

7260 Settles Lawsuit Over Century City Hi-Rise

Tract No. 7260 has settled its lawsuit over the development of the proposed 38 story Century hi-rise, Constellation Place.

After eight negotiating sessions, the building's developer, JMB, agreed to add approximately \$200,000 in sound dampening to the project. The settlement also requires JMB to give the tract an undisclosed sum should JMB pull a permit to build Constellation Place. In addition, JMB gave the tract association an initial payment when 7260 signed the settlement and agreed to drop its opposition to Constellation Place. (A little over half of the initial payment has been used to pay the tract's legal fees; the rest has been added to a fund set up to allow the association to go to court to protect 7260's legal rights.) JMB also agreed not to oppose any attempt by 7260 to ask the city to use JMB mitigation moneys to build a sound wall on Century Park West.

Whether 7260 will receive the additional sum is an open question. A few days after settling the lawsuit, JMB purchased the Century City Shopping Center, which is adjacent to the site of the proposed hi-rise.

Rumors

Immediately, rumors arose that JMB no longer intended to build the 38 story Constellation Place hi-rise building adjacent to Fox Hills Drive. Instead, according to the rumors, it would seek a building permit from the city to extend the shopping center onto the site that JMB had intended for Constellation Place. (See *Rumors* on the next page.)

JMB's purchase of the shopping center and its settlement with 7260 came six months after the L. A. City Council — by a six to six tie vote — rejected a motion intended to greatly reduce the impact that the construction of Constellation Place is expected to have on the Westside.

The motion would have required that a test be conducted on the Adaptive Traffic Control System, a new computer traffic signal program aimed at increasing traffic flow. If the tests showed that the system worked, the developer would have been allowed to construct the entire hi-rise. However, if the test indicated that the system is not all that the developer and its experts say, nearly 200,000 square feet may have been lopped off the developer's entitlement. Had the motion passed, the building site may have been moved from one adjacent to single family homes to a site across the street from the Twin Towers in the heart of Century City's hi-rises.

Cindy Miscikowski

Councilmember Miscikowski had made the motion due to concerns based on the developer's own Environmental Impact Report. The EIR had shown that the increased traffic from the hi-rise would seriously impact 38 Westside intersections. ATCS was the developer's panacea to mitigate the 38 intersections.

Mike Eveloff, a computer programmer and a 7260 board member, told the council that a test of the system was necessary. He pointed out that the first version of any program always has bugs and warned that installation of a new, untested program such as ATCS is unwise—especially since without ATCS, the project would not have been approved

He also played a recording of a high ranking Department of Transportation official. In the recording, the official admitted that even though DOT had endorsed ATCS as a traffic mitigation for the 38 intersections, DOT could not guarantee that ATCS actually would work.

Ed Ruzak, a traffic engineer representing several homeowners organizations, agreed with Eveloff's assessment. He also argued that implementation of ATCS was predicated on data and assumptions in a "hopelessly flawed" EIR traffic study that was inconsistent with the Fox studio study made for the same area.

And he pointed out that DOT admitted that ATCS would cause "discontinuties" (read: traffic jams) at the system's borders.

Mike Feuer

The motion made by Miscikowski and championed by Councilmember Mike Feuer might have passed but for the last minute turnabout of Councilmember **Ruth Galanter**. She supported the motion until the day of the vote when an appeal by an attorney for two Cheviot Hills home owner groups persuaded her to make an about face.

The two groups, which first had opposed the hi-rise project, had cut a last minute deal with the developer to increase the neighborhood protection moneys for Cheviot Hills. Apparently, they had made the deal fearing the Miscikowski motion would go down to defeat and had decided to take what they could get. (Their homeowner allies were not informed about the deal until just before the Council vote.)

After the vote a reliable source told 7260 he believed that had Galanter not switched her vote, the eighth and passing vote would have come from a council member who would vote for the motion only if his vote was necessary for the motion's passage.

Subsequently, the law firm of **Strumwasser & Woocher** representing 7260 filed the lawsuit. Its attorney **Sean Hecht** argued that to expedite the project, the City violated both municipal and state law governing permit application and EIR procedures.