



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; <http://planning.lacity.org/>

LETTER OF DETERMINATION

Mailing Date: MAR 2 1 2016

CASE NO.: CPC-2007-253-DA-M1
CEQA: ENV-2007-254-EIR

Location: 100 Universal City Plaza
Council District: 4 – Ryu
Plan Area: Sherman Oaks-Studio City-
Cahuenga Pass-Toluca Lake
Request: Amendment to Development
Agreement

Applicant: City of Los Angeles

At its meeting of February 25, 2016, the Los Angeles City Planning Commission took the following action:

1. **Approved** the amended Development Agreement between Universal Studios, LLC and the City of Los Angeles adopted by Ordinance No. 182,437 on February 5, 2013.
2. **Adopted** the attached Findings.
3. **Advised** the Property Owner that, pursuant to the California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions 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.
4. **Advised** the Property Owner that, pursuant to the State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption will be required to be submitted to the County Clerk prior to or concurrent with any Environmental Notice of Determination filing, if a Notice of Determination is filed.

Recommendations to City Council:

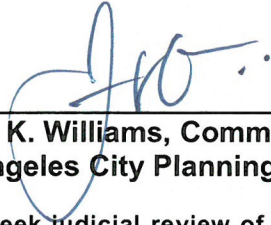
1. **Recommend** that the City Council **approve** the amended **Development Agreement** between Universal Studios, LLC and the City of Los Angeles adopted by Ordinance No. 182,437 on February 5, 2013.
2. **Recommend** that the City Council **FIND** on the basis of substantial evidence contained in the whole record, that since certification of the Environmental Impact Report (EIR), **ENV-2007-254-EIR** (SCH No. 2007071036), on November 14, 2012, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project.

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: Perlman
Seconded: Ambroz
Ayes: Ahn, Katz, Mack, Millman, Padilla, Dake-Wilson
Absent: Choe

Vote: 8 - 0



**James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Amendment to Development Agreement, Findings
Sr. City Planner: Elva Nuno -O'Donnell

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT**

by and between

THE CITY OF LOS ANGELES

and

UNIVERSAL STUDIOS LLC

dated as of

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (“First Amendment”) is executed this _____ day of _____, 2016, by and between the CITY OF LOS ANGELES, a municipal corporation (“City”), and Universal Studios LLC, a Delaware Limited Liability Company (“Universal” or the “Property Owner”) pursuant to California Government Code Section 65864 *et seq.*, and the implementing procedures of the City, with respect to the following:

RECITALS

WHEREAS, the City and Universal entered into that certain Development Agreement (C-121996; CF 12-1657; CPC Case No. 2007-253-DA) dated April 5, 2013, and recorded on April 10, 2013, in the Official Records of Los Angeles County, State of California as Instrument No. 20130533327 (the “Agreement”) after adoption by the City Council of Ordinance No. 182,437 on February 5, 2013; and

WHEREAS, the Agreement governs the expansion and development of certain real property owned by Property Owner within the City (commonly known as Universal City); and

WHEREAS, the Agreement provides for the implementation of public benefits above and beyond the necessary mitigation for the project, including funding in the amount of \$250,000 in 4 equal annual installments of \$62,500 to a City segregated fund for neighborhood protection for the Outpost community (in the amount of \$50,000); and (ii) neighborhood improvements and beautification for Cahuenga Boulevard (in the amount of \$200,000), pursuant to Section 4.1.3.13 of the Agreement; and

WHEREAS, Universal has deposited funds totaling \$137,500 into said City segregated fund for the implementation of the aforementioned public benefits; and

WHEREAS, the City and Universal desire to expedite the implementation of the neighborhood projects contemplated under Section 4.1.3.13 of the Agreement, such that Universal will immediately provide the \$250,000 in funds required under Section 4.1.3.13 directly to the respective neighborhood communities, and the City wishes to reimburse Universal for the \$137,500 in funds deposited.

AGREEMENT

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Act, as it applies to the City, and in consideration of the mutual promises and covenants herein contained and other valuable consideration the receipt and adequacy of which the Parties hereby acknowledge, the Parties mutually agree to amend the Agreement as follows:

1. Incorporation into Agreement. This First Amendment is hereby incorporated into the Agreement such that the references to the “Agreement” or the “Development Agreement” in the Agreement’s text shall hereafter also include this First Amendment. Unless otherwise set forth or modified herein, all capitalized terms used in this First Amendment shall have the same meaning as provided in the Agreement.

