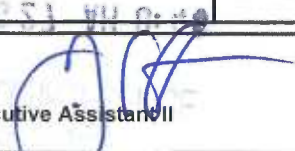


# TRANSMITTAL TO CITY COUNCIL

<b>Case No.(s)</b> CPC-2013-210-SPP-SPR-MSC	<b>Planning Staff Name(s) and Contact No.</b> NICHOLAS HENDRICKS 818-374-5046	<b>C.D. No.</b> 5
<b>Items Appealable to Council:</b> SPP, SPR, MSC	<b>Last Day to Appeal:</b> AUG. 19, 2014	<b>Appealed:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Location of Project (Include project titles, if any.)</b> 1950 AVENUE OF THE STARS		
<b>Name(s), Applicant / Representative, Address, and Phone Number.</b>		
CENTURY CITY REALTY, LLC 10250 CONSTELLATION BLVD. 200 LOS ANGELES, CA 90067	REPRESENTATIVE: GEORGE MIHLSTEN, ESQ., D.J. MOORE, LATHAM & WATKINS, LLP 355 S. GRAND AVENUE LOS ANGELES, CA 90071 213-485-1234	
<b>Name(s), Appellant / Representative, Address, and Phone Number.</b>		
<b>APPELLANT #1</b> 1875/1925 CENTURY PARK EAST CO. & WP TWIN TOWERS INC. C/O WATT COS. 2715 OCEAN PARK BLVD. 2025 SANTA MONICA, CA 90405	REPRESENTATIVE: BENJAMIN REZNIK JEFFER, MANGELS, BUTLER & MITCHELL, LLP 1900 AVE. THE STARS 7 <sup>TH</sup> FLOOR LOS ANGELES, CA 90067  310-712-8572	
<b>Final Project Description</b> (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)		
<p>Century City Realty, LLC (the "Applicant") received a previous approval by the City of Los Angeles in 2006, which permitted the development of 483 residential condominiums in two 47-story towers and one 12-story building for a total of approximately 1.3 million square feet (the "Approved Project") on an approximate 5.5-acre site located at 1950 Avenue of the Stars (northeast corner of Avenue of the Stars and Constellation Boulevard) in Century City (the "Project Site"). The Applicant proposes to modify the Approved Project to allow for the construction of a 37-story (approximately 570 feet in height at site perimeter or 849 feet above mean sea level), 700,000 square-foot office building, 25,830 square feet of low-rise, one- and two-story office space, a 1,300-square-foot Mobility Hub, a Transit Plaza, 4,120 square feet of ancillary retail, and a partially subterranean parking structure with 1,579 stalls (the "Modified Project"). The parking structure would feature a 2.14-acre (approximately 93,000 square feet) landscaped private green roof deck accessible to project tenants and their guests, and the Applicant proposes to provide approximately 35,000 square feet of public open space on site. The Modified Project also would be designed to achieve a Leadership in Energy and Environmental Design (LEED) Platinum rating or equivalent green building standards. In 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. The originally Approved Project would remain valid if the proposed modified project is not approved.</p>		
<b>Fiscal Impact Statement</b> <small>*Determination states administrative costs are recovered through fees.</small> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Environmental No.</b> ENV-2004-6269-EIR-SUP-1, SCH#2005051145	<b>Commission Vote:</b> 7 - 0
JAMES WILLIAMS, Commission Executive Assistant II 		<b>Date:</b> AUG 26 2014

# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

**APPEAL TO THE:** Los Angeles City Council  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

**REGARDING CASE #:** CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1; ENV-2004-6269-EIR-SUP1

**PROJECT ADDRESS:** 1950 Avenue of the Stars

**FINAL DATE TO APPEAL:** August 19, 2014

- TYPE OF APPEAL:**
1.  Appeal by Applicant
  2.  Appeal by a person, other than the applicant, claiming to be aggrieved
  3.  Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

## APPELLANT INFORMATION – Please print clearly

Name: 1875/1925 Century Park East Company and WP Twin Towers Inc. - Nadine watt

- Are you filing for yourself or on behalf of another party, organization or company?

Self       Other: \_\_\_\_\_

Address: co/ Watt Companies, 2715 Ocean Park Blvd, Suite 2025

Santa Monica, CA      Zip: 90405

Telephone: (310) 712-8572      E-mail: BMR@JMBM.COM

- Are you filing to support the original applicant's position?

