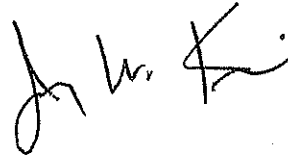


**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**

Date: September 10, 2013

To: Edward C. Young, Deputy City Attorney
Office of the City Attorney

From: Jay W. Kim, Principal Transportation Engineer
Department of Transportation



Subject: **COUNCIL RULE 38 REVIEW OF THE DRAFT WARNER CENTER 2035
PLAN ORDINANCE**

The Department of Transportation (DOT) has completed the Rule 38 review of the Draft Warner Center 2035 Plan ordinance. DOT has identified several issues and proposes the following recommendations:

DEFINITIONS IN SECTION 4

Floor Area Ratio. The definition should be updated to include the following (modifications noted in italics): *"The Department of City Planning and the Department of Transportation shall have the final authority over which lots constitute the project site specifically for the purposes of calculating any Mobility Fees."* This change is necessary to guard against attempts by project applicants to make subdivisions, lot cuts, lot line adjustments, or making temporary arrangements to assign parking or unusable lot space to another site for the sole purpose of artificially decreasing their lot area, increasing their floor area ratio and thereby wrongly decreasing their required mobility fees.

Mobility Fee. The definition should be changed to correct the numbering of the sections and clarify the basis of the mobility fee as follows (modifications noted in italics): "The money a Project applicant is required to pay to the Warner Center Mobility Trust Fund, the amount of which is based on *trip generation of building floor area or residential units and floor area ratio P.M. Peak Hour Trip calculations*, pursuant to the terms of this Plan (See *Section 7 Section 11 and Appendix D Table D*).

Administrative Clearance Section 5.3.2 (iii). As currently written, a project that is exactly 50,000 square-feet would be subject to both Administrative Clearance and Project Permit Compliance. Section 5.3.2 (iii), part c, should be changed to read: "... (c.) adding *more than* 50,000 square-feet of net new floor area, ..."

Change of Use Exemption in Section 5.3.2.1. DOT recommends the following two sentences be added to the end of the last paragraph in Section 5.3.2.1: *"Street dedications and improvements shall be required of projects at locations where in the interests of public safety*

improvements are necessary. At locations where the provisions of Section 5.3.2.1 are in conflict with implementing the improvements identified in Appendix E, a change of use within an existing Building or Structure more than a cumulative total of 30,000 square feet of floor area over the life of the Plan shall be required to make street dedications and improvements."

Additionally, this section should only apply to current existing buildings, with a benchmark set at January 1, 2008 to be consistent with the other provisions of Section 5.3.2. Therefore, each mention of "existing building" should be changed to read "*existing building as of January 1, 2008.*"

Existing Building Addition Exemption in Section 5.3.2.6. Section 5.3.2.6 allows for a 50,000 square foot floor area addition within the existing building envelope with no urban design requirements, no dedication and no improvements. DOT proposes that at locations where dedication and improvement are necessary to implement the improvements prescribed in Appendix E, that a limitation of 30,000 square feet of addition be placed on projects. The additional limitation of a cap of 30,000 square feet of addition to the existing building floor area is suggested because it is a compromise to allow for the adaptive reuse of existing buildings desired by the proponents of these exemptions, but strikes a balance with the need for the specific plan to implement the improvements measures listed in Appendix E. The goals of the plan were to obtain jobs housing balance provided by new large and dense mixed use projects that eliminated trips and were more easily served by transit. These new large and dense mixed use projects that promote transit will not happen if an existing building can do a major renovation including a major addition to indefinitely extend the life of a building with very few requirements. Additionally, this exemption impacts public safety by not requiring dedication and sidewalk improvements where sidewalks do not exist or are substandard. Dedication should be required at these locations to improve public safety regardless of the size of the addition.

DOT recommends the following two sentences be added to the end of the last paragraph in Section 5.3.2.6: "*Street dedications and improvements shall be required of projects at locations where in the interests of public safety improvements are necessary. At locations where the provisions of Section 5.3.2.6 are in conflict with implementing the improvements identified in Appendix E, a building addition that does not change the existing Building Envelope more than a cumulative total of 30,000 square feet of floor area over the life of the Plan shall be required to make street dedications and improvements.*"

Existing Building Vertical Addition Exemption in Section 5.3.2.7.1 Section 5.3.2.7.1 allows for a 50,000 square foot floor area vertical addition with no urban design requirements, no dedication and no improvements. DOT proposes that at locations where dedication and improvement are necessary to implement the improvements prescribed in Appendix E, that a limitation of 30,000 square feet of addition be placed on projects. The additional limitation of a cap of 30,000 square feet of addition to the existing building floor area is suggested because it is a compromise to allow for the adaptive reuse of existing buildings desired by the proponents of these exemptions, but strikes a balance with the need for the specific plan to implement the improvements listed in Appendix E. The goals of the plan were to obtain jobs housing balance provided by new large and dense mixed use projects that eliminated trips and were more easily served by transit. These new large and dense mixed use projects that promote transit will not

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DOT recommends the following two sentences be added to the end of the last paragraph in Section 5.3.2.7.1: *"Street dedications and improvements shall be required of projects at locations where in the interests of public safety improvements are necessary. At locations where the provisions of Section 5.3.2.7.1 are in conflict with implementing the improvements identified in Appendix E, a vertical addition to an existing building more than a cumulative total of 30,000 square feet of floor area over the life of the Plan shall be required to make street dedications and improvements."*

Existing Building Horizontal Addition Exemption in Section 5.3.2.7.2 Section 5.3.2.7.2 allows for a 50,000 square foot floor area horizontal addition with no urban design requirements, no dedication and no improvements. DOT proposes that at locations where dedication and improvement are necessary to implement the improvements prescribed in Appendix E, that a limitation of 30,000 square feet of addition be placed on projects. The additional limitation of a cap of 30,000 square feet of addition to the existing building floor area is suggested because it is a compromise to allow for the adaptive reuse of existing buildings desired by the proponents of these exemptions, but strikes a balance with the need for the specific plan to implement the improvements listed in Appendix E. The goals of the plan were to obtain jobs housing balance provided by new large and dense mixed use projects that eliminated trips and were more easily served by transit. These new large and dense mixed use projects that promote transit will not happen if an existing building can do a major renovation including a major addition to indefinitely extend the life of a building with very few requirements. Additionally, this exemption impacts public safety by not requiring dedication and sidewalk improvements where sidewalks do not exist or are substandard. Dedication should be required at these locations to improve public safety regardless of the size of the addition.

DOT recommends the following two sentences be added to the end of the last paragraph in Section 5.3.2.7.2: *"Street dedications and improvements shall be required of projects at locations where in the interests of public safety improvements are necessary. At locations where the provisions of Section 5.3.2.7.2 are in conflict with implementing the improvements identified in Appendix E, a horizontal addition to an existing building more than a cumulative total of 30,000 square feet of floor area over the life of the Plan shall be required to make street dedications and improvements."*

PROJECT PERMIT COMPLIANCE SECTION 5.3.3

Requirements for Multiple-Phase Projects Section 5.3.3.2.1. DOT recommends the following language be added to the end of the paragraph: *"All street dedications shall be required during the first phase of any Phasing Program and shall be completed before any building permit is approved for the second phase of any Phasing Program. Improvements maybe phased per the*

approval of the Department of Transportation and City Planning Department.”]

Review of Phasing Program Section 5.3.3.1.1. DOT recommends the following language be added to this section (modifications noted in italics): “Prior to the Director’s approval of the Phasing Plan, the DOT shall (i) review the proposed Phasing Plan; (ii) identify the transportation/mobility *impacts mitigation* to be undertaken by the Project applicant for the initial Project phase; (iii) determine and approve any applicable in-lieu credits, towards the payment of the Mobility Fee pursuant to Section 7 of this Plan, available to the Project; (iv) determine that the proposed Transportation Demand Management (TDM) program goals are in conformance with the provisions of this plan; and (v) calculate the Mobility Fee for the initial Project phase *based on the FAR of the building permits issued for that phase of the project plus any existing buildings within the project site.* If an applicant subsequently submits a modification to the Project, which modification results in *a change in density, land use or floor area an increase in trip generation from an approved Phasing Program,* appropriate adjustments in fees and/or, *Traffic Impact Mitigation, street dedication, widening and improvement requirements,* TDM requirements applicable to the increase shall be made as a condition of DOT’s approval of such a modification.”

Department Review Fees Section 5.3.6. The numbering of Sections 5.6.1 and 5.6.2 should be changed to 5.3.6.1 and 5.3.6.2 respectively.

MOBILITY FEE SECTION 7.3

Existing Use Credit Section 7.3.2.1. The current wording of the section does not allow for any existing use credit to be given for any additional floor area constructed after January 1, 2008. That is not the intention of the plan. Additionally, a use has to be occupied to generate trips by definition, and existing credit cannot be given for trips that do not exist, therefore occupancy is a major component of any existing use credit. DOT recommends the following language be modified (modifications noted in italics): “Credit against the Mobility Fee of a Project’s land use, *and size, and occupancy* on January 1, 2008, *or subsequent permitted and occupied use,* based on floor area ...”

In-Lieu Credit for Mitigation Measures Section 7.3.2.2. DOT recommends the following language be modified (modifications noted in italics): “In-lieu Mobility Fee credit shall be given (on a one dollar to one dollar basis) for those mobility mitigation measures implemented by a Project for up to 82% of the total Mobility Fee obligation of the project, *however, in-lieu credit shall be limited to the percentage share of the Mobility Fee by each individual mobility fee sub-category (street improvements, transit improvements, etc.) per Appendix D, Table 2.*”

The attached Warner Center Mobility Fee Cost Breakdown table should be added to Appendix D, and titled Table 2.

IMPLEMENTATION OF THE PLAN SECTION 10

Calculation of Cumulative Approved Floor Area Section 10.3.1. DOT recommends the following language be modified to account for the uses that increase trips due to specific plan exemptions (modifications noted in italics): “(a) The Department shall calculate the cumulatively approved floor area each time floor area is approved, *and shall also separately calculate the cumulative change of use of floor Area exempted per Section 5.3.2.1.* (b) The Department shall maintain an official accounting of the current cumulatively approved floor area, *and cumulative exempted change of use floor area,* above the Baseline condition.”

WC2035 Plan Restudy Section 10.5. DOT recommends the following language be modified to reflect the restudy requirements listed in the Warner Center Draft EIR (modifications noted in italics):

“10.5.1 a) Future transportation re-studies of this Plan shall occur at 33.3 percent intervals of the buildout of the Plan, and not to exceed 10 years between transportation restudies.”