2. Definition. The following definition shall apply in the Agreement and this First Amendment:

a. **Amendment Date.** The “Amendment Date” means the date on which this First Amendment is attested by the City Clerk of the City of Los Angeles after execution by the Property Owner and the Mayor of the City of Los Angeles.

3. Amendment to Section 4.1.3.13. Section 4.1.3.13 is hereby amended and restated in full as follows:

“13. Property Owner shall provide funding in the amount of \$250,000 to designated neighborhood organizations as follows: (i) for neighborhood protection for the Outpost community, the amount of \$50,000 payable to the Outpost Homeowners Association; and (ii) for neighborhood improvements and beautification for Cahuenga Boulevard, the amount of \$200,000 payable to the Cahuenga Pass Property Owners Association.”

4. Refund of Previously Deposited Funds. Property Owner shall provide the funding to the designated organizations set forth in Section 4.1.3.13 no later than upon thirty (30) days following the Amendment Date. City shall reimburse to Universal funds held by the City in the amount of \$137,500, previously deposited by Property Owner, for neighborhood protection in the Outpost community and neighborhood improvements and beautification for Cahuenga Boulevard, pursuant to motions previously approved by the City Council (CF 12-1657-S3 and CF 12-1657-S7). Property Owner shall provide to City copies of (a) the letters transmitting the payments to the designated organizations and (b) the checks made out to the designated organizations within 30 days of Property Owner making such payments.

5. Recordation. As provided in Government Code Section 65868.5, a copy of this First Amendment shall be recorded with the Registrar-Recorder of the County of Los Angeles within ten (10) days following the Amendment Date. Property Owner shall provide the City Clerk with the fees for such recording prior to or at the time of such recording should the City record the First Amendment.

6. Other Terms and Conditions. All other terms and conditions of the Agreement shall remain unchanged.

[signatures on following page]

ORDINANCE NO. _____

An ordinance authorizing the execution of an amendment to the Development Agreement by and between the City of Los Angeles (City) and Universal Studios LLC, adopted by Ordinance No. 182,437, relating to real property in the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan area and located at 100 Universal City Plaza, Studio City, California 91608.

WHEREAS, the City and Universal Studios LLC entered into that certain Development Agreement dated April 5, 2013 (C-121996; CF 12-1657, CPC Case No. 2007-253-DA), and recorded on April 10, 2013, in the Official Records of Los Angeles County, State of California as Instrument No. 20130533327 (Development Agreement), after adoption by the City Council of Ordinance No. 182,437 on February 5, 2013;

WHEREAS, the Development Agreement required Universal Studios to provide payments to a City segregated fund in amounts totaling \$250,000 for funding of public benefit improvements in the Outpost community and for Cahuenga Boulevard;

WHEREAS, on December 11, 2015, the City Council approved a motion (CF 12-1657-S10) initiating an amendment to the Development Agreement to enable Universal Studios to pay for the public benefits allocated to the Outpost and Cahuenga Boulevard communities directly to the Outpost Homeowners Association and Cahuenga Pass Property Owners Association, respectively, and to reimburse Universal any amounts previously deposited into City segregated funds held for such public benefit improvements (the Amendment);

WHEREAS, the Amendment is hereby incorporated by reference into the provisions of this ordinance;

WHEREAS, after due notice, the City Planning Commission and the City Council did conduct public hearings on this matter;

WHEREAS, pursuant to California Government Code Sections 65864, *et seq.*, the City Planning Commission has transmitted to City Council its findings and recommendations;

WHEREAS, the Amendment is in the public interest and is consistent with the City's General Plan, including the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan; and

WHEREAS, the City Council has reviewed and considered the Amendment and the findings and recommendations of the City Planning Commission.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The City Council finds, with respect to the Amendment, that:

(a) It is consistent with the objectives, policies and programs specified in the General Plan, including the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan, and is compatible with the uses authorized in, and the regulations prescribed for, the specific plan and zone in which the real property is located;

(b) It will not be detrimental to the public health, safety and general welfare because it encourages the construction of a project that is desirable and beneficial to the public;

(c) It complies with all applicable City and State regulations governing development agreements;

(d) It is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

Section 2. The City Council hereby approves the Amendment and authorizes and directs the Mayor to execute the Amendment in the name of the City of Los Angeles.