Yes       No

## REPRESENTATIVE INFORMATION

Name: Benjamin Reznik, Jeffer Mangels Butler & Mitchell, LLP

Address: 1900 Avenue of the Stars, 7th Floor

Los Angeles, CA      Zip: 90067

Telephone: (310) 712-8572      E-mail: BMR@JMBM.COM

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

**ORIGINAL**

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire  Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*  
 --CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: Nadine Watt / CKB Date: 8/14/14  
 NADINE WATT

*Planning Staff Use Only*

Amount <u>106.00</u>	Reviewed and Accepted by <u>DENNIS CHEN</u>	Date <u>8/18/14</u>
Receipt No. <u>020215432</u>	Deemed Complete by <u>Jerming / Jt</u>	Date <u>8/18/14</u>

Determination Authority Notified  
TELEPHONE / EPMH

Original Receipt and BTC Receipt (if original applicant)  
AGGRIEVED PARTY APPEAL

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 NADINE WATT

*Planning Staff Use Only*

Amount <u>106.00</u>	Reviewed and Accepted by <u>DENNIS CHEN</u>	Date <u>8/18/14</u>
Receipt No. <u>020245432</u>	Deemed Complete by <u>Jerming / J</u>	Date <u>8/18/14</u>

- Determination Authority Notified TELEPHONE / EPMH
- Original Receipt and BTC Receipt (if original applicant)  
AGGRIEVED PARTY APPEAL

**APPEAL TO THE LOS ANGELES CITY COUNCIL**

Case No: CPC-2013-210-SPP-SPR-MS; CPC-2009-817-DA-M1;  
ENV-2004-6269-EIR-SUP1  
Project Address: 1950 Avenue of the Stars (the "Property")  
Applicant: Century City Realty, LLC (the "Applicant")  
Appellant: 1875/1925 Century Park East Company, WP Twin Towers, Inc.  
(the "Appellant")  
Last Date to Appeal: August 19, 2014  
Filing Date: August 15, 2014

1875/1925 Century Park East Company and WP Twin Towers, Inc. ("Watt Plaza ") own Watt Plaza, which is located at 1875 and 1925 Century Park East in Century City and is developed with twin 23-story office towers encompassing 900,000 square feet of commercial office uses. Watt Plaza is directly adjacent to the Property on Constellation Boulevard, which is separated by an existing active alley utilized by Watt Plaza tenants, owners, and contractors. On August 4, 2014, the City Planning Commission issued approval of entitlements (the "Determination") to permit a large commercial development with a 37-story office tower with 700,000 square feet of office space, 10,338 square feet of low rise office space, a 2,389 square foot mobility hub, 17,102 square feet of retail, and parking. (the "Project")

Watt Plaza is neither anti-development nor is it anti-competitive. As such, Watt Plaza supports the development of the Project site consistent with the goals of the Specific Plan. However, because the scale of the proposed Project is not supported by the development rights attributable to the site and is plainly at odds with and cannot be reconciled with either the text or the fundamental purpose of the Specific Plan, Watt Plaza strongly objects to the current design that is more than two and a half times the density permitted under the Specific Plan. The Applicant must be subject to the same rules as every other property owner in the Specific Plan area. Allowing this Applicant the special exemption it seeks potentially undermines the Specific Plan in a very fundamental way and could have dramatic negative consequences for Century City. Therefore, we appeal the Determination and request that the City Council deny the Project by overturning the City Planning Commission ("CPC") Determination and refusing to take any CPC recommended actions.

**1. Appeal**

We appeal the Determination in its entirety:

- (a) Approval of the proposed **Alternative Calculation of Trip Generation Factor** for the project as 4.97 per 1,000 square feet of floor area.
- (b) Approval of a **Modified Project Permit** associated with Alternative 9 (enhanced retail).
- (c) Adoption of the modified **Conditions of Approval**.

- (d) Adoption of the **Findings**.
- (e) Certification of the Supplemental **Environmental Impact Report** (ENV-2004-6269-EIR-SUP1) (“SEIR”) and adoption of the **Findings and Statements of Overriding Considerations** as provided in the environmental evaluation of the EIR; adoption of the proposed **Mitigation Monitoring and Reporting Program** (MMRP).
- (f) Recommendation that the City Council approve the proposed amendments to the **Development Agreement** between Century City Realty, LLC and the City of Los Angeles, subject to the additional modifications as proposed by the City Planning Commission.

