft. 488593

Acres

Employees

☐ Mining: Mineral

☐ Industrial: Sq.ft.

Acres

Employees

☐ Power: Type

MW

☐ Educational

☐ Waste Treatment: Type

MGD

☐ Recreational

☐ Hazardous Waste: Type

☐ Other:

### Project Issues Discussed in Document:

☐ Aesthetic/Visual

☐ Fiscal

☐ Recreation/Parks

☐ Vegetation

☐ Agricultural Land

☐ Flood Plain/Flooding

☐ Schools/Universities

☐ Water Quality

☐ Air Quality

☐ Forest Land/Fire Hazard

☐ Septic Systems

☐ Water Supply/Groundwater

☐ Archeological/Historical

☒ Geologic/Seismic

☐ Sewer Capacity

☐ Wetland/Riparian

☐ Biological Resources

☐ Minerals

☐ Soil Erosion/Compaction/Grading

☐ Wildlife

☐ Coastal Zone

☐ Noise

☐ Solid Waste

☐ Growth Inducing

☐ Drainage/Absorption

☐ Population/Housing Balance

☐ Toxic/Hazardous

☐ Land Use

☐ Economic/Jobs

☐ Public Services/Facilities

☐ Traffic/Circulation

☐ Cumulative Effects

☐ Other

### Present Land Use/Zoning/General Plan Designation:

Undeveloped lots/C2-1 Regional

### Project Description: (please use a separate page if necessary)

The Project consists of the development of the four remaining undeveloped lots in the Howard Hughes Center (5900 Center Dr., 5901 Center Dr., 6040 Center Dr., and 6055 Center Dr.), in accordance with the Development Agreement for Howard Hughes Center (prior SCH#s 83090705 and 97061068). The Project includes approval of a tentative tract map for condominium purposes for two of the four lots (6040 Center Drive and 6055 Center Drive), and floor area ratio averaging in a unified development pursuant to Los Angeles Municipal Code Section 12.24.W.19 for all four lots (5900 Center Dr., 5901 Center Dr., 6040, and 6055 Center Dr.).

[\*APNs # 4104-001-081, 4104-001-087, 4104-023-015, 4104-023-016, 4104-023-017]

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

January 2008

### Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Caltrans District # <u>7</u>	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Native American Heritage Commission	
<input type="checkbox"/> Office of Emergency Services	

### Local Public Review Period (to be filled in by lead agency)

Starting Date January 29, 2009

Ending Date February 27, 2009

### Lead Agency (Complete if applicable):

Consulting Firm: Christopher A. Joseph & Assoc.  
Address: 27413 Tourney Rd, suite 120  
City/State/Zip: Santa Clarita, CA 91355  
Contact: Shane E. Parker, Principal  
Phone: (661) 260-1411

Applicant: Mr. John Hartz/ Equity Office Properties  
Address: 10880 Wilshire Blvd., Suite 1010  
City/State/Zip: Los Angeles, CA 90024  
Phone: (425)462-6795

Signature of Lead Agency Representative: Sarah Molina

Date: 1-29-09

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**CITY OF LOS ANGELES**

OFFICE OF THE CITY CLERK  
ROOM 615, CITY HALL  
LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY</b> <i>City of Los Angeles Department of City Planning</i>	<b>COUNCIL DISTRICT</b> CD-6	<b>DATE</b> January 15, 2009
<b>RESPONSIBLE AGENCIES</b> <i>City of Los Angeles Planning Department</i>		
<b>PROJECT TITLE/NO.</b> <i>Howard Hughes Center Residential and Office Buildings</i>	<b>CASE NO.</b> ENV-2008-3887-MND-REC 1 ZA 2008-2700-CU VTT 70318	
<b>PREVIOUS ACTIONS CASE NO.</b> <i>EIR No. 282-83-ZC(CUZ)(ZV)(SUB) and SCH No. 83090705 EIR No. 97-0182-SUB(CUB) and SCH No. 97061068</i>	<input type="checkbox"/> DOES have significant changes from previous actions. <input checked="" type="checkbox"/> DOES NOT have significant changes from previous actions.	
<b>PROJECT DESCRIPTION:</b> <i>The Project consists of the development of the four remaining undeveloped lots in the Howard Hughes Center (5900 Center Drive, 5901 Center Drive, 6040 Center Drive, and 6055 Center Drive), in accordance with the Development Agreement for Howard Hughes Center. See Figure 1 (attached). The Applicant seeks approval of a vesting tentative tract map (VTT 70318) for condominium purposes for two of the four lots (6040 Center Drive and 6055 Center Drive), and floor area ratio averaging in a unified development pursuant to Los Angeles Municipal Code Section 12.24.W.19 for all four lots (5900 Center Drive, 5901 Center Drive, 6040, and 6055 Center Drive)( ZA 2008-2700-CU). See detailed discussion beginning on page 3.</i>		
<b>ENVIRONMENTAL SETTING:</b> <i>The Howard Hughes Center is located at the corner of Sepulveda Boulevard and Howard Hughes Parkway in Los Angeles, CA. The site is approximately nine miles southwest of downtown Los Angeles and approximately 1.35 miles north of the Los Angeles International Airport. The Fox Hills area of Culver City and Ladera Heights (an unincorporated portion of Los Angeles County) are located to the northeast of the Project Site. See Figure 2 (attached).</i>		
<b>PROJECT LOCATION:</b> <i>The Howard Hughes Center is a 69-acre development located in the Westchester Community of the City of Los Angeles. Howard Hughes Center is generally triangular in shape and is bounded by Howard Hughes Parkway to the south, Sepulveda Boulevard to the west, and Interstate 405 (San Diego Freeway) to the northeast.</i>		
<b>PLANNING DISTRICT</b> <i>Westchester-Playa del Rey Community Plan Coastal Transportation Corridor Specific Plan</i>		<b>STATUS:</b> <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PROPOSED <input checked="" type="checkbox"/> ADOPTED
<b>EXISTING ZONING</b> <i>C2-1, RI-1</i>	<b>MAX. DENSITY ZONING</b> <i>N/A</i>	<input checked="" type="checkbox"/> DOES CONFORM TO PLAN  <input type="checkbox"/> DOES NOT CONFORM TO PLAN  <input type="checkbox"/> NO DISTRICT PLAN
<b>PLANNED LAND USE</b> <i>Community Commercial</i>	<b>MAX. DENSITY PLAN</b> <i>3:1 FAR</i>	
<b>SURROUNDING LAND USES</b> <i>Community Commercial</i>	<b>PROJECT DENSITY</b> <i>3:1 FAR</i>	

---

**DETERMINATION (To be completed by Lead Agency)**

---

**On the basis of this initial evaluation:**

---

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.<sup>1</sup>

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

■ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.<sup>2</sup>

---

*Sarah Moline*

---

SIGNATURE

---

*City Planning Associate*

---

TITLE

---

<sup>1</sup> See Footnote 2.

<sup>2</sup> Based on this initial evaluation, I find that, with exception of potential haul route impacts, all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

## BACKGROUND AND PROJECT PROPOSAL

Howard Hughes Center is a master-planned mixed-use development, whose development was approved by the City of Los Angeles pursuant to a Development Agreement adopted on November 3, 1986 (the "Original Development Agreement") as well as other related approvals (including but not limited to Tentative Tract Map No. 35269; Variance No. ZA 85-0624(YV); Conditional Use Permit Nos. ZA 85-0625(CUZ), CPC 85-329 CU, and ZA 85-0623 (CUB)) (collectively, the "HHC Project Approvals"). The Original Development Agreement was subsequently amended on September 4, 2002 (the "First Amendment"), and again on May 2, 2005 (the "Second Amendment") (collectively, the "HHC Development Agreement").

The HHC Development Agreement currently grants a vested right to complete the development of Howard Hughes Center with the following uses:

- A. A maximum of 1,950,000 square feet of commercial office and retail development, including, as an option, a maximum 100,000 square feet of retail and a maximum 100,000 square foot fitness center;
- B. A 250,000 square foot entertainment/retail center;
- C. A maximum of 600 hotel rooms; provided, however, that up to 900 additional hotel rooms may be constructed, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office/retail space for each additional hotel room; and
- D. A maximum of 600 residential units; provided, however, each residential unit constructed shall reduce by one hotel room the number of hotel rooms that is allowed to be constructed. The right to construct 600 residential units in-lieu of 600 hotel rooms was expressly authorized by the Second Amendment. See Second Amendment at § 1.

Howard Hughes Center is nearly built-out. The Applicant is proposing to utilize the remaining rights granted by the HHC Development Agreement by developing the four remaining undeveloped lots at Howard Hughes Center: 5900 Center Drive, 5901 Center Drive, 6040 Center Drive, and 6055 Center Drive. Specifically, the Project proposes the construction of an apartment building consisting of 325 units and 1,500 sq. ft. of ground floor retail/commercial uses at 6040 Center Drive, the construction of a condominium building consisting of 275 condominium units at 6055 Center Drive, the construction of an office building comprised of 248,871 sq. ft. at 5900 Center Drive, and an office building comprised of 238,222 sq. ft. at 5901 Center Drive.

## CEQA COMPLIANCE

The uses proposed by the applicant's project have been the subject of repeated environmental review by the City of Los Angeles and the applicant has a vested right to complete their development under the HHC Development Agreement.

An Environmental Impact Report (EIR) was prepared and certified in connection with the City of Los Angeles' 1986 approval of development of Howard Hughes Center and the HHC Project Approvals.<sup>3</sup> The Howard Hughes Center Project Approvals established detailed development limitations and criteria to guide the development of Howard Hughes Center. As part of the certification of the 1986 EIR, the City Council

<sup>3</sup> *Final Environmental Impact Report, Howard Hughes Center, prepared by the City of Los Angeles Planning Department, June 1985. Certified on January 24, 1986. City EIR No. 282-83-ZC(CUZ)(ZV)(SUB) and SCH No. 83090705.*

also adopted mitigation measures as well as a Statement of Overriding Considerations for environmental effects of the HHC Project Approvals that were not reduced to a less than significant level. Thus, unavoidable adverse effects were acknowledged with respect to the cumulative impact on local and regional air quality; operational noise; traffic; the consumption of non-renewable energy resources; interim sewer treatment capacity; existing landfill capacity; and view obstruction. The City Council determined that other potential environmental effects would be reduced to less than significant levels.

In 1998 the City prepared and certified a separate EIR to analyze the environmental effects of the Howard Hughes Entertainment Center (currently referred to as the "Promenade at Howard Hughes Center") which was authorized by a modification to Tentative Tract Map 35269 and the First Amendment to the Development Agreement.

In 2005, the Development Agreement was amended again (the "Second Amendment") to extend the term of the Development Agreement to 2011 and to authorize the development of 600 residential units as an alternative to 600 hotel rooms. The Second Amendment was approved pursuant to an Addendum to the Howard Hughes Center EIR (the "2005 Addendum"), which determined that developing 600 residential units as an alternative to 600 hotel rooms would not result in any new significant environmental impacts not already considered, mitigated or overridden through the City Council's adoption of Overriding Considerations in 1986, and that a Subsequent EIR was not required for such residential development. The 2005 Addendum also addressed water service issues pertaining to Sections 10910 – 10915 of the State Water Code. A Notice of Determination for the 2005 Addendum was filed with the County Recorder and posted April 1, 2005.

The applicant's proposed project seeks to implement the development in compliance with the terms and conditions of the HHC approvals, all of which were the subject of the previous certified EIRs, 2005 Addendum and Statement of Overriding Considerations. (See Appendix A, attached). No further CEQA review of these uses is required.

The applicant has applied for discretionary approvals to implement the uses authorized by HHC Development Agreement, including floor area ratio averaging for the four lots of the Project (5900 Center Drive, 5901 Center Drive, 6040 Center Drive and 6055 Center Drive), and a tentative tract map for two residential buildings.

The HHC Development Agreement expressly contemplated that future approvals, including discretionary approvals and subdivision maps would be necessary in order to allow the beneficiaries of the HHC Development Agreement to utilize their development rights under the Agreement. See HHC Development Agreement, Sections III.B.1, III.B.2, and V.D.

Pursuant to the HHC Development Agreement, each lot at Howard Hughes Center is permitted a 3:1 floor area ratio (FAR). The HHC Development Agreement contemplated that the FAR of individual lots at Howard Hughes Center might exceed 3:1 FAR through floor area averaging between lots with approval of the variance. The applicant is implementing this concept through its application for floor area averaging pursuant to L.A.M.C. 12.24.W.19, a city-wide conditional use procedure that allows floor area averaging in unified developments where the underlying authorized FAR is not exceeded. The average FAR for the four buildings proposed by the applicant will not exceed 3:1.

The vesting tentative tract map would clarify existing legal descriptions and also allow the applicant to sell the 275 residential units proposed at 6055 Center Drive as condominiums. The applicant is not applying for a haul route permit at this time, although this MND considers potential haul route effects and proposes potential

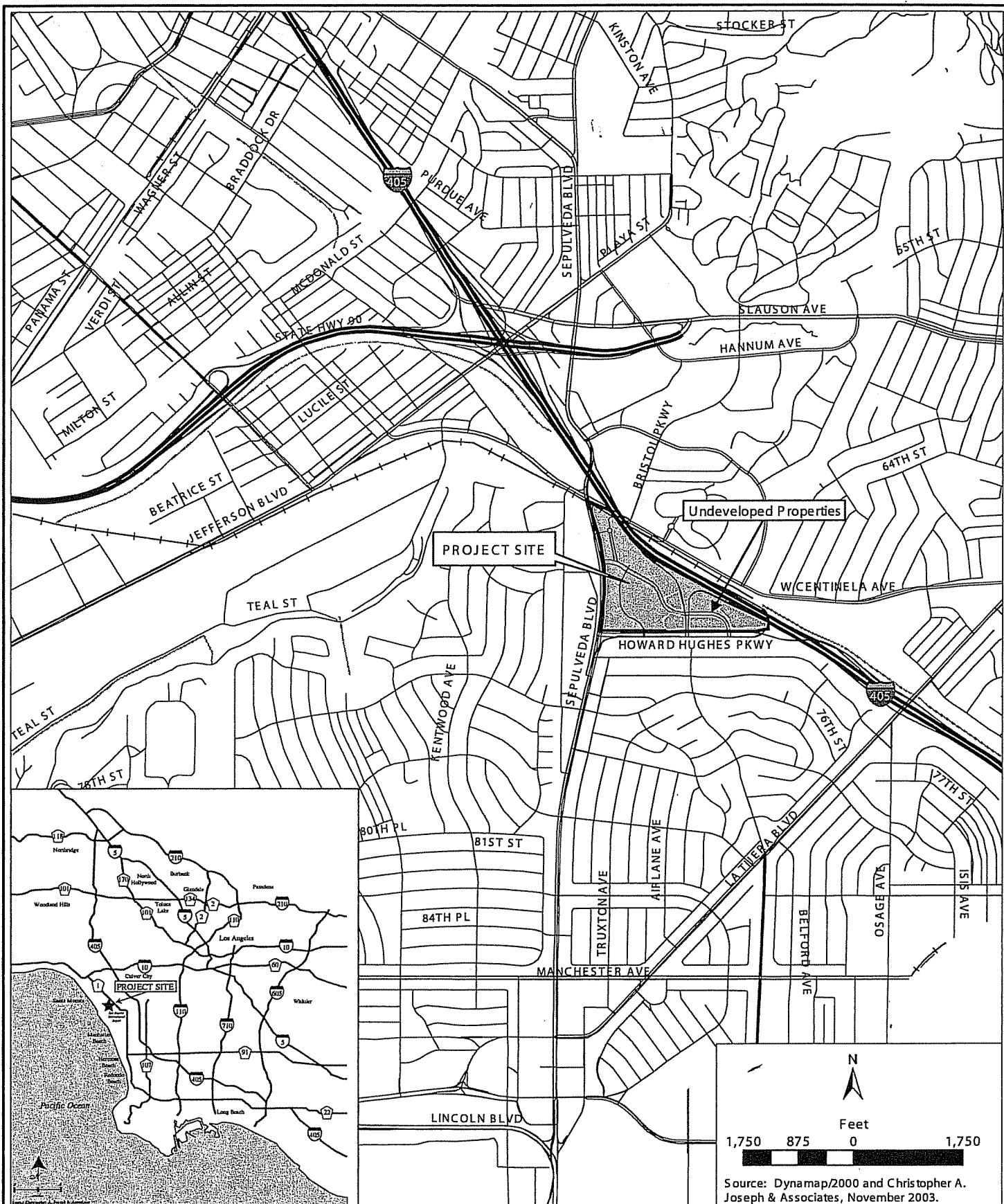


mitigation measures. The Applicant will obtain haul route approvals prior to the construction each parcel through the Department Building and Safety.

This Initial Study summarizes the conclusions of the City's previous environmental analysis, including the 2005 Addendum, evaluates whether the particular discretionary approvals now requested by the applicant to implement its HHC Development Agreement rights may result in new potential impacts not previously addressed by prior environmental review, and proposes mitigation measures for such new potential impacts.

Because prior environmental review of the uses proposed by the applicant has been completed, for purposes of this Initial Study the conclusions of "Less Than Significant" or "No Impact" signify that the potential environmental impact was the subject of analysis, mitigation (as applicable), and (as applicable) a Statement of Overriding Considerations in connection with the 1986 EIR and 2005 Addendum. The conclusions of "Potentially Significant Impact" or "Potentially Significant Unless Mitigation Incorporated" signify that the potential environmental impact was not the subject of analysis, mitigation (as applicable), and (as applicable) a Statement of Overriding Considerations in connection with the 1986 EIR and 2005 Addendum. Where the potential environmental impact was not the subject of analysis, mitigation (as applicable), and (as applicable) a Statement of Overriding Considerations in the 1986 EIR and 2005 Addendum, analysis is provided and mitigation measures are recommended as necessary.

An Initial Study/Mitigated Negative Declaration for the proposed project (dated September 25, 2008) was circulated from October 16, 2008 to November 14, 2008. The Applicant subsequently made changes to the project description for the proposed project. Accordingly, this Initial Study/Negative Declaration has been revised to reflect the revised project description and will be recirculated in accordance with CEQA.



CHRISTOPHER A. JOSEPH & ASSOCIATES  
Environmental Planning and Research

Figure 1  
Howard Hughes Center  
Regional and Location Map



CHRISTOPHER A. JOSEPH & ASSOCIATES  
Environmental Planning and Research

Figure 2  
Aerial Photograph of the  
Howard Hughes Center

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources   | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality              | <input type="checkbox"/> Land Use/Planning             | <input checked="" type="checkbox"/> Transportation/Traffic  |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing            |   |

**INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)****BACKGROUND****PROPONENT NAME**

Equity Office Properties

**PHONE NUMBER**

(310) 446-2211

**PROPONENTS ADDRESSES**

Mr. John Hartz  
Equity Office Properties  
10880 Wilshire, Suite 1010  
Los Angeles, 90024

**Proponents Representative**

Allan Abshez  
Irell and Manella, LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067-4276  
(310) 277-1010

**AGENCY REQUIRING CHECKLIST**

City of Los Angeles, Department of City Planning  
200 N. Spring St., Room 763  
Los Angeles, CA 90012  
Maya Zaitzevsky, Chief, Advisory Agency Expediting Unit  
(213) 978-1331

**DATE SUBMITTED**

January 8, 2009

**PROPOSAL NAME (If Applicable)**

Howard Hughes Center Residential and Office Buildings

**ENVIRONMENTAL IMPACTS**

(Explanations of all potentially and less than significant impacts are required to be attached on separate sheets. See discussion below.)

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city-designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Response:** The HHC Project Approvals, including the HHC Development Agreement, grant vested rights to develop the lots at Howard Hughes Center to specified maximum heights above sea level. Specifically, the tract approval (Tentative Tract Map 35269) established lot-by-lot height limitations to allow for view corridors through the development approved for Howard Hughes Center. These height limitations were set forth in Exhibit D to the approval of Tentative Tract 35269 and were also incorporated into the HHC Development Agreement. The 1986 EIR analyzed the proposed height limits and concluded that the various structures at Howard Hughes Center would obstruct the then existing views over the project site from adjoining and nearby properties. View obstruction resulting from the City's approval of the height maximums was recognized as an unavoidable impact of the Howard Hughes Center development. The 1986 Statement of Overriding Considerations adopted by the City Council found that the view obstruction impacts created by Howard Hughes Center buildings were acceptable.

In 1994, Final Map 51419 (a final map unit of Tentative Tract 35269) was recorded, which realigned Center Drive relative to its original proposed position (so that it curved slightly south near the center of the development). Final Map 51419 also reconfigured the lot lines of Tentative Tract No. 35269. As a result of the repositioning of Center Drive, some area that was previously expected to be roadway became developable lots and vice versa. On November 4, 1999, the Advisory Agency issued a Letter of Clarification to clarify the height limits applicable to the reconfigured lots. The Letter of Clarification (included as an appendix to this Initial Study) correlates the lot-by-lot height limitations established by Tentative Tract 35269 and the HHC Development Agreement to the lotting plan of Tract 51419. The Letter of Clarification also addressed the issue of height limitations for developable lots that had been previously shown as roadway under Tentative Tract 35269, and thus had no underlying height limits.

The Advisory Agency's 1999 Letter of Clarification did not make any changes to heights allocated to the lots that comprise 6040, 5900, and 5901 Center Drive. Adjustments were made to the lot that now comprises 6055 Center Drive to reflect the realignment of Center Drive. Specifically, as approved by the City Council in 1986, Howard Hughes Center authorized a building up to 326' MSL in height on lots D-3, D-4 and D-5 of Tentative Tract 35269. With the repositioning of Center Drive, the central portion of these lots became the Center Drive roadway. As a result, an area approximately equivalent to the displaced portion of the 326' MSL lots was shifted approximately 100 feet northeasterly across the realigned location of Center Drive towards the 405 freeway (and away from residential areas to the south and west) to Lot 18 of Tract 51419, where it was allocated to land that had previously been proposed as Center Drive. Therefore, as presently configured, Lot 18 of Tract 51419 includes area that is limited to 326' MSL, area that is limited to 135' MSL, and a small area limited to 125' MSL. Figure 3A to this Initial Study shows the original building site authorized for 326' MSL in yellow and the

realigned portion of Center Drive through such site. Figure 3A also shows (in blue) the location area to which the displaced 326' MSL building area was allocated as a result of Center Drive being realigned. As illustrated by Figure 3A, the portion of 6055 Center Drive that is currently designated with a 326' MSL height limitation (approximately 32,000 sq. ft) is less than half the area that was originally designated for a 326' MSL height limitation in lots D-3, D-4 and D-5 (approximately 81,000 sq. ft) when Howard Hughes Center was approved by the City in 1986. Height limitations applicable to 6040, 5900 and 5901 Center Drive are depicted in Figures 3B and 3 C, and in Appendix B.

The Letter of Clarification was incorporated in the First Amendment to the HHC Development Agreement in 2002, which was approved by the City Council on July 9, 2002 after the City Council found that the intensity, building height and uses set forth in the Amendment were permitted and consistent with Tract Map 35269 as modified by the City Council in 1998 and approved a Categorical Exemption under CEQA.

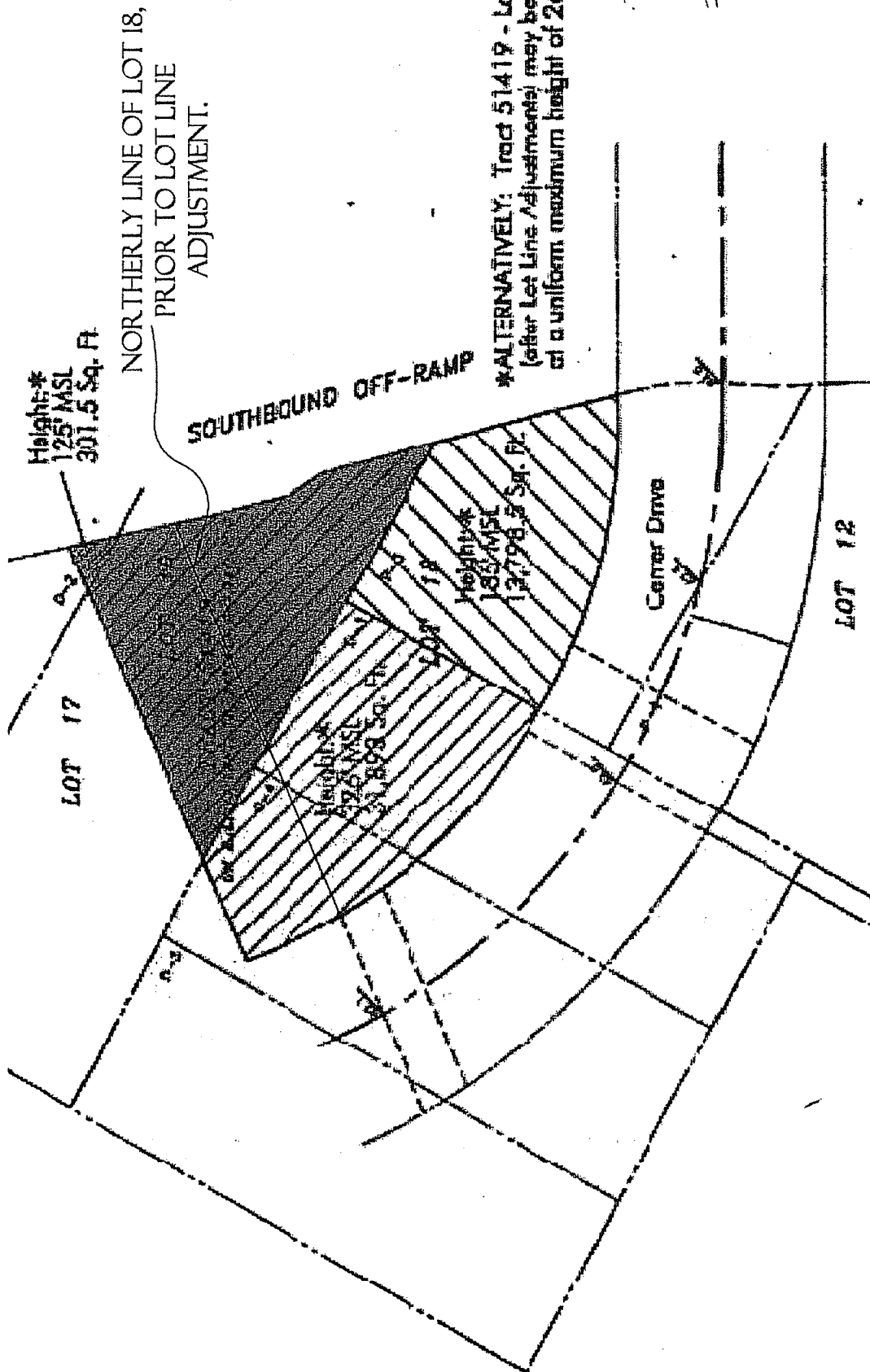
In 2005, the City Council approved the Second Amendment to HHC Development Agreement after processing an Addendum to the previous environmental review documents for Howard Hughes Center. The 2005 Addendum found that that the proposed substitution of 600 residential dwelling units as an alternative to 600 hotel rooms would not affect building placement and height limitations for building sites, and that the view obstruction impacts of such development had already been disclosed, analyzed, and mitigated, with the residual unavoidable view impacts having been subjected to overriding considerations. Accordingly, the Addendum concluded that no revisions to the prior environmental findings with respect to views and aesthetics were required. In addition, the 2005 Addendum found that the exchange of residential units in place of hotel rooms would not create any additional sources of light or glare than anticipated under the then-existing entitlements. As such, light impacts on the surrounding environment were found to be less than significant and no mitigation was deemed warranted.

