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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

BEVERLYWOOD HOMES ASSOCIATION et al., Plaintiffs and Appellants, v. CITY OF LOS ANGELES, Defendant and Respondent. CENTURY CITY REALTY, LLC, Real Party in Interest and Respondent.	B280620 (Los Angeles County Super. Ct. No. BS154253)

APPEAL from a judgment of the Superior Court of Los Angeles County. John A. Torribio, Judge. Affirmed.

Jeffer Mangels Butler & Mitchell, Benjamin M. Reznik, Matthew D. Hinks and Neill Brower for Plaintiffs and Appellants.

Michael N. Feuer, City Attorney, Terry Kaufmann Macias, Senior Managing Assistant City Attorney, Jennifer Tobkin,

Deputy City Attorney; Jenkins & Hogin and Best Best & Krieger, Christi Hogin and Trevor L. Rusin for Defendant and Respondent.

Latham & Watkins, James L. Arnone and Benjamin J. Hanelin for Real Party in Interest and Respondent.

SUMMARY

This is an appeal from a judgment denying a petition for writ of mandate. The petition alleged the City of Los Angeles (city) violated the specific plan governing development in North Century City, violated the Los Angeles Municipal Code (LAMC or municipal code), and failed to comply with the California Environmental Quality Act (CEQA),[1] when it approved a development project that included the construction of a 37-story office tower at 1950 Avenue of the Stars (the project).

The primary claim involves the central principle on which the Century City North specific plan, enacted in 1981, was based. The essence of the specific plan is that development is controlled by the number of daily automobile trips that will be generated by each project. For the use classified as "other office commercial," ordinarily the "trip generation factor" is set at 14 trips per 1,000 square feet of floor area. But the specific plan also has another provision that allows a developer who disputes a trip generation factor "as applied to a particular Project" to submit a proposed alternative trip generation factor, supported by a traffic generation study. The developer in this case invoked this seldom-used provision, and the city ultimately approved a trip

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[1] Public Resources Code section 21000 et seq. All further statutory references are to the Public Resources Code.

generation factor for the project of 4.97 trips per 1,000 square feet of floor area. This means that real party may build an office tower of some 700,000 square feet (instead of the 261,000 square feet that would have been allowed using the 14-trip factor).

One homeowners' association and three companies that own and manage other office towers in Century City (plaintiffs) brought this lawsuit, disputing the city's interpretation of the specific plan that allowed use of the alternative trip generation factor. They contend an amendment to the specific plan was required before the city could allow an alternative trip generation factor for "other office commercial" use. They also contend the city failed to comply with procedural requirements of the specific plan and the municipal code in connection with its approval of the alternative trip generation factor, and failed to require a site plan review for the project.

In addition, plaintiffs assert the environmental impact report (EIR) for the project does not comply with CEQA in five respects. They allege failure to analyze growth-inducing impacts; an inconsistent and contradictory traffic study; a greenhouse gas analysis that is inconsistent with the project description and cannot be replicated; failure to recirculate the EIR after the addition of new information in the final EIR; and an inadequate analysis of alternatives to the project.

We find no merit in any of these contentions and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

We begin by identifying the parties, the project at issue and its history, and the terms of the specific plan, and then describe the procedural events generating this appeal. We will describe other details pertinent to the resolution of the appeal as

necessary in our discussion of the issues plaintiffs present on appeal.

1. The Parties

The plaintiffs are Beverlywood Homes Association (an association of 1,350 homeowners in a community adjacent to Century City); One Hundred Towers LLC and Entertainment Center LLC (owners and managers of the Century City twin towers and a new office building at 2000 Avenue of the Stars); and 1875/1925 Century Park East Company (owners and managers of office towers at those addresses). Plaintiffs sued the city and real party in interest Century City Realty LLC, the applicant for approval of the project (real party).

2. The Project and Its Background

In 2006, the city approved an application by real party to construct 483 residential condominiums in two 47-story towers and one 12-story building (the approved residential project) on the site of the current project. In 2009, real party and the city entered into a development agreement, vesting real party's right to develop the approved residential project until 2018.

In 2011, because of changes in market conditions and demand, real party proposed to modify the approved residential project to allow instead for the construction of the current office project (the "modified project" or "the project"). The city ultimately approved an alternative to the modified project (denominated the "enhanced retail alternative") that allows construction of a 37-story building with approximately 700,000 square feet of office space; an additional 10,338 square feet of office space in low-rise, one- and two-story buildings; a 2,389-square-foot "mobility hub"; a transit plaza; approximately 17,102 square feet of ancillary retail; a partially subterranean

parking structure featuring a landscaped green roof deck; and approximately 39,037 square feet of additional public open space.[2]

3. The Century City North Specific Plan

The specific plan was enacted by ordinance effective November 24, 1981. The findings for the specific plan, dated November 3, 1981, stated that "a limitation on the amount of future development" was necessary, because then-existing development had caused traffic volume on some of the major "circulation arterials" in and surrounding the area "to approach or exceed capacity." The specific plan would "result in a 40 percent reduction in the amount of commercial development . . . permitted by existing zoning on the remaining undeveloped or substantially underdeveloped parcels in the Century City North area."

The specific plan contained two phases of development, and this phasing, along with project permit requirements and traffic improvements required during the first phase, would "greatly reduce the traffic impact from future development" on the Century City North area and on vital traffic arterials. The

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[2] The enhanced retail alternative "was prepared during the EIR process based on public comments and input from the City of Los Angeles Planning Department concerning the desire to promote the pedestrian experience around the proposed Transit Plaza. Accordingly, [the enhanced retail alternative] represents a refinement to the proposed Modified Project's design to provide more amenities to transit users and pedestrians by providing additional retail uses surrounding and adjacent to the Transit Plaza." It includes "a slight decrease in the total office square footage proposed for the Modified Project."

specific plan is explicit on precisely how it would "limit the impacts of future development within its area." As stated in the findings:

> "[T]he Specific Plan places a limit on allowable future development for the commercially-zoned lots. That limit is expressed in terms of a ceiling on the number of vehicle trips (Trips) which may be generated by Projects (construction and changes of use) for such commercially-zoned lots."

The specific plan defines a "Trip" as "a unit of real property development rights pursuant to this Specific Plan and means a calculation of daily arrivals at and daily departures from a building or structure by motor vehicles of four or more wheels."

In short, the specific plan controls future development by placing an ultimate limit on the cumulative number of daily automobile trips that may be generated by all projects on commercially zoned lots for which permits are issued after November 15, 1981. (The specific plan calls this "CATGP," an acronym for "cumulative automobile trip generation potential.")[3]

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[3] The specific plan defines CATGP this way: "The cumulative total daily Trips generated by all Projects on commercially zoned lots within the Specific Plan Area for which building permits are issued subsequent to November 15, 1981, which total shall be calculated utilizing the factors contained in the following table." There follows the table, listing factors for various uses, most in terms of a number of trips (in this case 14) per 1,000 square feet. The definition of "Trip" specifies that "[t]he number of Trips generated by any Project or existing building or structure shall be calculated utilizing the table set forth in the definition of Cumulative Automobile Trip Generation Potential."

During the first phase of development, the specific plan permits 20,000 such trips. During the second phase (now in operation), a project in commercially zoned areas may be permitted only if the cumulative number of trips in the specific plan area (including trips generated by that proposed project) does not exceed 30,516.789 trips per day.

The definition of the "CATGP" (in section 2 of the specific plan) includes factors to be used in calculating the trip generation potential for a particular project. For "other office commercial" – the classification in this case – the factor assigned in section 2 is 14 trips per 1,000 square feet of floor area. (Other uses have different factors, such as 35 trips per 1,000 square feet for "other retail commercial," and 10 trips per guest room for a hotel.)[4]

In 1996, the city's Department of City Planning (planning department) prepared a "trip allocation summary" to help interested parties in their review of trip allocations and the CATGP. The 1996 summary confirms that traffic "was the major planning concern," and that CATGP was "[a]n innovative planning tool" developed to respond to that concern. Specifically:

> "The intensity of development permitted was to be based upon the number of trips an automobile made to and from a certain type of land use. The trip generation potential per square foot of permitted land use is defined in the plan. Different types of land

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[4] According to the 1981 findings, the trip generation factors in section 2 of the specific plan "are based on such factors contained in the City's EIR Manual, on other local and national transportation studies and on studies performed specifically in connection with the development of the Specific Plan."

> uses are assigned appropriate trip generation potential. ***Intensity of use is then measured in terms of trip generation, <u>not</u> floor area ratios or building square footage.***" (Italics, boldface & underscoring added.)

(The "floor area ratio" – the acronym used is FAR – is the floor area of a building as compared to the buildable area of the lot on which the building sits. The larger the floor area ratio, the bigger a building can be.)

