

Subsequently to 1986, the City adopted Section 12.24.W.19 of the Los Angeles Municipal Code. Section 12.24.W.19 is a City-wide ordinance, which permits floor area averaging through the conditional use process (i.e. without the need for a variance) for unified commercial, industrial and mixed-use developments located in the C and other zones. Section 12.24.W.19 defines a unified development as:

- (a) a combination of functional linkages, such as pedestrian or vehicular connections;
- (b) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;
- (c) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley;
- (d) and when the development is viewed from adjoining streets appears to be a consolidated whole.

Section 12.24.W.19 allows a building on an individual lot to exceed the FAR limitation for that lot, provided that the average floor area ratio of the unified development as a whole does not exceed the maximum permissible FAR.

As discussed earlier, from its inception Howard Hughes Center was envisioned and planned by the City as a mixed-use unified development where floor area averaging would take place. The applicant's currently proposed office and residential buildings implement the Howard Hughes Center mixed-use plan, were designed in conjunction with one another, and feature complementary architecture, landscaping, and integrated pedestrian features.

In order to calculate floor area ratio, the buildable area of each lot concerned must first be determined. As part of the original subdivision process for lots at Howard Hughes Center, lots extending under and above Center Drive were created. Specifically, as shown on Final Map 51419, 5901 Center Drive and 6055 Center Drive each extend under and above Center Drive to the other side of the Center Drive. The lot area of each such lot beneath Center Drive is considered part of the buildable area of each such lot for FAR purposes.<sup>10</sup>

The lot area for each of the lots proposed for FAR averaging is set forth below.

- 5900 Center Drive consists of Lot 24 of Final Map 51419. As confirmed by recent ALTA surveys, the buildable area of 5900 Center Drive is 105,956 square feet.
- 5901 Center Drive consists of portions of Lots 22 and 23 of Final Map 51419 (other portions of Lot 23 were dedicated for freeway ramp use and the extension of Howard Hughes Parkway). As confirmed by recent ALTA surveys, the buildable area of 5901 Center Drive is 150,921 square feet.
- 6040 Center Drive consists of Lots 11 and 12 of Final Map 51419 and a portion of Lot 10 of Final Map 51419 (added by Lot Line Adjustment Map No. 2001-4536). As confirmed by recent ALTA surveys, the buildable area of 6040 Center Drive is 72,460 square feet.

The 325 unit condominium building proposed for 6055 Center Drive is not included in the FAR averaging request. 6055 Center Drive consists of Lot 18 of Final Map 51419, and portions of Lot 17 of Final Map 51419 (added by Lot Line Adjustment 98-040 and Lot Line Adjustment 2005-3599). As confirmed by recent ALTA surveys, the buildable area of 6055 Center Drive is 90,425 square feet. The building proposed for 6055 Center Drive consists of 271,735 sq. ft. of floor area, and therefore complies with the 3:1 FAR limitation for 6055 Center Drive.

Table 1 summarizes the buildable area of each lot that is proposed for FAR averaging, the 3:1 FAR for each such lot, and the floor area proposed for each such lot.

<sup>10</sup> See November 1, 1990 memo from City Attorney's November 1, 1990 summarizing development rights at Howard Hughes Center, stating that the portions of lots extending under Center Drive "shall be considered as part of such lots in determining the buildable area of such lot."

**Table 1**  
**Summary of Buildable Lot Area and Floor Area Ratios**

Lot	Buildable Lot Area	3:1 FAR	Proposed Floor Area (Sq. Ft.)
5900 Center Drive	105,956 sq.ft.	317,868 sq. ft.	248,871 sq. ft.
5901 Center Drive	150,921 sq.ft.	452,763 sq. ft.	238,222 sq. ft.
6040 Center Drive	72,459 sq.ft.	217,377 sq. ft.	315,423 sq. ft.
TOTAL	329,336 sq. ft.	988,008 sq. ft.	802,516 sq. ft.

As indicated by Table 1, above, a total of 988,008 sq. ft. of floor area can be constructed on the lots comprising 5900 Center Drive, 5901 Center Drive and 6040 Center Drive. The applicant is proposing a total of 802,516 sq. ft. of floor area. With floor area averaging, the average per lot FAR of these three lots would be 2.43:1.<sup>11</sup>

Floor area averaging would permit the applicant to locate the proposed apartment building at 6040 Center Drive. This would place the proposed apartment building directly adjacent to the existing shopping center and office buildings located at Howard Hughes Center, which would provide an overall project that is superior from a planning and walkability standpoint. Floor area averaging would not permit the applicant to construct more FAR for the subject lots than authorized by the HHC Development Agreement. As discussed earlier, the 1986 FEIR included floor area averaging as part of its CEQA analysis of the development of Howard Hughes Center. Moreover, the applicant's proposal will result in less than 3:1 FAR being developed on such lots on an overall basis. Finally, as discussed earlier, the buildings proposed for floor area averaging all fall within the height limits approved for Howard Hughes Center.

The Proposed Project would be developed in accordance with all applicable terms, conditions and limitations of the HHC Development Agreement, and FAR averaging would not increase the number of dwelling units or square footage authorized to be constructed at Howard Hughes Center. Therefore, approval of FAR averaging pursuant to Section 12.24.W.19 would not conflict with the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations. Therefore, no further review is necessary pursuant to CEQA.