The Project will comply with all height limits established within the HHC Development Agreement and other Project Approvals. The 6040 Center Drive apartment building will be 7 stories and will comply with the 135' mean sea level (MSL) height limitation for such lot.<sup>4</sup> The 6055 Center Drive condominium building will be 24 stories, and, as discussed above, has a range of height limits varying from 125' to 326' MSL level consistent with the height limitations for such lot.<sup>5</sup> The 5900 Center Drive Office Building will be 5 stories and will not exceed 140 feet MSL, which is the lower of the two height limits that apply to such lot. The 5901 Center Drive Office Building be 5 stories and will comply with the 125' and 140' MSL height limitations for such lot. Because the proposed Project would not alter building placement or permitted height as otherwise permitted and analyzed under prior environmental reviews, the Project is consistent with the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations. Therefore, no further review is necessary pursuant to CEQA.

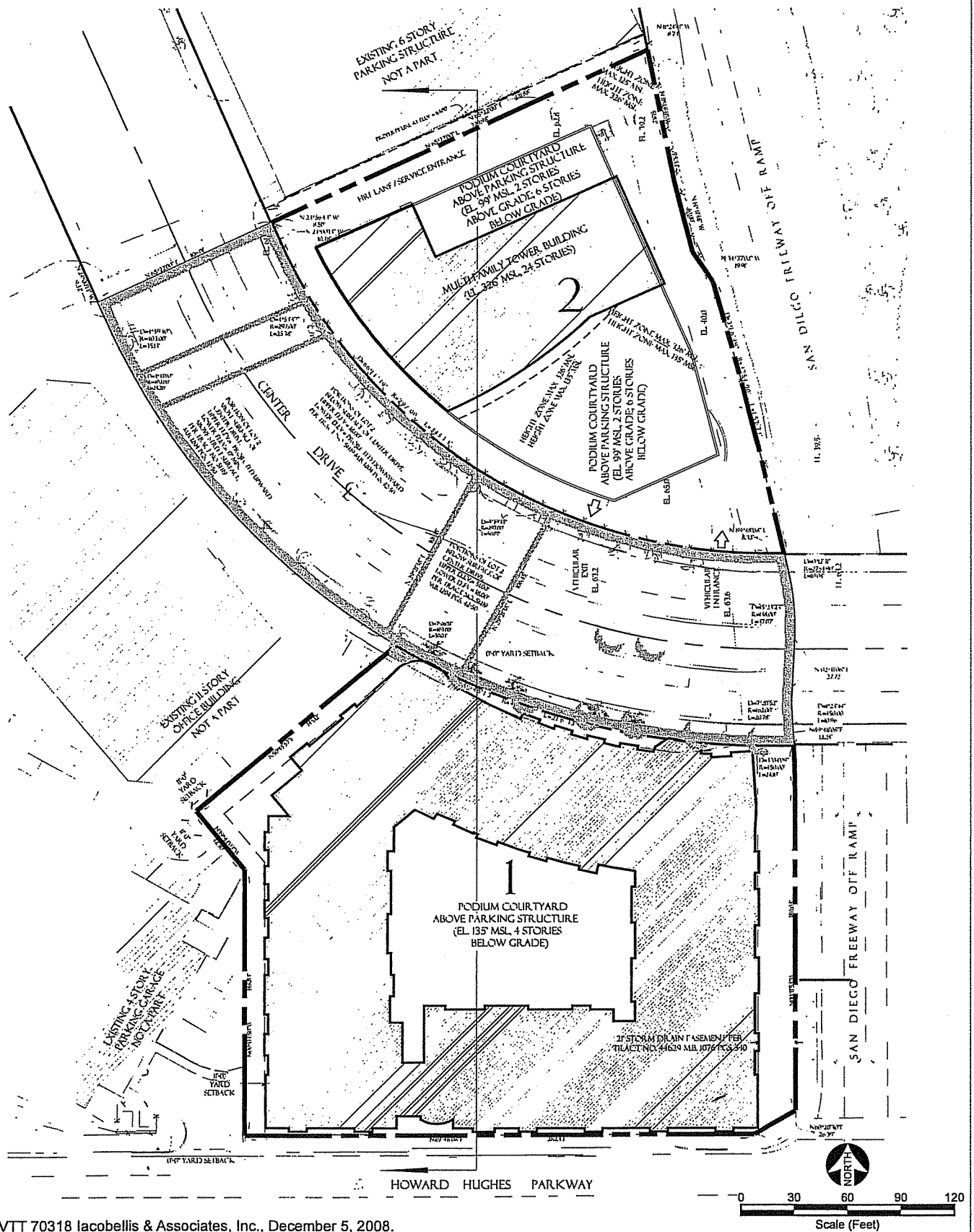
<sup>4</sup> City of Los Angeles, Letter of Clarification, re Tract No. 35269 Counsel District No. 6, November 4, 1999.

<sup>5</sup> Ibid.





Source: Howard Hughes Center.



CHRISTOPHER A. JOSEPH & ASSOCIATES  
Environmental Planning and Research

Figure 3B  
Proposed VTT 70318 with Height Zone Overlay





**II. AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with the existing zoning for agricultural use, or a Williamson Act Contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:** The Project site is not classified in any "Farmland" category designated by the State of California and neither the Project Site, nor any of the nearby properties are zoned or currently utilized for agricultural activities. Therefore, the Proposed Project would have no impact associated with the conversion of farmland.

**III. AIR QUALITY.** The significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations. Would the project result in:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the SCAQMD or Congestion Management Plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment (ozone, carbon monoxide, & PM <sub>10</sub> ) under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Response:** According to the air quality analysis from the 1986 EIR, operation of Howard Hughes Center was estimated to generate an estimated 4.5 tons of mobile source air pollutants. The operational impacts were found not to exceed State or Federal air quality standards. However, the cumulative impact on local and regional air quality was found to be a significant and unavoidable impact. A Statement of Overriding Considerations was adopted for the project's construction emissions and for Howard Hughes Center's contribution to cumulative and regional air quality impacts.

The 2005 Addendum found that the construction activities and duration of the active construction period associated with either hotel or residential units would be substantially equivalent to one another with respect to addressing air quality emissions and thus would not generate any new construction-related air quality impacts. The 2005 Addendum also found that the substitution of 600 residential units as an alternative to 600 hotel units would not alter the trip cap or the TDM requirements for the Howard Hughes Center project. Thus, the traffic related emissions would not be affected by allowing an even exchange of hotel rooms for dwelling units because the associated traffic levels would not exceed 4,785 PM peak

hour trips regardless of the type of land uses developed.

Because the Project would not increase the number of residential dwelling units nor the amount of office as otherwise permitted by the Second Amendment to the Development Agreement approved in 2005 and analyzed under prior environmental reviews, the Project would not generate any new construction-related air quality impacts or any new traffic-related air quality impacts and the unavoidable significant impacts on air quality identified in the previous EIR would not be substantially more severe than previously analyzed.

In September 2006, subsequent to the City's approval of the Second Amendment to the HHC Development Agreement and 2005 Addendum, Governor Arnold Schwarzenegger signed in to law AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires the California Air Resources Board (CARB) to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with that program. As part of this effort, the CARB will adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990, to be achieved by 2020. The City of Los Angeles has begun to address the issue of global climate change by publishing Green LA, An Action Plan to Lead the Nation in Fighting Global Warming (LA Green Plan).

This document outlines the goals and actions the City has established to reduce the generation and emission of GHGs from both public and private activities. According to the LA Green Plan, the City of Los Angeles is committed to the goal of reducing emissions of CO<sub>2</sub> to 35 percent below 1990 levels. To achieve this, the City aims to:

- Increase the generation of renewable energy;
- Improve energy conservation and efficiency; and
- Change transportation and land use patterns to reduce dependence on automobiles.

To date, no air agency or municipality had yet established project-level significance thresholds for GHGs emissions. As such, GHG emissions can be quantified, but should not be used to determine significance under CEQA.

As discussed earlier, the 2005 Addendum determined that Howard Hughes Center's emissions would not be affected by allowing an even exchange of hotel rooms for dwelling units. As a mixed-use development with a comprehensive Transportation Demand Management (TDM) Program, Howard Hughes Center presently has in place mitigation measures and programs that reduce vehicle miles traveled and thereby reduce the level of GHG emissions that would be generated by a project of similar size and scale in another locale. Howard Hughes Center has exceeded previous the TDM targets set by the HHC Project Approvals. The addition of residential uses to Howard Hughes Center, which was authorized by the Second Amendment to the HHC Development Agreement, will make Howard Hughes Center a fully mixed-use development, where persons can live, work, shop, and recreate, thereby promoting the reduction of vehicle trips, miles traveled, and attendant GHG. Furthermore, the Project would be built to current building standards, including Title 24 Requirements, which includes incorporating mandatory energy conservation features such as low flow plumbing fixtures, and energy efficient appliances. As a result, the project's operational impacts upon GHG emissions would be reduced. Since the project would be consistent with the goals identified in the City's LA Green Plan, the Project's contribution to global warming would be considered less than significant.

The Environmental Review Unit currently imposes standard air filtration requirements on industrial, commercial, and residential projects to mitigate the effects of diminished ambient air quality with respect to PM. The Applicant has consented to the addition of the following standard mitigation measure for the Proposed Project.

**MITIGATION MEASURE:**

- MM-1** Air filtration systems shall be installed and maintained on all occupied buildings with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety.

**IV. BIOLOGICAL RESOURCES.** Would the project:

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service ? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Response:** The Project Site is located in a developed urban setting. The Project Site is not located within a significant ecological area<sup>6</sup>. No known candidate, sensitive or special status species, or riparian or other sensitive habitats are located on the Project Site. The Project Site does not support riparian or wetland habitat, or "waters of the United States," as defined by Section 404 of the Clean Water Act. No wildlife corridors are located on site. The Project Site does not contain oak trees or any other protected tree species as designated by LAMC Ordinance No. 153,478. Therefore, impacts will be less than significant and no further environmental review of this issue under CEQA is warranted. Nonetheless, the Applicant has consented to the addition of the following standard mitigation measures for the Proposed Project.

**MITIGATION MEASURES:**

**MM-2** Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

<sup>6</sup> City of Los Angeles Planning Department, *Environmental and Public Facilities Map: Significant Ecological Areas in the City of Los Angeles, September 1, 1996*.

- MM-3** The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.
- MM-4** The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas.
- MM-5** Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: 213-847-3077.

**V. CULTURAL RESOURCES:** Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Cause a substantial adverse change in significance of a historical resource as defined in State CEQA Section 15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Response:** The 1986 EIR disclosed the Howard Hughes Center site is in an area of high archaeological sensitivity. Two recorded archaeological sites (LAN 213, LAN 216) are located on the project site, although extensive test excavation of these two sites revealed no historical or archaeological evidence of any significance. The 1986 EIR requires the subdivider to retain a qualified archaeologist to monitor subsurface operations and to order reasonable protective measures if any significant archaeological resources are uncovered. As a result, the project's impact was concluded to be reduced to a less than significant impact.

The 2005 Addendum reiterated that the HHC Development Agreement was approved under the condition that the Project Applicant retains a qualified archaeologist to monitor subsurface operations and to order reasonable protective measures if resources are recovered. Therefore, the substitution of 600 residential units as an alternative to 600 hotel units would not result in any impact different than that already assessed and mitigated by the HHC Development Agreement.

As the Project does not increase the development footprint and would involve construction and earthwork activities within the building pad areas previously identified, the Project would not result in any new significant impacts upon cultural or archaeological resources or result in a substantial increase in the severity of impacts previously identified. No further environmental review of this issue under CEQA is warranted.

**VI. GEOLOGY AND SOILS.** Would the project result in the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| ii. Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potential result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Response:** The 1986 EIR analyzed grading and filling for the development of Howard Hughes Center. All grading was required to be conducted in accordance with the recommendations of the geotechnical reports by the consulting geologist and the City's existing grading ordinance. The Advisory Agency required various grading techniques recommended by the Los Angeles Department of Building and Safety (LADBS) to maximize the safety of all graded areas. Slopes are to be landscaped and maintained by a sprinkling irrigation system to minimize erosion. With implementation of the mitigation measures, grading impacts were concluded to be less than significant.

The 2005 Addendum found that no new impacts would result from approval of the Second Amendment to the Development Agreement, and the development at Howard Hughes Center would remain subject to the same conditions and mitigation measures required by the HHC Project approvals. It also noted that, according to a recent Alquist-Priolo Special Study Zones and Fault Rupture Study Areas, there are no active surface fault traces known to be present on the project site. The 2005 Addendum found that projects authorized by the Second Amendment would be required to comply with existing codes which reduce seismic risks to an acceptable level and thus would have a less than significant impact with regard to seismic ground shaking.

The Project implements the vested rights under the HHC Development Agreement. The Project's individual buildings would require individual haul route approvals for the export of soil as anticipated within the 1985 EIR. Consistent with the findings of the 1985 EIR and 2005 Addendum, the Project would not result in any new significant geotechnical or geologic environmental effects or a substantial increase in the severity of any previously identified impacts associated with geology or geotechnical hazards. No further environmental review of this issue under CEQA is warranted.

The Project Site is located in an area that is served by a City-operated wastewater collection, conveyance, and treatment system. No septic tanks or alternative disposal systems would be required nor are they included as part of the Project. No impact would occur and no further analysis of this issue is warranted.

The grading of the site will result in the loss of topsoil, however, this impact will be reduced to a less than significant level by the incorporation of construction mitigation measures. Environmental impacts may result from the grading of the site and the hauling of the soil, however, these impacts will be reduced to a less than significant level by the incorporation of construction mitigation measures.

#### MITIGATION MEASURES:

**MM-6** The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

**MM-7** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

#### VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☒ ☐

**Response:** The Project implements the vested rights under the HHC Development Agreement through the development of authorized residential units, office square footage and retail square footage. The Project does not require the transport, use or disposal of any hazardous materials, and will not create a significant hazard to the public. As discussed in the 1986 EIR, the transport and storage of building materials and supplies, including potentially materials including but not limited to diesel, oil, gasoline, solvents and architectural coatings, would be conducted in accordance with all applicable rules and regulations. Therefore, impacts would be less than significant.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☒ ☐

**Response:** The Project implements the vested rights under the HHC Development Agreement through the development of authorized residential units, office square footage and retail square footage. As discussed in the 1986 EIR, the transport and storage of building materials and supplies, including potentially materials including but not limited to diesel, oil, gasoline, solvents and architectural coatings, would be conducted in accordance with all applicable rules and regulations. Operation of the Project would not involve the use of potentially hazardous materials. Impacts are considered less than significant.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☒ ☐

**Response:** The nearest school is about one-half mile from the Project Site.<sup>7</sup> Furthermore, the Project involves residential, office and retail uses and will not involve hazardous emissions, materials, substances or waste. Therefore, impacts would remain less than significant.

<sup>7</sup> LAUSD, Los Angeles City Council Districts map with schools, website: [http://notebook.lausd.net/pls/plt/docs/PAGE/CA\\_LAUSD/LAUSDNET/DISCOVER/MAPS/2007\\_LACOUNCILDISTRICTS\\_IN\\_DEX.PDF](http://notebook.lausd.net/pls/plt/docs/PAGE/CA_LAUSD/LAUSDNET/DISCOVER/MAPS/2007_LACOUNCILDISTRICTS_IN_DEX.PDF), accessed September 3, 2008.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☒ ☐

**Response:** The Project Site is not included on any lists of known hazardous materials site listings. As such, the proposed project would not pose an environmental hazard to surrounding sensitive uses. Less than significant impacts would occur.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒

**Response:** The 1986 EIR concluded that development at Howard Hughes Center would not result in a safety hazard with respect to nearby public airports. The Project Site is just over 1.35 miles north of Los Angeles International Airport (LAX) and is located outside of the Airport Influence Area Planning Boundary and Airport Land Use Plan Noise Contours for LAX.<sup>8</sup> The Project proposes to implement the vested rights under the HHC Development Agreement through the development of authorized residential buildings and office buildings, as well as retail square footage. The proposed buildings will comply with height limits established by the HHC Development Agreement and Project Approvals. No further CEQA review is required.

- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the area? ☐ ☐ ☐ ☒

**Response:** See previous response. The Project Site is not located in the vicinity of a private airstrip.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐

**Response:** The Project proposes to implement the vested rights under the HHC Development Agreement through the development of authorized residential buildings and office buildings, as well as retail square footage. The Project is consistent with the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations for the development authorized by the HHC Development Agreement. As discussed within the Transportation Section of this Initial Study, while there are four remaining undeveloped lots at Howard Hughes Center, the traffic and transportation improvements and mitigation measures required to serve all of the development authorized by the HHC Development Agreement and HHC Project approvals (including improvements and mitigation measures to provide adequate emergency access) have been completed by the developers of Howard Hughes Center. No further CEQA review is required.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☐ ☐ ☐ ☒

**Response:** The Project Site is not considered wildland and is not located within a Brush Fire Hazard Area.<sup>9</sup> Therefore, impacts are considered less than significant.

<sup>8</sup> Los Angeles County Airport Land Use Plan, Airport Influence Area Map for the Los Angeles International Airport, dated 5/13/03.

<sup>9</sup> City of Los Angeles Planning Department, Environmental and Public Facilities Map: Brush Fire Hazard Areas in



**VIII. HYDROLOGY AND WATER QUALITY.** Would the proposal result in:

- |    |   |                          |                          |                                     |                          |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Violate any water quality standards or waste discharge requirements?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. | Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. | Otherwise substantially degrade water quality?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. | Place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h. | Place within a 100-year flood plain structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j. | Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

the City of Los Angeles, September 1, 1996.

**Response:** To mitigate any potential adverse impacts associated with flooding and hydrology, the 1986 EIR required the following drainage facilities be constructed as part of the planned 69-acre development: a) an on site drainage system; b) a storm drain system to convey the flow not controlled by the County's Project #81 from Airport Boulevard to the culvert under Sepulveda Boulevard; c) the re-grading of the existing drainage channel from Arizona Place downstream to the two existing corrugated metal pipe inlets; and d) upon approval of Culver City and the Los Angeles County Department of Public Works, the extension of the existing County drain to the boundary line between the City of Los Angeles and Culver City. Completion of the above requirements to the satisfaction of the City Engineer was concluded to have successfully reduced any impacts to a less than significant impact. According to the latest annual review of the HHC Development Agreement, these improvements were completed by November 1990 and have resulted in a greater improvement than originally anticipated.

The 2005 Addendum found that no new impacts would result from approval of the Second Amendment to the Development Agreement, and the development at Howard Hughes Center would remain subject to the same conditions and mitigation measures required by the HHC Project approvals. Development of the remaining undeveloped parcels within Howard Hughes Center would be subject to the current National Pollution Discharge Elimination System (NPDES) requirements, which prescribe mandatory best management practices (BMPs) to control surface water runoff during the construction process to mitigate potential water quality impacts. Mandatory compliance with the NPDES is implemented through permit approval process of the State Regional Water Quality Control Board (SWRCB), which is administered at the local level through local district offices. Prior to approval of a grading permit, the project applicant would be required to submit a detailed storm water pollution prevention plan (SWPPP) for the construction process detailing the BMPs that will be implemented during construction and the design of the project. The 2005 Addendum found that, with adherence to the NPDES permitting requirements, potential impacts associated with water quality would be reduced to less than significant levels. Compliance with the applicable SWPPP BMPs are further emphasized through the additional mitigation measures identified below.

The 2005 Addendum also found that the exchange of hotel rooms for an equal amount of residential dwelling units would not induce any substantial changes to the development's drainage plan for future build-out of Howard Hughes Center. Any future build-out would be designed to connect to the existing storm water infrastructure in Howard Hughes Center, which has already been designed to accommodate increased runoff from development of the current planned density. The exchange of hotel rooms for an equal amount of residential dwelling units would not increase the overall density of the Howard Hughes Center development and would not result in any increases to the capacity of the planned and developed storm water infrastructure currently serving the site. Therefore, it was concluded that there would be no impact to the capacity of existing or planned storm water drainage systems as a result of approval of the Second Amendment to the Howard Hughes Center Development Agreement.

Because the Project would not increase the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, such Project would not result in any new significant hydrology or water quality effects or a substantial increase in the severity of previously identified significant effects. No further environmental review of this issue under CEQA is warranted.

## MITIGATION MEASURES

**MM-8** Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing  $\frac{3}{4}$  inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

**MM-9** Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

- MM-10** Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- MM-11** Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- MM-12** Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- MM-13** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- MM-14** Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- MM-15** Legibility of stencils and signs must be maintained.
- MM-16** Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- MM-17** The storage area must be paved and sufficiently impervious to contain leaks and spills.
- MM-18** The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- MM-19** Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- MM-20** The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**IX. LAND USE AND PLANNING.** Would the project:

- a. **Physically divide an established community?** ☐ ☐ ☒
- b. **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?** ☒

c. **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**Response:**

The uses proposed by the Project (600 residential units, approximately 487,093 square feet of office uses, and a 1,500 sq. ft. restaurant) implement the remaining rights authorized by the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations. No further environmental review of such uses is required by CEQA.

The applicant has applied for discretionary approvals to implement the uses authorized by HHC Development Agreement, including floor area ratio averaging for the four lots of the Project (5900 Center Drive, 5901 Center Drive, 6040 Center Drive and 6055 Center Drive), and a tentative tract map for condominium use.

The HHC Development Agreement expressly contemplated that future approvals, including discretionary approvals and subdivision maps would be necessary in order to allow the beneficiaries of the HHC Development Agreement to utilize their rights under the Agreement. See HHC Development Agreement, Sections III.B.1, III.B.2, and V.D. The City is obligated to cooperate in the issuance of such approvals provided they are consistent with the Project authorized by the HHC Development Agreement.

Pursuant to the HHC Development Agreement, the applicant has a vested right to develop the uses proposed. This analysis evaluates whether the particular discretionary approvals now requested by the applicant to implement its HHC Development Agreement rights may result in new potential impacts not previously addressed by prior environmental review, and proposes mitigation measures for such new potential impacts.

The applicant is proposing FAR averaging for the four lots to be developed. Permissible floor area is determined by multiplying the buildable area of a lot by the authorized FAR ratio. Under the HHC Development Agreement, the applicable per lot FAR limitation is 3:1.

In 1986, when the Original Development Agreement was approved by the City of Los Angeles, FAR averaging between adjacent lots was not authorized by the City of Los Angeles Municipal Code. However, the City proposed that FAR averaging be permitted as a feature of the Howard Hughes Center development plan, and included environmental review of floor area averaging in the 1986 EIR. As part of the HHC Project Approvals, the City approved a variance permitting FAR averaging within Howard Hughes Center (ZA 85-0624 (YV)). The FAR averaging variance was expressly included in the Project Approvals encompassed by the Original Development Agreement. While the variance approved for floor area ratio averaging (ZA 85-0624 (YV)) was later set aside by a court, FAR averaging was envisioned by the City as part of the Project authorized for Howard Hughes Center.<sup>10</sup>

---

<sup>10</sup> See Table 2, page 23 and Table 3, page 28 in EIR No. 282-83-ZC(CUZ)(ZV)(SUB).

Subsequently to 1986, the City adopted Section 12.24.W.19 of the Los Angeles Municipal Code. Section 12.24.W.19 is a City-wide ordinance, which permits floor area averaging through the conditional use process (i.e. without the need for a variance) for unified commercial, industrial and mixed-use developments located in the C and other zones. Section 12.24.W.19 defines a unified development as:

- (a) a combination of functional linkages, such as pedestrian or vehicular connections;
- (b) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;
- (c) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley;
- (d) and when the development is viewed from adjoining streets appears to be a consolidated whole.

Section 12.24.W.19 allows a building on an individual lot to exceed the FAR limitation for that lot, provided that the average floor area ratio of the unified development as a whole does not exceed the maximum permissible FAR.

As discussed earlier, from its inception Howard Hughes Center was envisioned and planned by the City as a mixed-use unified development where floor area averaging would take place. The applicant's currently proposed office and residential buildings implement the Howard Hughes Center mixed-use plan, were designed in conjunction with one another, and feature complementary architecture, landscaping, and integrated pedestrian features.

The lot area for each of the lots proposed for FAR averaging is set forth below.

- 5900 Center Drive consists of Lot 24 of Final Map 51419. As confirmed by recent ALTA surveys, the buildable area of 5900 Center Drive is 105,956 square feet.
- 5901 Center Drive consists of portions of Lots 22 and 23 of Final Map 51419 (other portions of Lot 23 were dedicated for freeway ramp use and the extension of Howard Hughes Parkway). As confirmed by recent ALTA surveys, the buildable area of 5901 Center Drive is 126,802 square feet.<sup>11</sup>
- 6040 Center Drive consists of Lots 11 and 12 of Final Map 51419 and a portion of Lot 10 of Final Map 51419 (added by Lot Line Adjustment Map No. 2001-4536). As confirmed by recent ALTA surveys, the buildable area of 6040 Center Drive is 72,460 square feet.
- 6055 Center Drive consists of Lot 18 of Final Map 51419, and portions of Lot 17 of Final Map 51419 (added by Lot Line Adjustment 98-040 and Lot Line Adjustment 2005-3599). As confirmed by recent ALTA surveys, the buildable area of 6055 Center Drive is 45,195 square feet.<sup>12</sup>

Table 1 summarizes the buildable area of each lot, the 3:1 FAR for each such lot, and the floor area proposed for each such lot.