## 2. Justification

(a) Reasons for Appeal. Watt Plaza appeals this Determination, because the Applicant does not have sufficient Development Credits for this scale of development, and the City’s re-calculation of the value of development credits for office use will allow future expansion of the entire Specific Plan area far in excess of the scale and impacts evaluated and mitigated by the City. In addition, the Project shares an alley with Watt Plaza that serves as a means of ingress and egress to the Watt Plaza parking garage. The Supplemental Environmental Impact Report (“SEIR”) acknowledges the alley that will be shared by five (5) separate buildings but fails to analyze the traffic and other impacts within the alley, which will be caused by the Project and will significantly impact the Watt Plaza tenants, owners and contractors.

(b) Appellant Aggrieved by the Decision. Watt Plaza is aggrieved by numerous impacts of the Project.

The Project will cause significant traffic impacts on Constellation Boulevard and surrounding streets that will create a nuisance for the owners, tenants and guests to the Watt Plaza buildings, located directly across the alley from the Project. The Project will also specifically impact the use of the shared alley, which is a primary means of ingress and egress to the Watt Plaza buildings and parking structure. The Project will create numerous other environmental impacts related to parking, emergency response times, air quality, greenhouse gases, noise and other areas. These impacts will directly affect the use and enjoyment of the Watt Plaza properties, which overlooks the entire Project Site.

(c) Points at Issue. We request that the Los Angeles City Council uphold this appeal and take the following action:

(i) **Overturn the Alternative Calculation of Trip Generation Factor for the project as 4.97 Trips per 1,000 square feet of floor area, and require the Alternative Calculation of Trip Generation Factor for office use in Section 2 of the Specific Plan at 14 Trips per 1,000 square feet of floor area.**

(ii) **Overturn the Modified Project Permit Compliance approval for the 730,000 square foot commercial office development, in lieu of the permitted 293,857 square foot office building.**

- (iii) **Overturn the Conditions and Approval and Findings related to the 730,000 square foot commercial office project.**
- (iv) **Overturn and deny certification of the Supplemental Environmental Impact Report.**
- (v) **Deny the proposed amendment to the Development Agreement.**

(d) The City Planning Commission Erred in his Determination. The CPC erred and abused its discretion in its Determination for several reasons, including but not limited to those stated below.

(i) *First, the CPC erred in approving a Project, when the SEIR fails to analyze the impacts of the Project on the adjoining shared alley.* The eastern boundary of the Project site is improved with an alleyway that runs along the western boundary of Watt Plaza. As designed, the alleyway will serve as a means of access to the Project site. This alleyway currently serves as the means of ingress and egress to parking structures that serve Watt Plaza consisting of two towers at 1875 & 1925 Century Park East, 1900 Avenue of the Stars and 10100 Santa Monica Boulevard. The SEIR fails to analyze the impacts to the alleyway that will be caused by the additional usage that will be generated by the Project. The SEIR acknowledges that the alleyway will be used as a means of access to the Project site but does not even mention that the alleyway also serves as a primary throughway connecting the 1900 Avenue of the Stars and 10100 Santa Monica Blvd. buildings to Constellation Avenue. Hence, the proposed Project will be the fifth major building dependent upon this narrow alleyway for access. The CPC erred when it certified the SEIR that failed to analyze these traffic impacts.

(ii) *Second, the CPC erred when it approved the Project without sufficient Development Credits.* The Project Site has a total of 4,114 Development Credits available for its proposed general office Project, pursuant to the SEIR. Section 2 of the Specific Plan allows for 1,000 square feet of general office development for every 14 Development Credits available; therefore, a general office Project on the Project Site must be limited to 293,857 square feet in size. By contrast, the Applicant's proposed Project is 731,250 square feet, or two and one half times the size allowed by the Specific Plan. The Applicant had transferred more than half of its Development Credits to other sites to construct two large office buildings, and therefore did not have sufficient Development Credits to construct the Project. The Applicant remedied this by (i) demolishing the existing buildings to receive additional Development Credits at the existing rates, and (ii) re-calculating the rate of the Development Credits to allow a building larger than permitted in the existing rates in Section 2 of the Specific Plan.

The Applicant recorded a Covenant Regarding Development Rights, that assigned 2,573.767 Development Credits from the demolition of an existing office building, bank building and restaurant. Each of those structures was allocated Development Credits at the rates set forth in Section 2 of the Specific Plan. Therefore, at the time the Applicant recorded the Covenant, it locked the future use of these Development Credits to the rates set forth in Section. Otherwise, an owner could demolish an office building at a rate of 14 Development Credits per 1,000 square