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January 9, 2015

Planning and Land Use Management Committee  
Los Angeles City Council  
City Hall  
200 North Spring Street  
Los Angeles, CA 90012  
Attn: Sharon Gin, Legislative Assistant

Re: Century City Center Project (Council File No. 14-1130); Case Nos. 2013-210-SPP-SPR-MS-C, CPC-2009-817-DA-M1; ENV-2004-6269-SUP1

Dear Chair Huizar and Honorable Committee Members:

On behalf of Century City Realty, LLC, we are writing in support of Century City Center – the proposed LEED Platinum high-rise office building in the heart of Century City at the proposed station portal site for the Purple Line subway.

Following the testimony of over 25 project supporters from labor, community and environmental groups and the endorsement of Councilman Koretz at the PLUM Committee's September 16, 2014, meeting, the Committee denied the project appeals and affirmed the Planning Commission's unanimous approval of the Project. Since that time, the City Attorney's Office has prepared the project's Development Agreement Ordinance, and the City Planning Department has issued an Errata to the Project's Final Subsequent EIR. The Errata further confirms that the Project as approved and conditioned by the Planning Commission and the PLUM Committee will not result in new significant environmental impacts that were not otherwise disclosed in the EIR. We respectfully request that you certify the EIR and the Planning Department's Errata, deny the appeals and approve the proposed Development Agreement Ordinance.

In our submittal for your September 16 hearing, we detailed the thousands of supporters the Project has earned, including area residents, businesses, and community groups. The Project has also reached agreements with 12 local homeowner organizations. In addition, the Project has received unprecedented support for a commercial office project from environmental groups, business groups, and labor organizations including Natural Resources Defense Council, Sierra Club Angeles Chapter, Los Angeles County Federation of Labor, Los Angeles County Business Federation and LAANE (Los Angeles Alliance for a New Economy). Our client also has entered into a Project Labor Agreement with the Los Angeles/Orange Counties Building and Construction Trades Council. When constructed

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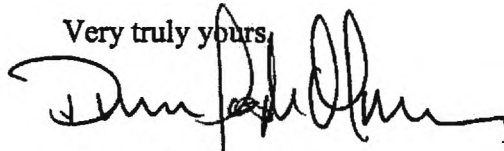
and operated, the Project will provide a modern, sustainable, world-class high-rise office building that will create **thousands of union construction jobs and permanent jobs** and will serve as an economic engine for the City and an economic anchor for Century City.

The Project's opposition has been headed primarily by a single law firm, which filed four appeals of the Planning Commission's approval (a fifth appeal was filed by a separate party). That same law firm has submitted a series of letters to the Committee, including one letter on December 15, 2014 and three other, virtually identical letters on the same day. The issues raised in the stand-alone December 15 letter are not new, and are an attempt by this law firm to reargue matters already fully addressed in the Committee's record. The three identical December 15 letters all erroneously claim that the Errata constituted a "last minute document dump" that deprived the public of the opportunity to review and comment on its analysis. However, and contrary to those claims, **the Planning Department released the Errata on December 12, 2014 – over 30 days before the Project's January 13, 2015 hearing.** Despite this law firm's both erroneous and previously addressed claims, in order to keep the PLUM Committee fully informed of the issues, we have fully responded to their claims in Attachment 1 to this letter.

Based on the substantial and detailed consideration that has been given to the Project by the Planning Department, the Planning Commission, and this Committee, the appeals should be denied and the Project and its Development Agreement should be approved. The Project as proposed and conditioned in the Conditions of Approval and in the Development Agreement will provide substantial public benefits, including, among many others, a **private investment of over \$350 million** in the City, **creation of approximately 6,000 jobs**, significant contributions to the Planning Department and the community for planning and traffic improvements, **a new shuttle service between the Expo Line and Century City**, development of a new mobile app to relieve congestion, alternative transportation options including a subway portal-ready site, a green roof deck open to the public, and a beautiful building designed by Johnson Fain to achieve a LEED Platinum rating or its equivalent.

We respectfully request that you deny the appeals, certify the EIR and the Planning Department's Errata, and approve the Project and the Development Agreement Ordinance. Please do not hesitate to contact us with any questions.