The specific plan contains an original allocation of "CATGP" vehicle trips for the properties that then remained undeveloped and underdeveloped, with trips allocated "proportional to lot size" (and in two phases, as already mentioned). The 1981 findings described the method of allocating trips to those properties, and explained this was done "[i]n order to assure equality of treatment of similarly situated lots and ownerships." During the first phase, "each lot in the 'core area' which is undeveloped or underdeveloped has been allocated a number of Trips which will permit the lot to be developed up to a floor area ratio of 1.48 to 1 (measured at 14 Trips per thousand square feet of floor area)." Similar allocations were made for such lots during the second phase, " 'core area' lots being allocated sufficient Trips to produce a floor area ratio after Phase Two of 2.29 to 1 . . . ."[5]

In addition to the limit on the number of automobile trips a project may generate, the specific plan also places a limit on the floor area ratio for a project in the core area during the second

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[5] A different ratio applied to properties in a "buffer area," but these are not pertinent to this case.

phase of development. That ratio is "not more than six to one."[6] A June 12, 2014 report from the planning department to the city planning commission explains how the floor area ratio works in conjunction with the trip limitations:

> "Although Trips and FAR create public confusion over how development standards are applied, the FAR establishes the maximum amount of floor area allowed in the Core Area within the [specific plan]. Therefore, if a parcel of land within the [specific plan] has enough Trips to provide an intensity of uses that would result in a potential build-out greater than a Floor Area of 6:1, the FAR limitation prevails over the amount of Trips allowed."

(The floor area ratio for this project is "approximately 3.04:1," well below the 6:1 FAR limitation.)

In addition to the trip allocations originally assigned to undeveloped or underdeveloped parcels in the specific plan, trips may be transferred from one property to another, and trips may also be generated by demolition or change in use of a building (replacement trips). In this case, there is no dispute that the property has 4,114.957 trips available for use.

As we have noted, section 2 of the specific plan, in its definition of "Trip," requires the number of trips generated by any project to "be calculated utilizing the table set forth in the definition of Cumulative Automobile Trip Generation Potential." (See fn. 3, *ante*.) As also mentioned, that factor is 14 trips per

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6 The specific plan expressly states: "A Project within the Core Area may have a Floor Area Ratio of not more than six to one."

1,000 square feet. However, section 6 of the specific plan also provides for "alternative calculations of trip generation factors." Specifically, section 6 states:

> "If the developer of a Project, the Director of Planning or any other interested person disputes any of the Trip generation factors enumerated in the definition of CATGP in Section 2 of this Ordinance, as applied to a particular Project during the second phase of development, such person may submit a proposed alternative Trip generation factor for the Project, along with a traffic generation study prepared by a registered traffic engineer, for review by the City of Los Angeles Department of Transportation [(DOT)]."

The DOT must review the study and report its findings to the area planning commission, which is to schedule a public hearing, give the prescribed notice, and after the hearing "approve, disapprove or conditionally approve the proposed alternative Trip generation factor as the Trip generation factor for the Project."[7]

4. The Procedural Course of this Case

The administrative process required for approval of the modified project began in 2011.

On June 28, 2011, the city published notice of the preparation of an EIR for the modified project, with a public meeting to provide information on the anticipated scope of analyses to be contained in the draft EIR. (The EIR in this case is referred to as a "Subsequent Environmental Impact Report" or "SEIR." This is because the project modifies the previously

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[7] Section 6 also contains timing requirements and requirements for notification of the area planning commission's decision to various interested parties.

approved residential project, for which an EIR was certified.) The draft SEIR was completed in March 2013, and the final SEIR was completed in October 2013.

On October 28, 2013, the DOT issued a memorandum evaluating and recommending approval of real party's alternative trip generation factor of 4.97 daily trips per 1,000 square feet for the proposed modified project.

On November 15, 2013, the planning department held a public hearing before a hearing officer, "to solicit testimony, get information from individuals, see how you feel about the project."[8] The planning department later prepared a report recommending approval of the enhanced retail alternative described in the final SEIR. On May 8, 2014, there was an open meeting for public comment before the city planning commission, followed by a further open meeting on June 12, 2014. At the June 12, 2014 hearing, the city planning commission unanimously approved the project as recommended by the staff with certain modified conditions and amended findings.[9]

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[8] The project received substantial community support across a broad spectrum of interests, including environmental organizations such as The Sierra Club and the National Resources Defense Council, chambers of commerce and other business groups, unions, and nine homeowners' associations in areas surrounding Century City.

[9] The city planning commission's action included the adoption of findings and modified conditions of approval; approval of the alternative trip generation factor; approval of a modified project permit for the enhanced retail alternative; a recommendation for approval of amendments to real party's development agreement with the city; and certification of the

Plaintiffs appealed the city planning commission's determination to the city council, and after hearings on September 16, 2014 and January 13, 2015, the planning and land use management committee of the city council recommended denial of the appeals, certification of the final SEIR and approval of the related land use entitlements. The city council approved the project on January 27, 2015.

Plaintiffs filed this lawsuit in March 2015. The trial court denied their petition and entered judgment on December 22, 2016. This appeal followed.

DISCUSSION

We address first plaintiffs' principal contention – that the city violated the specific plan – and then turn to the alleged procedural violations and the claimed deficiencies under CEQA. As indicated at the outset, none of these claims has merit.

1. The Claimed Violation of the Specific Plan

a. The standard of review

The ultimate interpretation of an ordinance is for the court. (*Tower Lane Properties v. City of Los Angeles* (2014) 224 Cal.App.4th 262, 276.) " 'The standard for judicial review of agency interpretation of law is the independent judgment of the court, giving deference to the determination of the agency appropriate to the circumstances of the agency action.' " (*Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 8, italics omitted.)

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final SEIR with the adoption of findings, a statement of overriding considerations, and a mitigation monitoring and reporting program.

b. Contentions and conclusions

We begin with our conclusion. We reject plaintiffs' contention that the specific plan does not allow the city to approve an alternative trip generation factor for this project. We find no support, either in the plain language of the specific plan or elsewhere, for that proposition.

The language of section 6 is clear. If the developer of a project "disputes . . . the Trip generation factor[] enumerated in the definition of CATGP in Section 2 . . . , as applied to a particular Project during the second phase of development," the developer may submit a proposed alternative, along with a traffic generation study prepared by a registered traffic engineer. And the city, after DOT review and findings, notice and a public hearing, may "approve, disapprove, or conditionally approve" the proposed alternative "as the Trip generation factor for the Project." That is exactly what happened here.

Plaintiffs' insistence to the contrary takes several different routes, but none of them takes us to a different conclusion. We discuss them in the order plaintiffs briefed them.

i. The "bona fide dispute" claim

Plaintiffs tell us that section 6 is only available to establish an alternative trip generation factor "for uses not contemplated by the Specific Plan" and cannot be used "to deviate from established Section 2 rates."[10] They point to no textual support

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[10] For reasons we do not know, throughout their briefs plaintiffs use the term "Development Credit rate" instead of "trip generation factor," and the term "Development Credit" instead of "trip." This is not helpful. We use the terms that are used and defined in the specific plan, not the "easy-to-understand substitute" plaintiffs have created.

for this claim, which is also belied by the commonly understood meaning of the word "alternative." But plaintiffs persist, asserting "there can be no 'dispute' " over a trip generation factor where section 2 "has already defined the use and defined the [trip generation factor] applicable to the use."

This contention is contradicted by the plain text of section 6, and finds no support elsewhere in the specific plan. The whole point of an alternative calculation is to permit a developer to prove that the number of daily trips that will be generated by a particular project is a number different from the number stated in section 2 for that use. The claim that this is not a "bona fide dispute" within the meaning of section 6 has no support in any legal authority or in common sense.

ii. The "historical practice" claim

Plaintiffs contend the city's approval of the alternative trip generation factor "is inconsistent with 35 years of historical practice under the specific plan." (We assume plaintiffs mean to say "18 years" of historical practice, because the section 6 alternative calculation is available only "during the second phase of development," which began in 1998.) Plaintiffs point out that every other project approved to date, save one, has used the trip generation factor listed in section 2. The only project approved for an alternative calculation (also the only project that requested an alternative calculation) involved the addition of a floor to an existing building in 2002, with the new floor to be used to house telephone switching equipment and other hardware (not office workers). (The parties call this the AT&T project.) The city found the addition would not add to the CATGP.

We know of no legal justification for concluding that an alternative calculation of the trip generation factor is improper,

simply because no other developer has sought one (or performed the necessary traffic generation study to prove its propriety) until now. The case might be different if the "historical practice" involved instances where the city interpreted the specific plan to preclude an alternative calculation for what plaintiffs call "a standard Section 2 office project." But there are no such instances.

Real party's application was approved because it offered evidence the project would generate 4.97 daily trips per 1,000 square feet of space rather than the section 2 factor of 14 daily trips per 1,000 square feet. The 2002 AT&T project's alternative calculation was approved because there was evidence the project would house equipment, not office workers, and hence would not generate 14 trips (or virtually any trips) per 1,000 square feet. In short, it is the effect of the project on automobile trip generation that is pertinent. The absence of other applications for an alternative calculation proves nothing at all.

iii. The floor area ratio (FAR) claim

Plaintiffs contend the city's "precedent-setting" approval of the alternative calculation "obliterates the development limitations of the specific plan." This claim is based on plaintiffs' mistaken interpretation of one of the specific plan's 1981 findings. It also ignores the express terms of the specific plan.

