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January 26, 2015

Hon. Herb Wesson, President
And Honorable Members of the City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012
Attn: Brian Walters

via email: brian.walters@lacity.org

CENTURY CITY CENTER PROJECT - 1950 Avenue of the Stars ("Project")
ENV-2004-6269-EIR-SUP1 CPC-2013-210-SPP-SPR-MSR, CPC-2009-817-DA-M1

My name is Allyn Rifkin. Prior to establishing my transportation planning and engineering consulting practice seven years ago, I was Chief of the Los Angeles Department of Transportation (LADOT) Bureau of Land Use and Planning. I was employed by LADOT for 34 years including assignments to draft the Century City North Specific Plan (Specific Plan) (Ordinance No. 156,122) and assessment of traffic impacts for projects located within the Specific Plan boundaries. Projects in the Specific Plan area for which I evaluated traffic impact assessments include Century Plaza Towers, Fox Plaza, and the Century City Shopping Center. I am a registered Traffic Engineer with the State of California and have actively participated on revisions to the Institute of Transportation Engineers (ITE) Trip Generation Manual.

As I have stated in prior testimony, I processed the only Section 6 Alternative CATGP application granted in the 30-year history of the Specific Plan. The alternate rate was granted for the expansion of the Pacific Bell/AT&T Building on Century Park East because there, unlike in the case of this proposed office building, the entire basis for the grant was the unique and non-traffic-generating nature of the use (expansion of a building purely for new telephone switching equipment), and the absence of any plausible Specific Plan Section 2 land use category applicable to such a use (i.e. telephone switching equipment.). This is reflected directly in the West Los Angeles Area Planning Commission's approval, which acknowledged the unique use. However, in the case of this Project, the use of an Alternative CATGP rate under Section 6 of the Specific Plan, for an office use which clearly is represented by an established rate under Section 2, is inappropriate and an abuse of the purpose for which Section 6 was intended. This alternative trip rate approval essentially re-writes the Specific Plan through a single action by providing an entirely new CATGP value to office uses and is therefore applicable to any subsequent project application within the Specific Plan. Although the Applicant and City assert that any such future request would require a separate traffic study, as a practical matter, nothing from a traffic engineering and planning perspective limits the applicability of the Applicant's

consultant analysis to any other future office development. Hence, the practical effect of using the Section 6 dispute process to alter an existing Section 2 trip generation factor (i.e. office) is to amend the Specific Plan without going through an amendment process. This is critical because an amendment process would include analyzing the impact of the new office trip generation factor on the other categories of uses listed in Section 2 since the other categories are all based on the existing Section 2 CATGP rate for office of 14 trips per 1,000 square feet of building.

Further, the Applicant has asserted that their new Alternate CATGP rate for office use will not be a precedent setting formula because no property owner in Century City will demolish their existing uses in order to build new projects and there are no remaining properties in Century City to be developed. However, a number of recently approved but yet un-built development projects—such as the Century Plaza Hotel project—have development rights that could easily be shifted to office use in order to take advantage of the new and very generous CATGP rate for office use, which would significantly increase the size of what they would otherwise be allowed to build under today's trip rates. The FSEIR and other documents refuse to acknowledge or evaluate the effects of the removal of this major policy barrier to substantially greater office development. The original and unique idea of limiting the development of Century City according to “Trips” will be violated. This approval of an Alternative CATGP trip factor should trigger a re-study of the entire Specific Plan.

Additionally I have reviewed the driveway count raw data, which was only recently provided by the City. These data are intended to support the December 2011 memorandum from Gibson Transportation Consulting (GTC) to LADOT to justify use of lower trip generation rates for the Project. The additional data do not address the comments and issues I have raised in my June 6, 2014 letter to the City Planning Commission as to the adequacy of the traffic analysis and the adequacy of the environmental impact analyses. Also, the supplemental information does not address comments I made in my November 15, 2013 testimony to the hearing officer regarding the improper use of Cumulative Alternative Trip Generation Potential (CATGP) as provided for in the Century City North Specific Plan, the method for developing development rights on the subject parcel.

