

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-1990-439-DA-M3	EIR No. 1988-0026(SP)(ZC)(PA) (SCH No. 88050420)	12 - Lee
PROJECT ADDRESS:		
Multiple addresses within the area covered by the Porter Ranch Land Use/Transportation Specific Plan		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Porter Ranch, Development Company 11280 Corbin Avenue Northridge, CA 91326	(818) 332-7233	nnorvilas@tollbrothers.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Nick Norvillas 11280 Corbin Avenue Northridge, CA 91326	(818) 332-7233	nnorvilas@tollbrothers.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Henry Phipps	(213) 847-3655	henry.phipps@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
DEVELOPMENT AGREEMENT (DA)		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☐ Mailing List
- ☐ Land Use
- ☒ Other _____

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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

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NOTES / INSTRUCTION(S):

Other: Staff Technical Modification presented to CPC

FISCAL IMPACT STATEMENT:☐ Yes☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
April 14, 2022	7 – 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	April 28, 2022



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: APRIL 28, 2022

Case No. CPC-1990-439-DA-M3

Council District: 12 – Lee

CEQA: EIR No. 1988-0026(SP)(ZC)(PA) (SCH No. 88050420)

Plan Area: Chatsworth-Porter Ranch

Project Site: Multiple addresses within the area covered by the Porter Ranch Land Use/Transportation Specific Plan

Applicant: Porter Ranch Development Company
Representative: Nick Norvillas

At its meeting of **April 14, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following amendment:

Third Amendment to the 2008 Amended and Restated Development Agreement between the City of Los Angeles and the Porter Ranch Development Company to extend the term of the Development Agreement to December 31, 2026.

1. **Found**, 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. 1988-0026(SP)(ZC)(PA) (SCH No. 88050420), certified on July 10, 1990, as modified by Addenda dated July 2000, September 2000, October 2006, and April 2016; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved** and **Recommended**, that the City Council approve, pursuant to the California Government Code Sections 65865-68869.5, a Third Amendment to the 2008 Amended and Restated Development Agreement between Porter Ranch Development Company and the City of Los Angeles adopted by Ordinance Nos. 166,068 and 167,523 as well as per Amendments as approved by Ordinance Nos. 171,568, 173,873, 180,084, 183,579, and 185,253; and
3. **Adopted** the attached Findings;

The vote proceeded as follows:

Moved: Choe
Second: Perlman
Ayes: Dake Wilson, Campbell, Lopez-Ledesma, Mack, Millman
Absent: Hornstock, Leung

Vote: 7 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

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.

Attachments: Findings, Draft Ordinance, Draft Development Agreement

c: Milena Zasadzien, Senior City Planner
Courtney Shum, City Planner
Henry Phipps, Planning Assistant

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 within a 300-foot radius of the Project Site, were mailed out on February 8, 2022 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 February 11, 2022; verification of which is provided in the administrative record.
4. Pursuant to Section 65867.5 of the Government Code, the proposed Third 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). The Project provides a wide array of benefits to the neighborhood and surrounding area, including new parkland, expansion of the region's access to public open space and facilities, a new school and library to further expand educational resources for residents, and senior housing and assisted living units. These provisions help create more amenities to help further the goals set forth in the General Plan by further increasing access to open space, educational facilities, housing, transportation infrastructure, cultural resources, and utilities.
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. This amendment is administrative and technical in nature and will have no impact on the previously approved project under Environmental Impact Report EIR No. 1988-0026(SP)(ZC)(PA) (SCH No. 88050420) certified by the City Council on July 10, 1990 or the Transportation Element of the General Plan. The scope of the project has not changed. The proposed Third Amendment to the Development Agreement will not be detrimental to the public health, safety and general welfare. Approval of the Third Amendment to the Development Agreement will promote the expeditious and guaranteed delivery of transportation public benefits, including the development of a Transportation Management Association and roadway expansions on major thoroughfares, and is therefore consistent with the Transportation Element.
6. The proposed Third 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 Third Amendment to Development Agreement is deemed consistent with public necessity, convenience, general welfare, and good zoning practice given the fulfillment of multiple benefits on behalf of the applicant.

The extension will give additional time to provide units of housing, open space, and equestrian trails for the region.

CEQA Findings

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the approval of the Project. There are no substantial changes to the Project, and it is substantially the same as the approved project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant

and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR and subsequent addenda, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

RECORD OF PROCEEDINGS

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. 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, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR, Final EIR, and Errata, are available for viewing. Due to government facility closures as a result of the COVID-19 crisis, the Draft and Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City for alternative modes to access the documents or to schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1450, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

ORDINANCE No. _____

An ordinance authorizing the execution of a Third 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 dated October 7, 2008, and recorded on August 10, 2008, in the Official Records of Los Angeles County, California as Instrument No. 2008-1821875 (the Development Agreement) after adoption by the City Council of Ordinance No. 180084 on July 25, 2008, which included a termination date of December 31, 2015;

WHEREAS, the City and Porter Ranch entered into that certain Amendment to Development Agreement dated November 30, 2015, and recorded on December 7, 2015, in the Official Records of Los Angeles County, California as Instrument No. 2015- 1531116 after adoption by the City Council of Ordinance No. 183,579 on May 20, 2015, which extended the termination date from December 31, 2015 to December 31, 2017;

WHEREAS, the City and Porter Ranch entered into that certain Second Amendment to Development Agreement dated November 30, 2015, and recorded on December 7, 2015, in the Official Records of Los Angeles County, California as Instrument No. 2017- 1520634 after adoption by the City Council of Ordinance No. 185,253 on November 21, 2017, which extended the termination date from December 31, 2017 to December 31, 2021;

WHEREAS, pursuant to Section VII.F of the Development Agreement, due to an enforced delay, Developer's time for performance was extended for an additional 15 months past the Development Agreement's original termination date of December 31, 2021;

WHEREAS, City and Developer wish to amend Section VII.J of the Development Agreement to extend its term to December 31, 2026 (the Amendment); 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;

(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;

(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.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

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

Space Above This Line for Recorder's Use

THIRD AMENDMENT TO
2008 AMENDED AND RESTATED
DEVELOPMENT AGREEMENT

This Third Amendment to the 2008 Amended and Restated Development Agreement (the "Amendment") is entered into as of the _ day of _____, 2022 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 October 7, 2008, and recorded on October 10, 2008, in the Official Records of Los Angeles County, California as Instrument No. 2008-1821875, after adoption by the City Council of Ordinance No. 180084 on July 25, 2008, as amended by that certain Amendment to Development Agreement dated as of November 30, 2015 and recorded in the Official Records of Los Angeles County on December 7, 2015, as Instrument No. 20151531116 after adoption by the City Council of Ordinance No. 183579 on May 20, 2015, as further amended by that certain Second Amendment to 2008 Amended and Restated Development Agreement dated as of December 28, 2017 and recorded in the Official Records of Los Angeles County on December 29, 2017, as Instrument No. 201715206634 after adoption by the City Council of Ordinance No. 185253 (the Development Agreement).

B. Pursuant to Section VII.F of the Development Agreement, due to an enforced delay, Developer's time for performance was extended for an additional 15 months past the Development Agreement's original termination date of December 31, 2021.

C. The City and Porter Ranch wish to amend Section VII.K of the Development Agreement to modify the provisions regarding the term of the Development Agreement to extend the term to December 31, 2026.

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, 2026 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 as well as moratoria pursuant to Section VI.C.

2. 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]

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