Very truly yours,



Duncan Joseph Moore  
of LATHAM & WATKINS LLP

Attachment

cc: Shawn Bayliss, Council District 5  
Patrick Meara and Sarah Shaw, Century City Realty  
George Muhlsten, Latham & Watkins

## ATTACHMENT 1

This attachment responds to four letters submitted to the PLUM Committee on December 15, 2014. All of the letters were submitted by Benjamin M. Reznik and Neill E. Brower of Jeffer Mangels Butler & Mitchell LLP (“JMBM”). Three of the letters are substantively identical, and were submitted on behalf of Watt Plaza, Beverlywood Homes Association, and One Hundred Towers, LLC/Entertainment Center, LLC (the “December 15 Letters”). The fourth letter was submitted on behalf of One Hundred Towers, LLC/Entertainment Center, LLC (the “JMBM Letter”).

### **I. THE ERRATA WAS RELEASED MORE THAN 30 DAYS IN ADVANCE OF THE COMMITTEE’S HEARING ON THE PROJECT**

The three December 15 Letters made erroneous claims about the City’s Supplemental Notice of Completion and Availability of the Subsequent EIR, including the Errata, and the agenda item considered by the PLUM Committee on December 16, 2014 to set the Project for hearing on January 13, 2015. The three letters characterized the public release of the Errata as a “last-minute document dump” and wrongly asserted that the Errata would be considered at the Committee’s December 16 hearing. Contrary to those claims, the Committee neither considered nor took any discretionary action regarding the Errata on December 16. Instead, the Committee merely noted on the public record that the Errata had been issued by the Planning Department, and scheduled a hearing on the entire Project (including the Errata) for January 13, 2015.

Regarding the December 15 Letters’ claim that the City’s release of the Errata “deprive[d] the public and decisionmakers of any meaningful opportunity to review and comment,” nothing could be further from the truth. The Errata was released by the City on December 12, 2014, more than 30 days in advance of the PLUM Committee’s January 13, 2015 hearing on the Project. Therefore, there has been ample time for members of the public to review and comment on the information included in the Errata before it is considered by the Committee. CEQA does not require a lead agency to provide opportunity for review and comment on a final EIR, but it “may” do so. (CEQA Guidelines, Sec. 15089(b).) Here, the City has provided more than 30 days to review the information contained in the Errata before holding a public hearing on the Project to consider the Errata’s changes to the Final Subsequent EIR.

The December 15 Letters also wrongly claim that the release of new, technical information in the Errata “subvert[s] the CEQA process.” On the contrary, as explained in the Errata itself, the City has reviewed the information in the Errata and has determined that it does not change any of the findings or conclusions in the Final Subsequent EIR and does not constitute “significant new information” which would require recirculation pursuant to CEQA Guidelines Section 15088.5. The information added to the Final Subsequent EIR in the Errata merely clarifies, corrects, adds to, or makes insignificant modifications to information in the Draft Subsequent EIR. The City has fully complied with CEQA in the circulation of the Errata, and the December 15 Letters’ arguments to the contrary are wholly without merit.

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## **II. THE PLANNING COMMISSION PROPERLY VOTED TO APPROVE THE PROJECT, AND THE APPEALS SHOULD BE DENIED**

The JMBM Letter on behalf of One Hundred Towers, LLC/Entertainment Center, LLC states that it is intended to supplement the appeal previously filed by One Hundred Towers, LLC of the City Planning Commission's approval of the Century City Center Project ("Project").

As we have detailed in numerous prior letters to the Hearing Officer, the Planning Commission and the PLUM Committee<sup>1</sup> and in testimony before all three bodies, the Project is supported by voluminous information in the City's administrative record, and is fully consistent with all applicable City Codes and land use plans, including the Century City North Specific Plan ("CCNSP"). As detailed in our September 11, 2014 submittal to the PLUM Committee, the Planning Commission properly voted to approve the Project at its meeting on June 12, 2014, and the findings adopted by the Planning Commission are supported by substantial evidence.

