

## Mike Eveloff Rebuttal to Appellant Arguments (September 16, 2014)

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### The Project Approval Will Result In Increased Development

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Their point might be true IF all trips weren't already allocated and IF the trips weren't already manifested as office space.

If the new rate (4.97) is used for demo as well as development, the worst case is 1:1 for office use meaning you can only build as much as you tear down (resulting in zero net growth).

Development potential is reduced for new non-office use generated from office space demolition since office space would generate 2.8 times fewer replacement trips.

Example: If a 300,000 square foot office building is torn down at the old rate, it would create  $300 \times 14$  replacement trips. That 4,200 trips would allow for a 150,000 of retail or 556 residential units. However, if the more accurate JMB rate is used, a 300,000 square foot building would yield  $4.97 \times 300$  replacement trips. That 1,491 trips would allow for only 53,250 square feet of retail or 197 residential units.

### My Claim That One Can Only Obtain Trips by Demolishing is Wrong.

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Well of course you can generate trips by changing uses, but the rest of my comment pointed out why that was highly unlikely. The only major non-office use in the CCNSP area that MIGHT change uses is the medical office building. It has now been sold. More important, whether the rate is 4.97 or 14, the change in use of the medical office building could have created a huge number of replacement trips. But... there would have been nowhere to use them.

### The City Will Allow Demolition At One Rate And Development At Another

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The appellants stake their claim on the silly notion that the City would allow a developer to receive credit at a different rate than they use for construction even though the CCNSP prevents this. (Tear down at 14, build at 4.97).

Further, it is my understanding that JMB has relinquished trips it had at the 14/1000 rate in place of a lower number at 4.97. Understand that this tempest-in-a-teapot was over a net difference of about 63 trips.

### Appellants Claim No Data Or Flawed Data For The Proposed Rate

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The City has in the record traffic count data from the Twin Towers as provided by that property owner which happens to also be one of the supporters of the appellant "Save The Westside." That data, which included occupancy rate data, clearly showed a trip rate that is consistent with the independently gathered data presented by JMB.

Date: 9-16-14

Submitted in PLUM Committee

Council File No: 14-1130

Item No.: 4

Deputy: Communication from Public

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

April 22, 2014

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

Please accept this letter in support of the JMB Proposed Project.

I am a recent past president of the Tract 7260 Association which is the 2<sup>nd</sup> closest homeowner association to the project (by 200 feet). While I was president of the Association, I joined with seven other associations in recognizing the JMB project as an appropriate project for Century City. The map of HOAs can be seen here.

I have lived in this area for many years, and therefore am extremely familiar with the Century City North Specific Plan (CCNSP). I have worked with numerous developers concerning their development proposals for Century City, and understand the CCNSP's "Trip" provisions and which projects are consistent with those provisions and the CCNSP. I believe that JMB's Century City Center project as proposed is fully consistent with the CCNSP and its "Trip" provisions.



Figure 1 Represented HOAs

## Trips

"Trips" as used in the Century City North Specific Plan (CCNSP) can be read as "Development Rights."

When the CCNSP was drafted, each undeveloped parcel was given a certain quantity of future development rights which were, confusingly, called Trips. They were called Trips as the original plan determined how much traffic (trips) each type of land use created (in 1981). The total number of development rights were set to provide a ceiling for the traffic that would be generated by Century City of the future. When projects were built, they consumed Trips at a rate determined by their uses. When old structures were to be demolished, they would create Trips based on the traffic generated by the use that was torn down. Those "replacement" Trips could then be used on new projects. This is how it is described in a 1996 City Planning document:

### **Cumulative Automobile Trip Generation Potential**

Traffic was the major planning concern in Century City North. Given the development potential of the area, traffic congestion could become impossible unless means of regulating the intensity of development could be devised. An innovative planning tool was developed in response. The intensity of development permitted was to be based upon the number of trips an automobile made to and from a certain type of land use. The trip generation potential per square foot of permitted land use is defined in the plan. Different types of land uses are assigned appropriate trip generation potential. Intensity of use is then measured in terms of trip generation, not floor area ratios or building square footage.

Figure 2 Segment From "Century City Specific Plans Trip Allocation Summary" - 1996

As will be shown below, the drafters of the CCNSP understood that things change and that a mechanism had to be put in place to recalibrate the Trip rate for a particular project should traffic generation for a given use change over time.

## **Appropriate Project**

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The site in question is at the center of Century City, called the "Core Area" of Century City. If large buildings are to be built, this is where they should be built. I also believe that the proximity of the project to our neighborhood will be a factor in increasing the value of our property as a result of increased demand.

## **Marginal Impacts**

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As you evaluate the proposed project, be sure to evaluate the impacts in comparison to the ALREADY APPROVED project. It is this analysis that is appropriate in determining the difference in impacts between approved and proposed projects. After reviewing the project, it seems clear that:

- The proposed project will have vastly diminished construction impacts as only 725,000 square feet will be developed instead of 1,200,000 square feet.
- There are negligible incremental traffic impacts compared to the already approved project.
- There is no significant impact on police and fire. In fact, the night time population of Century City will be reduced with the proposed project.
- The impact on schools, libraries and parks has been eliminated or vastly diminished.