<sup>11</sup> As part of the original subdivision process for lots at Howard Hughes Center, lots extending under and above Center Drive were created. Specifically as shown on Final Map 51419, 5901 Center Drive and 6055 Center Drive each extend under and above Center Drive to the other side of Center Drive. As indicated in the November 1, 1990 City Attorney Memorandum summarizing development rights at Howard Hughes Center, portions of lots extending under Center Drive "shall be considered as part of such lots in determining the buildable area of such lot." The applicant's original floor area averaging application included such lot area for the purposes of calculating potential FAR for such lots. Notwithstanding the rights granted by the HHC Development Agreement, the applicant has revised its application to exclude the portions of 5901 Center Drive and 6055 Center Drive which extend under Center Drive from the calculation of buildable area for FAR calculation purposes.

<sup>12</sup> See footnote 11, above.

**Table 1**  
**Summary of Buildable Lot Area and Floor Area Ratios**

<b>Lot</b>	<b>Buildable Lot Area</b>	<b>3:1 FAR</b>	<b>Proposed Floor Area (Sq. Ft.)</b>
5900 Center Drive	105,956 sq.ft.	317,868 sq. ft.	248,871 sq. ft.
5901 Center Drive	126,802 sq.ft.	380,406 sq. ft.	238,222 sq. ft.
6040 Center Drive	72,460 sq.ft.	217,380 sq. ft.	315,423 sq. ft.
6055 Center Drive	45,195 sq.ft.	135,585 sq. ft.	248,723 sq. ft.
<b>TOTAL</b>	<b>350,413 sq.ft.</b>	<b>1,051,239 sq. ft.</b>	<b>1,051,239 sq. ft.</b>

As indicated by Table 1, above, the applicant is proposing to construct a total of 1,051,239 sq. ft. of floor area, which is the total amount of square footage authorized for the four lots. Thus, with floor area averaging, the average per lot FAR of these three lots would be 3:1.

Floor area averaging would permit the applicant to locate the proposed residential buildings at 6040 Center Drive and 6055 Center Drive. This would place the proposed residential buildings directly adjacent to the existing shopping center and office buildings located at Howard Hughes Center, which would provide an overall project that is superior from a walkability standpoint. Floor area averaging would not permit the applicant to construct more FAR for the subject lots than authorized by the HHC Development Agreement. As discussed earlier, the 1986 FEIR included floor area averaging as part of its CEQA analysis of the development of Howard Hughes Center. The applicant's proposal will not result in more than 3:1 FAR being developed on such lots on an overall basis. Finally, as discussed earlier, the buildings all fall within the height limits approved for Howard Hughes Center.

The Proposed Project would be developed in accordance with all applicable terms, conditions and limitations of the HHC Development Agreement, and FAR averaging would not increase the number of dwelling units or square footage authorized to be constructed at Howard Hughes Center. Therefore, approval of FAR averaging pursuant to Section 12.24.W.19 would not conflict with the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations. Therefore, no further review is necessary pursuant to CEQA.

The applicant has also requested a vesting tentative tract map encompassing 6040 Center Drive and 6055 Center Drive. Subdivision approvals were expressly anticipated as potential future approvals necessary under the HHC Development Agreement. The purpose of the vesting tentative map is to provide authorization for condominium use of the 275 residential units proposed at 6055 Center Drive, and to provide consolidated legal descriptions for the lots which comprise 6040 Center Drive and 6055 Center Drive. The approval of a vesting tentative tract would enable condominiums to be sold and would revise legal descriptions. However, its approval would not increase the number of dwelling units or square footage authorized to be constructed at Howard Hughes Center.

**X. MINERAL RESOURCES.** Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐ ☐ ☐ ☒

**Response:** The Project Site is not located near any oil fields and no oil extraction activities have historically occurred or are presently conducted on the Project Site.<sup>13</sup> The City of Los Angeles has not identified any mineral resources on the Project Site that would be of value to the region and to the residents of the State.<sup>14</sup> No locally important mineral resources would be impacted by the removal of soil from the proposed Project Site. Impact that would occur would be less than significant and therefore no further analysis of this issue is warranted.

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

☐ ☐ ☐ ☒

**Response:** The Project Site is not in a Mineral Resource Zone and does not contain significant mineral resources.<sup>15</sup> Therefore, impacts would be less than significant and no further analysis of this issue is warranted.

**XI. NOISE.** Would the project:

- a. Exposure of persons to or generation of noise in level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Exposure of people to or generation of excessive groundborne vibration or groundborne noise levels?
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐

<sup>13</sup> City of Los Angeles Planning Department, *Environmental and Public Facilities Map: Oil Field and Oil Drilling Areas in the City of Los Angeles and Oil Drilling and Surface Mining Supplemental Use Districts in the City of Los Angeles*, September 1, 1996.

<sup>14</sup> City of Los Angeles Planning Department, *Environmental and Public Facilities Map: Areas Containing Significant Mineral Deposits in the City of Los Angeles*, September 1, 1996.

<sup>15</sup> *Ibid.*

**Response:** The 1986 EIR concluded that construction noise from the development of Howard Hughes Center would be mitigated to a less than significant level by compliance with the City's noise ordinances. With respect to operational noise, the 1986 EIR found that significant increases to ambient noise levels from mobile noise sources would occur. Accordingly, a Statement of Overriding Considerations was adopted for this unavoidable significant impact.

The 2005 Addendum found that approval of the Second Amendment to the Development Agreement (authorizing construction of 600 residential units as an alternative to 600 hotel rooms) would not result in any changes to construction-related noise impacts, as the types of construction activities associated with the construction of hotel uses are similar in nature to those involved with constructing multi-family residential uses. Construction activities are also regulated under the applicable tract map conditions and mitigation measures. Development of the remaining portions of Howard Hughes Center would be subject to the same mitigation measures previously required.

With respect to operational noise, the 2005 Addendum highlighted that the approval of the Second Amendment would not increase the potential for noise from operational uses. The Addendum noted that similar to hotel uses, the primary noise generation factor for multi-family residential uses is traffic-related noise. The Addendum noted that the Second Amendment's authorization of 600 residential units would not generate more trips than the 600 room hotel, and trips would remain within the trip cap for Howard Hughes Center (4,785 p.m. peak hour inbound and outbound project-related vehicle trips), as well as the TDM conditions that require a reduction in vehicle trips by 17 percent.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and thus would not result in any new significant construction-related or operational noise impacts or result in a substantial increase in the anticipated noise levels previously identified. As such, impacts would remain less than significant and no further environmental review of this issue under CEQA is warranted.

The City currently implements new standard mitigation measures to reduce noise effects from parking structures and the Applicant has consented to the addition of the following standard mitigation measures for the Proposed Project.

**MITIGATION MEASURES:**

**MM-21** Concrete, not metal, shall be used for construction of parking ramps.

**MM-22** The interior ramps shall be textured to prevent tire squeal at turning areas.

**MM-23** Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?



**Response:** The Project Site is just over 1.35 miles north of Los Angeles International Airport (LAX).<sup>16</sup> The Project Site is located outside of the LAX 65 dBA Noise Contour Area and would not expose residents to excessive noise levels associated with aircraft. Therefore, impacts will be reduced to a less than significant level. No further analysis of this issue is warranted.

<sup>16</sup> ZIMAS (Zoning Information and Map Access System), website: <http://zimas.lacity.org>, September 2, 2008.



- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

**Response:** The Project Site is not located in the vicinity of a private airstrip. No impact would occur and no further analysis of this issue is warranted.

## XII. POPULATION AND HOUSING. Would the project:

- a. Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐ ☐ ☒ ☐

**Response:** The 1986 EIR found that population and housing impacts of Howard Hughes Center would be less than significant. The 2005 Addendum found that development of 600 multi-family dwelling units instead of 600 hotel rooms would generate approximately 1,380 persons. The 2005 Addendum found that this would represent an increase of 0.03 percent to the total resident population in the Westchester/Playa Del Rey Planning Area, which would not represent substantial population growth within the area. Due to the strong demand for housing in the area, the minor increase in housing supply (600 units) was considered a beneficial impact. Indeed, the 2005 Addendum found that the equal exchange of residential units for hotel rooms would further promote regional planning goals to increase housing opportunities in the subregion.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, such will not result in any new significant environmental effects or a substantial increase in the severity of impacts associated with population and housing projections. Impacts would be less than significant and no further environmental review of this issue under CEQA is warranted.

- b. Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

- c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

**Response:** There are no residential uses on the existing Project Site and no housing would be displaced by the proposed project. As such, no impact related to displacement would occur.

## XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a. Fire protection?

☐ ☐ ☒ ☐

**Response:** The 1986 EIR determined that impacts upon fire protection service were determined to be mitigated to a less than significant level with incorporation of mitigation measures. The 2005 Addendum found that an in-kind exchange of hotel rooms for an equal amount (600) of residential dwelling units would not increase impacts upon fire protection services beyond what was already analyzed and anticipated.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and will not result in any new significant environmental effects upon fire protection services or result in a substantial increase in the severity of any previously identified impacts. No further environmental review under CEQA is warranted.

☐ ☐ ☒ ☐

**b. Police protection?**

**Response:** The 1986 EIR concluded that potential impacts upon police protection services would be mitigated to less than significant impact levels with incorporation of mitigation measures. The 2005 Addendum found that the substitution of 600 residential dwelling units for 600 hotel rooms would not generate any more demands for police protection services. The Addendum noted that, similar to hotel operations which operate on a 24-hour-a-day-basis, residential uses provide eyes-on-the-street at all times of the day and night. The constant presence of people serves as an effective deterrent against crime and vandalism, thus reducing demands for police services.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and will not result in any additional demands for police services or result a substantial increase in the demands previously anticipated.

**c. Schools?**

☐ ☐ ☒ ☐

**Response:** The 2005 Addendum found that the substitution of 600 residential units as an alternative to 600 hotel rooms would generate minor permanent population growth, which, in turn, would increase student generation within the jurisdictional boundaries of the Los Angeles Unified School District (LAUSD). The 2005 Addendum calculated that, according to the LAUSD's School Facilities Fee Plan student generation rates, 262 students would be generated by a 600-unit residential development.

The 2005 Addendum explained that, while the introduction of residential units would not be expected to overcrowd neighborhood schools, the California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. As provided in Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on schools. The School Facilities Fee Plan (March 2, 2000), for the LAUSD, has been prepared to support the school district's levy of the fees authorized by Section 17620 of the California Education Code. Per section 65995.5-7 of the Government Code, the Level 1 residential developer fees have been imposed at a rate of \$3.73 per square foot on new residential construction within the boundaries of the LAUSD. As the developer of the residential units would be required to pay all applicable developer fees to the LAUSD pursuant to Government Code Section 65995-7, potential impacts upon school facilities would be mitigated to a less than significant level.

Because the Project would not affect the number of residential dwelling units entitled under the HHC Development Agreement and previously analyzed through the CEQA process, such projects, the Project would not result in any new significant impacts upon school facilities or result in a substantial increase in the demands previously anticipated. No further environmental review of this issue under CEQA is warranted.

**d. Parks?**

☐ ☐ ☒ ☐

**Response:** See discussion under XIV. Recreation.

**e. Other governmental services (including roads)?**

☐ ☐ ☒ ☐

**Response:** The Project Site is located in a developed urban area. No other governmental services are needed, and no further discussion of the issue is warranted.

#### XIV. RECREATION.

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☒ ☐
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ☐ ☒ ☐

**Response:** From its inception Howard Hughes Center was planned to incorporate a number of passive parks, bikeway paths and landscaped open space areas. Today, Howard Hughes Center includes passive parks, bikeway paths and landscaped open space areas, along with a fitness center (the Spectrum Club). These uses, including the Spectrum Club, would also be readily accessible for future residents and/or commercial tenants of the Project.

The 2005 Addendum found that while development of Howard Hughes Center with residential uses would generate a higher demand for recreational services and facilities than commercial uses, the potential impact would be mitigated to a less than significant level through the payment of a mandatory dwelling unit construction tax. Pursuant to Section 10.21.3 of the Los Angeles Municipal Code (LAMC), the City of Los Angeles imposes a mandatory dwelling unit construction tax to mitigate impacts upon park and recreational facilities. Funds generated by this tax are required to be placed in a "Park and Recreational Sites and Facilities Fund," to be used exclusively for the acquisition and development of park and recreational sites and facilities. Therefore, the 2005 Addendum found that potential impacts upon neighborhood or regional parks would be mitigated to a less than significant level. The 2005 Addendum also highlighted that if development were to include "for sale" units, the applicable provisions of Section 17.12 of the LAMC would also apply, requiring the project applicant (or merchant developer) to pay applicable Quimby fees to the City of Los Angeles. Such fees are used exclusively for the acquisition and development of park and recreational sites and facilities.

The 325 apartment units proposed by the Project would be subject to the dwelling unit construction tax, and the 275 condominium units proposed by the Project would be subject to the payment of Quimby fees. Because the Project would not affect the number of residential dwelling units under the HHC Development Agreement and previously analyzed through the CEQA process, the Project would not result in any new significant impacts upon parks or recreational facilities or result a substantial increase in the severity of previously identified impacts.

#### XV. TRANSPORTATION/CIRCULATION. Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to ratio capacity on roads, or congestion at intersections)? ☐ ☐ ☒ ☐
- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ☐ ☐ ☒ ☐

**Response:** The 1986 EIR concluded that traffic generated by the project would cause significant impacts at critical

intersections along Sepulveda Boulevard and Centinela Avenue in the project vicinity. The approval for Tentative Tract Map 35269 included a trip cap which provides that development at Howard Hughes Center may not generate, under any circumstances, more than 4,785 p.m. peak hour inbound and outbound trips (reflecting the achievement of a 17 percent trip reduction). The implementation of a comprehensive TDM Program, which includes goal setting (17 percent reduction), overall coordination by independent company monitoring (submittal of a semiannual and subsequently annual reports on the effectiveness of the program to the Department of Transportation and the Advisory Agency), and enforcement (contracting with a consultant to devise an enforcement plan), was required to be wide in scope and may contain rideshare and public transportation subsidies, preferential carpool/vanpool parking, other transportation modes, flexible work hours, variety of land uses and health club incentives. The project was also required to provide an internal circulation system, which is coordinated (including necessary traffic signals) with the existing system and is to be phased in order to sufficiently support the traffic generated with each phase. Additionally, Howard Hughes Center was required to make a number of improvements to the surrounding roadway system, including some improvements of a regional scale. While all of the foregoing would lessen the impact, no feasible mitigation measures were found to mitigate all circulation impacts to levels of insignificance. During the peak p.m. periods, the EIR concluded that the Howard Hughes Center Project would result in significant impacts at critical intersections along Sepulveda Boulevard and Centinela Avenue in the project vicinity. A Statement of Overriding Considerations was adopted for the project's unavoidable significant operational traffic impacts.

The 2005 Addendum confirms that although all of the development authorized for Howard Hughes Center has not been completed, all transportation mitigation measures required for built-out conditions have been completed at a cost of more than \$22,400,000. The City's annual review of the HHC Development Agreement also confirms that Howard Hughes Center continues to achieve its goal of a 17 percent reduction in trips pursuant to its TDM program.

The 2005 Addendum concluded that the authorization of development of 600 residential units as an alternative to 600 hotel rooms would not result in a significant increase in peak hour trips generated by Howard Hughes Center. The 2005 Addendum also determined that to-date HHC trip generation was well below what had been anticipated by the 1986 EIR and HHC Project Approvals, and that when all development was completed (including 600 residential units as an alternative to 600 hotel rooms) no change would be necessary to the trip cap of 4,785 PM peak-hour trips. Accordingly, the Addendum concluded that the approval of the Second Amendment to the Development Agreement would not result in any significant traffic impacts above and beyond those that have already been previously analyzed, mitigated to the extent feasible, and subjected to a Statement of Overriding Considerations.

Because the Project (including the applicant's request for floor area averaging and a vesting tentative tract map for condominium use) would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, the Project would not result in any new significant traffic impacts above and beyond those that have already been anticipated and, where feasible, mitigated. No further environmental review of this issue under CEQA is warranted.

Construction of the Project will require haul route permits, which the applicant will be required to separately apply for prior to the issuance of building permits for individual buildings. Approximately 235,500 cubic yards of export would be required for all four buildings. It is anticipated that all soil material would be transported to the Puente Hills Landfill, approximately 30 miles from the Project Site. Haul trucks arriving to the site would arrive via the 405 Freeway Off-Ramp at Howard Hughes Center and would immediately access the project site at Center Drive. Haul trucks leaving the site would depart from Center Drive and enter the 405 Freeway from the on-ramp at Howard Hughes Parkway. To address potential impacts from hauling activities, the Department of City Planning has started implementing standard mitigation measures and conditions of approval to govern hauling activities during construction. These measures, which are listed below, are automatically imposed as project conditions when applicants obtain haul route permits and would further reduce the project's potential impact upon traffic conditions during the construction process to less than significant levels.

**MITIGATION MEASURES**

- MM-11** Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
- i All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
  - ii Hours of operation shall be from 9:00 a.m. to 4:00 p.m.
  - iii Days of the week shall be Monday through Friday. No hauling activities are permitted on Saturdays, Sundays or Holidays.
  - iv Trucks shall be restricted to 18-wheel dump trucks or smaller.
  - v The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
  - vi Streets shall be cleaned of spilled materials at the termination of each work day.
  - vii The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
  - viii The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - ix Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
  - x All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - xi All trucks are to be watered at the job site to prevent excessive blowing dirt.
  - xii All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
  - xiii The applicant shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
  - xiv All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
  - xv "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - xvi One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
  - xvii The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
  - xviii Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

xix The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

xx A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090; or the West Los Angeles District Engineering Office, 1828 Sawtelle Boulevard, 3<sup>rd</sup> Floor, Los Angeles, CA 90025. Further information regarding the bond may be obtained by calling 310.575.8388; or by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213.977.6039; or by the Harbor District Engineering Office, 638 S. Beacon Street, 4<sup>th</sup> Floor, San Pedro, CA 90731. Further information regarding the bond may be obtained by calling 310.732.4677.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☐ ☐ ☐ ☒

**Response:** See Response to Section VII.e. (Hazards and Hazardous Materials).

- d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☐ ☒

**Response:** The Project does not involve significant changes to the design features of roadways and would not include incompatible uses on or near any public roadways. Minor changes to traffic patterns may occur during the construction period of the project, but would be limited to internal circulation patterns and off-peak hours when possible. Impacts would be less than significant and no further analysis of this issue is warranted.

- e. Result in inadequate emergency access? ☒

**Response:** The Project would ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles during both construction and operation. Required traffic and transportation measures for all of the development authorized at Howard Hughes Center (including the uses proposed as part of the Project) has already been completed. The Proposed Project would not impede access to emergency roadways, driveways, and parking areas, nor would it significantly impact the ability of emergency service vehicles to access the Project Site and adjacent properties.

- f. Result in inadequate parking capacity? ☒

**Response:** Code parking for the Office Building to be located at 5900 Center Drive will be provided within such building. Code parking for residents of the apartments at 6040 Center Drive will be provided within the apartment building. Resident parking consistent with the Advisory Agency's condominium parking guidelines will be provided for the condominiums at 6055 Center Drive. Parking for the 1,500 sq. ft. retail/commercial space, as well as guest parking for the condominiums, will be provided at the existing 6060, 6080, and 6100 Center Drive structures pursuant to standard off-site parking covenants as permitted by LAMC Section 12.21A.4.g. These structures are located within the 750 foot service radius permitted by Section 12.21A.4.g. There are currently 403 more spaces in these structures than required to serve existing development associated with such structures. Such spaces are more than sufficient to supply the spaces needed for the retail/commercial space (15 spaces assuming restaurant use), and to comply with the Advisory Agency's guest parking policies for the condominium units.

- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ■

**Response:** The Project would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

**XVI. UTILITIES.** Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The 1986 EIR addressed the energy and fuel demands of development of Howard Hughes Center. Energy conservation mitigation measures were imposed, as well as the requirement for TDM measures to reduce vehicle trips. The City nevertheless determined that development of Howard Hughes Center would contribute to cumulative impacts of energy consumption of non-renewable sources, which impacts were considered significant and unavoidable. Accordingly, a Statement of Overriding Considerations was adopted for the project's contribution to cumulative impacts of energy consumption of non-renewable sources.

The 2005 Addendum determined that approval of the Second Amendment to the HHC Development Agreement would not substantially affect the energy demands of the Howard Hughes Center development. The 2005 Addendum also addressed water supply availability. The Addendum found that the development of 600 residential units as an alternative to the previously authorized 600 hotel rooms would not result in significant new water demand, and would result in only a marginal, and less than significant, increase in water usage for Howard Hughes Center. The Addendum also determined that the then current Urban Water Management Plan adopted by the Los Angeles Department of Water and Power to comply with the long-term planning requirements of California Water Code Sections 10610 et seq. had already accounted for the build-out of Howard Hughes Center. Since the approval of the Second Amendment to the Development Agreement, DWP has also updated the Urban Water Management Plan by adopting the 2005 Urban Water Management Plan. The applicant

has also agreed to implement the following voluntary water conservation measures, and to accept them as conditions of approval:

**MM-12** Unless otherwise prohibited, dual-flush water closets (maximum 1.28 gpf) and no-flush or waterless urinals shall be utilized in all restrooms as appropriate. In the case such installations are not permitted, high-efficiency toilets (maximum 1.28 gpf) and high-efficiency urinals (maximum 0.5 gpf) may be utilized. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

**MM-13** The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season)

**MM-14** Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:

- a. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- b. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.

**MM-15** Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**MM-16** Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s) where feasible.
- b. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- c. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

**MM-17** In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-based irrigation controller with rain shutoff;



- b. Matched precipitation (flow) rates for sprinkler heads;
- c. Drip/microspray/subsurface irrigation where appropriate;
- d. Minimum irrigation system distribution uniformity of 75 percent;
- e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
- f. Use of landscape contouring to minimize precipitation runoff.
- g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

The applicant's request for FAR averaging, vesting tentative tract map for condominium purposes would not generate any new impacts with respect to energy conservation or utilities. The number of residential units and amount of developed floor area would be consistent with the amount of development authorized under the existing HHC Development Agreement.

The 1986 HHC EIR estimated that the Howard Hughes Center would generate approximately 699,000 gallons of wastewater per day, which would affect the treatment capacity of the Hyperion Treatment Plant. The 1986 HHC EIR found that short-term impacts could not be mitigated, but that with completion of the Hyperion Plant upgrade, long-term impacts would be less than significant. A Statement of Overriding Considerations was adopted for the short-term impacts. The 1998 Entertainment Center EIR did not specifically address sewer impacts, as the Initial Study determined that the impacts would be less than significant. The wastewater generated by the project would be within the projections of the prior environmental analyses. The project would include low flow faucets and toilets, which would further reduce wastewater generation. Moreover, the project would comply with all applicable wastewater treatment requirements of the Regional Water Quality Control Board. The project would not dispose of industrial wastes into the wastewater system. Therefore, the project would not exceed the applicable wastewater treatment requirements. Since the time that the Howard Hughes Center project was analyzed, the Hyperion Treatment Plant has upgraded the capacity of its existing secondary treatment system twice, opened an additional primary treatment system, and built a new secondary treatment system, which is partially in operation. In December 1998, the Hyperion Treatment Plant was upgraded to provide full treatment to all influent based on an average dry weather flow of 450 million gallons per day. The plant currently process approximately 360 million gallons per day. The amount of wastewater generated by the project would be within that analyzed in the prior EIRs and Addendum and as such, the project would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Furthermore, implementation of the water conservation measures identified above would further reduce the project water demands. Therefore, any potential impacts of the project on sewer facilities would be less than significant.

With respect to solid waste impacts, as part of the mitigation measures required pursuant to the 1985 EIR, the project is required to implement a waste management program to include central collection facilities and recycling systems. In addition, the applicant has consented to the addition of the following standard mitigation measures for the Proposed Project.

#### **MITIGATION MEASURES:**

**MM-18** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

**MM-19** Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

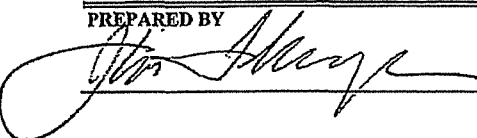
MM-20 To facilitate onsite separation and recycling of demolition and construction related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

#### XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☐ ☐ ☒ ☐
- b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). ☐ ☐ ☒ ☐
- c. Does the project have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐

**Response:** Potential cultural and historic effects were reduced to less than significant levels by mitigation measures adopted in connection with the 1986 EIR. The Project Site contains no biological resources, the Proposed Project does not have the potential to degrade the quality of the environment, reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered species or eliminate important examples of California history or prehistory. The 1986 EIR considered the potential effects of Howard Hughes Center in connection with cumulative development, for which the City of Los Angeles adopted mitigation measures and a Statement of Overriding Considerations. All of the traffic, transportation, and other public service infrastructure measures required for the complete build-out of Howard Hughes Center have already been completed. The 2005 Addendum concluded that the authorization of 600 residential units as an alternative to 600 hotel rooms would not result in significant new impacts. Due to the project's direct access to the 405 Freeway, the proposed haul route would not affect any neighboring residential streets or local roadways in conjunction with other construction projects. Under the HHC Development Agreement, the applicant has a vested right to develop the uses proposed. The applicant's request for FAR averaging and vesting tentative tract map for condominium purposes would not generate any new cumulative impacts. The Project will not result in any environmental effects which cause substantial adverse effects on human beings, either directly or indirectly, that have not previously been the subject of analysis, mitigation, and a Statement of Overriding Considerations.

#### DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

PREPARED BY	TITLE	TELEPHONE #	DATE
	Senior City Planner	(213) 978-1309	01-21-09

APPENDIX A  
Howard Hughes Center Development Agreement Memorandum, November 1, 1990

MEMORANDUM

TO: DEPARTMENT OF CITY PLANNING  
DEPARTMENT OF BUILDING AND SAFETY  
DEPARTMENT OF PUBLIC WORKS  
DEPARTMENT OF TRANSPORTATION

FROM: EDWARD C. DYGERT, Senior Assistant City Attorney  
*by Patricia V. Suber*

DATE: NOVEMBER 1, 1990

SUBJECT: HOWARD HUGHES CENTER DEVELOPMENT AGREEMENT

---

Development of the property commonly known as Howard Hughes Center is covered by a Development Agreement between the City and the property owner, dated November 3, 1986. The Development Agreement was unanimously approved by the City Council on October 1, 1986 with the adoption of Ordinance No. 161 685. The Development Agreement became effective on November 4, 1986. The Development Agreement was prepared and approved pursuant to the Development Agreement Act, CAL. GOV'T CODE § 65864 et seq., and Section 8 of the Coastal Transportation Corridor Specific Plan (Ordinance No. 160 394).