The applicant has also requested a vesting tentative tract map encompassing 6040 Center Drive and 6055 Center Drive. Subdivision approvals were expressly anticipated as potential future approvals necessary under the HHC Development Agreement. The purpose of the vesting tentative map is to provide authorization for condominium use of the 325 residential units proposed at 6055 Center Drive, and to provide consolidated legal descriptions for the lots which comprise 6040 Center Drive and 6055 Center Drive. The approval of a vesting tentative tract would enable condominiums to be sold and would revise legal descriptions. However, its approval would not revise the applicable terms, conditions and limitations of the HHC Development Agreement, and would not increase the number of dwelling units or square footage authorized to be constructed at Howard Hughes Center. Therefore, the applicant's subdivision request is consistent with the HHC Development Agreement and HHC Project approvals, as well as the prior environmental review, mitigation measures and adopted Statement of Overriding Considerations.

<sup>11</sup> While the building located at 6055 Center Drive is not included in the applicant's floor area averaging application, it may be noted that the average FAR of all four lots under the applicant's Project will be 2.55:1.

**X. MINERAL RESOURCES.** Would the project:

- a. **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**Response:** The Project Site is not located near any oil fields and no oil extraction activities have historically occurred or are presently conducted on the Project Site.<sup>12</sup> The City of Los Angeles has not identified any mineral resources on the Project Site that would be of value to the region and to the residents of the State.<sup>13</sup> No locally important mineral resources would be impacted by the removal of soil from the proposed Project Site. Impact that would occur would be less than significant and therefore no further analysis of this issue is warranted.

- b. **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

**Response:** The Project Site is not in a Mineral Resource Zone and does not contain significant mineral resources.<sup>14</sup> Therefore, impacts would be less than significant and no further analysis of this issue is warranted.

**XI. NOISE.** Would the project:

- a. **Exposure of persons to or generation of noise in level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**
- b. **Exposure of people to or generation of excessive groundborne vibration or groundborne noise levels?**
- c. **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**
- d. **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

<sup>12</sup> City of Los Angeles Planning Department, *Environmental and Public Facilities Map: Oil Field and Oil Drilling Areas in the City of Los Angeles and Oil Drilling and Surface Mining Supplemental Use Districts in the City of Los Angeles*, September 1, 1996.

<sup>13</sup> City of Los Angeles Planning Department, *Environmental and Public Facilities Map: Areas Containing Significant Mineral Deposits in the City of Los Angeles*, September 1, 1996.

<sup>14</sup> *Ibid.*

**Response:**

The 1986 EIR concluded that construction noise from the development of Howard Hughes Center would be mitigated to a less than significant level by compliance with the City's noise ordinances. With respect to operational noise, the 1986 EIR found that significant increases to ambient noise levels from mobile noise sources would occur. Accordingly, a Statement of Overriding Considerations was adopted for this unavoidable significant impact.

The 2005 Addendum found that approval of the Second Amendment to the Development Agreement (authorizing construction of 600 residential units as an alternative to 600 hotel rooms) would not result in any changes to construction-related noise impacts, as the types of construction activities associated with the construction of hotel uses are similar in nature to those involved with constructing multi-family residential uses. Construction activities are also regulated under the applicable tract map conditions and mitigation measures. Development of the remaining portions of Howard Hughes Center would be subject to the same mitigation measures previously required.

With respect to operational noise, the 2005 Addendum highlighted that the approval of the Second Amendment would not increase the potential for noise from operational uses. The Addendum noted that similar to hotel uses, the primary noise generation factor for multi-family residential uses is traffic-related noise. The Addendum noted that the Second Amendment's authorization of 600 residential units would not generate more trips than the 600 room hotel, and trips would remain within the trip cap for Howard Hughes Center (4,785 p.m. peak hour inbound and outbound project-related vehicle trips), as well as the TDM conditions that require a reduction in vehicle trips by 17 percent.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and thus would not result in any new significant construction-related or operational noise impacts or result in a substantial increase in the anticipated noise levels previously identified.

As such, impacts would remain less than significant and no further environmental review of this issue under CEQA is warranted.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**Response:** The Project Site is just over 1.35 miles north of Los Angeles International Airport (LAX).<sup>15</sup> The Project Site is located outside of the LAX 65 dBA Noise Contour Area and would not expose residents to excessive noise levels associated with aircraft. Therefore, impacts will be reduced to a less than significant level. No further analysis of this issue is warranted.

- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**Response:** The Project Site is not located in the vicinity of a private airstrip. No impact would occur and no further analysis of this issue is warranted.

**XII. POPULATION AND HOUSING.** Would the project:

<sup>15</sup> ZIMAS (Zoning Information and Map Access System), website: <http://zimas.lacity.org>, September 2, 2008.

- a. Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**Response:** The 1986 EIR found that population and housing impacts of Howard Hughes Center would be less than significant. The 2005 Addendum found that development of 600 multi-family dwelling units instead of 600 hotel rooms would generate approximately 1,380 persons. The 2005 Addendum found that this would represent an increase of 0.03 percent to the total resident population in the Westchester/Playa Del Rey Planning Area, which would not represent substantial population growth within the area. Due to the strong demand for housing in the area, the minor increase in housing supply (600 units) was considered a beneficial impact. Indeed, the 2005 Addendum found that the equal exchange of residential units for hotel rooms would further promote regional planning goals to increase housing opportunities in the subregion.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, such will not result in any new significant environmental effects or a substantial increase in the severity of impacts associated with population and housing projections. Impacts would be less than significant and no further environmental review of this issue under CEQA is warranted.