The issues raised in the JMBM Letter are not new. Once again, JMBM incorrectly claims: (1) that the City and the Applicant have conflated vehicle trips with Cumulative Alternative Trip Generation Potential ("CATGP") Trips under the CCNSP in order to increase the development potential of the Project Site; (2) that Section 6 of the CCNSP may only be applied to "unique" land uses; and (3) that every other project approved in the CCNSP area has utilized Trip rates outlined in Section 2 of the CCNSP, which JMBM argues should result in a denial of the Applicant's request for an Alternative Calculation of Trip Generation Factors for the Project under Section 6 of the CCNSP. JMBM supports this final assertion by referring to an Addendum published in August 2014 for the New Century Plan for the Westfield Century Center shopping center. Each of these arguments is misleading and incorrect under the law, and has been fully responded to by City in the Final Subsequent EIR and the Planning Commission's adopted findings, as well as in our prior letters. Nevertheless, each of JMBM's arguments is addressed below.

### **A. The Subsequent EIR Does Not Conflate the Traffic and CATGP Trip Analyses**

JMBM once again claims that the Subsequent EIR conflated the traffic analysis and CATGP Trip analysis under the CCNSP. As explained in our prior letters and demonstrated in the Planning Commission's adopted findings, JMBM is mistaken because the Subsequent EIR did separately analyze the Project's trip generation and its Trip usage under the CCNSP.

The Project's traffic trip generation was calculated based on the results of actual trip generation surveys of four similar office buildings in Century City, conducted by Gibson Transportation Consulting, Inc. and summarized in the Trip Generation Memo (see Appendix F to the Modified Project Transportation Study, Draft Subsequent EIR Appendix C). The Transportation Study analyzed traffic and circulation impacts based on peak hour trip estimates from three different trip generation scenarios: (1) the Empirical Rate of 4.69 daily trips per 1,000 square feet, (2) the Economy Adjustment Rate of 4.97 daily trips per 1,000 square feet,

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<sup>1</sup> See Latham & Watkins letters dated November 15, 2013; December 6, 2013; April 24, 2014; May 5, 2014; May 29, 2014; and September 11, 2014.

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and (3) the Published Rates, using published trip generation rates from the Institute of Traffic Engineers (ITE) Trip Generation Report and the West Los Angeles Transportation Improvement and Mitigation Plan (West LA TIMP). These trip generation rates and the Transportation Study were approved by LADOT in its Revised Traffic Assessment for the Proposed Modified Project at 1950 Avenue of the Stars dated December 18, 2012 (see Final Subsequent EIR Appendix C), and for the Enhanced Retail Alternative in LADOT's letter to the PLUM Committee dated August 8, 2014 (see Final Subsequent EIR Appendix AP). For a detailed discussion of the validity of these trip generation rates and the methodology used in calculating them, please see Topical Response 5: Validity of Empirical Trip Generation Rate, in the Final Subsequent EIR. The traffic impacts associated with these trip generation rates for the Modified Project were fully analyzed in Section 4.2, Traffic and Circulation, of the Draft Subsequent EIR, and for the Enhanced Retail Alternative in Section 3.1.1 of the Final Subsequent EIR.

The Empirical Rate and Economy Adjustment Rate developed in the Transportation Study were also separately used to support the Applicant's request for an Alternative Calculation of Trip Generation Factors under CCNSP Section 6. The CCNSP limits the intensity of development through the allocation of "Trips" to certain parcels in the CCNSP area. "Trip" is defined in CCNSP Section 2 as a "unit of real property development rights pursuant to this Specific Plan and means a calculation of daily arrivals at and departures from a building or structure by motor vehicles of four or more wheels." Accordingly, the number of Trips a particular development project might require is inherently tied to the number of traffic trips (i.e., daily arrivals and departures) that the uses in that development project will generate. Trips are intended to represent the actual number of daily trips projected to travel into and out of a property. A project cannot be developed unless it has sufficient Trips for the uses and square footages proposed. (See CCNSP Secs. 3.C.2.a-c.)