Plaintiffs begin with the erroneous assertion that "[t]he Specific Plan caps FAR [(floor area ratio)] in the plan area at no more than 2.29 to 1, or 2.18 million [square feet] of office space." This is wrong. The specific plan contains no such cap. It does not mention a 2.29 to 1 FAR (as a cap or in any other way), and it does not mention a limit of 2.18 million square feet either. It

does state a development cap in the second phase of 30,516.789 trips per day, and it *does* limit the FAR for any project in the core area to 6 to 1. Those are the development limits in the specific plan. There are no others.

We have already described the pertinent terms of the specific plan (see pt. 3, *ante*, of the factual and procedural background). Those terms are clear that, as the final SEIR states, "[r]ather than using a maximum FAR limit, the [specific plan] uses CATGP Trips to set a limit on development intensity for the entire specific plan area." This is not new. The city has said the same thing for more than 20 years, in 1996 explaining that "[i]ntensity of use [in the specific plan] is . . . measured in terms of trip generation, *not* floor area ratios or building square footage." (Italics added.)

In an attempt to controvert the incontrovertible, plaintiffs point to the 1981 finding that describes how trips were allocated to the undeveloped and underdeveloped lots in the specific plan area: during the second phase, " 'core area' lots [were] allocated sufficient Trips to produce a floor area ratio after Phase Two of 2.29 to 1 . . . ." Plaintiffs say this finding shows "the intent that FARs in the plan area be capped at 2.29 to 1," and the section 2 allocation of 14 trips per 1,000 square feet "was based on the determination that such rate would generate development that would reach the maximum planned FAR (2.29) for the entire Specific Plan area."

We cannot agree with plaintiffs' conclusion. If the city intended by the quoted finding to establish a "maximum planned FAR," we can think of no reason the limitation would not have been placed in the specific plan, which says nothing of the sort. Indeed, floor area ratios are mentioned in the specific plan only

in its definitions and in its provision limiting a project in the core area to "a Floor Area Ratio of not more than six to one."

While the absence of any limitation in the specific plan is sufficient in our view to debunk plaintiffs' assertion, the final SEIR provides further explanation of why plaintiffs are wrong.

Pointing out that the finding on which plaintiffs rely "is not expressed as an FAR limit," the SEIR explains: "The 2.29 FAR discussion in the Findings merely describes the level of development that could be expected to occur if every lot that received an allocation of Phase I and Phase II Trips in the [specific plan's] core area were developed as a commercial office use using only the [specific plan's] Phase I and Phase II Trip allocation and applying 'the Trip generation factors contained in Section 2 of the Specific Plan' for 'Other Office Commercial' land uses." (Fn. omitted.) The SEIR continues: "This illustrative FAR does not include the density from development allowed under the [specific plan] through the use of Replacement Trips (i.e., Trips resulting from the demolition of an existing building or a 'change of use' [citation]), Trips that can be transferred from other properties [citation], or Trips that can be transferred to properties within the [specific plan] area from the Century City South Specific Plan [citation]. Therefore, it is possible for development in the Core Area to exceed an FAR of 2.29 using the mechanisms provided for in the [specific plan's] plain text."

The SEIR continues with detailed explanations of how the "illustrative FAR" was calculated and why there is no FAR cap governing the entire specific plan area with which real party's project, or any other development in the specific plan area, must comply. Plaintiffs make no effort in their briefs to consider or answer any of these points.

Instead, plaintiffs boldly assert that "the Specific Plan itself requires a plan amendment to change the Plan's maximum 2.29 FAR." They point to a recital in the specific plan that states: "WHEREAS, ultimate densities as shown in the Plan and as shown on the Map may only be achieved by a Specific Plan amendment . . . ." In this recital, the "Plan" is the previously adopted West Los Angeles Community Plan.

Plaintiffs do not explain how this recital helps them, and it does not. As we have seen, the specific plan has no "maximum 2.29 FAR," or any floor area ratio other than the 6 to 1 FAR for any single project, so no amendment is needed to change it. Whatever the recital may mean, we cannot interpret it to require a specific plan amendment in order to change a "maximum 2.29 FAR" that does not exist in the specific plan.[11] In short, we see nothing, in the specific plan or elsewhere, to suggest that an amendment to the specific plan is a necessary predicate for the city's approval of an alternative trip generation factor for this project.

Nor does the city's approval of the alternative trip generation factor mean, as plaintiffs claim, that the alternative factor "would apply to all future office projects within the Specific Plan area," thus potentially "increas[ing] density by ***millions*** of [square feet] throughout the Specific Plan area." There is no basis for this contention. Section 6 allows an alternative trip generation factor only as applied to a particular project, only

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[11] It appears to us the recital is simply a statement of the fact that enactment of the specific plan was necessary to restrict density in Century City in conformity with the previously adopted West Los Angeles Community Plan.

founded on a traffic generation study evaluated and approved by the DOT, and only after public hearings and the discretionary approval process. Such an approval, as the city council's findings for this project point out, "does not transfer that rate to other properties." And, plaintiffs again rely on the specter of density based on square feet, ignoring the fundamental principle of the specific plan: intensity of use is controlled – as is expressly stated in the specific plan and as the city explained in 1996 – by measuring automobile trip generation, not square feet.

iv. The estoppel claim

Plaintiffs contend real party should be estopped to deny the applicability of the section 2 rate (14 trips/1,000 square feet). This is because in 2007 real party received 2,573.767 "replacement trips" when it demolished existing structures on the property, and these trips were calculated at section 2 rates. Plaintiffs say that because real party received replacement trips for the demolition at section 2 rates, it should now be "limited to 'spending' them at the Section 2 rates as well." According to plaintiffs, this is an anomaly "and the Specific Plan does not allow it."

Plaintiffs identify no violation of the specific plan in connection with the replacement trips. The only office use that was demolished was the second floor of a bank building, which created 81.97 replacement trips at the 14 trips per 1,000 square feet CATGP factor. And, in connection with the current project, real party agreed to record a covenant relinquishing 52.871 replacement trips, thus conforming the trip rate for demolished office space to the alternative trip generation factor of 4.97 trips per 1,000 square feet. This moots the issue.

The only authority plaintiffs cite for the application of estoppel principles to these facts is inapt as well. (*County of Imperial v. McDougal* (1977) 19 Cal.3d 505, 510-511 [a landowner is barred from challenging a condition in a special permit if he has acquiesced in it by agreeing to the condition or failing to challenge its validity, and has accepted the benefits afforded by the permit].)

v. The legislative history claim

Finally, plaintiffs argue the city's interpretation of section 6 is inconsistent with the specific plan's legislative history. The only document plaintiffs cite (other than the 1981 findings) is a February 14, 2013 letter from Supervisor Zev Yaroslavsky, responding to an inquiry seeking his recollection of the purpose of section 6. Mr. Yaroslavsky stated:

"The process and availability of Section 6 speaks for itself. The purpose was to ensure that the trip counts used to regulate development within the Plan would be based on the most accurate trip generation figures possible. The mechanism was codified in Section 6 in anticipation of any changes in circumstance, or the development of site-specific data, that would justify a modification to the trip generation factor (CATGP) set forth in Section 2 of the Plan. [¶] It was our intent that any modification to the CATGP could only be justified by a rigorous traffic analysis by competent professionals. In this regard, Section 6 calls for, in part, that 'a traffic generation study [be] prepared by a registered traffic engineer, for review by the City of Los Angeles Department of Transportation."

Mr. Yaroslavsky then gave an illustration of "the kind of rigorous, real-world study that would justify the use of Section 6." This study was done by the Century City Shopping Center, at the

time the specific plan was initially drafted, to obtain a different trip generation factor than the CATGP for retail in the draft plan. The shopping center owners were able to demonstrate the center "did not generate average daily trips like a typical regional center" for several reasons (such as less evening and weekend business). The owners "actually counted the number of vehicles entering and leaving their complex over a period of time, and they were able to demonstrate that it was appropriate for the CATGP to be reduced for their project because of its unique traffic generating characteristics. This was an important element in the decision to grant the center's request, because any decision to modify the CATGP would be a precedent-setting decision for all other properties in the plan area. In short, the analysis for the shopping center was based on real facts on the ground, not hypothetical assumptions."

Mr. Yaroslavsky concluded: "Ultimately, we put Section 6 into the plan to mirror the analytical process used to develop the trip generation numbers for the Century City Shopping Center. It was put in: 1) out of fairness to the owners of other properties who could similarly justify that their proposed uses would generate a different number of trips than those listed in the CATGP; and, 2) to ensure that the Plan would govern development based on real-world data rather than trip generation estimates that did not accurately apply to a given site. [¶] Going forward, it would seem to me that any future utilization of Section 6 would require that same level of rigorous analysis."

