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ATHAM & WATKINS^{LLP}

September 11, 2014

VIA MESSENGER

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-CPC-2009-817-DA-M1; ENV-2004-6269-SUP1

Dear Chair Huizar and Honorable Committee Members:

We are writing on behalf of Century City Realty, LLC with regard to the appeals of the proposed new LEED Platinum high-rise office building in the heart of Century City. The Project has received the **unanimous recommendation of the City Planning Commission, the support of Councilman Koretz, the positive recommendation of the Planning Department and the support of labor, community groups and environmental groups.** We request that you deny the appeals and affirm the Planning Commission's approval of the Century City Center Project.

Century City Center will be located on a currently vacant lot **at the proposed station portal site for the Purple Line subway.** The Project includes a modern, sustainable, world-class office building that will create thousands of union construction jobs and permanent jobs and serve as an economic engine for the City. The Project also includes low-rise creative office space, retail space, a transit plaza, a mobility hub, and a landscaped green roof parking deck that will be open to the public.

The Applicant is proud of the **thousands of Project supporters, including area residents, businesses, community groups, and homeowner organizations.** Furthermore, we have earned unprecedented support for a commercial office project from environmental groups, business groups, and labor organizations including the **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).** Also, the Project has reached agreements with numerous local homeowner associations including: Motor Avenue Improvement Association; Comstock Hills Homeowners Association; Tract No. 7260 Association, Inc.; West of Westwood Homeowners Association; California Country Club Homes Association; Westwood Gardens Civic Association; Cheviot Hills Home Owners' Association; Overland Avenue Community; Cheviot Hills Traffic Safety Association;

LATHAM & WATKINS LLP

and Westwood Homeowners Association. Copies of letters received from these organizations and other notable project supporters are provided for your review in Attachment 1 to this letter.

In addition, our client has entered into a Project Labor Agreement with the Los Angeles/Orange Counties Building and Construction Trades Council for the construction of the Project, and looks forward to its strong, continuing relationship with SEIU and others during the operation of the new building.

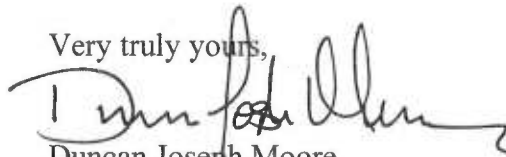
Primary opposition to the Planning Department's original positive recommendation for the Project and at the Planning Commission has come from a single law firm. That same law firm has now filed four separate appeals of the Planning Commission's approval. A fifth appeal was filed by a separate party. So that your Committee is fully informed of the issues, Attachment 2 to this letter responds to the claims raised in those appeals and demonstrates why the opponents' arguments and contentions are incorrect, misleading, and flawed.

Substantially all of the issues raised in the appeals have been raised on numerous prior occasions before the Hearing Officer and the Planning Commission. All of the claims have been fully responded to by Planning Department and Department of Transportation staff, in the Final Subsequent EIR, and in our prior letters. Based on the voluminous information in the Project's administrative record and the detailed Attachment 2 to this letter, the appeals should be denied.

As detailed in the Planning Commission's Determination, the Project would have numerous public benefits, including, among many others: a private investment of over \$350 million in the City; creation of approximately 6,000 jobs; increased revenues to the City; 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 your denial of the appeals and approval of the Project. Please do not hesitate to contact us with any questions.

Very truly yours,



Duncan Joseph Moore
of LATHAM & WATKINS LLP

Attachments

cc: Shawn Bayliss, Council District 5
Patrick Meara and Sarah Shaw, Century City Realty
George Muhlsten, Latham & Watkins
John Ek, Ek & Ek
Steve Afriat, Afriat Consulting Group

CENTURY CITY REALTY, LLC

10250 Constellation Boulevard, Suite 200

Los Angeles, CA 90067

LETTERS FROM NOTABLE PROJECT SUPPORTERS

Century City Center Project: Case Nos. CPC-2013-210-SPP-SPR-MS, CPC-2009-817-DA-M1; ENV-2004-6269-SUP1

We have earned unprecedented support for a commercial office project from key environmental, business, and labor organizations. The following pages include letters from:

- Natural Resources Defense Council
- Sierra Club Angeles Chapter
- Blue Green Alliance
- UCLA E3
- Construction Industry Air Quality Coalition
- Construction Industry Coalition on Water Quality
- Clinton Global Initiative
- LA County Federation of Labor, AFL-CIO
- United Firefighters of Los Angeles City
- Los Angeles Police Protective League
- Teamsters Joint Council 42
- LA/OC Building and Construction Trades Council
- State Building and Construction Trades Council
- United Service Workers West - SEIU
- LAANE (Los Angeles Alliance for a New Economy)
- CLUE LA (Clergy & Laity United for Economic Justice)
- Jewish Labor Committee - Western Region
- Los Angeles County Business Federation
- West Los Angeles Chamber of Commerce
- Asian Business Association
- Asian American Business Women Association
- Regional Black Chamber of Commerce SFV
- Los Angeles Metropolitan Hispanic Chambers of Commerce
- The Valley Economic Alliance
- National Association of Women Business Owners
- Harbor Association of Industry & Commerce
- GLAAACC (Greater Los Angeles African American Chamber of Commerce)
- Comstock Hills HOA
- West of Westwood HOA
- Motor Avenue Improvement Association
- Tract No. 7260 HOA
- Country Club HOA
- Westwood Gardens Civic Association
- Cheviot Hills HOA
- Overland Avenue Community
- Cheviot Hills Traffic Safety Association
- Westwood HOA
- FAST (Fixing Angelenos Stuck in Traffic)
- Move LA



NATURAL RESOURCES DEFENSE COUNCIL

April 22, 2014

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

RE: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

To the Planning Commission:

Please join us in support of Century City Center, designed to be the first new-build high-rise in Los Angeles to be considered for LEED Platinum certification. As you are aware, at NRDC we are committed to a shift toward a more sustainable future including advocating for green design and construction. Century City Center is an important \$350 million investment in Los Angeles and will be a positive and green step forward for the City of Los Angeles.

We support Century City Center as it will be built to the highest environmental standards available, applying for LEED Platinum certification from the US Green Building Council and will be Southern California's first new-build LEED Platinum High-Rise office building.

It is our sincere hope that this project will raise the green standard for future development in Los Angeles.

We ask that the Planning Commission approve this project for Los Angeles' future.

Thank you,

David Pettit
Senior Attorney



Sierra Club Angeles Chapter
3435 Wilshire Boulevard, Suite 320
Los Angeles, CA 90010-1904
213-387-4287
www.Angeles.SierraClub.org

April 25, 2013

Re: Century City Center - LEED Platinum Project

We would like to support this project for its practical, demonstration and iconic values.¹

Century City Center is commendable for its strong transportation focus, green work force considerations, and overall carbon reduction and water conservation practices through green design². The project will be significant in its conveyance of green building principles to a larger community. Century City Center will model energy efficiency, water conservation and re-use, passive cooling, waste stream management, reduced energy use through building design, on-site solar, green roof installation, creation of community and connection to nature through gardens and pocket-parks.

The project's iconic value is critically important and reflects a choice having been made on the part of the developer between old and new construction paradigms. We believe that this project, upon completion, would help to influence the future direction of the built environment in Los Angeles.

The project would also ensure continuing revitalization of the Century City district—including the culture generated by the people who live, work or play in Century City. Conversely, an alternate large-scale, carbon intensive project would be comparatively parasitic by benefiting from large-scale planning and financial expenditure supporting Century City's revitalization to date—while contributing nothing but additional carbon-usage and replication of a dated, culturally depressing and carbon-intensive building format.

The mixed-use principles of the project are intended to create a sense of community, which brings us to related considerations.

Sierra Club Angeles Chapter is concerned with system-wide concepts and thus we examine the role of this project within that system, and potential ripple effects. High-rise buildings in Los Angeles are part of a larger system of dispersed suburbs and paved roads requiring

¹ Although we support the project for the values listed, neither this letter nor any excerpt may be used for the purpose of marketing or promotion.

² One of the most significant elements of this project would be inclusion of automated and meticulous gathering of data streams on actual energy usage vs. predictions. It is imperative that the project meet its energy-saving design specifications.

Letter re Century City Center – LEED Platinum Project

April 25, 2013

Page 2

vast carbon expenditure as people move from home to job, and back. The transit encouragement embedded in this project's design outweighs the problems with its building typology. The project's probable contribution to increasing awareness of choices in terms of transit ridership, residence selection vis-a-vis work location, car-sharing, bicycle use and walking is extremely important system-wide. The creation of community as proposed by the project is also critically important.

A high-rise building typology is problematic by nature. The structural demands of high-rise buildings require construction materials with very high levels of embodied energy, and thereafter high energy use and waste stream production in operation. We would suggest that the question to be posed by the project is—how do we return, over time, to a system of local places of employment, situated in buildings of 4 - 7 floors? How do we move toward a future where building types reflect a future of diminishing fossil fuel availability by building lower, with less embodied energy?

We believe this project personifies this dilemma—or opportunity, depending on point of view.

We particularly support three elements of project community design given their potential to leverage systemic change: the (1) Building Dashboard, (2) Mobility Hub, and (3) dedicated space for community programs—all of these features might be used effectively to generate a green culture among residents, employees and visitors. The community programs space would be appropriately used to promote triple bottom line business models and public good corporations, among other uses. We recommend that office space rental agreements contain strong incentives encouraging tenant firms to guide their employees toward alternate and active transportation choices.

The project is also significant in that green building practices and perspectives will be conveyed to those working in high-level financial, legal and entertainment firms located in Century City—including many who have roles in the creation of our built environment. We believe this building may potentially draw in the most creative elements of its surrounding legal, financial and entertainment community to help propose alternative futures for a new century.

Respectfully,



Lore Pekrul, Chair, Green Building Committee
Cell: 310-529-2026, Email: elpe1@earthlink.net

April 22, 2014

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

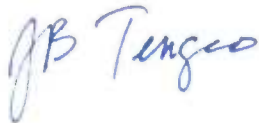
RE: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

On behalf of the BlueGreen Alliance, a national effort between environmental groups and organized labor dedicated to the clean energy economy, I am writing in support of Century City Center. Century City Center, Los Angeles' first new LEED platinum high-rise, will be built on the corner of Constellation Blvd and Avenue of the Stars.

Century City Center will help advance the green economy by creating over 2,500 green union construction jobs and thousands of other jobs once the building is operational. This LEED platinum high-rise will feature one of the country's largest double skin facades, a large private solar installation and passive cooling technology, and as such, will be raising the bar on green construction in Southern California.

I look forward to witnessing the construction of Century City Center, a model of energy efficiency and green jobs, and hope that the Planning Commission moves this important project forward.

Sincerely,



Jose B. Tengco
California Director



E3: Economy Ecology Equity

To Whom It May Concern,

We are writing to you to voice our collective support for Century City Center, the first LEED Platinum High-Rise in Los Angeles planned for the corner of Constellation and Avenue of the Stars. We come to our support from different places but all agree that Century City Center is an important \$350 million investment in Los Angeles and will be a positive and green step forward for the City of LA.

We support Century City Center as it will create over 6,000 jobs during construction and operation at a time when Los Angeles is still suffering from double-digit unemployment.

We support Century City Center as the developer, JMB Realty, has a proven record of leadership in sustainable office buildings in Los Angeles and Century City, as well as nationally and has excellent relationships with its employees and organized labor.

We support Century City Center as it will be built to the highest environmental standards available, earning LEED Platinum certification from the US Green Building Council and be Southern California's first LEED Platinum High-Rise office building and only the 6th in North America.

We support Century City Center because of its investment in future transit and transportation solutions that include a mobility hub that will encourage public transportation, promote carpooling and vanpooling, and provide flex cars, bike rental and bike lockers, as well as EV charging stations.

We urge you to stay informed on the project as it proceeds forward. Just this week, the Draft Environmental Impact Report was released and now there will be an opportunity for public comment and hearings. We are hopeful that you, like us, will come to support this important project that will create jobs and raise the bar on green construction and design in Southern California.

Thank you.

Joanna Wheaton & Jasneet Bains

Co-Chairs of E3: Ecology, Economy, Equity at UCLA

www.e3ucla.org



CONSTRUCTION INDUSTRY
AIR QUALITY COALITION

OUR MEMBERS INCLUDE:



June 10, 2013

The Honorable Paul Koretz
200 N. Spring St., Room 440
Los Angeles, CA 90012

Re: File #ENV—2004-6269-EIR-SUPI

Dear Councilman Koretz:

The Construction Industry Air Quality Coalition represents California construction trade associations whose members are concerned with air quality and the economic recovery in the region. Since 1989, we have provided decision-makers information and advocacy on behalf of our members, and are regarded as the premier information resource for the California construction industry on matters related to air quality.

In the Los Angeles area, our membership includes the Associated General Contractors, Southern California Contractors Association, Engineering Contractors Association, Building Industry Association, California Construction Trucking Association and the California Rental Association.

We believe that the Century City Center project represents exactly the kind of major investment and commitment to Los Angeles which will help to restore the economy regionally, and which will provide thousands of jobs and related revenue for local businesses. This project conforms to zoning and Specific Plan requirements, and is located in the heart of the Century City business district, exactly where it belongs.

It is understandable that this neighborhood on the Westside would be concerned about traffic. But in reality we are talking about 400 vehicle trips in the morning rush hour and 400 in the afternoon rush hour. Insisting that a 30-year old formula be used to project traffic impacts is completely unrealistic. Since those original projections were calculated, we have developed the Internet, YouTube and Skype; cell phones; telecommuting; job sharing and we have built an extensive transit system. Finally, we have \$4.00 a gallon gasoline. None of that existed 30 years ago. Those circumstances change everything and the use of updated traffic impact projections is more than appropriate.

As you review the potential impacts of the project, we hope you will consider the many positive effects it will have for business, for the economy, and for

June 10, 2013
Honorable Paul Koretz
Page Two

our hard-hit construction trades where unemployment still hovers between 30% and 40%. Please keep in mind that sensible urban infill projects like Century City Center will help to restore economic health and send the right signals to others willing to invest.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Lewis". The signature is written in a cursive, flowing style.

Michael W. Lewis
Senior Vice President

Cc:
Sarah Shaw, JMB



June 10, 2013
 The Honorable Paul Koretz
 200 N. Spring St., Room 440
 Los Angeles, CA 90012

**Construction
 Industry
 Coalition
 On Water Quality**

Re: File #ENV—2004-6269-EIR-SUP1

Dear Councilman Koretz:

For more than a decade, the Construction Industry Coalition on Water Quality has worked to insure that policies and regulations designed to improve this critical resource will balance the goals of clean water with the need for a healthy economy. As a result, we have earned a pivotal role in the policy development processes of state and local water regulatory agencies.

When we see a project like Century City Center, which has incorporated the highest level of sustainable construction and operational systems, we must add our voice to those supporting it. In order to achieve LEED Platinum status, the project must include extraordinary methods to conserve all resources, including water. We are impressed with the proposed heating and cooling system, with the recycling of rainwater, with the largest habitable green roof in the region, and with the innovative 'dashboard' which will help tenants of the building do their part in saving and recycling water.

If we really want to see the proper application of "green technology" in our region, then it is important that political leaders and policy makers support those projects that make the best use of these design and operational techniques. The City of Los Angeles has the opportunity to go on record with just such a decision on the Century City Center.

It is also important to our members that projects such as Century City Center receive approval in order to put our members back to work. While some segments of the economy are recovering in construction we are still seeing 30% to 40% unemployment in the construction trades. A multi-year project such as this will go a long way toward the recovery of our industry and our working families.

JMB is demonstrating that it is possible to invest in restoring our economy while simultaneously elevating sustainability to the highest possible level. I hope these commitments are weighed heavily as you review the project. They certainly mean a great deal to our members.

Our association membership in the Los Angeles area includes the Associated General Contractors, Southern California Contractors Association, Engineering Contractors Association and the Building Industry Association of Southern California.

Thank you for your consideration.

Sincerely,

Michael W. Lewis,
 Senior Vice-President

Cc:
 Sarah Shaw, JMB

Coalition Members



2149 E. Garvey Avenue N., Suite A-11, West Covina, California 91791
 626 858-4611 Phone • 626 858-4610 Fax • www.CICWQ.org

Major Funding Provided by the Construction Industry Advancement Fund and the Fund for Construction Industry Advancement.



Contact: Marie Garvey
mtg@garvgroup.com
(310) 606-8272

**JMB MAKES CLINTON GLOBAL INITIATIVE AMERICA COMMITMENT TO BUILD
GREENEST HIGH-RISE IN LOS ANGELES**

*— Pledge To Develop Century City Center Project & Implement Innovative Training Partnership with
Two of the Largest Construction Trade Unions in the Country —*

LOS ANGELES –JMB Realty Corporation has announced its Clinton Global Initiative America (CGI America) Commitment to Action. JMB has pledged to develop Century City Center, a new green high-rise in California – and one of only a handful of high-rise buildings in North America designed to achieve the U.S. Green Buildings Council’s LEED™ Platinum certification. Through a partnership with two of the largest construction trade unions in the country that will provide a green construction-training program, the Century City-located 37-story "Green-Rise" will create a total of 6,000 jobs and serve as a model for future high-rise construction.

This announcement comes in association with the 2013 CGI America meeting held in June, which focused on finding solutions and securing commitments to promote economic recovery in the United States. This meeting brought together leaders from the business, foundation, non-governmental organizations, and government sectors to develop solutions that increase employment, advance access to education and skills development, strengthen energy security, and promote an environment for business growth and innovation.

“JMB is proud to join the Clinton Global Initiative with its model for green development that will benefit the environment and the economy while putting people back to work,” said JMB Realty Corporation Senior Vice President Patrick Meara. “The commitment includes a partnership with two of the largest construction trade unions in the country to provide a green construction-training program that will help support future projects and employ 4,600 construction workers, demonstrating that sustainability and economic development are possible when people work together towards a shared prosperity.”



When completed, the “Green Rise” CGI commitment will positively impact Los Angeles in the following ways:

- By integrating the best new engineering and technological practices and innovations, JMB’s Century City Center project will be the first new build LEED™ Platinum high-rise in Los Angeles and Southern California, which would effectively create a new benchmark for development and baseline for sustainable performance for the commercial office market in America’s second-largest urban region.
- The project will maximize daylight, minimize solar heat gain, and reduce mechanical air conditioning use by installing one of the country’s largest double skin façades, a high-performing central plant that produces ice at night to melt during the day for cooling, and a passively cooled lobby using fresh air and a high-tech chilled lobby floor.
- The project will also have one of the largest habitable green roofs in the nation to minimize the heat island effect that is a major cause of energy usage and waste associated with the operation of commercial buildings as well as recapture storm water for landscape irrigation.
- Leading innovative techniques will be used to minimize excess water use, including the reuse of greywater for non-potable demands, which translates into high levels of energy and water efficiency and will serve as a demonstration project for Southern California buildings.
- Additionally, the project will reduce emissions through a Mobility Hub and a smartphone mobile application to encourage and connect public transportation, rideshare and alternative means of commuting to the entire community.

About JMB Realty & Century City Center

Founded in 1968, JMB Realty is a US real estate investment, management and development company. JMB and its affiliates have been a major property owner and stakeholder in Century City, a premier Los Angeles business district and community, for more than 30 years. They are the owners and developers of SunAmerica Center, a LEED™ Silver office building and Constellation Place, a LEED™ Gold office building located in Century City. JMB is continuing its investment and commitment in Century City with a proposal designed to bring the first new LEED™ Platinum high-rise to Los Angeles. Century City Center is a state-of-the-art iconic office building that is currently in the environmental review process. It represents a



\$350 million investment to Los Angeles that will bring 6,000 new jobs. To learn more, please visit centurycitycenter.com.

About CGI America

The Clinton Global Initiative (CGI), an initiative of the Clinton Foundation, convenes global leaders to create and implement innovative solutions to the world's most pressing challenges. Established in June 2011 by President Bill Clinton, the Clinton Global Initiative America (CGI America) addresses economic recovery in the United States. CGI America brings together leaders in business, government, and civil society to generate and implement commitments to create jobs, stimulate economic growth, foster innovation, and support workforce development in the United States. Since its first meeting, CGI America participants have made more than 200 commitments valued at \$13.4 billion when fully funded and implemented. To learn more, visit cgiamerica.org.

CGI also convenes an Annual Meeting, which brings together global leaders to take action and create positive social change, CGI University (CGI U), which brings together undergraduate and graduate students to address pressing challenges in their community or around the world, and, this year, CGI Latin America, which will bring together Latin American leaders to identify, harness, and strengthen ways to improve the livelihoods of people in Latin America and around the world. For more information, visit clintonglobalinitiative.org and follow us on Twitter @ClintonGlobal and Facebook at facebook.com/clintonglobalinitiative.

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Maria Elena Durazo
Executive Secretary-Treasurer

Ricardo E. Icaza
President

April 23, 2014

Los Angeles City Planning
Major Projects
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Regarding: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

As you know, unemployment in Los Angeles remains in the double digits. Together, we have to do everything we can to support job creation in LA. JMB Realty's project labor agreement will ensure that local unions benefit from its construction. In addition, JMB has a longstanding positive relationship with SEIU who represents the janitorial and security employees in their buildings. Because of the developers strong relationships and commitment to organized labor, I am writing to you to voice my support for the thousands of union construction, janitorial and security jobs that will be created with the approval, building and completion of Century City Center, a LEED platinum high-rise office building planned for the corner of Constellation and Avenue of the Stars.

I join my friends at LAANE, CLUE, the Jewish Labor Committee, and MOVE LA in supporting Century City Center. In my support, I also feel that I must continue to raise who is opposing this project-namely JP Morgan Chase represented by Harvey Englander, the same consultant who led the charge against living wage at LAX, a social justice issue core to my beliefs. As I understand it, JP Morgan and Englander are opposing this project purely as a means to reduce competition in the commercial rental market in Century City to the detriment of working families.

I hope that you can join me in labor's unanimous support of this project.

Sincerely,

Maria Elena Durazo
Executive Secretary-Treasurer
Los Angeles County Federation of Labor, AFL-CIO

cc: Members of the Los Angeles City Council



UNITED FIREFIGHTERS of LOS ANGELES CITY

Local 112 IAFF AFL-CIO-CLC

April 21, 2014

President Renee Dake Wilson
Members of the City Planning Commission
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Dear President Wilson and Members of the Commission,

I am writing to express UFLAC's support for Century City Center, a LEED platinum high-rise office building planned for the corner of Constellation and Avenue of the Stars in Century City. We have come to lend our support for several reasons.

We support projects that will put Angelenos back to work. During the construction phase, this project will create jobs for thousands of local tradespeople, many of whom are currently unemployed. It will also create permanent jobs for thousands of others upon completion. These quality short term construction jobs and long term operating positions will stimulate the economy, make Los Angeles more business friendly, and will bring much needed revenue to the City's General Fund.

In addition, we support this project because the developer, JMB Realty, has been a good corporate neighbor in Century City. Their existing properties have worked in partnership with organized labor as well as our Century City firefighters to make West Los Angeles a better place to live, work, and do business.

Century City, like the rest of Los Angeles, must continue to reinvent itself in order to remain a top destination for business interests. The public and private sectors need to come together to support good development projects that will offer quality jobs for working families, improve the surrounding neighborhood, and bring new revenue to the City.

Thank you for your attention to this matter.

Sincerely,


Frank Lima, President

FL/mr
opeiu #537
afl-cio-clc

cc: Ron Miller, Executive Secretary, LA/Orange Counties Building and Construction Trades Council
Maria Elena Durazo, Executive Secretary, LA County Federation of Labor





COMPRISED OF
THE POLICE OFFICERS
OF THE CITY
OF LOS ANGELES

LOS ANGELES POLICE PROTECTIVE LEAGUE

A PROFESSIONAL POLICE UNION

1308 WEST EIGHTH STREET
LOS ANGELES, CALIFORNIA 90017
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DIRECTOR

April 21, 2014

Renee Dake Wilson, President
Members of the City Planning Commission
Los Angeles City Hall
200 North Spring Street Room 350
Los Angeles, California 90012

Dear President Wilson and Members of the City Planning Commission:

On behalf of the Los Angeles Police Protective League (LAPPL), representing the dedicated and professional sworn members of the Los Angeles Police Department, we write to express our strong support for the proposed Century City Center project. Century City Center will generate thousands of good jobs and millions of dollars in annual, general revenue to the City.

As you know, our City continues to face difficult economic times. Drastic cuts have hit core City services hard, with LAPD alone shouldering \$300 million in cuts just in the last three years. Because of these cuts, we have asked our police force to do more with less, and they have responded. The situation, however, is now at a breaking point. Any further cuts will mean fewer officers on the streets at a time when Los Angeles is already the most under-policed major city in America.

The obvious economic benefits are not the only thing driving this project. Century City Center will also set a new standard for sustainable development. It will be the first new LEED Platinum high-rise in Los Angeles, and it will set a new green standard without causing any significant impact.


Further, the project will immediately improve public safety with the incorporation of convenient, on-site office space for on-duty LAPD personnel. Officers will be able to meet with community members, write reports and engage the public in that dedicated space. As you know, a neighborhood presence is at the heart of community policing.

Our City is not in a position to turn our backs on a project that will bring thousands of jobs now. We need those tax revenues now. We thus urge the Commission to support the Century City Center project and push it through to the City Council.

We welcome further discussion with you on this important issue. If you have any questions regarding our position, please contact Director Craig Lally at (661) 714-2634 or at craiglally@lappl.org.

Sincerely,

BOARD OF DIRECTORS
Los Angeles Police Protective League



TYLER IZEN
President

TEAMSTERS JOINT COUNCIL 42

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Los Angeles, CA 90012 • Los Angeles, CA 90012 • Los Angeles, CA 90012
714.754.7444 • 714.754.7444 • 714.754.7444
www.teamsters42.org • www.teamsters42.org • www.teamsters42.org



April 22, 2014

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street,
Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MSK;
CPC-2009-817-DA-M1

Dear Planning Department,

I am writing to you on behalf of the Joint Council of Teamsters 42, the largest Teamster Joint Council in the Country. I write to express the support of the Joint Council and our 240,000 members for the Century City Center project.

Century City Center is a significant private investment in Los Angeles. Century City Center will be the greenest high-rise built in LA to-date. Also, it would help put thousands of hard working trades people back to work including many Teamster members who will deliver and handle the concrete at the site. We support the EIR's conclusions and the innovative design and sustainable technologies that will be included in Century City Center.

As our country continues to recover from near economic disaster, we need innovative, high-quality projects like this more than ever.

We hope that you can move forward with this important project swiftly as it will put our members, and many more members of the Building Trades back to work.

Sincerely,

A handwritten signature in black ink that reads "Randy Cammack".

Randy Cammack
President

RC/kr



RON MILLER
Executive Secretary

Los Angeles / Orange Counties Building and Construction Trades Council

Affiliated with the Building & Construction Trades Dept., AFL-CIO

1626 Beverly Boulevard
Los Angeles, CA 90026-5784
Phone (213) 483-4222
(714) 827-6791
Fax (213) 483-4419



April 22, 2014

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street,
Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

On behalf of the Los Angeles/Orange Counties Building and Construction Trades Council, representing 140,000 skilled construction workers in 14 trades and 52 local unions, I am writing to you in support of Century City Center. This important project will create jobs for my members at a time when California is still suffering from historically high unemployment, above the national average.

To address that problem, we need growth and development and JMB Realty is stepping forward and making the right choice to invest in our local economy. JMB has a Project Labor Agreement with our Council that guarantees this project will be built with the best-trained union construction workers in the nation.

We are excited to begin work on this project, as it will be LEED platinum certified building. JMB's commitment to green design will ensure that this building be constructed with the highest caliber of labor. Our members are trained in green construction and design, and this will help us build a greener Los Angeles in the future.

On behalf of our 140,000 members, I enthusiastically support Century City Center and its planned \$350 million investment in Los Angeles.

Ron Miller
Executive Secretary

State Building and Construction Trades Council of California

ROBBIE HUNTER
PRESIDENT

J. TOM BACA
SECRETARY-TREASURER

Established 1901
Chartered by
BUILDING AND CONSTRUCTION TRADES
DEPARTMENT
AFL - CIO

April 17, 2014

Los Angeles City Planning Commission
Major Projects
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

Dear Mr. Hendricks:

On behalf of the nearly 500,000 members of the State Building and Construction Trades Council of California, I am writing to you to voice support of the final draft Environmental Impact Report (EIR) for the Century City Center, a LEED Platinum high-rise office building planned for the corner of Constellation Blvd. and Avenue of the Stars.

As president of the State Building and Construction Trades, it is my job to support well-planned community-friendly construction projects that are efficient and have addressed the concerns of surrounding communities throughout the State of California. Century City Center will create thousands of jobs during construction and operations under a project labor agreement for with the local trades.

This LEED Platinum high-rise office-building project has earned the support of many surrounding communities as well as business, environmental and other progressive groups in Los Angeles, statewide and even nationally. In addition to these organizations' support, it has earned the support of thousands of Westside residents through a top-tier community educational and outreach program that has included knocking on more than 90,000 doors to date. The input of these residents and the adjustments to the project the developer has made demonstrates that Century City Center is a project that deserves a speedy approval and should move forward in an expeditious manner.

Once again, I have no reservation in joining Mayor Garcetti and the business, community and environmental leaders in Los Angeles in supporting this project. Thank you for your consideration and hard work in reviewing what I believe is a comprehensive and well-planned final draft EIR.

Sincerely,



Robbie Hunter
President

RH:kt
opeiu#29/afl-cio

**United Service
Workers West**



Southern California
Headquarters
828 W. Washington Blvd.
Los Angeles, CA 90015
(213) 284-7705
(213) 284-7725 fax

Orange County office
1936 W. Chapman Ave.
Orange, CA 92868
(657) 888-6647
(714) 704-9102 fax

San Diego office
4265 Fairmount Ave.
Suite 260
San Diego, CA 92105
(619) 641-3050
(619) 641-3055 fax

Northern California
Headquarters
3411 East 12th Street
Suite 200
Oakland, CA 94601
(800) 772-3326
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San Francisco office
45 Polk Street
San Francisco, CA 94102
(415) 552-1301
(415) 552-1307 fax

San Jose office
1010 Ruff Drive
San Jose, CA 95110
(408) 280-7770
(408) 280-7804 fax

Stanford office
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P.O. Box 19152
Stanford, CA 94309
(650) 723-3680
(650) 723-3650 fax

Sacramento office
1401 21st Street
Suite 310
Sacramento, CA 95811
(916) 498-9505
(916) 497-0806 fax

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street,
Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

Dear Members of The Planning Commission,

On behalf of SEIU United Service Workers West and our hard-working members we would like to voice our support for Century City Center. Our members currently work in buildings built and managed by JMB Realty, the developer of this project and look forward to working in Century City Center, Los Angeles' first new build LEED platinum high-rise office building.

Our union has a long history with JMB Realty and they have been good partners in Century City. They have provided quality jobs for janitorial and security officers by making sure they only contract with responsible contractors that pay prevailing wages, healthcare and fulltime employment. In addition, JMB Realty has worked with our organization to create opportunities for our members. From working with us on our GreenClean program to hosting GED programs-we can always count on JMB.

We believe the City did a first-rate job in evaluating the project in the final EIR. The impacts of the project are minimal particularly as compared with the benefits of this project that for our members means JOBS.

We are hopeful that the City of Los Angeles will join us in support of Century City Center.

Thank you for your attention to this matter.

David Huerta

First Vice President

SEIU United Service Workers West



Subject: LAANE supports green jobs and Century City Center!

Dear Friends and Neighbors,

Join us in supporting the **Century City Center project**.

This is a crucial time to revive our economy through creation of good, middle class jobs for Angelenos. Since 1993, LAANE has led dozens of efforts to create good jobs, thriving communities and a healthy environment in Los Angeles. We have also won community benefits agreements to promote healthy, equitable and accountable economic development.