In the Development Agreement the City has contractually agreed that the owner will be permitted to carry out and complete the entire Project (as defined in Section I.G of the Development Agreement) "subject to the terms and conditions of this Agreement, the conditions established in the Project Approvals and the Applicable Rules." (Section III.B, p.16) The Development Agreement is intended to provide for "the orderly development of the Project" (Section II.B, p.4), and it also provides that upon satisfactory completion by the owner of all required preliminary actions and payment of appropriate processing fees, the City "shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development by [the owner] of Howard Hughes Center in accordance with the terms of this Agreement, including, but not limited to, the processing and checking of all final subdivision maps, any and all agreements, covenants and related matters required under the conditions of Project Approvals, building plans and specifications and any other plans necessary for development of Howard Hughes Center, filed by [the owner] or its nominee." (Section V.D, p.34)

In order to avoid misunderstandings about the Development Agreement, this memorandum is intended to help City Staff better understand the rules that apply to Howard Hughes Center and to identify and clarify for City Staff issues that may arise from time to time in the processing of Final Maps and building permits.

A. VERIFICATION OF COMPLIANCE WITH THE DEVELOPMENT AGREEMENT

In connection with the processing of Final Maps and building permits, verification of compliance with the conditions of the Development Agreement is the responsibility of the Department of City Planning, Development Agreement Unit.

B. PROJECT APPROVALS

The term "Project Approvals", as used in the Development Agreement, refers to the following:

1. Tentative Tract Map No. 35269

Verification of compliance with the conditions of the Tentative Tract Map are the responsibility of the Advisory Agency of the Department of City Planning. It is important to note that, as provided in the above-quoted provisions of the Development Agreement, Final Maps should be processed diligently so as not to prevent orderly development of the Project.

2. Variance No. ZA 85-0624(YV) - Height District Variance

This approval and the conditions attached to it established density for individual lots and parcels within the Project. It is null and void as a result of a Superior Court decision and, therefore, is no longer applicable to the Project.

Voiding of the Variance affects Exhibit "D" to the Development Agreement. To the extent that Exhibit "D" appears to allow certain parcels to exceed a floor area ratio ("FAR") of 3.0, it is no longer valid because the ability to exceed a FAR of 3.0 depended on the validity of the Variance. In addition, it was a condition of the Variance that certain parcels be restricted to "0" density. With the voiding of the Variance, this restriction is eliminated. Thus, as a result of the voiding of the Variance, all lots are now subject to a maximum total floor area of three times the buildable area of the lot (i.e., a FAR of 3.0). See Paragraph C.3 below regarding "Density" which is now established by the Applicable Rules described in such Paragraph.

3. Conditional Use Permit No. ZA 85-0625(CUZ) - Parks

This Conditional Use Permit allowed the establishment of up to 15 acres of private park on the site. It has been utilized with the construction of the approximately 7.5 - acre linear park. Conditions of this CUP are presented in Appendix "A".

4. Conditional Use Permit No. CPC 85-329 CU - Hotel

This Conditional Use Permit has expired, but it is no longer necessary because the M1-zoned portion of the Project was rezoned to C2 in 1986. Hotel use is allowed by right in the C2 zone.

The Project is not subject to the requirement (added in 1987 by Ordinance No. 162394) for a CUP for hotels in a C2 Zone where the hotel is located within 500 feet of any A or R Zone because changes in the City's zoning regulations which conflict with or are more restrictive than the Applicable Rules (as defined in paragraph C below) are not applicable to the Project, as more fully explained in paragraph C below.

5. Conditional Use Permit No. ZA 85-0623(CUB) - Liquor and Dancing

This Conditional Use Permit was utilized with the permitting of a cafe serving alcoholic beverages at 6701 Center Drive West, Suite 180. Conditions of the CUP are presented in Appendix "B".

C. APPLICABLE RULES

As defined in Section I.A of the Development Agreement, Applicable Rules "means the rules, regulations and official policies of City in force as of June 18, 1986, governing permitted uses of Howard Hughes Center, governing density, and governing design, improvement and construction standards and specifications applicable to the Project." The Development Agreement further provides that "[a]ny change in the Applicable Rules, including, without limitation, any change in any applicable general or specific plan, zoning, subdivision, or building regulation, adopted or becoming effective after June 18, 1986, . . . which would conflict in any way with or be more restrictive than the Applicable Rules, shall not be applied by City to the Project unless such changes (i) are found by City to be necessary to the health and safety of the citizens of City, (ii) are generally applicable to all property in City, and (iii) do not prevent or delay development of the Project in accordance with this Agreement." (Section III.B.1, p.17)

1. Phasing

The Project is subject to phasing requirements as shown on Appendix "C". A Final Map (Tract No. 44629) for Phase I of the Project was recorded on October 27, 1986. Final Maps for Phases II, III and IV of the Project may be processed and recorded once the specific requirements for such Maps, as shown in Paragraph B on Appendix "C", are satisfied or guaranteed. Actual construction or occupancy of the entire density allowed in each Phase is not required before the recordation of Final Maps for subsequent Phases. There are different phasing requirements

for the recordation of Final Map units than phasing requirements for the issuance of building permits. Essentially, the prerequisites for the recordation of Final Map units for each Phase depend on the satisfaction of certain conditions regarding transportation improvements, as fully set forth in Appendix "C". Additional and separate requirements have to be satisfied before the issuance of certain building permits, as set forth in the conditions of approval under Tentative Tract Map No. 35269, CUP No. ZA 85-0625(CUZ) and CUP No. ZA 85-0623(CUB), as applicable.

## 2. Land Use

The Project is zoned C2-1 and permitted land uses within the Project are commercial office, any retail use permitted in the C2 zone as of June 18, 1986, fitness center, hotels with ancillary retail and meeting rooms, and commercial condominiums.

## 3. Density

Total density of the Project may not exceed (i) 2,700,000 square feet of commercial office and retail development, including at the Owner's option a maximum 100,000 square feet of retail and a maximum 100,000 square feet fitness center, and (ii) 600 hotel rooms; provided, however, that the Owner may construct up to 900 additional hotel rooms, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office-retail space for each additional hotel room. Retail space ancillary to any hotel use (i.e., retail uses typically located in a luxury, deluxe or first-class hotel and clearly intended for the convenience of hotel patrons) shall be excluded from the 100,000 square foot limit on retail. Square footage shall be calculated in accordance with Sections 12.21.1A5 and 12.21.1B4 of the Los Angeles Municipal Code in effect on June 18, 1986.

The Project is not subject to Proposition "U" and, therefore, the maximum total floor area contained in all the main buildings on a lot within the Project is three times the buildable area of such lot. As explained in Paragraph B.2 above, as a result of the voiding of Variance No. ZA 85-0624(YV), the portions of Exhibit "D" to the Development Agreement which appear to authorize lots to exceed 3.0 FAR or to restrict lots to "0" density, are no longer valid.

Portions of any lot which are located under or over a dedicated street but which are retained by the Owner for the exclusive use of the Owner and its tenants, invitees, etc. shall be considered as part of such lot in determining the buildable area of such lot.

4. Height

The Project is subject to height limitations as shown in Appendix "D".

5. Parking

The Project is subject to the parking requirements set forth on Appendix "E". Ordinance No. 165773 does not apply to the Project.

6. Landscape

Ordinance No. 163532, which was approved by City Council on April 26, 1988, amends Chapter XII of the Los Angeles Municipal Code, the Water Conservation Regulations of the City of Los Angeles. The Ordinance does two things:

- A. Amends Article II of Chapter XII, commonly referred to as Water Closet, Urinal and Showerhead Regulations; and
- B. Adds an Article III to Chapter XII, commonly referred to as Xeriscape.

The Water Closet, Urinal and Showerhead Regulations apply to the Project. Xeriscape, or any other landscaping ordinance effective after June 18, 1986, does not apply to the Project.

7. Signs

The Project is subject to signage regulations set forth as of June 18, 1986 in Division 62 of Article 1 of Chapter IX of the Los Angeles Municipal Code.

8. Site Plan Review

The Project is not subject to Site Plan Review (Ordinance No. 165951). A separate EIR was certified and conditions established as part of the process in which all Project Approvals described above were approved.

9. Sewer Allocation

The Project is not subject to sewer allocation processing that would prevent or delay orderly development of the Project. Thus, the Project is not subject to Ordinance No. 166060.



10. Housing Linkage Fee

The Project is not subject to the so-called housing linkage fee notice ordinance (Ordinance No. 165530), nor will it be subject to a subsequent ordinance or ordinances contemplated by such notice ordinance.

11. Coastal Transportation Corridor Specific Plan

The Project is subject to the Coastal Transportation Corridor Specific Plan (Ordinance No. 160394). The obligations of the Project under such Specific Plan are set forth in Article IV of the Development Agreement. The Project will not be subject to amendments to the Specific Plan that conflict in any way with or are more restrictive than the provisions of the Specific Plan as set forth in Ordinance No. 160394.

APPENDIX "A"

CONDITIONS OF CUP NO. ZA 85-0625 (CUZ)

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That all other use, height and area regulations or the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. That in no event shall there be any loudspeaker or public address system installed or operated on any open portion of the premises, and that any phonograph, radio or other recorded music used in connection with any activity be sufficiently modulated so as to not be disturbing or detrimental to persons residing in the immediate vicinity.
4. That all open areas of the property, including any parkways, not designated for a specific use under this application shall be attractively landscaped. Landscaping shall consist of adequate surface cover such as lawn or ivy appropriately interspersed with trees and/or shrubs. Further, these open areas shall be equipped with a well-designed water sprinkling system which shall be installed prior to the issuance of any certificate of occupancy for the use of the property under the subject application. All open areas shall be kept free of weeds, litter or waste matters of any type so that the entire premises will be maintained in an attractive and safe condition at all times.
5. That the authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
6. That any use of the involved private recreational facility and park for commercial purposes, including, but not limited to, the renting or leasing of any part shall be strictly prohibited except in conjunction with the proposed health fitness center.
7. That all terms and conditions of Tentative Tract No. 25269 shall be strictly complied with.
8. That the applicant shall execute and record a covenant with the City of Los Angeles on a form provided by the Planning Department that shall prohibit any use of that property indicated as a park on Exhibit "A" other than a non-commercial, private park. Such covenant shall be approved by the Zoning Administrator prior to recordation and following recordation, copies shall be delivered to the Superintendent of Building and Safety and the Office of Zoning Administration.

APPENDIX "B"

CONDITIONS OF CUP NO. ZA 85-0623 (CUB)

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein or otherwise specifically varied or required.
3. That the establishment of each such use be subject to the plan approval requirements of the Office of Zoning Administration.
4. That dancing be permitted only in bars and bona fide restaurants on the site or within hotels.
5. That a maximum of 500 of the 7,500 seats be located in establishments that do not have food service.

APPENDIX "C"

TRANSPORTATION IMPROVEMENTS

Description of Transportation Improvements and Phasing  
Thereof

A. Company shall

1. Dedicate and improve (or suitably guarantee) the new San Diego Freeway southbound ramps.
2. Dedicate and improve (or suitably guarantee) Road I (Howard Hughes Parkway) from Sepulveda Boulevard to the new southbound ramps.
3. Dedicate and improve (or suitably guarantee) Road II from Sepulveda Boulevard to Road III.
4. Dedicate and improve (or suitably guarantee) Road III from Road II to Road I.
5. Dedicate and improve (or suitably guarantee) Road IV from Road II to the turning circle and, if approved by Culver City, extending northerly to Centinela Avenue. If unable to acquire the necessary dedication and approvals the Company shall demonstrate to the satisfaction of the Advisory Agency and the Department of Transportation that an attempt has been made to acquire the necessary right-of-way and approvals for the construction of the access/egress connection from the Road IV turning circle north of Road II to Centinela Avenue.
6. Dedicate and improve (or suitably guarantee) Sepulveda Boulevard adjoining the tract area and provide a northbound bike lane on Sepulveda Boulevard to the satisfaction of the Department of Transportation and the City Engineer consistent with the right-of-way requirements required by the City Engineer unless an amendment to the Bicycle Plan is approved by the City Council.
7. Dedicate and improve (or suitably guarantee) the intersection of Centinela Avenue and Sepulveda Boulevard to provide the following:

86-1507410

- a. three through lanes plus double left-turn lanes northbound;
  - b. three through lanes plus double left-turn lanes; and a right-turn lane southbound;
  - c. three northbound and southbound departure lanes;
  - d. two through lanes plus double left-turn lanes westbound;
  - e. two through lanes plus left-turn lane and a right-turn lane eastbound;
  - f. upgraded signalization.
8. Dedicate and improve (or suitably guarantee) the necessary portions of Road II from Road III to Road I as determined by the City Engineer to provide access to the lots being developed.
  9. Dedicate and improve (or suitably guarantee) the necessary portions of Road I from the southbound freeway ramps to Road II as determined by the City Engineer to provide access to the lots being developed.
  10.
    - a. Complete the dedication and improvement (or suitably guarantee) of Sepulveda Boulevard from Centinela Avenue to southerly of 74th Street. However, if Company is unable to acquire the necessary right-of-way prior to approval of the final map, Company shall execute an agreement with the City whereby Company agrees to pay City's cost of acquiring the necessary right-of-way, including all attorney fees and costs and complete the necessary improvements.
    - b. Subject to paragraph 10a above, dedicate additional right-of-way satisfactory to the City Engineer and the Department of Transportation varying from 19-feet to 30-feet adjoining the tract and to a maximum of 10-feet at 74th Street, along Sepulveda Boulevard between Centinela Avenue and southerly of 74th Street to provide for the following:

86-1507410

- (i) Three southbound lanes and four northbound lanes with a striped median between Centinela Avenue and 74th Street;
  - (ii) Double southbound left-turn lanes at Centinela Avenue, at Road II, and at Road I; and a left-turn lane at 74th Street;
  - (iii) A right turn lane at 74th Street, at Road I, at Road II, and at Centinela Avenue. The right turn lane at 74th Street may be deleted if additional widening is provided in Road I to accommodate a free right turn movement from northbound Sepulveda Boulevard to Road I satisfactory to the City Engineer and Department of Transportation;
  - (iv) A northbound 5-foot bike lane;
  - (v) A minimum 7-foot full-width concrete sidewalk adjacent to the easterly curb between southerly of 74th Street and Centinela Avenue;
  - (vi) If required by the Southern California Rapid Transit District, a bus turnout with an enclosed lighted shelter back of the sidewalk.
11. Dedicate and improve (or suitably guarantee) the intersection of Centinela Avenue and Sepulveda Boulevard to provide (in addition to those improvements specified in Item 7, above) the following:
- a. a northbound right turn lane;
  - b. a third eastbound through lane and a second eastbound right-turn lane;
  - c. upgraded signalization.

If the City of Culver City has not accepted the dedications and has not reasonably approved the above-described improvements, Company shall offer to make the dedications and to suitably

guarantee same through a bond or other assurance satisfactory to the City Engineer. Company shall construct the improvements if and when Culver City accepts the offer of dedication and grants its reasonable approval for the improvements.

12. Provide evidence satisfactory to the Advisory Agency and the City Engineer that the dedication has been reasonably assured and improvement plans for the new San Diego freeway northbound off-ramp design have been submitted to Caltrans.
13. Complete the dedication and improvement (or suitably guarantee) of Road II, including the bridge crossing the southbound San Diego Freeway ramps.
14. Complete the dedication and improvement (or suitably guarantee) of Road I.
15. Provide evidence satisfactory to the Advisory Agency and the City Engineer that the dedication has been reasonably assured and improvement plan for the new San Diego Freeway northbound on-ramp design have been submitted to Caltrans.
16. Demonstrate to the satisfaction of the Advisory Agency and the Department of Transportation that an attempt has been made to negotiate a fair share participation in improvements of the following Culver City intersections:
  - a. Bristol Parkway/Centinela Avenue;
  - b. Centinela Avenue/Green Valley Circle;
  - c. Jefferson Boulevard/Sepulveda Boulevard;
  - d. Jefferson Boulevard/Slauson Avenue;
  - e. Sepulveda Boulevard/Slauson Avenue.
17. Submit evidence satisfactory to the Advisory Agency and Department of Transportation that Company has guaranteed participation on an equal basis with the subdivider of LAX-northside (Tentative Tract No. 34836) in the improvement of the Sepulveda Boulevard and Manchester Avenue intersection to include the following:

86-1507410

- a. remove median islands;
  - b. restripe all approaches for dual left-turn lanes with appropriate traffic signal improvements.
18. Execute and record against the property a covenant and agreement in form and substance satisfactory to the City Attorney pursuant to which Company shall agree that prior to obtaining a building permit for the first building in Phase IV (as set forth below), the Department of Transportation shall make a determination whether or not to require the construction of any or all of the traffic signals at the locations described below:
- a. Sepulveda Boulevard and Road II;
  - b. Road I and Road III;
  - c. Road II and Road III;
  - d. Road I, Road II and San Diego Freeway northbound ramps;
  - e. Road I and the San Diego Freeway southbound ramps.
  - f. Sepulveda Boulevard and Road I

Prior to the issuance of a building permit for Phase IV of the development, ensure, satisfactory to the Los Angeles Department of Transportation, the installation of the above traffic signals, required by LADOT. If, seven years after the issuance of the building permit for the first building in Phase IV of the development, these traffic signals have not been found to be warranted by LADOT, the funds will be released to Company.

- 19. Award and execute the contract for the construction of the northbound off ramps.
- 20. Complete construction and open for public use or open to the satisfaction of the Advisory Agency the northbound off ramp.
- 21. Award and execute the contract for the construction of the northbound on ramp.



22. Complete construction and open for public use or open to the satisfaction of the Advisory Agency the northbound on ramp.

B. The Transportation Improvements described above shall be phased as follows:

1. Items 1 through 7, inclusive, and item 18f shall be assured prior to the recordation of the first final map unit for Phase I.
2. Item 8 shall be assured as to each particular lot being developed prior to the recordation of the final map unit for each such lot.
3. Items 9 through 12, inclusive, shall be assured prior to the recordation of the first final map unit for Phase II.
4. Items 13 through 16, inclusive, shall be assured prior to the recordation of the first final map unit for Phase III.
5. Items 17 and 18 shall be assured prior to the recordation of the first final map unit for Phase IV.
6. Item 19 shall be complete prior to issuance of a certificate of occupancy for more than 450,000 square feet of Phase II.
7. Items 20 and 21 shall be complete prior to issuance of any building permits for Phase III.
8. Item 22 shall be complete prior to issuance of any building permits in excess of 500,000 square feet in Phase III.

C. The phasing plan for the Project is as follows:

Phase I: 400,000' square feet of building area, 600 hotel rooms, and landscaped buffers on Lots OS2 through OS6 as shown on Revised Tentative Tract No. 35269, stamp-dated July 26, 1985.

Phase II: Development up to a maximum of an additional 750,000 square feet of office/retail and commencement of construction of Parcel F as an open area and Parcel OS1 as a private

park (office/retail space may be exchanged for additional hotel rooms).

Phase III: Development up to a maximum of an additional 1,090,000 square feet of office/retail (office/retail space may be exchanged for additional hotel rooms). If not in Phase II, the completion of Parcel F as an open area court shall occur in this Phase.

Phase IV: Balance of the development of the Project (office/retail space may be exchanged for additional hotel rooms).

86-1507410

# APPENDIX "D"

## PROPOSED MAXIMUM HEIGHT OF BUILDINGS

Parcel No. (1)	Bldg. No. (2)	Bldg. Function	Finish Grdn Elevation <sup>1</sup>	Max. Ht. Above Fin. Grade	Maximum Stories <sup>2</sup>	Max. Elev. 1	Airport Hazard Elev. 11/11/11
A1, A3, A4	A1, A3	Office & Parking <sup>4</sup>	30-38± ft.	340 foot	26 stories	376 ft.	376 ft.
A2, A5-A7	A2, PA	Office & Parking	36-42± ft.	340 foot	26 stories	376 ft.	376 ft.
D1-B4	PB	Parking	60± ft.	65 foot	6 levels	125 ft.	326 ft.
B5-B7	B	Office or Hotel & Parking	50-55± ft.	280 foot	20 stories	326 ft.	326 ft.
C1-C3	PC	Parking	60± ft.	65 foot	6 levels	125 ft.	326 ft.
C4-C6	C	Office & Parking	50-55± ft.	175 foot	12 stories	250± ft.	326 ft.
D1-D2	PC	Parking	60± ft.	65 foot	6 levels	125 ft.	326 ft.
D3-D5	D	Office & Parking	50-55± ft.	280 foot	20 stories	326± ft.	326 ft.
E1-E3	E	Hotel & Parking	55-60± ft.	220 foot	20 stories	280± ft.	326 ft.
F1-F3	F	Cent. Square & Parking	55± ft.	45 foot	3 stories	100± ft.	326 ft.
G1-G3	G	Office or Hotel & Parking	55-65± ft.	145 foot	10 stories	200± ft.	326 ft.
H1-H3	PH	Parking	60± ft.	65 foot	6 levels	125 ft.	326 ft.
H4-H5	H	Office & Parking	50-60± ft.	175 foot	12 stories	255± ft.	326 ft.
J1-J3	PJX	Parking	60-65± ft.	65 foot	6 levels	125 ft.	326 ft.
J4-J6	J	Office & Parking	45-55± ft.	90 foot	6 stories	140± ft.	326 ft.
K1-K3	K	Parking	50-60± ft.	75 foot	6 stories	140± ft.	326 ft.
L1-L3	L	Office or Hotel & Parking	60-65± ft.	110 foot	8 stories	170± ft.	326 ft.
M1-M2	M	Office or Hotel & Parking	60-65± ft.	30 foot	5 levels/ stories	115 ft.	326 ft.
P1-P2	PEA	Parking & Fitness	60-65± ft.	75 foot	7 levels	135 ft.	326 ft.
P3-P6	PD, PG	Parking	60± ft.	No bldg.	No bldg.	No bldg.	326 ft.
S1	None	Service Tunnel	55-60± ft.				326 ft.

Notes: 1 - Above sea level.

2 - Above Grade.

3 - Includes area within Road IV traffic circle.

4 - Building function includes project monument in traffic circle.

Source: PLANNING CONSULTANTS RESEARCH, PSONAS & ASSOCIATES

11/16/94 11:11 AM

[illegible]

1. The first of these is the  
 2. the second of these is the  
 3. the third of these is the  
 4. the fourth of these is the  
 5. the fifth of these is the  
 6. the sixth of these is the  
 7. the seventh of these is the  
 8. the eighth of these is the  
 9. the ninth of these is the  
 10. the tenth of these is the  
 11. the eleventh of these is the  
 12. the twelfth of these is the  
 13. the thirteenth of these is the  
 14. the fourteenth of these is the  
 15. the fifteenth of these is the  
 16. the sixteenth of these is the  
 17. the seventeenth of these is the  
 18. the eighteenth of these is the  
 19. the nineteenth of these is the  
 20. the twentieth of these is the  
 21. the twenty-first of these is the  
 22. the twenty-second of these is the  
 23. the twenty-third of these is the  
 24. the twenty-fourth of these is the  
 25. the twenty-fifth of these is the  
 26. the twenty-sixth of these is the  
 27. the twenty-seventh of these is the  
 28. the twenty-eighth of these is the  
 29. the twenty-ninth of these is the  
 30. the thirtieth of these is the  
 31. the thirty-first of these is the  
 32. the thirty-second of these is the  
 33. the thirty-third of these is the  
 34. the thirty-fourth of these is the  
 35. the thirty-fifth of these is the  
 36. the thirty-sixth of these is the  
 37. the thirty-seventh of these is the  
 38. the thirty-eighth of these is the  
 39. the thirty-ninth of these is the  
 40. the fortieth of these is the  
 41. the forty-first of these is the  
 42. the forty-second of these is the  
 43. the forty-third of these is the  
 44. the forty-fourth of these is the  
 45. the forty-fifth of these is the  
 46. the forty-sixth of these is the  
 47. the forty-seventh of these is the  
 48. the forty-eighth of these is the  
 49. the forty-ninth of these is the  
 50. the fiftieth of these is the  
 51. the fifty-first of these is the  
 52. the fifty-second of these is the  
 53. the fifty-third of these is the  
 54. the fifty-fourth of these is the  
 55. the fifty-fifth of these is the  
 56. the fifty-sixth of these is the  
 57. the fifty-seventh of these is the  
 58. the fifty-eighth of these is the  
 59. the fifty-ninth of these is the  
 60. the sixtieth of these is the  
 61. the sixty-first of these is the  
 62. the sixty-second of these is the  
 63. the sixty-third of these is the  
 64. the sixty-fourth of these is the  
 65. the sixty-fifth of these is the  
 66. the sixty-sixth of these is the  
 67. the sixty-seventh of these is the  
 68. the sixty-eighth of these is the  
 69. the sixty-ninth of these is the  
 70. the seventieth of these is the  
 71. the seventy-first of these is the  
 72. the seventy-second of these is the  
 73. the seventy-third of these is the  
 74. the seventy-fourth of these is the  
 75. the seventy-fifth of these is the  
 76. the seventy-sixth of these is the  
 77. the seventy-seventh of these is the  
 78. the seventy-eighth of these is the  
 79. the seventy-ninth of these is the  
 80. the eightieth of these is the  
 81. the eighty-first of these is the  
 82. the eighty-second of these is the  
 83. the eighty-third of these is the  
 84. the eighty-fourth of these is the  
 85. the eighty-fifth of these is the  
 86. the eighty-sixth of these is the  
 87. the eighty-seventh of these is the  
 88. the eighty-eighth of these is the  
 89. the eighty-ninth of these is the  
 90. the ninetieth of these is the  
 91. the ninety-first of these is the  
 92. the ninety-second of these is the  
 93. the ninety-third of these is the  
 94. the ninety-fourth of these is the  
 95. the ninety-fifth of these is the  
 96. the ninety-sixth of these is the  
 97. the ninety-seventh of these is the  
 98. the ninety-eighth of these is the  
 99. the ninety-ninth of these is the  
 100. the hundredth of these is the

13104

**5** INDICATES RECORDS LOT NO.,  
TRACT NO. 44629, M.B. 1076, PG. 3/10.

4-10-1975

08421700

מחברת: **ד"ר חגית גורן**

231115 415000Z 041122

THE UNIVERSITY OF CHICAGO  
CHICAGO, ILL. 60637  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

**PHILLIPS & ASSOCIATES**  
ATTORNEYS AT LAW  
1000 15th St., N.W.  
Washington, D.C. 20004  
(202) 462-1000

卷之四

## APPENDIX "E"

<u>Use</u>	<u>Parking Requirement</u>
1. Office	3 spaces per 1,000 sq. ft. of Floor Area. <sup>1/</sup>
2. Retail	2 spaces per 1,000 sq. ft. of Floor Area.
3. Hotel	1 space for each hotel room or suite of rooms for the first 30; 1 additional space for each two rooms or suite of rooms in excess of 30 but not exceeding 60; and 1 additional space for each three guest rooms or suite of rooms, in excess of 60.
a. Ancillary retail (including restaurants)	2 spaces per 1,000 sq. ft. of Floor Area
b. Meeting rooms( with no fixed seats)	1 space for each 35 sq. ft. of Floor Area (exclusive of any stage).
4. Fitness Center	1 space per 500 sq. ft. of Floor Area.

