



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: August 25, 2016
Time: 8:30 a.m.*
Place: Van Nuys City Hall
Council Chamber, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91404

Public Hearing: July 13, 2016
Appeal Status: Not further appealable

Staff Contact: Luciralia Ibarra
Luciralia.ibarra@lacity.org

Case No.: CPC-2016-838-DA
CEQA No.: EIR 88-0026(SP)(ZC)(PA)
(SCH No. 88050420);
ENV-1998-26-EIR
Addendum

Incidental Cases: CPC-2016-837-SP-MCUP-
DRB-SPP-SPR

Related Cases: DIR-2016-1555-DRB-SPP-
SPR

Council No.: 12
Plan Area: Chatsworth-Porter Ranch
Specific Plan: Porter Ranch Land
Use/Transportation
Certified NC: Porter Ranch
Zone: [Q]C2-2D, (T)C4-2D, [T]C2-
2D, and A1-2D

Applicant: John Love/Shapell Liberty
Representative: Kyndra Casper, Liner, LLP

PROJECT

LOCATION: 11401-11405 North Porter Ranch Drive and 20200 West Rinaldi Street

PROPOSED PROJECT:

Amendment to the Development Agreement between the City of Los Angeles and the Porter Ranch Development Company, to amend Section III-J, to permit the construction of a 4,000 square foot community room in Subarea II in lieu of a 2-acre site for government facilities in Subareas I, II, III, or IV and other provisions of the Development Agreement to reflect the requested amendment, where necessary.

REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, review and consider the Addendum to the previously certified Subsequent Final EIR SCH No. 88050420
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.

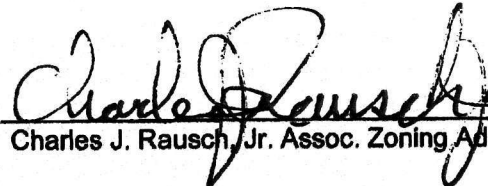
RECOMMENDED ACTIONS:

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 the addendum dated August 16, 2016, no major revisions are required to the EIR and no subsequent EIR 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



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Charles J. Rausch, Jr. Assoc. 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 agendized 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

On November 18, 2015 (official action issued on December 8, 2015), the City Council approved a motion (Council File No. 15-1367) introduced by Councilman Mitchell Englander, representing the 12th District, (attached herein as Exhibit C) to amend the Porter Ranch Land Use/Transportation Specific Plan as it pertains to the required dedication of space for community use and signage.

The Development Agreement for the project, first enacted per Ordinance No. 166,068 and as amended pursuant to Ordinance No. 171,568, includes a public benefit for community use under Section III-J, which reads:

- J. Municipal Office Building/Public Library Facility.** The dedication of a two-acre site for government offices or other municipal buildings and uses, including a public library facility, within Subareas I, II, III, or IV (or at another location as may be permitted under the provision of this Amended Agreement), after the construction and occupancy of a specific amount of non-residential floor area in the Community Center Area.”

The property owner proposes to amend this language to read as follows:

- J. Other Municipal Facilities.** The construction of a 4,000 square-foot community room in Subarea II after the construction and occupancy of a specific amount of non-residential floor area in the Community Center Area.

Background

The proposed amendment to the Development Agreement is being considered concurrently with the proposed development of a vacant site within the Specific Plan area. The project proposes a new commercial center within two areas, the Northern Site and the Southern Site.

The Northern Site is proposed to be developed with 221,804 square feet of commercial space. Proposed uses include a grocery store, a movie theater, and various retail and restaurant uses. The project proposes to provide 1,236 vehicular parking spaces and 100 bicycle parking spaces. The primary driveway will be located at the center of the site along Rinaldi Street. Secondary driveways are located at the southwest corner of the site along Rinaldi Street and at the northern end of the site along Porter Ranch Drive. The secondary driveway along Rinaldi Street could be used to access the proposed residential development to the north of the site. However, guests of the proposed residential development would only be able to use the secondary driveway to exit the site.

The Northern Site has been designed to create a “main street” along the primary driveway. The driveway will be flanked by commercial buildings on both sides which vary in height from 20 to 30 feet. The central driveway will be improved with pedestrian pathways and the central portion of the driveway will have parking. The driveway leads to a central common area, designated as the “town green.” The “town green” is intended to act as a centralized community gathering space in conjunction with the main central driveway. The project proposes to utilize the space to serve multiple functions, such as providing a space for outdoor events for the community. The main commercial development is located to the northern portion of the site, with parking and landscaping located behind the buildings. The buildings will be one- to two-stories, with tenant

spaces varying in size to allow for a mixture of tenants. Additionally, the project proposes to construct smaller commercial buildings at the southeast and southwest corners of the site.