Plaintiffs conclude from the Yaroslavsky letter that section 6 "was intended to apply only where some unique aspect of a project or its site takes it outside of the defined Section 2

rates." We do not see it that way. Just as Mr. Yaroslavsky stated, section 6 "speaks for itself" and its purpose was "to ensure that the trip counts used to regulate development within the Plan would be based on the most accurate trip generation figures possible." Real party was entitled to invoke section 6 and present evidence that the trip generation potential for its project was different from the CATGP factor set in 1981. The cause of the difference in trip generation potential – whether unique to the use, or unique to the site, or due to changes in circumstance since 1981 – is not the pertinent point. The controlling point is "real facts on the ground" demonstrating that the trip generation potential for a project is different from the trip generation factor that appears in section 2. Real party made that showing here.

2. Plaintiffs' Procedural Claims

Plaintiffs contend the city failed to comply with procedural provisions of the specific plan and the municipal code in its review of real party's section 6 application, and in its review of a separate section 6 application filed by two of plaintiffs (One Hundred Towers LLC and Entertainment Center LLC). These claims have no merit.

a. Real party's section 6 application

i. The background

Section 6 of the specific plan includes various timing and other procedural requirements that apply when a person submits a proposed alternative trip generation factor for a project. As already mentioned, the proposed alternative is first submitted to the DOT. The DOT "shall review the study, [and] report its findings to the Area Planning Commission within 30 days." Then the area planning commission "shall schedule a public hearing thereon," give the prescribed notice and, after the hearing,

approve or disapprove or conditionally approve the proposed alternative, notifying specified parties.

In this case, the *city* planning commission held the hearings and ultimately approved real party's proposed alternative, rather than the *area* planning commission. This was done based on the city's "multiple approvals ordinance." That ordinance gives the city planning commission initial decision-making authority in cases where a project requires initial approval by both an area planning commission and separate approval by the city planning commission. In such a case, the municipal code provides that "the City Planning Commission shall have initial decision-making authority for all of the approvals and/or recommendations." (LAMC, § 12.36, subd. C.1.)[12]

In this case, the project required a development agreement amendment and a project permit application, both of which are heard initially by the city planning commission. Specifically:

Under LAMC section 12.32, subdivision C., the city planning commission hears all proposed land use ordinances,

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[12] LAMC section 12.36, subdivision C.1. states: "Notwithstanding any provision of this Code to the contrary, the following shall apply for projects requiring multiple approvals. [¶] 1. **City Planning Commission.** If a project requires any approval or recommendation separately decided by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision-maker, and also requires any approval or recommendation by the City Planning Commission as the initial decision-maker, then the City Planning Commission shall have initial decision-making authority for all of the approvals and/or recommendations."

with exceptions not applicable here. This project required an amendment to real party's development agreement with the city, which was duly heard by the city planning commission and authorized in Ordinance No. 183411, passed by the city council on January 27, 2015. Plaintiffs do not contend otherwise.

The multiple approvals ordinance expressly states that if an applicant "files for a project that requires multiple Legislative and/or Quasi-judicial Approvals, then the procedures set forth in this section shall govern." (LAMC, § 12.36, subd. B.)[13] (A "Legislative Approval" is an approval that requires an action by the city council (such as the development agreement amendment), and a "Quasi-judicial Approval" is any approval "for which the initial decision becomes final unless appealed" (such as the alternative calculation of the trip generation factor and real party's project permit application). (See LAMC, § 12.36, subd. A.))

ii. Contentions and conclusions

It appears incontrovertible that this project required multiple approvals, as defined, and as a consequence, the city

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[13] Subdivision B. states, in its entirety: "**Filing Requirement**. If an applicant files for a project that requires multiple Legislative and/or Quasi-judicial Approvals, then the procedures set forth in this section shall govern. Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project. The procedures and time limits set forth in this Section shall only apply to multiple applications filed concurrently, except that, prior to a public hearing, the Director may require an applicant to amend an application for a project requiring multiple approvals to ensure that all relevant approvals are reviewed concurrently." (LAMC, § 12.36, subd. B.)

planning commission was endowed with "initial decision-making authority for all of the approvals and/or recommendations." (LAMC, § 12.36, subd. C.1.) But plaintiffs contend the multiple approvals ordinance does not apply because the specific plan requires city planning commission approval of project permits, and area planning commission approval of alternative trip generation calculations. They argue the specific plan trumps the multiple approvals ordinance.

We see no reason why the provisions of a specific plan should "trump" the multiple approvals ordinance. Indeed, the multiple approvals ordinance appears to be directed at the very circumstances presented here.

The purpose of that ordinance, as stated in the staff recommendation report dated June 9, 2011, was to update the zoning code "with clear and consistent procedures for the processing of multiple discretionary land use approvals for a single development project." The ordinance "focuses on establishing uniform procedures for the consideration and appeal of projects requiring multiple approvals." Further: "The proposed changes will not substantively alter the review processes for development projects. The proposed ordinance will not lessen the ability of stakeholders to participate in the public process nor eliminate any criteria that protects the citizenry from inappropriate land uses."

It may be helpful to explain the chronology, which further confirms our conclusion. Thus:

In 1981, the specific plan was enacted.

In 2000, area planning commissions were created, in connection with charter reform approved by the voters in 1999. (See Ord. No. 173268, effective July 1, 2000.) Ordinance

No. 173268 reflects the various responsibilities given to area planning commissions, including the authority to permit an exception from the regulations in a specific plan.

Also in 2000, in connection with the redistribution of authority reflected in the ordinance just mentioned, the specific plan was amended (pursuant to LAMC section 11.5.7., specific plan procedures). Accordingly, the area planning commission was substituted for the city planning commission in several instances, including authority to make determinations under section 6 (as well as under two other sections of the specific plan, involving public uses on a shopping center site and changes in location of a pedestrian corridor). The authority of the city planning commission to grant project permits remained unchanged.

Twelve years later, in 2012, the multiple approvals ordinance was enacted (Ordinance No. 182,106, effective May 20, 2012), for the purposes described above: to update the zoning code "with clear and consistent procedures for the processing of multiple discretionary land use approvals for a single development project."

The multiple approvals ordinance contemplates the very circumstance presented in the specific plan: where the project "requires any approval or recommendation separately decided by an Area Planning Commission . . . or the Director, . . . and also requires any approval or recommendation by the City Planning Commission." (LAMC, § 12.36, subd. C.1.) The specific plan requires such separate approvals for this project, and the multiple approvals ordinance requires that in such cases, "the City Planning Commission shall have initial decision-making authority for all of the approvals . . . ." (*Ibid.*) In short, the city

council could not have been plainer when it enacted the multiple approvals ordinance, with the intent to provide "clear, streamlined processes for analyzing the merits of proposed projects requiring multiple discretionary approvals," as this project does.

b. Plaintiffs' section 6 application

i. The background

Section 6 of the specific plan allows not only the developer, but also "the Director of Planning or any other interested person [who] disputes any of the Trip generation factors enumerated in the definition of CATGP in Section 2" to "submit a proposed alternative Trip generation factor for the Project, along with a traffic generation study" for review by the DOT. Two weeks after the DOT recommended approval of real party's 4.97 trip generation factor, plaintiffs purported to dispute the trip generation factor and demanded a hearing before the area planning commission.

The chronology of events and pertinent details are these.

On October 28, 2013, the DOT recommended approval of real party's proposed alternative calculation of 4.97 daily trips per 1,000 square feet (in place of the section 2 factor of 14 daily trips per 1,000 square feet).

On November 13, 2013, two of plaintiffs submitted an application contending that, rather than using the section 2 trip generation factor of 14 trips per 1,000 square feet, the appropriate factor was 13.975 trips per 1,000 square feet. Plaintiffs submitted the same traffic generation study that real party had submitted to support real party's alternative calculation of 4.97 trips per 1,000 square feet. Plaintiffs' 13-page letter application consisted mostly of arguments that the

alternative trip generation factor of 4.97 was erroneous. The application concluded by asserting that under section 6, the DOT was required to forward its recommendation on plaintiffs' application to the area planning commission for a public hearing.

On December 3, 2013, the DOT replied to plaintiffs' letter, stating the proposed alternative trip generation factor would be considered by the appropriate decisionmaking body through a public hearing process scheduled by the planning department.

On January 7, 2014, plaintiffs wrote to the planning department, demanding a public hearing before the area planning commission based on their November 13, 2013 application.

On February 6, 2014, the planning department responded to plaintiffs' January 7, 2014 letter, rejecting their demand for a hearing. The planning department stated the application letter was deficient because plaintiffs did not submit the required traffic generation study, instead submitting a copy of real party's previously submitted study, and the letter application was "merely a rebuttal" to real party's traffic generation study. The planning department further pointed out that DOT's recommendation would be considered by the city planning commission under the multiple approvals ordinance.

ii. Contentions and conclusions

Plaintiffs contend the city failed to proceed in the manner required by law because it failed to hold a hearing on their section 6 application before the area planning commission. They are mistaken. Plaintiffs' application was not accompanied by a traffic generation study that supported an alternative factor of 13.975 trips per 1,000 square feet, as required by section 6. It was accompanied by a copy of real party's traffic generation

study, supporting an alternative factor of 4.97 trips per 1,000 square feet. While plaintiffs apparently think that their application was sufficient if accompanied by a traffic generation study – any study at all, no matter what it showed – we do not.

In short, the city was entirely correct in concluding plaintiffs' application was deficient, and that no hearing was required.

