



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: FEB 03 2020

Case No. **CPC-2008-4953-CU-CUB-DA-ZAA-SPP-SPR-GB-M1**
CEQA: ENV-2008-4950-EIR
Plan Area: West Los Angeles

Council District: 5 – Koretz

Project Site: 2025 Avenue of the Stars; 2030 Century Park West;
1220 West Constellation Boulevard

Applicant: Next Century Associates LLC
Representative: Mark Armbruster, Armbruster Goldsmith & Delvac LLP

At its meeting of **January 23, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

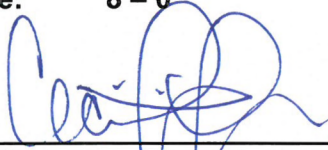
An amendment to the Century Plaza Development Project (Project) Development Agreement Section 3.1.3.2 to change the recipient of certain funds from the California Community Foundation to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report No. ENV-2008-4950-EIR, certified on August 1, 2012; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR or negative declaration is required for approval of the Project;
2. **Approved** and **Recommended** that the City Council adopt, pursuant to the Section 65864-65869.5 of the California Government Code and the City implementing procedures, the proposed amendment to the Development Agreement between Next Century Associates LLC and the City of Los Angeles; and
3. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Leung
Ayes: Choe, Khorsand, Mack, Millman, Mitchell, Padilla-Campos
Absent: Ambroz

Vote: 8 – 0


Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

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

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and effective upon the mailing of this determination letter and not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachments: Draft Ordinance, Development Agreement Amendment, Findings

c: Debbie Lawrence, Senior City Planner
Milena Zasadzien, City Planner
Jivar Afshar, Planning Assistant

ORDINANCE NO. _____

An ordinance authorizing the execution of an amendment to the Development Agreement by and between the City of Los Angeles and Next Century Associates, LLC, a limited liability company (the Developer) relating to real property in the West Los Angeles Community Plan area, located at 2025 Avenue of the Stars, 2030 Century Park West, and 1220 West Constellation Boulevard.

WHEREAS, the Development Agreement between the City and Developer was entered into on April 22, 2013, and recorded on April 24, 2013, in the Official Records of Los Angeles County, California as Instrument No. 20130618132 (Development Agreement) after adoption by the City Council of Ordinance No. 12-1580 on March 9, 2013; and

WHEREAS, City and Developer wish to amend Section 3.1.3.2(ii) of the Development Agreement to direct payment in the amount of \$125,000 to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund, in lieu of payment to the California Community Foundation (the Amendment), which Amendment is hereby incorporated by reference into the provisions of this ordinance; and

WHEREAS, after due notice, the City Council did conduct a public hearing on this matter; and

WHEREAS, pursuant to California Government Code Sections 65864 et seq., the Planning and Land Use Management Committee has transmitted its findings and recommendations; and

WHEREAS, the Amendment to Development Agreement is in the public interest and is consistent with the City's General Plan, including the West Los Angeles Community Plan; and

WHEREAS, the City Council has reviewed and considered the Amendment to Development Agreement.

NOW, THEREFORE,

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

Section 1. The City Council finds, with respect to the Amendment, that:

(a) It is consistent with the City's General Plan, policies and programs specified in the West Los Angeles Community 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 development agreement are permitted by or are consistent with the West Los Angeles Community Plan;

(c) It will not be detrimental to the public health, safety and general welfare since it encourages the construction of a project which is desirable and beneficial to the public. Furthermore, the Development Agreement specifically permits application to the project of rules and regulations under the Los Angeles Municipal Code Section 91.101.1 to 98.0605 relating to public health and safety;

(d) It complies with all applicable City and State regulations governing development agreements; and,

(e) It is necessary to strengthen the public planning process to reduce the public and private costs of development uncertainty.

Section 2. The City Council hereby approves the Amendment, and authorizes and directs the Mayor to execute the Amendment in the name of the City of Los Angeles.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Next Century Associates, LLC
1999 Avenue of the Stars, Suite 2850
Los Angeles, California 90067
Attn: Rick Arambulo

Space Above This Line For Recorder's Use

AMENDMENT TO
DEVELOPMENT AGREEMENT

This Amendment to Development Agreement (the "Amendment") is entered into as of the ___ day of _____, 2020, by and between the CITY OF LOS ANGELES, a municipal corporation (the "City") and NEXT CENTURY ASSOCIATES, LLC, a California limited liability company ("Developer").

RECITALS

A. The City and Developer entered into that certain Development Agreement dated April 22, 2013, and recorded on April 24, 2013, in the Official Records of Los Angeles County, California as Instrument No. 20130618132 (the "Development Agreement") after adoption by the City Council of Ordinance No. 12-1580 on March 9, 2013.

B. Section 3.1.3.2(ii) of the Development Agreement required the Developer to deposit \$125,000 with the California Community Foundation.

C. The California Community Foundation has now indicated that they no longer wish to accept the deposit required by Section 3.1.3.2(ii) of the Development Agreement.

D. The City and Next Century wish to amend the Development Agreement, pursuant to Section 7.6 thereof, to modify the provisions of the Development Agreement to direct payment in the amount of \$125,000 to the City of Los Angeles - Council District 5 Avenue of the Stars Community Amenities Trust Fund, in lieu of payment to the California Community Foundation. Developer has already provided the City with a check in the amount of \$125,000, in full compliance with the Development Agreement and this Amendment.

NOW, THEREFORE, the City and Next Century hereby agree to amend the Development Agreement as follows:

1. Section 3.1.3.2 is hereby deleted and replaced in its entirety as follows:

Additional Localized Community Benefits. As additional consideration for this Agreement, within ten (10) days prior to the issuance of a building permit for construction of the Project, the Developer will (i) pay \$25,000 each year for a period of five years to fund

marketing and promotional efforts for the Century City Transportation Management Organization; (ii) deposit \$125,000 into the City of Los Angeles – Council District 5 Avenue of the Stars Community Amenities Trust Fund; (iii) deposit \$50,000 into the Board of Public Works Trust Fund “Santa Monica Boulevard Alleys Project” (established by Council File 10-0473-S1) for the purpose of repairing alleys within the vicinity of Century City; and (iv) deposit \$100,000 into the Department of Transportation’s Local Match Fund entitled “Century City Pedestrian Connection Project” for the purpose of supporting and advancing the Century City Greening Plan. For the avoidance of doubt, permits pulled in the ordinary course of operations of the existing Hotel at the Property shall not be deemed “building permits” that trigger payment or fulfillment of these localized community benefit commitments.

2. 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.

IN WITNESS WHEREOF, the parties have each executed this Amendment as of the date first above written.

Approved as to Form and Legality:

CITY OF LOS ANGELES

_____, 2020

MICHAEL N. FEUER, City Attorney

By: _____
Mayor

By: _____
Laura M. Cadogan Hurd
Deputy City Attorney

Next Century Associates, LLC, a Delaware
limited liability company

Date: _____

By: _____
Name: Michael Rosenfeld
Its: Managing Partner

Attest: _____, City Clerk

By: _____
Name:
Its:

By: _____
Deputy

Date: _____

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).