Clarification of Technical Reports, Analysis or Investigation Section 10.6.2. Since the transportation analysis is so integral to the success of the plan, DOT recommends the following language be modified (modifications noted in italics): “Unless specifically codified in the Los Angeles Municipal Code, the Director of Planning *and the General Manager of the Department of Transportation* shall have the final authority in matters on this Plan related to the technical reporting analysis or investigation of another City Department or Agency to accept, modify or reject any recommendation officially offered.”

Dedication and Improvement Section 10.6.3. Since dedications and improvements are vital to the implementation of the traffic improvements prescribed in Appendix E, DOT recommends the following language be modified (modifications noted in italics): “Unless specifically codified in the Los Angeles Municipal Code, the Director of Planning *and the General Manager of the Department of Transportation* shall have the final authority in matters on this Plan related to LAMC Section 12.37. ~~*The Director of Planning is free to accept, modify or reject any recommendation officially offered.*~~”

APPENDICES

Appendix D. The attached Warner Center Mobility Fee Cost Breakdown table should be added to Appendix D and titled as Appendix D, Table 2.

Appendix E. The attached Project Intensity Table should be added to Appendix E and titled as Appendix E, Table 2. The attached Warner Center Physical Mitigation Table by Category and Cost should be added to Appendix E and titled as Appendix E, Table 3.

If you have any questions or concerns and for further clarification please contact Armen Hovanesian at (818) 374-4699.

c: Cesar Diaz, Third Council District
Ken Bernstein, City Planning
Tom Glick, City Planning
Armen Hovanessian, DOT
Sergio Valdez, DOT
Kevin Ecker, DOT

Attachments:

Appendix D, Table 2, Warner Center Mobility Fee Cost Breakdown

Appendix E, Table 2, Project Intensity Table

Appendix E, Table 3, Warner Center Physical Mitigation Table by Category and Cost

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INFORMATION

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September 17, 2013

The Honorable Michael Feuer
City Attorney
200 North Main Street, 8th Floor
Los Angeles, CA 90012-4131

Attention: Edward Young
Deputy City Attorney

RE: DRAFT OF ORDINANCE ESTABLISHING THE WARNER CENTER 2035 PLAN

Council File No: 13-0197

CPC-2008-3470-SP-ZC-GPA-SUD

ENV-2008-3471-EIR

Dear Mr. Feur:

Transmitted is a proposed ordinance prepared by your office establishing the Warner Center 2035 Plan. The language contained in the proposed ordinance substantially conforms to the ordinance approved by the City Planning Commission (CPC) on November 29, 2012. Specifically, on that date, the City Planning Commission (CPC) approved a draft of an ordinance establishing the Warner Center 2035 Plan, Case No. CPC-2008-3470-SP-ZC-GPA-SUD. The Warner Center 2035 (WC2035) Plan is part of the City's Project for the wholesale revision to the existing Warner Center Specific Plan, originally adopted by City Council on June 30, 1993 under Ordinance Nos. 168873 and 168984. Under Council File No. 05-0240, the City Council initiated this revision in a motion introduced on February 9, 2005 and approved on December 21, 2005.

The proposed Project, including the WC2035 Plan ordinance, has been developed to specifically address: 1) previously identified concerns, 2) the environmental analysis required by the 1993 Specific Plan, and 3) new planning and regulatory requirements associated with sustainability and reducing regional greenhouse gas emissions. Specifically, the proposed Plan ordinance identifies an assumption (forecast) of growth for the year 2035 that represents development anticipated to occur by that year based on population growth and market

Hon. Michael Feuer
Attn.: Edward Young
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demand. Development beyond this assumed growth would require additional environmental review (the plan itself would not necessarily have to be revised). The Plan ordinance would allow for considerable flexibility as to where development would occur and would plan for development beyond the year 2035. It is anticipated that development under the Plan ordinance would result in the direct addition of approximately 42,700 new residents and approximately 48,860 new employees.

It is further anticipated that the Plan ordinance would result in a net increase of 14 million square feet of new non-residential area and 23.5 million square feet of residential area (19,848 dwelling units). The Plan ordinance is part of the larger Project effort which includes actions necessary for the Plan's implementation including General Plan amendments, Los Angeles Municipal Code amendments, funding ordinances, zone changes, building line removals, street reclassifications, and a sign district ordinance.

On February 12, 2013, the City Planning Commission's Letter of Determination was transmitted to the City Council. The proposed Project, including the Plan ordinance, was heard by the Planning and Land Use Management (PLUM) Committee on February 19, 2013. The PLUM Committee recommended to City Council adoption of the draft Plan ordinance and its implementing actions. The PLUM-approved Plan ordinance included minor modifications relative to the version of the Plan ordinance approved by the City Planning Commission that did not substantially deviate from the spirit and intent of the City Planning Commission's review and approval of the Plan. PLUM also directed the City Attorney to work with the Department of City Planning to prepare and present the final draft Plan ordinance for form and legality.

On April 23, 2013, the City Council adopted by Resolution the General Plan Amendments and Street Reclassifications related to the Warner Center 2035 Plan project.

The Warner Center 2035 Plan ordinance has been revised by the City Attorney in accordance with the PLUM Committee's recommendation, and subsequently transmitted to the Planning Department on account of its delegated authority by the City Planning Commission. This revised draft Plan ordinance contains no substantial changes and the City Attorney version is consistent with what was approved by the City Planning Commission on November 29, 2012.

FINDINGS

Attached to this letter are the required City Charter Findings and the Environmental Findings.

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CHARTER SECTION 559

As provided under the authority of Charter Section 559 and CPC Case No. 13505-A, I find that the proposed ordinance conforms with the November 29, 2012 action of the City Planning Commission, and I therefore approve the proposed ordinance and recommend that it be adopted by the City Council.

Very truly yours,

MICHAEL J. LOGRANDE
Director of Planning

A handwritten signature in cursive script, appearing to read "Alan Bell", is written over a horizontal line.

ALAN BELL, AICP
Deputy Director

Attachment

Charter Findings - p. 1
Environmental Findings – p. 21

MJL:AB:tlg

FINDINGS

I. CHARTER FINDINGS

1. **Warner Center 2035 Plan Area¹** - The area is generally bounded by the Los Angeles River to the north, the Ventura Freeway to the south, De Soto Avenue to the east, and Topanga Canyon Boulevard on the west. The Plan area is approximately 1,000 acres or 1.5 square miles.
2. **Charter Section 556** – That in accordance with Charter Section 556, the proposed Warner Center 2035 Plan and implementing ordinances (Proposed Plan) are in substantial conformance with the purposes, intent, and provisions of the General Plan. The Proposed Plan is consistent with and helps to further accomplish goals, objectives, and policies contained in portions of the General Plan, including the Citywide General Plan Framework Element. Specifically, with respect to land use, the General Plan Framework states the following:

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitation a reduction of vehicular trips, vehicle miles traveled, and air pollution.

The Proposed Plan provides for a variety of different land uses to meet the diverse needs of the community, including housing for a projected increase in population, and commercial and industrial businesses that contribute to the economy of the community as well as the Los Angeles region. The Southern California Association of Governments (SCAG) projects an increase in population, employment, and housing in the City of Los Angeles through the year 2035. The Proposed Plan includes a recommended pattern of land use that directs future growth to an area of the City where new development can be supported by transportation infrastructure and different types of land uses can be intermingled to reduce the length and number of vehicle trips. Mixed-use development adjacent to the Orange Line transit corridor would give residents and visitor's mobility choices that would enable reduction in the number and length of vehicle trips thus reducing greenhouse gas emissions associated with local trip generation, in accordance with recent legislation (Senate Bill 375).

¹ The Warner Center 2035 Plan was previously referred to (including in the Draft EIR) as the Warner Center Regional Core Comprehensive Specific Plan.

By encouraging transit oriented development and making a strong connection between transportation and land use planning, the proposed plan promotes several principles that are key to creating livable communities, including: improved mobility options for residents, employees, and visitors; increased access to a wide range of uses; and expanded opportunity for location-efficient housing in the city.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve residents, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

The City's General Plan Framework identifies Warner Center a Regional Center. The Regional Center, which includes three existing Metro Orange Line stations and one future station, is an existing employment hub that contains some residential uses. The Proposed Plan provides for the area to transition to a more transit-oriented district, with a balanced mix and denser concentration of jobs and housing to support a sustainable center of development. The Proposed Project would allow for the development of residential, retail, institutional, open space, office and manufacturing uses similar to uses that currently occupy the Specific Plan area. These proposed uses would be located within walking distance of each other and would be connected by frequent transit service, thereby connecting them with the surrounding area. The Proposed Plan also expands the area designated for Regional Center Commercial land use in a manner consistent with that identified in the Framework.

Goal 3K: Transit stations to function as a primary focal point of the City's development.

Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.

Policy 7.2.2: Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and mixed-use corridors. This

concentration prevents commercial development from encroaching on existing residential neighborhoods.

There are three Orange Line stations within Warner Center (De Soto Avenue, Canoga Avenue and the Owensmouth Avenue Transit Hub). A fourth station is proposed (as an immediate first step) as part of the Proposed Project (in the vicinity of Oxnard Street and Variel Avenue). In addition, Warner Center is served by Rapid Bus, commuter buses and local buses. The Proposed Project aims to provide transit access throughout the district, so that all of Warner Center can support Transit Oriented Development (TOD). The Proposed Plan builds upon this proximity to transit by providing for an increased intensity of development as well as a balanced mix of uses, including: a variety of jobs; a range of housing types; a mix of neighborhood, community and regional shopping; and entertainment, cultural and recreational facilities; with all uses within walking distance and connected by frequent transit service.

Objective 4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

The Proposed Plan supports the expansion of housing opportunities near transit stations and within activity centers by allowing for substantial residential infill opportunities in an existing regional center that is well served by both local and regional transit services. The Plan allows for the addition of over 19,000 housing units, appropriately oriented to Warner Center's rich transit facilities, and planned in such a way as to provide adequate buffers from surrounding lower-density residential areas.

The Proposed Plan is also consistent with the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. With respect to housing, the Proposed Plan helps achieve the following Community Plan objectives:

Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

Objective 1-2: Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.

As stated above, the Proposed Plan provides for the addition of nearly 20,000 new residential units by the year 2035. The Plan encourages a mix of housing types to meet the needs of persons of various income levels.

Housing is encouraged to be located in mixed-use, transit oriented development, linked by streets with enhanced pedestrian amenities, allowing for more trips to be made on foot. A minimum percentage of land area in each of the eight districts of the Specific Plan Area would be devoted to non-residential uses, which allows flexibility while also ensuring an appropriate mix of uses in close proximity.

With respect to commercial land use, the Proposed Plan is consistent with the following Community Plan objectives:

Objective 2-2: Enhance the appearance of commercial districts.