- b. Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?
- c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?

**Response:** There are no residential uses on the existing Project Site and no housing would be displaced by the proposed project. As such, no impact related to displacement would occur.

**XIII. PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a. Fire protection?

**Response:** The 1986 EIR determined that impacts upon fire protection service were determined to be mitigated to a less than significant level with incorporation of mitigation measures. The 2005 Addendum found that an in-kind exchange of hotel rooms for an equal amount (600) of residential dwelling units would not increase impacts upon fire protection services beyond what was already analyzed and anticipated.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and will not result in any new significant environmental effects upon fire protection services or result in a substantial increase in the severity of any previously identified impacts. No further environmental review under CEQA is warranted.

- b. Police protection?

**Response:** The 1986 EIR concluded that potential impacts upon police protection services would be mitigated to less than

significant impact levels with incorporation of mitigation measures. The 2005 Addendum found that the substitution of 600 residential dwelling units for 600 hotel rooms would not generate any more demands for police protection services. The Addendum noted that, similar to hotel operations which operate on a 24-hour-a-day-basis, residential uses provide eyes-on-the-street at all times of the day and night. The constant presence of people serves as an effective deterrent against crime and vandalism, thus reducing demands for police services.

The Project would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, and will not result in any additional demands for police services or result a substantial increase in the demands previously anticipated.

c. Schools?

**Response:** The 2005 Addendum found that the substitution of 600 residential units as an alternative to 600 hotel rooms would generate minor permanent population growth, which, in turn, would increase student generation within the jurisdictional boundaries of the Los Angeles Unified School District (LAUSD). The 2005 Addendum calculated that, according to the LAUSD's School Facilities Fee Plan student generation rates, 262 students would be generated by a 600-unit residential development.

The 2005 Addendum explained that, while the introduction of residential units would not be expected to overcrowd neighborhood schools, the California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. As provided in Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on schools. The School Facilities Fee Plan (March 2, 2000), for the LAUSD, has been prepared to support the school district's levy of the fees authorized by Section 17620 of the California Education Code. Per section 65995.5-7 of the Government Code, the Level 1 residential developer fees have been imposed at a rate of \$3.73 per square foot on new residential construction within the boundaries of the LAUSD. As the developer of the Apartment Project and Condominium Project would be required to pay all applicable developer fees to the LAUSD pursuant to Government Code Section 65995-7, potential impacts upon school facilities would be mitigated to a less than significant level.

Because the Project would not affect the number of residential dwelling units entitled under the HHC Development Agreement and previously analyzed through the CEQA process, such projects, the Project would not result in any new significant impacts upon school facilities or result in a substantial increase in the demands previously anticipated. No further environmental review of this issue under CEQA is warranted.

d. Parks?

**Response:** See discussion under XIV. Recreation.

e. Other governmental services (including roads)?

**Response:** The Project Site is located in a developed urban area. No other governmental services are needed, and no further discussion of the issue is warranted.

**XIV. RECREATION.**

- a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b. **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**Response:** From its inception Howard Hughes Center was planned to incorporate a number of passive parks, bikeway paths and landscaped open space areas. Today, Howard Hughes Center includes passive parks, bikeway paths and landscaped open space areas, along with a fitness center (the Spectrum Club). These uses, including the Spectrum Club, would also be readily accessible for future residents and/or commercial tenants of the Project.

The 2005 Addendum found that while development of Howard Hughes Center with residential uses would generate a higher demand for recreational services and facilities than commercial uses, the potential impact would be mitigated to a less than significant level through the payment of a mandatory dwelling unit construction tax. Pursuant to Section 10.21.3 of the Los Angeles Municipal Code (LAMC), the City of Los Angeles imposes a mandatory dwelling unit construction tax to mitigate impacts upon park and recreational facilities. Funds generated by this tax are required to be placed in a "Park and Recreational Sites and Facilities Fund," to be used exclusively for the acquisition and development of park and recreational sites and facilities. Therefore, the 2005 Addendum found that potential impacts upon neighborhood or regional parks would be mitigated to a less than significant level. The 2005 Addendum also highlighted that if development were to include "for sale" units, the applicable provisions of Section 17.12 of the LAMC would also apply, requiring the project applicant (or merchant developer) to pay applicable Quimby fees to the City of Los Angeles. Such fees are used exclusively for the acquisition and development of park and recreational sites and facilities.

The 375 apartment units proposed by the Project would be subject to the dwelling unit construction tax, and the 325 condominium units proposed by the Project would be subject to the payment of Quimby fees. Because the Project would not affect the number of residential dwelling units under the HHC Development Agreement and previously analyzed through the CEQA process, the Project would not result in any new significant impacts upon parks or recreational facilities or result a substantial increase in the severity of previously identified impacts.