---

1. Floor Area as calculated in accordance with Section 12.21.1A5 and Section 12.21.1B4 of the Municipal Code in effect as of June 18, 1986, which Sections exclude from floor area any space devoted to stairways, elevator shafts, light courts, rooms housing mechanical equipment or machinery incidental to the operation of buildings, basement storage, parking with necessary interior driveways and ramps thereto, and the landing and storage of helicopters. Parking requirements for office uses may be reduced to 2.75 spaces per 1,000 sq. ft. under certain circumstances set forth in Condition No. 15i of Tentative Tract Map No. 35269.

APPENDIX B:  
Advisory Agency Letter of Clarification Re: Howard Hughes Center  
Tract No. 35269, November 4, 1999

DEPARTMENT OF  
CITY PLANNING  
221 N. FIGUEROA STREET  
LOS ANGELES, CA 90012-2601

CITY PLANNING  
COMMISSION

PETER M. WEIL  
PRESIDENT  
JORGE JACKSON  
VICE-PRESIDENT  
MARNA SCHNABEL  
ROBERT L. SCOTT  
NICHOLAS H. STONNINGTON

GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 580-5234

Date: NOV 04 1999

Arden Realty Limited Partnership  
6701 Center Drive West, Suite 1400  
Los Angeles, CA 90045  
Attn: Mike Russell

Latham & Watkins  
633 W. 5<sup>th</sup> Street  
Los Angeles, CA 90071  
Attn: Dale Neal

Re: Tract No. 35269  
Council District No. 6

LETTER OF CLARIFICATION

On January 24, 1986, in accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the City Council conditionally approved Tentative Tract No. 35269 as a commercial subdivision of 63 lots, commonly known as Howard Hughes Center ("HHC") and located at 6900 Sepulveda Boulevard.

The recent realignment of Center Drive, as reflected on Tract No. 51419 (a final map unit of Tract No. 35269), resulted in a reconfiguration of parcels with areas (previously street) with no height designation. That has created a need for a new height limit exhibit under Condition No. 19 that clearly shows how the height limits approved under Tract No. 35269 are intended to apply to the existing recorded parcels.

Additionally, Arden Realty Limited Partnership, the current owners of the undeveloped portion of HHC, proposes to increase the size of the "open court" or "open area court" (the terminology used in Condition of Approval No. 15d of Tract No. 35269) or "Cent. Square" (the terminology used in Exhibit D to the Conditions of Approval of Tract No. 35269) previously proposed by Howard Hughes Properties, Limited Partnership on Parcel F of Tract No. 35269 and to spread the open space represented thereby throughout the center of HHC (i.e., on portions of Parcels B,C,D,E,F and G of Tract No. 35269) rather than concentrating it in one location (i.e., Parcel F). In Tract No. 35269, Parcel F is 66,211 square feet. There will be at least that much open space area on portions of Parcels B,C,D,F and G of Tract No. 35269, with the final configuration thereof being determined as buildings are constructed.

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER  
201 NORTH FIGUEROA STREET, ROOM 300 - (213) 977-6083  
VAN NUYS - 6251 VAN NUYS BLVD., 1<sup>st</sup> FLOOR, VAN NUYS 91401 - (818) 756-8596

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste.

Therefore, consistent with the City Council's intent in approving the tract and subsequent modification on October 16, 1998, the following conditions of Tract No. 35269 should be clarified and corrected to read as follows:

Condition 15a

Total construction may not exceed 1,950,000 square feet of office and retail (including a maximum 100,000 square feet of retail and a maximum 100,000 square-foot fitness center), a 250,000 square feet entertainment center with supporting retail plus a minimum of 600 hotel rooms. Retail space ancillary to any hotel use, typically located in a luxury, deluxe or first-class hotel and clearly intended for the convenience of hotel patrons, shall be excluded from the 100,000 square foot limit on retail. This total shall include the 400,000 square feet of commercial office which has already been approved by the City under P.M. LA No. 4070.

Condition 15d

Construction shall proceed according to the following phasing plan:

- Phase I: 400,000 square feet of building area (for which the applicant has already received approval), and landscaped buffers on Lots OS2 through OS6 as shown on Revised Tentative Tract No. 35269, stamp-dated July 26, 1985.
- Phase II: Development shall be permitted up to a maximum of an additional 675,000<sup>1</sup> square feet of office/retail, a 250,000 square feet entertainment center, 600 hotel rooms, and commencement of construction of Parcel OS1 as a private park.
- Phase III: Development shall be permitted up to a maximum of an additional 415,000<sup>1</sup> square feet of office/retail. If not in this Phase, construction of portions of Parcels B, C, D E, F and G as an open area court of at least 66,211 combined total square feet shall occur in Phase IV.

No building permits shall be issued for Phase III unless and until:

- (1) The subdivider's Transportation Coordinator has consulted with LADOT to review the TDM Program with special consideration given

---

<sup>1</sup> In Phases II, III, and IV, office/retail space may be exchanged for additional hotel rooms in accordance with Condition No. 15b.



to (2) below;

and

- (2) The subdivider has, at his own expense, taken counts of inbound and outbound p.m. peak-hour traffic (derived from Phases I and II based upon actual or assumed occupancy of at least 66%) at intervals and locations determined to be reasonable by the Department of Transportation and has demonstrated to the satisfaction of DOT the following:

- (a) Trip generation has not exceeded the overall project maximum of 4,785 inbound (IB) and outbound (OB) p.m. peak hour trips;

and

- (b) Trip reduction of 10% IB and OB p.m. peak hour trips has been successfully achieved when compared to the number of trips that would have been generated in Phases I and II with no trip reduction;

or

- (c) In the event that a 10% reduction in (b) above has not been achieved, DOT shall determine that all reasonable attempts were made to achieve such reduction; and 115,000 square feet of commercial office space shall be excluded from Phase III and placed in Phase IV.

Phase IV: No building permits shall be issued for Phase IV unless and until:

The subdivider has, at his own expense, taken counts of IB and OB p.m. peak-hour traffic (derived from a cumulative total of 1.148 million square feet occupied or assumed to be occupied in Phases I-III) at intervals and locations determined to be reasonable by the Department of Transportation and has demonstrated to the satisfaction of DOT the following:

- (a) If a TDM success rate of 17% or better for combined Phase I, II and III IB and OB p.m. peak hour trips has been successfully achieved when compared to the number of trips that would have been generated by Phases I, II and III with no trip reduction; then development shall be permitted up to a maximum of an additional 460,000 square feet.

or

- (b) In the event 115,000 square feet has been withheld from Phase III construction under Condition No. 15d Phase III (2), then development up to a total of an additional 575,000 square feet shall be permitted under the terms of (a) above;

and

- (c) In the event the TDM success rate is less than 17% in (a) above, then the subdivider may construct an increment of 460,000 square feet or 575,000 square feet as noted in (a) and (b) above, which, in the judgment of LADOT and the Advisory Agency, would not result in an IB and OB p.m. peak hour trip generation in excess of 4,785 trips for the entire project.

Change Condition No. 19 to read:

That the heights of buildings shall not exceed those shown on the chart attached hereto as Exhibit D, as clarified by the Composite Height Diagram for Howard Hughes Center dated November 2, 1999 attached hereto. In the event of any conflict between the chart and the diagram, the diagram shall determine the specific height permitted.

With respect to the "Bldg. Function" category on Exhibit "D", the intent of such category was to be illustrative and descriptive and not to have any regulatory effect under Tract No. 35269.

Relative to Condition No. 21, it should be noted that since the revision to the current design plans may affect the intent of the requirement to provide an on-site transit center, the developer shall meet and confer with the City of Los Angeles Department of Transportation regarding necessary details to implement Condition No. 21.

All other conditions remain unchanged.

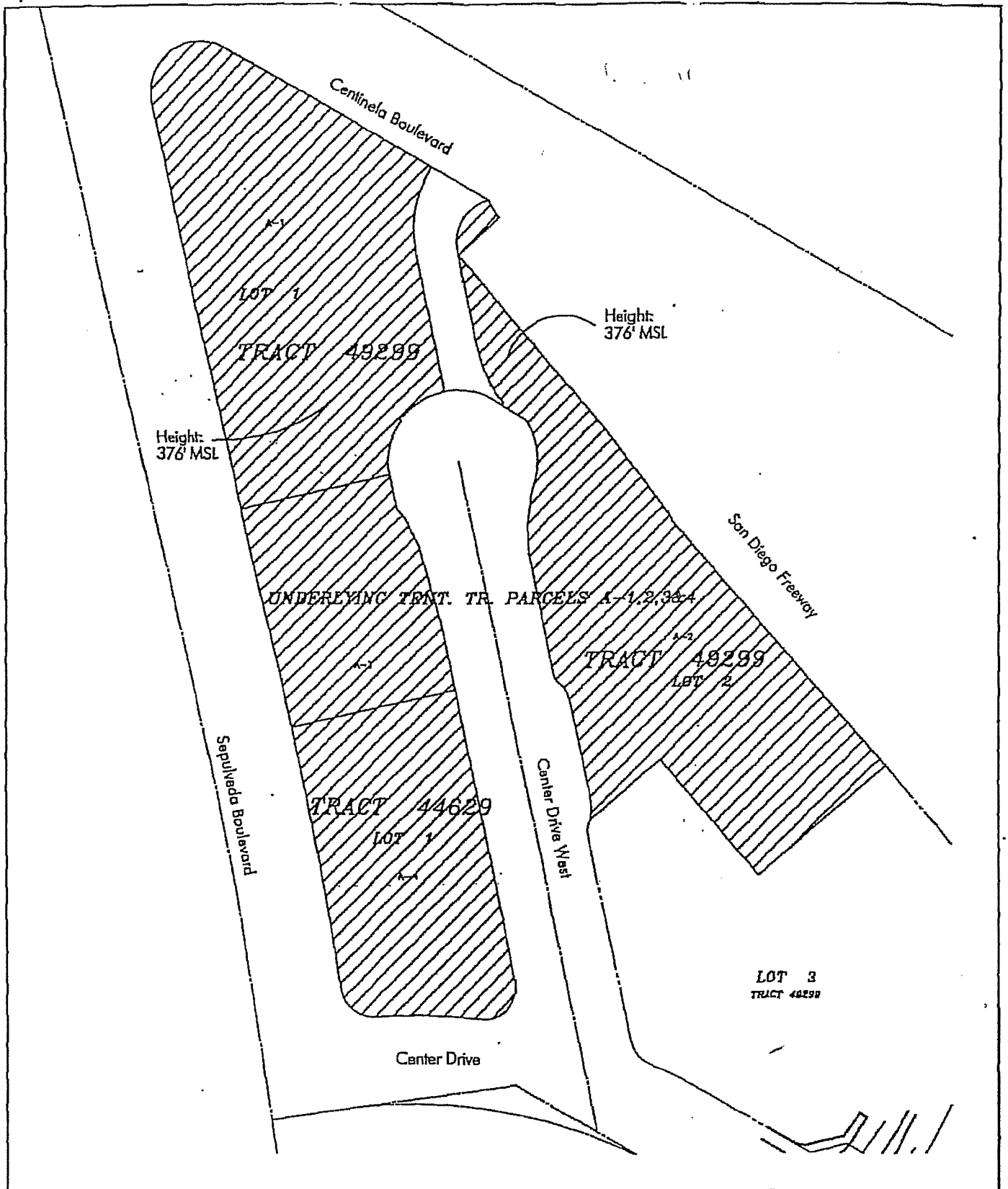
Sincerely,

Con Howe  
Advisory Agency

*Darryl L. Fisher*

DARRYL L. FISHER  
Deputy Advisory Agency

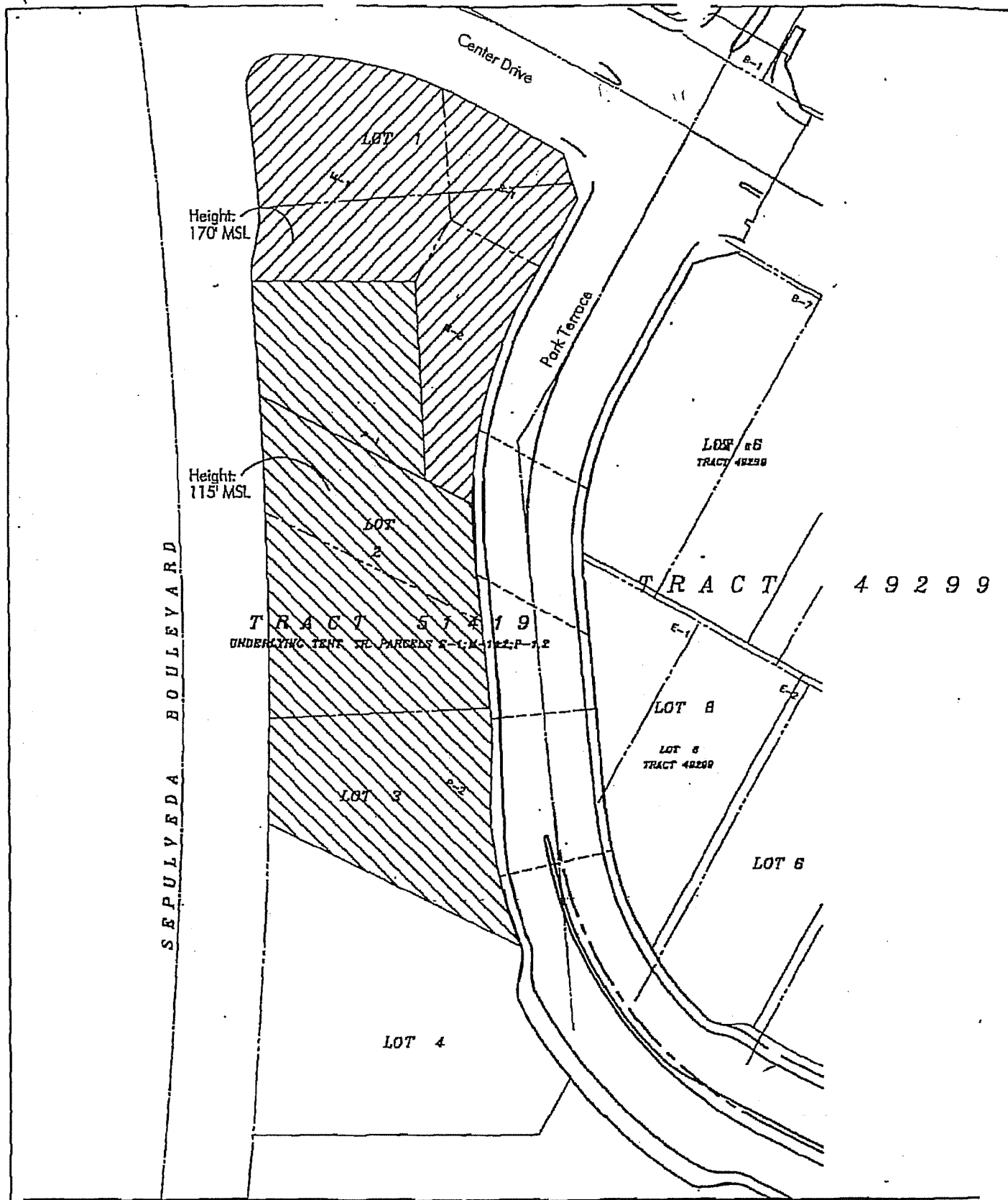
DLF:DK:oss



# HOWARD HUGHES CENTER

TRACT #49299 LOTS 1&2

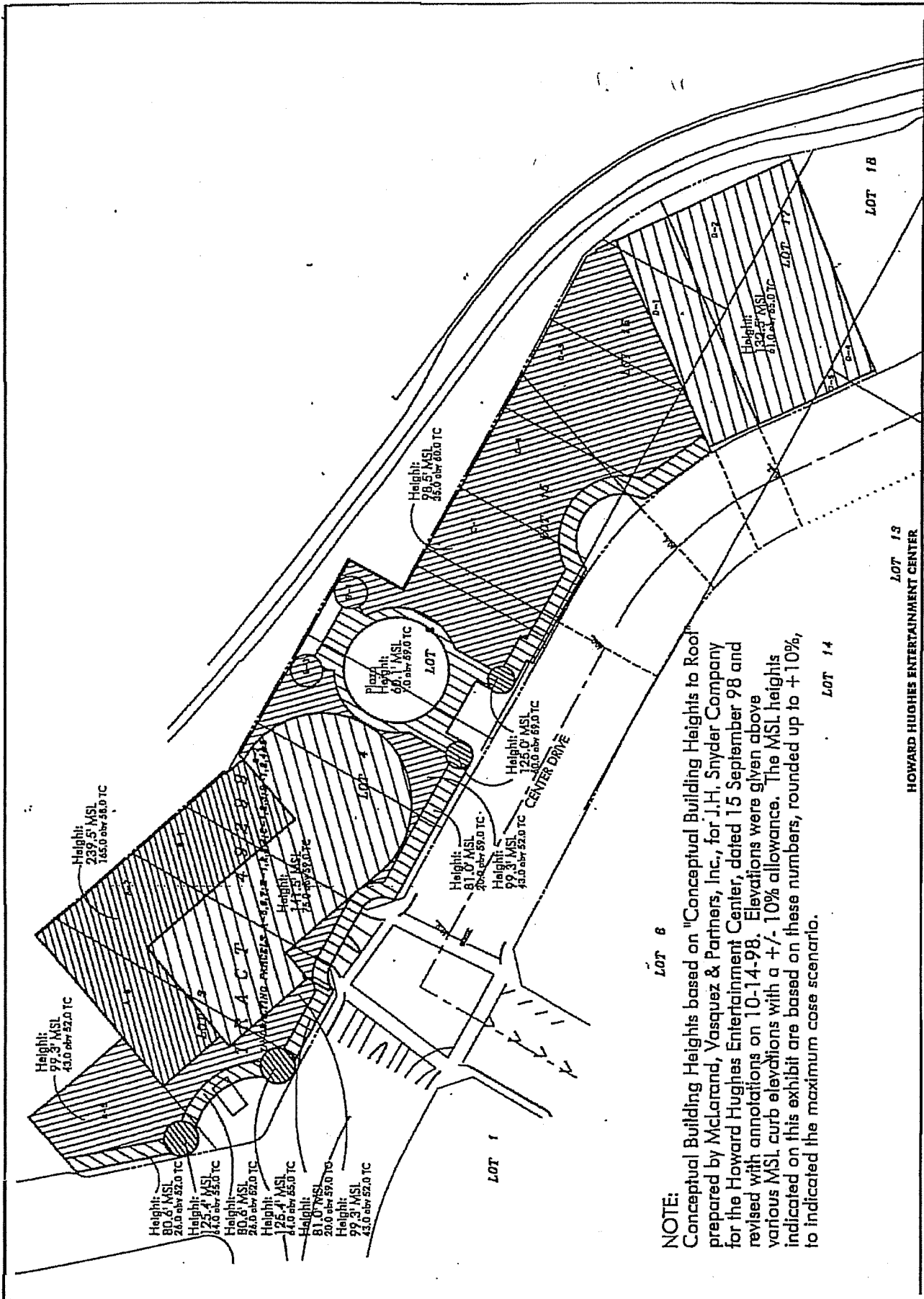
TRACT #44629 LOT 1



# HOWARD HUGHES CENTER TRACT #51419 (LOTS 1-3)

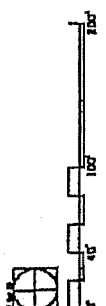


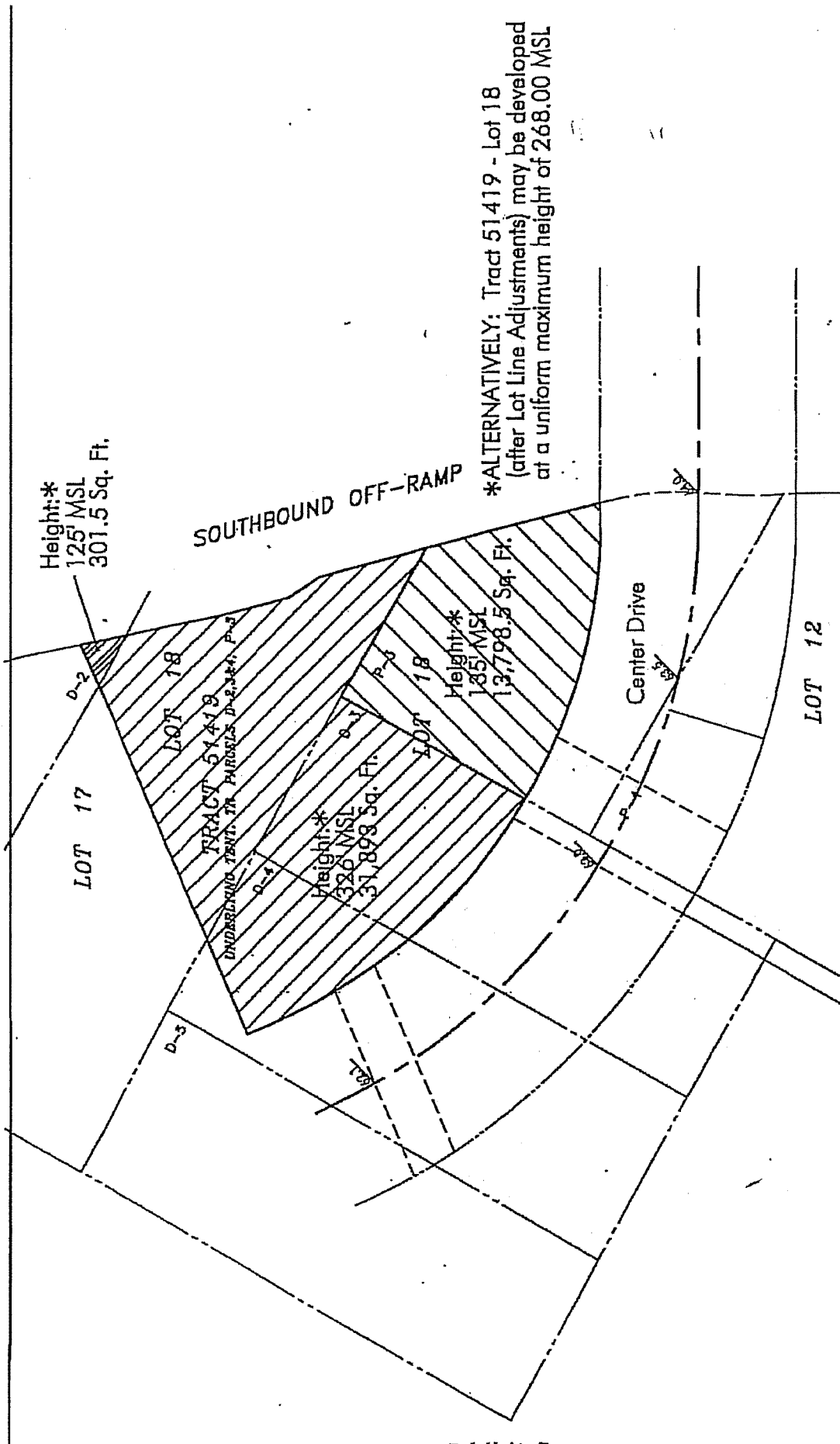
0' 40' 100' 200'



**NOTE:**  
 Conceptual Building Heights based on "Conceptual Building Heights to Roof" prepared by McLaren, Vasquez & Partners, Inc., for J.H. Snyder Company for the Howard Hughes Entertainment Center, dated 15 September 98 and revised with annotations on 10-14-98. Elevations were given above various MSL curb elevations with a +/- 10% allowance. The MSL heights indicated on this exhibit are based on the maximum case scenario, to indicated the maximum case scenario.