Objective 2-4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

The Proposed Plan includes design requirements that would supplement the Los Angeles Municipal Code provisions and improve the appearance of the district. These requirements include standards for the design of streets and sidewalks, building setbacks, street frontages, building massing and articulation, parking facility design, landscaping, and signage. The focus of the requirements is on the relationship of buildings to the street, including sidewalk treatment, character of the building as it adjoins the sidewalk, connections to transit, and the public realm.

In regards to recreation, parks, and open space, the Proposed Plan helps meet each of the following Community Plan objectives:

Objective 4-1: To conserve, maintain and better use existing recreation and park facilities.

Objective 5-1: To preserve existing open space resources and develop new open space resources.

The Proposed Plan encourages the development of a "Great Park" which would include a sports field, Farmers Market, community gardens, skate parks and nature trails. Additionally, under the proposed project each development project would be required to improve and maintain open space equal to 15% of the site area. In general, open space would be located at street level, open to the public during daylight hours, and least three-quarters of an acre in size. If additional open space is required, payment of fees would provide adequate mitigation. The Proposed Plan includes design standards to establish a clear hierarchy of common open spaces that are distinguished by design and function. These open spaces will be linked by a connected pedestrian realm, resulting in an integrated network of active and passive open spaces that are well utilized and supported by activity from surrounding mixed-use development.

The Proposed Plan is consistent with the City's General Plan in that it provides for an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience of the community, within the larger framework of the City of Los Angeles. At its heart, the Proposed Plan is a plan for sustainable, transit-oriented development. As State law requires that the City plan for growth in population, housing, and employment levels and in consideration of new state requirements contained in SB 375, the Proposed Plan focuses this possible growth in the Regional Center near existing transit infrastructure. This approach helps to reduce dependency on automobiles, and offers mobility choices, encourages development with less impact on roads, promotes sufficient density to support walkable communities, and supports increased use of existing and planned transit infrastructure. By directing growth around a Regional Center area, existing lower-density and historic neighborhoods are maintained.

3. **Charter Section 558** – That in accordance with Charter Section 558(b)(2), the Proposed Plan will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the Proposed Plan and land use ordinances are consistent with the City's General Plan and directly implement the policies of the Framework Element for the reasons stated above. In addition, the Proposed Plan will be in conformity with public necessity, convenience, general welfare and good zoning practice. One of the objectives of the Proposed Plan is to promote economic well-being and public convenience through the allocation and distribution of lands in sufficient quantities to satisfy the housing, commercial, retail, service, industrial, and open space needs of the community. The Proposed Plan accomplishes this by including policies that concentrate potential future growth in a Regional Center near public transportation. The Proposed Plan follows good zoning practice in implementing policies such as FAR limitations and including development incentives to encourage new housing near jobs and in locations with multimodal transportation options.
4. **LAMC 12.32 C.2** – That in accordance with LAMC 12.32 C.2, the Proposed Plan will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the Proposed Plan is consistent with the City's General Plan and directly implements the policies of the Framework Element (as indicated above). In addition, the Proposed Plan will be in conformity with public necessity, convenience, general welfare and good zoning practice (as described above). The Proposed Plan promotes economic well-being and public convenience through the allocation and distribution of lands in sufficient quantities to satisfy the housing, commercial, retail, service,

industrial, and open space needs of the community. The Proposed Plan concentrates potential future growth in an existing designated center near public transportation. The Proposed Plan follows good zoning practice in implementing policies that provide transition between higher and lower density and including development incentives to encourage new housing near jobs and in a location with multimodal transportation options.

5. **Warner Center 2035 Plan Provisions** - As codified within the Plan's Sections, the intent of this proposed Project is to support the community vision of a successful Transit Oriented District (TOD) in the West Valley. As a result, the Plan establishes the following standards for development in Warner Center to the year 2035 and up to both approximately 14,000,000 square feet of new non-residential square footage and 23,500,000 square feet of new residential square footage:

- **District Zoning:** WC2035 is comprised of eight (8) Districts each with its own distinctive character and corresponding development standards. Map 1 displays the District boundaries in relationship to the entire Plan area and Maps 2 through 9 display each District. These Districts include the College, Commerce, Downtown, North Village, Park, River, Topanga, and Uptown.
- **Regional Center Floor Area Ratios (FAR):** FAR's permitted up to 4.5 to 1 for most lots within Warner Center Regional Center, except the Topanga District, which permits up to 3.0 to 1 and the Downtown District which permits a base FAR of 5.0 to 1.
- **Height:** Unlimited height permitted for most lots within Warner Center, excluding the Topanga and River Districts where transitional height provisions of the LAMC may apply.
- **Density:** As opposed to the density limitations of the 1993 Specific Plan, the new Plan proposes only that residential projects provide a minimum unit size of 300 square feet within the parameters of the maximum FAR permitted.
- **Parking:** Flexible parking rates where sharing of parking is encouraged and excess parking is discouraged.
- **Streamlined Project Processing:** Expanded Exempted Projects, Administrative Approvals, and streamlined Project Permit Compliance approvals.
- **Streamlined Entitlements:** Conditional Use Permits for entertainment uses, normally issued by the Office of Zoning

Administration, will be issued by the Director of Planning in the WC2035.

- **Hybrid Industrial.** Warner Center is a Regional Center. As a Regional Center, Warner Center is designed to allow a wide range of uses which co-exist to form a self-sustainable and livable community. The Hybrid Industrial provisions are designed to maintain the industrial base in Warner Center and its jobs while also recognizing that the industrial landscape in Warner Center has transformed into a light industrial/research and development demand market. The majority of the industrial uses that currently exist in Warner Center are the high-end, research and development uses. The proposed project includes a section designed to not only preserve those industrial uses but encourage their expansion.
- **Plan Implementation Board/Entity:** The WC2035 will create an public-private or other entity that will be responsible for implementing the Vision for Warner Center by the following: Implement the Neighborhood Protection Program; Establish an area-wide assessment district to fund construction and maintenance of streetscape, open space improvements; utility undergrounding, and other improvements; Manage and distribute fees collected to guarantee that funds are kept and spent in Warner Center and the surrounding areas; Seek matching Federal, State and Local funds; Act as a public/private partner in future traffic and transit improvements/maintenance; Develop street lighting and wayfinding signage master plans; Implement infrastructure, physical, and transit improvements; Manage public/private projects directly; Oversee maintenance of streetscape and open space improvements; Manage parking allocation/shared parking; Monitor balance of residential/commercial development; Work to create a Business Improvement District including security, event management, promotion and marketing; and Monitor enforcement of and compliance with the Plan and other regulations.
- **Urban Design Guidelines.** The Guidelines include recommendations to provide developments with a wide variety of techniques to develop consistent with the Plan. The Guidelines provide ideas for development of blocks, streets, street wall and ground floor, parking and access, open space, architecture, landscaping, streetscape, and cultural amenities. The Guidelines as attached as an Appendix to the Plan. Certain Standards of those Guidelines are incorporated as regulations and requirements of Project in the WC2035 Plan.

- **Publically Accessible Open Space.** As opposed to the existing Specific Plan which provides for private open spaces through lot coverage limitations and Landscape Setback requirements, the WC2035 Plan requires that all Projects provide Publically Accessible Open Space (PAOS). These PAOS will be combined into a public open space network throughout the Plan area.
- **Activity Nodes and Active Street Frontages.** A key design characteristic of the WC2035 is to provide that ground floor retail, flexible community space, and other pedestrian-oriented uses to face the street, with a focus on cultivating activity along that street. Within the WC2035, Activity Nodes at key intersections and Active Street Frontages at key street frontages are intended to insure that development at these locations provides for pedestrian scale and activity.
- **New Streets and Pedestrian Adapted Pathways.** New publically accessible small streets and pedestrian accessways will subdivide the large automobile oriented blocks of Warner Center providing public pedestrian access and linkages between Publically Accessible Open Spaces.
- **Cultural Amenities.** The Plan establishes a Cultural Arts Development Fee requirement that exceeds the LAMC requirements.
- **Community Plan and General Amendments.** As part of the revisions to the Plan, the amendments to the General Plan and the Canoga Park-West Hills-Winnetka-Woodland Hills Community Plan are necessary including redesignation of Warner Center as a Regional Center Commercial. Additionally, amendments to the Transportation Element are necessary to provide for designation of new streets and existing street redesignations.
- **Mobility.** As part of the Plan and its environmental mitigation monitoring program, a Mobility Section is included which provides provisions for allowing development phased with mobility improvements including a Mobility Fee for most land uses in the Plan.
- **Signage:** The WC2035 is designated as a Supplemental Sign District which will allow greater latitude for the Plan to provide for flexibility of sign standards and provisions. The Plan's signage will: Support land uses and Urban Design Guidelines of the Plan; Reinforce the pedestrian-oriented character of all Warner Center's streets by allowing and encouraging pedestrian-oriented signs

throughout Warner Center; Contribute to a lively, colorful, 24/7 pedestrian atmosphere in the Uptown, Downtown, and College Districts; and Contribute to a lively, but more restrained pedestrian atmosphere in the remaining Districts.

The success of the Plan as a TOD is dependent upon a variety of features of the Plan including:

Types of Uses.

In addition to the presence of quality transit and dense development with managed automobile parking, the WC2035 Plan calls for a variety of uses within walking distance of one another. The amount of residential development within Warner Center should grow as development occurs, resulting in a more balanced Regional Center. The number of jobs is expected to increase from the existing approximately 40,000 jobs to 80,000 jobs by 2035, which includes research and development (R&D), professional, technical and other "creative class" jobs. In the future, most Districts in Warner Center will have a mix of land uses. While existing uses such as offices, commercial, retail, public facilities, and most residential projects will remain, there will also be redevelopment of uses such as single-story industrial, strip retail centers and large surface parking lots. Providing a mix of uses (either through vertical or horizontal development) on these redeveloped sites will encourage people to walk, bike or take transit rather than drive to complete daily tasks.

Land Use Pattern.

The intended land use pattern in Warner Center promotes the concentration of the projected growth within walking distance of current and proposed Orange Line stations and a proposed internal circulator (per Section 7 of this Plan). Warner Center will be a leading Transit Oriented Development (TOD) area upon completion of a fourth Orange Line station (near Oxnard Street and Variel Avenue) and with operation of a modern streetcar or other transit system connecting Warner Center from north to south. Most Districts in Warner Center will include a mix of uses, with retail and office uses concentrated on Active Street Frontages. The street grid and open space network will be integrated into Warner Center's land use fabric.

Activity Nodes and Active Street Frontages.

A key design characteristic of the WC2035 Plan is to provide ground floor retail, flexible community space office, and other pedestrian-oriented uses with a focus on cultivating pedestrian activity along the street. Within the WC2035 Plan, Activity Nodes at key intersections, and Active Street

Frontages with residential and non-residential use, are intended to insure that development at locations (as specified on Map 1) provide for pedestrian scale and activity.