That's why we are thrilled today to announce our endorsement of Century City Center, the first new **LEED Platinum high-rise office building in Los Angeles**.

It is clear that Los Angeles desperately needs innovative projects like Century City Center to move our city forward as a green city that offers residents good quality jobs. Currently Los Angeles still suffers from double-digit unemployment as it struggles to come through the recession. At the same time, Los Angeles is poised to become a leader in the utilization of green technology.

Projects like **Century City Center** are part of Los Angeles' green and vital future. With smart, sustainable planning and building, we believe this project will transform Los Angeles' standards of green construction and development while boosting the local economy.

In addition to creating 6,000 local jobs locally including 2000 union construction jobs, Century City Center will include environmentally friendly features such as:

- The nation's largest double-skin façade
- 7,000 square feet of solar photovoltaic panels
- One of the largest habitable green roof spaces in California
- An outdoor plaza for the public, designed to connect to the future Westside Subway Extension
- A mobility hub to serve and encourage all Century City employees and residents to carpool, bike, use public transit and walk to work

At LAANE, we are proud to support the construction of Century City Center and its mission to create good jobs and green our community.

Join us in supporting the greenest new project in Los Angeles - **Century City Center**

Sincerely,
Roxana Tynan
Executive Director
LAANE



Clergy & Laity United
for Economic Justice

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Presiding Elder
So Cal AME Church

The Rev. Frank Alton
Rector, Congregation of St. Athanasius at the Cathedral Center of St. Paul

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Professor, AJU

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Anthony Hung, Esq.
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Scott McVarish
Immigration Attorney

Enedina Mendoza
Young Religious Leader

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Deputy Director, LAANE

Rev. William Smart, Vice Chair
Senior Pastor
Christ Liberation Ministries

Brenda Threatt, M.Div
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Guillermo Torres, Immigration /LAX/Inglewood

Administration/Development

Christopher French
Special Projects

Pamela Hope
Development

Rabbi Jonathan Klein
Executive Director

Pastor Bridie Roberts
Program Director

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

RE: Century City Center Project # ENV-2004-6269-EIR-SUP1

Dear Mr. Hendricks,

On behalf of Clergy & Laity United for Economic Justice (CLUE-LA), I am writing to you, to express our support for the Century City Center Project. My organization has been active in our outreach and I write once more to express our continued support and to thank the Planning Commission and your dedicated staff for your leadership through this process.

CLUE-LA, a non-profit organization, organizes and mobilizes people of faith to pursue economic justice in our neighborhoods. Our goal is simple: To support our brothers and sisters who strive for wage equality and to make sure that those who are willing to work hard are able to live a life of dignity.

We have seen firsthand how difficult making ends meet is for the working class in Los Angeles, and more so, how the economic downturn of the last eight years has had a disproportionate effect on the working class who are also often left voiceless at the bargaining tables.

However, when we see companies such as JMB behaving responsibly, we feel it is our obligation to support their efforts to create a more rounded and just society. JMB has reached an agreement with the construction trades, and construction of the Century City Center Project will be conducted with all union labor. On principle, we support those unions, fair wages, and industry leaders who do what is right, not what is cheapest. Our faiths call us to seek justice and command us to speak out at opportune moments such as this to correct that which is broken in our society.

On behalf of thousands of faith leaders in Los Angeles who stand with the working poor and with working people and their families, we ask the Planning Commission to approve the Century City Center Project for the thousands of jobs that it will create and the tens of thousands of hard-working people who will benefit as a result of its construction.

Best wishes,

Rabbi Jonathan Klein
Executive Director, CLUE-LA

JEWISH LABOR COMMITTEE WESTERN REGION



Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Western Region

Floyd Glen-Lambert
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Secretary

Don Arenfeld
Treasurer

Leslie Gersicoff
Executive Director

National Office

Stuart Appelbaum
National President

Sybil Sanchez
Executive Director

To The Planning Commission,

The Jewish Labor Committee Western Region fully supports the construction of Century City Center.

We not only stand with JMB, CLUE-LA, the Building Trades, and other unions, we also stand with the many community members who recognize the importance of a structure that is LEED Platinum certified. The precedent this sets for future projects properly addresses many problems that have been increasing in our City, such as energy and water usage, public transportation accessibility, and more life-affirming garden spaces for public use.

We trust the Building Trades' unions to honor their commitments. We trust JMB to honor their commitment also. In July of 2012, we awarded JMB Realty Chairman Judd D. Malkin with our Tom Bradley Mishpoche Award because of his honorable treatment of workers on JMB projects. We trust the community to appreciate and utilize Century City Center for business and enjoyment, both as employees and consumers. We trust the City will benefit from increased revenues as well.

We need to foster growth and development. JMB Realty, the developer of this building, is stepping forward and making the right decision to invest in our local economy. In addition to the welcomed jobs this project will bring to Century City, through construction, maintenance and viability, Century City Center offers the promise of continuing Century City's reputation as the most progressive, modern and financially successful business community in the Westside Los Angeles area. Many changes over the past several decades have served growing professional and shopping needs of the community. Century City Center will only add to this progressive growth.

The Jewish Labor Committee Western Region hopes the fears and objections of opposition voices will subside. We support the creation of Century City Center. We hope plans can move forward without delay.

In solidarity,

Leslie Gersicoff, Executive Director

8339 West Third Street, Suite 2, Los Angeles, California 90048
Tel: (323) 658-5500 • Fax: (323) 658-5079 • Email: jlcla2@aol.com • Website: jlcwr.org

Strengthening the Voice of Business

Chambers of Commerce
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Trade Associations and Minority Business Groups
AIA Los Angeles
American Beverage Association
Antelope Valley Board of Trade
Apartment Association, CA Southern Cities
Apartment Association of Greater Los Angeles
Arcadia Association of Realtors
Asian American Business Women Association
Asian Business Association
Associated Builders and Contractors - LA/Ventura
Beverly Hills / Greater LA Association of Realtors
British American Business Council
Building Industry Association, LA / Ventura
Building Owners & Managers Association, LA
Burbank Association of Realtors
California Apartment Association, LA
California Contract Cities Association
California Grocers Association
California Independent Bankers
California Independent Petroleum Association
California Metals Coalition
California Small Business Alliance
Carson Dominguez Employers Alliance
Central City Association
Citrus Valley Association of Realtors
Construction Industry Air Quality Coalition
Construction Industry Coalition for Water Quality
Employers Group
Entrepreneurs' Organization LA
Fixing Angelinos Stuck in Traffic (FAST)
FuturePorts
Gateway to LA
Glendale Association of Realtors
Greater Asian Business Federation
Greater LA New Car Dealers Association
Harbor Association of Industry & Commerce
Harbor Trucking Association
Hospital Association of Southern California
Hotel Association of Los Angeles
Industry Manufacturers Council
International Warehouse Logistics Association
LA SHARES
League of California Cities
Los Angeles County Economic Development Corp.
Los Angeles County Waste Management Association
Motion Picture Association of America
NAIOP Southern California
National Association of Women Business Owners, LA
National Latina Business Women Association
New Majority Los Angeles
Pasadena-Foothills Association of Realtors
Recording Industry Association of America
San Gabriel Valley Economic Partnership
Santa Clarita Valley Economic Development Corp.
So Cal Minority Supplier Development Council
South Asian Business Alliance Network
South Bay Association of Realtors
South Park Stakeholders Group
Southern California Grantmakers
Southland Regional Association of Realtors
Tri-Counties Association of Realtors
Valley Economic Alliance
Valley Economic Development Center
Valley Industry Association of Santa Clarita
Valley Industry & Commerce Association
Valley International Trade Association
Western Manufactured Housing Association
Western States Petroleum Association

April 17, 2014

Los Angeles City Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012

**RE: Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1
- SUPPORT**

Dear Planning Commissioners:

On behalf of the Los Angeles County Business Federation (BizFed) – representing more than 105 business groups with more than 250,000 business owners across our region – we are writing in support of the Century City Center project.

This project epitomizes the responsible economic development and environmental stewardship principles that BizFed's united alliance has long supported.

Century City Center represents a \$350 million private investment in Los Angeles that will create an estimated 6,000 new jobs during construction and operation, increase the competitiveness of our City to attract new business, and bring in \$4.3 million in new annual revenues to the City of LA at a time when all of these are critically needed.

This project - by a developer with more than three decades of commitment to the Century City community – also marks a tour de force in environmental stewardship and responsible urban-infill smart growth. The 700,000 square-foot, 37-story office tower – and approximately 32,000 additional square feet of commercial space - will be Los Angeles' first new commercial high-rise project to achieve a Leadership in Energy and Environmental Design (LEED) Platinum rating – a pinnacle of green building.

It is 40% smaller than the currently approved project for that site, and as the DEIR notes, it will be built below the allowed density of the Century City North Specific Plan and will conform to the Specific Plan without need for amendment. It also provides much needed community benefits including a 1,300-square-foot Mobility Hub, a Transit Plaza, approximately 4,120 square feet of ancillary retail, and a parking structure with a 2-acre landscaped green roof deck accessible to project tenants and their guests. There is also 35,000 square feet of additional public open space on site.

Century City Center also includes a multimillion dollar commitment to traffic and transit improvements. The project includes a variety of mitigation and monitoring efforts including area-wide improvements to

the traffic control system and new transportation management technologies to provide for design and installation of CCTV cameras and the necessary infrastructure at key locations. It also provides full funding for an additional bus on Pico Boulevard to supplement the existing bus services for a 10-year period, and implements a Traffic Management and Monitoring Program to document project trips do not exceed the forecasted volumes.

Century City Center is a strong model of exactly the type of development Los Angeles needs more of. BizFed supports this project and looks forward to working with the City toward its approval.

Sincerely,



Don St. Clair
BizFed Chair
Woodbury University



David Fleming
BizFed Founding Chair
Latham & Watkins LLP



Tracy Rafter
BizFed CEO
IMPOWER, Inc.



Serving you, your business
and the Westside **since 1945.**

April 17, 2014

Los Angeles County Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012

RE: Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

To Whom It May Concern:

The West Los Angeles Chamber of Commerce is a nonprofit member organization. The purpose of the West L.A. Chamber of Commerce is to promote the commercial, civic, cultural, educational, and industrial interests of the West Los Angeles area so that its businesses, neighborhoods, and citizens shall prosper. It is the primary resource for small and medium-sized firms doing business in West Los Angeles, helping nearly a thousand members and associates deal with the ever-changing business climate in the city, state, nation and the world.

That's why we are encouraged to see that the Century City Center project is moving forward. It has all of the elements of responsible development, including a LEED Platinum rating, innovative transit elements, and compliance with zoning and Specific Plan requirements. More than that, it represents a substantial investment in the city's future, generating thousands of jobs, millions in new tax revenues, and supporting local businesses through the purchase of goods and services.

Please keep these important facts in mind as you review the project, and consider the many benefits it will provide to the region.

Respectfully submitted,

Ronald Adams
President/CEO
West Los Angeles Chamber of Commerce
Ph: 310.441.2900
C: 626.392.6665
president@westlachamber.org



21 April 2014

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& OFFICERS**

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Verizon

The Walt Disney Company

Wells Fargo

Los Angeles City Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012

RE: Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

Dear LA City Planning Commission,

The Asian Business Association (ABA) is a non-profit membership based organization that has been proactively assisting Asian American small businesses to gain access to economic opportunities and advancement for over a quarter of a century. Through the efforts of the organization, the ABA works towards bringing together divergent groups spanning the Asian business community on issues that mutually affect their business interests.

We write today in support of the Century City Center project and encourage the City Planning Department and Los Angeles City Council to approve this project.

Our mission is to create business opportunities for our members and their diverse communities. We strongly believe this \$350 million investment in Century City will do that. The thousands of construction and permanent jobs as well as opportunities for small and minority-owned businesses that will be created by this project will help lift the economy not just in the City of Los Angeles but also throughout the county.

For these reasons, we join with the Los Angeles County Federation of Business in support of this project.

Sincerely,

Dennis Huang
Executive Director & CEO

Asian Business Association is the premiere non-profit organization that serves the needs of Asian Pacific Islander business owners and professionals. ABA has been proactively assisting these businesses gain access to economic opportunities and advancement since 1976. ABA has an active membership base of over 500, and offers programs to help these businesses grow.



Asian American Business Women Association

Inspire and Empower Women in Business

A 501(c)(6) Non-Profit Organization - Tax ID # 26-0168490

13811 Thunderbird Dr., Ste 58L | Seal Beach, CA 90740 | www.aabwa.org

November 1, 2013

Mr. Nick Hendricks, Hearing Officer
City Planning Department, City Hall, Room 750
200 North Spring Street
Los Angeles, CA 90012

Regarding: File #ENV-2004-6269-EIR-SUP1

Dear Mr. Hendricks:

The Asian American Business Women Association is dedicated to improving opportunities in the business community. For decades we have been a strong voice for small businesses seeking to expand in the region and provide jobs and resources in our communities.

We are pleased to support the Century City Center project as an excellent opportunity to generate new revenue for our city and new jobs for (small contractors, union workers, etc). This project will create significant economic activity, and provide benefits for those involved in both construction and operation. It is exactly the kind of investment which the city should encourage and expedite. In addition, it will be a model of sustainability and will reinforce Century City's status as the premier business center on the Westside.

It is critical for the city, and for all of us who seek to sustain and expand our businesses here, that we welcome the substantial new investment which Century City Center represents. There is no more important role for the city to play than encouraging economic development, which provides the revenue for all other city services and enables businesses and residents to thrive.

Asian American Business Women Association believes that Century City Center will be a great asset to the community, and it deserves your speedy review and approval.

Thank you for your consideration.

Sincerely,

Kim-Yen Huynh, Founder/President

cc: Councilmember Paul Koretz, 5th District
Sarah Shaw, JMB

Mission Statement:

The Asian American Business Women Association (AABWA) provides networking opportunities, resources, training, and marketing services to empower professional business women in the business environment. We provide the networking resources, training, and marketing services necessary to empower professional women in the areas of career development, professional growth and economic advancement. AABWA participate in charitable giving activities to help others in needs.



REGIONAL BLACK CHAMBER OF COMMERCE SFV

16133 Ventura Blvd Ste * 700 -Encino, CA 91436 * 818-464-3484

April 18, 2014

Los Angeles City Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012

RE: Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

Dear Los Angeles City Planning Commission

As representative of over 300 small, minority, and women-owned businesses and over 1,000 supporters, the Regional Black Chamber of Commerce of the San Fernando Valley urges you to support The Century City Project. We support the project because it will bring thousands of new high paying jobs and millions of dollars of tax revenue to the city. We believe it will have a positive impact on our community.

It goes without saying, that a \$350 million dollar investment will be good for the economy. This project provides temporary construction jobs, permanent jobs and new opportunities for large and small businesses. The bad economy has disproportionately impacted our community with major job losses and business closures, we welcome new jobs and opportunities throughout the county.

We hope that you will take these important facts into consideration and support the Century City project when it comes before.

Respectfully submitted,

M C Townsend

Madam M C Townsend - President/CEO

Regional Black Chamber of Commerce SFV

818-464-3484 x95 / 818-377-7424

Cc: The Hon. Paul Koretz

Cc: The Hon. Aubry Stone- State Commissioner on Economic Development

Cc: CBCC's Council of Chambers/Sacramento, CA (25)



LOS ANGELES METROPOLITAN HISPANIC CHAMBERS OF COMMERCE

Oxnard, Inland Empire, Orange, and Los Angeles Counties

Nick Hendricks
Hearing Officer
City Planning Department
200 North Spring Street, Room 750
Los Angeles, California 90012

November 12, 2013

Re: Century City Center Project: # FNV-2004-6269-EIR-SUP1

Dear Mr. Hendricks,


On behalf of the members of the Los Angeles Metropolitan Hispanic Chambers of Commerce, I would like to take this moment to share our support for JMB and Century City Center, a \$350 million private investment in Los Angeles.

We join numerous business organizations and community members who support Century City Center, largely because of its commitment to green design and the thousands of jobs it will create during construction.

As the economy comes back, we welcome sustainable new build projects such as Century City Center. Putting people back to work in smart growth projects makes sense in a recovering economy. Century City Center is a real opportunity for those in search of work and those dedicated to a greener future.

We, at the LAMHCC, fully support this endeavor. Thank you for your consideration.

Sincerely,


Chairman, Hugo Merida



The Valley Economic Alliance

Better businesses. Better jobs. Better communities.

November 13, 2013

Mr. Nicholas Hendricks
City Planning Department
Major Projects Division
200 N. Spring Street Room 750
Los Angeles, CA 90012

Re: File# ENV-2004-6269-EIR-SUP1

Dear Mr. Hendricks:

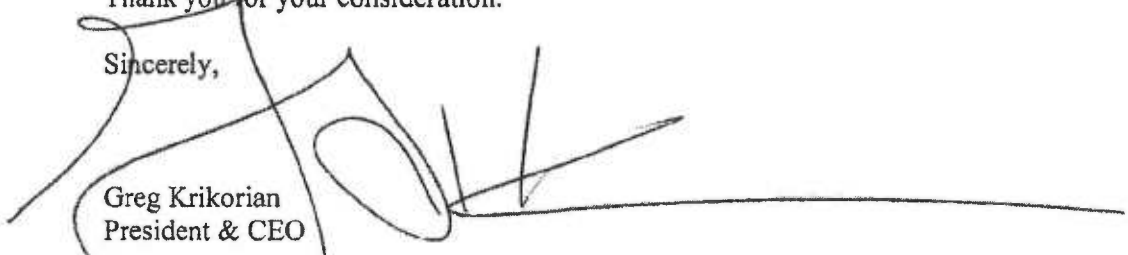
The Valley Economic Alliance works to grow and sustain the economic health of the San Fernando Valley and the City of Los Angeles. We focus on economic and workforce and development as the basic tenets of sustainable growth. In these challenging times, it is more important than ever to encourage investment, promote job opportunities, and signal that our region welcomes business and recognizes its importance in achieving a lasting economic recovery.

Century City Center represents exactly the kind of investment that we need. It is a smart, sustainable project, with innovative transportation elements, located in the middle of a premier business destination. It represents a \$350 million investment in our economy and will create thousands of jobs and support small businesses throughout the region.

The Alliance supports job creation and community investment, and we hope that your review of this project includes the recognition that it will benefit the city in many important ways.

Thank you for your consideration.

Sincerely,



Greg Krikorian
President & CEO

Cc: Councilmember Paul Koretz, 5th District
Sarah Shaw, JMB



April 21, 2014

Los Angeles City Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012
cpc@lacity.org

CC'd: David Englin
david.englin@bizfed.org

RE: Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1 – SUPPORT

Dear Planning Commissioners:

On behalf of the National Association of Women Business Owners, LA Chapter (NAWBO-LA) – representing more than 200 successful female business owners who have reached major milestones in business, and for whom dealing with complex multi-million dollar decisions is a fact of life – is are writing in support of the Century City Center project.

This project epitomizes the responsible economic development, progress and environmental due diligence principles that NAWBO-LA embodies and supports!

Century City Center represents a \$350 million private investment in Los Angeles that will create an estimated 6,000 new jobs during construction and operation, increase the competitiveness of our City to attract new business, and bring in \$4.3 million in new annual revenues to the City of LA at a time when all of these are critically needed.

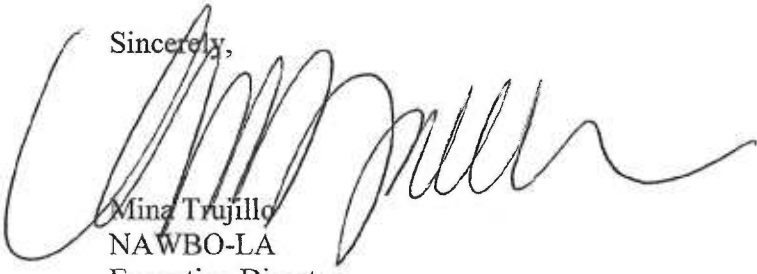
This project - by a developer with more than three decades of commitment to the Century City community – also marks a tour de force in environmental stewardship and responsible urban-infill smart growth. The 700,000 square-foot, 37-story office tower – and approximately 32,000 additional square feet of commercial space - will be Los Angeles' first new commercial high-rise project to achieve a Leadership in Energy and Environmental Design (LEED) Platinum rating – a pinnacle of green building.

It is 40% smaller than the currently approved project for that site, and as the DEIR notes, it will be built below the allowed density of the Century City North Specific Plan and will conform to the Specific Plan without need for amendment. It also provides much needed community benefits including a 1,300-square-foot Mobility Hub, a Transit Plaza, approximately 4,120 square feet of ancillary retail, and a parking structure with a 2-acre landscaped green roof deck accessible to project tenants and their guests. There is also 35,000 square feet of additional public open space on site.

Century City Center also includes a multimillion dollar commitment to traffic and transit improvements. The project includes a variety of mitigation and monitoring efforts including area-wide improvements to the traffic control system and new transportation management technologies to provide for design and installation of CCTV cameras and the necessary infrastructure at key locations. It also provides full funding for an additional bus on Pico Boulevard to supplement the existing bus services for a 10-year period, and implements a Traffic Management and Monitoring Program to document project trips do not exceed the forecasted volumes.

Century City Center is a strong model of exactly the type of development Los Angeles needs more of. NAWBO-LA supports this project and looks forward to working with the City toward its approval.

Sincerely,

A large, fluid handwritten signature in black ink, appearing to read 'Mina Trujillo', is written over the typed name and title.

Mina Trujillo
NAWBO-LA
Executive Director



HARBOR ASSOCIATION OF INDUSTRY & COMMERCE
P.O. Box 4250, Sunland, CA 91041
Phone: 818.951.6088 * Fax: 818.353.5976
Email; info@harborassn.com * Website: www.harborassn.com

April 22, 2014

Los Angeles City Planning Commission
200 North Spring Street, Room 272
Los Angeles, CA 90012

RE: Case #CPC-2013-210-SPP-MS; CPC-2009 – SUPPORT

Dear Planning Commissioners:

The Harbor Association of Industry & Commerce (HAIC) is writing in support of the Century City Center project. This project represents the responsible economic development and environmental stewardship principles that HAIC strongly supports.

HAIC is an industrial trade association in the South Bay and harbor areas of southern California and was established to speak with a united voice on issues such as energy, infrastructure, environmental and land-use regulations. HAIC has a total membership that includes close to 100 companies with combined employment of nearly 375,000 employees.

Century City Center represents a \$350 million private investment in Los Angeles that will create an estimated 6,000 new jobs during construction and operation, increase the competitiveness of our City to attract new business, and bring in \$4.3 million in new annual revenues to the City of LA at a time when all of these are critically needed.

This project - by a developer with more than three decades of commitment to the Century City community - also marks a tour de force in environmental stewardship and responsible urban-infill smart growth. The 700,000 square-foot, 37-story office tower – and approximately 32,000 additional square feet of commercial space - will be Los Angeles' first new commercial high-rise project to achieve a Leadership in Energy and Environmental Design (LEED) Platinum rating – a pinnacle of green building.

It is 40% smaller than the currently approved project for that site, and as the DEIR notes, it will be built below the allowed density of the Century City North Specific Plan and will conform to the Specific Plan without need for amendment. It also provides much needed community benefits including a 1,300-square-foot Mobility Hub, a Transit Plaza, approximately 4,120 square feet of ancillary retail, and a parking structure with a 2-acre landscaped green roof deck accessible to project tenants and their guests. There is also 35,000 square feet of additional public open space on site. Century City Center also includes a multimillion dollar commitment to traffic and transit improvements. The project includes a variety of mitigation and monitoring efforts including area- to the traffic control system and new transportation management technologies to provide for design and installation of CCTV cameras and the necessary infrastructure at key locations. It also provides full funding for an additional bus on Pico Boulevard to supplement the existing bus services for a 10-year period, and implements a Traffic Management and Monitoring Program to document project trips do not exceed the forecasted volumes.

Century City Center is a strong model of exactly the type of development Los Angeles needs. HAIC strongly supports this project and looks forward to working with the City toward its approval.

Sincerely,

John M. Cruikshank
President



GLAAACC

**Greater Los Angeles
African American
Chamber of Commerce**

501 (C) 6

October 9, 2013

Board Members

Gene Hale, *Chairman*
Charles J. Franklin II, *Vice Chairman*
Angela Gibson, *President*
Auro McCracken, *Vice President*
Douglas L. Hall, *Secretary*
Lemuel Daniels, *Treasurer*
Karim Zaman, *Parliamentarian*

Directors

Marcus A. Allen
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Darlene Cartrell, Esq.
Cynthia K. Gibson
Walter Hill, Jr.
Barry G. Simmons
Christine N. Simmons
Derek C. Smith

Mr. Nick Hendricks, Hearing Officer
City Planning Department
City Hall, Room 750
200 North Spring Street
Los Angeles, CA 90012

Regarding: File #ENV-2004-6269-EIR-SUP1

Dear Mr. Hendricks:

The Greater Los Angeles African American Chamber of Commerce (GLAAACC) is dedicated to improving opportunities in the business community, and partners with other associations to advance such issues as enhancing minority business contracting. For decades we have been a strong voice for minority small businesses seeking to expand in the region and provide jobs and resources in our communities.

GLAAACC is pleased to support the Century City Center project as an excellent opportunity to generate new revenue for our city and new jobs for small contractors. This project will create significant economic activity, and provide benefits for those involved in both construction and operation. It is exactly the kind of investment which the city should encourage and expedite. In addition, it will be a model of sustainability and will reinforce Century City's status as the premier business center on the Westside.

It is critical for the city, and for all of us who seek to sustain and expand our businesses here, that we welcome the substantial new investment which Century City Center represents. There is no more important role for the city to play than encouraging economic development, which provides the revenue for all other city services and enables businesses and residents to thrive.

GLAAACC believes that Century City Center will be a great asset to the community, and it deserves your speedy review and approval. Thank you for your consideration.

Sincerely,

Gene Hale
Chairman

cc: Councilmember Paul Koretz, 5th District
Sarah Shaw, JMB



COMSTOCK HILLS

HOMEOWNERS ASSOCIATION

April 21, 2014

Los Angeles City Planning Commission
C/o Commission Executive Assistant
200 N. Spring St., Room 272
Email: cpc@lacity.org

Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1
Century City Center

Dear Planning Commission Directors:

I represent Comstock Hills Homeowners Association, a community of approximately 250 homes just north of Santa Monica Blvd. We are the closest neighborhood to the north of Century City and are pleased to offer our support for the proposed development reference above and known as Century City Center. This proposed LEED Platinum office project shows concern for the environment with its many sustainability features and also establishes a mobility hub to lessen traffic impacts in the Century City area. We also appreciate that it will recycle storm water and use solar photovoltaic panels to reduce energy usage.

CHHOA has always been sensitive to aesthetics and design. JMB and Century City Realty has selected a top notch architect that has created a dramatic and even futuristic structure that livens the atmosphere while creating an exciting design. JMB has reached out to the community on many occasions, attended our meetings and answered our questions. They have been a good neighbor with their long history in Century City.

We welcome this new project and urge you to support it.

Sincerely,

Jan Reichmann, President
Comstock Hills Homeowners Association
jreichmann@comstockhills.com

cc: Michael LoGrande
Councilmember Paul Koretz

West of Westwood
Homeowners Association

April 21, 2014

Los Angeles City Planning Commission
C/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

I am writing on behalf of the West of Westwood HOA (WOWHOA) representing approximately 1200 households in Rancho Park, to add our support to the proposed Century City Center project.

The WOWHOA Board of Directors has met with JMB on several occasions and has followed the proposed project very closely.

JMB has always been an active member of our community, understanding our concerns and working with us to address them. They have gone to great lengths to create a project which will provide benefits to everyone in the area, and new revenue to support city services which we all depend upon.

This is a LEED Platinum office building located on the last vacant lot in the heart of Century City. It represents a major investment in our future economic well-being.

We are very concerned about traffic impacts from new development, but this project includes such innovative transportation programs that it will not only mitigate traffic, but it will also be a model for future proposals, especially the high-tech approach to getting single drivers out of their cars.

The only way to make a real difference in managing traffic is to give commuters real alternatives which reduce the number of cars on our streets. Even small reductions improve travel for everyone. The options proposed for Century City Center will provide alternatives to people who work in the building as well as employees at other Century City buildings, increasing their effectiveness and expanding resources at the same time.

We urge you to approve the Century City Center project.

Sincerely,

Terri Tippit

Terri Tippit, President

cc Councilmember Paul Koretz



**MOTOR AVENUE
IMPROVEMENT ASSOCIATION**

A Voice for Smart Growth

3751 Motor Ave. #341248
Los Angeles, CA 90034
P (310) 202-9002
F (310) 202-0433

MAIA@motorassociation.org
www.motorassociation.org

March 24, 2014

Los Angeles City Planning Commission
C/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012
Email: cpc@lacity.org

Re: Century City Center Project Case #CPC-2013-210-SPP-SPR-MS; CPC-2009-817-
DA-M1

Dear Planning Commission Members:

I am writing on behalf of the Motor Avenue Improvement Association, to inform you of our association's support of Century City Realty, LLC's proposal to develop Century City Center, a commercial office project at the corner of Avenue of the Stars and Constellation Boulevard. As residents, businesses and environmentalists in this community we have been impressed with the communal leadership and progressive activities of Century City Realty. Century City Center will be the first new-build LEED Platinum office tower in Los Angeles, and it represents a landmark investment in the City and in the future of Century City and the Westside. The project would revitalize a long-vacant site with a vibrant, modern commercial office facility. A sustainable office building with a world-class design in this location will help attract jobs and companies from "Silicon Beach" and other areas, and will help ensure that Century City remains an economic engine for the City. We have never imagined that such a vital urban core business area such as Century City would not continue to grow. It is just this type of development and management team that we hope will continue to develop in Century City.

Traffic issues and impacts are of particular concern for our association, and we are impressed by the numerous, innovative transportation solutions that are proposed both as a part of Century City Center's design and as mitigations in its EIR. Century City Realty has dedicated significant hours and internal resources to working on current traffic issues with us rather than waiting until their project is permitted and built. They are specifically working with us to find faster and more convenient alternatives from the current closest Expo Line station to Century City for all workers. This is an example of the progressive and proactive management of the Century City Center. The project itself is designed to provide numerous mobility options, including bicycle facilities, carsharing, a mobile phone application to connect commuters to transit options, as well as a potential portal for the Westside Subway Extension. All of these features will advance the City's efforts to reduce vehicle miles traveled and make the Westside a greener, more livable place. The project also includes a comprehensive mitigation program to address its traffic, including participation in the Century City Transportation Management Organization, a



MOTOR AVENUE
IMPROVEMENT ASSOCIATION

A Voice for Smart Growth

3751 Motor Ave. #341248
Los Angeles, CA 90034
P (310) 202-9002
F (310) 202-0433

MAIA@motorassociation.org
www.motorassociation.org

Transportation Demand Management Program, and 24/7 traffic monitoring by LADOT to ensure that the project's trip generation remains at the levels approved by LADOT. We believe that these measures will ensure that the project does not exceed the "Trips" allocated to its site under the Century City North Specific Plan.

Century City Realty, an affiliate of JMB Realty Corporation, has been an outstanding corporate citizen in the Century City and Los Angeles communities for many years. Their existing developments in Century City, which include Constellation Place and the SunAmerica Tower, are beautiful pieces of the Century City skyline and set high standards for quality projects. Century City Realty worked closely with the local communities to address issues related to these developments and kept open lines of communication with neighborhood groups and organizations. For the Century City Center project, the same has been true, as Century City Realty has been open, honest, and transparent, and they have been willing to work with our community organization to resolve issues and better the community.