As part of the development, the project proposes to construct and maintain a 4,000 square foot community room on the second floor of Building A4, which is located to the northeast of the "town green." The community room is proposed to have an outdoor patio as well.

The Southern Site is similarly designed to have the primary driveway located towards the center of the site along Rinaldi Street. The site is proposed to be developed with 12,045 square feet of general retail and restaurant uses, which will be located within two buildings located along Rinaldi Street on either side of the primary driveway. A 120 guest room hotel is proposed to be developed on the western portion of the site and a three-story medical office building is proposed on the eastern portion of the site. The site will provide 499 vehicular parking spaces and 30 bicycle parking spaces.

Issues

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

- The 2 acre site and public library should not be amended for a community room
- The 2 acre site could be dedicated and used for open space or should remain vacant until it can be developed with the library and government buildings
- Needs more open space and not another community room
- The community should be part of the discussion for changes to the Development Agreement
- There are a lack of schools, hospitals, child care services, and other services that are needed in the area in lieu of the community room
- Operations and maintenance of the community room are unknown
- There is already a requirement for a Community Meeting Facility

The Hearing Officer clarified that the applicant is not required to construct a school, hospital, or other facilities; however, that at the time of building permit process the applicant would be required to pay necessary school fees. Although the project does not propose the construction of a hospital, the project does include the construction, use, and maintenance of a medical office building.

The 2-acre site for municipal facilities was not specifically identified in the project plans or the specific plan and was intended as a placeholder for government offices, buildings, and uses, including a public library facility. The applicant indicated at the public hearing that the amendment to provide a community room in lieu of the library and other municipal facilities was the result of discussions with the Council Office. The applicant further indicated that there is an existing public library located at 11371 Tampa Avenue, approximately 2 miles from the project site.

Section III-L of the Development Agreement calls for the construction or provision of a child care facility within the Community Center Area prior to or concurrent with the issuance of a building permit for the 800th home within the Specific Plan area with an initial capacity of 100 children and up to a maximum of 250 children. The child care facility requirement was accommodate on the Shepherd of the Hills Church located at 19700 Rinaldi Street within the Porter Ranch Land Use/Transportation Specific Plan area.

Section III-K of the Development Agreement called for the construction of a community meeting facility after the construction and occupancy of a specific amount of non-residential floor area in

the Community Center Area. On September 3, 2010, the applicant entered into a Joint Use Agreement with LAUSD which stipulated a payment in the amount of \$1 million towards the design, purchase, installation, and construction of the Multi-Purpose Room and related furniture, including bleachers, chair storage racks, and kindergarten classrooms. The Joint Use Agreement stipulates that the parties allowed to use the Multi-Purpose Room shall include the homeowners association(s) created for the property by Porter Ranch, each of their respective employees, agents, representatives, contractors, guests, and invitees. The proposed amendment will result in an additional community meeting facility being facilitated through the Development Agreement.

Conclusion

Planning staff recommends approval of the amendment to the Development Agreement in order to facilitate the desire for an additional community meeting room to the benefit of area residents and the broader Porter Ranch community.

FINDINGS

1. Pursuant to State Government Code Section 65868 et seq., a development agreement may be amended by mutual consent of the parties. A motion was adopted by City Council on December 8, 2015 instructing the Planning Department to initiate proceedings to consider Specific Plan Amendment to the required dedication of space for community use and signage.
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 2,122 notices, within a 500 foot radius of the Project Site, were mailed out on June 7, 2016 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 June 7, 2016; verification of which is provided in the administrative record. Notice of the public hearing was posted on the project site on June 30, 2016 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, permitting the construction of a 4,000 square-foot community room in lieu of a 2-acre site for government offices or municipal buildings under Section III-J of the Development Agreement. 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 Second 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 Second 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 Second 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 prior 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 current Specific Plan Amendment modifies 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 adopt the subsequent addendum to Final Environmental Impact Report ("Final EIR") No. 88-0026-(SP)(ZC)(GPA) SCH No. 88050420 that was previously certified on July 10, 1990. Adoption of the addendum to a previously certified environmental impact report is appropriate when the commission having considered the whole administrative record, including Final EIR No. 88-0026-(SP)(ZC)(GPA), the previously adopted addendums, and exercising its independent judgement, determines based upon substantial evidence that (1) only minor technical changes or additions to the Final EIR are necessary (Guidelines Section 15164(b)) or (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 that was not available at the time the Final EIR was certified, that would require a subsequent EIR or major revisions to the Final EIR.