As detailed in the District requirements, 14 identified areas within Warner Center are envisioned as Activity Nodes for a concentration of pedestrian and commercial activity that will also function as District focal points. Although commercial and pedestrian activity will be found outside these areas, the Activity Nodes will be distinguished by a concentration of commercial development, including but not limited to: pedestrian serving retail, and restaurants with outdoor seating/dining that is intended to spur pedestrian activity. This pedestrian activity will also be facilitated by greater investment in infrastructure and promotion of walkability through streetscape improvements and building design. Portions of the streets near an identified Activity Node may also be designed to include public art and tailored signage requirements.

As detailed in the District requirements, many of Warner Center's streets are designated as Active Street Frontages. These Active Street Frontages focus on both non-residential and residential uses with connections to the adjacent street, including transparent frontages regulations and pedestrian serving uses, signage and other design and landscaping elements at the ground level. The regulations established are designed to ensure that large Projects on existing large blocks provide adequate pedestrian and vehicular circulation publically accessible small streets called New Streets.

Publically Accessible Open Spaces, New Streets and Pedestrian Adapted Pathways.

New publically accessible open space, streets and pedestrian pathways will break-up the large automobile oriented blocks of Warner Center providing public pedestrian access and is an integral part of a Master Planned Development. It is envisioned that as development occurs on these lots over the life of the WC2035 Plan, they will be subdivided by New Streets and Pedestrian Adapted Pathways that provide pedestrian access and linkages between Publically Accessible Open Spaces and other uses within the District. The required walkways and parkways associated with any New Streets shall be counted towards the requirements for Publically Accessible Open Space (vehicular portions of streets shall not be counted except for emergency vehicle access areas which have incorporated landscaping). Projects shall also be required to provide pedestrian-oriented walkways and accessways called Pedestrian Adapted Pathways. Over the life of the WC2035 Plan, these publically accessible pathways will create a network of circulation points for non-motorized vehicles and pedestrians. Any Pedestrian Adapted Pathway

within a Project shall count towards the requirements for Publically Accessible Open Space.

Moreover, in the Warner Center area, the development patterns that have defined the Center since the 1950's through the present have created an automobile-centric environment. Currently, Warner Center is approximately 1,000 acres. Most of that acreage is devoted to development patterns of large blocks with no pedestrian orientation or access. Most development has its valuable public open spaces along the street edges in the form of large, grassy landscape setback areas. (The current Warner Center Specific Plan allows no more than 70% lot coverage with the balance of the site in surface parking or landscaping).

In essence, the Warner Center land use pattern developed and codified under the existing and old zoning regulations created large, super-blocks with insular, inward facing developments. Example after example of current developments in Warner Center bears this out, with large campuses having plenty of surface and structured parking, extensive landscaping, but little outdoor public gathering space and limited public access *through* these developments. These super-blocks and super-developments encourage automobile usage and discourage any alternative form of transportation included public transportation, walking, or bicycling.

Beginning in the late 1990's to today there has been massive public investment made in public transportation. Today, the Warner Center area is serviced by the Metro Orange Line - one of the most successful transit lines in Metro's regional system. The Orange Line, which originally opened in 2005, provides east-west service from Warner Center to North Hollywood connecting with the Red Line subway. In 2011, the Orange Line expanded north-south to connect Warner Center with Chatsworth and thus to connect Chatsworth with North Hollywood.

The WC2035 Plan's transit-oriented development approach will strengthen the City's Sustainable Community Strategy and in turn will help the SCAG six-county Region in attaining its adopted RTP/SCS goals and targets to reduce greenhouse gas emissions by concentrating development near transit infrastructure and by reducing trips through co-location of mixed uses (that are easily accessible from one to another).

The Center for Transit-Oriented Development in a publication titled "CDFI's [Community Development Finance Institutions] and Transit Oriented Development":

"Transit-oriented development can provide households with more opportunities and choices. Ideal TOD communities are mixed-use

neighborhoods with good-quality public transit that connect people of a variety of incomes to a wide range of economic, social, and educational opportunities. TOD's incorporate access to human services such as child care facilities, fresh food stores, health care facilities, and cultural and educational institutions within a short walking distance of transit. Families living in transit areas can significantly reduce the time and cost spent on their daily commute to work, and other trips required for their daily chores, allowing for more disposable income and leisure time. Compact and pedestrian-oriented environments also generate demonstrated public health benefits by reducing obesity and preventing related health problems."

As a result, the WC2035 Plan and the TOD it creates will go a long way towards helping to amplify the existing investment in the public transportation system. The WC2035 Plan would also support Metro's goal to transition the Metro Orange Line from a Bus Rapid Transit line to a Light Rail line by further increasing ridership between regional centers (Warner Center and downtown Los Angeles).

In addition, the proposed expansion of development rights would support those living and working in Warner Center. The proposed WC2035 Plan would concentrate a mix of uses within walking distance of one another so people can easily walk rather than drive. The proposed Plan would create "complete streets" that accommodate alternatives to the car. Publicly accessible open spaces areas, both large and small, would help break-up the large super blocks, thereby facilitating easy access throughout the center and providing for pedestrian-oriented facilities throughout Warner Center.

The health and safety of those who live and work in Warner Center with the substantially increased densities allowed under the WC2035 Plan are dependent on the provision of necessary public benefits that support healthy lifestyles. People living and working in urban environments today want to be able to walk, bike, run, scooter, etc. to nearby destinations including work, school, restaurants, shops, and recreational areas. People want to stay healthy by walking to their destinations and reducing emissions in their environment by walking rather than taking a car. In addition they want to gather and interact.

The economic analysis performed for the Plan by Strategic Economics supports the need for public uses and activities which foster human activity and "capture the public benefit value".

Warner Center in order to become a successful transit oriented development, like others around the country, needs to build an

environment that becomes ever closer to a 24-hour City that encourages a feeling of safety in the public realm that in turn encourages and facilitates street activity. In order to "capture the public value", the Plan specifies several provisions which supports public uses and activities including publicly accessible open space, new streets and pedestrian adapted pathways.

Expected development within the Warner Center 2035 Plan will necessitate a finer grain of public street and open space networks. As developed today, the majority of Warner Center's approximately one-thousand acres are developed in large superblocks, within minimal circulation opportunities within the district, especially in regards to non-automobile circulation.

The typical block in Warner Center is roughly 1300 feet in east/west width by more than 1300 feet in north/south length. The prevalent city-wide block structure is approximately 300 feet in east/west width by 600 feet in north/south length. New street and open space networks have historically been required when land is subdivided for commercial, residential, and industrial purposes to match the existing street grid standards.

The mix of uses expected in Warner Center, and the resulting reduction in transportation demand per capita or per job is predicated on the ability to co-locate residential uses and commercial/hybrid industrial uses in manner that accommodates walking, biking, and transit circulators. The pedestrian connected pathway system, expanded sidewalks and roadways with bike lanes, and the expanded Orange Line services are all part of the expected framework of mobility options to reduce dependency on the single-occupant automobile.

The proposed WC 2035 Plan substantially increases the allowable FAR within Warner Center (from 1.0, 1.5 and 2.0 to 3.0 and 4.5). Unlimited height will be permitted throughout most of the Plan area. Developments will be permitted a greater deal of flexibility that was absent in the Warner Center Specific Plan (such as unlimited height, flexible parking rates, no lot coverage limitations, and no landscape setback requirements). The existing Warner Center Specific Plan limits development, particularly residential development. The proposed WC 2035 Plan is a "market-based and market friendly" Plan designed to capitalize upon Warner Center as a Regional Center serviced by a regional public transportation system. Every transit trip is also a pedestrian trip since transit riders must generally walk to and from the station. The key component to making a transit-oriented development function is making the pedestrian environment attractive, safe and encouraging to pedestrians. Without such an environment the goals of the TOD will not be achieved. Super blocks break-up the pedestrian environment and make walk trips longer. Pedestrian amenities (including well-designed buildings and amenities,

short-cuts, shade, landscaping, lunch spots and gathering places, etc.) make an area hugely more attractive to pedestrians.

In order to encourage and facilitate pedestrian activity, the WC2035 Plan requires new and existing developments, as appropriate, to provide for Publicly Accessible Open Space, New Streets and Pedestrian Adapted Pathways. The requirements are designed to provide for public accessibility to areas within private developments and access ways through private developments to adjacent properties. In fact, this concept is common to different types of development. Many developments provide public access as a matter of market demand. They allow for public use of their private spaces with relatively few restrictions. A good example is a Mall which allows for public gathering and use with few limitations except for the hours of operation.

The Plan's market based concept is based on patterns of development that require easy access between different uses and to the nearby transit stations. The implementation of the WC2035 Plan and associated increased densities assume provision of a state-of-the-art pedestrian environment. Without such an environment, pedestrian trips will not be maximized and additional vehicular trips will occur which will lead to additional and/or worsened significant adverse traffic impacts. In addition both commercial and residential uses will create a demand for public parks. Without the proposed open space requirements in the Plan, local parks would be adversely impacted to a greater extent.

The proposed WC2035 Plan will develop a mix of *interconnected* residential, shopping, office and other uses. In assessing apportionment of demand (and therefore cost) of pedestrian amenities, it is not possible to assign to an individual use. [e.g., if a person leaves work to take a coffee break is the trip assigned to the office use or the coffee shop?] Nor for that matter is it possible to quantify exactly what makes an environment feel safe and attractive and therefore encouraging to pedestrians. The WC2035 Plan identifies a requirement for 15% publicly accessible open space based on the professional judgment of expert planners and traffic engineers familiar with the Warner Center area.

The proposed project aims to provide a network of usable public open spaces in the form of Publicly Accessible Open Space, New Streets, and Pedestrian Adapted Pathways all internal to private development. The Plan further provides a focus for development and for community activity. Each development project would be required to improve and maintain public open space equal to 15% of site area. In general, open space would be located within Warner Center at street level, open to the public during daylight hours, and in many cases contiguous.

Given the amount of open space amenities to be provided within the TOD area, the project would: 1) Maximize pedestrian and transit trips thus reducing impacts on the local and regional street and freeway system; and 2) Provide for local park-type amenities that would avoid substantially accelerating physical deterioration of off-site local neighborhood recreational facilities.