Specifically, the limited driveway counts taken by the Applicant's traffic engineer fail to address the following issues:

1. I understand that the Century City Shopping Center was offering substantially reduced parking rates in 2011 at the time the driveway counts were taken (that is, parking was free for a period of time). Based on my personal observations in 2011 and known practice in the Century City area, a significant number of employees and visitors in Century City were parking peripherally in less expensive parking lot locations and walking to the office buildings. The raw data provided by the Applicant does not address the concerns that those vehicle trips were eliminated from the surveys and should have been included. It is clear from the provided raw data that GTC did not account for the peripheral parking impact.
2. If the surveyed buildings selected were chosen for their similarity to the proposed development, why was there such a broad range of the resultant calculated daily trip rates among those buildings? For example the Constellation Place (MGM) building (with an

apparent high vacancy rate) had a calculated daily trip rate of 5.20 trips per 1,000 square feet (ksf) while the 1901 Avenue of the Stars building had a calculated trip rate of only 4.57 trips per ksf. With such a variance in trip rates and no explanation for any particular choice of building (size, occupancy, or sector, for example), the Applicant appears to have “cherry-picked” the buildings used by the GTC study to make its argument for a lower trip rate, thereby understating trip generation and the resulting impacts.

3. Contrary to verbal testimony by the Applicant's consultant at the PLUM hearing, there is no accounting for the individual building vacancy rates in the recently transmitted raw data for the driveway counts. The Applicant consultant testified that they reviewed building “lease” information to address vacancy, yet I understand that the primary tenant (MGM) for the Constellation Place building had moved its employees from the building in spite of the existence of an active lease. Two methodological weaknesses are evident: Lease records, rather than actual vacancy surveys were reported; and the driveway count information was not adjusted for actual physical vacancy rates. As a result, trip generation and the resulting impacts were substantially understated by the GTC study, without justification.
4. The Applicant’s reliance on “average” trip rates is misleading. The ITE Trip Generation Handbooks, which provide the methods accepted as standard professional practice, recommend the use of “average” trip rates only when other relevant factors are not significant. For example, the current ITE daily trip rate for General Office Building (ITE Code 710) reports that the use of either employees or the use of square feet in a fitted logarithm functional curve provides significant more predicting value than the use of an average rate. Specifically, the ITE Trip Generation Handbook (9th Edition) recommends the following formula:

Based on employees:

$\ln(T) = 0.84 \ln(X) + 2.23$; where T is daily vehicle trips and X is employees;
with a significance of RSQUARED = 0.88

Based on square footage

$\ln(T) = 0.76 \ln(X) + 3.68$; where T is daily vehicle trips and X is 1,000 sq ft of gross floor area; with a significance of RSQUARED = 0.81


Generally RSQUARED values greater than 0.6 suggests significant better prediction than use of the “average” rate.

The GTC memorandum (see GTC Figure 1) liberally cites “average” daily trip rates to demonstrate a historical reduction in trips at office buildings. This is misleading to an understanding of what is the appropriate trip generation rate for the proposed building.

In summary, critical errors and omissions in the selected trip generation rate for the Project remain unresolved and unexplained. Insufficient data – in some cases no data – are provided to

support the traffic analysis on which the City must rely to make conclusions on the environmental impacts. As previously stated in my communications and testimony, I still must conclude that the FSEIR is inadequate.

Sincerely,



Allyn D. Rifkin, PE

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January 22, 2015

Hon. Herb Wesson, President
And Honorable Members of the City Council
200 N. Spring Street, Rm 395
Los Angeles, Ca 90012
Att: Brian Walters

Re: Council File No.: 14-1130
CENTURY CITY CENTER
1950 Avenue of the Stars / 10131 Constellation Boulevard
CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1

I was a Deputy Director of the Los Angeles Department of City Planning, and served in that department for 36 years, from 1970 to 2006. During that time, I wrote the Department of City Planning *EIR Manual*, assisted in the development and adoption of more than ten Specific Plans. I was involved in the review and had oversight on many projects in the Century City Specific Plan (the "Specific Plan") area, including Constellation Place, 1999 Avenue of the Stars, ABC Entertainment Center and the AT&T (former Pacific Bell) facility expansion—the sole approval granted under Section 6 of the Specific Plan. Thus, I was intimately involved in the adoption and implementation of Specific Plans, including Century City for approximately twenty years, and my comments on the City Center Project, at 1950 Avenue of the Stars, (the "Project") throughout the City's approval process reflect that experience.

Throughout this process, I have noted, based on my experience implementing the Specific Plan, that the Project misreads sections 2 and 6 of the Specific Plan and attempts to apply them in ways contrary to the legislative and implementation history of the Specific Plan.

