

## TRANSMITTAL TO CITY COUNCIL

<b>Case No.(s)</b>	<b>Planning Staff Name(s) and Contact No.</b>	<b>C.D. No.</b>
CPC-2013-210-SPP-SPR-MSC	NICHOLAS HENDRICKS 818-374-5046	5
<b>Items Appealable to Council:</b>	<b>Last Day to Appeal:</b>	<b>Appealed:</b>
SPP, SPR, MSC	AUG. 19, 2014	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 #3</b>	REPRESENTATIVE:	
BEVERLYWOOD HOMES ASSOCIATION 9911 W. PICO BLVD. 1410 LOS ANGELES, CA 90035	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	Date: <u>          AUG 26 2014          </u>
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# 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: Beverlywood Homes Association -Debbie Rosenthal

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

Self       Other: \_\_\_\_\_

Address: 9911 West Pico Boulevard, Suite 1410

Los Angeles, CA      Zip: 90035

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: Debbie Rosenthal Date: August 14, 2014  
 DEBBIE ROSENTHAL

*Planning Staff Use Only*

Amount <u>106<sup>80</sup></u>	Reviewed and Accepted by <u>DANIS CHEN</u>	Date <u>8/18/14</u>
Receipt No. <u>0202152410</u>	Deemed Complete by <u>Termini / J.C.</u>	Date <u>8/18/14</u>

Determination Authority Notified  
TELEPHONE & EMAIL

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

**ORIGINAL**



**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: Beverlywood Homes Association (the "Appellant")  
Last Date to Appeal: August 19, 2014  
Filing Date: August 15, 2014

Our firm represents Beverlywood Homes Association ("BHA"), an association of more than 1,350 homes whose streets provide a primary cut-through traffic route to Century City. 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")

While BHA supports some development and improvement on the Property, we oppose the large scope of development in excess of that permitted by the Century City North Specific Plan (the "Specific Plan") and the City's municipal code. 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 **Environmental Impact Report** (ENV-2004-6269-EIR-SUP1) 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. BHA appeals this Determination, because the massive traffic caused by the Project through the Beverlywood residential neighborhood will create a significant nuisance that effectively shuts down movement on these narrow residential streets, especially during rush hour. The Applicant requested, and the CPC approved, a special privilege by recalculating the value of the Trip Generation Factor under Section 6 of the Century City North Specific Plan (the Specific Plan) in a manner different than ever applied to any other project in Century City's 30-year history. This resulted in a development that is almost three times larger, with three times greater traffic generation, than permitted by the Specific Plan. We request that the City Council deny the current Project and restrict the scope of development to limit the size of the Project to that permitted by the existing Trip Generation Factors for an office use in Section 2 of the Specific Plan (ie 261,000 square feet of office use).

(b) Appellant Aggrieved by the Decision. BHA is aggrieved by the significant nuisance and public harm caused by the Project's traffic impacts for many reasons. Because BHA is so close to Century City and the City has capped vehicle trips on Motor Avenue, Beverlywood streets provide the largest cut-through traffic route to Century City and other nearby major employment centers. Nearly two-thirds of traffic going through Beverlywood is cut-through. The streets surrounding the Beverlywood area are already overtaxed—traffic on Pico Boulevard, which runs near the northern boundary of Beverlywood, is at a constant virtual standstill—as are the north-south streets through Beverlywood. Beverwil Drive, Beverly Drive, Robertson Boulevard, and other streets within this community lack capacity and are virtually impassable, especially during morning and afternoon rush hours. Approximately 30,000 vehicle trips per day plague Beverwil and Beverly Drives together, at least in part because of the City's traffic-calming measures and an artificial vehicle cap on Motor Avenue, installed as part of the Neighborhood Protection Program. Due to the Motor Avenue trip cap, most of the brunt of the Project's traffic will be on the Beverlywood community. The City Planning Commission's approval of a Project that is almost three times larger than permitted under the Specific Plan will only serve to further extensively exacerbate the traffic issues. The Project cannot mitigate the significant traffic impacts, and leaves the Beverlywood area with no recourse. This will cause delays to not only to local commuter traffic, but also emergency responders. In addition, the Project puts additional strain on the emergency resources, but fails to increase the police and fire deployment to a level necessary for the Project. Therefore, the Project will put the Beverlywood area in peril, and will cause harm to public health and welfare.