The Plan's analysis integrated reasonable relationship findings including:

- The WC2035 Plan would allow substantially increased densities in the Warner Center area. This increased density would not be feasible without the network of publicly accessible open space, streets and pathways that would divide up the current super blocks and realize the goals of the TOD. The plan therefore confers substantial additional development rights upon property owners, which are only possible because the publicly accessible open space network is ensured. Each of the above types of development and development impacts would be mitigated in part by the provision of the interconnected series of publicly accessible pathways, open spaces, and internal roadways. Such features are a critical component of the Plan's entire traffic model and, in particular, the Transportation Demand Management analysis of the Environmental Impact Report. To minimize circulation impacts, the Warner Center traffic analysis was predicated upon the creation of these internal circulation rights-of-way to alleviate traffic pressures on the main existing thoroughfares. The provision of local open spaces and pedestrian circulation routes further reduces the need to automobile traffic trips for both residential development uses and commercial development uses. If no publicly accessible open space were required, the plan's traffic impacts would increase substantially and the plan's basic development rights would have been substantially reduced.
- The Warner Center 2035 Plan actually requires less open space from private property owners than does the current Warner Center Specific Plan. The Warner Center 2035 Plan's 15% required open space replaces the current requirement that 30% of a site remain undeveloped with buildings. While the Plan provides for publicly accessible spaces on private property, the open space portion need not be turned over to public agencies. This portion of the property may remain within the full control of private property owners, with uses whose benefits accrue to the private owner as well as the public. Furthermore, the use by the public is not required to be unlimited; for example the WC2035 Plan allows property owners to close such facilities between the hours of 10 p.m. and 6 a.m.

- New development under the Warner Center 2035 Plan will create a significant impact on pedestrian facilities within the Plan area. The higher level of intensity of development will create a more walkable and urban environment that will generate new demand for pedestrian trips, which cannot be fully accommodated by the existing network of public sidewalks. Attempts to accommodate all pedestrian trips on public sidewalks will result in significant vehicular delays as pedestrians circulate and cross only within the district's few major crosswalks. The introduction of new mid-block crossings and pedestrian networks within the publicly accessible private open space will effectively disperse the pedestrian impacts from new development, minimize impacts on any individual segment of pedestrian facilities, and minimize impacts to vehicular and transit circulation.
- The enhanced pedestrian environment provided by the WC2035 Plan would result in approximately **2,350 PM pedestrian trips** that would otherwise not occur, per the attached analysis from Iteris in the attached Exhibit dated September 9, 2013. [As noted above, it is not possible to apportion the demand for open space/pedestrian amenities to different uses, nor in fact to precisely quantify what makes a pedestrian environment desirable. Therefore the requirement for 15% of a site to be devoted to publicly accessible open spaces and access ways is based on the professional judgment of expert planners and traffic engineers.] Without an enhanced pedestrian-oriented environment that would be provided by 15% publicly accessible open space on every site an increased number of trips would occur in vehicles thus impacting the local street and regional freeway system (and also contributing to increased emissions, including GHGs) in the area.
- The enhanced bicycle environment provided by the WC2035 Plan would result in approximately **670 PM bicycle trips** that would otherwise not occur per the attached analysis from Iteris in the attached Exhibit dated September 9, 2013. [As noted above in No. 4, it is not possible to apportion the demand for open space/bicycle amenities to different uses, nor in fact to precisely quantify what makes a bicycle environment desirable. Therefore the requirement for 15% of a site to be devoted to publicly accessible open spaces and access ways is based on the professional judgment of expert planners and traffic engineers.] Without an enhanced bicycle-oriented environment that would be provided by 15% publicly accessible open space on every site an increased number of trips would occur in vehicles thus impacting the local street and regional freeway system (and also contributing to increased emissions, including GHGs) in the area.

- New development within all use categories will generate a demand for open space that will serve the new neighborhood residents, employees, and visitors. The required publicly-accessible open space would meet a demand for neighborhood serving open space, thus reducing the impact on local parks and recreational facilities. The Warner Center 2035 Plan contains further guidance as to the recommended placement of public open spaces, to aggregate and provide a master planned open space network throughout the future high density development. The amount of open space required is consistent with citywide policy and regulations, including Quimby regulations that provide credits for the on-site provision of public open space. By encouraging the aggregation and co-location of publically accessible open spaces provided with new development, the plan delivers open space at a functional and useable level, at the full range of resident serving levels including pocket parks, neighborhood park space, and the potential for community park space with larger aggregated acreage and related amenities to minimize the development impact on the surrounding community and established open space resources.

Additionally, the development thresholds establish in Section 5 and 10 of the proposed Warner Center 2035 Plan are the result of a detailed environmental analysis which studied the impacts of all types of development through the life of the Plan, up to December 31, 2035. All types of uses were analyzed, including residential, commercial, mixed-use and industrial. Specifically, the traffic study performed for the analysis looked at the trip generation component of the Southern California Association of Governments (SCAG) model which looked at all types of uses and development common to a Regional Center/TOD. The environmental analysis specifically related to traffic concluded that all types of new and expanded uses common to and assumed to be developed as part of a vibrant Warner Center TOD would cause increased traffic congestion at all analyzed intersections both within Warner Center and its surroundings. These new and expanded uses and developments included, but not limited to, residential apartments, residential condominiums, commercial offices, industrial offices, medical offices, medical facilities, retail and shopping malls, research and development facilities, hospitals, and schools. (See the permitted uses per Appendix A of the Plan.)

The requirements of the Plan, including its Trip Fees, setbacks, active street frontages, publicly accessible open space, new streets and pedestrian-adapted pathways, are designed to mitigate the impact of additional traffic by either providing physical mitigations or to alter behavior by encouraging mode shifts from vehicle use to alternative modes including walking and bicycling. These requirements of the Plan

are predicated on the fact that all types of new and expanded uses and developments are responsible to mitigate the impact of their projects. The publicly accessible open space, new streets and pedestrian-adapted pathways are required to mitigate the traffic impact associated to all types of new and expanded uses. The results of the traffic analysis demonstrate that these particular mitigations will encourage a mode shift in all uses away from vehicle trip to alternative, non-vehicular modes including pedestrian and bikes.

In conclusion, the planned increases in density in the WC2035 Plan would increase the number of person trips in the area. The requirement for a publicly accessible open space, street and pathway network would maximize the number of pedestrian trips thus minimizing the number of vehicular trips and reducing impacts on the local street network. In addition the publicly accessible open spaces would off-set increased demand for neighborhood-serving parks thus reducing impacts on existing parks.

District Wide Development Standards. The WC2035 Plan establishes eight (8) Districts. Each District includes a comprehensive set of development standards that shall be applied along with the design standards. The development standards set forth by this Plan are organized by District, and will ensure that new Projects and the re-use of existing structures are of high-quality and are designed to support the goals of the WC2035 Plan.

Incentivized Uses and Bonuses. The intent of this Section is to encourage incentives through bonuses for Projects to provide Public Benefits (i.e., Incentivized Uses) that are desirable to support the transit and pedestrian orientation of Warner Center.

Parking. The public investment in public transportation has been significant. The Center is now served by a regional transportation system (i.e., the Orange Line). The public investment in transportation systems is continuing to grow with more systems coming on-line in the near future. The automobile is of less importance as a means to travel to and from Warner Center and its surroundings. The premise is that a strong parking policy can play an important role in reducing transportation demand and the environmental problems caused by traffic related to automobile travel. In reducing the supply of parking and increasing the costs of parking reduce demand for parking, people consider transportation alternatives to the single-occupy vehicle which translates to less congestion, less air pollution, and reduced fuel consumption. Alternatives include the public transportation systems that are currently in place as well as those proposed. The Parking provisions of the Plan are designed to be fair and

flexible in the allocation of parking while preventing any excesses which could upset the delicate balance between too much parking and too little.

Hybrid Industrial. Warner Center is a Regional Center. As a Regional Center, Warner Center is designed to allow a wide range of uses which co-exist to form a self-sustainable and livable community. The intent of the Hybrid Industrial provisions are designed to maintain the industrial base in Warner Center and its jobs while also recognizing that the industrial landscape in Warner Center in specific has transformed into a light industrial/research and development demand market. The majority of the industrial uses that currently exist in Warner Center are the high-end, research and development uses. This section is designed to not only preserve those industrial uses but encourage their expansion.

Automobile and Truck Uses. Intent of the provision of the Plan related to automobile uses is to emphasize that, throughout the Plan area, there are many existing uses which continue to service automobile demand either through purchase, service, and maintenance. In particular, the Topanga District is comprised of parcels fronting the west side of Topanga Canyon Boulevard between Burbank Boulevard and Bassett Street. These parcels are mostly small and narrow and are generally improved with single- and multi-story commercial buildings and surface parking lots. The uses associated with these commercial buildings include fast-food restaurants, retail shopping centers, offices and new automobile dealership franchises. The auto-oriented nature of Topanga Canyon Boulevard, a State Highway, has attracted auto-oriented uses including new Automobile Dealership franchises. These uses should be permitted to expand and flourish in the Topanga District only. It is not the intent to permit the wide variety of automobile and truck vehicle sales and service that are available to the public in the present day including recreational vehicles, motorcycles, recreation vehicles, all-terrain vehicles, trailers, and the like. The intent is a narrow one which is to continue the rich history of automobile sales and service along Topanga.

Mobility Section. As stated in the environmental finding below, the study area for the WC2035 Plan's traffic study included a total of 152 intersections and 52 arterial segments within the western San Fernando Valley which were selected for detailed level of service (LOS) analysis. All signalized and stop controlled intersections within the WC2035 boundaries were analyzed. Intersections and arterial segments outside of the WC2035 area that were most likely to be impacted by the WC2035 were also analyzed. These intersections and arterial segments were identified based upon proximity to the WC2035 area, access routes, existing travel patterns and forecasted travel patterns. The highway system in the study area was comprised of a grid pattern of arterials and collectors generally following a north-to-south/east-to-west orientation. Improvements for

studied intersections and arterial segments were analyzed in part, for the following reasons:

- High levels of existing and projected future travel demand;
- Existing traffic congestion;
- Projected worsening of congestion in the future; and
- Constrained transportation facilities.

Based upon the WC2035 traffic study, the Plan and the individual Projects approved consistent with the Plan, will significantly impact the level of service at 87 intersections (out of 152 analyzed) and 4 arterial roadway segments (out of 52 analyzed). The intent of the Mobility Section is to insure that those individual Projects, analyzed as part of the WC2035 Plan's traffic study, provide for the necessary mitigations. The mitigations are embodied into the Mobility Standards established.

Neighborhood Protection Program Section. The intent of the Neighborhood Protection Program is to provide those areas surrounding Warner Center a procedure established within the Plan to allow for access and funding of localized mitigations to impacts not anticipated. In many cases, those impacts will be specific to an area either in the form of traffic, parking, noise, or many other types of localized impacts related to the short-term construction and long-term operation of development in Warner Center.