Pursuant to CCNSP Section 6, the Applicant requested that LADOT review and recommend approval of its application for an Alternative Calculation of Trip Generation Factors for the Project. In support of this application, the Applicant submitted the empirical trip generation study included in the Transportation Study conducted by Gibson Transportation Consulting. (See letter to Jamie de la Vega (LADOT) from Century City Realty, LLC dated October 10, 2013.) Upon reviewing the Applicant's request and the evidence submitted, LADOT issued a memorandum to the City Planning Commission dated October 28, 2013, which "recommends the approval of the Alternative Calculation of Trip Generation Factor of 4.97 daily trips per 1,000 square-feet (sf) for the proposed modified project." LADOT confirmed that this recommendation also applies to the Enhanced Retail Alternative in its letter to the PLUM Committee dated August 8, 2014 (see Final Subsequent EIR Appendix AP).

All impacts of the Project related to consistency with the CCNSP, including its Trip provisions, were fully analyzed in Section 4.1, Land Use, of the Draft Subsequent EIR for the Modified Project, and in Section 3.1.1 of the Final Subsequent EIR for the Enhanced Retail Alternative. Therefore, the Subsequent EIR did separately analyze the traffic generation and consistency with the CCNSP's Trip provisions, contrary to the statements in the JMBM Letter. Furthermore, the Planning Commission's Determination contained separate findings related to the Project's consistency with the CCNSP's Trip provisions (see, e.g., pp. F-13 – F-16, F-45 – F-50) and the Project's traffic generation (see, e.g., pp. F-8 – F-13, F-50 – F-68).

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**B. The CCNSP Does Not Contain a Requirement that a Use be “Unique” to Qualify for an Alternative Calculation of Trip Generation Factors**

JMBM again advances the flawed argument that a use must be “unique” to justify an alternative Trip generation factor. Contrary to that claim and as explained in detail in our prior letters, the CCNSP does not require that a use be “unique” in order for CCNSP Section 6’s procedures to apply. A plain reading of Section 6 confirms that an Alternative Calculation of Trip Generation Factors may be requested for “any of the Trip generation factors enumerated in the definition of CATGP in Section 2 of this Ordinance.” Accordingly, any of the Trip generation factors provided in CCNSP Section 2 is subject to modification pursuant to Section 6, including the “Other Office Commercial” factor.

Further, as discussed in the Final Subsequent EIR, a letter from County Supervisor Zev Yaroslavsky dated February 14, 2013, also confirms that the intent of CCNSP Section 6 was to allow an alternative Trip generation factor to be requested for any of the uses enumerated in CCNSP Section 2. Mr. Yaroslavsky was the member of the Los Angeles City Council representing the Century City area at the time of the CCNSP’s adoption. In the February 14 letter, Mr. Yaroslavsky states that the purpose of Section 6 “was to ensure that the trip counts used to regulate development within the Plan would be based on the most accurate trip generation figures possible,” and that “[t]he mechanism was codified in Section 6 in anticipation of any changes in circumstance, or the development of site-specific data, that would justify a modification to the trip generation factor (CATGP) set forth in Section 2 of the Plan.” In the letter, Mr. Yaroslavsky points out that alternative Trip generation factors were intended to be granted only if justified by “a rigorous traffic analysis by competent professionals” and that the provision was added to the CCNSP “to ensure that the Plan would govern development based on real-world data rather than trip generation estimates that did not accurately apply to a given site.” Therefore, consistent with the plain language in Section 6, the developer of a project involving uses that fall within the Trip generation factors enumerated in CCNSP Section 2 may submit a proposed Alternative Calculation of Trip Generation Factors under Section 6. This is what the Applicant has done in this case, by submitting an alternative Trip generation rate for the “Other Commercial Office” rate as applied to the proposed Project.

