

ORDINANCE NO. 184445

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.

Sec. 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.


Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG 09 2016.

HOLLY L. WOLCOTT, City Clerk

By  Deputy

Approved AUG 17 2016

By  Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
LAURA CADOGAN HURD
Deputy City Attorney

Date June 13, 2016

File No. 12-1657-S12

DECLARATION OF POSTING ORDINANCE

I, JUAN VERANO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 184445 – Authorizing the execution of an amendment to the Development Agreement by and between the City of Los Angeles and Universal Studios LLC, adopted by Ordinance No. 182437, 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 – a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on August 9, 2016, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on August 19, 2016 I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on August 19, 2016 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19th day of August 2016 at Los Angeles, California.



Juan Verano, Deputy City Clerk

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 four 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.

First Amendment to Development 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]

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to the Agreement to be executed by their duly authorized representatives:

CITY OF LOS ANGELES, a municipal corporation of the State of California

APPROVED AS TO FORM:

MIKE FEUER, City Attorney

By: _____
ERIC GARCETTI, Mayor

By: _____
LAURA CADOGAN HURD
Deputy City Attorney

Date: _____

Date: _____

UNIVERSAL STUDIOS LLC, a Delaware Limited Liability Company

ATTEST:

HOLLY L. WOLCOTT, City Clerk

By: _____
CORINNE VERDERY
Chief Real Estate Development Officer

By: _____
[], Deputy Clerk

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
GEORGE J. MIHLSTEN, Esq.
Latham & Watkins LLP

Date: _____