

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

September 25, 2012

TO: John White, City Clerk

FROM: Kit Awakuni
City Planning Associate
Department of City Planning

SUBJECT: CPC-2012-2322-DA
Corrections for LASED Development Agreement Amendment
Determination
Ad Hoc Meeting - 9/24

The following are corrections to the recommended actions and findings for Case No. CPC-2012-2322-DA as directed by Ad Hoc Committee on Downtown Stadium and Convention Center Renovation, to incorporate the revisions requested by the Planning Department, and as outlined in the Applicant letter, dated September 24, 2012, approved by the Ad Hoc Committee.

Also, attached is a complete version of the findings for CPC-2012-2322-DA, incorporating the following correction to Environmental Finding (not including underline and strikeout edits).

Adopt the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations as approved by the Ad Hoc Committee.

Delete Environmental Finding on Page F-3 and replace with the following:

Environmental Findings

1. The findings with respect to Environmental Impact Report (EIR No. 2011-0585-EIR; State Clearinghouse No. 2011031049) set forth in Case No. CPC-2012-0849-GPA-VZC-SP-SN at pages F-58 through the end (CEQA Findings), are incorporated by this reference as though fully set forth herein.

SEP 26 2012 10:12 AM

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CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: _____

CASE: CPC-2012-2322-DA
CEQA: ENV-2011-0585-EIR
SCH No. 2011031049

Location: 1000 West Olympic Boulevard
Council District: 9 – Hon. Jan Perry
Plan Area: Central City
Requests: Development Agreement
Amendment

Applicant: L.A Arena Land Company, LLC
Representative: Armbruster, Goldsmith, & Delvac, LLP

At its meeting on September 13, 2012, the following action was taken by the City Planning Commission:

1. **Recommend** that the City Council **Find** that the previously certified Environmental Impact Report (EIR) is adequate for the following actions and that it has reviewed and considered the information contained in the Draft and Final EIR, Case No. ENV-2011-0585-EIR (SCH No. 2011031049), and **Recommend** that the City Council **Adopt** the Mitigation Monitoring and Reporting Program, and that the City Council **Adopt** the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur.
2. **Recommend** that the City Council, **Approve** the Second Amendment to the Third Amended and Restated Development Agreement pursuant to California Government Code Sections 65864-65869.5, by the Developer and the City of Los Angeles, as amended, subject to the terms of the agreement as attached, including but not limited to, a modification of Section 3.1.3(a) of the Amended and Restated Development Agreement to modify the existing use restriction on the Convention Center Expansion Parcel to provide that the Convention Center Expansion Parcel may be used for any uses permitted in the LASED Specific Plan upon completion of the New Hall and **Advise** the applicant that the Department of City Planning will create a separate case file (CPC 2012-2322-DA) associated with the amendment of the LASED Development Agreement.
3. **Recommend** that the City Council **Adopt** the attached Findings.
4. **Advise** the Applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that **mitigation measures** are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
5. **Advise** the Applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved:
Seconded:
Ayes:
Noes:
Absent:
Vote:

James Williams, Commission Executive Assistant
City Planning Commission

Effective Date/Appeals: This decision of the City Planning Commission is final upon the date of this letter and is not appealable.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Findings, Development Agreement, Development Agreement Ordinance
City Planner: Henry Chu
Senior City Planner: Jon Foreman

The Statement of Environmental Impacts, Findings and Mitigation Measures; Statement of Overriding Considerations, Mitigation Monitoring Program and Errata are located in the administrative CPC-2012-0849-GPA-VZC-SP-SN, and are available upon request.