3. Site Plan Review

Plaintiffs contend the city failed to require real party to submit to "site plan review" under LAMC section 16.05, and instead "approved the project without this necessary entitlement." But the LAMC contains an exception to site plan review regulations under the circumstances specified in LAMC section 11.5.7., subdivision C.4.(f). In this case, the city planning commission found that, under the just-cited provision, site plan review regulations were not applicable because "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," citing section 3.C. of the specific plan. The record supports the city's finding.

LAMC section 16.05 requires "a site plan approval" before any "grading permit, foundation permit, building permit, or use of land permit" may be issued for "[a]ny development project which creates, or results in an increase of, 50,000 gross square feet or more of nonresidential floor area." (*Id.,* subd. C.1.(a).) The procedure includes an application for site plan review filed with the planning department, including forms and information for environmental review as prescribed by the director of planning; preparation of the required environmental studies; a

public hearing if the director finds the matter may have a significant effect on neighboring properties; and the director's grant, conditional grant or denial of site plan approval (in cases where an EIR is required, 60 days after the date the EIR is certified as complete). (*Id.*, subd. G.) The area planning commission has the authority to decide appeals from site plan review decisions made by the director, after a hearing. (*Id.*, subd. H.)[14]

However, LAMC section 11.5.7. (governing specific plan procedures) expressly provides that "[p]roject review pursuant to the Site Plan Review regulations in Section 16.05 shall not be required for projects in those specific plan areas, as determined by the Director, ***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***." (*Id.,* subd. C.4.(f), boldface & italics added.) ("Project Permit Compliance" means "a decision by the Director that a project complies with the regulations of the applicable

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[14] The LAMC identifies the purposes of site plan review: "to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements." (LAMC, § 16.05, subd. A.)

specific plan, either as submitted or with conditions imposed to achieve compliance." (*Id*., subd. B.1.))

That is the case here. As the city's findings further explained: "Because the Enhanced Retail Alternative is located in a specific plan area with project site planning regulations established by the specific plan, and because significant environmental impacts of the Enhanced Retail Alternative are mitigated by measures imposed through the Project Permit Compliance and CEQA review process, an exemption from Site Plan Review is warranted."

Plaintiffs do not suggest in their opening brief that the specific plan lacks the "similar project site planning regulations" called for in the LAMC section 11.5.7. exemption.[15] Instead, they insist the city is wrong and a separate site plan review was also required, "because the Project's environmental impacts have not been mitigated." They contend the conditions imposed "mitigate ***some*** of the [project's] environmental impacts," but not all of them. They point out the SEIR acknowledges certain significant and unavoidable impacts to traffic and circulation at three intersections, as well as unavoidable impacts to site access and construction noise, requiring the city to adopt a statement of overriding considerations (as the city did). This, they say, means

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[15] In their reply brief, plaintiffs assert that site plan review "was not 'duplicative' of anything," but they provide no details, merely citing to the entirety of LAMC section 16.05, and asserting the specific plan is "[i]n stark contrast" to those provisions. We will not further burden this opinion by quoting the extensive requirements listed in section 3.C. of the specific plan. Plaintiffs fail to identify any basis for concluding section 3.C. is not sufficient to establish the "similar project site planning regulations" that justify an exemption.

that the exemption from site plan review was improper (apparently on the theory that the exemption applies only when environmental impacts are completely mitigated and there are no unavoidable impacts). The existence of unavoidable impacts, they claim, renders the project "***ineligible*** for the exemption."

We find that conclusion irrational and unsupported by authority or common sense. We note that in cases where site plan review *is* required, the director is authorized to grant "project permit compliance" upon written findings that the project complies with the specific plan and "incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, *to the extent physically feasible*." (LAMC, § 11.5.7., subd. C.2.(b), italics added.) We see no reason why that same caveat – feasibility – should be disregarded where an exemption would otherwise apply. In other words, there is always a possibility that a negative environmental effect cannot be mitigated, but that is not an absolute bar to a project. Neither should it be construed as an absolute bar in the context of an exemption from site plan approval.

The whole point of the exemption for cases where "similar project site planning regulations are established by the specific plan" is to eliminate procedures that effectively duplicate the site planning regulations established by a specific plan. Here, the specific plan delineates the necessary conditions for a project permit, including the consideration of impacts on the vehicular circulation system and mitigation measures, among many other points. This appears to be a textbook case where site plan review

would have been duplicative of the extensive environmental review and permit procedures actually conducted.

4. Petition's CEQA Claims

We first describe the settled principles guiding our review in CEQA cases, and then address in turn each of the challenges plaintiffs interpose to the adequacy of the final SEIR.

a. CEQA principles and the standard of review

A comprehensive discussion of CEQA and the purposes and role of an EIR appears in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390-393 (*Laurel Heights I*). Suffice it to say that, before approving a project, the lead agency—here, the city—must find either that the project's significant environmental effects identified in the EIR have been avoided or mitigated, or that unmitigated effects are outweighed by the project's benefits. (*Id.* at p. 391, citing §§ 21002, 21002.1 & 21081.) "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." (*Laurel Heights I,* at p. 392.)

In an action to set aside an agency's decision under CEQA, the court's inquiry extends only to whether there was a prejudicial abuse of discretion. Abuse of discretion occurs if the agency has not proceeded in a manner required by law, or if its decision is not supported by substantial evidence. The court passes only upon the EIR's sufficiency as an informative document, not upon the correctness of its environmental conclusions. (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 392.) CEQA Guidelines, which implement the provisions of CEQA, "define 'substantial evidence' as 'enough relevant information and

reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' " (*Laurel Heights I,* at p. 393, quoting CEQA Guidelines, § 15384, subd. (a).)[16]

Laurel Heights I cautions that a court may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable. (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 393.) CEQA's purpose is to compel government to make decisions with environmental consequences in mind, but CEQA " 'does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations.' " (*Laurel Heights I*, at p. 393.) Technical perfection in an EIR " ' "is not required; the courts have looked not for an exhaustive analysis but for adequacy, completeness and a good-faith effort at full disclosure." ' " (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 979.)

The appellate court's inquiry is the same as that of the trial court. The appellate court reviews the administrative record independently to determine whether the city complied with CEQA or made determinations that were not supported by substantial evidence. (*Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 912; see also § 21168.) "The burden of showing that the EIR is

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[16] All references to "Guidelines" are to the current CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Courts "should afford great weight to the Guidelines except when a provision is clearly unauthorized or erroneous under CEQA." (*Laurel Heights I, supra,* 47 Cal.3d at p. 391, fn. 2.)

inadequate is on the party challenging the EIR." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562.)

b. Plaintiffs' claims

Plaintiffs contend the SEIR was inadequate in five respects.

i. Growth-inducing impacts

CEQA Guidelines require an EIR to discuss the growth-inducing impact of the proposed project. (Guidelines, § 15126, subd. (d).) The EIR must discuss "the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." (*Id.,* § 15126.2, subd. (d).) The regulation continues: "Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects." (*Ibid.*) The EIR must also discuss, if applicable, "the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." (*Ibid.*)

In this case, the draft SEIR discussed both direct growth and indirect growth. The latter subject included such topics as the removal of obstacles to growth, expansion of public services, and economic effects. The draft SEIR recognized that the proposed project "would indirectly contribute to the growth of the

area surrounding the Project site, and would result in some direct growth that is consistent with what is already anticipated in adopted plans." But because it occurs in a substantially built-out area, the project would have beneficial impacts related to growth, including an improved tax base, economic benefits to local businesses in Los Angeles and Beverly Hills, and increased job opportunities. The SEIR's ultimate conclusion was that impacts related to growth would be less than significant.

Plaintiffs contend the SEIR's analysis was inadequate because it failed to analyze the growth-inducing impacts of the city's approval of the alternative trip generation factor. They assert the city's approval of the 4.97 factor "is unquestionably growth inducing because it removes a significant obstacle to future development – *i.e.,* the 14 [trips] per 1,000 [square feet] of office space rate that has been used for every office development in Century City since the inception of the Specific Plan." The result, they say, "is potentially exponential growth of Century City well beyond the 2.5 million [square feet] limit envisioned by the Specific Plan," and "that potential for growth . . . should have been disclosed and studied in the EIR but was not."

This claim is little more than a repetition of the arguments we have rejected in connection with plaintiffs' claims that the city violated the specific plan when it approved the alternative trip generation factor. Again, it is founded on the erroneous assertion that the specific plan "envisioned" a 2.5 million square foot growth limitation. It did not. Plaintiffs ignore, as we have said earlier, the fundamental principle of the specific plan: intensity of use is controlled – as is expressly stated in the specific plan and as the city explained more than 20 years ago – by measuring automobile trip generation, not square feet.

In the final SEIR, the city addressed plaintiffs' arguments on this point in detail. The city's responses correctly pointed out that the specific plan has never changed: it has always permitted applications for an alternative trip generation factor during phase II, and approval of an alternative factor does not create additional growth beyond that contemplated in the specific plan. The section 6 procedure is allowed "because the use will not result in greater traffic generation (i.e., development intensity) than was contemplated when the [specific plan] was adopted." While the size of the building is larger, the number of trips it will generate is not.