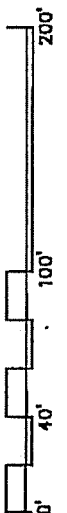
LOT 13  
 HOWARD HUGHES ENTERTAINMENT CENTER  
 TRACT #49299 (LOTS 3,4,5,15,16)  
 TRACT #51419 (LOT 17 PARTIAL)

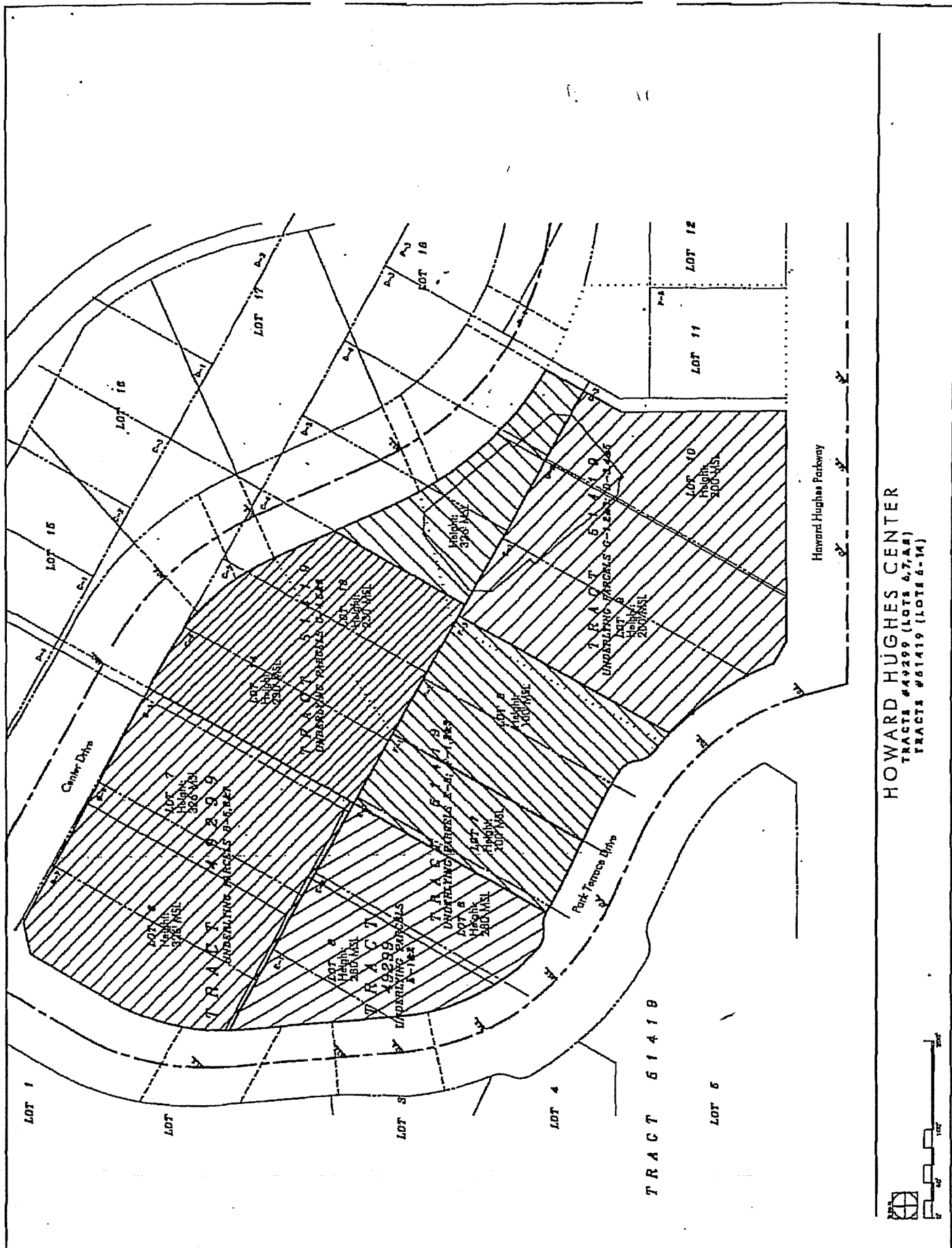




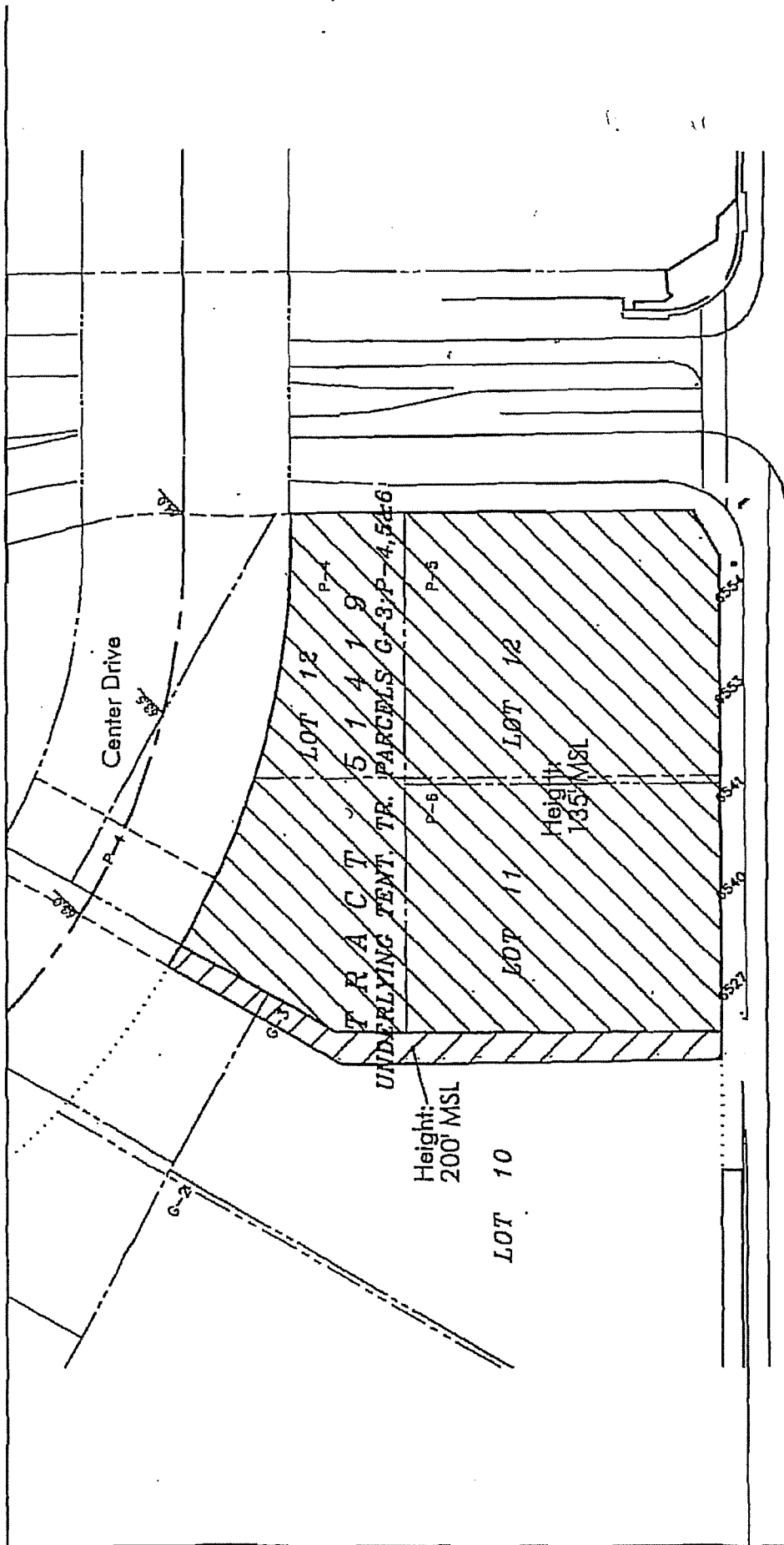
\*ALTERNATIVELY: Tract 51419 - Lot 18  
(after Lot Line Adjustments) may be developed  
at a uniform maximum height of 268.00 MSL

HOWARD HUGHES CENTER  
TRACT # 51419  
LOT 18 (AFTER LOT LINE ADJUSTMENTS)





HOWARD HUGHES CENTER  
 TRACTS #49299 (LOTS 6, 7, 8, 9)  
 TRACTS #61419 (LOTS 6-14)



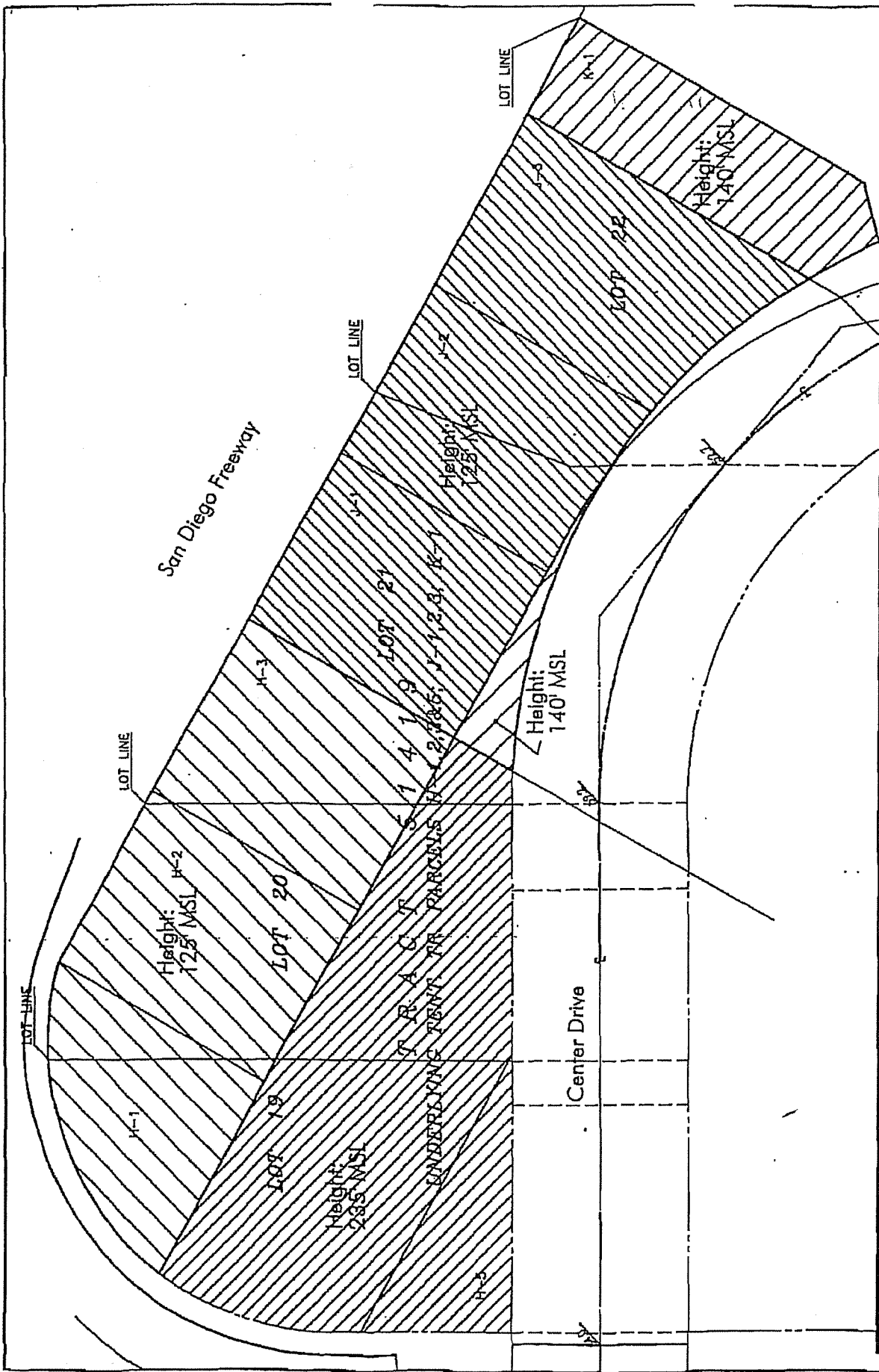
# HOWARD HUGHES CENTER

TRACT #51419

LOTS 11 & 12



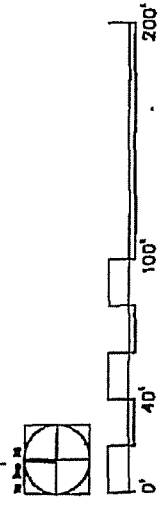


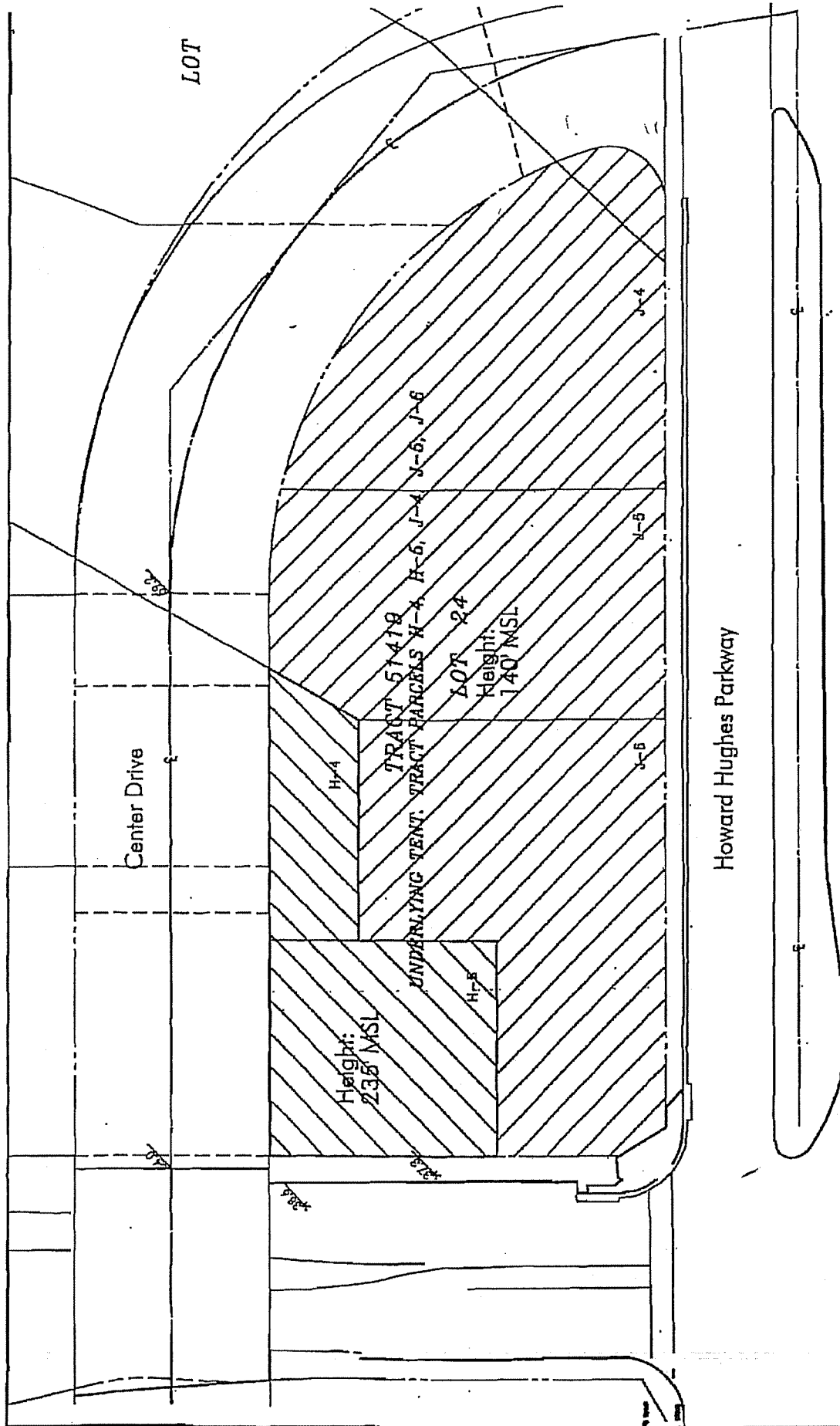


# HOWARD HUGHES CENTER

TRACT #51419

LOTS 19, 20, 21, & 22

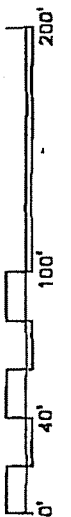


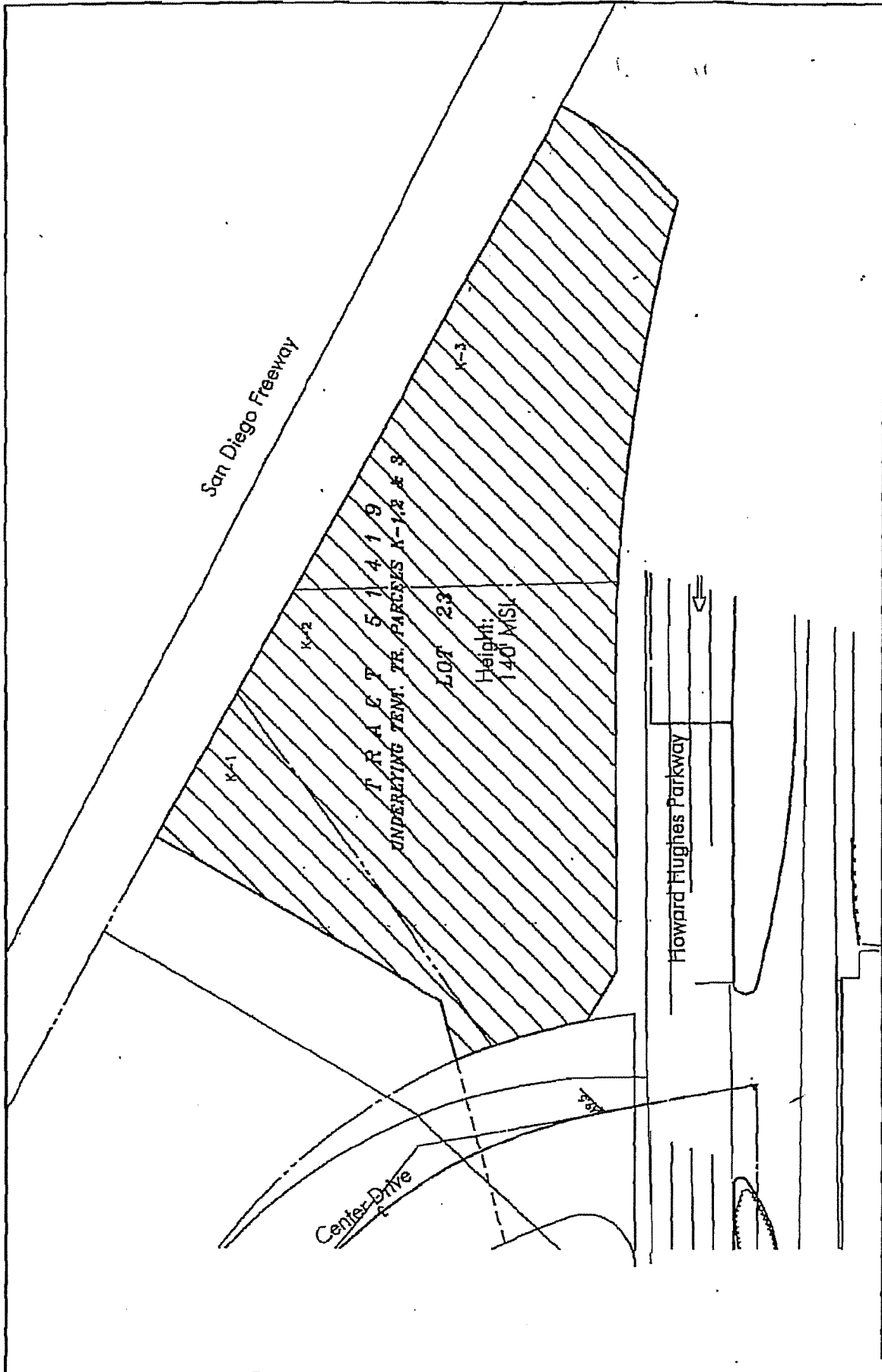


# HOWARD HUGHES CENTER

TRACT #51419

LOT 24





HOWARD HUGHES CENTER

TRACT #51419

LOT 23

Condition No. 19

g. Demonstrate on the solar analysis both the winter solstice (9 a.m., 3 p.m.) and summer solstice (8 a.m., 4 p.m.) shading of trees being planted with reference to their type and anticipated size at maturity. The summer analysis shall only be applicable where shading affects adjacent properties and recreational areas. Indicate existing adjacent buildings and recreation facilities showing effects of proposed landscape shading. Indicate prevailing breezes when high-rise structures are involved (six stories or more).

h. The names, addresses, phone number of the landscape architect and applicant shall be shown on the plans. Plans shall be signed by the landscape architect with license number. The landscape architect will certify on the landscape plan that she/he has reviewed the approved "Solar Access Report" before preparing the landscape plan.

i. A maintenance and irrigation plan, with special consideration for the barrier wall along the southerly property line.

That the subdivider execute a covenant and agreement that each property owner will become a member of a property owner's association formed for the purpose of maintaining the TDM program and all landscaped areas and all other common areas particularly the open space areas as shown on Revised Tentative Tract No. 35269 stamp dated July 25, 1985. In the event that Caltrans permits construction of a water feature at the point of ingress and egress of the southbound freeway ramps, it shall be the responsibility of the association to maintain the related elements as well as other water-related elements within the project site.

That the heights of buildings shall not exceed those shown in the chart attached hereto as Exhibit D.

Prior to recordation of the first final map for the project, the subdivider shall execute and record against the property a covenant and agreement, in form and substance satisfactory to the City Attorney, pursuant to which the subdivider shall agree that the owner(s) or successor(s) in interest of the property involved in this tract will participate in any benefit assessment district or any trust fund based upon a formula or criteria which is applicable to all new development within the Coastal Transportation Corridor Specific Plan Area if and to the extent such benefit assessment district or ordinance establishing such trust fund is otherwise applicable on its effective date to buildings in the project and if and to the extent the project or portions thereof are not otherwise excluded or exempt from the application of such benefit assessment district or ordinance.

EXHIBIT D to  
TMM 35269

HOWARD HUGHES CENTER  
PROPOSED MAXIMUM HEIGHT OF BUILDINGS

Parcel No.(s)	Bldg. No.(s)	Bldg. Function	Finish Grade Elevation <sup>1</sup>	Max. Ht. Above Fin. Grade	Maximum Stories <sup>2</sup>	Max. Elev. <sup>1</sup>	Airport Hazard Elev. Limit <sup>3</sup>
A1, A3 <sup>1</sup> , A4	A1, A3	Office & Parking <sup>4</sup>	30-38± ft.	340 feet	26 stories	376 ft.	376 ft.
A2, A5-A7	A2, PA	Office & Parking	36-42± ft.	340 feet	26 stories	376 ft.	376 ft.
B1-B4 B5-B7	PB B	Parking Office or Hotel & Parking	60± ft. 50-55± ft.	65 feet 175 feet	6 levels 20 stories	125 ft. 326 ft.	326 ft. 326 ft.
C1-C3 C4-C6	PC C	Parking Office & Parking	60± ft. 50-55± ft.	65 feet 175 feet	6 levels 12 stories	125 ft. 230± ft.	326 ft. 326 ft.
D1-D2 D3-D5	PC D	Parking Office & Parking	60± ft. 50-55± ft.	65 feet 280 feet	6 levels 20 stories	125 ft. 326± ft.	326 ft. 326 ft.
E1-E3	E	Parking Hotel & Parking	55-60± ft.	220 feet	20 stories	280± ft.	326 ft.
F1-F3	F	Parking Cent. Square & Parking	55± ft.	45 feet	3 stories	100± ft.	326 ft.
G1-G3	G	Office or Hotel & Parking	55-65± ft.	145 feet	10 stories	200± ft.	326 ft.
H1-H3 H4-H5	PH H	Parking Office & Parking	60± ft. 50-60± ft.	65 feet 175 feet	6 levels 12 stories	125 ft. 235± ft.	326 ft. 325 ft.
J1-J3 J4-J6	PIK J	Parking Office & Parking	60-65± ft. 45-55± ft.	65 feet 90 feet	6 levels 6 stories	125 ft. 140± ft.	326 ft. 326 ft.
K1-K3	K	Parking Office or Hotel & Parking	50-60± ft.	75 feet	6 stories	140± ft.	326 ft.
M1-M2	M	Parking Office or Hotel & Parking	60-65± ft.	110 feet	8 stories	170± ft.	326 ft.
P1-P2	PEM	Parking & Fitness	60-65± ft.	50 feet	5 levels/ stories	115 ft.	326 ft.
P3-P6 S1	PD, PG None	Parking Service Tunnel	60± ft. 55-60± ft.	75 feet No. bldg.	7 levels No bldg.	135 ft. No. bldg.	326 ft. 326 ft.

Notes: <sup>1</sup> Above sea level

<sup>2</sup> Above grade

<sup>3</sup> Includes area within Road IV traffic circle

<sup>4</sup> Building function includes project monument in traffic circle

SOURCE: PLANNING CONSULTANTS RESEARCH,  
PSOMAS & ASSOCIATES

DEPARTMENT OF  
CITY PLANNING  
221 N FIGUEROA STREET  
LOS ANGELES, CA 90012-2001

CITY PLANNING  
COMMISSION

PETER M. WEIL  
PRESIDENT  
JORGE JACKSON  
VICE-PRESIDENT  
MARNA SCHNABEL  
ROBERT L. SCOTT  
NICHOLAS H. STONNINGTON

GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 580-5234

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

EXECUTIVE OFFICES  
16TH FLOOR

CON HOWE  
DIRECTOR  
(213) 580-1160

FRANKLIN F. EBERHARD  
DEPUTY DIRECTOR  
(213) 580-1163

COROON B. HAMILTON  
DEPUTY DIRECTOR  
(213) 580-1165

ROBERT H. SUTTON  
DEPUTY DIRECTOR  
(213) 580-1167

FAX: (213) 580-1176

INFORMATION  
(213) 580-1172

Date: NOV 04 1999

Arden Realty Limited Partnership  
6701 Center Drive West, Suite 1400  
Los Angeles, CA 90045  
Attn: Mike Russell

Latham & Watkins  
633 W. 5<sup>th</sup> Street  
Los Angeles, CA 90071  
Attn: Dale Neal

Re: Tract No. 35269  
Council District No. 6

LETTER OF CLARIFICATION

On January 24, 1986, in accordance with provisions of Section 17.03 of the Los Angeles Municipal Code, the City Council conditionally approved Tentative Tract No. 35269 as a commercial subdivision of 63 lots, commonly known as Howard Hughes Center ("HHC") and located at 6900 Sepulveda Boulevard.

The recent realignment of Center Drive, as reflected on Tract No. 51419 (a final map unit of Tract No. 35269), resulted in a reconfiguration of parcels with areas (previously street) with no height designation. That has created a need for a new height limit exhibit under Condition No. 19 that clearly shows how the height limits approved under Tract No. 35269 are intended to apply to the existing recorded parcels.

Additionally, Arden Realty Limited Partnership, the current owners of the undeveloped portion of HHC, proposes to increase the size of the "open court" or "open area court" (the terminology used in Condition of Approval No. 15d of Tract No. 35269) or "Cent. Square" (the terminology used in Exhibit D to the Conditions of Approval of Tract No. 35269) previously proposed by Howard Hughes Properties, Limited Partnership on Parcel F of Tract No. 35269 and to spread the open space represented thereby throughout the center of HHC (i.e., on portions of Parcels B,C,D,E,F and G of Tract No. 35269) rather than concentrating it in one location (i.e., Parcel F). In Tract No. 35269, Parcel F is 66,211 square feet. There will be at least that much open space area on portions of Parcels B,C,D,F and G of Tract No. 35269, with the final configuration thereof being determined as buildings are constructed.

**EXHIBIT 6**

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER  
201 NORTH FIGUEROA STREET, ROOM 300 - (213) 977-6083  
VAN NUYS - 6251 VAN NUYS BLVD., 1<sup>st</sup> FLOOR, VAN NUYS 91401 - (818) 756-8596

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste.

Therefore, consistent with the City Council's intent in approving the tract and subsequent modification on October 16, 1998, the following conditions of Tract No. 35269 should be clarified and corrected to read as follows:

Condition 15a

Total construction may not exceed 1,950,000 square feet of office and retail (including a maximum 100,000 square feet of retail and a maximum 100,000 square-foot fitness center), a 250,000 square feet entertainment center with supporting retail plus a minimum of 600 hotel rooms. Retail space ancillary to any hotel use, typically located in a luxury, deluxe or first-class hotel and clearly intended for the convenience of hotel patrons, shall be excluded from the 100,000 square foot limit on retail. This total shall include the 400,000 square feet of commercial office which has already been approved by the City under P.M. LA No. 4070.

