

## FINDINGS

### A. DEVELOPMENT AGREEMENT FINDINGS

State Government Code Section 65868 authorizes municipalities to enter into binding development agreements with persons having legal or equitable interest in real property.

The City of Los Angeles ("City") has adopted rules and regulations establishing procedures and requirements for consideration of development agreements under Citywide Development Agreement Procedures (CF 85-2313-S3). In addition, on November 19, 1992, the City Planning Commission adopted new guidelines for the processing of development agreement applications (CPC No. 86-404 MSC). The development agreement process was initiated by the Applicant, and all proceedings have been taken in accordance with the City's adopted procedures.

In January 2013, the City approved a Development Agreement for the Century Plaza Development Project (Project), located at 2025 South Avenue of the Stars, 2030 Century Park West, and 10220 West Constellation Boulevard (Ordinance 182,381 effective March 2013). In addition, the City Council found that the previously Certified EIR was an adequate environmental clearance and no additional environmental review was required. The Development Agreement (DA) outlined a number of public benefits that would be provided as part of the Project, including a direct payment in the amount of \$125,000 to the California Community Foundation for the purpose of funding a traffic study in the vicinity of Century City. Due to the extended time period between Council action, execution of the DA, and receipt of payment by the Applicant, the California Community Foundation has indicated that the funding for this traffic study is no longer needed. Subsequently, an amendment to the Development Agreement has been required to change the recipient of the funds from the California Community Foundation to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund.

Pursuant to Section 65867.5 of the Government Code, in January 2013 the City made findings that the Development Agreement was consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, including the West Los Angeles Community Plan, the Century City North Specific Plan. Orderly development of the project site is further governed by Department of City Planning Case Nos. VTT-71688-CC and CPC-2008-4953-CU-CUB-DA-ZAA-SPP-SPR-PA-MISC. The modification of the Development Agreement is therefore also consistent by providing no change in the amount of community benefits and funding of the previously approved Development Agreement in January 2013, and strictly requesting to change the recipients of one fund from the California Community Foundation to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund. The substitute community benefit will provide the same amount of funding to the same local community and therefore is also consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, Community Plan and Specific Plan.

This amendment to the Development Agreement is administrative and technical in nature and will have no impact on the project under the EIR certified on August 1, 2012, the Century Plaza Development Project EIR. Moreover, the provisions of the amendment to the Development Agreement do not grant the project or the project applicant any exceptions, variances, or otherwise allow the applicant to deviate from the required development regulations of the Code. The intent of the Development Agreement is to recognize the life of the entitlements to a

specified term in exchange for the provision of public benefits. The proposed amendment Development Agreement will not be detrimental to the public health, safety and general welfare. The approval of the amended Development Agreement will promote the expeditious delivery of public benefit monies directly from the Applicant to the identified parties for the provision of improvements that address existing neighborhood concerns for the area generally bounded by Century Park West, Pico Boulevard, Overland Avenue, the 10 Freeway, Sepulveda Boulevard, and Santa Monica Boulevard within the Council District's boundaries.

Overall, the Development Agreement provides several public benefits by preserving and rehabilitating the existing historic hotel; providing a mix of complementary hotel, residential condominium and office uses together with restaurant and retail space, meeting the economic and design goals of the General Plan; providing physical improvements and reactivating the pedestrian realm through various amenities in the vicinity of the project, including new active ground floor uses, an 1.5-acre publically accessible plaza with outdoor art program, and pedestrian linkages; providing economic benefits in terms of job generation and tax revenue; and incorporating sustainability features in the project's design.

The Development Agreement complies in form and substance with all applicable City and State regulations governing development agreements. Based upon the above Findings, the proposed Development Agreement is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of Century Plaza Development Project by preparing an environmental impact report (EIR) (ENV-2008-4950-EIR / State Clearinghouse No. 2009061084). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Century Plaza Development Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Century Plaza Development Project (Project), located at 2025 South Avenue of the Stars, 2030 Century Park West, and 10220 West Constellation Boulevard. The Project involves redevelopment of the site of the 16-story Hyatt Regency Century Plaza hotel with an integrated mixed-use development, providing hotel, residential, commercial and ground-level retail and restaurant uses surrounding an approximately 1.5-acre publicly accessible plaza.

The Draft EIR was circulated for a 69-day public comment period from July 21, 2011 to September 29, 2011. The Final EIR was then distributed on May 17, 2012. The Advisory Agency certified the EIR on August 1, 2012 ("Certified EIR") in conjunction with the approval of the Project (VTT-71688-CC). In connection with the certification of the EIR, the Advisory Agency adopted CEQA findings and a mitigation monitoring program. The Advisory Agency adopted the mitigation monitoring program in the EIR as a condition of approval.

On January 15, 2013, in conjunction with approval of a Development Agreement for the project (CPC-2008-4953-CU-CUB-DA-ZAA-SPP-SPR-PA-MISC / Ordinance 182,381 effected March 9, 2013), the City Council found that the previously Certified EIR was an adequate environmental clearance and no additional environmental review was required. The Development Agreement

outlined a number of public benefits that would be provided as part of the Project, including a direct payment in the amount of \$125,000 to the California Community Foundation. Subsequently, an amendment to the Development Agreement is required to change the recipient of the funds from the California Community Foundation to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund.

### **NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The amendment to the Development Agreement to change the recipient of one of the direct fund payments does not require the preparation of a subsequent or supplemental environmental review document. None of the above changes or factors has arisen since the Project approval. There are no substantial changes to the Project, and the Project is substantially the same as the approved Project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the Project's conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplemental or subsequent EIR or subsequent mitigated negative declaration is required for the Project, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## **RECORD OF PROCEEDINGS**

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).