Plaintiffs repeatedly invoke the specter that developers will demolish buildings and obtain replacement trips for the demolition at the 14-trip rate, and then use a 4.97-trip alternative rate allowing them to build a bigger building. We note that no such thing happened in this case. Here, before real party may develop the enhanced retail alternative, real party is obliged to *relinquish* replacement trips, relating to the office space it demolished, that were previously calculated using the higher trip generation factor. So this case is not precedent for property owners willy-nilly demolishing buildings in anticipation of obtaining replacement trips at the 14-trip rate and using them at the rate approved for this project. In short, plaintiffs' specter of the "potentially exponential growth of Century City" resulting from use of the alternative trip generation factor is just that: a specter. It has no basis in reality.

Plaintiffs insist that case authorities support their claim that the SEIR "erroneously failed to address growth inducement by removal of a regulatory obstacle to more development than anticipated by the Specific Plan." In addition to being wrong on

the facts (as just discussed), plaintiffs cite cases – *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 (*Stanislaus*) and *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325 (*Antioch*) – that do not in any event assist them.

In *Stanislaus*, the plaintiff challenged a county's certification of a negative declaration, to the effect that a proposed golf course would not have a significant impact on the environment. The court held the record contained substantial evidence sufficient to support a fair argument that the project "may have a significant growth-inducing effect." (*Stanislaus, supra,* 33 Cal.App.4th at p. 147.) Indeed, the court found "the collective weight of the evidence" supporting the plaintiff's position to be "overwhelming." (*Id.* at p. 152.) The county's own evidence "unequivocally states the proposed project may act as a catalyst to residential development." (*Id.* at p. 153; see *id.* at p. 154 [a county department commented that the " 'economic pressure to approve development next to the golf course will be enormous' "].) The court concluded that "[t]he fact that the exact extent and location of such growth cannot now be determined does not excuse the County from preparation of an EIR." (*Id.* at p. 158.)

We see nothing in *Stanislaus* that is even faintly analogous to this case. The same is true of *Antioch*. As in *Stanislaus*, the *Antioch* case involved a challenge to a negative declaration, to the effect that a proposed road and sewer construction project would not have a significant impact on the environment. *Antioch, supra,* 187 Cal.App.3d at p. 1328.) As in *Stanislaus*, a "planning department study itself recognized that 'construction of the roadway will have a cumulative impact of opening the way for

future development.' " (*Antioch,* at p. 1334; *id.* at p. 1336 ["Construction of the roadway and utilities cannot be considered in isolation from the development it presages. Although the environmental impacts of future development cannot be presently predicted, it is very likely these impacts will be substantial."]; *id.* at p. 1337 ["the sole reason to construct the road and sewer project is to provide a catalyst for further development in the immediate area"].)

In the end, plaintiffs simply refuse to accept the fact that the specific plan controls development based on traffic generation, not square footage. There was no deficiency in the SEIR analysis of growth-inducing impacts.

ii. The traffic study

The trial court found substantial evidence supported the accuracy and consistency of real party's traffic generation study (sometimes referred to as the Gibson study), saying this: "City's traffic expert, the [DOT], confirmed that the traffic analysis was consistent with industry standards. [Citation.] Two registered traffic engineers independently confirmed the trip generation rates were adequate and conducted in accordance with industry standards. [Citations.] City analyzed potential traffic impacts under three different trip generation methodologies – empirical rate, economy adjustment rate, and published rates. [Citations.] Ultimately, the Modified Project approved by the City Council generates fewer daily and peak hour trips and would create fewer trips than the version the Draft SEIR analyzed."[17] Our review of

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[17] As indicated earlier, the city council approved the enhanced retail alternative rather than the modified project as proposed. The trial court and the parties frequently refer to the enhanced retail alternative as the "modified project." It makes no

the record discloses no reason to disagree with the trial court's assessment.

The SEIR analyzed traffic impacts under three different trip generation rates.

The empirical rate was based on 2011 trip data collected at four high-rise office buildings in Century City. It showed 4.69 daily trips per 1,000 square feet of floor area, including about 0.57 trips per 1,000 square feet during the morning peak hour and 0.51 trips per 1,000 square feet during the afternoon peak hour.

The economy adjustment rate modified the empirical rate to account for the fact that the 2011 data were collected during the recession. The modification increased the empirical rate by six percent, based on "the difference between the unemployment rate in 2011, when the trip counts were conducted, and the average unemployment rate recorded between 2000 and 2010." This resulted in 4.97 daily trips per 1,000 square feet (with 0.60 during the morning peak hour and 0.54 during afternoon peak hour). This is the rate approved by the DOT.

The "published rates" refer to trip generation rates from the Institute of Traffic Engineers (ITE) Trip Generation Manual.[18] This manual "is the accepted standard for trip generation rates when empirical studies are not available." Published rates are based on nationally accepted averages, and

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difference to the parties' positions or to our discussion, except in connection with plaintiffs' recirculation claim (see pt. 4.b.iv., *post*).

[18] For afternoon peak hours, the published rates are based on the West Los Angeles Transportation Improvement and Mitigation Specific Plan.

are much higher. (The DOT found that "the high-rise office towers in Century City have substantially different trip generating characteristics than the typical office buildings surveyed in the ITE Trip Generation Manual.")

The SEIR analyzed all three trip rates under 2011, 2015, and 2021 scenarios, and identified impacts and mitigation measures using the higher, published rates. This was, as real party points out, the most conservative possible approach.

Plaintiffs contend the traffic study does not comply with CEQA because it was "inconsistent and contradictory," relying on traffic estimates that were "not prepared according to accepted professional practice" and understating the volume of traffic the project would generate and "the impacts associated with that additional traffic."

We review plaintiffs' claims in turn.

A. Claims of data collection errors and unjustified assumptions

First, plaintiffs say the SEIR data was "based upon an unrepresentative building with a known and major vacancy." This appears to refer to the building formerly known as the MGM building at 10250 Constellation Boulevard (one of the four buildings used for the traffic study). Plaintiffs asserted MGM had departed from the building, leaving several vacant floors, when the traffic study was performed. In fact, the traffic counts for that building were conducted in January 2011, well before MGM vacated the building in September 2011, and there was evidence the building was 94.3 percent leased when the traffic

counts were conducted, well above average levels published by the ITE (88 percent).[19]

Second, plaintiffs say the traffic study data was collected "outside of times generally dictated by accepted professional practice (including holiday weeks), understating the baseline traffic." They further say that this point was conceded in the final SEIR, which "provided no justification for the practice." They cite a single page in the record, but nothing on that page "concede[s] the point" or even discusses it, and nothing in the record supports their claim.[20]

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[19] Plaintiffs criticize the use of vacancy rates, saying vacancy rates "presume that leased space is occupied when it may or may not be and therefore understates potential trip generation." But the only support plaintiffs suggest for this is their erroneous claim about the MGM departure.

[20] The SEIR explains that DOT's policies state that all traffic counts " 'should generally be taken when local schools or colleges are in session, . . . and should avoid being taken on weeks with a holiday.' " The final SEIR observes that intersection traffic counts from May 2011 "were conducted during the week before the Memorial Day holiday – not during the week of the holiday – and thus are consistent with LADOT's recommendations." And while counts conducted in September 2011 were conducted during the week of the Labor Day holiday, "and thus do not directly follow LADOT's recommendation," school began the day after Labor Day in September 2011. So "it is likely that the traffic counts from September 2011 are more conservative than counts taken during another time period," because peak period traffic volumes the week school begins "are typically high," so "it is unlikely that the holiday weekend reduced traffic counts at study intersections when counts were conducted in September

Third, plaintiffs contend the final SEIR provides updated traffic data for the period 2010-2013, and the 2013 data showed a 19 percent increase in trip generation over 2011. This data, they say, demonstrates the six percent economic adjustment factor used to take account of the recession was too low. As support, plaintiffs cite a consultant's table summarizing data from 2010 to 2013, but do not cite the data to which it refers. Real party answers that the lack of references to data made it impossible for the city to verify the data, and in addition plaintiffs' calculations were incorrect and inconsistent with industry standards (using leased area instead of gross leasable area, and using 100 percent occupancy instead of average lease occupancy). When corrected, real party says, the calculations showed the trip rate approximately the same as the city's economy adjustment rate. Real party also points out that "the purported 19% increase is based on data from 2013, which is after the Final SEIR was prepared"; only 2011 data were available during preparation of the final SEIR.

In the end, plaintiffs' argument necessarily fails under the substantial evidence rule. Plaintiffs simply disagree with the six percent economy adjustment factor, and ignore the substantial evidence that supported it (including the analysis just described that controverted their calculations).[21]

2011." Also, DOT approved the traffic counts and dates they were collected.

[21] The final SEIR fully explains the use of the six percent adjustment factor. Among other points, the SEIR explains: "The six percent adjustment was based on a review of the change in countywide employment statistics between the economic boom of the early-mid 2000s and year 2011. [An appendix] provides a

Next, plaintiffs criticize the SEIR's assumption of a "worst-case" vacancy rate in the buildings studied of 7.2 percent, claiming there was "an actual vacancy rate of 12.6 percent" in 2010. This criticism has no merit. The SEIR data was actual data for the buildings studied and at the time the traffic counts were conducted; plaintiffs' higher figure was from (according to a footnote in the comments from one of plaintiffs' consultants) commercial real estate data for "West L.A." published in 2012.