Cultural Resources. Community connectedness is highly valued among the Warner Center residents. Cultural resources and events such as public art, museums, theatres, or nature centers will continue to be brought to Warner Center through Plan requirements. This will continue a diversity of culture and art to Warner Center to support the TOD and offer a way for the community to come together. Through the Plan's Section 9, a Warner Center Cultural Arts fee is required for all Projects with a building permit valuation of \$500,000 or more. Like the Citywide fee, the fee would be charged at the time of building permit at a rate of 1% of the total permit valuation. Unlike the Citywide arts fee which just applies to commercial and industrial projects, the Warner Center arts fee would apply to residential projects as well. Moreover, in previous plans and ordinances, the City has evaluated public art fees from a project impact perspective; however, in this plan, the City views it as a typical aesthetic control zoning ordinance akin to traditional land-use regulations imposing minimal building setbacks, parking and lighting conditions, landscaping requirements, and other design conditions such as color schemes, building materials and architectural amenities. The City hereby finds that the public necessity, convenience, general welfare and good zoning practice will be furthered by a design regulation that requires art in public places or the payment of an in-lieu fee."

6. **California Environmental Quality Act (CEQA)** – See below under “II. Environmental Findings”.

II. ENVIRONMENTAL FINDINGS

California Environmental Quality Act (CEQA) – Having received, reviewed and considered the following information as well as all other information in the administrative record of all proceeding on this matter, the City Planning Commission hereby finds and recommends that the City Council of the City of Los Angeles finds, determines and declares the following:

1. CERTIFICATION OF THE FINAL EIR

The City Council of the City of Los Angeles (the “City”) hereby finds that the Final Environmental Impact Report State Clearinghouse No. 1990011055, dated June 2012 (the “Final EIR”) for the proposed Project described below has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. This Final EIR is being certified in connection with all approvals required to implement the Project.

The City determined an EIR was necessary to analyze the potential environmental effects of the Proposed Plan. The Notice of Preparation (NOP) for a Draft EIR (the “Draft EIR”) was circulated for a 30-day review period starting on June 8, 2009 and ending on July 8, 2009. A scoping meeting was held on June 22, 2009. Based on public comments in response to the NOP and a review of environmental issues by the City, the Draft EIR analyzed the following environmental impact areas:

Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Population and Housing; Public Services; Transportation, Circulation and Parking; Utilities.

On December 8, 2011, the City released the Draft EIR for public comment. The comment period was 63 calendar days (and therefore in excess of the 45-day public review period required by State law) and ended on February 6, 2012. The lead agency received 16 written comments on the Draft EIR from public agencies, groups and individuals. Responses to all comments received during the comment period are included in the Final EIR.

2. CEQA FINDINGS

Section 21081 of the California Public Resources Code and Section 15091 of the

State CEQA Guidelines (the "Guidelines") require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three possible findings for each of the significant impacts.

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (Guidelines Section 15091 (a)(1));
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Guidelines Section 15091(a)(2)); or
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or project alternatives identified in the final EIR. (Guidelines, Section 15091(a)(3)).

For those significant effects that cannot be mitigated to a level below significance, the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

All Final EIR mitigation measures, as discussed herewith and as set forth in the Plan's Mitigation Monitoring Program (the "MMP" is included in Section 5 of the Final EIR) are incorporated by reference into these Findings. In addition, any revisions to the Plan that have occurred during the administrative process are incorporated by reference into these findings. In accordance with the provisions of CEQA (California Public Resources Code §§ 21000, et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, §§ 15000 et seq.), these findings are hereby adopted as part of the certification of the Final EIR along with adoption of a Statement of Overriding Considerations for the Plan.

3. **ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION**

The Final EIR found that the following environmental impacts of the Proposed Plan will be less-than-significant without mitigation measures:

Agricultural Resources

Description of Effects: The proposed project area is developed and zoned for urban uses and is not currently used for agricultural purposes. Implementation of the proposed project would not result in the conversion of farmland. No loss of

farmland would result from the implementation of the proposed project. No Williamson Act contracts are applicable within the proposed project area.

Air Quality

Description of Effects: Implementation of the proposed project could incrementally provide new sources of regional air emissions but they would be consistent with development assumptions for the City of Los Angeles and would therefore not conflict with or obstruct implementation of the Air Quality Management Plan.

It is not anticipated that the Warner Center 2035 Plan would result in significant construction and operational odor impacts.

Hazards and Hazardous Materials

Description of Effects: The Warner Center 2035 Plan is not located within an airport land use plan, within two miles of a public airport, or located within the vicinity of a private airstrip. The Warner Center 2035 Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Warner Center 2035 Plan would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Hydrology and Water Quality

Description of Effects: The Warner Center 2035 Plan area is located outside of a designated flood plain. Implementation of the Warner Center 2035 Plan would entail the recycling of existing urban land uses and would not convert natural lands that provide or substantially contribute to groundwater recharge. They would not include facilities or mechanisms capable of changing the rate or direction of flow of groundwater. Therefore, no demonstrable and sustained reduction of groundwater recharge capacity would occur. The Warner Center 2035 Plan would not cause regulatory water quality standards at an existing production well to be violated, as defined in the California Code of Regulations (CCR), Title 22, Division 4, and Chapter 15 and in the Safe Drinking Water Act.

Land Use

Description of Effects: The Warner Center 2035 Plan would encourage medium to high-density mixed-use development adjacent to enhanced transit on sites that are currently developed with various urban uses. Proposed development would not physically divide an established community. The Warner Center 2035 Plan would not conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project. The Warner Center 2035 Plan would not conflict with an applicable habitat conservation plan or natural community

conservation plan.

Mineral Resources

Description of Effects: The proposed project area is already substantially urbanized and thus implementation of the proposed project would have no impact on mineral resources.

Population and Housing

Description of Effects: The project would result in increased population, housing and employment in the area.

Transportation, Circulation and Parking

Description of Effects: Mainline volumes along the study area freeway network would not significantly increase as a result of the Warner Center 2035 Plan. Significant parking impacts are not anticipated and the proposed parking requirements are expected to meet anticipated aggregate demand. Peak hour on-street parking restrictions are proposed in order to achieve some of the mitigation measures. The loss of peak hour on-street parking is not considered significant, as it would not be a complete removal of parking supply. In addition, the areas with proposed restrictions consist of predominantly residential land uses, which tend to require less parking during peak periods and more parking during off-peak periods (when restrictions will be lifted). Accident rates for the study area would be reduced by the Warner Center 2035 Plan. This would be achieved through the increase in the rate of transit usage and non-auto modes of travel, which historically have experienced lower rates of injuries, and fatalities in the Southern California region. The Warner Center 2035 Plan is not expected to significantly impact emergency access throughout the study area.

4. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION

The Final EIR found that the following environmental impacts of the Proposed Plan will be less-than-significant with the implementation of mitigation measures:

Aesthetics

Description of Potentially Significant Effects: The proposed project could result in damage to scenic resources, including, but not limited to, trees, rock outcroppings, historic buildings, or other locally recognized desirable aesthetic natural features. The proposed project could increase the overall lighting and illumination of the area.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to aesthetics and would reduce such impacts to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Air Quality

Description of Potentially Significant Effects: Anticipated construction activities within the Warner Center 2035 Plan area would exceed SCAQMD regional significance thresholds. Average emissions would exceed thresholds for ROG. Peak construction activity would vary depending on project size; larger projects would result in additional thresholds being exceeded. It is anticipated that localized significance thresholds could be exceeded in the vicinity of some construction sites.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to air quality and would reduce such impacts to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Biological Resources

Description of Potentially Significant Effects: The proposed project could impact nesting birds protected by the Migratory Birds Act. In addition, protected bats may be present beneath bridges in the area. The proposed project could conflict with local policies and ordinances regarding tree preservation. Project construction activities near the Los Angeles River could require permits from ACOE and/or CDFG.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to biological resources and such impacts would be reduced to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Cultural Resources

Description of Potentially Significant Effects: Implementation of the Warner

Center 2035 Plan could cause a substantial adverse change in significance of a historical resource as defined in State CEQA §15064.5. (As time goes by more buildings will be older than 50 years and may become potential resources.) Development in the Warner Center 2035 Plan area would require ground-breaking activities. This could cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA §15064.5. Ground-breaking activities in the Warner Center 2035 Plan area could disturb human remains, including those interred outside of formal cemeteries. Ground-breaking activities in the Warner Center 2035 Plan area could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to cultural resource impacts and would reduce such impacts to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Geology and Soils

Description of Potentially Significant Effects: No known active faults or faults that could result in ground rupture traverse the project area. However, the project area contains areas that are potentially subject to liquefaction, expansive soils and slope stability issues. Development within the Warner Center 2035 Plan would include grading activities prior to the construction of multi-story structures that could affect soils in the area.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to geology and soils and such impacts would be reduced to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Hazards and Hazardous Materials

Description of Potentially Significant Effects: A number of contaminated areas exist within Warner Center and development on these sites could result in these contaminants coming in to contact with site workers, passers-by and/or future occupants. In addition uses within Warner Center would store, use and generate routine hazardous materials/wastes (gasoline, cleaning products, paint, etc.). In addition, certain uses may involve the use/generation of non-routine hazardous materials or wastes. Therefore development within the Warner

Center 2035 Plan area could create a significant hazard to the public or the environment through the routine transport, use, handling, or disposal of hazardous materials or through accidental conditions involving the release of hazardous materials.

Finding. The mitigation measures are feasible and would avoid potentially significant impacts related to hazards and hazardous wastes and such impacts would be reduced to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Hydrology and Water Quality

Description of Potentially Significant Effects: The Warner Center 2035 Plan could cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body. Proposed construction activities are not anticipated to result in interruption of flow as little or no construction would occur in the Los Angeles River. Much of the project area is currently paved. Storm water flows would drain in a similar manner as today; runoff would be required to be treated and retained as necessary. The Warner Center 2035 Plan could affect the rate or change the direction of movement of existing contaminants. See also discussion of hazardous materials.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to hydrology and water quality and such impacts would be reduced to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Public Services

Description of Potentially Significant Effects: The Warner Center 2035 Plan would result in an increase in residents as well as daytime population in Warner Center. This would result in an increased need for fire protection services on the site and Add Area. The Warner Center 2035 Plan would increase the number of residents as well as daytime population within Warner Center. This would result in an increased need for police services in the area. The Warner Center 2035 Plan would increase the number of residents as well as daytime population in Warner Center, thereby, increasing the number of students in the area. The

proposed Warner Center 2035 Plan would increase residential and daytime population in the area. This could impact the need for new parks and/or recreational facilities in the area. The Warner Center 2035 Plan could result in a significant impact to local libraries and the need for new or physically altered libraries or library facilities.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to public services and would reduce such impacts to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Transportation, Circulation and Parking

Description of Potentially Significant Effects: Unforeseeable circulation impacts to residential streets may occur as a result of the Warner Center 2035 Plan update. Generally, with high congestion levels (LOS F) and project-generated traffic, the likelihood that drivers may seek alternate routes and cut through adjacent neighborhoods increases. A total of 41 intersections were identified to pose a significant risk of generating cut-through traffic in adjacent neighborhoods.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to transportation, circulation and parking and such impacts would be reduced to a less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

Utilities

Description of Potentially Significant Effects: The Warner Center 2035 Plan would increase the need for wastewater facilities in the area (both conveyance facilities and treatment). This could have a significant impact on wastewater and sewer services. The Warner Center 2035 Plan could increase the need for water in Warner Center. This could have a significant impact on water supply and conveyance. The Warner Center 2035 Plan could increase solid waste generation during construction and operational activities. Implementation of the Warner Center 2035 Plan could substantially increase demand for electricity and natural gas.