## **Opponent's Arguments Are Easily Disproved**

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The project's opponents have raised certain false, misleading or misguided concerns. Each is addressed below:

### **"The HOAs/Supporters Got Money – Don't Believe Them"**

This is simply false. None of the HOAs I worked with received a single penny from JMB. No individual board member on the HOA Boards received a single penny from JMB. The HOAs came to their conclusion through the rational evaluation of the data. More importantly, JMB reached out to the community as a long-time corporate neighbor to support Los Angeles schools, parks, libraries, police and fire fighters.

Far from the sinister implication of the project's opponents: THIS IS HOW IT IS SUPPOSED TO WORK.

Developers and the community evaluate data, share concerns and community needs and then move forward TOGETHER. Do not let project opponent's cynical and often outright false statements confuse you. If every developer in the city worked as successfully with the surrounding community as this developer has, life would be far easier for all.

### **"JMB Is Breaking The Rules"**

This claim by project opponents is easiest to counter. Section 6 of the CCNSP specifically allows for a Trip rate adjustment to bring 1981 counts in line with current realities.

### **"JMB Is Using An Inaccurate Trip Rate"**

I can honestly say that when JMB first presented their proposed Trip rate, my HOA was skeptical to say the least. Instead of making wild unfounded accusations, we requested data from JMB and evaluated that data. More importantly, we evaluated independently obtained data from the Twin Towers/2000 Avenue of the Stars property and performed our own independent analysis. The result surprised us: JMB was absolutely correct. However, math is math, and the independent evaluation of independently obtained data proved out JMB's Trip rate adjustment. JMB's proposed Trip rate for its Project of about 5 Trips per 1,000 square feet is accurate and should be approved.

### **"Approving This Project Will Result In Runaway Development"**

I am not sure if those who make this argument are brazenly seeking to misrepresent the facts or simply don't understand the facts. The truth, as can be shown below, is that the approval of the JMB Trip rate stands to REDUCE future development, not increase it.

It is a fact that after all approved projects are built, the number of available Trips will be insufficient to build another substantial project. Therefore, the only way to secure additional Trips is to demolish existing buildings. Logic dictates that if you tear down office to build office, you can only build a new project that is the same size as the building demolished. This is not only economically infeasible, but it would not involve additional floor area and therefore have

no additional impact in the Century City area. In addition, most sites in Century City are built out to their maximum floor area, so there is little room to build more.

There are just a handful of residential units in the CCNSP area. Removal of residential is not relevant and need not be discussed.

The retail space in the CCNSP area is represented by the Century City Mall. Far from demolishing retail space, Westfield is seeking to add to the existing mall. Demolition of retail space is highly unlikely.

This leaves the demolition of existing office space with the resulting Replacement Trips being used for the construction of a different use. It is this analysis that disproves the assertion by some that the updated Trip rate will cause runaway development.

By way of example: If a 300,000 square foot existing building is demolished at the "current" Trip rate of 14 Trips/1,000 then 4,200 Trips would be generated (300\*14).

The residential potential of those 4,200 Trips would be 4,200/7.55 (Trips per residential unit) or about 556 residential units. The retail potential of those 4,200 Trips would be 4,200/28 (Trips per 1,000 feet), or 150,000 square feet.

However, if the proposed JMB Trip rate of approximately 5 Trips per 1,000 square feet is approved and used for future projects, that same 300,000 square feet of demolished office space would only yield 1,500 Trips (300\*5). This would reduce the potential residential units resulting from the demolition to about 199 and the reduce retail potential to 53,500 square feet.

As can be easily seen, the proposed JMB Trip rate when applied to future projects would result in a diminished amount of potential future development, not an increased amount.

In addition, a detailed analysis of parcels in Century City shows that other parcels:

- Are already developed with new or recently refurbished office space; or
- Have already been approved for new projects; or
- Have insufficient FAR to support larger development; or
- Have no Trips to support development; or
- Have critical infrastructure that cannot be removed (such as the Century City chiller plant and the ATT Central Office)

#### **"Other Developers Will Abuse The New Trip Rate"**

It would make sense, and I would request, that the City use Section 6 of the CCNSP combined with the JMB trip generation study to require any future project to use the new JMB Trip rate. By doing so, the City can eliminate the concern of abuse by effectively mandating that the new Trip rate for Century City shall be the Trip rate proven out by JMB. This will eliminate any possibility of abuse and resolve this concern.

#### **Summary**

As is shown above, the project opponent's claims cannot survive a rational evaluation of the data. What is certain however is that Los Angeles needs to seek out ways to attract business so that our home values increase and our local businesses can thrive.

It is also important to take into account the quality of life issues for existing residents and how that quality of life is impacted by the approval at hand. In this case, the impacts of the proposed project are either in the community's favor or negligible when compared to the already approved project.

All HOAs cannot be labeled as "nimby's" and all developers cannot be labeled as trying to "destroy neighborhoods." In this case numerous long-standing and respected HOAs worked WITH a community-centric developer to arrive at a project that would be beneficial for the community and beneficial for the developer.

For these reasons I ask you to approve the proposed Trip rate, approve the proposed project and perhaps most importantly, approve of the way that JMB and the community worked together for the greater benefit of the Century City area.

Sincerely,



Michael Eveloff