

ORDINANCE NO. 173873

An ordinance authorizing the execution of the First Amended and Restated Development Agreement between the City of Los Angeles and the Porter Ranch Development Company amending the Development Agreement dated February 18, 1992 (which is attached to City Council File No. 97-0384), authorized by Ordinance No. 167,523, by and between the City of Los Angeles, a municipal corporation and the Porter Ranch Development Company, a California joint venture comprised of Shapell Industries, Inc., a Delaware corporation, and Liberty Building Company, a California corporation ("Porter Ranch"), relating to real property in the Chatsworth-Porter Ranch District Plan area located within the area covered by the Porter Ranch Specific Plan, Ordinance No. 166,068 in Los Angeles, California (the "Amended Agreement").

WHEREAS, the City Planning Commission on June 29, 2000, and the City Council's Planning and Land Use Management Committee on September 5, 2000, approved and recommended that the City Council approve an Amended Agreement to be finalized by the City Attorney; and

WHEREAS, the City Attorney has finalized the Amended Agreement pursuant to the instructions of the Committee; and

WHEREAS, pursuant to California Government Code Sections 65867 and 65091 the City Planning Commission and the Planning and Land Use Management

Committee have properly noticed and held public hearings on the subject matter of the Amended Agreement prior to approving and recommending it to the City Council; and

WHEREAS, the Amended Agreement is in the public interest and is consistent with the City's General Plan, including the Chatsworth-Porter Ranch District Plan, and the Porter Ranch Specific Plan, as amended; and

WHEREAS, the City Council has reviewed and considered the Amended Agreement, the findings, the recommendations of the Planning Commission and Planning and Land Use Management Committee submitted for its approval.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Sec. 1. The City Council finds, with respect to the Amended Agreement, that:

(a) It is consistent with the City's General Plan and with the objectives, policies and programs specified in the Chatsworth-Porter Ranch District Plan, a portion of the City's General Plan. It is consistent with the City's Porter Ranch Specific Plan. Further, the Amended Agreement facilitates a project which will provide comprehensive planning

benefits to the City; mitigate its negative environmental impacts on the surrounding community to the extent feasible; and secure additional public benefits for the City including the implementation of the Porter Ranch Specific Plan, the development of needed retail shopping facilities to accommodate residential growth which has occurred in the northwest San Fernando Valley and which will occur in the future, opportunities for temporary and long-term employment, expand the City's tax base; and provide traffic and circulation improvements in the northwest San Fernando Valley. These benefits carry out objectives of the City's General Plan, its Chatsworth-Porter Ranch District Plan, and the Porter Ranch Specific Plan, including provision for orderly and balanced development within the community, improvement of the character of the community as a regional commercial area, and provision of amenities and open space that will benefit the public;

(b) The intensity, building height, and use set forth in the Amended Agreement are permitted by or are consistent with the City's Zoning Code, the Porter Ranch Specific Plan, the Project Approvals described within the Amended Agreement and the City's Building Code;

(c) The Amended Agreement 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 Amended Agreement specifically reserves certain powers to the City in connection with the enactment of new regulations and the

taking of discretionary actions which: (1) are necessary to protect the public health and safety, (2) are amendments to Chapter IX of the Los Angeles Municipal Code Sections 91.0101 et seq. (Building Code) and Chapter V of the Los Angeles Municipal Code Section 57.01.01 et seq. (Fire Code) regarding construction, engineering and design standards which relate to public health and safety, (3) are mandated by state or federal laws and regulations, and (4) constitute processing fees and charges imposed or required by the City to cover its actual costs in processing applications and approvals and monitoring compliance;

(d) It complies with all applicable State and City 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 Amended Agreement in the form attached to Council File No. 99-0892-S3, and authorizes and directs the Mayor to execute said Amended Agreement in the name of the City of Los Angeles, and further, directs the City Clerk to record said Amended Agreement and this ordinance with the Los Angeles County Recorder within ten (10) days of the Amended Agreement's effective date of adoption.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in a daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles MAR 21 2001 and was passed at its meeting of MAR 28 2001

J. MICHAEL CAREY, City Clerk

By Maria Koshenik
Deputy

Approved APR 05 2001

[Signature]
Mayor

Approved as to Form and Legality

James K. Hahn, City Attorney

By [Signature]
MARY K. DENNIS
Deputy City Attorney

Pursuant to Charter Section 559, I approve this ordinance and recommend its adoption on behalf of the City Planning Commission

February 22, 2001

see attached report.

[Signature]
CON HOWE
Director of Planning

File No. CF No. 99-0892 S3