**XV. TRANSPORTATION/CIRCULATION.** Would the project:

- a. **Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to ratio capacity on roads, or congestion at intersections)?**
- b. **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

**Response:** The 1986 EIR concluded that traffic generated by the project would cause significant impacts at critical intersections along Sepulveda Boulevard and Centinela Avenue in the project vicinity. The Tract Map approval included a trip cap which provides that development at Howard Hughes Center may not generate, under any circumstances, more than

4,785 p.m. peak hour inbound and outbound trips (reflecting the achievement of a 17 percent trip reduction). The implementation of a comprehensive TDM Program, which includes goal setting (17 percent reduction), overall coordination by independent company monitoring (submittal of a semiannual and subsequently annual reports on the effectiveness of the program to the Department of Transportation and the Advisory Agency), and enforcement (contracting with a consultant to devise an enforcement plan), was required to be wide in scope and may contain rideshare and public transportation subsidies, preferential carpool/vanpool parking, other transportation modes, flexible work hours, variety of land uses and health club incentives. The project was also required to provide an internal circulation system, which is coordinated (including necessary traffic signals) with the existing system and is to be phased in order to sufficiently support the traffic generated with each phase. Additionally, Howard Hughes Center was required to make a number of improvements to the surrounding roadway system, including some improvements of a regional scale. While all of the foregoing would lessen the impact, no feasible mitigation measures were found to mitigate all circulation impacts to levels of insignificance. During the peak p.m. periods, the EIR concluded that the Howard Hughes Center Project would result in significant impacts at critical intersections along Sepulveda Boulevard and Centinela Avenue in the project vicinity. A Statement of Overriding Considerations was adopted for the project's unavoidable significant operational traffic impacts.

The 2005 Addendum confirms that although all of the development authorized for Howard Hughes Center has not been completed, all transportation mitigation measures required for built-out conditions have been completed at a cost of more than \$22,400,000. The City's annual review of the HHC Development Agreement also confirms that Howard Hughes Center continues to achieve its goal of a 17 percent reduction in trips pursuant to its TDM program.

The 2005 Addendum concluded that the authorization of development of 600 residential units as an alternative to 600 hotel rooms would not result in a significant increase in peak hour trips generated by Howard Hughes Center. The 2005 Addendum also determined that to-date HHC trip generation was well below what had been anticipated by the 1986 EIR and HHC Project Approvals, and that when all development was completed (including 600 residential units as an alternative to 600 hotel rooms) no change would be necessary to the trip cap of 4,785 PM peak-hour trips. Accordingly, the Addendum concluded that the approval of the Second Amendment to the Development Agreement would not result in any significant traffic impacts above and beyond those that have already been previously analyzed, mitigated to the extent feasible, and subjected to a Statement of Overriding Considerations.

Because the Project (including the applicant's request for floor area averaging and a vesting tentative tract map for condominium use) would not affect the number of residential dwelling units nor the amount of office space that is currently entitled under the HHC Development Agreement and previously analyzed through the CEQA process, the Project would not result in any new significant traffic impacts above and beyond those that have already been anticipated and, where feasible, mitigated. No further environmental review of this issue under CEQA is warranted.

The Proposed Project would require a haul route approval for the export of 93,000 cubic yards of soil. The hauling process would include 10-18 wheel haul trucks with a haul load capacity of 14 cubic yards per trip. The hauling activities would generate up to 6 haul trips per day with a daily export of 840 cubic yards of material. All soil material would be transported to the Puente Hills Landfill, approximately 30 miles from the Project Site. The duration of the hauling activity is anticipated to last approximately 110 days, with haul trips occurring between the hours of 9:00 a.m. and 4:00 p.m. Due to the project's proximity to the 405 Freeway, the proposed haul route would not affect any neighboring residential streets or local roadways. Haul trucks arriving to the site would arrive via the 405 Freeway Off-ramp at Howard Hughes Center and would immediately access the project site at Center Drive. Haul trucks leaving the site would depart from Center Drive and enter the 405 Freeway from the on-ramp at Howard Hughes Parkway. To address potential impacts from hauling activities, the Department of City Planning has started implementing standard mitigation measures and conditions of approval to govern hauling activities during construction. These measures, which are listed below, are automatically imposed as project conditions when applicants obtain haul route permits and would further reduce the project's potential impact upon traffic

conditions during the construction process to less than significant levels.

**MITIGATION MEASURES**

- MM-3** Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:
- i All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
  - ii Hours of operation shall be from 9:00 a.m. to 4:00 p.m.
  - iii Days of the week shall be Monday through Friday. No hauling activities are permitted on Saturdays, Sundays or Holidays.
  - iv Trucks shall be restricted to 18-wheel dump trucks or smaller.
  - v The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
  - vi Streets shall be cleaned of spilled materials at the termination of each work day.
  - vii The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
  - viii The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
  - ix Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
  - x All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - xi All trucks are to be watered at the job site to prevent excessive blowing dirt.
  - xii All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
  - xiii The applicant shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
  - xiv All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
  - xv "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - xvi One flag person(s) shall be required at the job and dump sites to assist the trucks in and out of the project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
  - xvii The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
  - xviii Any desire to change the prescribed routes must be approved by the concerned governmental agencies by

contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

xix The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

xx A surety bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Valley District Engineering Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401. Further information regarding the bond may be obtained by calling 818.374.5090; or the West Los Angeles District Engineering Office, 1828 Sawtelle Boulevard, 3rd Floor, Los Angeles, CA 90025. Further information regarding the bond may be obtained by calling 310.575.8388; or by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213.977.6039; or by the Harbor District Engineering Office, 638 S. Beacon Street, 4th Floor, San Pedro, CA 90731. Further information regarding the bond may be obtained by calling 310.732.4677.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Response: See Response to Section VII.e. (Hazards and Hazardous Materials).

d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Response: The Project does not involve significant changes to the design features of roadways and would not include incompatible uses on or near any public roadways. Minor changes to traffic patterns may occur during the construction period of the project, but would be limited to internal circulation patterns and off-peak hours when possible. Impacts would be less than significant and no further analysis of this issue is warranted.

e. Result in inadequate emergency access?

