



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: September 28, 2017
Time: 8:30 a.m.*
Place: Van Nuys City Hall
Council Chamber, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91404

Public Hearing: August 15, 2017
Appeal Status: Not further appealable

Staff Contact: Luciralia Ibarra
(213) 978-1378
Luciralia.ibarra@lacity.org

Case No.: CPC-1990-439-DA-M2
CEQA No.: EIR 88-0026(SP)(ZC)(PA)
(SCH No. 88050420);
ENV-2011-1312-ND

Incidental Cases: N/A
Related Cases: CPC-1990-439-DA;
CPC-1990-439-DA-M1

Council No.: 12
Plan Area: Chatsworth-Porter Ranch
Specific Plan: Porter Ranch Land
Use/Transportation
Certified NC: Porter Ranch

Zone: OS-1XL, A1-2D, (T)RE20-1,
RE-1, (T)RE-1, RZ4-1,
(T)RZ4-1, (T)C2-2D, [T]C2-
4, PF-1XL

Applicant: Porter Ranch Development
Company

Representative: Tom Stemnock, Planning
Associates, Inc.

PROJECT

LOCATION: 19701 Rinaldi Street

PROPOSED PROJECT:

Amendment to the Development Agreement between the City of Los Angeles and the Porter Ranch Development Company, to amend Section V-2(o)(iii), to permit the expansion of the area by which an Equestrian Staging Area can be located, and; to amend Section VII-J to extend the Term for an additional four (4) years to expire December 31, 2017 in lieu of the current term, set to expire December 31, 2017.

REQUESTED ACTION:

1. Based on the whole of the administrative record, that the project was assessed in the previously certified Environmental Impact Report No. ENV. No. 88-0026(SP)(ZC)(DA), certified on July 10, 1990, as supplemented by Addendums dated April 2000, September 2000, October 2006, and August 16, 2016; and no subsequent EIR, negative declaration, or addendum is required for approval of the project.
2. Pursuant to Section 65868 (Amendment) and Sections 65864-65869.5 of the California Government Code and the City of Los Angeles' implementing procedures, **Approval** of an Amendment of the Development Agreement between Porter Ranch Development Company and the City of Los Angeles as approved by Ordinance No. 166,068, and per the First Amendment as approved by Ordinance No. 171,568;
3. **Advise** the Applicant 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; and
4. **Advise** the Applicant 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.

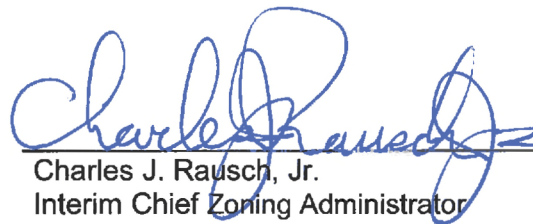
RECOMMENDED ACTIONS:

1. Recommend that the City Council **FIND**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in EIR No. 88-0026(SP)(ZC)(PA) SCH No.88050420 certified on July 10, 1990; and pursuant to CEQA Guidelines 15162 and 15164, and as supported by Addendums dated April 2000, September 2000, October 2006, and August 16, 2016, no major revisions are required to the EIR and no subsequent EIR, negative declaration, or addendum is required for approval of the project;
2. **Approve** and Recommend that the City Council approve the amended Development Agreement between Porter Ranch Development Company and the City of Los Angeles adopted by Ordinance Nos. 166,068 and 171,568;
3. **Adopt** the attached Findings;
4. **Advise** 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;
5. **Advise** 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.

VINCENT P. BERTONI, AICP
Director of Planning



Luciralia Ibarra, Senior City Planner
Telephone: (213) 978-1378



Charles J. Rausch, Jr.
Interim Chief Zoning Administrator

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1295.

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PROJECT ANALYSIS

Project Summary

The proposed second amendment to the Development Agreement between the City of Los Angeles and Porter Ranch Development Company proposes amendments to two provisions: (1) modified language relative to the location of an equestrian staging area; and, (2) an extension of the term.

Background

January 3, 1992: The Development Agreement between the City of Los Angeles and the Porter Ranch Development Company (comprised of Shapell Industries, Inc. and Liberty Building Company) was first adopted by Ordinance No. 167,523 (Original Development Agreement).

April 18, 1997: The City of Los Angeles approved an amendment (First Amendment) to the Development Agreement, adopted by Ordinance No. 171,568, allowing an adjustment in the development within a portion of property covered by Tract Map No. 52154, to reflect a reduction in the amount of unused nonresidential floor area that would be developed by approximately 1,375,000 square feet and for the funding of a cooperative planning process to review development entitlements permitted in the Regional Center area of the Porter Ranch Specific Plan.