Finding: The mitigation measures are feasible and would avoid potentially significant impacts related to utilities and such impacts would be reduced to a

less than significant level for the reasons set forth in the Final EIR. The City Council hereby directs that these measures be adopted. Implementation of these measures, which have been required or incorporated into the Project, and included in the Mitigation Monitoring Program, would substantially lessen the severity of a potentially significant effect to a less-than-significant level.

5. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The Final EIR includes mitigation measures that will either avoid or provide substantial mitigation of the Plan's identified potentially significant environmental effects, including potentially significant cumulative effects; however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the Plan.

Aesthetics

Description of Significant Effects: New signage has the potential to negatively impact visual quality. The proposed project could result in significant shade and shadow impacts to nearby sensitive uses including new uses that would be developed as part of the Warner Center 2035 Plan as a result of increasing density and associated increased building heights and increased sensitive receptors that could be affected (new residential units and open space could be impacted by new mid- and high rise development).

Findings: The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings: The mitigation measures would substantially reduce (if not eliminate) aesthetic impacts related to signage and shade shadow, but significant impacts could still remain. Without details of specific projects it was not possible to determine the extent of potential project-specific impacts; therefore, the Final EIR, conservatively, identifies these impacts as significant.

Air Quality

Description of Significant Effects: Anticipated construction activities within the Warner Center 2035 Plan area would exceed SCAQMD regional significance thresholds. Average emissions would exceed thresholds for ROG. Peak construction activity would vary depending on project size larger projects would result in additional thresholds being exceeded. It is anticipated that localized significance thresholds could be exceeded in the vicinity of some construction sites. In 2035 the net regional operational emissions resulting from the Warner Center 2035 Plan would exceed SCAQMD significance thresholds for PM_{2.5}, and PM₁₀. The Warner Center 2035 Plan could expose sensitive receptors to substantial pollutant concentrations. The Warner Center 2035 Plan would result in a significant increase in greenhouse gas emissions. However, development of the Warner Center 2035 Plan is anticipated to be offset by changes in regional development patterns (less development in places without transit and in locations without mixed-use).

Findings: The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings: The Proposed Plan would have a significant impact on construction air quality and greenhouse gas emissions if it would: (1) violate any air quality standard or contribute substantially to an existing or project air quality violation; (2) expose sensitive receptors to substantial pollutant concentrations; (3) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or (4) conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The following facts, together with mitigation measures,

indicate that the significant effects of the Proposed Plan have been reduced or avoided to the extent feasible, but that certain significant air quality impacts are unavoidable. The Proposed Plan sets forth planning goals and objectives to improve air quality and includes a number of Transportation System Management (TSM) strategies to increase the efficiency of the existing transportation infrastructure. The Proposed Plan also includes policies to improve transit and transit ridership, policies to improve access to transit, policies to encourage non-motorized transportation, policies to support pedestrian mobility, policies to facilitate the use of transit and shared car options, and policies to invest in capital improvements to maintain the transportation infrastructure.

Construction: Implementation of the Proposed Plan would increase development capacity in the Warner Center Area. Construction activities associated with such development may result in criteria pollutant emissions from fugitive dust associated with ground disturbance during grading and exhaust emissions from construction equipment as well as worker and delivery vehicles traveling to and from the site. Without adequate construction schedules or information regarding project locations and schedules, construction emissions for individual projects allowed under the Proposed Plan cannot be quantified; however, there is sufficient data available to determine the types of construction that may occur (e.g., residential, commercial, and industrial), and associated square footage. Emissions would be anticipated to be lower during years where, economically, the area is experiencing a slow down, and higher during years where the economy is at peak. It is anticipated that the daily average emission (between 2005 and 2035) would exceed the SCAQMD's recommended thresholds for construction emissions and impacts would be significant and unavoidable. However, individual years (and months and days) would vary substantially over the planning horizon.

Sensitive Receptors and LSTs: Localized Significant Thresholds (LST) have been developed by the SCAQMD to determine maximum allowable concentrations of criteria air pollutants during construction under the Proposed Plan. LSTs have been established only for construction of projects and do not apply to emissions during operation. Each sensitive receptor area (SRA) in the Basin has a unique LST for pollutants. Because specific construction activity under the Proposed Plan cannot be determined at this time, this impact is considered significant and unavoidable.

Greenhouse Gas (GHG) Emissions: Impacts from GHG emissions associated with the Proposed Plan were evaluated based on CARB's interim tiered threshold. The Proposed Plan is not applicable with respect to the first tier as it is not categorically exempt under CEQA. With regard to the second tier, the City published a climate action plan in 2007 titled "GreenLA." In order to provide detailed information on action items discussed in GreenLA, the City published an implementation document titled "ClimateLA." ClimateLA presents the existing GHG inventory for the City, including enforceable GHG reduction requirements,

provides mechanisms to monitor and evaluate progress, and includes mechanisms that allow ClimateLA to be revised in order to meet targets. By 2030, ClimateLA aims to reduce GHG emissions by 35 percent from 1990 levels. ClimateLA sets goals to reduce waste, increase renewable energy, improve efficient use of water resources, reduce emissions from vehicles, and increase open space and greening. The Proposed Plan contains policies that help promote these goals. Estimated future emissions from area sources, electricity consumption, and landfills do not account for reductions that would occur under such policies. This is due to 1) such reductions are uncertain as most policies will only “encourage” or “promote” various measures, and 2) the reductions that could be achieved by these measures are difficult to quantify without specific data. Furthermore, a large amount of the increase in emissions is a direct result of increased vehicle miles traveled (VMT). When compared to existing levels, 2035 With Project Daily VMT grows by 49,448 vehicle miles, or 11.58 percent. 2035 With Project Daily VHT grows by 2,588 vehicle hours or 15.67 percent. As a result of increased development in Warner Center under the Warner Center 2035 Plan, the 2035 With Project conditions are anticipated to generate slightly more than double the growth in VMT and VHT of the 2035 No Project conditions. Even if emissions from electricity, area sources, and landfills would not increase (a number of Scoping Plan requirements are applicable to these industries and emissions are anticipated to go down, however specific per capita emission factors have not yet been developed for these industries), VMT increases would still result in increased GHG emissions. This increase in emissions would have the potential to interfere with implementation of the ClimateLA plan, and could interfere with the State’s ability to meet its goals under AB 32. However, with development concentrated in areas such as Warner Center it is anticipated that growth in other areas of the region (further from transit) will not occur and therefore region-wide trips and emissions are anticipated to decrease – consistent with SB 375. Nonetheless, impacts from the Proposed Plan are considered significant and unavoidable due to the uncertainty associated with quantifying greenhouse gas emission reductions from certain industries (notably the power industry) in meeting AB 32 requirements.

Cumulative Impacts: Because the Proposed Plan is a planning project with a long-term horizon, and not an individual development project, cumulative projects are other plans and policies. Continued development in the Metro Los Angeles Subregion, in conjunction with developments in other communities in the City of Los Angeles and in the South Coast Air Basin, will increase pollutant emissions associated with construction; although, as a whole, criteria pollutants are anticipated to go down. Growth permitted by the Proposed Plan could incrementally contribute to exceedances of localized air quality standards, which could be cumulatively considerable. Development under the Proposed Plan would contribute to greenhouse gas emissions in the region.

Noise (Construction and Operational Impacts)

Description of Significant Effects: During construction of individual projects, the Warner Center 2035 Plan could cause exposure of persons to noise in levels in excess of standards established in the Los Angeles General Plan and/or Noise Ordinance, or applicable standards of other agencies. Vibration as a result of construction could also affect fragile buildings and/or people. The Warner Center 2035 Plan could result in significant operational noise impacts on Variel between Victory and Vanowen.

Findings: The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings: The impacts from the Proposed Plan would be considered significant if it would: (1) expose people to or generate noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies; (2) expose people to or generate excessive ground-borne vibration or ground-borne noise levels; (3) cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; (4) cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; (5) for a project located within an airport land use plan area, or where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, expose people residing or working in the area to excessive noise levels; or, (6) for a project located in the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels. City guidelines recommend analyzing noise associated with both construction and operation, with corresponding thresholds designated for each. The Proposed Plan could result in significantly increased noise levels during construction activities, especially construction activities that occur adjacent to sensitive receptors. The Proposed Plan could expose people and/or structures to substantial ground-borne vibration levels as a result of construction activities that occur under the Proposed Plan. Increased traffic in the Plan Area would significantly increase noise levels at sensitive receptors along certain street segments. These impacts would be considered significant and unavoidable. It is anticipated that project-specific environmental analyses of discretionary projects will address this issue in more detail in some cases potentially identifying further mitigation.

Because the Proposed Plan is a planning project with a long-term horizon, and not an individual development project, cumulative projects are other plans and policies. The project's contributions to cumulative noise impacts relate primarily to increase in vehicular traffic on freeways and surface streets and, to a lesser extent due to its temporary nature, during construction activities. In some cases the noise levels associated with vehicular traffic are not significantly different from the No Project Scenario. Growth permitted under the Proposed Plan would contribute to increased noise levels in the region compared to 2008 conditions, resulting in a cumulatively significant impact. Typically construction noise is a localized effect, but when multiple construction projects are underway in the

same general area, cumulative construction impacts can occur.

Transportation

Description of Significant Effects: The Warner Center 2035 Plan has the potential to significantly impact the level of service at 87 intersections (out of 152 analyzed) and 4 arterial roadway segments (out of 52 analyzed). The Warner Center 2035 Plan would significantly contribute to cumulative growth in VMT and VHT for the study arterial network. Approximately half (5.25%) of the total 11.58% cumulative growth in VMT would be attributed to the Warner Center 2035 Plan. Similarly, 7.28% of the total 15.57% cumulative growth in VHT would be attributed to the Warner Center 2035 Plan.

Findings: The City adopts CEQA Findings 1 and 3.

Facts in Support of Findings: The Proposed Plan would have a significant transportation impact if: (1) the volume-capacity (V/C) ratio under the Proposed Plan conditions at any of the analyzed intersections substantially exceeds that of 2008 Existing Conditions (using LADOT Criteria), and/or, (2) any arterial segment exceeded LOS E for 2035 With Project conditions (unless the operating LOS for future base conditions already exceeded LOS E); and/or (3) a substantial increase in total arterial VMT or VHT; and/or (4) parking supply could be inconsistent with the goals and objectives of the proposed project and could cause substantial detrimental affects to traffic circulation; and/or (5) proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$).