Century City Center will also be the "greenest" new-build high-rise in Los Angeles, part of a long-term commitment to sustainability by Century City Realty and JMB that deserves to be recognized. As environmentalists this is of importance to us. Century City Center will include over two acres of open and landscaped space on its green roof and many design features to reduce water and energy use, including a high-performance double-skin glass facade system, an energy-efficient mechanical system, solar photovoltaic panels, and recycling of stormwater and efficient irrigation practices. The project's goal is to achieve LEED Platinum certification. The City should wholeheartedly support this kind of investment in sustainability. Century City Realty and JMB have made sustainability a priority at each of their office projects in Century City, and they are working with us to continually look for ways to improve the efficiency of their developments.

We strongly believe that a LEED Platinum office building is an appropriate use for the currently vacant lot at the corner of Avenue of the Stars and Constellation Boulevard. We also feel that the Century City Realty and JMB management are just the type of stakeholders and community members we want in our community. We look forward to Century City Realty's development of this important site. **We support the Century City Center project without reservation.**

Please do not hesitate to contact me for further information or clarification. You may reach me through our office at 310-202-9002, or through e-mail at MAIA@motorassociation.org

Sincerely,

Lee H. Wallach
Director
Motor Avenue Improvement Association

cc: Los Angeles City Planning Commission
Los Angeles City Council Planning and Land Use Management Committee
Councilmember Paul Koretz

Tract No. 7260 Homeowners Association, Inc.

March 9, 2013

Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

On behalf of The Tract No. 7260 Association, Inc., I am writing to inform you of our association's understanding of Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). The Century City Center Project involves modifications to permits and entitlements for the entirely residential Constellation Park Project, which the City Council approved in 2006. Overall, the Century City Center Project represents a significant decrease in density on the site as compared to the Constellation Park Project, and we believe that the current proposal's primarily commercial office uses are more appropriate for this long-vacant site in Century City's commercial core. Moreover, the Century City Center Project would include the first LEED Platinum office tower in Los Angeles, and would provide numerous mobility options – from flex cars and bicycle facilities to a potential portal for the Westside Subway Extension – which would further promote the City's efforts to "green" Century City and to reduce dependence on cars of The Tract No. 7260 Association, Inc. has spent significant time analyzing Century City Realty's proposal and its requested modifications to its existing entitlements, and Century City Realty has worked closely with us to address our concerns. Accordingly, I am writing to confirm to the City that of The Tract No. 7260 Association, Inc. has absolutely no objections to the City's approval of the proposed Century City Center Project.

Century City Realty, an affiliate of JMB Realty Corporation, has remained a good corporate citizen in the Century City community for many years. Century City Realty has already provided \$250,000 toward programs benefitting the Century City community, including neighborhood schools, libraries, parks, and fire and police stations. Further, Century City Realty has always dealt with the community honestly by maintaining open lines of communication, working in good faith to address concerns, and repeatedly demonstrating its commitment to collaborate with neighborhood organizations during project design to reach a beneficial outcome for all. Century City Realty has remained an outstanding corporate neighbor during the planning process for the Century City Center Project, and through this development will continue providing significant benefits to the community and local community organizations.

We look forward to Century City Realty's development of this important site in the heart of Century City, the new transit and mobility options the development will provide, and the thousands of new jobs it will help create.

Sincerely,
Michael Eveloff
President, of The Tract No. 7260 Association, Inc.

cc: Century City Realty, LLC

March 11, 2013

Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

On behalf of California Country Club Homes Association, I am writing to inform you of our association's understanding of Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). The Century City Center Project involves modifications to permits and entitlements for the entirely residential Constellation Park Project, which the City Council approved in 2006. Overall, the Century City Center Project represents a significant decrease in density on the site as compared to the Constellation Park Project, and we believe that the current proposal's primarily commercial office uses are more appropriate for this long-vacant site in Century City's commercial core. Moreover, the Century City Center Project would include the first LEED Platinum office tower in Los Angeles, and would provide numerous mobility options – from flex cars and bicycle facilities to a potential portal for the Westside Subway Extension – which would further promote the City's efforts to "green" Century City and to reduce dependence on cars. California Country Club Homes Association has spent significant time analyzing Century City Realty's proposal and its requested modifications to its existing entitlements, and Century City Realty has worked closely with us to address our concerns. Accordingly, I am writing to confirm to the City that California Country Club Homes Association has absolutely no objections to the City's approval of the proposed Century City Center Project.

Century City Realty, an affiliate of JMB Realty Corporation, has remained a good corporate citizen in the Century City community for many years. Century City Realty has already provided \$250,000 toward programs benefitting the Century City community, including neighborhood schools, libraries, parks, and fire and police stations. Further, Century City Realty has always dealt with the community honestly by maintaining open lines of communication, working in good faith to address concerns, and repeatedly demonstrating its commitment to collaborate with neighborhood organizations during project design to reach a beneficial outcome for all. Century City Realty has remained an outstanding corporate neighbor during the planning process for the Century City Center Project, and through this development will continue providing significant benefits to the community and local community organizations.

We look forward to Century City Realty's development of this important site in the heart of Century City, the new transit and mobility options the development will provide, and the thousands of new jobs it will help create.

Sincerely,



Robert E. Guerin
President, California Country Club Homes Association



Westwood Gardens Civic Association

Since 1948

P.O. Box 642001 Los Angeles, Ca. 90064

westwoodgardens@gmail.com

www.westwoodgardens.net

March 11, 2013

Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

On behalf of Westwood Gardens Civic Association, I am writing to inform you of our association's understanding of Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). The Century City Center Project involves modifications to permits and entitlements for the entirely residential Constellation Park Project, which the City Council approved in 2006. Overall, the Century City Center Project represents a significant decrease in density on the site as compared to the Constellation Park Project, and we believe that the current proposal's primarily commercial office uses are more appropriate for this long-vacant site in Century City's commercial core. Moreover, the Century City Center Project would include the first LEED Platinum office tower in Los Angeles, and would provide numerous mobility options – from flex cars and bicycle facilities to a potential portal for the Westside Subway Extension – which would further promote the City's efforts to "green" Century City and to reduce dependence on cars. Westwood Gardens Civic Association has spent significant time analyzing Century City Realty's proposal and its requested modifications to its existing entitlements, and Century City Realty has worked closely with us to address our concerns. Accordingly, I am writing to confirm to the City that Westwood Gardens Civic Association has absolutely no objections to the City's approval of the proposed Century City Center Project.

Century City Realty, an affiliate of JMB Realty Corporation, has remained a good corporate citizen in the Century City community for many years. Century City Realty has already provided \$250,000 toward programs benefitting the Century City community, including neighborhood schools, libraries, parks, and fire and police stations. Further, Century City Realty has always dealt with the community honestly by maintaining open lines of communication, working in good faith to address concerns, and repeatedly demonstrating its commitment to collaborate with neighborhood organizations during project design to reach a beneficial outcome for all. Century City Realty has remained an outstanding corporate neighbor during the planning process for the Century City Center Project, and through this development will continue providing significant benefits to the community and local community organizations.

We look forward to Century City Realty's development of this important site in the heart of Century City, the new transit and mobility options the development will provide, and the thousands of new jobs it will help create.

Sincerely,

Drew DeAscentis
President, Westwood Gardens Civic Association

CC Century City Realty LLC

Cheviot Hills Home Owners' Association

P.O. Box 64458, Los Angeles, CA 90064 www.cheviot hills.org

November 8, 2013

Mr. Nick Hendricks, Hearing Officer
City Planning Department
City Hall, Room 750
200 North Spring Street
Los Angeles, CA 90012

RE: File #2004-6269-EIR-SUP1

Dear Mr. Hendricks:

The Cheviot Hills Home Owners' Association, representing more than 1400 Westside homes, does not oppose the proposed Century City Center project. In fact, the CHHOA greatly appreciates JMB's history of engagement with our community to understand its concerns regarding new development and to address those concerns.

With all new development comes increased traffic, thus we support this project's innovative transportation programs focused on minimizing and mitigating traffic incursion in the single family communities abutting the project area. The Project proposal includes multi-modal options to encourage single drivers out of their cars. Having adequate transit alternatives greatly reduces the number of cars on our streets. Even small reductions improve travel for everyone. The Century City Center proposal provides transit choices for people who work in the building as well as for employees at other Century City buildings, expanding resources and increasing productivity at the same time.

In addition CHHOA commends the Century City Center project as a LEED Platinum office building located on the last vacant lot in the heart of Century City and supports JMB's commitment to community health and the environmental well-being of the region.

The Century City Center project has gone to great lengths to create a project which will provide important benefits in the area, and new revenue to support the city services on which we all depend.

Thank you for your thoughtful consideration of this project.

Sincerely,



Colleen Mason Heller
President, CHHOA

cc: City Councilman Paul Koretz
Sarah Shaw, JMB

Overland Avenue Community

March 11, 2013,

Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

On behalf of Overland Avenue Community, I am writing to inform you of our association's understanding of Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). The Century City Center Project involves modifications to permits and entitlements for the entirely residential Constellation Park Project, which the City Council approved in 2006. Overall, the Century City Center Project represents a significant decrease in density on the site as compared to the Constellation Park Project, and we believe that the current proposal's primarily commercial office uses are more appropriate for this long-vacant site in Century City's commercial core. Moreover, the Century City Center Project would include the first LEED Platinum office tower in Los Angeles, and would provide numerous mobility options – from flex cars and bicycle facilities to a potential portal for the Westside Subway Extension – which would further promote the City's efforts to "green" Century City and to reduce dependence on cars. Overland Avenue Community has spent significant time analyzing Century City Realty's proposal and its requested modifications to its existing entitlements, and Century City Realty has worked closely with us to address our concerns. Accordingly, I am writing to confirm to the City that Overland Avenue Community has absolutely no objections to the City's approval of the proposed Century City Center Project.

Century City Realty, an affiliate of JMB Realty Corporation, has remained a good corporate citizen in the Century City community for many years. Century City Realty has already provided \$250,000 toward programs benefiting the Century City community, including neighborhood schools, libraries, parks, and fire and police stations. Further, Century City Realty has always dealt with the community honestly by maintaining open lines of communication, working in good faith to address concerns, and repeatedly demonstrating its commitment to collaborate with neighborhood organizations during project design to reach a beneficial outcome for all. Century City Realty has remained an outstanding corporate neighbor during the planning process for the Century City Center Project, and through this development will continue providing significant benefits to the community and local community organizations.

We look forward to Century City Realty's development of this important site in the heart of Century City, the new transit and mobility options the development will provide, and the thousands of new jobs it will help create.

cc: Century City Realty, LLC

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Morocco", with a long horizontal flourish extending to the right.

Lisa Morocco
President, Overland Avenue Community

cc: Century City Realty, LLC

**Cheviot Hills Traffic Safety Association
2946 Motor Avenue
Los Angeles, CA 90064**

March 11, 2013

Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

On behalf of the Cheviot Hills Traffic Safety Association (CHTSA), I am writing to inform you of our association's understanding of Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). The Century City Center Project involves modifications to permits and entitlements for the entirely residential Constellation Park Project, which the City Council approved in 2006. Overall, the Century City Center Project represents a decrease in density on the site as compared to the Constellation Park Project, and we believe that the current proposal's primarily commercial office uses are more appropriate for this long-vacant site in Century City's commercial core. The Century City Center Project would include the first LEED Platinum office tower in Los Angeles, and would provide numerous mobility options – from flex cars and bicycle facilities to a potential portal for the Westside Subway Extension – which would further promote the City's efforts to "green" Century City and to reduce dependence on cars. CHTSA has spent significant time analyzing Century City Realty's proposal and its requested modifications to its existing entitlements, and Century City Realty has worked closely with our community to address our concerns. Accordingly, I am writing to confirm to the City that CHTSA did not object to the City's approval of the proposed Century City Center Project.

Century City Realty has already provided \$250,000 toward programs benefiting the Century City community, including neighborhood schools, libraries, parks, and fire and police stations. Further, Century City Realty has dealt with the community honestly by maintaining open lines of communication, working in good faith to address concerns, and demonstrated its commitment to collaborate with neighborhood organizations during project design to reach a beneficial outcome for all. Century City Realty has remained a good neighbor during the planning process for the

cc: Century City Realty LLC

Century City Center Project, and through this development, will continue providing significant benefits to the community and local community organizations.

We look forward to Century City Realty's development of this important site in the heart of Century City, the new transit and mobility options the development will provide, and the thousands of new jobs it will help create.

Sincerely,


Lucie Bava

President, Cheviot Hills Traffic Safety Association

WESTWOOD HOMEOWNERS ASSOCIATION

March 11, 2013

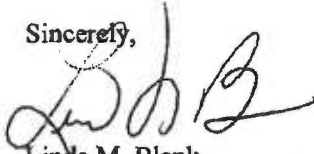
Mr. Michael LoGrande
Director of Planning
Los Angeles City Hall
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: Proposed Century City Center Project

Dear Mr. LoGrande:

I am writing you on behalf of Westwood Homeowners Association regarding Century City Realty, LLC's proposal to develop an approximately 731,250 square foot commercial office project, including a 37-story office tower, low-rise creative office space, and a transit plaza and mobility hub at the northeast corner of Avenue of the Stars and Constellation Boulevard in Century City (the "Century City Center Project"). Having analyzed Century City Realty's proposal and its requested modifications to its existing entitlements, please be advised that Westwood Homeowners Association has no objections to the City's approval of the proposed Century City Center Project.

Sincerely,



Linda M. Blank
Vice-President,

cc: Century City Realty, LLC



April 22, 2014

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1 Support for Century City Center

Dear Planning Commissioners:

As Executive Director of FAST (Fixing Angelenos Stuck in Traffic), I am writing in support of Century City Center as planned for the corner of Avenue of the Stars and Constellation Boulevard in Century City.

FAST is a community initiative of the non-profit California Community Foundation (CCF). We are public-private coalition of business, labor, education, transit, planning and community organizations, and individuals, representing over two million business owners, workers, faculty, students, and residents in Los Angeles County who all want to improve our region's mobility. FAST is dedicated to implementing practical, short-term solutions to traffic congestion in the Los Angeles region – the worst traffic crisis in the entire nation – which costs our economy \$12 billion each year and a total of 515 million hours each year in lost productivity.

FAST is also member of the Livable Communities Advisory Committee, which participated in the reports "Building Livable Communities: Enhancing Economic Competitiveness in Los Angeles" and "2013 Livable Communities Report: A Call to Action" with the Los Angeles Business Council (LABC) Institute and the University of California, Los Angeles (UCLA). Both of these reports underscored the need for investment in development near transit stations that also offers rail, bus, shuttle, and car-share, bike-share and bicycle parking access through a Mobility Hub to encourage greater use of these multi-modal options, rather than solely focusing on car access.

In addition to the Mobility Hub, new high-tech applications will be available to make access to transit alternatives easy and seamless. Century City Center will provide innovative new high-tech office space connected to transit, which is sorely needed on the Westside, while investing in reducing existing auto trips in the neighborhood through FAST's recommended Mobility Hub concept. It will allow current West Los Angeles and Century City residents to live closer to work, education, and shopping opportunities, thereby reducing car trips they are currently making to jobs farther away, and not connected to transit.

FAST particularly commends JMB Realty for adding the following features to Century City Center:

- \$350 million in new investment in Los Angeles, which will generate 6,000 new construction jobs
- Providing a 1300 square foot Mobility Hub to support commuters and residents in Century City by providing a "one-stop" location to buy transit passes, rent bike-share bikes or store bikes with bike lockers provided for riders, and rent flex cars
- Offering electric vehicle (EV) charging stations
- Planning a potential portal for Century City station of the Westside subway extension of Metro's Purple Line, improving transit access for the 50,000 employees and 5,000 residents currently in Century City
- Dedicating space for community-based programs such as a possible future home for Century City's Transportation Management Organization (TMO)
- Building to LEED Platinum High-Rise Office Building Standards
- Providing 40,000 square feet of plaza space, creating greater pedestrian connectivity for Century City
- Development of a mobile application that will support the Century City TMO
- Transit Service enhancements that provide more access to and from Century City
- Monetary contributions to improve infrastructure and traffic signal network

The Century City Station for the Metro Purple Line will be located on Century City Center's doorstep, providing a very critical new link for public transit riders – those who work in Century City, as well as those who live there.

Fixing Angelenos Stuck in Traffic

515 South Flower Street • Sixth Floor • Los Angeles, CA 90071 • 213.233.2542 • Fax 213.613.1903

www.FASTLA.org


This project is a model for transit oriented development, embracing the enhancements which simplify access to alternative travel choices. It will absolutely create changed traveling habits, reduce the number of single occupant cars, and thereby reduce congestion.

Once construction of Century City Center is complete, FAST recommends that JMB Realty and its tenants present to Metro and the City of Los Angeles a report on the use of Mobility Hubs, carpooling, vanpooling, walking, biking, bus and transit use by the employees and customers of Century City Center, so that the City may add to the growing body of evidence that when these alternative mobility options are incorporated into state-of-the-art developments such as Century City Center, single occupant vehicle (SOV) usage is significantly reduced.

We thank JMB Realty for seeking community input throughout this process in order to ensure that Century City Center will be a benefit to the local community and the entire region.

FAST supports Century City Center and looks forward to working with JMB Realty on its long-term success.

Sincerely,



Hilary Norton
Executive Director, FAST – Fixing Angelenos Stuck in Traffic

- cc. The Honorable Eric Garcetti, Mayor, City of Los Angeles
- The Honorable Herb Wesson, President, Los Angeles City Council
- The Honorable Paul Koretz, Councilmember, District 5
- The Honorable Members of the Los Angeles City Council
- Los Angeles Planning Commission
- Michael LoGrande, General Manager, Los Angeles Planning Department



Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012

Re: CPC-2013-210-SPP-SPR-MSC
CPC-2009-817-DA-M1

Dear Planning Department:

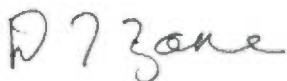
I am writing to you to voice my support for Century City Center as planned for the corner of Constellation and Avenue of the Stars. Century City Center will be consistent with the scale and character of Century City and will offer a unique opportunity to integrate transit access into the fabric of Century City. The Westside Subway will provide a high capacity transit station immediately adjacent to the project perhaps even integrated within the project site itself. In addition, uniquely in Los Angeles, the Century City Area Plan includes enforceable trip caps for each project site and for the entire Century City Plan area. This offers a unique opportunity to formulate aggressive strategies to attract employees from this site and other Century City employers to Los Angeles County's rapidly growing transit system.

In addition, Century City Center will be an important \$350 million investment in Los Angeles and will create hundreds of greatly needed jobs for our local community. It will be the first new LEED Platinum high-rise development in Los Angeles. Notably the project anticipates installing both solar and fuel cell units for generating zero-emission electricity. While such measures are important in their own right, as a model for future developers throughout Southern California such initiatives are exceptionally valuable. JMB has already been proactive on these measures by already have installed solar panels and a fuel cell system at their current properties.

A standout addition to the project is the Mobility Hub, an on-site venue that will help daily riders locate and utilize local transit. The establishment of no-cost transit passes to employees who work at Century City Center will help to ensure that easy access to transit translates into actual transit users and a significant reduction in auto trips generated. A share of cost savings if parking reductions are negotiated for the site can finance such passes. This should prove to be a win-win for the property owner, tenants, the transit operator, and the neighboring community and will help to ensure that pre-existing trip caps are indeed achieved.

I am hopeful that you will support this important job-creating project and raise the bar on green construction and design together with trip reduction strategies in Southern California.

Thank you,



Denny Zane
Executive Director
Move LA

DETAILED RESPONSES TO APPEALS

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

The following responses are provided as Attachment 2 to the September 11, 2014 letter to the Planning and Land Use Management Committee from Duncan Joseph Moore of Latham & Watkins regarding appeals filed from the City Planning Commission Determination for the proposed Century City Center Project. The Planning Commission approved Alternative 9 - Enhanced Retail Alternative as analyzed in the Subsequent EIR, in lieu of the previously proposed Modified Project. As detailed in the Planning Commission's Determination, the Enhanced Retail Alternative would include the construction of one 37-story, 700,000-square foot office building, approximately 10,338 square feet of low-rise, one- and two-story office space, a 2,389-square foot Mobility Hub, a 39,037-square foot Transit Plaza, approximately 17,102 square feet of ancillary retail, and a partially subterranean parking structure with 1,530 stalls. In addition, the Enhanced Retail Alternative would include a 2.14-acre landscaped green roof deck on the parking structure which would be open to members of the public between 6:00 a.m. – 8:00 p.m., seven days per week, as an additional public amenity. In total, the Enhanced Retail Alternative would comprise approximately 729,829 square feet of occupiable square footage. This represents a reduction of approximately 1,421 total square feet as compared with the Modified Project and a reduction of approximately 562,529 total square feet as compared with the residential Approved Project that the City previously approved for the Project Site in 2006. Potential impacts resulting from the Enhanced Retail Alternative, including impacts related to traffic, are detailed in the Planning Commission's Determination.

Below are detailed responses to arguments and claims made in the following five filed appeals:

- The appeal filed by Benjamin Reznik of Jeffer Mangels Butler & Mitchell on behalf of the Coalition to Save the Westside, dated August 13, 2014 (“STW Appeal”);
- The appeal filed by Benjamin Reznik of Jeffer Mangels Butler & Mitchell on behalf of One Hundred Towers, LLC, dated August 13, 2014 (“100 Towers Appeal”);
- The appeal filed by Benjamin Reznik of Jeffer Mangels Butler & Mitchell on behalf of 1875/1925 Century Park East Company and WP Twin Towers Inc., dated August 14, 2014 (“Watt Plaza Appeal”);
- The appeal filed by Benjamin Reznik of Jeffer Mangels Butler & Mitchell on behalf of Beverlywood Homes Association, dated August 14, 2014 (“Beverlywood Appeal”); and
- The appeal filed by John B. Murdock on behalf of Barbara Broide, President, Westwood South of Santa Monica Boulevard HOA, dated August 18, 2014 (“WSSM Appeal”).

The definitions for each of the appeals above are used throughout this response document. Substantially all of the issues raised by the appeals have been thoroughly addressed in the City's administrative record for the Project, including in the Final Subsequent EIR's Responses to Comments, and in Latham & Watkins' November 15, 2013 ("Latham Letter 1"), December 6, 2013 ("Latham Letter 2"), April 24, 2014 ("Latham Letter 3"), May 5, 2014 ("Latham Letter 4"), and May 29, 2014 ("Latham Letter 5") letters to the Hearing Officer and Planning Commission. To clarify certain issues, however, we are providing you with references to where the appeals' claims have been addressed and supplemental information where relevant.

In addition, references to the May 8 Hearing Transcript refer to the Reporter's Transcript of Proceedings for the City Planning Commission dated May 8, 2014 and references to the June 12 Hearing Transcript refer to the Reporter's Transcript of Proceedings for the City Planning Commission dated June 12, 2014, both prepared by Biehl, et al. Both transcripts are in the PLUM Committee file for Council File No. 14-1130.

In this attachment, the term "Project" refers to the Modified Project as subsequently modified by the Enhanced Retail Alternative as approved by the City Planning Commission on June 12, 2014, while the terms "Enhanced Retail Alternative" and "Modified Project" refer to each iteration of the Project individually. Further, the term "Applicant" refers to Century City Realty LLC, the term "LAMC" refers to the Los Angeles Municipal Code, the term "CCNSP" refers to the Century City North Specific Plan, the term "CEQA" refers to the California Environmental Quality Act, and the term "LADOT" refers to the Los Angeles Department of Transportation.

I. THE CITY PLANNING COMMISSION FOLLOWED ALL APPLICABLE PROCEDURES

A. The Multiple Approvals Ordinance Requires the City Planning Commission to Act as the Initial Decisionmaker for all of the Applicant's Entitlement Requests, Including the CCNSP Section 6 Request

Several of the appellants argue that LADOT's CCNSP Section 6 recommendation should have been considered by the Area Planning Commission in the first instance and not the City Planning Commission.¹ The appellants are wrong. As explained in Topical Response 1: Application of CCNSP Section 6, in the Final Subsequent EIR, the Multiple Approvals Ordinance requires the City Planning Commission to act on the Applicant's request under CCNSP Section 6 instead of the Area Planning Commission because the request is one of several requested entitlements for the proposed Project, which include Legislative entitlements that must be considered by the City Planning Commission in the first instance. This is further confirmed in the Hearing Officer's Recommendation Report to the Planning Commission, which explains: "the application of the Multiple Approvals Ordinance is appropriate for this project as it serves to meet the intent and purpose of the Century City North Specific Plan, the Los Angeles Municipal Code, and the California Environmental Quality Act." (Recommendation Report, p. A-27.) Therefore, by acting as the initial decision-making body on all of the Project's entitlement

¹ See STW Appeal, p. 4; 100 Towers Appeal, p. 5; WSSM Appeal, p. 4.

requests – including the request under CCNSP Section 6 – the Planning Commission followed the correct and applicable City procedures for the Applicant’s entitlement requests.

In general, LAMC sections 11.5.7.F and 11.5.7.J state that the Area Planning Commission shall have initial decision-making authority for implementation of other specific plan provisions, including alternative Trip generation factors under Section 6 of the CCNSP. However, the LAMC’s Multiple Approvals section modifies these rules of general applicability and states, “[i]f a project requires any approval or recommendation separately decided by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision-maker, and also requires any approval or recommendation by the City Planning Commission as the initial decision-maker, then the City Planning Commission shall have initial decision-making authority for all of the approvals and/or recommendations.” (LAMC Sec. 12.36.C.1.) The Multiple Approvals section applies “[i]f an applicant files for a project that requires multiple Legislative and/or Quasi-judicial Approvals.” (LAMC Sec. 12.36.B.) Under the Multiple Approvals section the applicant must “file applications at the same time for all approvals reasonably related and necessary to complete the project.” (*Id.*)

Here, the Applicant filed applications for all approvals reasonably related and necessary to complete the Project simultaneously on January 24, 2013, including the request for an alternative Trip generation factor under CCNSP Section 6. Contrary to the claims of one appellant,² submission of a traffic study by the Applicant to LADOT on December 1, 2011 was not the first application for the Project’s entitlements. Rather, that submission was done according to standard LADOT procedure in order to allow preparation of the Transportation Study used in the Subsequent EIR to proceed. As discussed in Latham Letter 2 (Attachment, p. 40), because the consideration of an alternative Trip generation factor under CCNSP Section 6 is a discretionary process, that process could not be commenced until the City had completed its CEQA review of the proposed Project. Accordingly, to commence that process the Applicant submitted a letter to LADOT dated October 10, 2013 (after the City had released the Project’s Final Subsequent EIR), requesting that LADOT evaluate the Project’s Transportation Study, including its Trip Generation Memo, for purposes of determining whether an Alternative Calculation of Trip Generation Factors pursuant to CCNSP Section 6 should be granted. The appellant’s claim that LADOT failed to timely act on the Applicant’s Section 6 application is therefore incorrect.

The applications filed by the Applicant on January 24, 2013 also included an application to amend the Development Agreement between Century City Realty, LLC and the City of Los Angeles as approved by Ordinance No. 180,765, dated September 16, 2009, which is a Legislative approval for which the City Planning Commission is the initial decision-making authority. LAMC Section 12.32.C requires that the City Planning Commission hear all applications for proposed land use ordinances other than those involving zone or height district changes for development projects creating fewer than 50,000 gross square feet, 50 dwelling units/guest rooms, or for development projects without project descriptions. Because the Applicant applied for an amendment to the Development Agreement, which must be established by land use ordinance, the City Planning Commission has initial decision-making authority on

² See STW Appeal, p. 4.

the Development Agreement amendment under LAMC Sec. 12.32. Therefore, because the Applicant's request for an amendment to the Development Agreement must be heard by the City Planning Commission in the first instance, the City's Multiple Approvals Ordinance requires that all of the Applicant's entitlement requests be heard by the City Planning Commission as the initial decision-making body.

The appellants erroneously suggest that the Multiple Approvals Ordinance does not apply to Section 6 by claiming that Section 6 falls under LAMC Section 11.5.7.J (decision-makers and appellate bodies for other specific plan provisions), arguing that the Multiple Approvals Ordinance specifically excludes CCNSP Section 6 from the list of approvals it encompasses because LAMC Section 12.36.A, in its definition of "Quasi-judicial Approval," does not specifically list LAMC Section 11.5.7.J. This is a willful misreading of the LAMC, and it does not in any way suggest that CCNSP Section 6 is excluded from the Multiple Approvals Ordinance. The appellants' consistent misreading of the LAMC is further demonstrated on page 5 of the STW Appeal, in which the appellants erroneously suggest that "[u]pdating a Specific Plan provision... would require a Specific Plan Amendment, as codified in section 11.5.7 ***F and J*** of the Los Angeles Municipal Code." (emphasis added.) Neither of those provisions govern amendments to specific plans.

The plain language of the Multiple Approvals Ordinance makes clear that "If a project requires any approval or recommendation separately decided by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision-maker, and also requires any approval or recommendation by the City Planning Commission as the initial decision-maker, then the City Planning Commission shall have initial decision-making authority for all of the approvals and/or recommendations" (LAMC Sec. 12.36.C.1). The Applicant's request under CCNSP Section 6 fits perfectly within the Multiple Approvals Ordinance's express requirements and its statutory intent. While a CCNSP Section 6 request is normally to be decided by the Area Planning Commission as the initial decision-maker, the Applicant has also applied for an amendment to a Development Agreement, a legislative approval for which the City Planning Commission is the initial decision-maker. The Multiple Approvals Ordinance was written specifically for this type of situation, to streamline and simplify case processing functions, create a stable and predictable land use regulatory system with clear review processes and simple decision-making hierarchies, and create a business-friendly environment and a project review process that is easily understood and accessible to the general public. (See Topical Response 1 in the Final Subsequent EIR.) Therefore, the Multiple Approvals Ordinance applies to the Applicant's multiple entitlement requests in this case and that the City Planning Commission – and not the Area Planning Commission – is the correct initial decision-making authority for the Applicant's CCNSP Section 6 request.

One appellant also incorrectly claims that a CCNSP Section 6 approval must be made before a project is analyzed under CEQA.³ As explained in Latham Letter 2 (Attachment, pp. 40-41), Section 6 does not require the submittal of a request for an Alternative Calculation of Trip Generation Factors, LADOT review of such a request, or City approval of such a request prior to the completion of environmental review for a project seeking an alternative Trip

³ See STW Appeal, pp. 8-9.

generation factor. It is consistent with the CEQA's public participation mandate for a Final EIR to be completed before LADOT makes a recommendation on a Section 6 request, and before the decision-making body can render its discretionary determination on the request. CEQA establishes as a policy of the State that "[c]omments from the public and public agencies on the environmental effects of a project shall be made to lead agencies as soon as possible in the review of environmental documents...in order to allow the lead agencies to identify, at the earliest possible time in the environmental review process, potential significant effects of a project." (Pub. Resources Code Sec. 21003.1(a).) CEQA and its public participation mandate are "an integral part of any public agency's decision making process." (Pub. Resources Code Sec. 21006.) Under CEQA, a lead agency must complete its review under CEQA before granting any discretionary approval of a project. (See CEQA Guidelines, § 15004(a).) It should also be noted that in the last case of a CCNSP Section 6 application, which involved the AT&T Building at 2010 Century Park East, the City had completed its environmental review of that project before making a decision on the Section 6 request. Therefore, contrary to the appellant's claims, CEQA review must be completed before the City can render a CCNSP Section 6 determination.

