

ORDINANCE NO. _____

An ordinance authorizing the execution of the development agreement by and between the City of Los Angeles and Paramount Studios Corporation, a Delaware limited liability company relating to real property in the Hollywood Community Plan area, and located at 5555 W. Melrose Avenue and ancillary locations.

WHEREAS, the City Planning Commission on July 14, 2016, approved and recommended that the City Council approve the development agreement which is attached to Council File No. _____ by and between the City of Los Angeles and _____ (Development Agreement) which Development Agreement is hereby incorporated by reference and which is hereby incorporated into the provisions of this ordinance; and

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

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

WHEREAS, the Development Agreements is in the public interest and is consistent with the City's General Plan, the Hollywood Community Plan and the Wilshire Community Plan; and,

WHEREAS, the City Council has reviewed and considered the Development Agreement 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 Development Agreement, that:

(a) It is consistent with the City's General Plan, policies and programs specified in the Hollywood Community Plan and the Wilshire Community 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 uses set forth in the development agreement are permitted by or are consistent with the Hollywood Community Plan and the Wilshire Community Plan;

(c) It will not be detrimental to the public health, safety and general welfare since it encourages the construction of a project which is desirable and beneficial to the public. Furthermore, the development agreement specifically permits application to the project of rules and regulations under the Los Angeles Municipal Code Section 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 to reduce the public and private costs of development uncertainty.

Sec. 2. The City Council hereby approves the Development Agreement, and authorizes and directs the Mayor to execute the Development Agreement in the name of the City of Los Angeles.

FINDINGS

- State Government Code Sections 65864 through 65869.5 authorize municipalities to enter into binding development agreements with persons having legal or equitable interest in real property for the development of such property.
- 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).
- In accordance with Section 12.32 of the LAMC and California Government Code Section 65867, public hearing notification, within a 500 foot radius of the Project, was mailed out on April 14, 2016, to all occupants, property owners, interested parties and neighborhood councils. Further, notice of the public hearing was published on April 19, 2016 in the Daily Journal; verification of which is provided in the administrative record. In accordance with 12.32 C 4(c), posting for the site was done on May 5, 2016.
- The Applicant has requested that the City consider entering into a development agreement (the "Development Agreement"). The development agreement process was initiated by the Applicant, and all proceedings will take place in accordance with the City's adopted procedures.
- Pursuant to Section 65867.5 of the Government Code, the proposed Development Agreement is consistent with the objectives, policies and programs specified in the General Plan. The subject property is regulated under the Hollywood Community Plan, adopted by City Council on April 1, 2014 (CF 12-303-S4) and Wilshire Community Plan, adopted by City Council on September 19, 2001 (CF 01-1366) (the "Community Plans"), components of the Land Use Element of the General Plan (the "General Plan") and the Paramount Pictures Specific Plan (the "Specific Plan"). With approval of the requested general plan amendment, zone change, code amendment and establishment of the Paramount Pictures Specific Plan pursuant to CPC-2011-2459-GPA-ZC-SP-SN-CA and TT-71751 (TT-71751-1A), the Project will be regulated by, and will be consistent with, the Specific Plan. The Development Agreement, which will vest the development rights of the Project, will be consistent with the General Plan, the Community Plans and the proposed Specific Plan. The Project will be developed in accordance with the design standards of the Specific Plan.

The Development Agreement is consistent with the provisions of the Citywide General Plan Framework Element. These provisions include Goal 3J to provide job opportunities for the City's residents and maintain the City's fiscal viability, Objective 3.14 to provide land and supporting services for the retention of an existing industry,

and Policy 3.14.2 to facilitate the clustering of industries and supporting uses, including movie/ television /media production. In addition, the Development Agreement is consistent with Framework Element Objective 5.2 to encourage development along an existing commercial corridor served by transit. Further, the Development Agreement is consistent with Framework Element Objective 7.3 and Policy 7.3.7, to retain the City's existing businesses and industries.

- The Development Agreement is administrative and technical in nature and will have no impact on the Project under the Environmental Impact Report ENV-2011-2460-EIR (State Clearinghouse No. 2011101035) to be certified by the City Council upon their consideration of the General Plan Amendment, Zone Change, Paramount Pictures Specific Plan and Code Amendment. The proposed Development Agreement will provide public benefits not otherwise obtainable, and for which no nexus exists under the Project's environmental clearance, that will benefit the surrounding residents of the site and the City as a whole.
- The proposed Development Agreement will not be detrimental to the public health, safety and general welfare. The Development Agreement includes provisions which specifically permit application to the Project of rules and regulations as necessary to protect public health and safety. The proposed studio-related uses, office spaces, production support facilities, circulation improvements, parking facilities, and pedestrian-oriented, landscaped areas would contribute to the public necessity, convenience and general welfare by supporting and enhancing the entertainment industry within Hollywood, providing new job opportunities within proximity to transit corridors, enhancing the appearance of an existing use, improving parking and circulation, and providing landscaped open space.
- The proposed Development Agreement vests the Applicant's rights to develop the Property as delineated in the discretionary approvals requested concurrently. The proposed Development Agreement provides assurances that the Project will proceed in accordance with all applicable rules, regulations, and conditions, and strengthens the public planning process by encouraging private participation in comprehensive planning and reducing the economic costs of development to the Applicant and the public. The proposed Development Agreement provides assurance of a comprehensive development plan that is consistent with all applicable provisions of the City's Municipal Code as well as the proposed amendment to the General Plan.
- The proposed Development Agreement will ensure the orderly development of the subject property in accordance with good land use practice. As discussed above, the Project is consistent with the policies and provisions of the General Plan, the Hollywood Community Plan, the Wilshire Community Plan, and the Los Angeles Municipal Code. Accordingly, the proposed Development Agreement is consistent with good land use practice.
- The proposed Development Agreement complies in form and substance with all applicable City and State regulations governing development agreements. The proposed Development Agreement further complies with the guidelines adopted by the City:

- When to use. As a Project with multiple buildings to be built over a period of several years, the proposed Project could be exposed to a substantial hardship if its implementation was to be governed by changing and different rules, ordinances, and policies.
 - Term. The requested 22-year term provides a reasonable time frame to permit the development of the Project and to accommodate potential changes in the development build-out time frame caused by fluctuations in market conditions.
 - Processing. The proposed Development Agreement is being processed concurrently with the General Plan amendment, zone change, code amendment, establishment of Paramount Pictures Specific Plan, tract map, and other applications which will regulate the property.
 - Public Benefits. The proposed Development Agreement sets forth the additional public benefits to be provided.
- The proposed Development Agreement contains all of the provisions, terms, and conditions which, in addition to those required by law, are deemed to be necessary and or desirable in order to implement the City's General Plan.

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

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in the 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 _____.

HOLLY L WOLCOTT, City Clerk

by _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____

LAURA M. CADOGAN HURD
Deputy City Attorney

Date: _____

File No. _____

Pursuant to Charter Section 559, I
approve/disapprove this ordinance on
behalf of the City Planning Commission
and recommend that it **be adopted/not be
adopted**.....

[DATE]

See attached report.

Vincent P. Bertoni, AICP
Director of Planning