March 21, 2001: Following the cooperative planning process, the City of Los Angeles adopted Ordinance No. 173,871 changing the zoning within the Specific Plan Area, Ordinance No. 173,872 amending the Specific Plan, and Ordinance No. 173,873 approving the First Amended and Restated Development Agreement.

July 25, 2008: The City of Los Angeles approved an amendment to the Development Agreement (2008 Amended and Restated Development Agreement), adopted by Ordinance No. 180,084 to implement Specific plan changes, provide for the anticipated School Agreement regarding a New School Site, and make appropriate and/or corresponding adjustments to the development rights and obligations of the First Amended and Restated Development Agreement.

May 26, 2015: The City of Los Angeles approved an amendment to the Development Agreement (Amendment), adopted by Ordinance No. 183,579, extending the term of the Development Agreement to expire on December 31, 2017.

Equestrian Staging Area:

The Development Agreement included a public benefit for the location of an equestrian staging area, which reads:

V. OBLIGATIONS OF PORTER RANCH.

A. Specific Plan Requirements.

2. Developments and Improvements To Be Assured By Development Agreements.

o. Accelerated Improvements

- iii. Equestrian Staging Area. Prior to or concurrent with the issuance of a certificate of occupancy for a building permit for a Project located south of the 118 Freeway, Porter Ranch shall provide for the improvement of an equestrian staging area south of the 118 Freeway, at a location identified and provided by the City of Los Angeles, in consultation with the affected Council office(s). The improvement of property as an equestrian staging area may be

used as a set-off against the requirements of Section 17.12 of the Los Angeles Municipal Code for dedication of real property for park and recreational purposes, or for payment of an in lieu fee, in connection with the construction of any and all dwelling units within the Specific Plan Area.

In order to allow the City of Los Angeles to meet its obligations to facilitate the location of an appropriate Equestrian Staging Area, the proposed language would read as follows:

V. OBLIGATIONS OF PORTER RANCH.

A. Specific Plan Requirements.

2. Developments and Improvements To Be Assured By Development Agreements.

o. Accelerated Improvements

- iii. Equestrian Staging Area. Prior to or concurrent with the issuance of a certificate of occupancy for a building permit for a Project located south of the 118 Freeway, Porter Ranch shall provide for the improvement of an equestrian staging area south in the vicinity of the 118 Freeway, at a location identified and provided by the City of Los Angeles, in consultation with the affected Council office(s). The improvement of property as an equestrian staging area may be used as a set-off against the requirements of Section 17.12 of the Los Angeles Municipal Code for dedication of real property for park and recreational purposes, or for payment of an in lieu fee, in connection with the construction of any and all dwelling units within the Specific Plan Area.

Term:

The Development Agreement for the project, defined the term in Section VII-J provides that the term shall expire on December 31, 2017.

The current provisions state:

VII. GENERAL PROVISIONS

J. Term.

The term of this Amended Agreement (“Term”) shall commence on the Effective Date and shall expire on December 31, 2017, unless said Term is otherwise terminated, modified or extended by circumstances set forth in this Amended Agreement or by mutual consent of the parties hereto. Following the expiration of this Term, this Amended Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Project Site approved concurrently with, or subsequent to, the Effective Date of this Amended Agreement. The Term of this Amended Agreement shall automatically be extended for the period of time of any actual delay resulting from any enactments pursuant to Sections IV.B.1 and IV.B.2 and moratoria to Section VI.C.

With the proposed amendment, the revised language to Section VII-J shall read as follows:

VII. GENERAL PROVISIONS

J. Term.

The term of this Amended Agreement (“Term”) shall commence on the Effective Date and shall expire on December 31, ~~2017~~ 2021, unless said Term is otherwise

terminated, modified or extended by circumstances set forth in this Amended Agreement or by mutual consent of the parties hereto. Following the expiration of this Term, this Amended Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Project Site approved concurrently with, or subsequent to, the Effective Date of this Amended Agreement. The Term of this Amended Agreement shall automatically be extended for the period of time of any actual delay resulting from any enactments pursuant to Sections IV.B.1 and IV.B.2 and moratoria to Section VI.C.

Issues

At the public hearing before the Hearing Officer, members of the public expressed the following comments and concerns:

- Clarification that no development at this time was being proposed
- The applicant representative summarized potential locations for the location of the equestrian staging area
- Expressed concerns about existing traffic

The Hearing Officer clarified that the applicant is not pursuing any development with the proposed amendment to the Development Agreement, and directed members of the public to the Porter Ranch Specific Plan for additional information as to any permitted development that has or will occur within the boundaries of the Specific Plan.

Conclusion

Planning staff recommends approval of the amendment to the Development Agreement in order to permit the City of Los Angeles to facilitate the location of an equestrian staging area per the existing public benefit provisions.