Response: The Project would ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles during both construction and operation. Required traffic and transportation measures for all of the development authorized at Howard Hughes Center (including the uses proposed as part of the Project) has already been completed. The Proposed Project would not impede access to emergency roadways, driveways, and parking areas, nor would it significantly impact the ability of emergency service vehicles to access the Project Site and adjacent properties.

f. Result in inadequate parking capacity?

Response: Code parking for the Office Building to be located at 5900 Center Drive will be provided within such building. Code parking for residents of the apartments at 6040 Center Drive will be provided within the apartment building. Resident parking consistent with the Advisory Agency's condominium parking guidelines will be provided for the condominiums at 6055 Center Drive. Restaurant parking, as well as guest parking for the condominiums will be provided at the existing 6060, 6080, and 6100 Center Drive structures pursuant to standard off-site parking covenants as permitted by LAMC Section 12.21A.4.g. These structures are located within the 750 foot service radius permitted by Section 12.21A.4.g. There are currently 403 more spaces in these structures than required to serve existing development associated with such structures. Such spaces are more than sufficient to supply the 153 spaces needed for the restaurant parking, as well as the Advisory Agency's guest parking policies for the Condominium Project.

- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Response:** The Project would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

**XVI. UTILITIES.** Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d. Have sufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed?
- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g. Comply with federal, state, and local statutes and regulations related to solid waste?

The 1986 EIR addressed the energy and fuel demands of development of Howard Hughes Center. Energy conservation mitigation measures were imposed, as well as the requirement for TDM measures to reduce vehicle trips. The City nevertheless determined that development of Howard Hughes Center would contribute to cumulative impacts of energy consumption of non-renewable sources, which impacts were considered significant and unavoidable. Accordingly, a Statement of Overriding Considerations was adopted for the project's contribution to cumulative impacts of energy consumption of non-renewable sources.

The 2005 Addendum determined that approval of the Second Amendment to the HHC Development Agreement would not substantially affect the energy demands of the Howard Hughes Center development. The 2005 Addendum addressed water availability, and found that the current Urban Water Management Plan adopted by the Los Angeles Department of Water and Power had already accounted for the build-out of Howard Hughes Center, and that the authorization of 600 residential units as an alternative to 600 hotel rooms would not result in a significant new impact to water supplies.

The applicant's request for FAR averaging, vesting tentative tract map for condominium purposes, and the haul route would not generate any new impacts with respect to energy conservation or utilities. The number of residential units and amount of developed floor area would be consistent with the amount of development authorized under the existing HHC Development

Agreement.

The 1986 HHC EIR estimated that the Howard Hughes Center would generate approximately 699,000 gallons of wastewater per day, which would affect the treatment capacity of the Hyperion Treatment Plant. The 1986 HHC EIR found that short-term impacts could not be mitigated, but that with completion of the Hyperion Plant upgrade, long-term impacts would be less than significant. A Statement of Overriding Considerations was adopted for the short-term impacts. The 1998 Entertainment Center EIR did not specifically address sewer impacts, as the Initial Study determined that the impacts would be less than significant. The wastewater generated by the project would be within the projections of the prior environmental analyses. The project would include low flow faucets and toilets, which would further reduce wastewater generation. Moreover, the project would comply with all applicable wastewater treatment requirements of the Regional Water Quality Control Board. The project would not dispose of industrial wastes into the wastewater system. Therefore, the project would not exceed the applicable wastewater treatment requirements. Since the time that the Howard Hughes Center project was analyzed, the Hyperion Treatment Plant has upgraded the capacity of its existing secondary treatment system twice, opened an additional primary treatment system, and built a new secondary treatment system, which is partially in operation. In December 1998, the Hyperion Treatment Plant was upgraded to provide full treatment to all influent based on an average dry weather flow of 450 million gallons per day. The plant currently process approximately 360 million gallons per day. The amount of wastewater generated by the project would be within that analyzed in the prior EIRs and Addendum and as such, the project would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Therefore, any potential impacts of the project on sewer facilities would be less than significant.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).
- c. Does the project have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly?

Response: Potential cultural and historic effects were reduced to less than significant levels by mitigation measures adopted in connection with the 1986 EIR. The Project Site contains no biological resources, the Proposed Project does not have the potential to degrade the quality of the environment, reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered species or eliminate important examples of California history or prehistory. The 1986 EIR considered the potential effects of Howard Hughes Center in connection with cumulative development, for which the City of Los Angeles adopted mitigation measures and a Statement of Overriding

Considerations. All of the traffic, transportation, and other public service infrastructure measures required for the complete build-out of Howard Hughes Center have already been completed. The 2005 Addendum concluded that the authorization of 600 residential units as an alternative to 600 hotel rooms would not result in significant new impacts. Due to the project's direct access to the 405 Freeway, the proposed haul route would not affect any neighboring residential streets or local roadways in conjunction with other construction projects. Under the HHC Development Agreement, the applicant has a vested right to develop the uses proposed. The applicant's request for FAR averaging and vesting tentative tract map for condominium purposes would not generate any new cumulative impacts. The Project will not result in any environmental effects which cause substantial adverse effects on human beings, either directly or indirectly, that have not previously been the subject of analysis, mitigation, and a Statement of Overriding Considerations.

■ DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

PREPARED BY	TITLE	TELEPHONE #	DATE
Sarah Moline	City Planning Assoc.	(213)473-9983	10-16-08

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APPENDIX A

Howard Hughes Center Development Agreement Memorandum, November 1, 1990

MEMORANDUM

TO: DEPARTMENT OF CITY PLANNING  
DEPARTMENT OF BUILDING AND SAFETY  
DEPARTMENT OF PUBLIC WORKS  
DEPARTMENT OF TRANSPORTATION

FROM: EDWARD C. DYGERT, Senior Assistant City Attorney  
*by Patricia V. Suber*

DATE: NOVEMBER 1, 1990

SUBJECT: HOWARD HUGHES CENTER DEVELOPMENT AGREEMENT

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Development of the property commonly known as Howard Hughes Center is covered by a Development Agreement between the City and the property owner, dated November 3, 1986. The Development Agreement was unanimously approved by the City Council on October 1, 1986 with the adoption of Ordinance No. 161 685. The Development Agreement became effective on November 4, 1986. The Development Agreement was prepared and approved pursuant to the Development Agreement Act, CAL. GOV'T CODE § 65864 et seq., and Section 8 of the Coastal Transportation Corridor Specific Plan (Ordinance No. 160 394).

In the Development Agreement the City has contractually agreed that the owner will be permitted to carry out and complete the entire Project (as defined in Section I.G of the Development Agreement) "subject to the terms and conditions of this Agreement, the conditions established in the Project Approvals and the Applicable Rules." (Section III.B, p.16) The Development Agreement is intended to provide for "the orderly development of the Project" (Section II.B, p.4), and it also provides that upon satisfactory completion by the owner of all required preliminary actions and payment of appropriate processing fees, the City "shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development by [the owner] of Howard Hughes Center in accordance with the terms of this Agreement, including, but not limited to, the processing and checking of all final subdivision maps, any and all agreements, covenants and related matters required under the conditions of Project Approvals, building plans and specifications and any other plans necessary for development of Howard Hughes Center, filed by [the owner] or its nominee." (Section V.D, p.34)

In order to avoid misunderstandings about the Development Agreement, this memorandum is intended to help City Staff better understand the rules that apply to Howard Hughes Center and to identify and clarify for City Staff issues that may arise from time to time in the processing of Final Maps and building permits.

A. VERIFICATION OF COMPLIANCE WITH THE DEVELOPMENT AGREEMENT

In connection with the processing of Final Maps and building permits, verification of compliance with the conditions of the Development Agreement is the responsibility of the Department of City Planning, Development Agreement Unit.

B. PROJECT APPROVALS

The term "Project Approvals", as used in the Development Agreement, refers to the following:

1. Tentative Tract Map No. 35269

Verification of compliance with the conditions of the Tentative Tract Map are the responsibility of the Advisory Agency of the Department of City Planning. It is important to note that, as provided in the above-quoted provisions of the Development Agreement, Final Maps should be processed diligently so as not to prevent orderly development of the Project.

2. Variance No. ZA 85-0624(YV) - Height District Variance

This approval and the conditions attached to it established density for individual lots and parcels within the Project. It is null and void as a result of a Superior Court decision and, therefore, is no longer applicable to the Project.

Voiding of the Variance affects Exhibit "D" to the Development Agreement. To the extent that Exhibit "D" appears to allow certain parcels to exceed a floor area ratio ("FAR") of 3.0, it is no longer valid because the ability to exceed a FAR of 3.0 depended on the validity of the Variance. In addition, it was a condition of the Variance that certain parcels be restricted to "0" density. With the voiding of the Variance, this restriction is eliminated. Thus, as a result of the voiding of the Variance, all lots are now subject to a maximum total floor area of three times the buildable area of the lot (i.e., a FAR of 3.0). See Paragraph C.3 below regarding "Density" which is now established by the Applicable Rules described in such Paragraph.

3. Conditional Use Permit No. ZA 85-0625(CUZ) - Parks

This Conditional Use Permit allowed the establishment of up to 15 acres of private park on the site. It has been utilized with the construction of the approximately 7.5 - acre linear park. Conditions of this CUP are presented in Appendix "A".

4. Conditional Use Permit No. CPC 85-329 CU - Hotel

This Conditional Use Permit has expired, but it is no longer necessary because the M1-zoned portion of the Project was rezoned to C2 in 1986. Hotel use is allowed by right in the C2 zone.

The Project is not subject to the requirement (added in 1987 by Ordinance No. 162394) for a CUP for hotels in a C2 Zone where the hotel is located within 500 feet of any A or R Zone because changes in the City's zoning regulations which conflict with or are more restrictive than the Applicable Rules (as defined in paragraph C below) are not applicable to the Project, as more fully explained in paragraph C below.