The appellant also criticizes the process followed by the Planning Department and LADOT in submitting recommendations regarding the Section 6 request to the Planning Commission.⁴ The appellant claims that because of dual recommendations on the request from LADOT and the Planning Department, the Section 6 request came to the Planning Commission "predestined for approval, because denial of the rate by the CPC would require beginning the entire EIR process anew." This is clearly not the case. As codified in CCNSP Section 6, LADOT is the recommending body delegated the authority to analyze a traffic generation study and to make a recommendation as to whether it is accurate. Separately, the City Planning Commission is the decision-making body charged with making land use decisions. Second, the Section 6 request did not come to the Planning Commission "predestined for approval" and denial of the Section 6 request would not have caused the EIR process to start "anew." The Subsequent EIR includes Compliance Measure LU-1, which requires the Applicant to obtain all necessary Trips for development of the Project prior to beginning construction. Therefore, even if the Section 6 request had been denied by the Planning Commission, the EIR would still be valid. Furthermore, the Subsequent EIR analyzed traffic and circulation impacts of the Project using three different trip generation rates, so if the Planning Commission had rejected LADOT's recommendation that it accept the Economy Adjustment Rate of 4.97 trips per 1,000 square feet, two other trip generation rates were analyzed in the EIR for the Project. It should also be noted that it is not uncommon for decision-making bodies to request modifications to CEQA documents, and nothing would have prevented the Planning Commission from directing the Planning Department to revisit the CEQA analysis after publication of the EIR.

The same appellant also argues that the Area Planning Commission should hear the Section 6 request in the first instance because the Area Planning Commission can make "the most informed decision" on such a request.⁵ This argument is belied by this appellant's other arguments pertaining to the Applicant's Section 6 request, in which it refers in multiple places to

⁴ See STW Appeal, p. 9.

⁵ See STW Appeal, p. 9.

the AT&T Building at 2010 Century Park East as the only project to receive an alternative Trip generation factor pursuant to CCNSP Section 6 in the past 30 years. The AT&T Building's Section 6 approval was issued twelve years ago, in 2002 (see Determination of the West Los Angeles Area Planning Commission, Case Nos. APCW-2002-3883(ZV)(MSC)(SPP); ZA 1999-0509(CUZ)(PA1), Dec. 2, 2002.) The record confirms that this project was the only occasion on which the Area Planning Commission heard a Section 6 request. Therefore, the Area Planning Commission has no recent relevant experience with this type of approval and is in no better position to make "the most informed decision."

Finally, the same appellant claims that the City's application of the Multiple Approvals Ordinance in this case subverts the intent of the CCNSP, because all applications under CCNSP Section 6 accompanied by Project Permit applications would automatically be heard in the first instance by the City Planning Commission according to the CCNSP procedures for Project Permits.⁶ (See CCNSP, Sec. 3.C.) This is, again, a misreading of the CCNSP. Nothing in the CCNSP *requires* the filing of a Project Permit application and a CCNSP Section 6 application together. In fact, the same appellant lamenting this alleged subversion of the CCNSP claims fervently that the Applicant should have applied for and obtained its CCNSP Section 6 determination before filing its Project Permit application. (See STW Appeal, p. 8.) As discussed above, the Multiple Approvals Ordinance applies only when all applications for a project are filed simultaneously, as they were in the case of this Project.

Therefore, for all of the above reasons, the City Planning Commission was the correct initial decisionmaker for all of the Project's entitlements, and the arguments made in the appeals are without merit. Furthermore, regardless of the initial process applied, the City Council is the appellate body for all decisions of either the Area Planning Commission or City Planning Commission under CCNSP Section 6, and the appellants have appealed the Planning Commission's Section 6 approval to the City Council. (See CCNSP, Sec. 4.B.) For additional discussion, please see Latham Letter 2 (Attachment, pp. 37-39).

B. The City Planning Commission Properly Made Findings for Code-Required Approvals

Several of the appellants claim that the Planning Commission failed to make code-required findings for the Modified Project Permit and for Site Plan Review. Those claims are erroneous and contradicted by the Project's administrative record.

1. A Modified Project Permit is Appropriate, and the Planning Commission Made Appropriate Findings for this Entitlement

The appellants wrongly claim that the Determination failed to make the code-required findings for a Modified Project Permit, that a Modified Project Permit is not appropriate for the Project, and that the Planning Commission should have included an entitlement for a new Project Permit.⁷ First, the claim that findings were not provided for a Modified Project Permit blatantly

⁶ See STW Appeal, pp. 9-10.

⁷ See STW Appeal, p. 3; 100 Towers Appeal, p. 4; WSSM Appeal, p. 4.

ignores the written findings in the Commission's Determination. On page F-16 of the Determination, the Commission expressly found that "the modification to the Project Permit for the Enhanced Retail Alternative is substantially in conformance with the original Project Permit Compliance for the Approved Project," which is the required finding for a Modified Project Permit under LAMC Sec. 11.5.7.D. As explained in the Determination, this finding was made because the Enhanced Retail Alternative would "not involve any new conflicts related to the policies in the CCNSP as compared to the Approved Project." (*Id.*)

The entire purpose of the Project Permit Compliance review process – whether for a new Project Permit or a modification to a Project Permit – is to confirm whether a project as proposed is consistent with a Specific Plan. Here, the Commission's Determination evaluated the Enhanced Retail Alternative against the same nine findings that are required for a new Project Permit pursuant to CCNSP Section 3.C.1, and compared the results to the Project Permit findings previously made for the Approved Project. (See Determination, pp. F-16 – F-37.) Thus, the Commission made all of the required findings for a new Project Permit, plus the additional finding that modifications proposed by the Enhanced Retail Alternative are "substantially in conformance" with the Project Permit Compliance determination previously made for the Approved Project. This approach was wholly appropriate and consistent with the LAMC's requirement that Modified Project Permit Compliance be performed "[o]nce a Project Permit Compliance becomes effective" and a subsequent modification to the project is proposed. (LAMC 11.5.7.D.) The appellants' argument that only a new Project Permit should be considered ignores the fact that there is an approved and effective Project Permit Compliance on the Project Site for the Approved Project and wrongly suggests that a Modified Project Permit is somehow subject to less rigorous review than a new Project Permit. As discussed above and demonstrated in the Commission's findings, the scope of the Commission's analysis for the Modified Project Permit was no less rigorous than what is required for a new Project Permit. (Compare Determination, pp. F-16 – F-37, with CCNSP Sec. 3.C.1(a-i).) In addition, as discussed at length in Latham Letter 2 (Attachment, pp. 8-12) and Latham Letter 4 (pp. 5-6), the Project is substantially in conformance with the Project Permit Compliance Determination for the Approved Project.

The appellants' contentions about the Modified Project Permit all seem to be based on their position that modifying an approved residential project to an office project does not constitute a "modification" to the approved project and therefore should be considered a "new" project. However, there is no support under the LAMC for their claim. The provisions for Modified Project Permits under LAMC Section 11.5.7.D do not limit or circumscribe the types of project changes that qualify as a modification to an approved project. In contrast, Section 11.5.7.D requires that the Modified Project Permit Compliance procedures be followed where "any subsequent modification" to an approved project is proposed. Here, a Project Permit for the Approved Project has been in place since 2006, and the Commission appropriately followed the Section 11.5.7.D procedures for the modifications proposed by the Enhanced Retail Alternative.

2. The Director of Planning Properly Granted an Exemption from Site Plan Review Regulations

The appellants also claim that the Director of Planning's determination that the Project is exempt from Site Plan Review regulations was not warranted because the Project will have

several environmental impacts that cannot be mitigated below the level of significance.⁸ These arguments are based on a fundamental misreading of the LAMC. LAMC Section 11.5.7.C.4(f), which permits the Director to determine that Site Plan Review “shall not be required” for certain projects in Specific Plans with similar site planning regulations to those in the LAMC, does not require that all environmental impacts be mitigated below a level of significance for the Director’s determination to apply. Instead, it simply requires that impacts be “mitigated” – e.g., that mitigation is imposed to reduce a project’s significant environmental impacts. A full and complete mitigation and monitoring program is proposed for the Enhanced Retail Alternative which incorporates all feasible mitigation measures and reduces the Enhanced Retail Alternative’s environmental impacts to the extent feasible. (See Final Subsequent EIR, Sec. 5.0.) Here, the Director correctly determined at his discretion according to the terms of LAMC Section 11.5.7.C.4(f) that because the Project is located in a specific plan area with project site planning regulations established by the specific plan, and mitigation measures are imposed to reduce significant project environmental impacts, the exemption from site plan review is warranted.

Furthermore, the 2000 Avenue of the Stars project, which is owned by one of the appellants, had two environmental impacts that could not be mitigated to a less than significant level: air quality (cumulative construction emissions) and noise (construction). Although that project received a Project Permit approval, it did not obtain a Site Plan Review approval (despite the fact that Site Plan Review should have been required in the absence of a Project Permit). (See City Planning Commission Determination, February 7, 2003, Case No. CPC 2002-4621-CU-SPP-SD.) This appellant’s complaints about the Director’s Site Plan Review exemption for the Enhanced Retail Alternative ring hollow when the City similarly did not require Site Plan Review for their project across the street.

II. THE PLANNING COMMISSION CORRECTLY INTERPRETED THE PURPOSE AND HISTORY OF THE CCNSP AND PROPERLY GRANTED AN APPROVAL UNDER CCNSP SECTION 6

All of the appellants claim that the Planning Commission erred in interpreting the purpose and history of the CCNSP, particularly the density-related provisions of the CCNSP, and that approval of an Alternative Calculation of Trip Generation Factors for the Enhanced Retail Alternative under Section 6 of the CCNSP was in error. As explained in detail below, those claims are meritless.

A. The CCNSP’s Plain Text Regulates Development Through Two Separate and Distinct Mechanisms: FAR and Trips

Several of the appellants claim that the Planning Commission misinterpreted the CCNSP’s density regulations when it approved the Applicant’s requested approval under CCNSP Section 6.⁹ Those claims are wrong and inconsistent with a plain reading of the CCNSP.

⁸ See STW Appeal, p. 3; 100 Towers Appeal, pp. 4-5; WSSM Appeal, p. 4.

⁹ See STW Appeal, pp. 5-7; 100 Towers Appeal, p. 4; Watt Plaza Appeal, p. 4; Beverlywood Appeal, p. 4; WSSM Appeal, p. 3.

Under the CCNSP's plain text, the CCNSP regulates development within the CCNSP area through two means. First, properties located within the specific plan's "Core Area" are limited to a maximum floor area ratio ("FAR") of 6:1 (six times the buildable area of the lot) while properties in the "Buffer Area" are limited to a maximum FAR of 4.5:1 (4.5 times the buildable area of the lot). (CCNSP Sec. 3.C.2(d), p. 14.) Second, the CCNSP further limits development within the specific plan area according to the availability of "Trips" allocated to parcels within the plan area. (CCNSP Sec. 3.C.2.(a)-(c), p. 14.) "Trips" do not create an additional FAR limit within the CCNSP area – they simply regulate the number of daily vehicle trips (i.e., development intensity) that may be generated by future development. As demonstrated in detail below and in Topical Response 2 and Response to Comment O-27-34 in the Final Subsequent EIR, as well as in Latham Letter 2, there is no ambiguity in the CCNSP on this issue.

The City established the CCNSP when it adopted Ordinance 156,122, effective on November 24, 1981. In the CCNSP's preamble, it sets forth multiple declarations that explain why "it is necessary to adopt the following Specific Plan." (CCNSP, p. 1.) First, the CCNSP provides that Century City should "develop as one of several high-intensity centers" in Los Angeles, in part because the concentration of development intensity in a community center is "consistent with the preservation and protection of low-density, single-family residential areas from encroachment by other types of uses." (*Id.*) The CCNSP includes a zoning map that provides that certain properties, including the Project Site, are designated as the C2-2 zone, and "the C2-2 zoning densities indicated on the Map . . . are consistent with the densities shown in the Plan." (*Id.*) The CCNSP provides that "the full commercial densities proposed by the Plan, [i.e., the C2-2 zoning densities] indicated on the Map, are predicated on provision of adequate public service and transportation facilities to service the Specific Plan Area." (*Id.*) Accordingly, the CCNSP includes provisions that regulate the intensity of future development, i.e., its impact on public service and transportation facilities, within the full commercial zoning densities provided for in the Zoning Code.

Contrary to the claims of 100 Towers and Beverlywood that the CCNSP's "Trip" provisions establish a new density cap for office uses,¹⁰ the only FAR density limits discussed in the CCNSP are those established by the City's Zoning Code. (See CCNSP Secs. 3.B.2(d), p. 11 and 3.C.2(d), p. 14.) The Project Site and each of the other properties within the CCNSP's "Core Area" are limited to a FAR of 6:1, consistent with their C2-2 Zoning Code designations. The CCNSP's provisions regulating "Trips" are not related to and do not otherwise cross-reference the CCNSP's discussion of FAR applicable to properties in the CCNSP area through the Zoning Code. (Compare CCNSP Sec. 3.B.2(d), p. 11 and 3.C.2(d), p. 14 to CCNSP Sec. 2, p. 5.) Other than the FAR limits imposed by the Zoning Code, the CCNSP is silent on FAR. Therefore, any assertion that there is a FAR density limit in the CCNSP in addition to the Zoning Code limitation is incorrect.

While the Zoning Code's 6:1 FAR density limit regulates density within the CCNSP's "Core Area," the CCNSP regulates the intensity of development within that FAR density limit through its "Trip" allocation provisions. The CCNSP defines "Cumulative Automobile Trip Generation Potential" (CATGP) as "the cumulative total daily Trips generated by all Projects on

¹⁰ See 100 Towers Appeal, p. 4; Beverlywood Appeal, p. 4.

commercially zoned lots within the Specific Plan Area for which building permits are issued subsequent to November 15, 1981.” (CCNSP at Sec. 2, p. 2.) A “Trip” is defined under the CCNSP as “a unit of real property development rights pursuant to this Specific Plan and means a calculation of daily arrivals at and daily departures from a building or structure by motor vehicles of four or more wheels.” (Id. at p. 5.) “The number of Trips generated by any Project or existing building or structure shall be calculated utilizing the table set forth in the definition of Cumulative Automobile Trip Generation Potential [in Section 2 of the CCNSP].” (Id.) However, if a party “disputes any of the Trip generation factors enumerated in the definition of CATGP in Section 2 of this Ordinance, as applied to a particular Project during the second phase of development, such person may submit a proposed alternative Trip generation factor for the Project.” (Id. at sec. 6, p. 17.)

As stated in the CCNSP, one of the CCNSP’s purposes is to “assure orderly development and to provide street capacity and other public facilities adequate for the intensity and design of development.” (Section 3.A, p. 5.) To accomplish this purpose, the CCNSP allocates Trips to various properties within the CCNSP area in two distinct phases of development and sets a maximum number of CATGP Trips that may be utilized in each of the phases. Rather than using a maximum FAR limit, the CCNSP uses CATGP Trips to set a limit on the intensity of future development for the entire specific plan area. Because “orderly development” and “street capacity,” i.e. traffic congestion, were the CCNSP’s primary purposes, as discussed in Section 3.A on page 5 and 3.B on pages 8 through 11 of the CCNSP, the first Phase of development under the CCNSP (Phase I) required specific street dedications and roadway improvements on Avenue of the Stars, Century Park East, Century Park West, Constellation Boulevard, Pico Boulevard, and Santa Monica Boulevard. The CCNSP’s second Phase of development (Phase II) began when building permits had been issued for projects generating 15,225.606 Trips under CATGP and when all public improvements set forth in the CCNSP were completed. (CCNSP, Sec. 3.A.)

Therefore, as shown in the CCNSP’s plain text, a development project’s density is limited by the Zoning Ordinance, and a project’s development intensity is further limited by the number of Trips, i.e., the calculation of daily arrivals at and daily departures from a building or structure by motor vehicles of four or more wheels, that it generates. The number of Trips required for a particular development project is generally to be calculated based on the default factors included in CCNSP Section 2, unless those enumerated factors are disputed pursuant to CCNSP Section 6 and an alternative Trip generation factor is approved. As described in detail in Response to Comment O-27-38 in the Final Subsequent EIR, a request for an Alternative Calculation of Trip Generation Factors pursuant to CCNSP Section 6 does not create additional density or traffic generation beyond what is allowed by the CCNSP, because a Project cannot be built if it does not have adequate Trips allocated to its site, regardless of the Trip generation factor applied.

B. The CCNSP’s Administrative and Legislative History Confirms that Trips Regulate Development Intensity Separately from Density

Although the CCNSP’s separate and distinct regulations on density and Trips are clear in its plain text, as discussed in detail in Topical Response 2 and Response to Comment O-27-34 in the Final Subsequent EIR, and in Latham Letter 2, the fact that the CCNSP regulates

development intensity through Trips as opposed to FAR is consistent with the intention of the CCNSP's drafters to regulate traffic in and around the Century City area and to mitigate traffic impacts caused by new development. The City's administrative record for the CCNSP is replete with evidence that traffic – not density – was the primary concern the City Council sought to address at the time it adopted the CCNSP.

One appellant erroneously argues that the Negative Declaration adopted by the City for the CCNSP (ND-828-80-GP) confirms that CATGP Trips were included in the CCNSP as a means of restricting density beyond FAR limits established by the LAMC, as “further reductions of allowed *intensity* of commercial and residential densities.” (STW Appeal, p. 7 [quoting Negative Declaration, p. 2]) (emphasis added.) This is an attempt to distort the CCNSP's legislative history. As stated in the Negative Declaration, the CCNSP was originally introduced in June of 1979, and this draft was further modified in January of 1980. (See ND-828-80-GP, Subsequent EIR Appendix U.) However, following negotiations among all of the various parties in interest, the earlier drafts were “rendered . . . obsolete.” (ND-828-80-GP Staff Report, p. 1, Subsequent EIR Appendix U.) Between the 1980 draft CCNSP and the version of the CCNSP that the City Council adopted, “[u]nits of development intensity, defined as a means of creating phases of development, were changed from square feet to “CATGP, or Cumulative Automobile Trip Generation Potential.” (Id.) The shift away from using square footage or FAR limitations in favor of CATGP to regulate development in the CCNSP area reflects the fact that addressing traffic – not density – was the City's primary concern when adopting the CCNSP.

For additional discussion of this issue, see Topical Response 2, Response to Comment O-27-34 in the Final Subsequent EIR, and Latham Letter 2, Attachment, pp. 13-21.

C. The Subsequent EIR Does Not Conflate the Traffic and CATGP Trip Analyses

Several of the appellants claim that the Subsequent EIR conflated the traffic analysis and CATGP Trip analysis under the CCNSP, and argued that the Subsequent EIR should have performed separate analyses of traffic trips generated by the Project and of the Trips to be used by the Project under the CCNSP.¹¹ The appellants are mistaken, because the Subsequent EIR did separately analyze the Project's trip generation and its Trip usage under the CCNSP.

Traffic trip generation for the Project 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, 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).

¹¹ See STW Appeal, p. 5; 100 Towers Appeal, p. 4; Watt Plaza Appeal, p. 4.

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. As discussed above, 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."

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 appeals. 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).

Several appellants made reference to recent Century City projects 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 discussed in Response to Comment O-27-35 in the Final Subsequent EIR, while the recent Century City projects identified by several of the appellants 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. Moreover, the analysis employed for the Applicant's project is not inconsistent

with the provisions of the CCNSP, as the appellants imply. As discussed above, the CCNSP's Trip 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 impacts under the CCNSP meets the CCNSP's intent. Therefore, the environmental analysis and 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 for both analyses is fully consistent with the CCNSP.

D. The CCNSP Does Not Contain a Requirement that a Use be "Unique" to Qualify for an Alternative Calculation of Trip Generation Factors

Several of the appellants advance the argument that a use must be "unique" to justify an alternative Trip generation factor.¹² This is incorrect. 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.

Several of the appellants refer 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. This point, however, 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

¹² See STW Appeal, p. 6; Beverlywood Appeal, p. 4.

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 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.

E. CCNSP Section 6 is Appropriately Applied to the Project

Several of the appellants argue that no "dispute" is present as to the validity of the Trip generation factors in CCNSP Section 2.¹³ The appellants' attempt to define the term "dispute" without looking to the text of the CCNSP is absurd. CCNSP Section 6 begins as follows: "If the developer of a Project, the Director of Planning or any other interested person *disputes any of the Trip generation factors enumerated in the definition of CATGP in Section 2 of this Ordinance, as applied to a particular Project ...*" they may request approval of an Alternative Trip Generation Factor. (CCNSP, Sec. 6 (emphasis added).) These terms expressly provide broad discretion to "dispute" the application of the CCNSP Section 2 Trip generation factors to a particular project. There is no other procedural hurdle other than the Section 6 applicant must provide evidence demonstrating that a Trip generation factor set forth in CCNSP Section 2 is not applicable to the relevant project. Here, the Applicant has publicly disputed the application of the CCNSP Section 2 Trip generation factor for "Other Office Commercial" of 14 Trips/1,000 square feet to the Project, and has submitted into the record an application and an empirical traffic analyses supporting the application. A dispute over the application of the "Other Office Commercial" Trip generation factor to the Project, a factor that has not been updated since 1981, clearly exists. Therefore, the appellants' illogical claim that there is no "dispute" has no support. As discussed in detail above, a dispute under Section 6 can be made for any of the Trip generation factors set forth in the CCNSP, and a project does not need to have a "unique" use for Section 6's procedures to apply. For more discussion of this issue, please see Topical Response 1: Application of CCNSP Section 6, in the Final Subsequent EIR.

F. The Section 6 Approval is Project-Specific and is Not a Back Door Specific Plan Amendment

¹³ See STW Appeal, p. 8; Beverlywood Appeal, p. 5.

Several appellants argued that the Planning Commission's approval of an alternative Trip generation factor is tantamount to an amendment to the CCNSP, and that the Applicant should have applied for a specific plan amendment instead.¹⁴ These claims are false and ignore the plain language in CCNSP Section 6. As an initial matter, Section 6 has always been a part of the CCNSP since its adoption in 1981. Therefore, the right for any developer to seek a Section 6 approval for a "particular Project" has always existed. Several appellants claim, without any factual support, that the City has refused to accept a Section 6 dispute application when requested by other developers.¹⁵ There is no credible evidence in the record supporting this assertion. The provisions of Section 6 have previously been used by the AT&T/Pacific Bell Building (see the discussion above), and simply because others have not applied for alternative Trip generation factors does not mean that such applications are not permitted.

CCNSP Section 6 expressly allows an alternative Trip generation factor for *any of the Trip generation factors enumerated in CCNSP Section 2*. The text of CCNSP Section 6 could not be more straightforward – any commercial office use may apply for a Section 6 approval because a Trip factor for that use is enumerated in CCNSP Section 2. The time to challenge the CCNSP Section 6 procedures and the ability of developers to seek approval of Alternative Trip Generation Factors has long since passed.

In addition, CCNSP Section 6 expressly states that a determination under this provision is only "applied to a particular Project during the second phase of development." Therefore, by its express terms, a CCNSP Section 6 determination for one project cannot be applied to any other project and certainly does not apply to every commercial office project in Century City. Rather, Section 6 requires any project seeking to use its procedures to file an application supported by a trip generation study, which is then subject to discretionary review by the City. Because a Section 6 determination is discretionary, it is also subject to review under CEQA. (See Pub. Resources Code Sec. 21080(a).) These procedural requirements ensure that each CCNSP Section 6 application is thoroughly analyzed, that any potential environmental impacts are appropriately mitigated, and that any determinations are applied on a project-specific basis. Accordingly, there is no support for the claims that a Section 6 determination for a single project amounts to a "back door" amendment of the CCNSP for all other projects.

Furthermore, contrary to the claims made in the Beverlywood Appeal (at p. 5), the Applicant is not seeking to "update" the standard Trip generation factors in Section 2 of the CCNSP. Rather, as explained above, an application under Section 6 is a *project-specific* application which requests a different Trip generation factor for a particular project. The granting of an alternative Trip generation factor for the Applicant's proposed project would neither amend the CCNSP nor "update" the Section 2 Trip generation factors. As required by Section 6, all applications for alternative Trip generation factors must be decided on a case-by-case basis.

For additional discussion, please see Latham Letter 2, Attachment, p. 25-26.

¹⁴ See STW Appeal, p. 5; Beverlywood Appeal, p. 5.

¹⁵ See 100 Towers Appeal, p. 4; Watt Plaza Appeal, p. 4.

G. The Project Would Not Induce Growth Beyond What the CCNSP Allows

Several of the appellants criticize the Determination and Subsequent EIR for failing to take into consideration the purported growth-inducing impacts of the approval of the alternative Trip generation rate pursuant to CCNSP Section 6.¹⁶ This allegation is false, and ignores the fact that Section 6 has been in the CCNSP since 1981. The City's approval of an alternative Trip generation factor for the Project would not alter the rights of property owners under the CCNSP in any way or permit more growth than the CCNSP allows. Any decision by a property owner to seek an alternative Trip generation factor under Section 6 in the future would not be due to the City's approval of such an alternative Trip generation factor for the Project, but rather a result of a property owner exercising the right to apply for an alternative Trip generation factor that has existed in Century City since the CCNSP's adoption. (See CCNSP Section 6 ("If the developer of a Project . . . disputes any of the Trip generation factors enumerated in the definition of CATGP in Section 2 of this Ordinance, as applied to a particular Project . . . such person may submit a proposed alternative Trip generation factor for the Project.")) The Project cannot be said to "induce" decisions to apply for development projects, when current land use plans have permitted such applications for over 30 years.

Second, the approval of an alternative Trip generation factor as applied to the Project would not induce growth beyond what is allowed in the CCNSP because Trips allocated to properties through the CCNSP limit future development, and no future project may exceed the total number of Trips allocated to its project site (i.e., no project cannot create more traffic than the CCNSP contemplated). As stated in the CCNSP, one of the CCNSP's purposes is to "assure orderly development and to provide street capacity and other public facilities adequate for the intensity and design of development." (CCNSP Section 3.A.) To accomplish this purpose, the CCNSP allocates Trips to various properties within the CCNSP area in two distinct phases of development and sets a maximum number of Trips that may be utilized in each of the phases. The CCNSP allocated 30,516.789 Trips to be used for future development, in addition to the existing traffic generated by uses in Century City that pre-dated the CCNSP. (See *id.* at Section 3.C.)

Under the procedures established in CCNSP Section 6 for alternative calculations of Trip generation factors, if the Trip generation of a particular use is shown in an LADOT-approved traffic generation study to be less than the Trip generation factor established for that use in CCNSP Section 2, then following a City approval of the new Trip generation factor, the square footage of the use may be calculated using the new factor. This procedure exists so that the City can evaluate and determine that a proposed use will not result in greater traffic generation (i.e., development intensity) than was contemplated when the CCNSP was adopted in 1981. As long as a Project is within the Trip limits established by the CCNSP, an approval under Section 6 cannot induce more growth and traffic intensity than is provided for in the CCNSP.

Contrary to the claims of several appellants, approval of the Applicant's Section 6 request will not allow unchecked growth in the CCNSP area until all neighborhoods and intersections are

¹⁶ See STW Appeal, p. 26-27; Beverlywood Appeal, p. 5-6.

impacted.¹⁷ While the CCNSP does not contain a density cap, it does contain a Trip cap that limits Trips in the CCNSP area to those that existed at the time of the CCNSP's adoption (i.e., potential Replacement Trips) and those Trips that are specifically allocated to properties in the CCNSP area. (CCNSP, Secs. 3.C.2.a-c.) Each individual project's development intensity is limited by the number of Trips (i.e., the calculation of daily arrivals at and daily departures from a building or structure by motor vehicles of four or more wheels) that it generates. So long as an individual project does not generate more Trips than what are allowed on the site (either Replacement Trips or Trips allocated by the CCNSP), it cannot create additional growth and traffic generation beyond what was contemplated when the CCNSP was adopted.

Furthermore, as the appellants point out, the definition of "Project" in CCNSP Section 2 also includes a "change of use which increases CATGP." (See STW Appeal, p. 26.) There is no evidence, and the appellants have not cited to any evidence, suggesting that property owners in Century City are prepared to change uses in a manner that increases CATGP. In order for a change to an existing use to increase CATGP, the new use must require more total daily Trips than the existing use (i.e., the new use must have a higher Trip generation factor than the existing use). (See CCNSP Section 2.) Accordingly, the appellant's failure to provide an example of an existing use that could be changed to office and increase CATGP is understandable, as the only use in CCNSP Section 2 with a lower Trip generation factor than office use is residential use. There is no evidence suggesting that owners of existing, operational residential uses in the CCNSP area would change that use to office use or a different, higher Trip generating use. Moreover, there are limited existing residential developments in the CCNSP area, the most recent of which is the Century Tower developed just a few years ago in 2009.

The appellants also claim that the discussion in the Determination conflates growth-inducing and cumulative impacts. (See STW Appeal, pp. 26-27.) This is not the case. The Determination carefully evaluates both potential growth-inducing impacts (at pp. F-146 – F-149) and potential cumulative impacts (throughout the CEQA Findings section of the Determination). As explained in Topical Response 2: Growth-Inducing and Density-Related Impacts, in the Final Subsequent EIR, the Subsequent EIR does not consider only those projects for which applications are pending when evaluating potential growth-inducing impacts. However, because an approval under CCNSP Section 6 is project-specific, and CCNSP Section 6 has always been available to every property owner in Century City, an approval under CCNSP Section 6 for the Project will neither induce growth nor remove an impediment to growth. CEQA Guidelines section 15126.2(d), cited by the appellant, mandates a growth-inducing impacts analysis of projects that remove an impediment to growth. As discussed above, Section 6 has always been a part of the CCNSP, and the Applicant's use of a freely available Specific Plan provision does not remove an impediment to growth. All growth-inducing impacts of the Project were fully analyzed in the Determination. For additional discussion of this issue, please see Topical Response 2 in the Final Subsequent EIR.

Finally, the appellant misleadingly argues that the availability of Replacement Trips within the CCNSP area will lead to rampant growth.¹⁸ The appellant argues, based on a

¹⁷ See STW Appeal, p. 7; Beverlywood Appeal, p. 6.

¹⁸ See STW Appeal, p. 27.

statement in Response to Comment O-27C-3 in the Final Subsequent EIR, that holders of available Replacement Trips could choose to apply for alternative Trip generation factors for all of those Trips at lower factors – even though most of those Trips are allocated to pending or approved projects – thereby increasing the amount of growth and density in the CCNSP area. To require an analysis in the Subsequent EIR of what those property owners might try to do with their Replacement Trips at some point in the future would be wholly speculative and inconsistent with CEQA’s requirements, as CEQA does not require analysis of speculative impacts. (See CEQA Guidelines, § 15145.) Furthermore, as discussed above, Section 6 has always been part of the CCNSP, and the Applicant’s use of this provision cannot be said to induce other property owners to similarly seek to apply that provision to their own Trips and projects. Finally, Section 6 has been a part of the CCNSP since the CCNSP’s adoption in 1981, and the time to challenge the future growth allowed by the CCNSP has long since passed.

H. The Applicant Has Sufficient Trips to Build the Project, and the Project is Consistent with the Covenant Memorializing the Number of Available “Replacement Trips” on the Project Site

Several of the appellants claim that the Applicant does not have sufficient development credits under the CCNSP (Trips) to build the proposed Project, and argue that the Applicant’s requested Alternative Calculation of Trip Generation Factors is inconsistent with a covenant that established Replacement Trips on the Project Site following the demolition of previously existing drive-through bank, bank office, and restaurant uses on the site.¹⁹ The appellants’ arguments are wrong and inconsistent with the analysis and findings on these issues in the Planning Commission’s Determination.

First, there are sufficient Trips on the Project Site for the uses proposed by the Applicant. As proven in the Trip Generation Memo prepared by Gibson Transportation Consulting, Inc. (see Transportation Study Appendix F, at Subsequent EIR Appendix C), the trip generation rates for commercial office uses have declined substantially since the CCNSP was approved. An empirical trip generation study performed by Gibson Transportation Consulting found that the commercial office trip generation rate for similar buildings in Century City, when adjusted for economic conditions is 4.97 trips per 1,000 square feet of office floor area (Economy Adjustment Rate). This rate was recommended by LADOT (see LADOT Assessment Letter, Subsequent EIR, Appendix C) and approved by the City Planning Commission in its Determination. The Project Site has 4,114.957 Trips available, according to the Planning Department’s Trip Allocation Chart (see Subsequent EIR, Appendix N). Using the Economy Adjustment Rate of 4.97 Trips/1,000 square feet, the 729,829-square foot project comprised of 710,338 square feet of commercial office uses and 19,491 square feet of ancillary uses proposed by the Applicant requires 3,530.38 Trips under the CCNSP. Therefore, the 4,114.957 Trips available on the Project Site is more than sufficient for the Applicant’s proposed project. The fact that the Applicant has transferred Trips to and from the Project Site in the past is irrelevant to the Planning Commission’s determination that sufficient Trips exist on the Project Site to allow development of the Enhanced Retail Alternative as proposed.