FINDINGS

1. Pursuant to State Government Code Section 65868 et seq., a development agreement may be amended by mutual consent of the parties.
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 3,709 notices, within a 500 foot radius of the Project Site, were mailed out on July 18, 2017 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 posted on the project site on August 4, 2017 identified in the proof of posting located in the administrative record.
4. Pursuant to Section 65867.5 of the Government Code, the proposed Second Amendment to Development Agreement is consistent with the objectives, policies, and programs specified in the City of Los Angeles General Plan, including the Chatsworth-Porter Ranch Community Plan adopted by City Council on September 4, 1993 (CF 91-1045-43). Orderly development of the Project Site is further governed by the Porter Ranch Land Use/Transportation Specific Plan adopted by City Council of July 10, 1990 (CF 86-2001-S2).
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 provisions of public benefits, expanding the location by which an equestrian staging area can be located, and extending the term an additional 4 years, to expire on December 31, 2021. 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 Amendment to the Development Agreement will not be detrimental to the public health, safety and general welfare. Approval of the Second Amendment to the Development Agreement will promote the expeditious delivery of public benefits and is therefore consistent with the Transportation Element.
6. The proposed 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 Amendment to Development Agreement is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

CEQA Findings

1. **Environmental Finding.** An Environmental Impact Report (EIR 88-0026-(SP)(ZC)(GPA) and related Addenda was prepared to analyze the potential environmental effects that could result from the construction of the project as adopted by the Specific Plan, as amended in 2006. The EIR identified mitigation measures, monitoring measures when

necessary, and alternatives which would mitigate the negative environmental effects of the project. Four other Addenda to the Certified EIR were prepared and adopted in conjunction with previous amendments to the Specific Plan (the Specific Plan was amended on the following dates: May 17, 2001, March 9, 2003, December 29, 2003, and September 9, 2008). The most recent Specific Plan Amendment modified the scope of the project by proposing a 4,000 square foot community room in lieu of a 2 acre site, government buildings, and library, as well as additional signage.

Staff is recommending the City Planning Commission find that based on the whole of the administrative record, that the previously certified Final Environmental Impact Report ("Final EIR") No. 88-0026-(SP)(ZC)(GPA) SCH No. 88050420 (previously certified on July 10, 1990), and previously adopted addendums are adequate environmental clearances when considering the proposed amendment to the term to the Development Agreement and language regarding the required equestrian staging area, and in exercising its independent judgment, determine that based upon substantial evidence that (1) no minor technical changes or additions to the Final EIR are necessary (Guidelines Section 15164(b)); and that (2) none of the conditions described in CEQA Guidelines, Section 15162 calling for the preparation of a subsequent EIR have occurred. Specifically, Staff recommends that City Planning Commission find that there are no substantial changes to the project or to the circumstances under which the project will be undertaken, and no new information has been submitted that was not available at the time the Final EIR was certified, or when previous addenda were prepared, that would require a subsequent EIR or major revisions to the Final EIR.

PUBLIC HEARING AND COMMUNICATIONS

A public hearing was conducted on August 15, 2017 10:00 a.m., at the Marvin Braude Municipal Building, in the First Floor Conference in Van Nuys.

The public hearing was attended by the applicant's representative, Tom Stemnock, members of the public, and a representative of Council Office 12.

The applicant's representative, Tom Stemnock, gave an overview of the proposed amendment, providing a brief summary of the applicant's and City's attempts to identify an appropriate and available site for an equestrian staging area.

At the public hearing before the Hearing Officer, members of the public expressed the following comments and concerns:

- Clarification that no development at this time was being proposed
- The applicant representative summarized potential locations for the location of the equestrian staging area
- Expressed concerns about existing traffic

After public comment, the Hearing Officer clarified that the applicant is not pursuing any development with the proposed amendment to the Development Agreement, and directed members of the public to the Porter Ranch Specific Plan for additional information as to any permitted development that has or will occur within the boundaries of the Specific Plan.

Communications:

There have been approximately 10 emails, letters, and phone calls from the public in regards to the proposed amendment. Most of the comments requested clarity as to the "project" and what development was being proposed, and expressed no opposition to the request upon understanding that no development was being proposed with the requested amendment.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Porter Ranch Development Co.
11280 Corbin Avenue
Porter Ranch, CA 91326

AMENDMENT TO
THE DEVELOPMENT AGREEMENT

This Amendment to Development Agreement (the "Amendment") is entered into as of the ___ day of _____, 2017 by and between the CITY OF LOS ANGELES, a municipal corporation (the "City") and PORTER RANCH DEVELOPMENT COMPANY, a joint venture ("Porter Ranch").

RECITALS

A. The City and Porter Ranch entered into that certain 2008 Amended and Restated Development Agreement by and between the City and Porter Ranch dated November 30, 2015, and recorded on December 7, 2015, in the Official Records of Los Angeles County, California as Instrument No. 2015-1531116 (the "Amendment to Development Agreement") after adoption by the City Council of Ordinance No. 183579 on May 20, 2015.