Condition 15d

Construction shall proceed according to the following phasing plan:

- Phase I: 400,000 square feet of building area (for which the applicant has already received approval), and landscaped buffers on Lots OS2 through OS6 as shown on Revised Tentative Tract No. 35269, stamp-dated July 26, 1985.
- Phase II: Development shall be permitted up to a maximum of an additional 675,000<sup>1</sup> square feet of office/retail, a 250,000 square feet entertainment center, 600 hotel rooms, and commencement of construction of Parcel OS1 as a private park.
- Phase III: Development shall be permitted up to a maximum of an additional 415,000<sup>1</sup> square feet of office/retail. If not in this Phase, construction of portions of Parcels B, C, D E, F and G as an open area court of at least 66,211 combined total square feet shall occur in Phase IV.

No building permits shall be issued for Phase III unless and until:

- (1) The subdivider's Transportation Coordinator has consulted with LADOT to review the TDM Program with special consideration given

---

<sup>1</sup> In Phases II, III, and IV, office/retail space may be exchanged for additional hotel rooms in accordance with Condition No. 15b.

to (2) below;

and

- (2) The subdivider has, at his own expense, taken counts of inbound and outbound p.m. peak-hour traffic (derived from Phases I and II based upon actual or assumed occupancy of at least 66%) at intervals and locations determined to be reasonable by the Department of Transportation and has demonstrated to the satisfaction of DOT the following:

- (a) Trip generation has not exceeded the overall project maximum of 4,785 inbound (IB) and outbound (OB) p.m. peak hour trips;

and

- (b) Trip reduction of 10% IB and OB p.m. peak hour trips has been successfully achieved when compared to the number of trips that would have been generated in Phases I and II with no trip reduction;

or

- (c) In the event that a 10% reduction in (b) above has not been achieved, DOT shall determine that all reasonable attempts were made to achieve such reduction; and 115,000 square feet of commercial office space shall be excluded from Phase III and placed in Phase IV.

Phase IV: No building permits shall be issued for Phase IV unless and until:

The subdivider has, at his own expense, taken counts of IB and OB p.m. peak-hour traffic (derived from a cumulative total of 1.148 million square feet occupied or assumed to be occupied in Phases I-III) at intervals and locations determined to be reasonable by the Department of Transportation and has demonstrated to the satisfaction of DOT the following:

- (a) If a TDM success rate of 17% or better for combined Phase I, II and III IB and OB p.m. peak hour trips has been successfully achieved when compared to the number of trips that would have been generated by Phases I, II and III with no trip reduction; then development shall be permitted up to a maximum of an additional 460,000 square feet.



or

- (b) In the event 115,000 square feet has been withheld from Phase III construction under Condition No. 15d Phase III (2), then development up to a total of an additional 575,000 square feet shall be permitted under the terms of (a) above;

and

- (c) In the event the TDM success rate is less than 17% in (a) above, then the subdivider may construct an increment of 460,000 square feet or 575,000 square feet as noted in (a) and (b) above, which, in the judgment of LADOT and the Advisory Agency, would not result in an IB and OB p.m. peak hour trip generation in excess of 4,785 trips for the entire project.

Change Condition No. 19 to read:

That the heights of buildings shall not exceed those shown on the chart attached hereto as Exhibit D, as clarified by the Composite Height Diagram for Howard Hughes Center dated November 2, 1999 attached hereto. In the event of any conflict between the chart and the diagram, the diagram shall determine the specific height permitted.

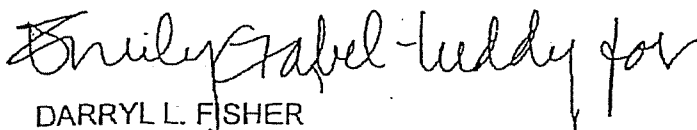
With respect to the "Bldg. Function" category on Exhibit "D", the intent of such category was to be illustrative and descriptive and not to have any regulatory effect under Tract No. 35269.

Relative to Condition No. 21, it should be noted that since the revision to the current design plans may affect the intent of the requirement to provide an on-site transit center, the developer shall meet and confer with the City of Los Angeles Department of Transportation regarding necessary details to implement Condition No. 21.

All other conditions remain unchanged.

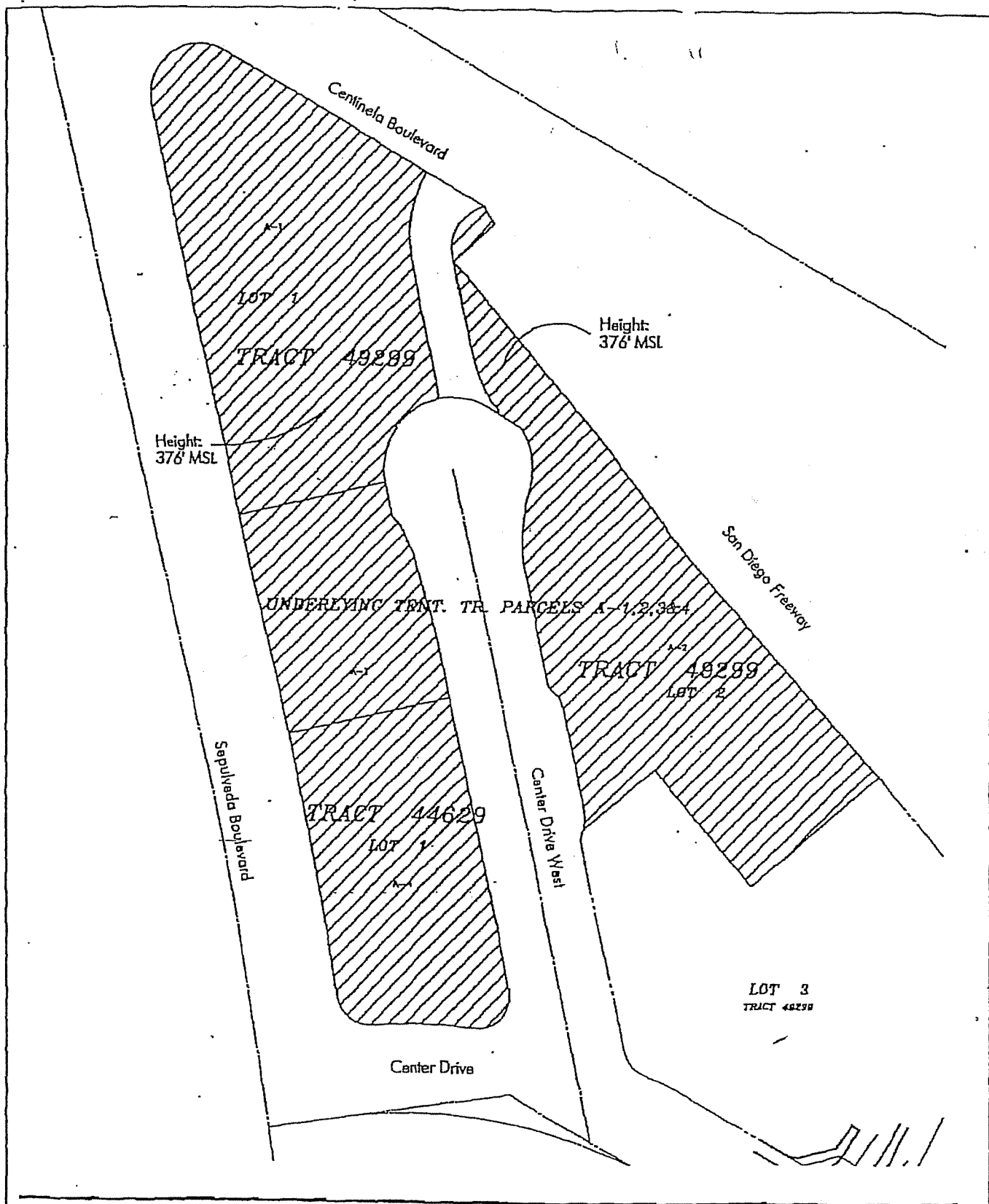
Sincerely,

Con Howe  
Advisory Agency

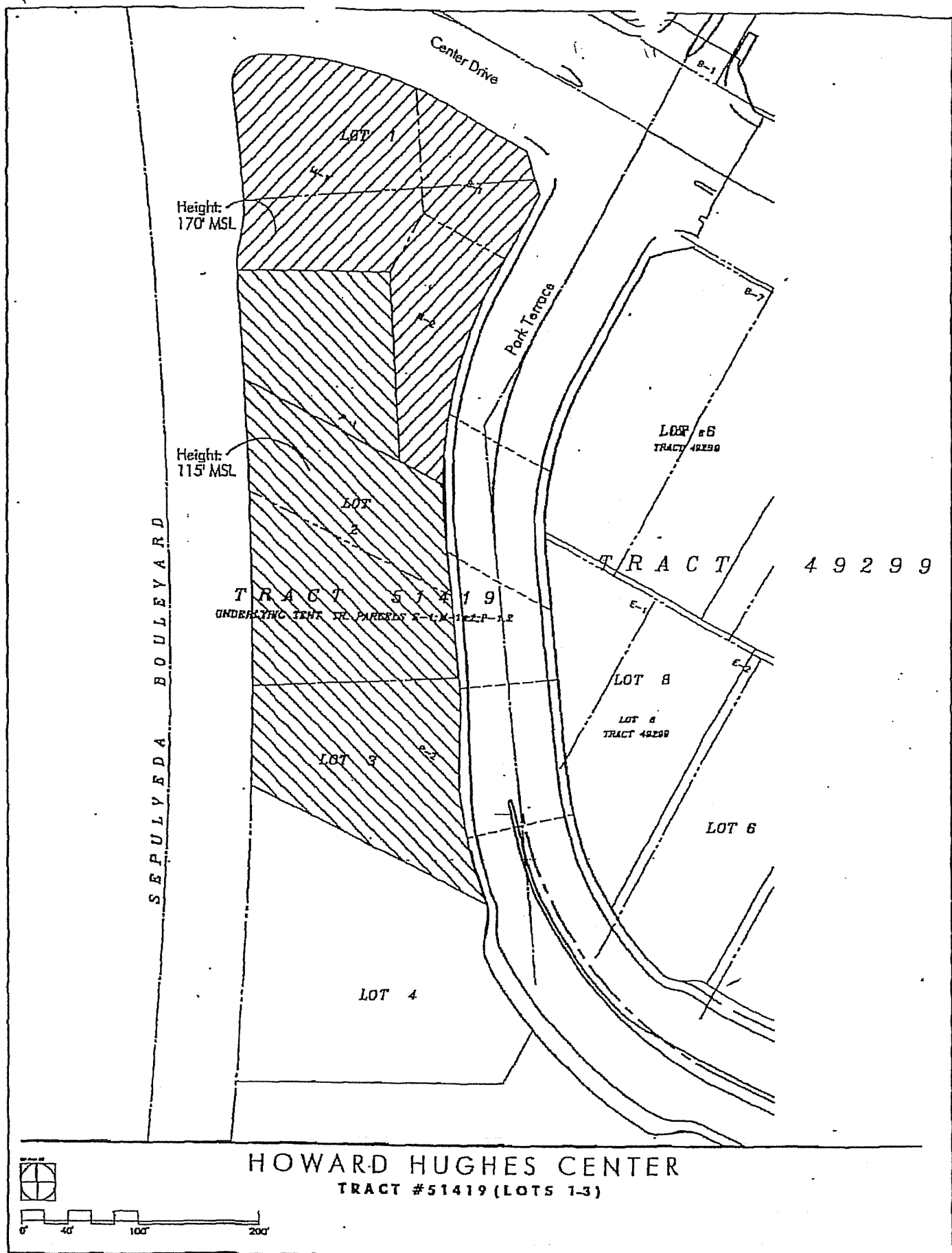


DARRYL L. FISHER  
Deputy Advisory Agency

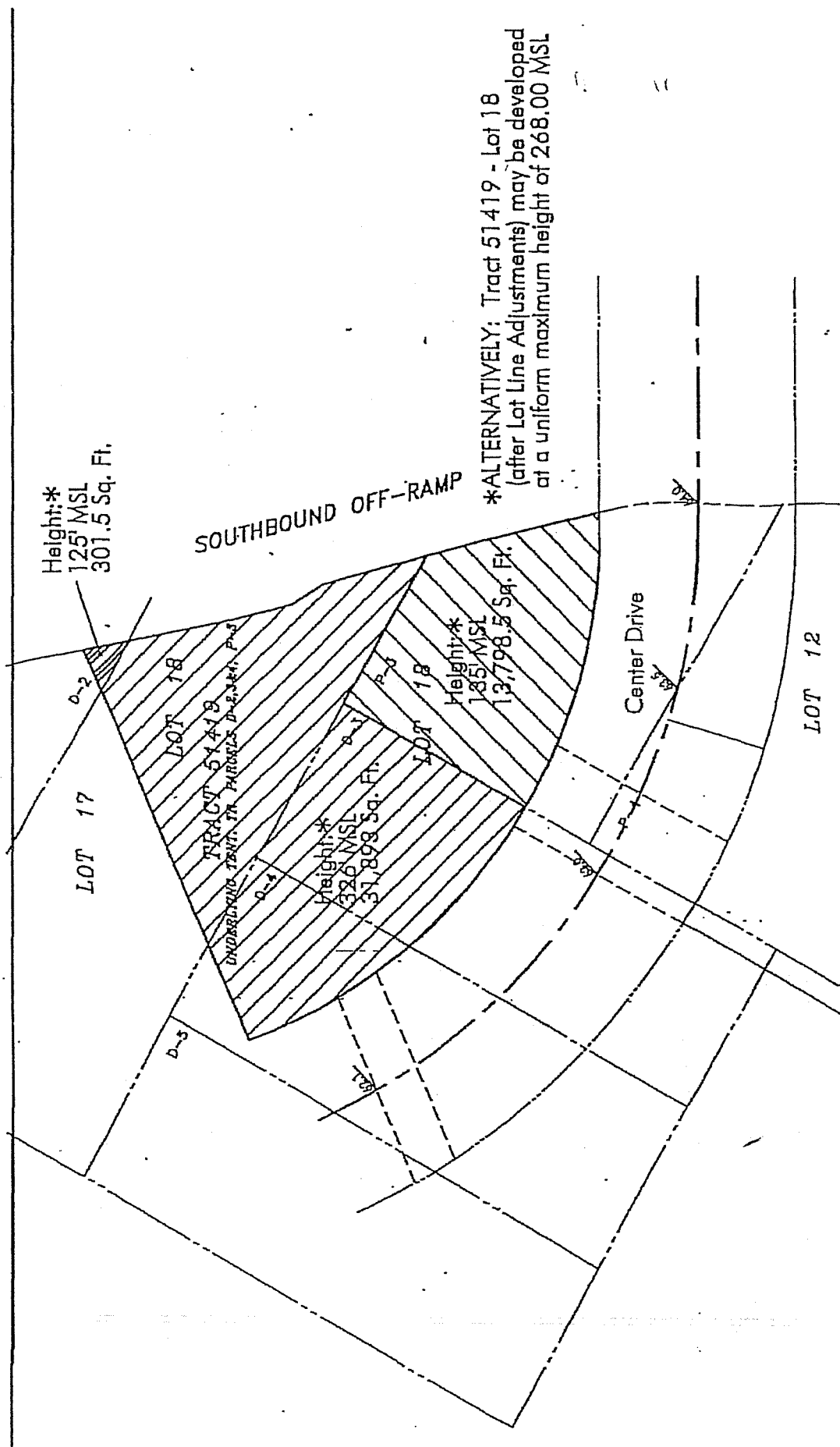
DLF:DK:oss



HOWARD HUGHES CENTER  
TRACT #49299 LOTS 1&2  
TRACT #44629 LOT 1







# HOWARD HUGHES CENTER

TRACT #51419

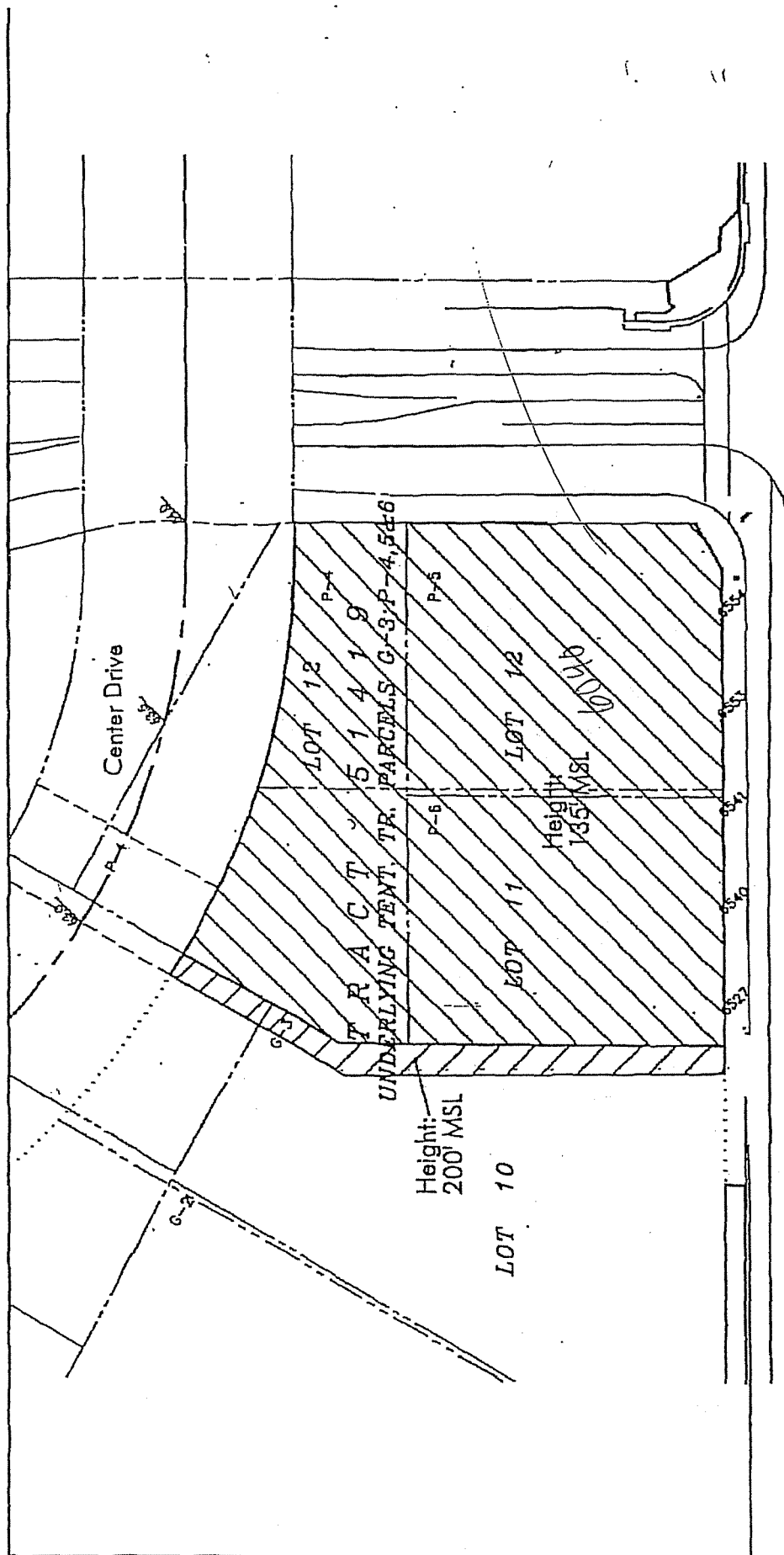
LOT 18 (AFTER LOT LINE ADJUSTMENTS)



0' 40' 100' 200'



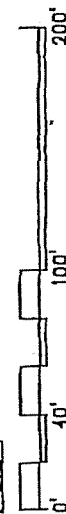
HOWARD HUGHES CENTER  
TRACTS 649299 (LOTS 6,7,8,9)  
TRACTS 661419 (LOTS 10-14)



# HOWARD HUGHES CENTER

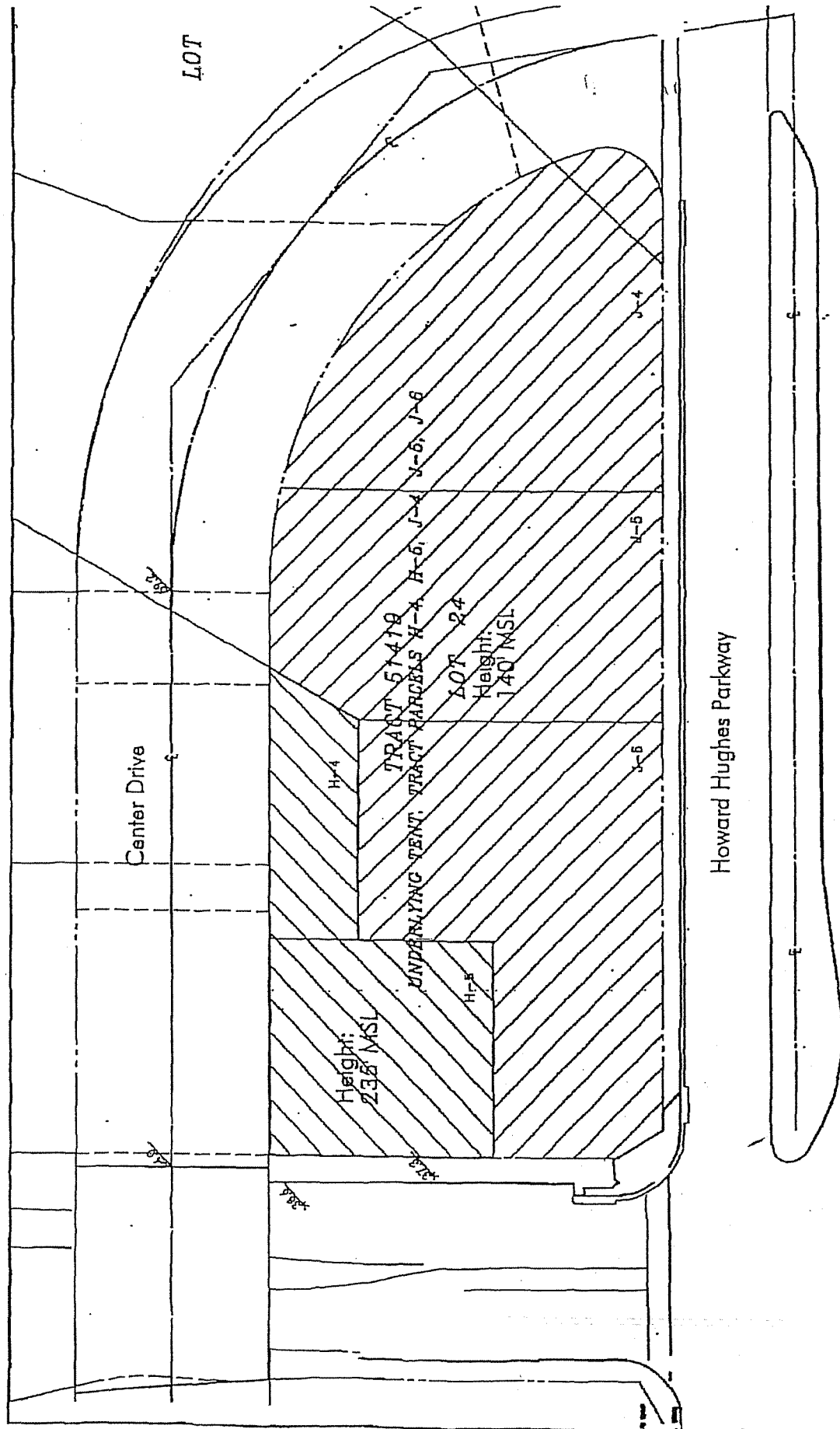
TRACT # 51419

LOTS 11 & 12





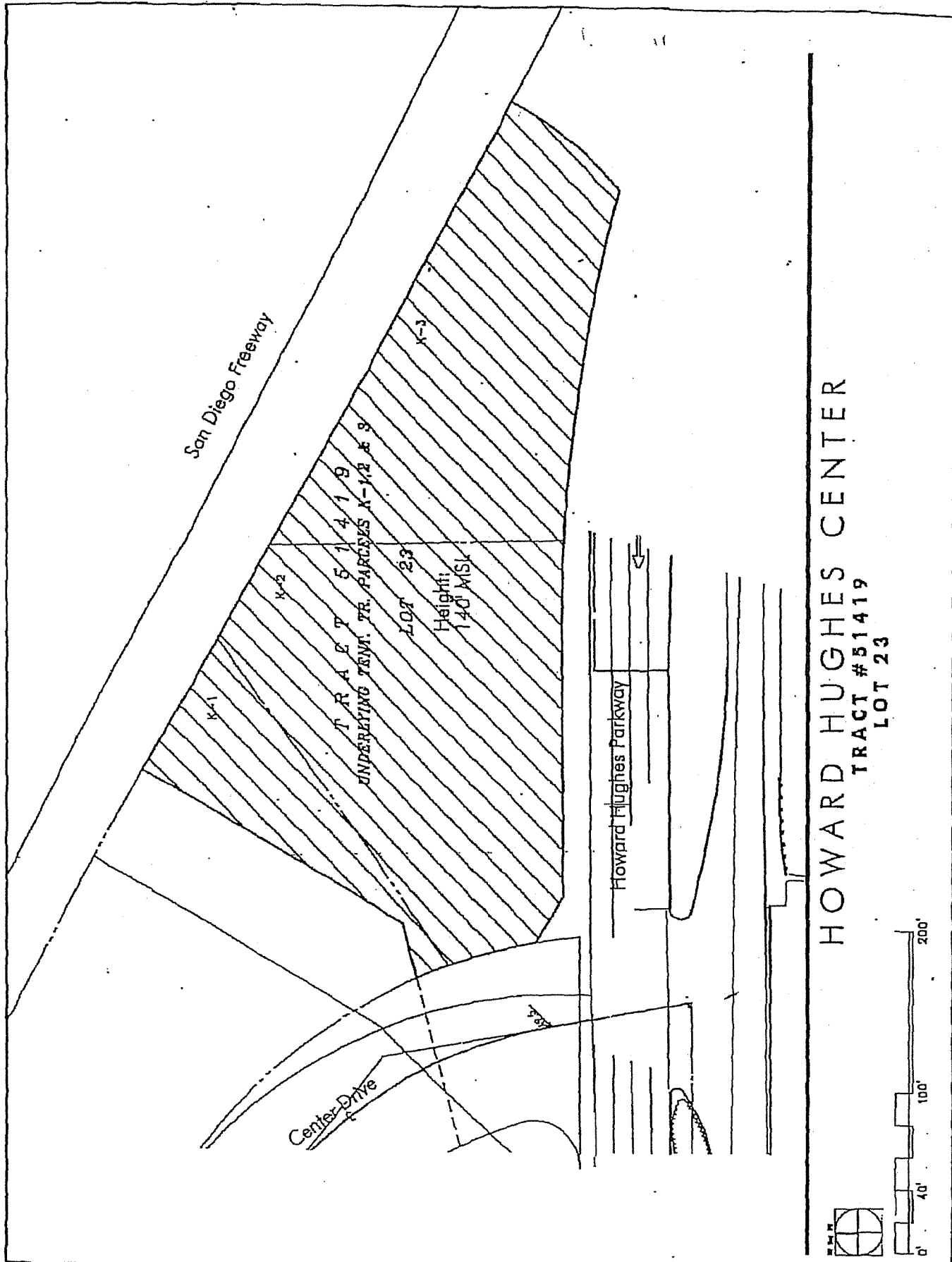




# HOWARD HUGHES CENTER

TRACT #51419

LOT 24



# Condition No. 19

g. Demonstrate on the solar analysis both the winter solstice (9 a.m., 3 p.m.) and summer solstice (8 a.m., 4 p.m.) shading of trees being planted with reference to their type and anticipated size at maturity. The summer analysis shall only be applicable where shading affects adjacent properties and recreational areas. Indicate existing adjacent buildings and recreation facilities showing effects of proposed landscape shading. Indicate prevailing breezes when high-rise structures are involved (six stories or more).

h. The names, addresses, phone number of the landscape architect and applicant shall be shown on the plans. Plans shall be signed by the landscape architect with license number. The landscape architect will certify on the landscape plan that she/he has reviewed the approved "Solar Access Report" before preparing the landscape plan.

i. A maintenance and irrigation plan, with special consideration for the barrier wall along the southerly property line.

j. That the subdivider execute a covenant and agreement that each property owner will become a member of a property owner's association formed for the purpose of maintaining the TDM program and all landscaped areas and all other common areas particularly the open space areas as shown on Revised Tentative Tract No. 35269 stamp dated July 25, 1985. In the event that Caltrans permits construction of a water feature at the point of ingress and egress of the southbound freeway ramps, it shall be the responsibility of the association to maintain the related elements as well as other water-related elements within the project site.

k. That the heights of buildings shall not exceed those shown in the chart attached hereto as Exhibit D.

l. Prior to recordation of the first final map for the project, the subdivider shall execute and record against the property a covenant and agreement, in form and substance satisfactory to the City Attorney, pursuant to which the subdivider shall agree that the owner(s) or successor(s) in interest of the property involved in this tract will participate in any benefit assessment district or any trust fund based upon a formula or criteria which is applicable to all new development within the Coastal Transportation Corridor Specific Plan Area if and to the extent such benefit assessment district or ordinance establishing such trust fund is otherwise applicable on its effective date to buildings in the project and if and to the extent the project or portions thereof are not otherwise excluded or exempt from the application of such benefit assessment district or ordinance.