5. Conditional Use Permit No. ZA 85-0623(CUB) - Liquor and Dancing

This Conditional Use Permit was utilized with the permitting of a cafe serving alcoholic beverages at 6701 Center Drive West, Suite 180. Conditions of the CUP are presented in Appendix "B".

C. APPLICABLE RULES

As defined in Section I.A of the Development Agreement, Applicable Rules "means the rules, regulations and official policies of City in force as of June 18, 1986, governing permitted uses of Howard Hughes Center, governing density, and governing design, improvement and construction standards and specifications applicable to the Project." The Development Agreement further provides that "[a]ny change in the Applicable Rules, including, without limitation, any change in any applicable general or specific plan, zoning, subdivision, or building regulation, adopted or becoming effective after June 18, 1986, . . . which would conflict in any way with or be more restrictive than the Applicable Rules, shall not be applied by City to the Project unless such changes (i) are found by City to be necessary to the health and safety of the citizens of City, (ii) are generally applicable to all property in City, and (iii) do not prevent or delay development of the Project in accordance with this Agreement." (Section III.B.1, p.17)

1. Phasing

The Project is subject to phasing requirements as shown on Appendix "C". A Final Map (Tract No. 44629) for Phase I of the Project was recorded on October 27, 1986. Final Maps for Phases II, III and IV of the Project may be processed and recorded once the specific requirements for such Maps, as shown in Paragraph B on Appendix "C", are satisfied or guaranteed. Actual construction or occupancy of the entire density allowed in each Phase is not required before the recording of Final Maps for subsequent Phases. There are different phasing requirements

for the recordation of Final Map units than phasing requirements for the issuance of building permits. Essentially, the prerequisites for the recordation of Final Map units for each Phase depend on the satisfaction of certain conditions regarding transportation improvements, as fully set forth in Appendix "C". Additional and separate requirements have to be satisfied before the issuance of certain building permits, as set forth in the conditions of approval under Tentative Tract Map No. 35269, CUP No. ZA 85-0625(CUZ) and CUP No. ZA 85-0623(CUB), as applicable.

## 2. Land Use

The Project is zoned C2-1 and permitted land uses within the Project are commercial office, any retail use permitted in the C2 zone as of June 18, 1986, fitness center, hotels with ancillary retail and meeting rooms, and commercial condominiums.

## 3. Density

Total density of the Project may not exceed (i) 2,700,000 square feet of commercial office and retail development, including at the Owner's option a maximum 100,000 square feet of retail and a maximum 100,000 square feet fitness center, and (ii) 600 hotel rooms; provided, however, that the Owner may construct up to 900 additional hotel rooms, to a maximum of 1,500 total hotel rooms, by exchanging 301 square feet of commercial office-retail space for each additional hotel room. Retail space ancillary to any hotel use (i.e., retail uses typically located in a luxury, deluxe or first-class hotel and clearly intended for the convenience of hotel patrons) shall be excluded from the 100,000 square foot limit on retail. Square footage shall be calculated in accordance with Sections 12.21.1A5 and 12.21.1B4 of the Los Angeles Municipal Code in effect on June 18, 1986.

The Project is not subject to Proposition "U" and, therefore, the maximum total floor area contained in all the main buildings on a lot within the Project is three times the buildable area of such lot. As explained in Paragraph B.2 above, as a result of the voiding of Variance No. ZA 85-0624(YV), the portions of Exhibit "D" to the Development Agreement which appear to authorize lots to exceed 3.0 FAR or to restrict lots to "0" density, are no longer valid.

Portions of any lot which are located under or over a dedicated street but which are retained by the Owner for the exclusive use of the Owner and its tenants, invitees, etc. shall be considered as part of such lot in determining the buildable area of such lot.

4. Height

The Project is subject to height limitations as shown in Appendix "D".

5. Parking

The Project is subject to the parking requirements set forth on Appendix "E". Ordinance No. 165773 does not apply to the Project.

6. Landscape

Ordinance No. 163532, which was approved by City Council on April 26, 1988, amends Chapter XII of the Los Angeles Municipal Code, the Water Conservation Regulations of the City of Los Angeles. The Ordinance does two things:

- A. Amends Article II of Chapter XII, commonly referred to as Water Closet, Urinal and Showerhead Regulations; and
- B. Adds an Article III to Chapter XII, commonly referred to as Xeriscape.

The Water Closet, Urinal and Showerhead Regulations apply to the Project. Xeriscape, or any other landscaping ordinance effective after June 18, 1986, does not apply to the Project.

7. Signs

The Project is subject to signage regulations set forth as of June 18, 1986 in Division 62 of Article 1 of Chapter IX of the Los Angeles Municipal Code.

8. Site Plan Review

The Project is not subject to Site Plan Review (Ordinance No. 165951). A separate EIR was certified and conditions established as part of the process in which all Project Approvals described above were approved.

9. Sewer Allocation

The Project is not subject to sewer allocation processing that would prevent or delay orderly development of the Project. Thus, the Project is not subject to Ordinance No. 166060.

10. Housing Linkage Fee

The Project is not subject to the so-called housing linkage fee notice ordinance (Ordinance No. 165530), nor will it be subject to a subsequent ordinance or ordinances contemplated by such notice ordinance.