Next, plaintiffs fault the traffic study for its assumption – verified by mapping daily driveway counts, by hour, for two large Century City office towers – that "[o]ne of the reasons that the peak hour trips are lower than the national average," in the most comparable building to the proposed project, was its mix of tenants. These were primarily stock brokers, lawyers, and entertainment industry uses, with different "regular" hours that "tend[] to result in travel outside of the traditional peak hours." Plaintiffs assert, with no reference to any evidence, that the SEIR was deficient for failing to include a mitigation measure that would limit the building to those tenant uses, and failing to

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detailed discussion of the process used to calculate the six percent adjustment factor. The six percent adjustment is based on the difference between the unemployment rate in 2011, when the trip counts were conducted, and the average unemployment rate recorded between 2000 and 2010, which was 7.1 percent. . . . In addition, Century City, where many legal, entertainment, and financial firms are located, experienced less of an economic impact than many other areas within Los Angeles County and, as a result, using the countywide rate as an adjustment factor was likely a conservative metric."

evaluate the environmental effects of a project that did not contain those uses.

The traffic study was based on actual traffic counts at comparable buildings, not on assumptions about the tenant mix, and empirical studies are preferable to national averages. Moreover, plaintiffs cite no evidence to suggest the project will not contain the anticipated tenant mix. More than argument is required. (§ 21080, subd. (e)(2) ["[s]ubstantial evidence is not argument, speculation, unsubstantiated opinion or narrative"].)

In sum, the traffic generation study was reviewed and approved by DOT, thoroughly examined and discussed by all parties, and peer reviewed by two registered traffic engineers (with positive results). Plaintiffs have shown no inadequacy under CEQA.

B. Traffic impacts on local residential streets

Plaintiffs also contend the traffic analysis "failed to analyze and disclose the effects of the Office Project on local residential streets in the Beverlywood Neighborhood." This was purportedly because the city "selected a threshold of significance that foreclosed a finding of a significant impact and only focused on streets within Century City."

Contrary to plaintiffs' claim, the city did more than "focus[] on streets within Century City." As the final SEIR points out, "a supplemental analysis of intersections south of Pico Boulevard within the Beverlywood neighborhood was conducted as part of the Final Subsequent EIR." This data is described in detail, with accompanying charts. The conclusion was that those intersections would not be significantly impacted by project traffic under any scenario, including the published rates scenario.

The claim the city failed to acknowledge cumulative impacts from past projects (assuming that is what plaintiffs are claiming) is not tethered to any facts. Plaintiffs have not identified any specific failure to assess future impacts from other ongoing or past projects; their reference to the "cumulative effects of past projects" has no merit.

Plaintiffs' claim the city "selected a threshold of significance that foreclosed a finding of a significant impact" likewise has no merit. The city applied a long-standing threshold of significance for neighborhood traffic intrusion, and traffic intrusion in the Beverlywood neighborhood did not meet it.

The SEIR describes the conditions under which there could be a significant impact on local streets in a neighborhood due to neighborhood traffic intrusion. The thresholds used in the SEIR were "consistent with Appendix G of the State CEQA Guidelines and the Los Angeles CEQA Thresholds Guide."

Plaintiffs cite no evidence that these thresholds for traffic and circulation impacts are inappropriate. They simply say that, "where evidence indicates a significant impact, despite the threshold of significance used, the EIR must address that evidence." They cite *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 ["a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant"].

But plaintiffs do not describe any "other substantial evidence," simply citing to more than 700 pages of their comments (on all aspects of the project) as "substantial evidence." The only specific "evidence" they mention is their assertion, in

comments on the final SEIR, that real party's traffic engineer "orally informed a [Beverlywood Homeowners Association] representative that Beverwil and Beverly Drives together experience approximately 30,000 vehicle trips per day, about two thirds of which comprise cut-through traffic," and that "he had never seen a neighborhood more affected by cut-through traffic."

This statement is not substantial evidence that the project may have a significant impact that the SEIR failed to consider. Again, plaintiffs do not explain why the threshold used for the city's analysis, which has been used for many years, was in any way improper. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068 ["CEQA grants agencies discretion to develop their own thresholds of significance"].)

Plaintiffs conclude by simply asserting that the project "will significantly add to the number of vehicles that already pass through Beverlywood on a daily basis," citing only a consultant's report that does not even mention neighborhood intrusion or Beverlywood. That is not substantial evidence of a significant impact requiring any further evaluation in the SEIR. (See Guidelines, § 15064, subd. (f)(5) [argument is not substantial evidence; "[s]ubstantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts"].)

iii. Greenhouse gas analysis

The SEIR concluded that the project would result in less than significant operational greenhouse gas emissions. Plaintiffs challenge the SEIR's analysis. They tell us that when their consultant (Environ) "attempted to verify the GHG [greenhouse

gas] emissions claimed in the Draft SEIR," they found "a significant GHG impact." Plaintiffs attribute this discrepancy in results to the SEIR's faulty modeling assumptions and "departures from accepted professional practice" – errors that "significantly skewed the GHG analysis." We agree with the trial court that substantial evidence supports the greenhouse gas analysis.

Plaintiffs' claim relies solely on Environ's November 14, 2013 analysis, following Environ's review of the final SEIR. Plaintiffs do not describe or even mention an extensive memorandum responding in detail to Environ's comments, prepared by LSA Associates, Inc. (who "worked closely with City of Los Angeles staff to prepare the [SEIR]"). LSA provided the memorandum "as additional information for the record to demonstrate why the Environ letter's comments are inaccurate." Thus:

First, plaintiffs say the greenhouse gas analysis "rounded numbers, rather than using raw output, in a manner favorable to Real Party." But the response points out that "good engineering judgment shows that two significant digits is an appropriate level of accuracy to use to report modeling results." The memorandum explains in more detail.[22]

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[22] The LSA memorandum states: "Given the uncertainties within the parameters used by CalEEMod [the model] combined with the compounding of these uncertainties when producing the modeling results, good engineering judgment shows that two significant digits is an appropriate level of accuracy to use to report modeling results. What this means is that if, for instance, the CalEEMod output showed 397.234 metric tons per year for the baseline and 401.867 metric tons per year for the proposed project, it would be inappropriate to report that any difference

Second, plaintiffs say the greenhouse gas calculation "also omitted two entire classes of emissions," referring to emissions associated with solid waste and those associated with energy use. It did not. As the LSA memorandum (and the draft SEIR) explain, the emissions for those categories "were calculated the same way all the other GHG emissions categories were calculated; CalEEMod modeling was conducted with the inputs summarized in [a specified table in the final SEIR]."

Third, in a one-paragraph claim, plaintiffs complain the model output "did not include the 'Business-as-Usual' ('BAU') scenario against which project emissions are compared" to determine environmental impact. (Business-as-usual emissions "represent the emissions expected to occur in the absence of any GHG emission reduction actions.") The model output, plaintiffs say, "appears to rely on a significant faulty assumption," and the "failure to account for regulations already in force overstates the efficiency of the New Project and therefore understates the impact." Plaintiffs provide no further explanation of their claim.

The LSA memorandum explains that the model – CalEEMod – "was not used to model the BAU scenario," and explains why. It further explains the assumptions on which the business-as-usual scenario was analyzed and the adjustment factors that were applied, and cites the draft SEIR table applying those adjustment factors to each greenhouse gas emissions

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were shown by these results. The model is simply not accurate enough to say anything other than both scenarios would produce about 400 metric tons per year. In some cases three significant digits were reported as a compromise between good engineering judgment and the desire to show some difference between similar scenarios."

category. (This is all explained in further detail, but we see no point in burdening this opinion with it.) The memorandum also explains that Environ was unable to replicate the business-as-usual results "because the commenter is using a different CalEEMod location parameter known to produce different results and, as described above, the BAU scenarios were modeled analytically rather than with CalEEMod. In addition, the Environ tables do not round their results to two significant figures, which . . . conflicts with good engineering judgment and creates a false sense of precision that the CalEEMod data does not support."[23]

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[23] In their reply brief, plaintiffs take an entirely new tack, telling us for the first time that the SEIR's business-as-usual analysis did not conform to CEQA, based on the Supreme Court's holding in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204 concerning the significance threshold used in that case. (In *Center for Biological Diversity*, the court concluded the EIR "employ[ed] a legally permissible criterion of significance—whether the project was consistent with meeting statewide emission reduction goals—but the report's finding that the project's emissions would not be significant under that criterion [was] not supported by a reasoned explanation based on substantial evidence." (*Id.* at p. 213.)) In this case, plaintiffs did not challenge the significance criterion, or rely on (or even cite) *Center for Biological Diversity*, in their opening brief, and they cannot do so now. In any event, plaintiffs have presented no cogent explanation of the opinion's application or relevance to this case. They simply state their conclusion that the SEIR's "identical failure" to "bridge the gap between [the statute mandating reductions in greenhouse gas emissions by 2020] and the project" constitutes prejudicial error. That is an entirely insufficient explanation meriting no further discussion.