FINDINGS

DEVELOPMENT AGREEMENT FINDINGS

1. General Plan Land Use Designation. The subject site is located within the area covered by the Central City Community Plan adopted by the City Council on June 13, 1974. The Community Plan map designates the subject site for Regional Center Commercial and High Density Residential with a corresponding zone of LASED. The amendment request is consistent with this land use and zoning designation.
2. The Transportation Element of the General Plan will not be affected by the recommended action herein because the amendment request is to modify sections of an existing development agreement that was evaluated for transportation and other environmental impacts under EIR No. 2000-3577 (State Clearinghouse No. 2000091046) and No. 2011-0585 (State Clearinghouse No. 2011031049, and certified by the City Council on September 4, 2001 and September 28, 2012, respectively. The scope of the project itself has not changed nor has any condition of approval.
3. Development Agreement Findings
 - A. State Government Code Sections 65868 authorizes the amendment of a previously approved development agreement.
 - B. The City of Los Angeles has adopted rules and regulations establishing procedures and requirements for consideration of development agreements under Citywide Development Agreement Procedures (CF 85-2313-S3), pursuant to which the City has approved that certain Third Amended and Restated Development Agreement dated April 2, 2008 and recorded on April 10, 2008 in the official records of Los Angeles County, California as Instrument No. 2008-0625541, as amended by that certain Amendment to the Third Amended and Restated Development Agreement dated December 21, 2010 and recorded on January 21, 2011 in the official records of Los Angeles County, California as Instrument No. 2011-0120808 (as so amended, the "Amended and Restated Development Agreement").
 - C. L.A. Arena Land Company, LLC has requested that the City consider further amending the Amended and Restated Development Agreement to provide for an earlier release of the restrictions in such agreement pertaining to a future Los Angeles Convention Center expansion parcel in the event that a new convention and exhibition structure is constructed to replace the existing Los Angeles Convention Center West Hall as part of the Convention and Event Center Project, approved immediately prior to this action, and does not otherwise affect the parties' obligations under the Development Agreement. The amendment process was initiated by L.A. Arena Land Company, LLC and all proceedings have been taken in accordance with the City's adopted procedures.
 - D. The Convention and Event Center Project includes a redevelopment of the Convention Center with the construction of a new convention center building ("New Hall") and multi-purpose event center than could function as exhibit hall space ("Event Center") on the Convention Center site. The New Hall would

replace the outmoded West Hall with a modern facility contiguous to the existing South Hall. By creating a more efficient exhibit hall contiguous to the existing South Hall, the New Hall would enhance the marketability of the Convention Center, substantially improving the rank of the Convention Center, making it more competitive nationally. Further, the Event Center would complement and promote the Convention Center by providing a new multi-purpose room of a size that could function as exhibit hall space, meeting rooms or a ballroom with direct physical connections to the Convention Center, an amenity that the Convention Center cannot currently offer. As a result, construction of the New Hall would obviate the need for a Convention Center Expansion Parcel in the LASED Specific Plan area.

- E. The Amendment complies with all applicable City and State regulations governing development agreements.
- F. Pursuant to Section 65867.5 of the Government Code, the Amendment is consistent with the objectives, policies and programs specified in the City of Los Angeles General Plan, including the Central City Community Plan and the Los Angeles Sports and Entertainment Specific Plan.
- G. The Amendment will not be detrimental to the public health, safety and general welfare. Approval of the Amendment clarifies provisions in the Development Agreement regarding the location and timing of a future Los Angeles Convention Center expansion and does not otherwise affect the Applicants' obligations under the Development Agreement.
- H. The Amendment does not modify those provisions of the Development Agreement which specifically permit application to the Project of rules and regulations under City Municipal Code Section 91.0101 and 98.0606 relating to public health and safety.
- I. The Amendment is consistent with conditions of previous discretionary approvals for the subject property.
- J. The Amendment is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

Based upon the above findings, the Amendment to the Development Agreement is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

ENVIRONMENTAL FINDING

1. The findings with respect to Environmental Impact Report (EIR No. 2011-0585-EIR; State Clearinghouse No. 2011031049) set forth in Case No. CPC-2012-0849-GPA-VZC-SP-SN at pages F-58 through the end (CEQA Findings), are incorporated by this reference as though fully set forth herein.