11. Coastal Transportation Corridor Specific Plan

The Project is subject to the Coastal Transportation Corridor Specific Plan (Ordinance No. 160394). The obligations of the Project under such Specific Plan are set forth in Article IV of the Development Agreement. The Project will not be subject to amendments to the Specific Plan that conflict in any way with or are more restrictive than the provisions of the Specific Plan as set forth in Ordinance No. 160394.

APPENDIX "A"

CONDITIONS OF CUP NO. ZA 85-0625 (CUZ)

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. That in no event shall there be any loudspeaker or public address system installed or operated on any open portion of the premises, and that any phonograph, radio or other recorded music used in connection with any activity be sufficiently modulated so as to not be disturbing or detrimental to persons residing in the immediate vicinity.
4. That all open areas of the property, including any parkways, not designated for a specific use under this application shall be attractively landscaped. Landscaping shall consist of adequate surface cover such as lawn or ivy appropriately interspersed with trees and/or shrubs. Further, these open areas shall be equipped with a well-designed water sprinkling system which shall be installed prior to the issuance of any certificate of occupancy for the use of the property under the subject application. All open areas shall be kept free of weeds, litter or waste matters of any type so that the entire premises will be maintained in an attractive and safe condition at all times.
5. That the authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
6. That any use of the involved private recreational facility and park for commercial purposes, including, but not limited to, the renting or leasing of any part shall be strictly prohibited except in conjunction with the proposed health fitness center.
7. That all terms and conditions of Tentative Tract No. 25269 shall be strictly complied with.
8. That the applicant shall execute and record a covenant with the City of Los Angeles on a form provided by the Planning Department that shall prohibit any use of that property indicated as a park on Exhibit "A" other than a non-commercial, private park. Such covenant shall be approved by the Zoning Administrator prior to recordation and following recordation, copies shall be delivered to the Superintendent of Building and Safety and the Office of Zoning Administration.

APPENDIX "B"

CONDITIONS OF CUP NO. ZA 85-0623 (CUB)

1. That the use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A".
2. That all other use, height and area regulations of the Municipal Code be strictly complied with in the development and use of the property, except as such regulations are herein or otherwise specifically varied or required.
3. That the establishment of each such use be subject to the plan approval requirements of the Office of Zoning Administration.
4. That dancing be permitted only in bars and bona fide restaurants on the site or within hotels.
5. That a maximum of 500 of the 7,500 seats be located in establishments that do not have food service.

APPENDIX "C"  
TRANSPORTATION IMPROVEMENTS

Description of Transportation Improvements and Phasing  
Thereof

A. Company shall

1. Dedicate and improve (or suitably guarantee) the new San Diego Freeway southbound ramps.
2. Dedicate and improve (or suitably guarantee) Road I (Howard Hughes Parkway) from Sepulveda Boulevard to the new southbound ramps.
3. Dedicate and improve (or suitably guarantee) Road II from Sepulveda Boulevard to Road III.
4. Dedicate and improve (or suitably guarantee) Road III from Road II to Road I.
5. Dedicate and improve (or suitably guarantee) Road IV from Road II to the turning circle and, if approved by Culver City, extending northerly to Centinela Avenue. If unable to acquire the necessary dedication and approvals the Company shall demonstrate to the satisfaction of the Advisory Agency and the Department of Transportation that an attempt has been made to acquire the necessary right-of-way and approvals for the construction of the access/egress connection from the Road IV turning circle north of Road II to Centinela Avenue.
6. Dedicate and improve (or suitably guarantee) Sepulveda Boulevard adjoining the tract area and provide a northbound bike lane on Sepulveda Boulevard to the satisfaction of the Department of Transportation and the City Engineer consistent with the right-of-way requirements required by the City Engineer unless an amendment to the Bicycle Plan is approved by the City Council.
7. Dedicate and improve (or suitably guarantee) the intersection of Centinela Avenue and Sepulveda Boulevard to provide the following:

86-1507410

- a. three through lanes plus double left-turn lanes northbound;
  - b. three through lanes plus double left-turn lanes; and a right-turn lane southbound;
  - c. three northbound and southbound departure lanes;
  - d. two through lanes plus double left-turn lanes westbound;
  - e. two through lanes plus left-turn lane and a right-turn lane eastbound;
  - f. upgraded signalization.
8. Dedicate and improve (or suitably guarantee) the necessary portions of Road II from Road III to Road I as determined by the City Engineer to provide access to the lots being developed.
  9. Dedicate and improve (or suitably guarantee) the necessary portions of Road I from the southbound freeway ramps to Road II as determined by the City Engineer to provide access to the lots being developed.
  10.
    - a. Complete the dedication and improvement (or suitably guarantee) of Sepulveda Boulevard from Centinela Avenue to southerly of 74th Street. However, if Company is unable to acquire the necessary right-of-way prior to approval of the final map, Company shall execute an agreement with the City whereby Company agrees to pay City's cost of acquiring the necessary right-of-way, including all attorney fees and costs and complete the necessary improvements.
    - b. Subject to paragraph 10a above, dedicate additional right-of-way satisfactory to the City Engineer and the Department of Transportation varying from 19-feet to 30-feet adjoining the tract and to a maximum of 10-feet at 74th Street, along Sepulveda Boulevard between Centinela Avenue and southerly of 74th Street to provide for the following:

86-1507410