B. The Development Agreement currently expires by its terms on December 31, 2017.

C. The City and Porter Ranch wish to amend the Development Agreement, pursuant to Section VII.K thereof, to modify the provisions regarding the term of the Development Agreement to extend the term an additional four (4) years to December 31, 2021, and to amend Section V.A.2.o.iii to provide for the improvement of an equestrian staging area in proximity to the 118 Freeway.

NOW, THEREFORE, the City and Porter Ranch hereby agree to amend the Development Agreement as follows:

1. Section VII.J is hereby deleted and replaced in its entirety as follows:

VII.J. Term.

The term of this Amended Agreement ("Term") shall commence on the Effective Date and shall expire on December 31, 2021, unless said Term is otherwise terminated, modified or extended by circumstances set forth in this Amended Agreement or by mutual consent of the parties hereto. Following the expiration of this Term, this Amended Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Project Site approved concurrently with, or subsequent to, the Effective Date of this Amended Agreement. The Term of this Amended Agreement shall automatically be extended for the period of time of any actual delay resulting from any enactments pursuant to Sections IV.B.1 and IV.B.2 and moratoria pursuant to Section VI.C.

2. Section V.A.2.o.iii is hereby deleted and replaced in its entirety as follows:

Exhibit A

V.A.2.o.iii **Equestrian Staging Area.** Prior to or concurrent with the issuance of a certificate of occupancy for a building permit for a Project located south of the 118 Freeway, Porter Ranch shall provide for the improvement of an equestrian staging area in proximity to the 118 Freeway, at a location identified and provided by the City of Los Angeles, in consultation with the affected Council office(s). The improvement of property as an equestrian staging area may be used as a set-off against the requirements of Section 17.12 of the Los Angeles Municipal Code for dedication of real property for park and recreational purposes, or for payment of an in lieu fee, in connection with the construction of any and all dwelling units within the Specific Plan Area.

3. If any provision of this Amendment should be determined by a court to be invalid or unenforceable, the remaining provisions of this Amendment shall remain in full force and effect and continue to be binding on both parties.

Except as amended herein, the Development Agreement remains in full force and effect.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the parties have each executed this Amendment as of the date first above written,

APPROVED AS TO FORM:

_____, 2017

By: _____
Deputy City Attorney

By: _____
ERIC GARCETTI, Mayor

ATTEST:
HOLLY L. WOLCOTT, City Clerk

By: _____

PORTER RANCH DEVELOPMENT COMPANY, a
California joint venture

By: _____
Name: Frank Su
Title: Division Vice President

By: PRD Investors, Inc., a Delaware
Corporation, General Partner

By: _____
Name: Frank Su
Title: Division Vice President

ORDINANCE NO. _____

An ordinance authorizing the execution of an amendment to that certain 2008 Amended and Restated Development Agreement by and between the City of Los Angeles (City) and Porter Ranch Development Company (Developer) relating to real property in the Chatsworth-Porter Ranch Community Plan area within the area covered by the Porter Ranch Specific Plan, adopted by Ordinance No. 166,068, as amended.

WHEREAS, the 2008 Amended and Restated Development Agreement between the City and Developer was entered into on November 30, 2015, and recorded on December 7, 2015, in the Official Records of Los Angeles County, California as Instrument No. 2015-1531116 (Amendment to the Development Agreement) after adoption by the City Council of Ordinance No. 183,579 on May 20, 2015;

WHEREAS, on _____, the City Planning Commission recommended that the City Council approve an amendment to the Development Agreement to extend its term an additional four years from December 31, 2017 to December 31, 2021, and to amend Section V.A.2.o.iii to locate the Equestrian Staging Area in proximity to the 118 Freeway, which 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 its findings and recommendations;

WHEREAS, the Amendment is in the public interest and is consistent with the City's General Plan, including the Chatsworth-Porter Ranch Community Plan;

WHEREAS, the Amendment is hereby incorporated by reference into the provisions of this ordinance; 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 Chatsworth-Porter Ranch 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;

Exhibit B

(b) It will not be detrimental to the public health, safety and general welfare because it does not propose the construction of, or intensification of uses beyond those which are already permitted and covered by the Specific Plan and the Development Agreement. Furthermore, the Amendment does not modify those provisions of the Development Agreement that specifically permit application to the project of rules and regulations under Los Angeles Municipal Code Sections 57.01.01 and 91.0101 relating to public health and safety;

(c) It is desirable and beneficial to the public;

(d) 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 Second Amendment and authorizes and directs the Mayor to execute the Amendment in the name of the City of Los Angeles.

Section 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 _____.

HOLLY L. WOLCOTT, City Clerk

By _____

Approved _____

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
Deputy City Attorney

Date _____

File No. _____

