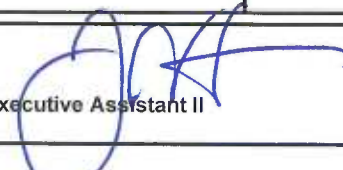


TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.
CPC-2013-210-SPP-SPR-MSC	NICHOLAS HENDRICKS 818-374-5046	5
Items Appealable to Council:	Last Day to Appeal:	Appealed:
SPP, SPR, MSC	AUG. 19, 2014	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Location of Project (Include project titles, if any.)		
1950 AVENUE OF THE STARS		
Name(s), Applicant / Representative, Address, and Phone Number.		
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	
Name(s), Appellant / Representative, Address, and Phone Number.		
APPELLANT #2	REPRESENTATIVE:	
COALITION TO SAVE THE WESTSIDE 2049 CENTURY PARK EAST 2600 LOS ANGELES, CA 90067	BENJAMIN REZNIK JEFFER, MANGELS, BUTLER & MITCHELL, LLP 1900 AVE. THE STARS 7 TH FLOOR LOS ANGELES, CA 90067 310-712-8572	
Final Project Description (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>		
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Environmental No. ENV-2004-6269-EIR-SUP-1, SCH#2005051145
		Commission Vote: 7 - 0
 JAMES WILLIAMS, Commission Executive Assistant II		Date: <u> AUG 26 2014 </u>

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:**
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Coalition to Save the Westside -David Sears

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

Self Other: _____

Address: 2049 Century Park East, Suite 2600

Los Angeles, CA Zip: 90067

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.

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: _____

[Handwritten Signature]
 DAVID SEMAS

Date: _____

8/13/14

Planning Staff Use Only

Amount <i>106.00</i>	Reviewed and Accepted by <i>[Signature]</i>	Date <i>8/18/14</i>
Receipt No. <i>0201152325</i>	Deemed Complete by <i>[Signature]</i>	Date <i>8/18/14</i>

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

ORIGINAL

EXHIBIT "A"
APPEAL OF CASE CPC-2013-210-SPP-SPR-MSC
(CEQA Case ENV-2004-6269-EIR-SUP1)

I. INTRODUCTION

The Coalition to Save the Westside ("**Coalition**") appeals to the Los Angeles City Council (the "**City Council**") the decision of the City Planning Commission ("**CPC**") approving and/or recommending approval of the following entitlements for the construction of a new office tower, with ancillary retail and other uses (the "**New Office Project**"), at 1950 Avenue of the Stars (also identified in prior environmental documentation as 10131 Constellation Boulevard) (the "**Decision**"), requested by Century City Realty, LLC (the "**Applicant**") as set forth in a Reissued Letter of Determination dated August 4, 2014 (the "**Determination**"; *see* Exhibit "B") and supported by the May 8, 2014 Department of City Planning Recommendation Report (the "**Recommendation Report**"; *see* Exhibit "C").¹

1. **Approval of a Modified Project Permit** for the New Office Project "for compliance with the Century City North Specific Plan [the "Specific Plan"]";
2. **Approval and Recommendation** of amendments to a **Development Agreement** that currently addresses a previously approved 1.3 million-square-foot project with 483 condominiums in two 47-story towers and one 12-story building (the "Residential Project");
3. **Approval** of an Alternative Calculation of Trip Generation Factor for the New Office Project, pursuant to Section 6 of the Specific Plan;
4. **Determination** that Site Plan Review Regulations do not apply to the New Office Project because "similar site planning regulations . . . are already a consideration as part of the Project Permit Compliance Regulations of the [Specific Plan]";
5. **Adoption of the Conditions of Approval**;
6. **Certification** of ENV-2004-6269-EIR-SUP1 (SCH No. 2005051145) as the **Environmental Impact Report** for the above-referenced Project;
7. **Adoption of the Mitigation Monitoring Program** and required **findings** for adoption of the EIR; and
8. **Adoption of the Statement of Overriding Considerations** required for Project approval.