¹⁹ See STW Appeal, p. 7; 100 Towers Appeal, p. 3; Watt Plaza Appeal, pp. 3-4; Beverlywood Appeal, p. 5.

In addition, the approved Trip generation factor for the Project is wholly consistent with the Covenant memorializing the number of available “Replacement Trips” on the Project Site. After the Los Angeles City Council approved the Approved Project in 2006, the previously existing structures on the Project Site were demolished and the Applicant executed Covenant No. 2007-0905495 on April 13, 2007, which established the number of Replacement Trips generated and was recorded on April 16, 2007 (See Subsequent EIR, Appendix N, Covenant Regarding Development Rights, Document No. 2007-09-05495.) Contrary to the appellants’ claims, the Covenant does not limit how a Trip generation factor is to be calculated for future uses on the Project Site. Instead, it states that “[t]otal Trips available on the Property following execution of the Covenant and the permanent removal of Existing Buildings shall be zero Phase I Trips, 1,541.190 Phase II Trips and 2,573.767 Replacement Trips.” (*Id.* at Section 2.) The entire purpose of the Covenant is to establish the number of Replacement Trips that would be generated by the demolition of then-existing buildings on the Project Site, and not to otherwise define or interpret how City land use plans – including the CCNSP – would apply to future development.

The operative provisions of the Covenant make clear that the property owner:

“creates 2,573.767 Replacement Trips by the demolition of the Existing Buildings on the Property . . .the number of Trips that remain allocated and available for use on the Property, pursuant to the Specific Plan, will be changed by adding 2,573.767 Replacement Trips.”

(Covenant, at Sections 1-2.) The fact that the Covenant does not reference CCNSP Section 6 does not limit how the Applicant may use the Replacement Trips that were created through the demolition of previously existing buildings. The Covenant’s express purpose is to confirm that 2,573.767 Replacement Trips were allocated to the Project Site following the demolition of buildings, and not to regulate or impose additional restrictions on how the CCNSP would be applied to the site or to those Trips in the future. Therefore, the Planning Commission’s approval of an Alternative Calculation of Trip Generation Factors under CCNSP Section 6 is consistent with the Covenant.

It would be inappropriate to recalculate the Replacement Trips that were generated by demolishing the previously-existing uses at the Project Site using the proposed alternative Trip generation factor for the Project’s office uses. The Applicant has not proposed an alternative Trip generation factor for uses other than office, nor does it dispute the default Trip generation factors for drive-through bank and restaurant uses. There is no substantial evidence that those uses generate less traffic than the Trip generation factors applicable to them in CCNSP Section 2, and the Applicant and the City were fully entitled to use the CCNSP Section 2 rates to determine the Trips available on the Project Site when those uses were demolished. Furthermore, although not required, the Applicant has agreed to recalculate the previously demolished second-floor bank office space on the Project Site using LADOT’s recommended Trip factor for the Project, and to relinquish the additional Trips that were calculated under the CCNSP Section 2 factor for that use. (See Determination Exhibit A, Draft First Amendment to Development Agreement, Section 5.c.) With the recalculation and the relinquishment of 52.871 Trips, 4,062.086 Trips would be available on the Project Site, which are still more than enough to entitle the Project.

(See Recommendation Report, pp. A-18 - A-19.) The claims of appellants that it is unfair to generate Replacement Trips using one Trip factor and to entitle development using a different factor are therefore moot.

III. THE PLANNING COMMISSION DETERMINATION PROPERLY APPROVED A SUBSEQUENT EIR AND PROPERLY DESCRIBED THE PROJECT

Several of the appellants incorrectly claim that the City was required to prepare a new EIR for the Enhanced Retail Alternative rather than a subsequent EIR, and claim that the Determination incorrectly characterizes the Enhanced Retail Alternative as a “reduced project.”²⁰ Both the Determination and the Subsequent EIR accurately described the Project, and the preparation of a Subsequent EIR was consistent with CEQA’s requirements and applicable case law.

A. The Project is a Modified Project and not a New Project, so a Subsequent EIR is the Appropriate Vehicle for Environmental Review

CEQA provides that the occurrence of certain changes, including “substantial changes” to a project that has been subject to a certified Final EIR, will require the preparation of a subsequent environmental impact report. (Pub. Resources Code § 21166.) Specifically, “[w]hen an environmental impact report has been prepared for a project pursuant to this division, *no subsequent or supplemental environmental impact report shall be required* by the lead agency or by any responsible agency, *unless* one or more of the following events occurs: (a) *Substantial changes are proposed in the project which will require major revisions of the environmental impact report...*” (*Id.* (emphasis added).) Based on the statutory language, where an environmental impact report has been prepared for a project, and “substantial changes” are proposed that will “require major revisions of the environmental impact report,” then a subsequent or supplemental environmental impact report is required. Here the same Applicant that proposed the Approved Project on the same site is proposing “substantial changes” to the Approved Project that would require “major revisions” to the 2006 EIR. Specifically, the Applicant is requesting to modify a 483-unit residential project (the Approved Project) to a 729,829-square foot commercial project (the Enhanced Retail Alternative). Accordingly, the preparation of a subsequent environmental impact report to analyze the project changes is wholly appropriate under Public Resources Code Section 21166, and furthermore is required.

The STW Appeal raises the same points made in the appellant’s prior opposition letters, selectively quoting from Public Resources Code Section 21166 in an attempt to create the false impression that CEQA does not require the preparation of a Subsequent EIR, but rather an entirely new and separate EIR. (STW Appeal, p. 28.) These erroneous claims have been fully responded to in the record.²¹ The STW Appeal also states that a modified project “must share the same objectives and general scope of development” as an original project, but it offers no source or support for this assertion. (*Id.*) Rather than provide support for its claim, the STW

²⁰ See STW Appeal, p. 28-29; WSSM Appeal, p. 4.

²¹ See Draft Subsequent EIR Section 4, Final Subsequent EIR Response to Comment O-27-24, Latham Letter 2 (Attachment, pp. 6-8), Latham Letter 4, and Latham Letter 5, p. 5.

Appeal references a case where a court found that an addendum to a Mitigated Negative Declaration was insufficient following modifications to a project that involved “new significant environmental effects.” (*Save Our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1288, 1292.) In *Lishman*, the project at issue had been subject to a mitigated negative declaration, not a certified Final EIR, and the lead agency attempted to analyze proposed modifications via an addendum. (*Id.*) These facts are completely irrelevant to the present situation, where the Applicant seeks to make substantial changes to the Approved Project, which had been subject to a previously certified Final EIR, and the Applicant has analyzed the proposed modifications via a full Subsequent EIR that analyzes potential impacts against both the Approved Project and against existing conditions. Moreover, the STW Appeal’s inappropriate attempt to rely on *Lishman* – which has been distinguished and discredited by multiple courts²² – was already thoroughly addressed in the Final Subsequent EIR. (See Final Subsequent EIR, Response to Comment O-27-24.)

While advancing the inapplicable *Lishman* decision, the STW Appeal also attempts to dismiss the *Mani Bros.* case, which explicitly deals with the need to prepare a subsequent EIR under Public Resources Code Section 21166 after a Final EIR has been certified for a project. (See *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1405.) As explained in Response to Comment O-27-24 in the Final Subsequent EIR, the *Mani Bros.* decision is directly on point here, and states that “where there is a previously certified EIR, changes in the size, ownership, nature, character, etc., of a project are of no consequence in and of themselves. Such factors are meaningful only to the extent they affect the environmental impacts of a project.” (*Id.* at 1401.) Therefore, under CEQA the relevant inquiry is whether changes to a project require further environmental analysis in a subsequent or supplemental EIR, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162(a). A Subsequent EIR was prepared for the Modified Project (and the Enhanced Retail Alternative) because changes to the Approved Project required further environmental analysis, which is fully consistent with CEQA’s requirements. Please refer to the Final Subsequent EIR, Response to Comment O-27-24 for additional discussion of the *Mani Bros.* decision and why the preparation of a subsequent EIR was wholly appropriate for the Project.

B. The Project is Properly Described in the Planning Commission’s Determination

The Planning Department Recommendation Report for the Planning Commission hearing included the accurate statement that, “[i]n total, the Modified Project includes approximately 731,250 square feet of floor area, which represents a decrease of 561,108 square feet as compared to the Approved Project.” (See Recommendation Report, p. 1.) As described above, the Planning Commission approved Alternative 9, the Enhanced Retail Alternative, which would include approximately 729,829 square feet of occupiable square footage, a decrease of approximately 1,421 square feet as compared to the Modified Project and a decrease of approximately 562,529 square feet as compared with the Approved Project. As described in the Subsequent EIR and the Determination, the Approved Project would have had an overall floor

²² Though the STW Appeal claims that only the *Mani Bros.* case has criticized *Lishman*, the case was also criticized by the First District Court of Appeal in *Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192, 201-02.

area ratio (FAR) of 6.0 (6:1 FAR), while the Enhanced Retail Alternative would have an overall floor area ratio of 3.03 (3.03:1 FAR). It is wholly appropriate for the Subsequent EIR and the Determination to compare the square footage and FAR of the Approved Project to the Enhanced Retail Alternative, and it is accurate to report that the Enhanced Retail Alternative represents a reduction in density – both in terms of square footage and FAR – as compared to the Approved Project.

The appellants criticize the Subsequent EIR, Staff Report and Determination, claiming that they misled the public regarding the nature and scope of the Enhanced Retail Alternative, in part because the Enhanced Retail Alternative will generate more average daily trips than the Approved Project. As explained in Response to Comment O-27-8 and further below, these claims are ridiculous. The Subsequent EIR, the Staff Report and the Determination all clearly acknowledge that the Enhanced Retail Alternative will generate more trips – and traffic impacts – than the Approved Project.

The appellants inaccurately claim that the Recommendation Report, Determination, and the Subsequent EIR refer to the Enhanced Retail Alternative as a “reduced project.” In contrast, all of the documents accurately state the fact that the Modified Project “represents a decrease of 561,108 square feet as compared to the Approved Project” and that the Enhanced Retail Alternative represents a further reduction of 1,421 square feet from the Modified Project. The appellants point to no legal support for their claim that disclosing an accurate fact about the Project violates local and State noticing requirements, because there is none.

Furthermore, the Subsequent EIR, the Recommendation Report, and the Determination fully disclose the amount of traffic trips that the Modified Project (and Enhanced Retail Alternative) will generate as compared to both the Approved Project and to existing and future conditions. They also disclose the potential traffic and circulation impact associated with developing the Modified Project (and Enhanced Retail Alternative) after the implementation of all feasible mitigation measures. (See Final Subsequent EIR, Sec. 1.13.2; Recommendation Report, p. A-25; Determination, pp. F-122 – F-126.) For example, all three documents’ traffic analyses specifically explain that the Modified Project would generate 3,607 daily traffic trips under the Economy Adjustment Rate analysis (Draft Subsequent EIR, p. 4.2-38; Recommendation Report, p. F-10; Determination, p. F-11), which is an increase of 1,588 daily traffic trips when compared to the 2,019 daily traffic trips projected for the Approved Project. (Draft Subsequent EIR, p. 4.2-40; Recommendation Report, p. F-10; Determination, p. F-11.) The Enhanced Retail Alternative is forecast to generate 3,531 trips during a typical weekday using the Economy Adjustment Rate, which is a slight decrease from the Modified Project. (Final Subsequent EIR, p. 3-7; Determination, p. F-51.) Therefore, the differences in traffic generation projected for all three projects are specifically disclosed.

As demonstrated above, the Subsequent EIR, Recommendation Report, and Determination all properly characterize the Project in terms of its reduced density and its increase in traffic trips as compared to the Approved Project.

C. The Approval of the Enhanced Retail Alternative In Lieu of the Modified Project Did Not Preclude Public Comment

One of the appellants argues that the Planning Commission's approval of a retail square footage total for the Enhanced Retail Alternative (15,380 square feet) which differed from the Planning Department Recommendation Report's retail square footage total for the Modified Project (4,120 square feet) precluded informed public comment on the Project.²³ As an initial matter, the appeal cites no authority for the proposition that adoption of an alternative by the City precluded public comment in any way. Additionally, the appellant neglects to mention that the Enhanced Retail Alternative would also involve a reduction in office space of 15,492 square feet as compared to the Modified Project (which would serve to decrease several of the Project's impacts) in an apparent attempt to amplify the purported effect of the change.

Furthermore, the Enhanced Retail Alternative was included as Alternative 9 in the Final Subsequent EIR, and ample opportunity was provided to comment on that alternative. The Planning Commission decided to adopt Alternative 9 in lieu of the Modified Project because, pursuant to staff's recommendation, "it serves to activate the pedestrian realm a bit better than the...Modified Project does." (May 8 Hearing Transcript, pp. 10-11.) In addition, as discussed in the Subsequent EIR, the increase in retail space proposed as part of the Enhanced Retail Alternative does not increase the severity of any environmental impacts of the Modified Project or introduce any new environmental impacts. On the contrary, the Enhanced Retail Alternative's overall reduction in square footage, including office square footage, will slightly decrease traffic generated by the Project and will decrease impacts in several other environmental impact areas as compared to the Modified Project. The appellant's claim that the public did not have an opportunity to consider the Enhanced Retail Alternative – which involved only modest changes to the Modified Project and was fully analyzed in the Subsequent EIR – is simply without merit.

D. The Public Was Not Misled About the Project and its Entitlement Requests

One appellant also selectively quotes from a letter submitted to the Planning Commission by a member of the public, Michael Eveloff, the recent past president of the Tract No. 7260 Association, dated April 22, 2014 ("Eveloff Letter"), in an attempt to show that the public is confused about the Project and its entitlement requests.²⁴ This obvious effort to misconstrue statements from a member of the public are not relevant to the PLUM Committee's consideration of the Project.

As to the suggestion that the public is confused about the environmental impacts of the Project, the Project has been the subject of a lengthy and comprehensive environmental review process, resulting in the publication of a multi-volume Subsequent EIR with technical reports and appendices which fully evaluates the environmental impacts of the Project. Those documents, along with the Determination, should form the basis of the Committee's analysis.

IV. THE METHODOLOGY OF THE PROJECT'S TRIP GENERATION STUDY WAS PROPER

²³ See STW Appeal, p. 11.

²⁴ See STW Appeal, p. 11-12.

A. The Final Subsequent EIR is Consistent with the Requirements of the West Los Angeles TIMP Specific Plan

Two of the appellants proffer the wholly nonsensical claim that the Project's Subsequent EIR did not analyze potential traffic impacts using the trip generation rates provided in Appendix A of the West Los Angeles Transportation Improvement and Mitigation Specific Plan ("West LA TIMP").²⁵ This precise analysis was included as part of the "Published Rates" analysis described in the Subsequent EIR. As clearly explained in Response to Comment O-27A-6 in the Final Subsequent EIR, the Project's Transportation Study included a full analysis of potential traffic impacts based on the afternoon peak hour office trip generation rate found in Appendix A of the West LA TIMP as part of the Published Rates analysis. This analysis is presented in Sections 4.2.7 through 4.2.14 of the Draft Subsequent EIR (see also Appendix H to the Transportation Study included as Appendix C to the Subsequent EIR)²⁶ and includes identification of potential afternoon peak hour traffic impacts using this rate and an augmented mitigation program. The Project's mitigation program is based on the Published Rates analysis and contains measures designed specifically to reduce the Project's impacts in the event that the higher trip rates associated with the Published Rates are reached (see Mitigation Measures 4.2.5.1, 4.2.5.2).

Therefore, the Subsequent EIR contains a full traffic impacts analysis and recommended mitigation program based on the West LA TIMP trip generation rate the appellants claim was somehow ignored. Moreover, the appellants completely ignore the fact that in the impact area of traffic and circulation, the findings of significance, the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations adopted by the City Planning Commission were all based on the Published Rates analysis that includes applicable afternoon peak hour trip generation rates under the West LA TIMP. (See Determination, pp. F-67 – F-68, F-122 – F-126, F-149 – F-151; Subsequent EIR, Chapter 5.0.) The appellants' claim that the West LA TIMP was not given adequate consideration in the Subsequent EIR or by the Planning Commission simply has no merit.

However, the fact that the Planning Commission decided to impose mitigation and adopt a Statement of Overriding Considerations based on the Published Rates analysis does not change the fact that the West LA TIMP authorized LADOT to determine that another trip generation rate more accurately reflects the Project's potential traffic and circulation impact. As previously addressed in Response to Comment O-27A-6 in the Final Subsequent EIR, for a project that includes a use not listed in West LA TIMP Appendix A or includes more than one use, the West LA TIMP expressly allows LADOT to use reasonable methods to establish the appropriate number of trips for that project. (See West LA TIMP Sec. 4.C.2(b).)²⁷ Based on the authority provided by the West LA TIMP, LADOT appropriately found that the Economy Adjustment

²⁵ See STW Appeal, pp. 19-20, 23-24; WSSM Appeal, p. 4.

²⁶ The analysis of the Enhanced Retail Alternative's traffic impacts using the Published Rates scenario is provided in Section 3.1.1 of the Final Subsequent EIR.

²⁷ It should be noted that LADOT's Traffic Study Policies and Procedures (June, 2013) defers to Specific Plan trip generation procedures for projects within a Specific Plan area, and therefore follows this same methodology.

Rate analyzed in the Transportation Study “adequately describes the project-related impacts of the proposed [Project].” (LADOT Revised Traffic Assessment Letter, p. 1, Subsequent EIR Appendix C.) LADOT specifically referenced Section 4.C.2(b) of the West LA TIMP in its recognition of the validity of the Project’s empirical trip generation analysis in its Revised Transportation Study Assessment Letter. (See *id.* at p. 2.)

The appellants incorrectly claim that because only the Project’s office component is anticipated to generate automobile trips of its own, the Project therefore consists of only one use and West LA TIMP Appendix A trip generation rates for that one use can only be applied. However, nothing in West LA TIMP Appendix A states or otherwise suggests that each land use within a single project must generate its own trips in order to consider that project to contain multiple uses. This is precisely because development projects with multiple uses have different trip generating characteristics than projects with single uses, which the West LA TIMP recognizes.

To illustrate the point, if the retail component of the Project were to be built as a stand-alone project, it would generate trips of its own. However, because it is a small component of a larger project, where substantially all of the patronage of that retail space would be from people already on the site or in the vicinity of the site (that is, internal capture trips or walk-in trips), it was assumed that none of the total auto trips to the Project would be made primarily for the purpose of patronizing the retail space. This does not negate the fact that both the Project’s retail space and mobility hub are distinct land uses from its office space, nor does it mean that a standard office trip generation rate is the appropriate rate to capture the trip generating characteristics of all of the combined uses. Accordingly, the West LA TIMP provides LADOT with the discretion to determine the best method of estimating trip generation for a development project like the Project that contains multiple uses, and the appellants’ blatant attempts to reinterpret the West LA TIMP’s clear language do not reduce or limit that discretion. LADOT properly exercised the discretion authorized by the West LA TIMP by approving the use of the Economy Adjustment Rate for purposes of evaluating the Project’s potential impact to traffic and circulation.

Regardless of LADOT’s determination that the Economy Adjustment Rate accurately reflects the Project’s impact to traffic and circulation, the fact that the Planning Commission adopted findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations based on the Published Rates analysis that includes a West LA TIMP trip generation rate renders appellants’ arguments on this issue moot.

B. The Project’s Transportation Study, Including its Analysis Supporting the Alternative Trip Generation Factor Request, Is Accurate and Fully Supported

One appellant attempts to cast doubt on the Project’s Transportation Study by making a series of claims that have been consistently refuted, including allegations that the Transportation Study (and the Trip Generation Memo prepared by Gibson Transportation Consulting, Inc.) do not provide traffic and parking count data supporting the analysis.²⁸ This is untrue. The Applicant submitted an empirical study of trip generation in other Century City office buildings

²⁸ See STW Appeal, pp. 12-13.

prepared by Gibson Transportation Consulting, Inc. This empirical trip generation study collected daily and peak periods vehicle counts entering and exiting the driveways at four different high-rise buildings in Century City that have similar characteristics to the Project in 2011. The Century City Office Trip Generation Memorandum from Gibson Transportation Consulting dated December 1, 2011 ("Trip Generation Memo") included supporting tables and graphs showing trip counts collected at these buildings. (See Transportation Study, Appendix F.) These counts were compiled, and a weighted average of 4.69 daily trips per 1,000 square feet was determined for the Century City high-rise office buildings (the "Empirical Rate"). In order to account for current economic conditions of lower employment in 2011, a 6% adjustment was applied to the empirical rate to produce an adjusted weighted average of 4.97 daily trips per 1,000 square feet (the "Economy Adjustment Rate"). The results of the empirical trip generation study were used in the Transportation Study, which analyzed potential traffic and circulation impacts. The Transportation Study contained over 3,200 pages of supporting data and tables (see Final Subsequent EIR, Appendix C), and was submitted to LADOT in support of the Applicant's CCNSP Section 6 request. LADOT reviewed the empirical trip generation study and Transportation Study, and based on its review, recommended approval of an alternative trip generation factor of 4.97 trips per 1,000 square feet for the Project. (LADOT Memorandum, October 28, 2013.) The empirical trip generation study is also discussed at length in Topical Response 5 in the Final Subsequent EIR.

The appellant also attempts to cast doubt on the legitimacy of the trip generation study by claiming that key information and data supporting the study, some of which was referenced by the Project's transportation consultant, Pat Gibson, at the May 8 Planning Commission hearing, was not made publicly available. This is not true. The information cited in the appeal was among the supporting information provided to LADOT concerning the Trip Generation Memo, including driveway count data and dates, and parking counts from remote structures and information regarding workers parking in those structures. As to the survey of employee density in Century City referenced in the Trip Generation Memo, attached as Exhibit A is a copy of the survey results the Applicant received from the Century City Chamber of Commerce, which we believe has previously been provided to LADOT.

Accordingly and as discussed above, claims that supporting data and information for the trip generation study were not provided or made publicly available are without merit.

Finally, the appellant complains that the Recommendation Report and Determination fail to respond to letters submitted by the appellant's consultants after publication of the Final Subsequent EIR.²⁹ First, virtually all of the comment letters submitted by the appellant and its consultants at every stage of the environmental review process for the Project were substantively identical, and comments which received full and complete responses in the Responses to Comments in the Final Subsequent EIR were raised again at each subsequent stage of the process. Second, nothing in CEQA or the LAMC requires the City Planning Commission to respond to every comment made in its Determination, after publication of the Final Subsequent EIR and the responses to comments contained therein.

C. The Subsequent EIR Appropriately Accounted for Off-Site Parking

²⁹ See STW Appeal, p. 14.

One appellant also incorrectly claims that the Subsequent EIR's trip generation study did not fully account for trips in the buildings surveyed.³⁰ This erroneous claim is based on the fact that, as discussed in detail in the Final Subsequent EIR as part of Topical Response 5, two of the four buildings surveyed for the Empirical Rate did not take into consideration employees and visitors that may park off-site. As explained in Topical Response 5, the building managers of the two buildings stated that the vast majority of employees park in each building's self-contained parking structures, and thus were captured in the trip generation survey. Therefore, because any incidence of off-site parking by building employees was minimal according to the building managers, the data collected from each buildings' parking structures was considered complete. However, the appeal claims that because off-site parking numbers were not determined for those two surveyed buildings, additional surveys of off-site parking operators need to be conducted to determine whether there are off-site parkers that could affect the Empirical Rate.

Such additional analysis is not necessary or required. First, as discussed above and in Topical Response 5 in the Final Subsequent EIR, the trip generation study accounted for off-site parkers in two of the four buildings that were surveyed where some employees were known to park off-site. The other two buildings surveyed did not include off-site parking numbers because the building managers indicated that off-site parking at these buildings was minimal. The two buildings where off-site parking was counted – Constellation Place and the SunAmerica tower – are much larger than the two buildings where off-site parking is minimal. As explained in Section 3 of Topical Response 5 in the Final Subsequent EIR, the Empirical Rate was developed based on a weighted average of data from the four buildings, meaning that the two buildings in the survey that accounted for off-site parking had a greater impact on the total trip generation rate than the two that did not.

In addition, as described in detail in Topical Response 5, Section 5: Statistical Validity of Empirical Rate, in the Final Subsequent EIR, there is much less statistical variation in the four trip generation surveys conducted for the Empirical Rate than in the surveys that make up the Institute of Transportation Engineers (ITE) trip generation rates for the office land use found in Trip Generation, 8th Edition (ITE, 2008) (the ITE Office Trip Generation Rates). Both the standard deviation and the coefficient of variation of the data surveyed for the Project are far less than those metrics for the ITE Office Trip Generation Rates, meaning that the Empirical Rate and Economy Adjustment Rate are more statistically valid than the ITE Office Trip Generation Rates. Therefore, the data for the two buildings for which off-site parking was counted, and the data for the two buildings where it was not, are very similar and accurately account for trips to and from buildings in the area.

Regarding the two building surveys where off-site parking counts were not taken, it is important to note, as described in Response to Comment O-16-4 in the Final Subsequent EIR, that those two buildings were surveyed at LADOT's request in order to supplement and validate the more abundant data already collected at the first two buildings surveyed, Constellation Place and the SunAmerica tower. The collection of data at the two additional buildings, 1901 Avenue of the Stars and 1801 Century Park East, was conducted to broaden the statistical sample size for the Empirical Rate and Economy Adjustment Rate.

³⁰ See STW Appeal, pp. 12, 21.

In addition, a traffic monitoring report prepared for LADOT on behalf of 2000 Avenue of the Stars corroborates the accuracy and validity of the empirical trip generation data in the Transportation Study. (See 2000 Avenue of the Stars Monitoring Report, Final Subsequent EIR Appendix AA.) The 2000 Avenue of the Stars Monitoring Report, prepared in November 2011, five years after completion of the office building at 2000 Avenue of the Stars, measured the total combined morning peak hour trip generation of both 2000 Avenue of the Stars and the Century Plaza Towers, located at 2029 and 2049 Century Park East, all of which share a subterranean parking supply. Based on the square footages provided in the 2000 Avenue of the Stars Monitoring Report, the three buildings combined consist of 2,971,965 square feet of office uses and 96,731 square feet of retail uses. According to the Monitoring Report, traffic counts were conducted in April and October 2011, at all driveways to and from the parking supply. The results of the 2000 Avenue of the Stars traffic monitoring report confirm the statistical validity of the Empirical Rate and Economy Adjustment Rate as presented in the Subsequent EIR, which accounts for off-site parking from the two largest buildings in the Trip Generation Study. (See Topical Response 5, Section 6 in the Final Subsequent EIR.) The appellant's attempt to discredit the trip generation study carries no weight in the face of the substantial evidence in the record confirming that the Empirical Rate and Economy Adjustment Rate approved by LADOT and the City Planning Commission are statistically valid.

D. The Traffic Count Methodology Was Properly Substantiated

One appellant incorrectly claims that the traffic count data used in the Project's trip generation study is unsupported and that the dates selected for the study were inappropriate.³¹ These claims are not true, and have been previously addressed at length in the record. As to the dates selected for traffic counts, LADOT's Traffic Study Policies & Procedures states that "traffic counts should generally be taken when local schools or colleges are in session . . . and should avoid being taken on weeks with a holiday." (Page 6 (emphasis added).) First, while some of the traffic counts were conducted during the week before the Memorial Day holiday, those counts were conducted during the week before the holiday, not during the week of the holiday, and thus are consistent with LADOT's recommendations. Second, as explained in Topical Response 5, Section 3 in the Final Subsequent EIR, while some of the Transportation Study's traffic counts were conducted on Wednesday and Thursday during the week of Labor Day, those counts did not conflict with LADOT policy because local schools were in session when the counts were conducted. The appellant's allegation that the Final Subsequent EIR concurs that the September 2011 counts "may be flawed" is a gross misstatement of the record. As clearly explained in Response to Comment O-27A-19, while traffic counts conducted during the week following Labor Day do not directly follow LADOT's recommendations, the counts conducted during that week are likely more conservative than counts taken during another time period because traffic volumes during the week school begins are typically high due to parents and students adjusting to new schedules, and families do not typically take vacations causing children to miss the first week of school.

In addition, the Subsequent EIR is replete with detailed information on the methodology used in calculating the trip generation rate used in the Transportation Study. The Transportation

³¹ See STW Appeal, pp. 12-13, 24.

Study itself contains a Trip Generation Memo (Appendix F to the Transportation Study) which sets forth in detail the methodology used to calculate the Empirical Rate. In addition, Topical Response 5, Section 3, in the Final Subsequent EIR provides further detail on the traffic counts which were conducted and the methods employed for obtaining that data.

For additional discussion, see Topical Response 5, Section 3, in the Final Subsequent EIR, and Latham Letter 2, Attachment, pp. 59-60.

E. The Transportation Study Properly Considered Building Vacancy in Calculating Trip Generation Rates

One appellant questions the trip generation rate used in the Transportation Study based on inaccurate assertions regarding occupancy of the peer buildings in Century City studied.³² In particular, the appellant contends that “the record contains no evidence” to demonstrate the occupancy of the buildings, and claims without any support that when the counts were conducted in 2011, MGM had departed the 10250 Constellation Boulevard building. (STW Appeal, p. 13.) These claims were addressed directly in Topical Response 5, Section 3 in the Final Subsequent EIR, which set forth the methodology used. As explained in Topical Response 5, and in Latham Letter 5, the Transportation Study fully accounted for the economic conditions of 2011 in the Economy Adjustment Rate, which adjusted traffic counts to account for the actual occupancy rates in Century City buildings at the time the traffic counts were conducted. As to the statement regarding MGM, Response to Comment O-27-54 explained that the traffic counts for the Transportation Study were conducted in January 2011, eight months prior to MGM vacating its lease at 10250 Constellation Boulevard. The appellant’s baseless and unsupported claim that MGM had vacated the building is without merit. Therefore, as has been detailed in numerous places in the Subsequent EIR and contrary to the contentions of this appellant, the Project’s Transportation Study fully accounted for external factors in making its assumptions regarding Century City traffic counts.

In addition, this same appellant advances an incomprehensible argument pertaining to building vacancy and the trip generation estimate using distinct CEQA concepts. (STW Appeal, pp. 20-21.) The appellant attributes statements to the Final Subsequent EIR that we are unable to locate, and the appellant has provided no citations to aid in understanding its argument. As discussed above, the Transportation Study and Subsequent EIR fully accounted for occupancy in Century City buildings in the trip generation survey, and the trip generation survey, Transportation Study, and Subsequent EIR were all prepared in full compliance with CEQA.

F. The Findings in the City Planning Commission Determination Fully Support Adoption of the Alternative Trip Generation Factor

One appellant claims that the deletion of one portion of one paragraph of the nearly 200-page Planning Commission Recommendation Report undermines the justification for approving an alternative Trip generation factor.³³ The referenced paragraph discusses the declining trend in

³² See STW Appeal, pp. 13-14, 20-21.