Fourth, plaintiffs complain the SEIR contains no requirement to meet or exceed the efficiency standards assumed in the GHG analysis. They say the model "assumed a minimum 20% water efficiency," but the SEIR does not establish a performance standard that meets the assumption. Similarly, the model assumed a 20 percent increase in lighting efficiency, but the project's design feature for high-efficiency lighting "does not include any separate requirement for lighting." These claims are meritless, too.

As for lighting, the LSA memorandum explains that the SEIR "already includes [a project design feature] which requires [the project] to exceed Title 24 requirements by 20 percent."[24] (Title 24 is California's building standards code, part of which "sets forth conservation practices that would limit the amount of energy consumed by the [project].") In addition, the project "would be designed to achieve a LEED Platinum rating or its equivalent, which also mandates the use of high efficiency lighting.[25] Thus, the [project] is required to incorporate these features, and the [SEIR] properly included them in the CalEEMod modeling."

As for water efficiency, the LSA memorandum explains in detail the factors used in arriving at the 20 percent water

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[24] "The proposed Modified project shall incorporate a combination of energy conservation measures to exceed the requirements of Title 24 (2005) and City of Los Angeles codes in effect at the time of circulation of this [SEIR] by 20 percent . . . ."

[25] The building is designed "to achieve a Leadership in Energy and Environmental Design (LEED) Platinum rating or equivalent green building standards."

efficiency assumption in the model. These factors included the use of locally sourced water, mandated water conservation goals requiring urban water suppliers to achieve a 20 percent per capita water consumption reduction by 2020 statewide, and water usage reduction benefits of achieving a LEED Platinum rating. The memorandum ultimately concluded that 20 percent was selected for the model input "as good engineering judgment representing what these factors would achieve."[26] We do not see why anything more should be required.

Plaintiffs describe at most a dispute between experts that is not for us to resolve. (*Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 101-102 [" '[t]he fact that there are differing opinions arising from the same pool of information is not grounds for holding the EIR inadequate' "; the law does not require " ' " 'that the body acting on an EIR correctly solve a dispute among experts' " ' "].) As *Laurel Heights I* tells us in another context: "A court's task is not to weigh conflicting evidence and determine who has the better argument . . . . We have neither the resources nor scientific expertise to engage in such analysis, even if the statutorily prescribed standard of review permitted us to do so." (*Laurel Heights I, supra,* 47 Cal.3d at p. 393.)

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[26] In addition, "in an effort to be conservative," the LSA memorandum presented tables showing the change to the project's operational greenhouse gas emissions "without the 20 percent water use reduction." The results were fully described, followed by the conclusion that "the significance conclusions in the Final [SEIR] are unaffected by the application of a 20 percent water use reduction."

iv. The recirculation claim

CEQA Guidelines require a lead agency to recirculate an EIR before certification "when significant new information is added to the EIR after public notice . . . of the availability of the draft EIR for public review."[27] (Guidelines, § 15088.5, subd. (a).) New information "is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project . . . ." (*Ibid.*) As relevant here, new information is significant if it shows a "new significant environment impact" or a "substantial increase in the severity of an environmental impact" absent mitigation measures that reduce the impact to a level of insignificance.[28] (*Id.*, subd. (a)(1) & (2).)

We apply the substantial evidence standard of review to a lead agency's determination that new information in a final SEIR

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[27] CEQA states: "When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Section 21104 and 21153 before certifying the environmental impact report." (§ 21092.1.)

[28] " 'Significant new information' requiring recirculation include[s], for example, a disclosure showing that: [¶] (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. [¶] (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." (Guidelines, § 15088.5, subd. (a)(1) & (2).)

is not significant. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1135 (*Laurel Heights II*).) "An agency's determination not to recirculate an EIR is given substantial deference and is presumed to be correct. A party challenging the determination bears the burden of showing that substantial evidence does not support the agency's decision not to recirculate." (*Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Authority* (2015) 241 Cal.App.4th 627, 661.)

In this case, plaintiffs make a one-paragraph argument that the SEIR must be recirculated. This is because, they say, the final SEIR provided supplemental traffic analyses, and these showed a significant impact at one street intersection that had not been significantly impacted in the draft SEIR. Plaintiffs do not describe the supplemental analyses or identify the street intersection to which they refer.

The draft SEIR concluded that under the "published rates" scenario, "significant and unavoidable impacts" to traffic intersections would remain in the 2011, 2015, and 2021 horizons (Cotner Avenue & Santa Monica Boulevard in 2011, Beverwil Drive & Pico Boulevard in 2015 and 2021, and Century Park East & Santa Monica Boulevard in 2021). In response to comments on the draft SEIR, various supplemental traffic analyses were conducted for the year 2021, examining traffic impacts without consideration of traffic shifts expected from the westside subway extension. One of the analyses found that one intersection (Beverly Glen & Santa Monica Boulevards) would be significantly impacted under the empirical rate and economy adjustment scenarios during the morning peak hour, if the westside subway extension is not implemented by 2021 and if the

mitigation measure requiring real party to pay for additional peak hour bus service is not adopted. But that impact was addressed with the revised mitigation program. As the trial court pointed out, the final SEIR "makes clear that with the revised mitigation program the City adopted, the Beverly Glen Blvd. and Santa Monica Blvd. intersection would be mitigated below the threshold of significance."

The city's brief also explains (though plaintiffs' opening brief did not) that the supplemental analysis "did find that there would be a significant impact at [the Beverly Glen/Santa Monica Boulevard intersection]" for the proposed modified project, even after mitigation, under the "published rates" scenario. This would occur if the subway extension is not implemented by 2021 *and* if trip generation rates were calculated under the published rates scenario using the 9th edition of the ITE Trip Generation Manual, rather than the 8th edition that was available when the transportation study was submitted to DOT. (Use of the 9th edition added two additional trips to the intersection during the morning peak hour, triggering the additional impact. The two additional trips "represent approximately 2.9 hundredths of one percent increase in total traffic volume at this location," so "the Modified Project would not substantially increase the number of vehicle trips traveling through the intersection.")

We agree that the change described is not a "substantial increase in the severity" of an environmental impact. (Guidelines, § 15088.5, subd. (a)(2).) But even if it were, recirculation would not be required, because the city ultimately approved the enhanced retail alternative, not the modified project as proposed.

The supplemental analysis of the enhanced retail alternative – "without considering traffic shifts associated with the Westside Subway Extension and using trip generation rates from ITE 9th Edition" – showed that "the same intersections would be significantly and unavoidably impacted as those . . . under the Modified Project with Published Rates analysis" described in the transportation study and the draft SEIR. *"Specifically, Intersection #3, Beverly Glen Boulevard & Santa Monica Boulevard would not be significantly impacted."* (Italics added.) Thus, the final SEIR concluded the enhanced retail alternative "would not substantially increase a previously identified significant effect, and in fact would reduce the previously identified significant and unavoidable traffic and circulation impact as compared to the Modified Project."

Plaintiffs offer no explanation suggesting a basis for any different conclusion. "[R]ecirculation is not required where the new information added to the EIR 'merely clarifies or amplifies [citations] or makes insignificant modifications in [citation] an adequate EIR.' " (*Laurel Heights II, supra,* 6 Cal.4th at pp. 1129-1130.) That is the case here.

v. Project alternatives

An EIR must "consider alternatives to proposed actions affecting the environment." (§ 21001, subd. (g).) One of the purposes of the EIR is "to identify alternatives to the project . . . ." (§ 21002.1, subd. (a); see § 21061 [purposes include "to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project"].) The guideline is feasibility: "[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen

the significant environmental effects of such projects . . . ." (§ 21002.)

The " 'statutory requirements for consideration of alternatives must be judged against a rule of reason.' " (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) "CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR." (*Id.* at p. 566.) The EIR "must consider a reasonable range of alternatives to the project" that offer substantial environmental advantages over the project proposal and may be feasibly accomplished "considering the economic, environmental, social and technological facts involved." (*Ibid.*) An EIR "need not consider every conceivable alternative to a project." (Guidelines, § 15126.6, subd. (a).)

In another one-paragraph argument, plaintiffs contend the alternatives analysis in this case "failed to evaluate a Specific Plan-compliant alternative." By this they mean an alternative project using the trip generation factor that would have applied had real party not requested, and had the city not approved, the lower trip generation factor under section 6 of the specific plan. But the city's action was, as we have held, fully compliant with the specific plan.

Further, one of the nine alternatives the SEIR analyzed was a reduced density alternative very like the one plaintiffs suggest: Alternative 5 was a "60 Percent Reduced Density Alternative." As the draft SEIR states, the "provision of office space in this alternative was based on the maximum square footage of office space that would be allowed using the [specific plan's] commercial office trip rate of 14 daily Trips/1,000 square feet of floor area." The draft SEIR contains an extensive analysis of this alternative.

DISPOSITION

The judgment is affirmed. Respondents shall recover their costs on appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

DUNNING, J. *

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* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.