The Project Site comprises four parcels encompassing 266,475 square feet ("s.f."; about 5.5 acres) at the southeastern corner of Avenue of the Stars and Constellation Boulevard. The proposed New Office Project consists of a 37-story tower comprising 700,000 s.f. of commercial office space; 25,830 s.f. of low-rise (one- and two-story) office space; a 1,300-s.f. mobility hub; a transit plaza; 4,120 s.f. of retail, and a partially subterranean parking structure.

The existing zoning for the Project Site is C2-2-O (Commercial, Height District 2, Oil Overlay) with a General Plan land use designation of Regional Center Commercial. The Applicant does not propose any change to the zoning of the Project Site.

¹ Coalition has previously opposed reports issued for this case, including the May 8, 2014 Recommendation Report. All arguments previously set forth by Coalition in its letters and public testimony regarding each of the foregoing City documents and the New Office Project itself are incorporated by reference as if set forth here in their entirety.

The Project's Final Environmental Impact Report No. ENV-2004-6269-EIR-SUP1 (the "FEIR") was completed in October 2013. As part of the Determination, the City Planning Commission made findings under the California Environmental Quality Act ("CEQA") with respect to its approval of the entitlements for the New Office Project including a finding that "the CEQA Documents are adequate under CEQA" for approval of the requested entitlements.

As described in greater detail below, Coalition appeals the Determination because the findings and conclusions contained therein are not supported by substantial evidence. The Coalition members own office buildings at 2000 Avenue of the Stars, and 2029 and 2049 Century Park East, among others. These buildings are situated adjacent to and directly across the street from the proposed Project, and the Coalition members that own these buildings will be adversely affected by the environmental impacts associated with the New Office Project. The membership of the Coalition is, therefore, aggrieved by the Determination.

II. GROUNDS FOR APPEAL

The City Planning Commission erred and abused its discretion in approving the entitlements including, but not limited to, the examples set forth below.

A. CONDITIONS OF APPROVAL NEITHER PROVIDE NOR ARE SUPPORTED BY SUBSTANTIAL EVIDENCE WITH RESPECT TO THE FINDINGS FOR THE PROJECT

As described in the comment letters provided by the Coalition and others, and as summarized below, the environmental analysis for the New Office Project was grossly insufficient under CEQA and was misleading, and to the extent that the conditions of approval for the New Office Project incorporate and rely upon that analysis, the conditions are not supported by substantial evidence and cannot support the findings in the Determination.

B. THE DETERMINATION FAILS TO MAKE CODE-REQUIRED FINDINGS FOR TWO OF THE APPROVALS REQUESTED BY THE DEVELOPER.

The Project is located within the Century City North Specific Plan (the "Specific Plan"), and the CPC's approval of the entitlements must follow the Specific Plan Procedures set forth in Section 11.5.7 of the Los Angeles Municipal Code ("LAMC"). Section 11.5.7.B provides that, "[i]f any procedure established in a specific plan conflicts with any procedure set forth in this section, the provisions of this section shall prevail." Nevertheless, the Determination fails to follow the LAMC provisions in several respects and, for two of the requested approvals, either failed to make the required findings in the LAMC, or failed to make any findings at all.

1. The Determination Failed to Make the Required Findings for a Modified Project Permit.

The Project's proposed entitlements include a "Modified Project Permit associated with Alternative 9 (enhanced retail)" (Determination, p. 1). As stated in Recommendation Report, that approval was "[p]ursuant to Section 11.5.7 of the LAMC," the section that governs Specific Plan procedures; here, the Century City North Specific Plan (Ordinance 156,122). Under Section 11.5.7.D of the LAMC, a Modified Project Permit requires that the Director find that "*the modification [is] substantially in conformance with the original Project Permit Compliance.*" (Emphasis added.) The Determination fails to make this required finding at all, nor could it do so. Neither the Applicant nor the CPC could possibly establish that a 731,250 square foot office building that will generate substantially greater traffic and cause significant unavoidable traffic impacts substantially conforms to a residential project that did not cause any significant traffic impacts. Instead, the Determination purports to evaluate the Project Permit Compliance review findings for a new project under LAMC § 11.5.7.C, by determining whether or not the New Office Project complies with the regulations, standards and provisions of the Specific Plan (pp. F 16-33). This does not comply with the requirement to evaluate the New Office Project against the prior residential project, and the Determination fails to make the findings necessary for the CPC to approve a Modified Project Permit, which is the entitlement request identified in the City's notice for the CPC hearing and granted by the Determination, and which is required by the LAMC. Moreover, the CPC President, in introducing a motion at the June 12, 2014 CPC meeting, stated, "because it [the New Office Project] meets the Specific Plan, I will make a motion . . . ," further cementing the use of an incorrect standard and adoption of incorrect and therefore insufficient findings.