FINDINGS

1. Pursuant to State Government Code Section 65868, and Section 7.8 of the City of Los Angeles and Universal Studios LLC Development Agreement, a development agreement may be amended by mutual consent of the parties. A motion was adopted by City Council on December 11, 2015 instructing an amendment (official action of the City Council issued on December 17, 2015). Universal Studios has provided documentation verifying their consent to the amendment.
2. The City of Los Angeles ("City") has adopted rules and regulations establishing procedures and requirements for consideration of development agreements under Citywide Development Agreement Procedures (CF 85-2313-S3). In addition, on November 19, 1992, the City Planning Commission adopted new guidelines for the processing of development agreement applications (CPC No. 86-404 MSC).
3. In accordance with Section 12.32 of the LAMC and California Government Code Section 65867, notification in the form of approximately 2,731 notices, within a 500 foot radius of the Project Site, were mailed out on January 25, 2016 to all occupants and property owners, neighborhood council and others as identified in the mailing affidavit located in the administrative record. Further, notice of the public hearing was also published in the Daily Journal on January 28, 2016; verification of which is provided in the administrative record. In accordance with Section 12.32 C 4(c), posting for the site is not required for the public hearing as this First Amendment was initiated by the City Council and not an applicant.
4. Pursuant to Section 65867.5 of the Government Code, the proposed First Amendment to Development Agreement is consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, including the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass Community Plan adopted by City Council on May 13, 1988 (CF 97-0704). Orderly development of the Project Site is further governed by Zone Change Ordinance 182,231 ([Q]C2-1-SN) and a general plan amendment (Regional Commercial) adopted by resolution on November 14, 2012 by the City Council. The Project Site is not located within a City controlled specific plan.
5. The Transportation Element of the General Plan (adopted by City Council on January 16, 2016) will not be affected by the recommended action herein. The amendment request is to amend the deposit instructions in Section 4.1.3.13 of the Development Agreement. This amendment is administrative and technical in nature and will have no impact on the previously approved project under Environmental Impact Report ENV-2007-254-EIR (State Clearinghouse No. 2007971036) certified by the City Council on November 14, 2012 or the Transportation Element of the General Plan. The scope of the project has not changed. The proposed First Amendment to Development Agreement will not be detrimental to the public health, safety and general welfare. Approval of the First Amendment to Development Agreement will promote the expeditious delivery of public benefit monies directly from Universal Studios LLC to the Outpost and Cahuenga Pass Communities and is therefore consistent with the Transportation Element.
6. The proposed First Amendment to Development Agreement complies in form and substance with all applicable City and State regulations governing development agreements.

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

8. **CEQA FINDINGS**

On the basis of substantial evidence contained in the whole record, that since certification of the Environmental Impact Report of the Environmental Impact Report (EIR), ENV-2007-254-EIR (SCH No. 2007071036), on November 14, 2012, (including adoption of the Mitigation and Monitoring Program and Statement of Overriding Consideration) there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project. Further, pursuant to the California State Public Resources Code Section 21081.6, the Property Owner (Universal Studios LLC) has been advised that the City shall continue to monitor or require evidence that mitigation conditions 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.

The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, Environmental Review Section, 200 North Spring Street, Room 750, Los Angeles California 90012. This information is provided in compliance with CEQA Section 21081.6 (a)(2).¹

¹ See comprehensive California Environmental Quality Act Findings and Statement of Overriding Considerations located in the administrative file (Case Nos. CPC-2007-251-GPA-ZC-SP-SPA-CA, ENV-2007-254-EIR, CPC-2007-252-AD and CPC 2007-253-DA) at the Department of City Planning, Environmental Review Section, 200 North Spring Street, Los Angeles, CA 90012.

DETERMINATION MAILING
CPC-2007-253-DA-M1
MAILING DATE: March 21, 2016

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