³³ See STW Appeal, pp. 14-15.

office density based on ITE data, and the tendency of workers in Century City to travel at off-peak times and to work in offices with lower levels of employee density. Despite the deletion of this portion of a paragraph, the Planning Commission's findings regarding the trip generation rate are still clearly supported with substantial evidence, including the empirical trip generation analysis of other Century City office buildings that confirms the adequacy of the adopted Trip generation factor of 4.97 Trips per 1,000 square feet. The Planning Commission's findings on the CCNSP Section 6 request run for five full pages of the Determination, and are based primarily on the results of the LADOT-approved trip generation study performed by Gibson Transportation Consulting in Century City. Therefore, the alternative rate was approved based on actual, observed conditions, "a rigorous traffic analysis by competent professionals," and "real-world data," as recommended by County Supervisor Zev Yaroslavsky in his letter dated February 14, 2013. The Planning Commission's Determination is fully supported by the Commission's findings.

G. The Trip Generation Study Was Approved by LADOT

One appellant attempts to cast doubt on the Project's trip generation study by referring to the LADOT Traffic Study Policies and Procedures (June 2013) for the proposition that the Project is not a "unique" use which would justify approval of an empirical trip generation study.³⁴ This is incorrect. As an initial matter, LADOT reviewed and approved the Project's trip generation study in its December 18, 2012 determination letter. (See Subsequent EIR, Appendix C.) In addition, LADOT's policy encourages empirical trip generation studies for "land uses for which trip generation rates are not available in the ITE Trip Generation Handbook, or land uses for which the rates in the ITE Trip Generation Handbook are based on a small sample of surveyed sites." As detailed in the trip generation memo and in Topical Response 5 in the Final Subsequent EIR, the ITE rates for office uses are not reflective of the Project, which differs substantially from other office uses – typically in suburban office parks – which form the basis of the ITE rate in terms of location, transit availability, and typical tenants. (See Trip Generation Memo, Transportation Study Appendix F, p. 2.) As discussed in the ITE Handbook (2004), the ITE encourages empirical trip generation studies rather than use of ITE rates in the following situation: "If the site is located in a downtown setting, served by significant public transportation, or is the site of an extensive transportation demand management program, the site is not consistent with the ITE data and the analyst should collect local data and establish a local rate." All of these conditions apply to the Project. Therefore, consistent with LADOT's recommendation, the Planning Commission was fully justified in approving use of an empirical trip generation rate rather than the standard ITE rates for the Project.

H. The Economy Adjustment Applied to the Empirical Rate to Account for Economic Conditions is Accurate

One appellant criticizes the adjustment applied to the empirical rate to account for economic conditions at the time the traffic counts were taken, and urges that a higher Economy Adjustment Rate be adopted.³⁵ As explained in the Trip Generation Memo, the 6% adjustment

³⁴ See STW Appeal, p. 21.

³⁵ See STW Appeal, p. 21.

was applied based on the overall unemployment level in Los Angeles County at the time that the trip generation counts were conducted in 2011. Century City, where many legal, entertainment, and financial firms are located, experienced less of an economic impact than many other areas within Los Angeles County and, as a result, using the countywide rate as an adjustment factor was a conservative metric. (See Topical Response 5, Section 3, in the Final Subsequent EIR.) The 6% level of adjustment was approved by LADOT and was chosen as the trip generation rate for the Project, and was used for the traffic and transportation analysis in the Subsequent EIR. The data referenced by the appellant in support of its argument is unsupported, and the source of that data is not provided by the appellant. There is no evidence whatsoever suggesting that traffic growth in Century City has increased by “about two-thirds” above the Economy Adjustment Rate. The Planning Commission approved the Economy Adjustment Rate as the trip generation rate for the Project based on substantial evidence, including a fulsome trip generation study and a recommendation from LADOT, and it should not change that approval based on unsubstantiated and unsupported claims regarding new trip generation data from opponents of the Project. For further discussion of this issue, please see Latham Letter 2 (Attachment, pp. 54-57.)

I. The Subsequent EIR Properly Accounted for the Projected Total Number of Employees

One appellant challenges the conclusions provided in the Subsequent EIR that differing numbers of employees discussed in parts of the Transportation Study (including the Congestion Management Program (CMP) transit analysis and the Trip Generation Memo provided in Appendix F of the Transportation Study) do not affect the results of the analysis.³⁶ The appeal claims that differing numbers of employees could affect the number of vehicle trips, transit trips, or other impact determinations that may be based on the number of employees. This claim is misguided and ignores the detailed analysis of this issue provided in Response to Comment O-27A-16 in the Final Subsequent EIR.

Automobile trip generation estimates provided in the Subsequent EIR and the Transportation Study were based on building size, not employee numbers. (See Topical Response 5, Section 4 of the Final Subsequent EIR.) Accordingly, potential employee numbers provided in the Transportation Study would not affect the Subsequent EIR’s transportation and circulation impact analysis.

The Project’s potential transit usage impacts were estimated for CMP purposes based on an assumed employee density (based on an employee estimate from a public benefits analysis conducted by CB Richard Ellis for the Project (included as Appendix AF in the Subsequent EIR) because it produced a more conservative (that is, higher) estimate of potential transit trips than would have been estimated had the standard CMP guidelines been followed. However, as explained in Response to Comment O-27A-16 in the Final Subsequent EIR, even if the transit trip estimation had been conducted using the employee estimate of 2,059 employees described in the Trip Generation Memo, the Project would be projected to generate 412 transit trips during the morning and afternoon peak periods. Because the transit system was estimated to have a minimum residual capacity of 2,579 transit patrons during the morning peak period and 3,503

³⁶ See STW Appeal, p. 23.

transit patrons during the afternoon peak period, no transit impacts would occur. (See also Tables 6, 35, and 36 in the Transportation Study, included as Appendix C in the Subsequent EIR.)

As described in the Final Subsequent EIR, the assumption of 2,059 employees found in the empirical trip generation study was made based on the size of the Modified Project and an assumed employee density of 2.84 employees per 1,000 square feet based on a survey by the Century City Transportation Management Organization (CCTMO). The 2,059 employees referred to in the empirical trip generation study were used only as a placeholder to calculate the percentage change in employment that was used as a basis for the Economy Adjustment trip generation rate. Importantly, any value could have been substituted for the number of employees in the calculation, because the result of the exercise was a proportional change in employment which was independent of the value chosen. Had that analysis been conducted using 1,467 employees based on the CB Richard Ellis analysis, the same percentage adjustment for economic conditions would have been derived, and the same Economy Adjustment Rate would have been developed. Regardless, as discussed above, no employee totals were used to calculate Project trip generation in the Project's Transportation Study. Therefore, as described in Response to Comment O-27A-16 in the Final Subsequent EIR, the employee total used in the empirical trip generation study was not meaningful for the purpose of assessing traffic impacts.

As described in detail in the Final Subsequent EIR, the traffic impact analysis conducted in the Transportation Study was based on trips per 1,000 square feet of office space in accordance with best practices as recommended by the Institute of Transportation Engineers (ITE). According to Trip Generation Handbook, 2nd Edition (ITE, 2004):

The preferred independent variable should be stable for a particular land use type and not a direct function of actual site tenants. In other words, the values and measurements attributable to an independent variable should not change dramatically with changes in building tenants. Physical site characteristics (e.g., square feet of floor area, number of dwelling units) are preferable. . . The best independent variable is *obtained through a primary measurement*, not derived from secondary data. For example, many estimates of the number of employees working in an office building are derived as a function of the size (in square footage) of the office building and an assumed employment density. This approach is not likely to be accurate. In such a case, the preference should be to use the office building square footage as the primary independent variable.

(Emphasis found in original text.) Therefore, because employee densities are not constant, as recognized by ITE, it was appropriate to base Project trip generation estimates on the building size rather than on any potential or assumed employee density. While the appellant appears to claim that an employee density must be used to develop the Project's trip generation rate and used in every impact analysis, there is no support for that assertion. Moreover, such an approach would directly conflict with applicable ITE guidance, which dictates that floor area and not a projected number of employees should be used to develop a trip generation rate.

In summary, the appeal incorrectly claims that the reference to two different employee totals in the Transportation Study may have had an effect on the identification of significant impacts from vehicles, transit trips, or other types of analyses. The vehicular trip generation rates developed for the Project (i.e., the Empirical Rate and the Economy Adjustment Rate) were not based on a projected number of employees, and thus are not affected by changes to the projected number of employees. The transit trip analysis for the CMP was based on projected employee numbers, but only in order to produce a more conservative analysis. Had the same employee total from the trip generation study been used in the CMP transit analysis, it would have produced more transit trips but still well under the threshold for a significant impact.

J. Credit for the Mobile App as an Additional TDM Program Element Was Properly Considered

One appellant falsely claims that the Transportation Study “double counted” credit for the mobile app required by Mitigation Measure 4.2.2 because the Transportation Study’s Empirical Rate and Economy Adjustment Rate intrinsically include credit for transportation demand management (TDM) programs.³⁷ Similar claims were already fully responded to in Responses to Comments O-27A-26 and O-27A-27, as well as Topical Response 5, Section 3, in the Final Subsequent EIR.

The appeal wholly ignores the Final Subsequent EIR’s explanation of this issue. As discussed in Response to Comment O-27A-26, the Empirical Rate and Economy Adjustment Rate do intrinsically include the effects of a proposed TDM program at the Project. The four buildings surveyed to develop those trip generation rates have available transit service and provide TDM programs for building employees. It is anticipated that at a minimum, similarly effective TDM programs will be implemented at the Project and transit usage will also be similar. Therefore, no additional trip generation credit was taken to account for the effects of transit use or the implementation of TDM program in the Project, including the Mobility Hub.

However, the analysis in Section 4.2 of the Draft Subsequent EIR and the Transportation Study appropriately take credit for the development of a mobile application as part of the Project’s mitigation program, because this represents an expansion of the services of the existing CCTMO within Century City that goes well beyond the TDM programs in place at the buildings surveyed to develop the Empirical Rate and the Economy Adjustment Rate. As explained in Response to Comment O-27A-27 of the Final Subsequent EIR, LADOT granted a 1 percent V/C credit at study intersections for the development of a mobile application *and the provision of \$750,000 for design and installation of closed-circuit television (CCTV) cameras and the necessary infrastructure (including fiber optic and interconnect tubes) at key intersections in the vicinity of the Project Site.* (See also Mitigation Measures 4.2.1 and 4.2.2.) These expanded services will not only help to further reduce Project traffic, but have the potential to increase the success of the CCTMO and reduce peak hour vehicular trip generation for all of the buildings within Century City. In addition, the mobile application is anticipated to improve upon the existing CCTMO and therefore increase its use on an area-wide basis. It was therefore wholly appropriate that additional credit (in the form of a credit to the volume-to-capacity ratio at analyzed intersections) should be allowed for development of the mobile application for the

³⁷ See STW Appeal, p. 25.

CCTMO. It should also be noted that, as explained in Response to Comment O-27A-27, the 1 percent credit that LADOT granted for implementation of the mobile application and funding the CCTV system is extremely conservative, as LADOT typically awards a 1 percent credit simply for CCTV system improvements on their own.

Further, only the Published Rates analysis described in Sections 4.2.7 through 4.2.14 and contained in Appendix H of the Transportation Study includes an explicit trip generation reduction to account for transit usage and the TDM program. The Project's mitigation program for the Published Rates analysis also includes the V/C credit for the implementation of the Mobility Hub and the development of the mobile application. As explained in Response to Comment O-27A-26, the Published Rates analysis is based on Institute of Transportation Engineers (ITE) and West Los Angeles Transportation Improvement and Mitigation Specific Plan (West LA TIMP) rates. Because the ITE and West LA TIMP rates do not build in credits or inherently count for a TDM program and transit usage, it was appropriate for the Published Rates analysis to take such a credit. As discussed above, the City Planning Commission adopted findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations based on the Published Rates analysis, and the appellants make no claim that this analysis involved any "double counting" of TDM measures.

V. OTHER CEQA FINDINGS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE

A. The Findings Pertaining to Consistency with the General Plan in the Determination are Supported by Substantial Evidence

One appellant erroneously claims that the discussion of the Project's consistency with the City's General Plan in the Determination's Findings is not supported by substantial evidence.³⁸ This could not be further from the truth. Chapter 4.1 of the Draft Subsequent EIR, Land Use, contained 310 pages of analysis, including a 43-page section devoted entirely to analysis of the Modified Project's consistency with the General Plan. Section 3.1.1 of the Final Subsequent EIR contained additional analysis comparing the Enhanced Retail Alternative's consistency with the General Plan as compared to the slightly different Modified Project's consistency with the General Plan. Therefore, the claim that the Planning Commission lacked substantial evidence in concluding that the Applicant's proposed project is consistent with the City's General Plan is entirely lacking in support.

B. The Subsequent EIR Properly Analyzed the Project's Traffic and Circulation Impacts

1. The Final Subsequent EIR Correctly Accounts for Turning Movements in the Study Area

One appellant repeats its comments on the Draft Subsequent EIR and erroneously states that the Subsequent EIR failed to account for actually occurring turning movements at the intersection of Merv Griffin Way & Santa Monica Boulevard.³⁹ As described in detail in

³⁸ See STW Appeal, p. 15.

³⁹ See STW Appeal, p. 24.

Response to Comment O-27A-22 in the Final Subsequent EIR, during the afternoon peak hour, southbound left turns from Merv Griffin Way to Santa Monica Boulevard are prohibited. The traffic count conducted at that location reported that during the afternoon peak hour, 4 vehicles illegally made the turn in spite of the sign prohibiting it. In order to maintain the integrity of the analysis, the traffic volumes observed making this illegal left turn during the afternoon peak hour (a total of 4 vehicles) were removed from the southbound left turn and, to be conservative, added to the southbound right turn. This was important to present an accurate analysis of the intersection of Merv Griffin Way & Santa Monica Boulevard during the afternoon peak hour, when left turns are prohibited.

As discussed in Response to Comment O-27A-22 in the Final Subsequent EIR, the City of Beverly Hills requires the use of the Highway Capacity Manual (HCM) methodology, which at a 2-way stop controlled location such as Merv Griffin Way & Santa Monica Boulevard, reports the worst-case delay (that is, the longest delay experienced by any vehicles attempting to pass through the intersection, rather than an average delay for all vehicles). The worst-case delay at legal movements through the intersection of Merv Griffin Way & Santa Monica Boulevard during the afternoon peak hour is 22.0 seconds (as shown in Table 4 on page 42 of the Transportation Study) experienced by traffic making an eastbound left turn (425 vehicles), which is not prohibited. However, if the four vehicles that made the illegal southbound left turn were included in the analysis, the worst-case delay would have reported that those four vehicles were delayed 31.2 seconds, and the delay experienced by the 425 vehicles making the legal eastbound left turn would not have been reported at all. It would be inappropriate to calculate intersection delay (and resulting LOS) based on four vehicles making an illegal movement rather than based on the thousands of cars passing through the intersection legally.

No evidence is provided by the appellant to support its claim that an intersection should be analyzed based on an illegal turning movement. Therefore, as explained in the Final Subsequent EIR, no further analysis of this intersection is required. As further explained in the Subsequent EIR, Mitigation Measure 4.2.3 requires the Applicant to pay to install a traffic signal at this intersection if one has not been installed by the time the Project is constructed. With implementation of Mitigation Measure 4.2.3, this intersection would not be significantly impacted by Project traffic.

2. Supplemental Traffic Analyses Included in the Final Subsequent EIR Properly Disclose the Project's Potential Impacts Related to Traffic and Circulation

One appellant attempts to argue that the supplemental analyses provided in Topical Responses 6 and 7 in the Final Subsequent EIR identify new significant impacts related to traffic and circulation that the Subsequent EIR fails to mitigate, and that recirculation of the EIR is therefore required under CEQA.⁴⁰ This is not the case, and recirculation of the Subsequent EIR is not required.

Two supplemental traffic analyses were conducted in the Final Subsequent EIR regarding potential impacts from Project traffic, in response to comments made on the Draft Subsequent

⁴⁰ See STW Appeal, pp. 21-22, 24.

EIR. These two supplemental analyses are presented in Sections 1 and 3 of Topical Response 6 for the Modified Project, and the same two analyses are presented in Sections 1 and 3 of Topical Response 7 for the Enhanced Retail Alternative. (See Topical Response 6 (Sections 1 and 3) and Topical Response 7 (Sections 1 and 3) in the Final Subsequent EIR.)

The first of these supplemental analyses examined potential traffic impacts in year 2021 without considering traffic shifts associated with the Metro Westside Subway extension. For the Modified Project, the analysis disclosed that the intersection of Beverly Glen Boulevard & Santa Monica Boulevard would be significantly impacted by the Modified Project during the morning peak hour under the Empirical and Economy Adjustment Rate scenarios using the mitigation program proposed in the Draft Subsequent EIR, but with the implementation of the revised mitigation program described in Topical Response 6, Section 1 (and ultimately adopted by the City Planning Commission - see Mitigation Measure 4.2.5.1), the impact at this intersection would be reduced below the level of significance. Specifically, under Mitigation Measure 4.2.5.1, if the Westside Subway Extension is not operating by the time the Project is completed (or by 2021, whichever is earlier), the Applicant is required to pay for the implementation of additional peak hour bus service for the Metro Rapid Line 704 on Santa Monica Boulevard traveling eastbound during the morning peak hour and westbound during the afternoon peak hour. With implementation of this revised mitigation, no impact would occur at the intersection of Beverly Glen Boulevard & Santa Monica Boulevard under the Empirical Rate analysis, the Economy Adjustment Rate analysis, or the Published Rates analysis for the Modified Project. Similarly for the Enhanced Retail Alternative, after the implementation of this revised mitigation program, the intersection of Beverly Glen Boulevard & Santa Monica Boulevard also would not be significantly impacted during the morning peak hour in 2021. (See Topical Response 7, Section 1, in the Final Subsequent EIR.)

The second of these supplemental analyses examined potential traffic impacts in year 2021 without considering traffic shifts associated with the Metro Westside Subway extension and using trip generation rates from ITE's *Trip Generation, 9th Edition* instead of the trip generation rates from ITE's *Trip Generation, 8th Edition* for the Published Rates scenario. For the Modified Project, this analysis disclosed that the intersection of Beverly Glen Boulevard & Santa Monica Boulevard would be significantly impacted by the Enhanced Retail Alternative during the morning peak hour. (See Topical Response 6, Section 3, in the Final Subsequent EIR.) However, for the Enhanced Retail Alternative, this impact would be eliminated following the implementation of Mitigation Measure 4.2.5.1. (See Topical Response 7, Section 3, in the Final Subsequent EIR.)

The appeal ignores that these analyses were provided for informational purposes in response to comments received on the Draft Subsequent EIR. The appeal also ignores the fact that the Draft Subsequent EIR already disclosed that the Project would have a significant and unavoidable impact to traffic and circulation, and that the identification of an additional intersection where the Modified Project's (but not the Enhanced Retail Alternative's) traffic would exceed a threshold of significance does not result in a new significant and unavoidable impact that was not disclosed. Further, as explained in Section 1 of Topical Response 6 in the Final Subsequent EIR, the impact of the Modified Project identified at Beverly Glen Boulevard & Santa Monica Boulevard is based on a hypothetical scenario that results in minor changes to background traffic conditions (2 percent at the identified intersection), but does not change the

Project's traffic volumes at the intersection (which were accurately presented in the Draft Subsequent EIR). Accordingly, as explained in Topical Response 6, Section 1, the hypothetical impact at Beverly Glen Boulevard & Santa Monica Boulevard during the morning peak hour in 2021 for the Modified Project does not represent a substantial increase in the severity of the Modified Project's previously disclosed significant and unavoidable impact to traffic and circulation. Furthermore, with the adoption of the Enhanced Retail Alternative and following the implementation of the revised mitigation program approved by the Planning Commission, this intersection would not be significantly impacted.

CEQA Guidelines Section 15088.5 only requires recirculation of an EIR if "significant new information" is added to an EIR after public review. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. (See CEQA Guidelines § 15088.5(a).) As discussed above, the Determination adopted by the City Planning Commission included the adoption of feasible mitigation measures and a feasible alternative described in the Final Subsequent EIR, such that no new significant environmental impact would result. Accordingly, recirculation is not required pursuant to Section 15088.5(a) of the CEQA Guidelines.

3. The Subsequent EIR Fully Analyzes and Mitigates Potential Impacts Related to Access Configurations at the Intersection of Constellation Boulevard and the Driveways of the Project and 2000 Avenue of the Stars

One appellant claims that the Subsequent EIR fails to adequately analyze impacts of the Project's proposed feasible design alternatives to mitigate site access impacts at the intersection of Constellation Boulevard and the driveways of the Project and 2000 Avenue of the Stars, arguing that the Subsequent EIR does not analyze impacts of the proposed configurations on traffic flow at the 2000 Avenue of the Stars driveway's ramp and on pedestrian flow at this intersection.⁴¹ These claims are unfounded.

As detailed on pages F-126 – F-128 of the Determination, the Subsequent EIR concluded that a significant operational impact of the Project could occur at this intersection if the intersection is not signalized or an alternative access configuration is not imposed. The Los Angeles CEQA Thresholds Guide provides that a project would have a significant site access impact if the intersection nearest the primary site access is project to operate at level of service (LOS) E or F during the morning or afternoon peak hour under Future with Project Conditions. The Subsequent EIR proposed two different design configurations, each of which would mitigate this potential impact below the level of significance. First, the Enhanced Retail Alternative proposes to install a traffic signal at the intersection of Constellation Boulevard and the driveways of the Project and 2000 Avenue of the Stars. With installation of a traffic signal, the intersection is projected to operate at LOS A during the morning and afternoon peak hours in 2015 and 2021 under all three trip generation scenarios. However, if the owners of 2000 Avenue of the Stars were to object to installation of a traffic signal at their driveway, it may not be feasible to implement a traffic signal at this location.

⁴¹ See 100 Towers Appeal, p. 5.

As a feasible alternative, Topical Response 6 (Section 4), Topical Response 7 (Section 5), and Response to Comment O-26-3 in the Final Subsequent EIR discuss the implementation of an alternative scenario that would involve limiting the Project's primary driveway on Constellation Boulevard to right-turn in, right-turn out access while allowing the 2000 Avenue of the Stars driveway to remain unsignalized. In order to enforce this alternative access configuration, a narrow concrete median island would be installed on Constellation Boulevard which would prohibit left turns in or out of the Project driveway to the north while permitting left turns in and out of the existing driveway to 2000 Avenue of the Stars to the south. Under this configuration, the driveway to 2000 Avenue of the Stars would remain unsignalized as in its current condition, and it would not be affected by the Project driveway to the north. The Project driveway would function as a three-way "T" intersection. Under this scenario, the Project driveway would operate at LOS A during the morning peak hour and LOS B during the afternoon peak hour under each trip generation scenario and analysis year. The driveway to 2000 Avenue of the Stars would operate at LOS C during the morning and afternoon peak hours under each trip generation scenario and analysis year, except in year 2021 during the afternoon peak hour under the Published Rates scenario, when it would operate at LOS D. Under this configuration, no significant site access impact would remain. However, approval of this alternative access configuration would be at the discretion of LADOT, and if LADOT decides for policy reasons that this alternative access configuration cannot be installed, then a significant and unavoidable site access impact would remain.

The appellant's claims that implementation of a signalized intersection would result in longer queues in the 2000 Avenue of the Stars garage and that egress from that garage would be impacted by pedestrian flow were fully addressed in Topical Response 6, Section 4 in the Final Subsequent EIR, and in Latham Letter 2 (Attachment, p. 69). The appeal does not provide any quantitative analysis in support of its claim. Instead, it relies on vague and unsubstantiated assertions – such as assuming that pedestrians would not observe the traffic signal and would cross in front of traffic against the light – to support its claim. Such a claim is preposterous, given that in the current unsignalized condition pedestrians are free to walk in front of the driveway at any time and prevent cars from exiting and entering, likely resulting in uncontrolled and unpredictable queues in the existing driveway. In contrast, a signalized driveway would provide substantially more control and order over pedestrians crossing the driveway and control queue lengths. Unlike the appellant's baseless and unsubstantiated allegations, the analysis provided in the Subsequent EIR, and supplemented in the Gibson Supplemental Analysis Memo attached to Latham Letter 2, provides substantial evidence that a signalized intersection would reduce any potential impact at this intersection to a less than significant level.

Moreover, if the owners of 2000 Avenue of the Stars object to installation of the proposed traffic signal, the Project proposes to implement the alternative configuration described above, which would leave the driveway and access to the 2000 Avenue of the Stars garage as in the current condition. Further, it is important to note that CEQA requires an EIR to discuss the "significant environmental impacts of the proposed Project" (CEQA Guidelines, § 15126), and "environment" is defined for CEQA purposes as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." (Cal. Pub. Res. Code, § 21060.5.) Accordingly, "[u]nder CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons." (*Mira Mar Mobile*

Community v. City of Oceanside (2004) 119 Cal.App.4th 477, 492.) The significant impact conservatively identified at the intersection of Constellation Boulevard and the driveways of the Project and 2000 Avenue of the Stars is an impact to traffic conditions generally, not a personal impact to the Project or to 2000 Avenue of the Stars, because CEQA does not require analysis of such personal impacts. For additional discussion, please see Response to Comment O-28-7 in the Final Subsequent EIR.

Therefore, the Subsequent EIR did adequately analyze all potential CEQA impacts related to proposed alternative access scenarios at the driveway of Constellation Boulevard and the driveways of the Project and 2000 Avenue of the Stars, in contrast to the appellant's claims.

4. The Alley Adjoining the Project Site and Watt Plaza Would Not Be Significantly Impacted by Project Traffic

One appellant claims that the Subsequent EIR failed to analyze impacts of the Project on the alleyway adjoining the Project Site and Watt Plaza, along the eastern boundary of the Project Site.⁴² This is incorrect. As described in Section 4.2 of the Draft Subsequent EIR, the primary access point to the Project would be a three-lane driveway at the south side of the Project Site on Constellation Boulevard. The alley adjoining the Project Site and Watt Plaza would be used as a secondary access point for the Project. As part of the traffic analysis for the Project, afternoon peak period traffic counts were collected at the intersection of this alley with Constellation Boulevard to determine whether conditions required further analysis. The peak hour data confirmed that this intersection currently operates at LOS B. (See Latham Letter 2, Attachment, p. 75.) Under these conditions, traffic from the Project under all three trip generation scenarios discussed in the Subsequent EIR would not change the LOS B operating condition. Therefore, no impact would occur as a result of Project traffic using the alley as a secondary access point, and no further analysis is necessary or required.

5. The Subsequent EIR Fully Analyzes Potential Impacts on the Beverlywood Neighborhood

One appellant wrongly alleges that the Subsequent EIR fails to evaluate and mitigate traffic impacts in the Beverlywood neighborhood.⁴³ This is false and contradicted by the detailed analysis of this issue provided in the Subsequent EIR. As an initial matter, the traffic analysis provided in the Subsequent EIR is cumulative and accounts for all related projects in the Century City area, including the related projects listed by the appellant (the Westfield New Century Plan, the Century Plaza Mixed-Use Development, the 10000 Santa Monica Boulevard project, etc.), contrary to the appellant's implication that the Subsequent EIR omitted an analysis of cumulative impacts.

Moreover, the Subsequent EIR fully analyzed traffic patterns and distribution in the Beverlywood neighborhood, including Roxbury Drive, Beverwil Drive, Beverly Drive, and Doheny Drive, as well as Robertson Boulevard. Please see Figure 8 of the Transportation Study

⁴² See Watt Plaza Appeal, p. 3.

⁴³ See Beverlywood Appeal, p. 3.

(Subsequent EIR, Appendix C), which shows that the Project traffic distribution along Pico Boulevard was conservatively assumed to travel through the Beverlywood neighborhood via Beverly Drive and Beverwil Drive rather than remain on arterial streets. No significant traffic impacts would occur on any of these streets south of Pico Boulevard, as shown on pages 218 through 224 of the Transportation Study.

However, in response to comments and to confirm the conclusions in the Draft Subsequent EIR, a supplemental analysis of intersections south of Pico Boulevard within Beverlywood was conducted as part of the Final Subsequent EIR. Intersection peak hour traffic counts were collected at the intersections of Beverwil Drive & Cashio Street and Beverly Drive & Cashio Street in September 2011. These two intersections were analyzed for potential traffic impacts using the same assumptions and methodologies as the study intersections in the Transportation Study, under each of the three analysis years (year 2011, 2015, and 2021) and each of the three trip generation rates (the Empirical Rate, the Economy Adjustment Rate, and the Published Rates). None of the mitigation proposed in the Draft Subsequent EIR was implemented as part of this analysis. The results of this analysis show that these intersections would not be significantly impacted under any scenario. Please see Response to Comment I-134-6 and Response to Comment O-18-2 in the Final Subsequent EIR for additional discussion of this topic.

Another supplemental analysis was conducted as part of the Final Subsequent EIR to assess potential traffic impacts on Robertson Boulevard south of Pico Boulevard. This analysis assumes a worst-case scenario where all Project traffic traveling from Pico Boulevard into the residential neighborhood to the west of Robertson Boulevard and vice versa (6 percent) would instead travel along the entire length of Robertson Boulevard between Pico Boulevard and the I-10 freeway. Based on the analysis in the Transportation Study and this supplemental analysis, no significant traffic impacts would occur south of Pico Boulevard within the Beverlywood residential neighborhood or on Robertson Boulevard, after mitigation, whether Project traffic expected to travel in this direction were distributed entirely through the Beverlywood residential neighborhood or entirely on Robertson Boulevard. Please refer to Topical Response 3: Supplemental Traffic Analysis on Robertson Boulevard in the Final Subsequent EIR for additional discussion.

The analysis in the Subsequent EIR, including the supplemental analyses, fully analyzed the traffic impacts of the Project in the Beverlywood neighborhood and confirmed that the Project would not increase cut-through traffic using the applicable threshold specified in the L.A. CEQA Thresholds Guide. The appellant claims that this threshold was “designed to preclude a finding of significance,”⁴⁴ but offers no support for that assertion. Rather, the threshold employed in the Subsequent EIR is the recommended threshold for neighborhood traffic intrusion impacts provided by the L.A. CEQA Thresholds Guide, based on increases in average daily traffic volume on local residential streets, which has been in place for many years and has not been challenged. The Subsequent EIR analyzed neighborhood traffic intrusion impacts of the Project on the Beverlywood neighborhood, as described above, and determined that no

⁴⁴ See Beverlywood Appeal, p. 3.

impact would occur. The appellant's claim that impacts to the Beverlywood neighborhood were not analyzed is wholly without merit.

C. The Subsequent EIR Properly Analyzed the Project's Air Quality Impacts and Provided Sufficient Information to Support Its Conclusions

One of the appellants advances a series of erroneous criticisms of the Subsequent EIR's air quality analysis, each of which was previously addressed or responded to in the record. As explained below, all of these criticisms are baseless.

1. The Subsequent EIR Analyzed Air Quality Impacts of Congestion on Neighborhood Streets

First, the appellant claims that the Subsequent EIR's air quality analysis fails to consider impacts from congestion on neighborhood streets.⁴⁵ On the contrary, Section 4.4 of the Draft Subsequent EIR contained a fulsome analysis of both localized and regional operational air quality impacts of the Project, taking into account traffic generated in the Project vicinity using all three trip generation rates. The Subsequent EIR concluded that the Project would have less than significant localized and regional operational air quality impacts.

2. The Subsequent EIR Provided Sufficient Information About its Baseline Assumptions

Second, the appellant incorrectly claims that the Final Subsequent EIR did not provide the baseline emissions inventory assumptions of the CalEEMod model used to generate data for the air quality analysis in the Draft Subsequent EIR so that the analysis could be reproduced.⁴⁶ As stated in Response to Comment O-27B-11, the baseline, also referred to as existing use emissions, in the 2006 EIR is provided in Table 22 of that document. The assumptions used for producing the Approved Project baseline were fully documented in the Response to Comment Table O-27B-F: Principal CalEEMod Input Parameters in the Approved Project column (found in Response to Comment O-27B-21). The Approved Project was modeled using the same CalEEMod model used for all scenarios included in the Subsequent EIR.