2. The Determination Failed to Make the Required Findings for Site Plan Review.

The Recommendation Report concluded that "Site Plan Review Regulations are not applicable to this project due to the fact that similar project site planning regulations and environmental review requirements are already a consideration as part of the Project Permit Compliance Regulations of the Century City North Specific Plan" (page 2). The Determination, in response to comments from the Coalition and its members, did not correct or further justify this omission. The Municipal Code allows an exception from Site Plan Review findings *only* where "similar project site planning regulations are established by the specific plan and *significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Permit Compliance.*" (LAMC § 11.5.7.C.4(f).) Here, the New Office Project includes several significant impacts that cannot be mitigated to a level of insignificance, and for which the Determination relies upon a statement of overriding considerations (Determination, pp. F-149-151). Therefore, the New Office Project does not qualify for the exemption from Site Plan Review, and the Determination must include an entitlement and findings for Site Plan Review, as required by Section 16.05 of the Municipal Code.

C. THE CITY'S APPROVAL OF THE PROJECT DID NOT FOLLOW THE PROCEDURES REQUIRED BY THE MUNICIPAL CODE OR THE SPECIFIC PLAN.

1. The Area Planning Commission, not the City Planning Commission, was the Proper Decision Maker for the Applicant's Request for an Alternative Trip Generation Factor Under Section 6 of the Specific Plan and Under the LAMC.

As stated in numerous communications from the Coalition and its members, the City failed to follow the procedures for review of a Project with entitlements for both (i) a Modified Project Permit Compliance; and (ii) an Alternative Calculation of Trip Generation Factor pursuant to Section 6 of the Specific Plan. The Specific Plan Procedures provide that the initial decision maker for implementing the Specific Plan provisions is the Area Planning Commission ("APC"), *unless otherwise identified in the table in LAMC 11.5.7.J*. That table, however, provides that decisions of Project Permit Compliance during the Specific Plan's second phase must be heard by the CPC (Ord. No. 156,122, Section 3 C), and decisions of Alternative Trip Generation Calculations during the Specific Plan's second phase must be heard by the APC (Ord. No. 156,122, Section 6). The Specific Plan repeats this direction in Section 4.B, which provides that "determinations pursuant to Section 3C of this ordinance shall be made by the City Planning Commission, appealable to the City Council, and determinations pursuant to Sections 6, 7E, and 10B9 of this ordinance shall be made by the Area Planning Commission, appealable to the City Council."

The Department of City Planning misapplied the Multiple Approval Ordinance, which allows all entitlements filed together to be heard by one initial decision maker. (LAMC § 12.36) Here, the Municipal Code provides a list of entitlements in LAMC 11.5.7.J that *must* specifically be heard by the initial decision making body identified to provide local knowledge and consistency of interpretation. Without this distinction, all Section 6 applications (which *must* be filed with a Project Permit Compliance) would be heard by the CPC in clear contrast to the plain language and intent of the Specific Plan Procedures in the Municipal Code. In addition, the Applicant failed to submit all entitlements together as required by the Multiple Approval Ordinance. The Applicant originally submitted a traffic generation study by Gibson Transportation Planning to the Los Angeles Department of Transportation ("LADOT"), as required by Section 6 of the Specific Plan, on December 1, 2011. LADOT failed to review and report its findings to the Area Planning Commission in the 30-day period specifically required by the plain language of Section 6. The Applicant cannot now claim that the application is merely part of a Multiple Approval Ordinance review merely because the City failed to act on the application in a timely fashion. As previously stated, the APC was required to review and act on the Section 6 determination prior to proceeding with the environmental review and evaluation of the other entitlements for the New Office Project, but did not do so. Consequently, the City violated the procedural requirements both the LAMC and the Specific Plan.