PUBLIC HEARING AND COMMUNICATIONS

A public hearing before the Porter Ranch Design Review Board (DRB) was conducted on June 13, 2016 at 6:30 p.m. at the Porter Ranch Community School, Multi-Purpose Room.

The following Board Members were present:

Vic Sampson, Chair
Eric Blankenburg, Vice Chari
Jonathan Chance
Dan McCombs
Mel Mitchell

The following Board Members were not present:

Tom Cestarte
Jane Stanton

At the DRB hearing, the applicant, Mr. John Love, present the overall project for the project site. Mr. Love indicated that the intent and overall design concept of the project was to create a gathering space for the community. The architectural design was inspired by "upscale California wineries" and focused more on using natural materials. The landscaping throughout the site would be drought tolerant, indigenous plants.

Members of the public were generally in support of the proposed project, indicating that the new development would be an improvement from the existing commercial center. It would bring new places for residents in the community to frequent and not require that they drive out to other communities to other shopping centers. Members of the public also indicated that the site had stayed vacant for too long and that the center should be built soon.

The DRB posed questions regarding the proposed landscaping, the size of the trees, and the types of the trees. Additional questions were in regards to the proposed signage and how they would be illuminated. The Board inquired about the use of solar panels or other sustainable features for the development.

Opposition to the project consisted of the following comments:

- Lack of sustainable features, such as LEED certified buildings and solar panels.
- The surface parking lot would become a heat island, consider use of carports with solar panels
- Porter Ranch suffered from the largest gas leak, and the new development would be an opportunity to promote a more sustainable community, health and safety concerns
- Increase in traffic
- Pedestrian safety across Porter Ranch Drive
- Lack of schools

In response to public comment, Mr. Love indicated that it was the intention for the medical office building to receive LEED certification and that the other buildings would meet the Green Building Code requirements of the City. He also indicated that for commercial developments, carports and pre-installed solar panels were not favorable towards consumers and future tenants. Mr. Love indicated that the buildings would be solar-ready for any tenant who wanted to install solar panels. Mr. Love reiterated that the proposed landscaping would consist of drought tolerant plants.

The DRB members voted to recommend approval of the project as proposed, with an amendment to the motion requesting that the applicant consider modifications to the project to accommodate solar panels and other sustainable features.

A public hearing was conducted on July 13, 2016 1:00 p.m., at the Marvin Braude Municipal Building, Conference Room 1B in Van Nuys.

The public hearing was attended by the applicant, Mr. John Love, the applicant's representative, Ms. Kyndra Casper, members of the public, and a representative of Council Office 12.

The applicant, Mr. John Love, gave an overview of the proposed project, providing additional information which was requested from the DRB public hearing. Information included the following:

- Reiterating that the medical office building is intended to be LEED Certified
- Two tenants have agreed to install solar panels, which include the proposed grocery store tenant and movie theater, amounting to approximately 40,000 square feet of solar panels
- Location of requirements for LID, recycle water system

Members of the public spoke in general support of the project, indicating that the site has long been vacant and should be developed. The development would be an improvement to the existing commercial center and that they would no longer have to go to different communities and cities for restaurants and entertainment.

Members of the public who spoke in opposition of the project raised the following concerns:

- A new community room in lieu of the public library is not needed
- The community wants the library
- Questions about compliance with other requirements of the Development Agreement, such as the community facility, child care services, art fees
- The 2 acre site should still be dedicated and remain vacant or open space until it can be developed
- Need public facilities such as schools and hospitals
- Additional traffic and safety
- Should consider installing carports over the surface parking lot and solar panels
- Digital display pole sign along the freeway is not necessary

Ms. Hannah Lee, Chief Planning and Land Use Deputy for Council District 12, spoke in support of the project as proposed.

After public comments, the Hearing Officer clarified that the project is not required to construct schools or hospitals. However, if the project is approved, the applicant would be required to pay school fees which would be used for future schools. Additionally, the Hearing Officer clarified that the amendment to the Specific Plan in regards to the proposed 4,000 square foot community room and the 2 acre site and library were part of a proposed Development Agreement. The Hearing Officer requested additional information regarding the location of the proposed digital display pole sign, which Mr. Love agreed to provide additional information on.

Mr. Love indicated that the medical office was always intended to be a LEED Certified building and the rest of the development would be solar-ready. However, after the DRB meeting, the applicants went back to their tenants and were able to secure an agreement to provide solar panels as part of the construction of the development. Mr. Love indicated that they were

working with the Department of Transportation to align the proposed driveways and are discussing the installation of traffic signals.

Communications:

There have been several emails received from the public in regards to the proposed project.

Emails in support of the project indicated that the project would be beneficial to the community, and that the project should be constructed as soon as possible.