EXHIBIT D to  
777 35269

HOWARD HUGHES CENTER  
PROPOSED MAXIMUM HEIGHT OF BUILDINGS

Parcel No.(s)	Bldg. No.(s)	Bldg. Function	Finish Grade Elevation <sup>1</sup>	Max. Ht. Above Fin. Grade	Maximum Stories <sup>2</sup>	Max. Elev. <sup>1</sup>	Airport Hazard Elev. Limit <sup>3</sup>
A1, A3 <sup>1</sup> , A4	A1, A3	Office & Parking <sup>4</sup>	30-38± ft.	340 feet	26 stories	376 ft.	376 ft.
A2, A5-A7	A2, PA	Office & Parking	36-42± ft.	340 feet	26 stories	376 ft.	376 ft.
B1-B4 B5-B7	PB B	Parking Office or Hotel &	60± ft. 50-55± ft.	65 feet 175 feet	6 levels 20 stories	125 ft. 326 ft.	326 ft. 326 ft.
C1-C3 C4-C6	PC C	Parking Office &	60± ft. 50-55± ft.	65 feet 175 feet	6 levels 12 stories	125 ft. 230± ft.	326 ft. 326 ft.
D1-D2 D3-D5	PC D	Parking Office &	60± ft. 50-55± ft.	65 feet 280 feet	6 levels 20 stories	125 ft. 326± ft.	326 ft. 326 ft.
E1-E3	E	Parking Hotel &	55-60± ft.	220 feet	20 stories	280± ft.	326 ft.
F1-F3	F	Parking Cent. Square & Parking	55± ft.	45 feet	3 stories	100± ft.	326 ft.
G1-G3	G	Office or Hotel &	55-65± ft.	145 feet	10 stories	200± ft.	326 ft.
H1-H3 H4-H5	PH H	Parking Office &	60± ft. 50-60± ft.	65 feet 175 feet	6 levels 12 stories	125 ft. 235± ft.	326 ft. 325 ft.
J1-J3 J4-J6	PJK J	Parking Office &	60-65± ft. 45-55± ft.	65 feet 90 feet	6 levels 6 stories	125 ft. 140± ft.	326 ft. 326 ft.
K1-K3	K	Parking Office or Hotel &	50-60± ft.	75 feet	6 stories	140± ft.	326 ft.
M1-M2	M	Parking Office or Hotel &	60-65± ft.	110 feet	8 stories	170± ft.	326 ft.
P1-P2	PEM	Parking & Fitness	60-65± ft.	50 feet	5 levels/ stories	115 ft.	326 ft.
P3-P6 S1	PD, PG None	Parking Service Tunnel	60± ft. 55-60± ft.	75 feet No. bldg.	7 levels No bldg.	135 ft. No. bldg.	326 ft. 326 ft.

Notes: <sup>1</sup> Above sea level  
<sup>2</sup> Above grade  
<sup>3</sup> Includes area within Road IV traffic circle  
<sup>4</sup> Building function includes project monument in traffic circle

SOURCE: PLANNING CONSULTANTS RESEARCH,  
PSOMAS & ASSOCIATES

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
CITY PLANNING COMMISSION

MITCHELL B. MENZER  
PRESIDENT

JOSEPH KLEIN  
VICE-PRESIDENT

RICHARD BROWN

MABEL CHANG

DORENE DOMINGUEZ

JAVIER O. LOPEZ

PASTOR GERARD MCCALLUM II

TOM SCHIFF

GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1247

December 27, 2002

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

ARDEN REALTY, INC.

DEC 31 2002

EXECUTIVE OFFICES  
5<sup>TH</sup> FLOOR

CON HOWE  
DIRECTOR  
(213) 978-1271

FRANKLIN P. EBERHARD  
DEPUTY DIRECTOR  
(213) 978-1273

GORDON B. HAMILTON  
DEPUTY DIRECTOR  
(213) 978-1272

ROBERT H. SUTTON  
DEPUTY DIRECTOR  
(213) 978-1274

FAX: (213) 978-1275

INFORMATION  
(213) 978-1270

Arden Realty Limited Partnership  
6080 Center Drive  
Suite 200  
Los Angeles, CA 90045  
Attn: Patty Loch

Latham & Watkins  
633 W. 5<sup>th</sup> Street, Suite 4000  
Los Angeles, CA 90071-2007  
Attn: Dale K. Neal

Re: Tract No. 35269  
Council District No. 11

LETTER OF CLARIFICATION

By Letter of Clarification dated November 4, 1999 (the "1999 Clarification"), the Advisory Agency confirmed that heights of buildings at Howard Hughes Center, originally established by the chart referenced in Condition of Approval No. 19 of Tentative Tract Map No. 35269 ("TTM 35269") as Exhibit D, would henceforth be governed by that certain Composite Height Diagram attached to such Letter of Clarification. The Composite Height Diagram overlaid the height limits set forth in Exhibit D onto the recorded parcels at Howard Hughes Center with rational and reasonable adjustments of such height limits being made where necessary to reflect the realignment of Center Drive that occurred with the approval and recordation of Tract No. 51419 (a final map unit under TTM 35269) and to avoid multiple, irregular height limits on any given recorded parcel. A good example of the latter is Lot 18 of Tract No. 51419 on which three irregular height limits resulted from such overlaying of the Exhibit D height limits. This will confirm that one effect of the 1999 Clarification is to permit Lot 18 of Tract no. 51419 to be developed, even after Lot Line Adjustments, at a uniform maximum height of 268 feet MSL.

Sincerely,

Con Howe  
Advisory Agency

Emily Gabe-Luddy  
Deputy Advisory Agency

EXHIBIT 7

CITY OF LOS ANGELES  
CALIFORNIA

ELIAS MARTINEZ  
CITY CLERK



TOM BRADLEY  
MAYOR

OFFICE OF  
CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CA 90012  
485-5705

WHEN MAKING INQUIRIES  
RELATIVE TO THIS MATTER,  
REFER TO FILE NO.

85-2313

CD 6

January 24, 1986

City Attorney (w/copy of motion)  
City Planning Commission (w/copy of motion)  
Deputy Advisory Agency (w/copy of motion)  
Board of Public Works (w/copy of motion)  
Bureau of Engineering (w/copy of motion)  
Department of Building & Safety  
(w/copy of motion)

Latham & Watkins  
555 S. Flower St.  
Los Angeles, CA. 90071  
(w/copy of motion)

Tooley and Company  
Attn: Wm. McGregor  
6167 Bristol Parkway  
Suite 324  
Culver City, CA. 90230  
(w/copy of motion)

A Coalition of Concerned  
Communities (w/copy of motion)  
7927 Stewart Ave.  
Los Angeles, CA. 90045

RE: HOWARD HUGHES CENTER - 6900 SEPULVEDA BOULEVARD

At the meeting of the Council held January 24, 1986, the following  
action was taken:

Attached report adopted <u>as amended</u> .....	X
" motion 2A adopted (Finn-Russell).....	X
" resolution " ( ).....	
Ordinance adopted.....	
Motion adopted to approve attached report.....	
" " " " communication.....	
To the Mayor for concurrence.....	
To the Mayor FORTHWITH.....	
Mayor concurred.....	
Appointment confirmed.....	
Appointee has/has not taken the Oath of Office.....	
Findings adopted <u>as amended</u> .....	X
Negative Declaration adopted.....	
Categorically exempt.....	
Generally exempt.....	
EIR and addendum to EIR certified.....	X
Tract map approved for filing with the County Recorder.....	
Parcel map approved for filing with the County Recorder.....	
Bond approved.....	
Bond is No .....	
Resolution of acceptance of future street to be known as adopted.....	
Agreement mentioned therein is/are No. .... of Contracts.....	

*Elias Martinez*

City Clerk  
mb

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

**EXHIBIT 8**

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

-1-

Your

PLANNING AND ENVIRONMENT

Committee

reports as follows:

RECOMMENDATION

1. That the request dated January 21, 1986 from Weiser, Kane, Ballmer & Berkman, representing the City of Culver City and the Culver City Redevelopment Agency, WITHDRAWING their appeal from the entire action of the City Planning Commission in sustaining the decision of the Deputy Advisory Agency approving Tentative Tract No. 35269 located at 6900 Sepulveda Blvd., for condominium purposes and subdivision, BE GRANTED AND THE MATTER FILED.
2. That the appeal to the City Council by A Coalition of Concerned Communities, Inc., aggrieved party, from the entire action of the City Planning Commission in sustaining the decision of the Deputy Advisory Agency approving Tentative Tract No. 35269 located at 6900 Sepulveda Blvd. adjacent to the San Diego Freeway (I-405), for condominium purposes and subdivision divided into 63 lots including a maximum of 2,700,000 square feet of commercial office space and a 600-room hotel BE DENIED, and that said Tract BE APPROVED subject to 28 Conditions as modified by the City Planning Commission.

Subdivider: Tooley and Co. Inc.

3. That the FINDINGS of the Advisory Agency as described in his report dated November 4, 1985, BE AMENDED by substituting paragraphs (a) and (b) and modifying paragraphs (d) and (h) as shown in Attachment A attached to this report, and by adding "The previous District Plan permitted more office use than the current Plan" to the third paragraph of (a) and (b) (i); and that the amended FINDINGS BE ADOPTED as the Council's FINDINGS.
4. That the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code by the Advisory Agency BE AMENDED as shown in Attachment B attached to this report and that the Statement of Overriding Considerations prepared by the Advisory Agency BE AMENDED by adding "The project provides a proper aesthetic and functional landmark at one of the major gateways to the Los Angeles community of Westchester"; and that the amended Findings and Statement of Overriding Considerations BE ADOPTED. \*See Motion 2A for further CEQA amendments.

Amended on January 24, 1986. AL TEL

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

-2-

Your                      PLANNING AND ENVIRONMENT                      Committee

reports as follows:

5. That the Council incorporate an Addendum to EIR (Exhibit 4 submitted by Latham & Watkins with a letter dated January 17, 1986) and portions of a letter from Howard Hughes Center dated January 20, 1986 (excluding Attachment 2), as addenda to the Environmental Impact Report and CERTIFIES that, for the above project, it has reviewed and considered the information contained "in the Final Environmental Impact Report and addenda and the EIR" has been completed in compliance with the California Environmental Quality Act of 1970 and the State and City's Guidelines.

#### SUMMARY

On January 21, 1986, the Planning and Environment Committee conducted a public hearing concerning the appeal of an action by the City Planning Commission approving Tentative Tract 35269 which would allow the commercial condominium and hotel development known as the Howard Hughes Center. At the time of the Committee meeting, a letter was received from legal counsel for the City of Culver City and the Culver City Redevelopment Agency withdrawing their appeal. The Committee recommended that the withdrawal be accepted.

The Deputy Advisory Agency explained the case to the Committee members and discussed each point in the outstanding appeal of A Coalition of Concerned Communities, Inc. He stated that Tentative Tract No. 35269 was filed with the Planning Department on February 9, 1985 for a maximum 2.7 million square foot commercial condominium and between 600 and 1500 hotel rooms on 63 lots. The project site, located at 6900 Sepulveda Boulevard, is zoned M1-1 and R1-1 on a sloping site of 69 acres.

Patrick McCartney, representing A Coalition of Concerned Communities, spoke in opposition to the approval of the Tract. He expressed concerns about the intensity of development, the height of buildings allowed, and the balance between jobs and housing in the area.

Six speakers including several neighbors spoke in favor of the development. Several commented favorably about the cooperative attitude of the developer and its responsiveness to concerns of the neighbors.



Utilities (Solid Waste):

Add at the end of the last sentence: "which may be considered significant."

View:

Replace in entirety as follows:

The proposed high-rise structures will obstruct existing views over the project site from adjoining and nearby private properties on the south and west. This impact will be partially mitigated by the siting and placement of high-rise structures and by project-imposed height restrictions which will allow viewing channels between some taller buildings and over some lower buildings. This impact will be further mitigated by a clear project commitment to overall project quality and distinguished project appearance as evidenced by significant design efforts and expenditures in a major linear park/garden totaling some 11.5 acres along the southern property line. Therefore, while the project will obstruct views available over the site from adjoining residences, it will also create views available from within the project and will create in itself an attractive urban viewscape as seen from around the project. Nevertheless, the obstruction of views from some nearby residential properties may be considered significant as meant by CEQA, the project's beneficial visual characteristics notwithstanding. Such additional mitigation as may be provided by placing the same amount of building area in buildings that would be lower than the surrounding viewing locations was found to have undesirable effect on functional design and visual character due to the resulting loss of exterior circulation area for service and pedestrian access, loss of open space, and excessively large interior floors having disadvantageous leasing implications. Moreover, mitigation as may be provided by reduced building intensity would have unacceptable impacts on the project objectives.

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Latham & Watkins  
633 W. 5<sup>th</sup> Street, Suite 4000  
Los Angeles, California 90071-2007  
Attn: Dale K. Neal

Space Above This Line For Recorder's Use

AMENDMENT TO  
HOWARD HUGHES CENTER  
DEVELOPMENT AGREEMENT

This Amendment To Howard Hughes Center Development Agreement (the "Amendment") is entered into as of the 11<sup>th</sup> day of September 2002 by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), and ARDEN REALTY LIMITED PARTNERSHIP, a Maryland limited partnership ("Company").

RECITALS

- A. The City and Howard Hughes Properties, Limited Partnership, a Delaware limited partnership ("HHP") entered into that certain Howard Hughes Center Development Agreement dated November 3, 1986 and recorded on November 4, 1986 in the Official Records of Los Angeles County, California as Instrument No. 86-1507410 (the "Development Agreement").
- B. Company is the successor-in-interest to HHP under the Development Agreement.
- C. City and Company wish to amend the Development Agreement, pursuant to Section V.N. thereof, (i) to conform the description of the "Project" in the Development Agreement to the description of the "Project" in the conditions of approval of Tentative Tract Map No. 35269 ("Tract 35269") as the parties modified those conditions on October 16, 1998 (the "Tract Modification"), (ii) to conform the phasing plan for the Project described in Exhibit C to the Development Agreement to the phasing plan for the Project in the conditions of Tract 35269 after the Tract Modification, as described in the Deputy Advisory Agency's Letter of Clarification dated November 4, 1999, (iii) to allow excess In Lieu Credit to be reserved by the Company and credited toward Transportation Fees otherwise attributable to a subsequent phase of the Project or to a related Development (as defined in Section 6D4 of the Transportation Specific Plan) located within the boundaries of Tract 35269, (iv) to prohibit excess In Lieu Credit from being reserved and credited toward the Transportation Fee payable by related Developments located outside the boundaries of Tract 35269 and (v) to provide for reimbursement of costs incurred by the City for their periodic review of the Development Agreement.

NOW, THEREFORE, City and Company hereby agree to amend the Development Agreement as follows:

1. Section II.D.1 is hereby amended by deleting the existing Section II.D.1 in its entirety and by substituting the following as Section II.D.1:

"1. Description of the Major Components of the Project. Company seeks to develop Howard Hughes Center as a mixed-use complex comprised of the following major components:

(a) A maximum of 1,950,000 square feet<sup>1</sup> of commercial office and retail development, including at Company's option a maximum 100,000 square feet of retail and a maximum 100,000 square feet of health fitness center, constructed in the phases and subject to the conditions set forth in the Project Approvals;

(b) A 250,000 square foot entertainment/center (including a maximum of 4,500 theater seats) with supporting retail which shall be in addition to the 100,000 square feet of retail space allowed in paragraph (a) above;

(c) A maximum of 600 hotel rooms; provided, however, that Company may construct up to 900 additional hotel rooms, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office/retail space for each additional hotel room;

(d) Public and private improvements, partially consisting of major road improvements and other infrastructure within the Project area as described in paragraph D.2."

2. The last two sentences of Section IV.A.2 of the Development Agreement are hereby amended by deleting those two sentences in their entirety and by substituting:

"In Lieu Credit, in excess of that which is credited toward the Transportation Fee otherwise payable because of the issuance of a building permit for any specific building in the Project (including the first building in the Project), may be reserved by the Company and credited toward the portion of the Project's Transportation Fee otherwise attributable to a subsequent phase of the Project, or to a related Development (as defined in Section 6D4 of the Transportation Specific Plan) located within the boundaries of Tentative Tract Map No. 35269. However, as additional consideration for this Agreement, Company agrees that, notwithstanding the provisions of Section 6D4 of the Transportation Specific Plan to the contrary, such excess In Lieu Credit may not be reserved and credited toward the Transportation Fee otherwise payable by related Developments located outside the boundaries of Tentative Tract Map No. 35269 but within the same employment center."

02 2213916

4

3. Section C of Exhibit C to the Development Agreement is hereby amended by deleting the existing Section C of Exhibit C in its entirety and by substituting the following as Section C of Exhibit C;

"C. The phasing plan for the Project is as follows:

Phase I: 400,000 square feet of building area, and landscaped buffers on Lots OS2 through OS6 as shown on Revised Tentative Tract No. 35269, stamp-dated July 26, 1985.

Phase II: Development up to a maximum of an additional 675,000 square feet of office/retail, a 250,000 square feet entertainment center, 600 hotel rooms, and commencement of construction of Parcel OS1 as a private park (office/retail space may be exchanged for additional hotel rooms).

Phase III: Development up to a maximum of an additional 415,000 square feet of office/retail (office/retail space may be exchanged for additional hotel rooms). If not in this Phase, construction of portions of Parcels B, C, D, E, F and G as an open area court of at least 66,211 combined total square feet shall occur in Phase IV.

Phase IV: Balance of the development of the Project (office/retail space may be exchanged for additional hotel rooms)."

4. Section V.F of the Development Agreement is hereby amended by adding the following sentence at the end of the first paragraph:

"Company shall reimburse the City for its actual costs, reasonably and necessarily incurred, to accomplish the required annual review."

The parties agree that the foregoing supercedes that certain First Amendment to Howard Hughes Center Development executed by the Mayor on February 29, 2000 and recorded in the Los Angeles County Recorder's Office on March 7, 2000 as Instrument No. 00-0344412 (the "First Amendment"), and that upon the effective date hereof, the First Amendment shall become null and void and have no further force or effect.

It is the intent of the parties that the foregoing amendments be effective as of October 16, 1998, the date on which the Tract Modification was approved by the City Council. If any provision of this Amendment should be determined by a court to be invalid or unenforceable, the remaining provisions of this Amendment shall remain in full force and effect and continue to be binding on both parties. Except as amended herein, the Development Agreement remains in full force and effect. Attached hereto is a copy of Ordinance No. 174713 pursuant to which this Amendment was approved by the City.

02 2213916

IN WITNESS WHEREOF, the parties have each executed this Amendment as of the date first above written.

Approved as to Form and Legality:

September 19, 2002

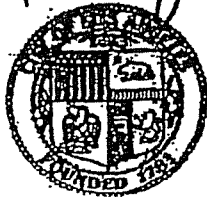
Rockard I. Delgadillo, City Attorney

By: [Signature]  
Assistant City Attorney

Attest: J. Michael Carey, City Clerk

By: Vera Mendez  
Deputy

9-19-02



CITY OF LOS ANGELES

By: [Signature]  
James K. Hahn, Mayor

SEP 19 2002

ARDEN REALTY LIMITED  
PARTNERSHIP,  
a Maryland limited partnership.

By: [Signature]  
ARDEN REALTY, INC.,  
a Maryland corporation  
Its: General Partner

By: [Signature]  
Its: President & COO

By: [Signature]  
Its: David A. Swartz  
General Counsel and Secretary

02 2213916

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS.

On SEPTEMBER 6, 2002

before me,

DEBORAH J. WALKER, Notary Public  
(Name And Title Of Officer)

personally appeared

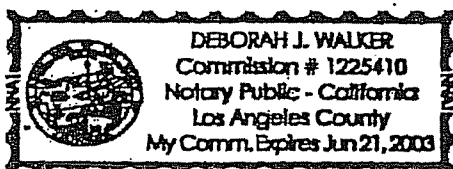
VICTOR J. COLEMAN & DAVID A. SWARTZ



personally known to me  
-or-



proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Deborah J. Walker  
Signature Of Notary

STATE OF CALIFORNIA

COUNTY OF Los Angeles

SS.

On September 19, 2002

before me,

NELLIE M. DEOM, Notary Public  
(Name And Title Of Officer)

personally appeared

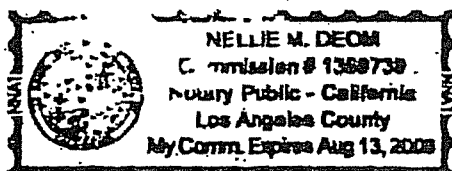
James K. Hahn



personally known to me  
-or-



proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Nellie M. Deom  
Signature Of Notary

02 2213916

EXHIBIT "A"

**ORDINANCE NO. 174713**

An ordinance authorizing the execution of an amendment to that development agreement by and between the City of Los Angeles and Arden Realty Limited Partnership, relating to real property in the Westchester-Playa del Rey Community Plan (the "Development Agreement"), and adjacent to the intersection of the San Diego Freeway and Sepulveda Boulevard.

WHEREAS, the City Planning Commission on May 9, 2002, approved and recommended that the City Council approve an amendment (the "Amendment") to the Development Agreement, attached to Council File No. 85-2313, which incorporates by reference the original Development Agreement into the provisions of this ordinance; and

WHEREAS, after due notice the City Planning Commission and the City Council conducted public hearings on this matter; and

WHEREAS, pursuant to California Government Code Sections 65864, et seq., the City Planning Commission transmitted its findings and recommendations; and

WHEREAS, the Amendment is in the public interest and is consistent with the City's General Plan including the Westchester-Playa del Rey Community Plan and the Coastal Transportation Corridor Specific Plan; and

WHEREAS, the City Council has reviewed and considered the Amendment and the findings and recommendations of the City Planning Commission.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines, that, the Amendment is categorically exempt from the California Environmental Quality Act, pursuant to Article III, 21 of the City's CEQA Guidelines and adopts the Notice of Exemption issued on April 2, 2002.

Section 2. The City Council finds, with respect to the Amendment, that:

(a) It is consistent with the objectives, policies and programs specified in the General Plan including the Westchester-Playa del Rey Community Plan and the Coastal Transportation Corridor Specific Plan and is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;

(b) The intensity, building height and uses set forth in the Amendment are permitted by and consistent with Tract Map 35269, as modified by the City Council in 1998;

(c) The Amendment will not be detrimental to the public health, safety and general welfare since it encourages the construction of a project that is desirable and beneficial to the public. Furthermore, the Amendment does not modify those provisions of the Development Agreement which specifically permit application to the project of rules and regulations under Los Angeles Municipal Code Sections 91.0101 through 98.0606 relating to public health and safety;

(d) The Amendment complies with all applicable City and State regulations governing development agreements;

(e) The Amendment is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

Section 3. The City Council hereby approves the Amendment and authorizes and directs the Mayor to enter into the Amendment in the name of the City of Los Angeles, and, further, directs the City Clerk to record the Amendment and this ordinance with the County Recorder within ten days of its effective date.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records. I here certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles July 02, 2002 and was passed at its meeting of July 09, 2002.

J. MICHAEL CAREY, City Clerk

By Konrad Carter, Deputy

Approved: July 17, 2002

JAMES K. HAHN, Mayor

Approved as to Form and Legality

June 3, 2002

Rockard J. Delgadillo, City Attorney

By Jack L. Brown

Assistant City Attorney

C.F. 02-0993

08/12/02

DJ-429874#

02 2213916