As also stated in Response to Comment O-27B-11, the baseline for comparing the Project to existing conditions in the Draft Subsequent EIR (i.e., existing use emissions), was correctly assumed to be zero, because the Project Site's existing condition as of June 28, 2011 was a vacant lot consisting of disturbed land, asphalt, surface parking lot, and various remnant structures. Therefore, the Subsequent EIR clearly states the baseline for each impact analysis and provides sufficient detail to support the conclusions presented therein.

3. The Subsequent EIR Provided Complete Analysis of Criteria Pollutant Impacts

⁴⁵ See STW Appeal, p. 16.

⁴⁶ See STW Appeal, p. 16.

Third, the appellant claims that the modeling data in the Subsequent EIR's appendices identify greater emissions than those reported in the Draft or Final Subsequent EIR tables, and concludes that the Subsequent EIR did not report the full extent of the Project's emissions.⁴⁷ The appellant offers no source or supporting evidence for its conclusory assertion. Response to Comment O-27B-19 in the Final Subsequent EIR explained that a known error in the CalEEMod model was responsible for differences between tables reporting emissions in the Draft Subsequent EIR and the supporting documents provided in Appendix D.

Further, the memo from LSA Associates dated December 6, 2013 and attached to Latham Letter 2 ("LSA Memo"), is also attached to this letter as Exhibit B. As described in the LSA Memo, based on information obtained directly from Michael A. Krause, Program Supervisor, South Coast Air Quality Management District, LSA was informed that the error in CalEEMod v2011.1.1 related to offsite haul truck emissions applies to all pollutants. However, in response to this comment, LSA recalculated project emissions assuming that the CalEEMod error only applies to haul truck fugitive dust emissions and does not affect other pollutants. As described in the LSA Memo, in the course of examining the construction modeling details, it was discovered that the haul distance was incorrectly entered in the CalEEMod modeling for the Subsequent EIR as 125 round trips of 50 miles each, rather than the 125 one way trips of 23 miles that are planned. Accordingly, the Subsequent EIR presents an overly conservative analysis of construction emissions associated with haul truck trips. LSA re-calculated the on-road haul truck trip emissions using the 2014 EMFAC2011 emission rates for heavy duty diesel trucks, and using the appropriate haul distance of 23 miles each way. The revised emissions for the grading phase with the revisions to the haul distance and the changes to the assumptions regarding the error in CalEEMod were included in the LSA Memo on page 3.

As shown in the LSA Memo, when Project construction emissions are re-calculated as described above, the Project would result in a less than significant impact for all applicable pollutants, including NO_x (with incorporation of the previously identified mitigation (Mitigation Measure 4.4.2 in Section 4.4 of the Subsequent EIR).) (See LSA Memo, pp. 2-3.) These conclusions are consistent with the conclusions provided in the Subsequent EIR. Therefore, the Subsequent EIR did not fail to disclose the true extent of the air emissions impacts, as incorrectly alleged by the appeal. No significant impacts beyond what were identified in the Subsequent EIR would occur.

4. The Subsequent EIR Properly Concluded that the Project Would Not Have a Significant Impact Related to Operational NO_x Emissions

Fourth, the appellant claims that supporting CalEEMod data was not provided for Table O-27B.H in the Final Subsequent EIR, which documents what trip rates and trip lengths were used for all scenarios. The appellant wrongly claims that replication of the Subsequent EIR's results yields operational emissions that exceed the significance threshold for NO_x.

As described in the LSA Memo, the results shown in Table O-27B-H in the Final Subsequent EIR are based on input parameters documented in the Response to Comments Table O-27B-F: Principal CalEEMod Input Parameters. (See LSA Memo, p. 3.) The only differences

⁴⁷ See STW Appeal, pp. 16-17.

between the two CalEEMod runs used to produce the results shown in Table O-27B-H are the trip lengths, as described in that response. For consistency, the location setting in CalEEMod used the South Coast Air Basin, which is appropriate because there is an error in CalEEMod that incorrectly alters trip lengths if the Los Angeles County parameter is selected instead of the South Coast Air Basin. As further explained on page 3 of the LSA Memo, if the CalEEMod model did not contain the CalEEMod location error, then specifying the project location as in Los Angeles County or in the South Coast Air Basin would return the same results. For the analysis in the Subsequent EIR, the most appropriate choice is the South Coast Air Basin, as the air basin is defined as the region where weather conditions governing air pollutant transportation are consistent, whereas Los Angeles County is merely a political boundary having nothing to do with pollution transport. Therefore, the Subsequent EIR correctly calculated emissions levels and properly concluded that the Project would not have a significant impact related to operational NO_x emissions. Contrary to the appellant's claim, the Subsequent EIR did not fail to disclose a significant impact to NO_x emissions.

5. The Subsequent EIR's Analysis of the Project's Consistency with the Regional Air Quality Management Plan is Consistent with the Analysis of the Same Issues in the 2006 EIR

Finally, the appellant incorrectly claims that the Subsequent EIR's analysis of the Project's consistency with the regional Air Quality Management Plan (AQMP) promulgated by the South Coast Air Quality Management District (SCAQMD) and the Southern California Association of Governments (SCAG) is inconsistent with the analysis of the same issues provided in the EIR for the Approved Project. As discussed in Response to Comment O-27-87, as the appeal correctly notes, the Approved Project would have provided residential uses in Century City, a major commercial office and mixed use center, thereby contributing to reduced vehicle trips and vehicle miles traveled (VMT). As such, the 2006 EIR correctly concluded that the Approved Project would have been consistent with the land use and planning policies contained in the AQMP. However, the comment is incorrect to imply that the proposed Project, which would locate a major commercial office development within Century City, would not also be consistent with the land use and planning policies of the AQMP. As discussed in Section 4.4 of the Draft Subsequent EIR, the proposed Project would increase employment opportunities within an already urban area, thereby providing opportunities to create linkages between employment and residential centers that directly translate to reductions in vehicle trips and VMT. Further, as discussed in the City Planning Commission Determination, the proposed Project includes Project Design Features and Mitigation Measures intended to reduce traffic impacts and encourage transit use through a variety of innovative solutions. Therefore, both the Approved Project and the proposed Project would be consistent with the land use and planning policies of the AQMP. The appellant's claim that these conclusions are somehow contrary has no merit.

D. The Project Would Have a Less than Significant Impact Related to GHG Emissions

One of the appellants maintains that there is a discrepancy between the assumptions and results of the greenhouse gas (GHG) emissions analysis in the Subsequent EIR, due to rounding

in tables, omission of classes of emissions, and use of an improper operational year and emissions factor.⁴⁸ All of these accusations are false.

First, as to the accusation regarding rounding of CalEEMod results in tables, this assertion is wrong. Given the uncertainties within the parameters used by CalEEMod combined with the compounding of these uncertainties when producing the modeling results, good engineering judgment shows that two significant digits is an appropriate level of accuracy to use to report modeling results. (See LSA Memo, p. 4.)

As to the appellant's other claims, the Subsequent EIR did not omit emissions from the energy or solid waste categories, and did not use an improper operational year and emissions factor. As explained in Response to Comment O-27B-21 of the Final Subsequent EIR, the emissions for energy and solid waste categories were calculated the same way all the other GHG emissions categories were calculated; CalEEMod modeling was conducted with the inputs summarized in Table O-27B-F in the Final Subsequent EIR. The BAU scenario was modeled by taking the Approved Project and Modified Project CalEEMod results and applying adjustment factors as described in Section 4.5.7 of the Draft Subsequent EIR on page 4.5-37 and shown in Table 4.5.H. As discussed in Section 4.5.4, page 4.5-25 of the Draft Subsequent EIR, the analysis of climate change impacts is properly based on the 2015 opening year emissions that are expected to occur based on: (1) 2015 projections included in the Transportation Study (see Subsequent EIR, Appendix C), combined with (2) all emissions factors within CalEEMod for the opening year of 2015. This analysis is conservative. Using an operational year of 2020 instead of 2015 would understate the project emissions in the opening year and perhaps conceal a potentially significant impact.

Second, one appellant claims that the LSA Memo attached to Latham Letter 2 fails to provide an explanation of the adjustment factor applied to certain emissions in the "business-as-usual" (BAU) component of the greenhouse gas (GHG) emissions analysis, and that this is a deficiency in the analysis that the Determination fails to correct.⁴⁹ This criticism is unfounded. The BAU analysis for GHGs was conducted by comparing the CalEEMod analyses for the Approved and proposed Project scenarios to a Project if no action were taken to improve environmental practices and reduce GHG emissions. An adjustment factor was developed, based on review of the AB-32 Scoping Plan data related to efficiency changes, and applied to the area, energy, mobile, waste and water emissions source outputs of the CalEEMod modeling. Whether the CalEEMod inputs or outputs are adjusted for the BAU analysis, the conclusion would be the same. The proposed Project would not result in a significant impact related to GHG emissions.

Finally, two of the appellants also wrongly claim that the GHG analysis in the Subsequent EIR relies on unenforceable sustainability measures related to energy efficiency, lighting, water, and waste disposal, and that the Planning Commission should have imposed new mitigation measures to enforce these commitments.⁵⁰ These claims ignore the fact that the Subsequent EIR already includes Project Design Feature NRG-1, which requires the Project to

⁴⁸ See STW Appeal, p. 17-18.

⁴⁹ See STW Appeal, p. 19.

⁵⁰ See STW Appeal, pp. 18-19; WSSM Appeal, p. 4.

exceed Title 24 requirements by 20 percent. In addition, the Project would be designed to achieve a LEED Platinum rating or its equivalent, which also mandates the use of high efficiency lighting. Thus, the Project is required to incorporate these features, and the Subsequent EIR properly included them in the CalEEMod modeling. Further, as explained in detail in the LSA Memo, the 20 percent reduction of water usage included in the CalEEMod modeling represents the combination of a number of factors, including the reduction from Project Design Feature WTR-1 combined with the less tangible benefits of locally-sourced water and water usage reductions benefits of achieving a LEED Platinum rating. (See LSA Memo, p. 6.) Therefore, the 20 percent water reduction is realistic and enforceable.

E. The Subsequent EIR Fully Analyzed Construction Noise Impacts

One of the appellants repeats an erroneous claim that was previously addressed in Response to Comment O-27B-8 and Latham Letter 2 (Attachment, pp. 87-88), that the Subsequent EIR's analysis of construction noise underestimates the height of equipment exhaust stacks.⁵¹ As discussed in Response to Comment O-27B-8, the noise analysis in the Final Subsequent EIR properly calculated the noise barrier effects with the assumption of the receiver at an elevation that is 10 feet above the Project Site, and assigned a height of 5 feet above ground for the receiver at the Century Plaza Hotel. With implementation of the temporary construction barrier required by Mitigation Measure 4.8.1, no significant noise impact would occur during construction, consistent with the conclusions in the Subsequent EIR. (See Draft Subsequent EIR, Section 4.8.14.) The appellant previously submitted an analysis from Environ Corp. in support of its prior comment letter, which overstated the potential noise impacts of the construction by using the same source noise level for both the engine and the exhaust stack of construction equipment. This overstatement is fully explained and analyzed on pages 10 to 11 of the LSA Memo, which confirms that no significant noise impact would occur during construction.

F. The Subsequent EIR Fully Analyzed Impacts to Public Safety and First Responders

Several of the appellants claim that the Subsequent EIR fails to evaluate and mitigate significant impacts on public safety, including the impact of City budget cuts on first responders.⁵² These claims have no support and are inconsistent with the robust analysis of these issues in the Subsequent EIR. Section 4.10 of the Draft Subsequent EIR contained a full analysis of all Project-related impacts to public services and concluded that all impacts, including cumulative impacts, would be less than significant.

The appellants specifically mention staffing levels and resources at Fire Station No. 58, one of the two nearest fire stations to the Project Site. As detailed in Section 4.10.A of the Draft Subsequent EIR and in Response to Comment O-18-27 in the Final Subsequent EIR, implementation of the Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain adequate service levels, even under the new Deployment Plan announced by the Los Angeles Fire Department (LAFD) in

⁵¹ See STW Appeal, p. 19.

⁵² See Beverlywood Appeal, p. 3; WSSM Appeal, p. 3.

2011. Under the new Deployment Plan, none of the City's fire stations are proposed to be closed, the LAFD is not eliminating any positions via termination, and the LAFD has committed to maintaining a fire engine, associated firefighters, and a minimum of one paramedic in every fire station service area. The Deployment Plan has, however, realigned administrative geographic boundaries; shifted firefighters from fire stations in lower volume areas to areas with higher volumes; and, through redistribution and resource upgrades, reduced the LAFD's total number of engines and trucks. In addition, as 85 percent of the LAFD's responses every day are based around emergency medical needs rather than fire incidents, the Deployment Plan has increased the number of "assessment engines," "assessment light forces," and ambulances in key fire service districts. At Station No. 58, calls for emergency medical needs are about 5 times as frequent as calls for fire services. The appellant's claims ignore this fact, and suggest that an LAFD ladder truck at Station 58 is necessary to avoid a "significant service deficiency" at Station No. 58. The appellants cite to no evidence or standard in support of their claim. Moreover, there is no basis or support for the appellants' claim that it takes as much as "15 to 30 minutes" for a ladder truck from Station 92 to reach the Beverlywood community. There is no evidence in the record to support these baseless and unsupported assertions, and there is no evidence that LAFD's Deployment Plan has or will cause an impact to the Beverlywood community once the Project is built.

Moreover, the Project contains numerous measures to reduce its potential demand for LAFD services. As detailed in Project Design Feature FIRE-1 in the Subsequent EIR, once the Enhanced Retail Alternative becomes operational, the owner would supply automated external defibrillators (AEDs) for use by building personnel, provide joint AED and CERT/first aid training for building and LAFD personnel, and make available and encourage CERT/first aid training for tenants. In addition, in order to facilitate fire department services in Century City, a dedicated parking bay would be provided for an emergency ambulance at the Century Park West Garage with a dedicated break area, equipment storage, and a direct communication link to the LAFD. This amenity will provide LAFD with additional options to optimize deployment within the Century City area.

Because the Project Site is not within the LAMC maximum response distance to the nearest fire station of 0.75 miles for commercial land uses, the Enhanced Retail Alternative includes an automatic fire sprinkler system (Compliance Measure FIRE-2). According to the National Fire Protection Association, "When sprinklers are present, the chances of dying in a fire and the average property loss per fire are both cut by one-half to two-thirds, compared to fires where sprinklers are not present." National Fire Protection Association analysis of civilian deaths per thousand fires in 1989-1998 showed the reduction associated with sprinklers is 60 percent for manufacturing properties, 74 percent for stores and offices, 75 percent for selected health care properties for the aged or sick, and 91 percent for hotels and motels. Therefore, the automatic fire sprinkler system would help contain a fire, reduce property damage, and reduce the potential for loss of lives until fire personnel arrive.

A memorandum from Mark Stormes, Fire Marshal for the Bureau of Fire Prevention and Public Safety of the LAFD, dated September 11, 2013 (see Comment Letter L-1 in the Final Subsequent EIR), confirms that with implementation of Compliance Measure FIRE-2, "fire protection for the Project would be considered adequate." In addition, the LAFD memo states that "the CCC project's impacts on fire protection services are not cumulatively considerable."

Therefore, the Modified Project's project-specific and cumulative impacts on public services, including fire protection services, would be less than significant. The appellants' apparent desire for additional fire services in their area do not negate LAFD's conclusion that no significant impact would occur.

G. Potential Project Impacts on Infrastructure Were Properly Analyzed

Two of the appellants allege, without providing any supporting statements or evidence, that the Subsequent EIR fails to consider the effects of the Project on streets and utility services, given the aging nature of that infrastructure.⁵³ These claims are wholly speculative and appear to be based on an incident where a water main broke near the UCLA campus in a different area of the City. CEQA does not require analysis of speculative impacts. (See CEQA Guidelines, § 15145.)

The Subsequent EIR included a thorough analysis of the Project's use of and impacts on utility services and infrastructure. (See Draft Subsequent EIR, Sections 4.11.A (Water Supply), 4.11.B (Wastewater), and 4.11.B (Solid Waste), and Final Subsequent EIR, Section 3.1.1.) In preparing the Subsequent EIR, the City's environmental consultant met with and corresponded with public service and utility providers, including the Los Angeles Department of Water and Power (LADWP). Based on information provided by LADWP, other utility and service providers, the Subsequent EIR accurately concluded that the Project will not have any significant impacts on the condition of streets and utilities.

VI. THE MITIGATION MEASURES WILL MITIGATE THE PROJECT'S SIGNIFICANT IMPACTS TO THE EXTENT FEASIBLE

Several appellants wrongfully assert that elements of the mitigation program for the Project's traffic and circulation impacts are vague and illusory, and defer mitigation of significant impacts.⁵⁴ These charges are fundamentally wrong.

As to the mitigation program's requirement for extensive monitoring of trip generation rates of the Project, the appellants argue that "the primary mitigation for violation of a trip cap is merely more monitoring." (STW Appeal, p. 22.) This is untrue. The traffic mitigation program adopted by the City Planning Commission requires extensive traffic mitigation prior to any exceedance of projected trip levels, and requires the Applicant to intensify TDM measure deployment if trip levels reach 10% below the lowest trip generation threshold for four consecutive weeks. (Mitigation Measure 4.2.5.2.) If an exceedance occurs, pursuant to Mitigation Measure 4.2.5.2, the Applicant would be required to implement further trip reduction measures immediately. If the exceedance persists for three months despite implementation of additional TDM measures, the phased mitigation program would require substantial funding for implementation of additional peak-hour bus service on specified roadways.⁵⁵ Therefore, the

⁵³ See Beverlywood Appeal, p. 7; WSSM Appeal, p. 3.

⁵⁴ See STW Appeal, pp. 22, 25; Beverlywood Appeal, p. 6.

⁵⁵ The STW Appeal implies that the monitoring periods are illusory because the monitoring period "would always extend into the summer months, when traffic is reduced by vacationers

charge that the mitigation program requires only "more monitoring" is simply untrue. The mitigation program adopted by the Commission requires that TDM measures are to be implemented subject to specific performance standards, and if specified thresholds are exceeded, then additional mitigation is required. The traffic mitigation program is fully consistent with CEQA's requirements.

As to the mitigation measure requiring funding for closed-circuit television installations and necessary infrastructure (Mitigation Measure 4.2.1), funding new installations and system maintenance for area-wide traffic for traffic cameras and signal synchronization improves the City's transportation management system and allows LADOT to modify its operations to move traffic through intersections more efficiently. Accordingly, long-standing LADOT policy is to provide a credit for such improvements that reduces the V/C ratio at certain intersections. As discussed in Latham Letter 2 (Attachment, pp. 67 -68), Mitigation Measure 4.2.1 contains detailed steps to ensure that this particular measure is implemented. Therefore, this type of mitigation is neither illusory nor deferred mitigation – improvements to LADOT's traffic camera and signal synchronization system are required prior to the issuance of a certificate of occupancy as provided in Mitigation Measure 4.2.1.

Finally, one appellant argues that the mobile cell phone application, which Mitigation Measure 4.2.2 requires the Applicant to develop with the Century City Transportation Management Organization, has the potential to shift traffic away from major roadways into neighborhood streets surrounding Century City.⁵⁶ This is not the case. The Applicant has confirmed with the company developing the mobile app that it will not route traffic through residential neighborhoods.

VII. THE SUBSEQUENT EIR ANALYZED A REASONABLE RANGE OF ALTERNATIVES TO THE PROJECT

One appellant made reference to Alternative 3 in the 2006 EIR for the Approved Project on the Project Site, which studied a commercial office project alternative of 261,000 feet, and criticized the City for not adopting that alternative as the proposed Project or "updating" that alternative in the Subsequent EIR.⁵⁷ The appellant argues that an alternative which evaluates a commercial project using the Project Site's 4,114,957 available Trips at a rate of 14 Trips/1,000 square feet is necessary. This argument ignores the fact that the Subsequent EIR did include such an alternative. Alternative 5: Reduced Density (60 Percent Reduction) analyzed a commercial office project totaling 334,420 square feet of development noted that "[t]he provision of office space in this alternative was based on the maximum square footage of office space that would be allowed using the Century City North Specific Plan's commercial office trip rate of 14 daily Trips/1,000 square feet of floor area." (Draft Subsequent EIR, p. 7-335.) The

and summer school breaks," but the data do not support this conclusion. See Topical Response 5, Section 3 in the Final Subsequent EIR, which found, based on driveway counts at Century City office buildings, that "(1) seasonal variation of office traffic is very low; and (2) office traffic volumes in July are equal to or above average for the year."

⁵⁶ See STW Appeal, p. 25.

⁵⁷ See STW Appeal, pp. 27-28.

City Planning Commission found that Alternative 5 was the Environmentally Superior Alternative (aside from the No Project Alternative), and rejected Alternative 5 because it would not meet numerous Project Objectives as compared with Alternative 9 – Enhanced Retail Alternative. (Determination, pp. F-134 – F-135, F-145.) Therefore, the appellant’s argument is moot.

VIII. THE PLANNING COMMISSION FOLLOWED ALL APPLICABLE PROCEDURES IN RECOMMENDING APPROVAL OF THE AMENDMENT TO THE DEVELOPMENT AGREEMENT

One appellant argued that the Planning Commission failed to comply with the procedures governing development agreements, specifically by failing to include additional community benefits.⁵⁸ This argument is meritless. It is unclear what the appeal means by “community benefits.” However, to the extent that the appellant is requesting an analysis of social and/or economic benefits, these points are not appropriate for analysis under CEQA. As explained in Topical Response 4 in the Final Subsequent EIR, social and economic impacts “are outside the CEQA mandate.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1516.) Social and/or economic benefits included as consideration for development agreements also have no possibility of causing a significant effect on the environment, and thus are exempt from CEQA. (CEQA Guidelines, § 15061(b)(3).) It is also unclear what the appeal means when it refers to “community benefits that are relevant to and commensurate with the vast special privileges requested by the Applicant.” (STW Appeal, p. 10.) The Amendment to the Development Agreement would provide substantial public benefits that go above and beyond those required by the Approved Project Development Agreement, including funding for transportation planning and improvements, a new shuttle service from the Westwood/Rancho Park station of Metro’s Expo Line to Century City, a substantial contribution to the City’s Affordable Housing Trust Fund, and other public benefits. Therefore, the appeal’s contention that the City failed to comply with procedures governing development agreements by failing to require additional public benefits is baseless.

IX. THE STATEMENT OF OVERRIDING CONSIDERATIONS IS SUPPORTED BY SUBSTANTIAL EVIDENCE

Several appellants claim that the Statement of Overriding Considerations fails to disclose significant environmental impacts of the Project and is not supported by substantial evidence.⁵⁹ This is untrue.

When a lead agency approves a project that will result in the occurrence of significant and unavoidable environmental effects, the CEQA Guidelines require the agency to “state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.” (CEQA Guidelines, § 15093(b).) This statement of overriding considerations is composed of “larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like” and “must be supported by substantial

⁵⁸ See STW Appeal, p. 10.

⁵⁹ See STW Appeal, p. 29-30; Beverlywood Appeal, pp. 6-7.

evidence contained in the final EIR and/or other information in the record.” (*Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.* (1994) 24 Cal.App.4th 826, 847.)

Here, the Planning Commission complied with CEQA in its adoption of the Statement of Overriding Considerations. First, it found several unavoidable environmental impacts of the Project, as identified in the Subsequent EIR. These impacts included traffic intersection impacts, site access impacts, and cumulative construction noise impacts. These impacts, did not, however, include “direct impacts on residential communities,” because no impacts within residential communities were identified in the Subsequent EIR, contrary to the claims of the appellant. (See Beverlywood Appeal, p. 7.) In compliance with CEQA, the Planning Commission also imposed all feasible mitigation measures to reduce these impacts. The Planning Commission also considered nine alternatives to the Modified Project which would reduce or lessen the significant impacts of the Project, and chose to adopt Alternative 9 (Enhanced Retail Alternative) because it is feasible and would reduce some of the Project’s significant and unavoidable impacts. Nevertheless, a limited number of impacts are projected to remain significant even following implementation of mitigation and the adoption of the alternative. Pursuant to Section 15093(b) of the CEQA Guidelines, the Planning Commission then adopted a Statement of Overriding Considerations based on information in the Subsequent EIR, including a list of 27 benefits of the Project that justify approval of the Project despite its significant environmental effects, because the overriding considerations outweigh the adverse environmental impacts of the Project.

In taking all of these steps, the Commission was fully informed by the Subsequent EIR as well as written comments and public testimony, and provided full oral and written evidence for its Determination. The claim that the Planning Commission ignored or failed to disclose significant impacts of the Project, and that it lacked substantial evidence for its Determination, are wholly unsupported and without merit.⁶⁰

⁶⁰ The STW Appeal also argues that benefits of the Enhanced Retail Alternative listed in the Statement of Overriding Considerations have not been sufficiently secured because the amendment to the Development Agreement would still allow the Approved Project to be constructed. (STW Appeal, p. 29.) Contrary to the appellant’s argument, the benefits of the Enhanced Retail Alternative are not required to be secured in the event that the Approved Project is constructed, as the Approved Project is subject to separate conditions of approval and Development Agreement provisions, and would not result in the same significant and unavoidable impacts as the Enhanced Retail Alternative.

Constellation Station Coalition

Building Name	Building Address	Sq. Ft.	Total # of Occupants	Occupants per 1,000 Sq. Ft.	Industry Type							Total Sq. Ft.	
					Financial Sq. Ft.	Financial %	Law Firms Sq. Ft.	Law Firm %	Entertainment Sq. Ft.	Ent. %	Other Sq. Ft.		Other %
Northrop Grumman Plaza	1800/1840 Century Park East	587,022	1,210	2.06	58,702	10%	88,053	15%	17,611	3%	422,656	72%	587,022
Century Park Plaza	1801 Century Park East	373,902	741	1.98	123,388	33%	115,910	31%	-	0%	134,605	36%	373,902
Century City Office	1930 Century Park West	57,905	101	1.74	-	0%	-	0%	-	0%	57,905	100%	57,905
Gateway West	1801 Avenue of the Stars	239,000	1,144	4.79	47,800	20%	83,650	35%	35,850	15%	71,700	30%	239,000
2000 Avenue of the Stars	2000 Avenue of the Stars	787,644	2,495	3.17	362,946	46%	93,730	12%	303,400	39%	27,568	4%	787,644
1901 Avenue of the Stars	1901 Avenue of the Stars	492,223	1,217	2.47	73,833	15%	201,811	41%	49,222	10%	167,356	34%	492,223
Medical Building	2080 Century Park East	199,534	800	4.01	-	-	-	-	-	-	-	-	-
1940 Century Park	1940 Century Park East	48,339	140	2.90	-	-	-	-	-	-	-	-	-
1888 Century Park East	1888 Century Park East	504,526	868	1.72	55,498	11%	166,494	33%	75,679	15%	206,856	41%	504,526
Meridian Bldg	1950 Century Park East	26,719	66	2.47	-	-	-	-	-	-	-	-	-
Gateway East & 1900 AOS	1800 & 1900 Avenue of the Stars	879,305	2,521	2.87	70,344	8%	659,479	75%	17,586	2%	131,896	15%	879,305
Fox Plaza	2121 Avenue of the Stars	730,510	2,141	2.93	153,407	21%	73,051	10%	460,221	63%	43,831	6%	730,510
SunAmerica Center	1999 Avenue of the Stars	824,106	2,340	2.84	453,258	55%	189,544	23%	-	0%	181,303	22%	824,106
MGM Tower	10250 Constellation Blvd	775,037	15,70	2.03	270,565	35%	88,509	11%	351,402	45%	64,561	8%	775,037
1880 Century Park East	1880 Century Park East	311,400	670	2.15	-	0%	-	0%	-	0%	-	0%	-
Watt Plaza	1875/1925 Century Park East	904,890	2,139	2.36	135,734	15%	361,956	40%	45,245	5%	361,956	40%	904,890
10100 Santa Monica	10100 Santa Monica Blvd.	605,657	1,519	2.51	24,226	4%	284,659	47%	54,509	9%	242,263	40%	605,657
Century Plaza Towers	2029/2049 Century Park East	2,281,052	6,800	2.98	598,092	26%	1,179,760	52%	115,877	5%	387,323	17%	2,281,052
Fox Studios	Fox Lot	1,015,533	2,600	2.56	-	-	-	-	-	-	-	-	-
CENTURY CITY TOTALS:		11,644,304	31,082	2.67	2,427,794	21%	3,586,606	31%	1,526,603	13%	2,501,776	21%	10,354,179

Century Plaza Hotel	2025 Avenue of the Stars	800,000	472 *
Intercontinental Hotel	2151 Avenue of the Stars	638,055	260 *
Westfield's Shopping Center	10250 Santa Monica Blvd.	857,000	450 *

* Includes employees only



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FRESNO
PALM SPRINGS
PT. RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

MEMORANDUM

DATE: December 6, 2013

TO: Nicholas Hendricks, Department of City Planning

FROM: Tung-Chen Chung, Ph.D., Principal/Director of Acoustical and Air Quality Services

SUBJECT: Century City Center Project
Case Nos. CPC-2013-210-SPP-SPR-MSC, CPC-2009-817-DA-M1;
ENV-2004-6269-SUP1

This memorandum responds to a November 14, 2013, letter from Eric Lu and Shari Libicki of Environ titled *Review of the Final Subsequent EIR for the Century City Center Project Located at 10131 Constellation Blvd, Century City, California Project EIR*. The Environ letter was included as an attachment to a November 15, 2013 letter from Jeffer, Mangels, Butler & Mitchell LLP that was submitted to you during the Hearing Officer Hearing for Case No. CPC-2013-210-SPP-SPR-MSC (Century City Center Project or Modified Project). The Environ letter includes numerous incorrect statements and conclusions regarding the environmental analysis performed during the preparation of the Final Subsequent EIR for the proposed Modified Project. As you know, LSA Associates, Inc. (LSA) worked closely with City of Los Angeles staff to prepare the Subsequent EIR, and we are providing this memorandum as additional information for the record to demonstrate why the Environ letter's comments are inaccurate.

Air Quality

1. The Environ letter repeats a claim that was fully responded to in the Final Subsequent EIR, and erroneously states that the Final Subsequent EIR did not provide reproducible assumptions regarding the baseline emissions inventory. The Environ letter references Responses to Comments O-27B-11 and O-27B-12 in the Final Subsequent EIR, which explained the use of baseline conditions assumptions in the Air Quality analysis in the Draft Subsequent EIR.

For the purposes of providing the public and decision makers with a full array of information during deliberations on the proposed Modified Project, the Subsequent EIR includes two separate impact analyses, each with its own baseline. The analysis of the proposed Modified Project relative to the impacts of the Approved Project uses the baseline from the 2006 Approved Project EIR. The analysis of the proposed Modified Project relative to existing conditions uses a baseline as of June 28, 2011, the date that the Notice of Preparation for the Subsequent EIR was issued.

As stated in Response to Comment O-27B-11, the baseline, also referred to as existing use emissions, in the 2006 EIR is provided in Table 22 of that document. The assumptions used for producing the Approved Project baseline were fully documented in the Response to Comment Table O-27B-F: Principal CalEEMod Input Parameters in the Approved Project column (found in Response to Comment O-27B-21). The Approved Project was modeled using the same CalEEMod model used for all scenarios included in the Subsequent EIR.

As also stated in Response to Comment O-27B-11, the baseline for comparing the Modified Project to existing conditions in the Draft Subsequent EIR (i.e., existing use emissions), was correctly assumed to be zero, because the Project site's existing condition as of June 28, 2011 was a vacant lot consisting of disturbed land, asphalt, surface parking lot, and various remnant structures. Therefore, the Subsequent EIR clearly states the baseline for each impact analysis and provides sufficient detail to support the conclusions presented therein.