(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.**
- (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 SEIR fails to fully evaluate and mitigate traffic impacts caused by the Project.* BHA is already plagued by significant, unmitigated cut-through traffic of approximately 20,000 cars per day (or about two out of every three of the 30,000 trips on Beverlywood and Beverwil), polluting the neighborhood and creating an unacceptable safety risk to homeowners and their families, particularly children and members of the community who must, for various reasons, walk to their destinations and who recreate along the community's sidewalks and parkways. With five additional major projects already approved but either not built or having just begun construction in and around Century City (including Westfield's New Century, the residential towers associated with the Century Plaza Hotel, 10000 Santa Monica Boulevard, Robinson's May Towers, and the Casden Sepulveda Project), this Project will further exacerbate the problem. Councilmember Koretz previously recognized the severity of the problem, and in his letter dated October 18, 2011 to the Department of Transportation, he specifically requested that all traffic analyses for Century City and adjacent areas include and fully study Beverlywood within their respective study areas. The SEIR ignored this direction, and although the Final EIR contained some supplemental analysis of the Beverlywood neighborhood, the analysis failed to acknowledge the volume of cut-through traffic (calculated by the Developer's traffic engineer) or the cumulative impact that cut-through/intrusion traffic has created, and advances a threshold effectively designed to preclude a finding of significance. Therefore, the CPC erred by failing to require the Project to fully evaluate and mitigate traffic impacts on the Beverlywood community.

(ii) *Second, the SEIR fails evaluate and mitigate impacts on emergency responders.* First-responders to Beverlywood have been hard hit by budget cuts. Despite claims by the Developer regarding the availability of equipment and staff, force reductions include the 2009 loss of an aerial ladder truck and four firefighters from Station 58, which provides first response within the Beverlywood community. According to LAFD personnel, the loss of Truck 58 prevents the station providing the most effective first response to a large number of residential and commercial structures in its nominal service area, as firefighters will be unable to access a second-floor roof to ventilate the structure in the event of a major fire. As a large number of homes—and virtually all new homes—in the Beverlywood community are two stories, this

represents a significant service deficiency, as backup stations with aerial ladder trucks, such as Station 92, can require as much as 15 to 30 minutes, depending on traffic, to reach the Beverlywood area. Construction of a project of significantly higher intensity than contemplated under the Specific Plan has a high potential to impact fire services, whether on a project or cumulative level. The City must, at a minimum, secure funding to restore deactivated light forces (and particularly the light force at Station 58), prior to approving the Project and similar developments. The CPC failed to consider this evidence in their approval, and therefore erred in their Determination.

(iii) *Third, the Alternative Calculation of Trip Generation Factor approved by CPC is contrary to the Specific Plan, the Municipal Code, and the City's history of approvals in the Specific Plan area.* The Applicant seeks to misuse the rules that have applied to every other development in Century City for more than 30 years (including two of the Developer's own prior projects). At the time that the Planning Department prepared the Specific Plan, the City intended to limit the total new floor area within the Specific Plan to 2.5 million square feet of office use within two phases of development, which was allocated among all the properties within the Specific Plan. The City prepared a Negative Declaration for the Specific Plan, which was modified and developed from "negotiations among all of the various parties in interest – development and real estate interests, homeowners' groups and municipal legislative bodies . . ." Pursuant to the Negative Declaration, the changes to the Specific Plan "involve further *reductions of allowed intensity of commercial and residential densities*, and place maximum development ceiling for properties within the Specific Plan Area."<sup>1</sup> The Planning Department also utilized Trip Generation rates to provide a more flexible tool for determining the floor area for various different uses. The Planning Department allocated use of development credits between various uses in the following proportions: 14 trips per 1,000 square feet of office use, 7.55 Trips per unit for residential use, 10 Trips/guest room for hotel use, and 28 Trips per 1,000 square feet of floor area for retail use.<sup>2</sup> These development credit standards allowed a variation in floor area based on the type of use, while maintaining a total density limit. These rates have not changed since 1980, because they provided a total density cap for the entire Specific Plan Area, which has never been modified.

The Developer's attempted use of Section 6 of the Specific Plan is inappropriate and contrary to established City policy and practice. As finally acknowledged by the Developer in its letter of December 6, 2013, *the City has approved an Alternative CATGP Trip Generation rate for only one project—a project recognized as unique—within the Specific Plan Area in the past 30 years.*<sup>3</sup> This project, located at 2010 Century Park East, included the unique use of the addition of space to house telephone and computer equipment for the Pacific Bell/AT&T Building. The office Project is not a unique use that qualifies for a Section 6 dispute.

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<sup>1</sup> ND, p.2; emphasis added.

<sup>2</sup> Specific Plan, Section 2.

<sup>3</sup> Determination for AT&T Project, Case No. APCW 2002-3884(ZV)(MSC)(SPP).