

ORDINANCE NO. 183411

An ordinance authorizing the execution of a First Amendment to Development Agreement by and between the City of Los Angeles and Century City Realty, LLC, a Delaware limited liability company (Developer), relating to real property in the Century City community of the City of Los Angeles at 10131 Constellation Boulevard.

WHEREAS, the City and Developer entered into a Development Agreement dated September 16, 2009 (CPC-2009-817-DA / Council File 09-1164), and recorded in the Official Records of Los Angeles County, California as Instrument No. 20091429410 on September 18, 2009, after adoption by the Los Angeles City Council as Ordinance No. 180,765 (the Original Agreement), pursuant to California Government Code Section 65864, *et seq.*, and the implementing procedures of the City;

WHEREAS, the Original Agreement contemplated development of a high density residential complex known as Constellation Park (the Approved Project);

WHEREAS, Developer has requested that the City modify the Original Agreement to enable the development of a 37-story office tower and ancillary commercial facilities as an alternative to the Approved Project;

WHEREAS, the City Planning Commission on June 12, 2014, recommended that the City Council approve the First Amendment to Development Agreement by and between the City of Los Angeles and Developer (the Amendment);

WHEREAS, on September 16, 2014, the City's Planning Land Use and Management Committee requested an ordinance approving the execution of the Amendment, which is attached to Council File No. 14-1130, which Amendment is hereby incorporated by reference and which is hereby incorporated 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 Section 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 as well as the West Los Angeles Community Plan, the Century City North Specific Plan and the West Los Angeles Transportation Improvement and Mitigation Specific 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 City's General Plan and policies and programs specified in the West Los Angeles Community Plan, the Century City North Specific Plan and the West Los Angeles Transportation Improvement and Mitigation Specific Plan, and is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;

(b) The intensity, building height and use set forth in the Amendment are permitted by, or are consistent with, the West Los Angeles Community Plan, the Century City North Specific Plan and the West Los Angeles Transportation Improvement and Mitigation Specific Plan;

(c) 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. Furthermore, the Amendment specifically permits application to the project of rules and regulations under Los Angeles Municipal Code Sections 91.101.1 to 98.0605 relating to public health and safety;

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

(e) 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 JAN 27 2015.

HOLLY L. WOLCOTT, City Clerk


By 
Deputy

Approved JAN 29 2015


Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
LAURA CADOGAN HURD
Deputy City Attorney

Date November 21, 2014

File No. CF 14-1130 -51

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

November 21, 2014

See attached report.


Michael LoGrande
Director of Planning

DECLARATION OF POSTING ORDINANCE

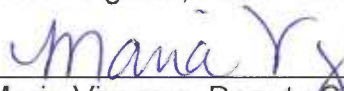
I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 183411 – Authorizing the execution of a First Amendment to Development Agreement by and between the City of Los Angeles and Century City Realty, LLC located at 1950 Avenue of the Stars (10131 Constellation Boulevard) - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on January 27, 2015, 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 January 30, 2015 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 January 30, 2015 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 30th day of January, 2015 at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: March 11, 2015

Council File No. 14-1130-S1

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT
by and between
THE CITY OF LOS ANGELES
and
CENTURY CITY REALTY, LLC.**

dated as of

WHEREAS, the implementation of the Project Approvals and related actions will allow further development of either the Enhanced Retail Alternative or the Approved Project consistent with the objectives of the respective projects;

FIRST AMENDMENT

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 agree as follows:

1. **Incorporation into Agreement.** This First Amendment is hereby incorporated into the Agreement such that 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. **Definitions.** The following definitions 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.

b) **First Amendment.** The "First Amendment" means this First Amendment to the Development Agreement by and between the City of Los Angeles and Century City Realty, LLC (CPC-2009-817-DA-M1; Council File 14-1130).

c) **Project.** The "Project" as originally defined in Section 1.22 of the Agreement and described in Exhibit C of the Agreement is hereby revised to allow, as an alternative to the Project already defined, the development of the Enhanced Retail Alternative described in Exhibit 1 attached hereto and incorporated herein by reference. The revised definition shall read **as follows:**

1.22 "Project" means **the following as described in the Project Approvals: (1) development within the City on the Property as described in Exhibit C, including, but not limited to, construction of 483 residential condominium units in three buildings, subterranean parking facilities, open space and related amenities ("Approved Project"); or, as an alternative, (2) development within the City on the Property as described in Exhibit 1 to the First Amendment, including, but not limited to, construction of one 37-story, 700,000 square foot office building, low-rise one- and two-story office space, a Transit Plaza, public open space, ancillary retail uses, a Mobility Hub, and a partially subterranean parking facility (the "Enhanced Retail Alternative"), as described in the Project Approvals.**

First Amendment to Development Agreement

d) FSEIR. "FSEIR" means the Final Subsequent Environmental Impact Report for the Enhanced Retail Alternative, State Clearing House No. 2005051145, certified by the City in accordance with the requirements of CEQA.

e) Project Approvals. The definition of "Project Approvals" as set forth in Section 1.23 of the Agreement is hereby revised to mean, as applied to the Enhanced Retail Alternative, those Discretionary Actions authorizing the Enhanced Retail Alternative which have been approved by the City on or before the Amendment Date. The revised definition shall read **as follows:** ~~These Project Approvals include, but are not limited to, certification of the Enhanced Retail Alternative's FSEIR and approval of Project Permit Compliance Review and Alternative Calculation of Trip Generation Factors pursuant to Section 6 of the Century City North Specific Plan, all as adopted by the City. These Project Approvals are listed in Exhibit 2, Enhanced Retail Alternative Project Approvals.~~

1.23 "Project Approvals" means **(1) as applied to the Approved Project,** those Discretionary Actions authorizing the **Approved Project** which have been approved by the City on or before the Effective Date and not rescinded or superseded by City action taken on or before the Effective Date, **and (2) as applied to the Enhanced Retail Alternative, those Discretionary Actions authorizing the Enhanced Retail Alternative which have been approved by the City on or before the Amendment Date and not rescinded or superseded by City action taken on or before the Amendment Date.** Project Approvals include, but are not limited to, **(1) for the Approved Project,** certification of the FEIR and approval of Site Plan Review, Project Permit Compliance Review, and the Vesting Tentative Tract Map, all as adopted by the City on November 29, 2006, and all subsequent extensions thereto, **and (2) for the Enhanced Retail Alternative,** **certification of the FSEIR and approval of Project Permit Compliance Review and Alternative Calculation of Trip Generation Factors pursuant to Section 6 of the Century City North Specific Plan, all as adopted by the City on [DATE], and all subsequent extensions thereto.** The Project Approvals are listed in Exhibit D, Project Approvals, **for the Approved Project, and in Exhibit 2 to the First Amendment, Enhanced Retail Alternative Project Approvals, for the Enhanced Retail Alternative.**

f) Applicable Rules. The definition of "Applicable Rules" as set forth in Section 1.2 of the Agreement is hereby revised **as follows:** ~~also to mean, as applied to the Enhanced Retail Alternative, the rules, regulations, ordinances and officially adopted policies of the City in full force and effect as of the Amendment Date which are generally applicable to all or some properties within the City. The "Applicable Rules" as defined in this First Amendment shall apply only to the Enhanced Retail Alternative, the Project~~