2. Response to Comment O-27B-19 in the Final Subsequent EIR explained that a known error in the CalEEMod model was responsible for differences between tables reporting emissions in the Draft Subsequent EIR and the supporting documents provided in Appendix D. The Environ letter states that "we understand that this error [in CalEEMod related to offsite truck hauling emissions] only impacts haul truck fugitive dust emissions." The Environ letter offers no source or supporting evidence for its conclusory assertion. Based on information obtained directly from Michael A. Krause, Program Supervisor, South Coast Air Quality Management District, in a phone call in the fall of 2012, LSA was informed that the error in CalEEMod v2011.1.1 related to offsite haul truck emissions applies to all pollutants.

However, in response to this comment, project emissions were recalculated assuming that the CalEEMod error only applies to haul truck fugitive dust emissions and does not affect other pollutants (ROC, NOX, CO, SOX, exhaust PM₁₀ and PM_{2.5}). In the course of completing this exercise and examining the construction modeling details, it was discovered that the haul distance was incorrectly entered in the CalEEMod modeling for the Subsequent EIR as 125 round trips of 50 miles each, rather than the 125 one way trips of 23 miles that are planned. The 23-mile distance is based on the proposed haul truck routes from the Project site in Century City to the disposal site in Sylmar.

The on-road haul truck trip emissions were re-calculated using the 2014 EMFAC2011 emission rates for heavy duty diesel trucks, and using the appropriate haul distance of 23 miles each way. Table A, below, shows the revised emissions for the grading phase with the revisions to the haul distance and the changes to the assumptions regarding the error in CalEEMod. The Final Subsequent EIR previously identified and mitigated an impact related to NO_x emissions to a less than significant level. As shown in Table A, with incorporation of these changes, the proposed Modified Project would result in a less than significant impact with incorporation of the previously identified mitigation for NO_x (Mitigation Measure 4.4.2 in Section 4.4 of the Subsequent EIR) and a less than significant impacts for all other pollutants,

Table A: Construction Grading Mitigated Emissions

Construction Phase	Total Regional Pollutant Emissions, lbs/day ¹							
	ROC	NO _x	CO	SO _x	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Off-Road	4.6	34	35	0.06	2.4	1.6	1.2	1.6
On-Road	1.4	46	8.2	0.11	3.3	3.2	0.13	3.0
Total	6.0	80	43	0.17	11			5.9
SCAQMD Thresholds	75	100	550	150	150			55
Significant Emissions?	No	No	No	No	No			No

Source: LSA Associates, Inc., December 2013.

Fugitive PM₁₀ and PM_{2.5} emissions include the reductions provided by Compliance Measure AQ-1 and Project Design Feature AQ-1. NO_x emissions include the reductions provided by Mitigation Measure 4.4.2.

CO = carbon monoxide

PM_{2.5} = particulate matter less than 2.5 microns in size

lbs/day = pounds per day

PM₁₀ = particulate matter less than 10 microns in size

NO_x = nitrogen oxides

ROC = reactive organic compounds

SCAQMD = South Coast Air Quality Management District

SO_x = sulfur oxides

3. The Environ letter repeats a comment that was fully responded to in Responses to Comments O-27B-20, O-27B-23, and Table O-27B-H of the Final Subsequent EIR regarding trip rate and trip length. The comment states that the commenter has been unable to identify the supporting CalEEMod run for Table O-28B.H. Table O-27B-F: Principal CalEEMod Input Parameters (found in Response to Comment O-27B-21 of the Final Subsequent EIR) fully documents what trip rates and trip lengths were used for all scenarios. The results shown in Table O-27B-H are based on input parameters documented in the Response to Comments Table O-27B-F: Principal CalEEMod Input Parameters. The only differences between the two CalEEMod runs used to produce the results shown in Table O-27B-H are the trip lengths, as described in that response. For consistency, the location setting in CalEEMod was not changed to specify Los Angeles County, but was left as the South Coast Air Basin. The results reported in Table 1 and Table 2 of the Environ letter incorrectly use the Los Angeles County location parameter. If the CalEEMod model did not contain the CalEEMod location error,¹ then specifying the project location as in Los Angeles County or in the South Coast Air Basin would return the same results. For the analysis in the Subsequent EIR, the most appropriate choice is the South Coast Air Basin, as the air basin is defined as the region where weather conditions governing air pollutant transportation are consistent, whereas the county is merely a political boundary having nothing to do with pollution transport. Therefore, the Subsequent EIR correctly calculated emissions levels and properly concluded that the proposed Modified Project would not have a significant impact related to operation ROC or NO_x emissions.

¹ The CalEEMod model provides four different "default" trip lengths for projects in (1) the South Coast Air District; (2) Los Angeles County; (3) the South Coast Air Basin; and (4) the State of California. Thus, while the project can correctly be characterized as being located in any of these regions, the location error in CalEEMod causes it to produce very different emissions for each region specified. For simplicity this inconsistency is referred to here as the CalEEMod location error.

Greenhouse Gas

4. The Environ letter incorrectly states that the Final Subsequent EIR's BAU analysis is not consistent. The letter bases this faulty conclusion on a number of incorrect assumptions and analyses, as discussed below. Accordingly, as stated in the Final Subsequent EIR, the proposed Modified Project would have a less than significant impact related to GHG emissions.
 - 4a. The Environ letter opines that it is unnecessary to round the results as generated by CalEEMod, and it accuses the Subsequent EIR of rounding CalEEMod results to "make the [Modified] Project look better than it would be without the rounding." This assertion is incorrect. Given the uncertainties within the parameters used by CalEEMod combined with the compounding of these uncertainties when producing the modeling results, good engineering judgment shows that two significant digits is an appropriate level of accuracy to use to report modeling results. What this means is that if, for instance, the CalEEMod output showed 397.234 metric tons per year for the baseline and 401.867 metric tons per year for the proposed project, it would be inappropriate to report that any difference were shown by these results. The model is simply not accurate enough to say anything other than both scenarios would produce about 400 metric tons per year. In some cases three significant digits were reported as a compromise between good engineering judgment and the desire to show some difference between similar scenarios.
 - 4b. The Environ letter says that it is not clear how the Final Subsequent EIR estimated the emissions for the energy of solid waste categories. As explained in the Draft Subsequent EIR in Response to Comment O-27B-21 of the Final Subsequent EIR, the emissions for energy and solid waste categories were calculated the same way all the other GHG emissions categories were calculated; CalEEMod modeling was conducted with the inputs summarized in Table O-27B-F in the Final Subsequent EIR. CalEEMod was not used to model the BAU scenario. As described by the Air Resources Board (ARB),¹ BAU emissions represent the emissions expected to occur in the absence of any GHG emission reduction actions. For the purposes of the ARB Scoping Plan, ARB used three-year average emissions, by sector, for 2002–2004 to forecast emissions to 2020. In other words, a BAU scenario would be of a project that only complies with California building standards in effect in 2004. CalEEMod can only model projects that comply with current regulations as of the date of the release of CalEEMod; it will not model a project that does not comply with the 2010 Title 24 standards, for instance. As described in Section 4.5.7 of the Draft Subsequent EIR on page 4.5-37, the BAU scenario was analyzed based on two key assumptions: (1) new buildings would only meet minimum Title 24 (2005) energy code requirements, and (2) non-building-related energy use would increase due to the lack of new regulations. The BAU scenario was modeled by taking the Approved Project and proposed Modified Project CalEEMod results and applying adjustment factors as described in Section 4.5.7 of the Draft Subsequent EIR on page 4.5-37 and shown in Table 4.5.H. These factors altered the GHG emissions by the following percentages: construction, energy, waste and water by 30 percent. Area and mobile emissions were assumed to be unchanged between BAU and Proposed. Applying these adjustment factors to each GHG emissions category shown in Table 4.5.H results in the emissions shown in Table 4.5.I. (See Draft Subsequent EIR, Sec. 4.5.)

¹ ARB *Facts About California Greenhouse Gas Emissions Inventory*, <http://www.arb.ca.gov/cc/factsheets/ghginv.pdf>, accessed 12/3/2013.

- 4c. The Environ letter provides two tables (Table 3 and Table 4) that purport to replicate the BAU analysis included in the Subsequent EIR, however, the Environ letter's tables do not match the results included in the Subsequent EIR. Environ is unable to replicate the BAU results because the commenter is using a different CalEEMod location parameter known to produce different results and, as described above, the BAU scenarios were modeled analytically rather than with CalEEMod. In addition, the Environ tables do not round their results to two significant figures, which, as described above, conflicts with good engineering judgment and creates a false sense of precision that the CalEEMod data does not support. Even with its faulty assumptions, Table 4 in the Environ letter shows that the proposed Modified Project would not have a significant impact, which is consistent with the conclusion presented in the Subsequent EIR.
- 4d. The Environ letter states that the Final Subsequent EIR's analysis is incorrect because it appears to be based on the operational year of 2015 when it should be 2020. As discussed in Section 4.5.4, page 4.5-25 of the Draft Subsequent EIR, the analysis of climate change impacts is properly based on the 2015 opening year emissions that are expected to occur based on: (1) 2015 projections included in the Transportation Study (see Subsequent EIR, Appendix C), combined with (2) all emissions factors within CalEEMod for the opening year of 2015. This analysis is conservative. Using an operational year of 2020 instead of 2015 would understate the project emissions in the opening year and perhaps conceal a significant impact.

The Environ letter also incorrectly states that the Subsequent EIR's BAU emissions inventory relied on the wrong utility emissions factor. The CalEEMod has no check box to account for RPS or the Pavley rules. The only ways to include the effects of RPS and/or Pavley rules in CalEEMod are to enable various emissions reduction measures that would occur as a result of RPS and Pavley rules. In the Draft Subsequent EIR a number of these emissions reduction measures were enabled to represent the effects of RPS and Pavley rules. In response to comments received on the Draft Subsequent EIR, the revised CalEEMod modeling included in the Final Subsequent EIR disabled all of these emissions reduction measures. Additionally, this updated CalEEMod modeling uses the correct utility emissions factors from the LADWP 2011 Power Integrated Resource Plan-Appendix C.

The CalEEMod results shown in Environ Comment Letter Table 2 match those shown in the Final Subsequent EIR for area and energy sources; only mobile source emissions are substantially different. The higher average trip lengths in CalEEMod used by Environ cause this difference. As explained above, the higher trip rates used by Environ are due to an error in CalEEMod. Therefore, the Subsequent EIR includes a full range of analysis, and its conclusion that the proposed Modified Project would not have a significant impact regarding greenhouse gas emissions is correct.

5. The Environ letter states the Final Subsequent EIR should include an additional project design feature (or mitigation measure) to account for the settings in CalEEMod related to exceeding Title 24 requirements by 20 percent and that high efficiency lighting would be installed. The Environ letter ignores the fact that the Subsequent EIR already includes Project Design Feature NRG-1, which requires the proposed Modified Project to exceed Title 24 requirements by 20 percent. In addition, the proposed Modified Project would be designed to achieve a LEED Platinum rating or its equivalent, which also mandates the use of high efficiency lighting. Thus, the proposed

Modified Project is required to incorporate these features, and the Subsequent EIR properly included them in the CalEEMod modeling.

6. The Environ letter states that because the Apply Water Conservation Strategy was checked and indicated that the reduction rate would be 20 percent in the CalEEMod inputs, the Subsequent EIR should include the commitment to reduce water usage by 20 percent in Project Design Feature WTR-1. The 20 percent reduction of water usage included in the CalEEMod modeling represents the combination of a number of factors. In the context of a CalEEMod input, the water usage rate is used to estimate the land use's contribution of GHG emissions associated with supplying and treating both the potable and non-potable water and conveying and treating the wastewater. The proposed Modified Project will use locally-sourced water (supplied by LADWP) reducing the electricity and indirect CO₂ emissions associated with water supply and transport because water from local or nearby groundwater basins, nearby surface water and gravity-dominated systems have smaller energy-intensity factors. Furthermore, in November 2009, SB 7 mandated new water conservation goals for Urban Water Management Plans. These goals now require urban water suppliers to achieve a 20 percent per capita water consumption reduction by 2020 statewide, as described in the "20x2020" State Water Conservation Plan. As such, each updated Urban Water Management Plan must now incorporate a description of how each respective urban water supplier will quantitatively implement this water conservation mandate in addition to the requirements of SB 610. Assuming LADWP complies with SB 7, it can be assumed that a 20 percent reduction in water usage would be achieved. Therefore, the 20 percent reduction incorporates the reduction from PDF WTR-1 combined with the less tangible benefits of locally-sourced water (from LADWP which would comply with SB 7), and water usage reductions benefits of achieving a LEED Platinum rating. While achieving LEED Platinum rating does not specify a numeric reduction percentage, 20 percent was selected for this CalEEMod input as good engineering judgment representing what these factors would achieve. However, in an effort to be conservative, Table B, below, (as modified from Table 4.5.H in the Final Subsequent EIR) shows the change to the annual proposed Modified Project "as proposed" operational GHG emissions without the 20 percent water use reduction, and, as described in the response to Comment 7 below, without the 20 percent waste production rate.

Table B: Annual Proposed Modified Project “As Proposed” Operational Greenhouse Gas Emissions

Category	Pollutant Emissions, MT/year					
	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction emissions amortized over 30 years	0	230	230	0.011	0	230
Area	0	0	0	0	0	0
Energy	0	4,940	4,940	0.13	0.05	5,000
Mobile	0	5,340	5,340	0.22	0	5,340
Waste	110 140	0	110 140	6.5 8.2	0	250 310
Water	0	1,000 1,300	1,000 1,300	3.2 4.0	0.09 0.11	1,100 1,400
Total Project Emissions	110 140	11,500 11,800	11,600 12,000	10 13	0.14 0.16	11,900 12,200

Source: LSA Associates, Inc., December 2013.

Notes: - Numbers in table may not appear to add up correctly due to rounding of all numbers to two significant digits.

Bio-CO₂ = biologically generated CO₂ from decomposing solid waste

CH₄ = methane

CO₂ = carbon dioxide

CO₂e = carbon dioxide equivalent

MT = metric tons

N₂O = nitrous oxide

NBio-CO₂ = non-biologically generated CO₂

Similarly, Table C, below, (as modified from Table 4.5.I in the Final Subsequent EIR) shows the change to the annual proposed Modified Project BAU operational GHG emissions without the 20 percent water use reduction and without the 20 percent waste production reduction.

Table C: Annual Proposed Modified Project “Business-As-Usual” Operational Greenhouse Gas Emissions

Category	Pollutant Emissions, MT/year					
	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction emissions amortized over 30 years	0	230	230	0.011	0	230
Area	0	0	0	0	0	0
Energy	0	7,060	7,060	0.19	0.071	7,090
Mobile	0	5,340	5,340	0.22	0	5,340
Waste	160 200	0	160 200	9.3 12	0	360 440
Water	0	1,430 1,860	1,430 1,860	4.6 5.7	0.13 0.16	1,570 2,000
Total Project Emissions	160 200	14,000 14,400	14,200 14,700	14 18	0.20 0.23	14,600 15,100

Source: LSA Associates, Inc., December 2013.

Notes: - Numbers in table may not appear to add up correctly due to rounding of all numbers to two significant digits.

Bio-CO₂ = biologically generated CO₂ from decomposing solid waste

CH₄ = methane

CO₂ = carbon dioxide

CO₂e = carbon dioxide equivalent

MT = metric tons

N₂O = nitrous oxide

NBio-CO₂ = non-biologically generated CO₂

These tables show that the BAU scenario would produce 15,100 MT/year of CO₂e and the “as proposed” scenario would produce 12,200 MT/year of CO₂e. This 2,900 MT/year reduction is a 19.2 percent reduction, which is slightly more than the 18.5 percent reduction shown in the Final Subsequent EIR and greater than the 16 percent reduction that is described in the 2011 *Supplement to the AB 32 Scoping Plan Functional Equivalent Document*. The potential increase in the break from BAU is due in part to the removal of water and solid waste emission reductions which gives greater weight to energy and mobile source emissions in the BAU analysis. Thus, the significance conclusions in the Final Subsequent EIR are unaffected by the application of a 20 percent water use reduction or the 20 percent waste production reduction.

- The Environ letter incorrectly claims that the Subsequent EIR does not explain how the proposed Modified Project would achieve the 20 percent reduction of solid waste disposal included in the CalEEMod modeling. As explained in Compliance Measure SW-1 in the Subsequent EIR, the proposed Modified Project will provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals. In addition, as discussed in the Subsequent EIR, according to CalRecycle, the City of Los Angeles achieved solid waste diversion rates of 60 percent in 2000, 63 percent in 2001, and 62 percent in 2002 and the City of Los Angeles has stated its intention to eventually achieve a zero waste scenario, as envisioned in RENEW LA and the proposed Solid Waste Integrated Resources Plan. As such, it is expected that solid waste disposal will continue to decrease in the future as the City of Los

Angeles works toward achieving its waste diversion goals and the City's businesses, public entities, and residents participate in mandatory recycling programs. While Compliance Measure SW-1 does not specify a numeric reduction percentage, 20 percent was selected for this CalEEMod input as good engineering judgment representing what Compliance Measure SW-1 would be likely to achieve given the extensive array of recycling and waste diversion programs available in the City of Los Angeles that would be accessible to the applicant. Furthermore, as discussed in Section 4.11.C of the Subsequent EIR, contrary to the claim in the Environ letter, a mitigation measure specifying a numerical percent reduction of solid waste disposal is unnecessary, as no significant impact related to solid waste was identified. Finally, with regard to the greenhouse gas analysis, the impact of the 20 percent reduction in solid waste disposal is minimal. As shown in Tables B and C, even with the removal of the 20 percent reduction in solid waste disposal (and the removal of the 20 percent water reduction), the proposed Modified Project would still achieve the required reduction from BAU and would result in a less than significant impact related to greenhouse gas emissions.

Noise

8. The Environ letter repeats a comment that was fully responded to in Responses to Comment O-27B-48 and O-27B-49 in the Final Subsequent EIR regarding ambient sound level data for the noise impact assessment. As stated in Response to Comment O-27B-49, because the use of CNEL values can artificially and unnecessarily raise the ambient noise levels during the individual daytime and nighttime hours (because the evening and nighttime L_{eq} values are not adjusted with a weighting factor), use of CNEL levels for analysis of potential project impacts would not represent the worst case scenarios for impact assessment and the determination of any necessary Mitigation Measures. Accordingly, the use of L_{eq} in the Noise impacts analysis presented in Section 4.8 of the Draft Subsequent EIR was a more conservative approach than was taken in the 2006 EIR.

It should be noted that while ambient noise levels represent a snapshot in time of the noise levels at a location and fluctuate throughout the daytime and nighttime hours, as well as vary from location to location in the project area, a 24 hour measurement on a certain day would most likely not be repeated or duplicated on any other day. As the urban area growth continues, ambient noise levels would also likely to be higher than ambient noise levels measured in the past. Therefore, insisting that the lowest ambient noise levels similar to those provided in the 2006 EIR is not practical, warranted, or appropriate.

As stated in the noise impact analysis in the Subsequent EIR, LSA conducted an ambient noise survey in the Project site vicinity at eight locations on February 22, 2012 during daytime hours between 10:30 a.m. and 3:30 p.m. LSA also conducted nighttime noise measurements on February 29 and March 1, 2012 during nighttime hours between 10:00 p.m. on February 29, 2012, and 1:00 a.m. on March 1, 2012. As shown in Table 4.8.L in the Draft Subsequent EIR (reproduced below), each noise measurement was conducted for 15 minutes with the exception of four nighttime noise measurements in the residential areas (Locations 1, 3, and 6) and at the Beverly Hills High School (Location 8), where little traffic or other noise sources were measured.

In an urban area that is dominated by vehicular traffic noise, ambient noise levels fluctuate within a narrow range. Therefore, a 10-minute ambient noise measurement is fairly similar to a 15-minute ambient noise measurement without any unusual event. The four locations where nighttime ambient noise levels were measured for a period 10 minutes (shown in Table 4.8.L)

were all residential areas or a school. Except for occasional vehicular traffic, there were no other noise generating events in the vicinity of these noise measurement locations during the nighttime hours. Therefore, stopping after 10 minutes did not affect the validity of the ambient noise levels measured at these locations because (1) noise within that 10-minute period did not fluctuate and (2) as required by the Municipal Code, the noise produced within that time period was averaged. Therefore, ambient noise levels measurements that were stopped after 10 minutes of steady noise events and averaged would be similar to those measured for 15 minutes and averaged. Furthermore, all daytime measurements and all measurements taken at the receptors closest to the Project Site were measured for 15 minutes and averaged, consistent with Chapter XI, Noise Regulation, of the Los Angeles Municipal Code.

Table 4.8.L: Existing Ambient Noise Levels

Location	Time of Measurements	Measured Ambient Noise Levels, dBA	
		Daytime L_{eq} (7 a.m.–10:00 p.m.)	Nighttime L_{eq} (10 p.m.–7 a.m.)
1	3:05 p.m.–3:20 p.m. (2/22/2012)	58.9	
	12:27 a.m.–12:37 a.m.		52.7
2	2:24 p.m.–2:39 p.m. (2/22/2012)	66.6	
	12:06 a.m.–12:21 a.m.		56.4
3	3:31 p.m.–3:46 p.m. (2/22/2012)	65.1	
	12:45 a.m.–12:55 a.m.		53.5
4	1:27 p.m.–1:42 p.m. (2/22/2012)	66.9	
	11:29 p.m.–11:44 p.m.		60.5
5	12:53 p.m.–1:08 p.m. (2/22/2012)	68.5	
	11:07 p.m.–11:22 p.m.		61.6
6	12:10 p.m.–12:25 p.m. (2/22/2012)	60.1	
	10:38 p.m.–10:48 p.m.		49.5
7	1:56 p.m.–2:11 p.m. (2/22/2012)	68.3	
	11:47 p.m.–12:02 a.m.		59.5
8	10:55 a.m.–11:10 a.m. (2/22/2012)	67.3	
	10:09 p.m.–10:19 p.m.		51.2

dBA = A-weighted decibel

L_{eq} = Equivalent continuous noise level

The Environ letter also erroneously states that the LA CEQA Thresholds Guide requires the identification of CNEL levels for assessment of on-site operational noise. As shown in Exhibit I.1-3 in the LA CEQA Thresholds Guide, Presumed Ambient Noise Levels (dBA), separate daytime and nighttime noise levels are designated for each land use zone as the presumed ambient noise level for that zone. This is different from the use of the 24-hour weighted average level of CNEL, which uses one noise level to determine the potential noise impact, because it already factors in the adjustments of noise events occurring in the evening and nighttime hours.

9. The Environ letter repeats a comment that was fully responded to in Response to Comment O-27B-8 in the Final Subsequent EIR regarding construction equipment source height assumptions and noise from equipment exhaust stacks. The Environ letter includes images of construction equipment as Attachment D. The images provide dimensions of the equipment, but they do not

identify the height of the engine and exhaust. Therefore, Attachment D does not support the Environ letter's conclusion that the Subsequent EIR's assumptions are incorrect.

In addition, the Environ letter overstates the potential noise impacts from construction of the proposed Modified Project to support the incorrect conclusion that the proposed Modified Project would result in a significant construction noise impact at the Century Plaza Hotel. The Environ letter erroneously states that "a more realistic receiver height of 10-feet for the receiving locations at the Century Plaza Hotel is warranted," to account for the elevation difference. Although the Environ letter claims that it used the same assumptions as were used in the Subsequent EIR's analysis for the proposed Modified Project, the Environ letter did not account for the elevation difference between the two locations when performing its analysis in its Attachment E. The noise analysis in the Final Subsequent EIR calculated the noise barrier effects with the assumption of the receiver at an elevation that is 10 feet above the project site, and assigned a height of 5 feet above ground for the receiver at the Century Plaza Hotel. The Environ letter (in Attachment E) also erroneously used the same source noise level for both the engine and the exhaust stack, which overstates the potential noise from sources higher off the ground, artificially inflating the results. As described in Response to Comment O-27B-8 in the Final Subsequent EIR, during construction, the engine of the heavy duty equipment is the dominant source of noise, with the exhaust and wheel/ground interaction contributing additional noise from the equipment. Even if the assumption that the exhaust stack would emit similar level of noise as the engine were correct, which it is not, source noise level from these components would be 3 dBA lower than the overall equipment noise level measured or provided in the FHWA Highway Traffic Noise Prediction Model document referenced in the Environ letter, not using the source noise level for both components. The Environ letter's approach artificially increased the source noise level by 3 dBA (because the combined noise level from two equal strength noise sources would be 3 dBA higher than the individual source noise level). Reducing the combined noise level from the source by 3 dBA and adjusting it with the elevation difference between the two (source and receiver) locations, the noise level increase would be less than the 5 dBA threshold specified in the LA CEQA Thresholds Guide. Therefore, contrary to the claims in the Environ letter, no significant noise impact would occur during construction.

10. The Environ letter repeats a comment that was fully responded to in Response to Comment O-27B-56 in the Final Subsequent EIR regarding noise from the cooling towers at the central plants. The Environ letter opines that the cooling towers would not be enclosed in the Central Plant, but it provides no evidence to support this assertion. As stated in Response to Comment O-27B-56, the cooling towers are anticipated to be enclosed within the Central Plant. However, even if the cooling towers are not enclosed, additional Compliance Measures and Project Design Features would be applicable to reduce sound from the cooling towers. As stated in the Final Subsequent EIR, Compliance Measures NOISE-4 and NOISE-5 and Project Design Feature VIS-12 would be applicable to any HVAC mechanical equipment that is not housed inside the Central Plant (which would include the venting mechanisms for the proposed cooling towers). Implementation of Compliance Measures NOISE-4 and NOISE-5 and Project Design Feature VIS-12 would ensure that the design and installation of all mechanical HVAC equipment, including the cooling towers, meet the City's noise ordinance requirements. As discussed in the Final Subsequent EIR, there are many feasible design options to partially enclose the cooling towers or otherwise shield their noise emissions. Feasible design features that would reduce the noise associated with cooling towers include, but are not limited to, the use of heavy-duty louvers (which would act as noise barriers), enclosures that provide ventilation to the equipment but also reduce noise from being transmitted, or installation of sound attenuator sections on both the discharge and inlet areas of

cooling towers. Specific design of the sound barriers or attenuators depends on the final selection of the cooling towers, and shall be incorporated into final Project design as part of the implementation of Compliance Measures NOISE-4 and NOISE-5 and Project Design Feature VIS-12. Therefore, the cooling towers were adequately considered in the analysis in the Final Subsequent EIR and would not result in a significant noise impact.

Alternative 9

- 11a. The Environ letter states that the Alternative 9: Enhanced Retail trip rates are not adequately explained and it questions why the Enhanced Retail Alternative does not generate additional trips associated with the retail uses. As explained on page 3-6 of the Final Subsequent EIR and discussed in more detail in Section 4.2, Traffic, and Appendix C of the Draft Subsequent EIR, ancillary retail/mobility hub uses are not projected to result in any additional trips to and from the Project site. Consistent with Section 2 of the Century City North Specific Plan, ancillary retail uses in commercial office projects that do not exceed three percent of Floor Area are not projected to result in additional trip generation. This is because ancillary retail uses in a dense commercial center that support an office building and a transit plaza would be accessed by pedestrian pass-by trips and internal capture. Accordingly, Alternative 9's 19,500 square feet of ancillary retail uses and the 1,300 square foot Mobility Hub, which are less than three percent of Alternative 9's 731,250 square foot floor area, were not projected to result in any additional traffic trips and trip generation was based on Alternative 9's 710,450 square feet of office uses.
- Consistent with this methodology, and as stated on page 3-134 in the Final Subsequent EIR, after accounting for the 25 percent transit and TDM program credit used in the Transportation Study's Published Rates analysis, Alternative 9 under the supplemental analysis would generate 4,519 daily trips.
- 11b. The Environ letter incorrectly states that the Final Subsequent EIR GHG analyses do not fully assess Alternative 9 in comparison to the proposed Modified Project. The GHG analysis of Alternative 9 is identical to the GHG analyses of all the other Alternatives. Starting on page 3-132 of the Final Subsequent EIR, the GHG analysis of Alternative 9 includes a discussion of the construction and operational impacts of Alternative 9 v. proposed Modified Project compared to Approved Project, and on page 3-134, the construction and operational impacts of Alternative 9 v. Proposed Modified Project compared to existing conditions are presented. None of the alternative GHG analyses conduct a BAU analysis, which is not required for a full analysis of alternatives.
- 11bi. The Environ letter states that Environ was unable to replicate the results shown in the Final Subsequent EIR describing the emissions associated with Alternative 9 using CalEEMod. As described in the response to comment 4a above, good engineering judgment shows that two significant digits is an appropriate level of accuracy to use to report modeling results. Comparing the CalEEMod results listed in Attachment F of the Environ letter with the CalEEMod results included in the Final Subsequent EIR for Alternative 9, the differences are negligible. For instance, the annual operational emissions from area, energy waste and water are identical. Only the mobile source emissions vary: Environ's output shows 5,190.91 MT/yr and the Final Subsequent EIR output shows 5,215.47 MT/yr. Other than noting that Environ's

results are slightly lower, these results are functionally identical within the accuracy of the model output.

11bii. The Environ letter states that if an Alternative 9 BAU analysis was included in the Final Subsequent EIR it would show the results described in the Environ letter, i.e. that Alternative 9 would have a significant impact related to GHG emissions. It is not appropriate to include an Alternative 9 BAU analysis. The BAU analysis was included for the Proposed Modified Project, both against the 2006 Approved Project and existing conditions, to show the significance of the GHG emissions from the proposed Modified Project. All the various alternative analyses show are their impacts relative to the proposed Modified Project as required by the California Environmental Quality Act (CEQA). However, for the purposes of this response, a BAU scenario for Alternative 9 was prepared. To perform this supplemental analysis, the analytical modeling methodology used to determine the BAU emissions for the proposed Modified Project were applied to the development of the BAU for Alternative 9.

The rationale explained in Section 4.2.5 of the Draft Subsequent EIR for the differences between the “as proposed” and the BAU scenarios used for the proposed Modified Project was applied to the Alternative 9 BAU scenario. Table D replicates the “as proposed” Alternative 9 GHG emissions table from the Final Subsequent EIR and Table E shows the BAU GHG emissions for Alternative 9. Both include the same conservative assumption used in the response to Comment 7 above, i.e., that there would be no reduction in water use or waste production from any of the project design features or mitigation measures.

Table D: Annual Alternative 9 “As Proposed” Operational Greenhouse Gas Emissions

Category	Pollutant Emissions, MT/year					
	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction emissions amortized over 30 years	0	230	230	0.011	0	230
Area	0	0	0	0	0	0
Energy	0	4,900	4,900	0.13	0.05	4,900
Mobile	0	5,200	5,200	0.21	0	5,200
Waste	110 140	110 0	110 140	6.5 8.2	0 0	250 310
Water	1,000 0	1,000 1,300	1,000 1,300	3.2 3.9	0.09 0.11	1,100 1,400
Total Project Emissions	140	11,600	11,800	12	0.16	12,000

Source: LSA Associates, Inc., December 2013.

Table E: Annual Alternative 9 "Business-As-Usual" Greenhouse Gas Emissions

Category	Pollutant Emissions, MT/year					
	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Construction emissions amortized over 30 years	0	330	330	0	0	330
Area	0	0	0	0	0	0
Energy	0	7,000	7,000	0.19	0.071	7,000
Mobile	0	5,200	5,200	0.21	0	5,200
Waste	200	0	200	12	0	440
Water	0	1,860	1,860	5.6	0.16	2,000
Total Project Emissions	200	14,400	14,600	18	0.23	15,000

Source: LSA Associates, Inc., December 2013.

As shown in the tables above, Alternative 9 would achieve a reduction from 15,000 to 12,000 MT/yr of CO₂e, or an approximate 20 percent reduction from BAU. As such, Alternative 9's climate change impacts with regard to greenhouse gas emissions would be less than significant.