JMBM once again refers to the AT&T/Pacific Bell Building at 2010 Century Park East, which involved a CCNSP Section 6 approval for a project converting office space to house telephone and computer equipment, as an example of a “unique” use that was contemplated by the drafters of the CCNSP. As explained in our prior letters, this point ignores the reasons that Section 6 was included in the CCNSP in the first place – to allow any of the existing Trip generation factors to be disputed for any project. During the preparation of the CCNSP, an existing project in Century City, the Century City Shopping Center, was granted a lower Trip generation factor for retail commercial uses than the standard factor that was included in a draft of CCNSP Section 2. As explained in Mr. Yaroslavsky’s letter, that lower factor was granted based on a “rigorous, real-world study” that “counted the number of vehicles entering and leaving their complex over a period of time.” (Yaroslavsky Letter, p. 1.) As a result, the decision to write a lower Trip generation factor for the Shopping Center into the CCNSP “was based on real facts on the ground, not hypothetical assumptions.” (Id.) Furthermore, as Mr. Yaroslavsky explains, the drafting of CCNSP Section 6 was inspired by the lower Trip

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generation factor granted to the Shopping Center “(1) out of fairness to the owners of other properties who could similarly justify that their proposed uses would generate a different number of trips than those listed in the CATGP; and, (2) to ensure that the Plan would govern development based on real-world data rather than trip generation estimates that did not accurately apply to a given site.” (Id. at p. 2.) Therefore, Section 6 was drafted and included in the CCNSP in order to provide all property owners in Century City with the opportunity to dispute the standard Trip generation factors in Section 2, and there was no requirement imposed that a use be “unique” in order for Section 6 to apply.

For more discussion of this issue, please see Topical Response 1: Application of CCNSP Section 6, in the Final Subsequent EIR.

C. CCNSP Section 6 is Properly Applied to the Project, Even if Other Recent Projects Used Different Methodologies to Analyze Traffic and Land Use Impacts

JMBM has attached excerpts from the Addendum published by the Planning Department for the New Century Plan for the Westfield Century City shopping center in August 2014, to support an argument that projects should use separate trip generation rates for analyses of traffic generation and of consistency with the CCNSP’s Trip provisions. As an initial matter, Westfield could not have requested an alternative Trip generation factor under CCNSP Section 6 for the New Century Plan, because Westfield did not conduct an empirical Trip generation study that is required for Section 6 to be applied. Instead of using current trip generation characteristics of the Century City shopping center to determine their proposed project’s traffic impacts, Westfield used trip generation factors provided by the Institute of Traffic Engineers and West Los Angeles Transportation Improvement and Mitigation Specific Plan. Nevertheless, had Westfield elected to conduct a “rigorous, real-world study” to determine the trip generation of its proposed project, then Westfield could have used that study to both analyze its project’s potential traffic impacts and to support a request for an alternative Trip generation factor under CCNSP Section 6. Nothing precluded Westfield from seeking an alternative factor, and the fact that they chose not to conduct an empirical study does not mean that they could not have conducted such a study and submitted a Section 6 request under the CCNSP. Moreover, the shopping center owner previously conducted an empirical trip generation study for the center at the time of the CCNSP’s adoption in 1981, which led to the creation of the special “Shopping Center” Trip generation factor in CCNSP Section 2. As discussed above, the City’s adoption of that special Trip generation factor (which is a lower factor than the generally applicable Other Retail Commercial uses) was the justification for the City’s adoption of CCNSP Section 6 – so that all property owners in Century City could also apply for lower Trip generation factors if supported by an empirical Trip generation study.

Furthermore, as discussed in Response to Comment O-27-35 in the Final Subsequent EIR, while several recent Century City projects (including the Westfield New Century Plan) have used the Trip generation factors contained in CCNSP Section 2 to determine compliance with the CCNSP, while evaluating potential traffic impacts using different rates, the fact that those projects did not seek an approval under CCNSP Section 6 does not foreclose its use by others. The analysis employed for the Applicant’s Project is not inconsistent with the provisions of the CCNSP, as JMBM’s letter implies. As discussed in our prior letters, the CCNSP’s Trip

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provisions were intended to limit traffic generation within the CCNSP area, and using a Trip generation factor based on the actual expected trip generation characteristics of a project to analyze the project's consistency with the CCNSP meets the CCNSP's intent.

For all of the reasons set forth above, and contrary to the assertions in the JMBM Letter, the Subsequent EIR and the Planning Commission's Determination for the Applicant's Project separately analyzed traffic generation and CCNSP consistency, and the use of the same trip generation factor under both analyses is fully consistent with the CCNSP.