The importance of the Century City Regional Center led to the creation of two specific plans to regulate development: the Century City North Specific Plan and the Century City South Specific Plan. The purpose of the Specific Plan was to assure orderly development and to provide street capacity and other public facilities adequate for the intensity and design of planned development. Based on these and other factors, the Specific Plan determined the overall parcel development capacities and overall trip generation.

In 1981, the density allowed by then-existing zoning (approximately 6 million sq. ft., after a reduction in height district from HD 3 to HD 2) was reduced by the Specific Plan to a maximum development ceiling for properties within the Specific Plan boundary of approximately 2.5 million square feet, divided between two phases of development. By the time the final ordinance was adopted by City Council, those development limits were

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further reduced to a total of 2.18 million square feet. Like so many planning documents, the Specific Plan was developed through a series of meetings and negotiations among all of the various parties in interest, including developers, real estate interests, homeowners groups, and municipal legislative bodies.

Because the cap was determined based on commercial office space, the Specific Plan required a mechanism for translating office space into other uses, but which also reflected the relative intensities of the various land uses permitted. The method chosen for doing this was a system of development rights modeled after vehicle trip generation rates in the City's then-existing *EIR Manual*. These development rights were designated as Cumulative Automobile Trip Generation Potential ("CATGP") Trips. For commercial office uses, the CATGP Trip factor was 14 Trips/ 1000 sq. ft. of Floor area. The Specific Plan allowed for the transfer of CATGP Trips among parcels in the Century City North and South Specific Plan areas, and also provided that demolition of uses yielded replacement CATGP Trips calculated on the basis of the square footage and use of the demolished structure.

The Specific Plan also recognized the need for a mechanism to address future projects when Section 2 of the Specific Plan specifies no appropriate CATGP equivalency. Section 6 of the Specific Plan provides that mechanism. As detailed in my prior letters, in the 34 years since adoption of the Specific Plan, only one project was granted an exception under Section 6: AT&T's proposal to add a fifth floor to an existing four-story telephone switching equipment building. That project involved the addition of 1,100 square feet of office space and switching equipment and added no employees to the site. The basis for the grant was that none of the listed CATGP categories in Section 2 of the Specific Plan applied to the project, and that the project would actually reduce the number of vehicle trips the project site contributed to the area. As detailed in extensive correspondence from me and other parties, none of those factors apply to the currently proposed Project; rather, the Project misinterprets how to apply Section 6 to a standard CATGP category.

The Final EIR also attempts to distance the City from prior claims made in the EIR prepared for the Original Residential Project in 2006. As stated in my prior letters to the City, that EIR stated that the Commercial Office Alternative (Alternative 3) represents the maximum amount of office development that fits within the Trip generation factors of the CATGP. The Final EIR failed to respond to my comments. Further, the "Errata" submitted by the Project applicant fails to correct this deficiency. Therefore, the EIR fails as an informational document for the public and City decision-makers.

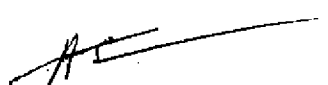
The legislative history of the Specific Plan demonstrates that the Specific Plan was intended to limit overall intensity of development. The Specific Plan included flexibility regarding intensities and uses at specific locations by allowing the transfer of unused development rights within the Specific Plan Area. However, the Specific Plan never intended that one project should have the indirect effect of increasing the Specific Plan's

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density ceiling by millions of square feet, which is precisely what the City Center Project will do if approved by means of Sec. 6 redefining the trip generation for office use.

The Specific Plan has, until now, been consistently applied to development in Century City, particularly with respect to the CATGP limits. Changes in CATGP rates for common uses—in fact, a predominant use—should not occur on a project by project basis. The CATGP rates for each of the uses specified in Section 2 of the Specific Plan represent an agreement on the proportional relationship of the major uses allowed in the Specific Plan Area. Changes to any one factor alone, especially the predominant use of office, will drastically upset this balance and heavily favor the use associated with that factor. Rather, changes to the CATGP rate for a use as important as commercial office must be done in combination with the other specified uses, and through a comprehensive study and a Specific Plan Amendment. If this project is approved in its current form, owners of all of the other non-developed or under-developed parcels will attempt to modify the development allocations for those parcels.

The Enhanced Retail Alternative 9 will provide a strong rationale for those properties, as it will set a precedent. If this occurs, the intensity of commercial office development will increase substantially, leading to a greatly congested Century City and the surrounding area. Such a decision would therefore, have a severe growth-inducing impact that has not been evaluated by the Subsequent EIR, but has been cursorily dismissed.



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