The Proposed Plan includes a host of recommendations for mitigating the projected increase in traffic volume and shift in traffic patterns associated with land use changes. The major emphasis of the Proposed Plan is to encourage alternative modes of transportation – transit use, bicycling, walking, or ridesharing, to reduce vehicle trips generated in Warner Center. The Proposed Plan also includes significant improvements to area roadways. The Proposed Plan provides opportunities for use of alternate modes of transportation (non-motorized trips and transit) by concentrating development in mixed-use areas within walking distance of the regional transit system. One intersection (Variel and Victory), and one arterial street segment (Canoga Avenue between Ventura Boulevard and Oxnard Street) would remain significantly impacted after mitigation. Due to the redistribution of land use and the policies that support alternative modes, the Proposed Plan would reduce VMT and VHT in 2035 compared to the No Project Condition.

Because the Proposed Plan is a planning project with a long-term horizon, and not an individual development project, cumulative projects are other plans and

policies. The Proposed Plan's anticipated contribution to transportation impacts was examined using a regional analysis performed in compliance with the Los Angeles County Congestion Management Program (CMP) requirements and documented in the Final EIR. This analysis concluded that the Proposed Plan's transportation impacts would be cumulatively considerable, resulting in a cumulatively significant impact.

While the Proposed Plan is anticipated to result in impacts as indicated above, the project is consistent with SB 375 and the Sustainable Communities Strategy, adopted by SCAG in April 2012. It is expected that as a result of increased development adjacent to transit in areas such as Warner Center, this will correspondingly relieve development pressure in other areas further from transit. Thus although traffic and Greenhouse Gas emissions may increase in Warner Center, it is anticipated that regionally vehicle miles traveled and greenhouse gas emissions will be less.

6. ALTERNATIVES TO THE PROJECT

Warner Center Goals and Objectives. The Goals and Objectives of the Proposed Plan, as identified in the Final EIR, are:

- Increase jobs in Warner Center from the existing approximately 40,000 to at least 80,000 by 2035 (consistent with the Market Demand study for the area), including Research/Development, Professional/Technical and other "creative class" and high-paying industrial jobs.
- Provide a network of usable public open spaces in Warner Center that provide a focus for development and for community activity.
- Integrate public art in the overall vision of the project's architecture, landscape and open space design.
- To create an environment to attract jobs, provide quality residential neighborhoods with amenities, including open space, a community shopping center, neighborhood-serving retail, entertainment and walkable streets, add at least 20,000 new residential units by 2035 (consistent with the Market Demand study for the area).
- Provide transit access throughout Warner Center, so that all of Warner Center can support transit oriented development (TOD), thereby reducing trips and energy consumption in compliance with SB 375 and AB 32.
- Create a walkable community.
- Reduce the need for driving and, therefore, parking.

- Provide a combination of transportation improvement strategies designed to reduce vehicle trips and vehicle miles travelled and increase the average vehicle ridership and transit usage.
- Encourage sustainability by meeting or exceeding regulatory requirements. Encourage sustainable building practices including use of recycled materials, water conservation and recycling, integration of alternative energy into building design, and other methods and practices to reduce the carbon footprint of the City as it develops in accordance with sustainable planning.
- Preserve industrially zoned land for industrial, research and development, creative and other uses consistent with industrial zoning.

GENERAL FINDINGS.

Based on these findings, the Final EIR, and the whole of the administrative record, the City finds that the Final EIR analyzes a reasonable range of Plan alternatives that would feasibly attain most of the basic objectives of the Plan, but would not fully realize project objectives. Project alternatives would not allow the flexibility to increase growth in this transit-adjacent area to the extent allowed for by the Proposed Plan. The City finds that the alternatives would incrementally lessen significant impacts compared to conditions under the Proposed Plan, and that the Final EIR adequately evaluates the comparative merits of each alternative. Specifically, the Final EIR considered the following two (2) alternatives:

1. No Project, Continuation of existing Warner Center Specific Plan, or Revert to Underlying Basic Development Right (FAR 0.35:1). This alternative would result in growth in accordance with the SCAG forecast.
2. Reduced Development Alternative (75% Project)

[Note: Additionally, Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be identified among the analyzed alternatives. See below in Section 7.]

Having weighed and balanced the pros and cons of each of the alternatives analyzed in the Final EIR, each of these alternatives is hereby found to be infeasible based on the Final EIR's analyses, the Plan Objectives, these CEQA findings, and economic, legal, environmental, social, technological and other considerations. These considerations include the provision of development opportunities adjacent to transit, the flexibility to address land use incompatibilities, and employment opportunities for highly trained workers, of importance to the City, all as supported on the evidence contained the whole of

the administrative record and the evidence and testimony presented in this matter.

ALTERNATIVE NO. 1

No Project, Continuation of existing Warner Center Specific Plan, or Revert to Underlying Basic Development Right (FAR 0.35:1)

This Alternative is required by CEQA. Under the No Project Alternative, the existing Specific Plan would remain in place. Future development opportunities would remain open. The current plan requires that additional environmental review be undertaken in 2010 prior to any further development being approved (Section 17A of the 1993 Warner Center Specific Plan). The existing Specific Plan allows for development to occur beyond the year 2010, even without updated environmental review of the existing Specific Plan, subject to project-specific environmental review. The underlying basic development right for Warner Center is 0.35:1.

Impact Summary: The following significant and unavoidable impacts would occur under the No Project Alternative: Aesthetics (shading), Air Quality, Noise (Construction), Transportation.

Finding: With this Alternative, many of the environmental impacts projected to occur from development allowed under the Proposed Plan would be reduced as a result of decreased development. However, significant and unavoidable impacts would remain. This Alternative would be an environmentally superior alternative to the Proposed Plan. The No Project Alternative does not meet the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities and the considerations identified in the Statement of Overriding Considerations, make infeasible the No Project Alternative described in the Final EIR. Additionally, it is anticipated that increased development adjacent to transit in areas such as Warner Center, as in the Proposed Plan, will allow other areas of the region not to develop, consistent with SB 375 and the Sustainable Communities Strategy adopted by SCAG in April 2012.

Rationale for Finding: The No Project Alternative, in general, is anticipated to result in less growth potential as compared to the Proposed Plan; it would continue the existing plan but project specific review would be required and the basic development right would revert to 0.35:1, which may not accommodate the growth in population anticipated by SCAG for the City of Los Angeles. As such, this Alternative would not meet an underlying purpose of the Proposed Plan to accommodate such growth. Additionally, this Alternative would not include components of the Proposed Plan designed to address the Project's objectives.

The No Project Alternative would not include land use changes designed to promote land use compatibility, would not add urban design guidelines to ensure that buildings and neighborhoods are well-designed, and would not modify street standards to improve mobility options.

ALTERNATIVE NO. 2

Reduced Development (75% Project)

Impact Summary: The following significant and unavoidable impacts would occur under the Reduced Development Alternative: Aesthetics, Air Quality, Noise (construction), Transportation.

Finding: With this Alternative, all of the environmental impacts projected to occur from development allowed under the Proposed Plan would continue to occur, although some would be incrementally reduced. Due to reduction in impacts, this Alternative would be an environmentally superior alternative to the Proposed Plan but benefits would be similarly reduced. This alternative would not fully meet the Project's objectives. It is found pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, environmental, social, and technological or other considerations of importance to the City, including the provision of employment opportunities for highly trained workers and the considerations identified in the Statement of Overriding Considerations, make infeasible the Reduced Development Alternative described in the Final EIR. Additionally, it is anticipated that increased development adjacent to transit in areas such as Warner Center, as in the Proposed Plan, will allow other areas not well served by transit to maintain the existing scale of development, consistent with SB 375 and the recently adopted Sustainable Communities Strategy.

Rationale for Finding: The Reduced Development Alternative is anticipated to result in a lesser growth potential than the Proposed Plan, but more than the No Project Alternative. It could potentially result in fewer land use impacts than the Proposed Plan but more than No Project Alternative. The Reduced Development Alternative would provide decreased levels of housing and employment capacity adjacent to transit infrastructure. This alternative would not include the same level of transportation improvements as the Proposed Plan since fewer fees would be available (increasing fees would not be feasible as higher fees would reduce development). Additionally, it is anticipated that increased development adjacent to transit in areas (beyond the SCAG forecast analyzed in the Final EIR) such as Warner Center, as in the Proposed Plan, will allow other areas of the region not to develop, consistent with SB 375 and the Sustainable Communities Strategy adopted by SCAG in April 2012.

7. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As stated above, Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be identified among the analyzed alternatives. From a strictly environmental standpoint, excluding social or economic issues, the No Project: Continue Existing Specific Plan (Alternative 1)/Revert to Basic Development Right (FAR of 0.35:1) would be environmentally superior to the proposed project because it would result in less development and therefore fewer impacts. However, this alternative would not address state and regional policies to focus development near transit and reduce vehicle trips and vehicle miles traveled. The No Project Continue Existing Specific Plan (Alternative 1)/Revert to Basic Development Right (FAR of 0.35:1) would reduce all the significant unavoidable environmental impacts of the proposed project but at least the potential would exist for impacts to remain that would have to be addressed project by project. This alternative, in and of itself, would not meet any of the project's objectives.

Therefore, Alternative 2 is identified as the environmentally superior alternative. It would address many of the proposed project objectives although not to the same extent as the project. With less development not all of the transportation improvements may be funded, and although less development would lead to generally fewer impacts, there exists the potential for traffic impacts to be worse than for the proposed project. This alternative would have the same significant impacts as the project, but they would be reduced in intensity or duration.

8. FINDINGS REGARDING GENERAL CEQA IMPACT CATEGORIES

Short Term versus Long Term Impacts

The Proposed Plan is intended to replace and update the existing Warner Center Specific Plan that, since its adoption, has anticipated urban uses in the majority of the area. The Proposed Plan as approved by the City Council is intended to provide land use carrying capacity in areas already slated for urban uses, consistent with state and regional policies encouraging densification of land uses in urban areas, especially adjacent to transit. Short term impacts related to traffic, energy and water consumption would occur. It is important to resolve these problems in the near term to ensure that the quality of life and the quality of the environment in the Warner Center Area are maintained.

Growth Inducing Impacts of the Proposed Plan

CEQA Guidelines Section 15126.2(d) requires that an EIR discuss growth-inducing impacts of a proposed project. Growth-inducing impacts are ways in which the project could "...foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." This includes projects that would remove obstacles to growth. However, as stated in the Guidelines, "it must not be assumed that growth in any

areas is necessarily beneficial, detrimental, or of little significance to the environment."

The proposed project would include approximately 62.7 million square feet of residential and non-residential development, including the development of approximately 20,000 dwelling units. The proposed project would result in an increase in the number of employees from about 40,000 employees under existing conditions to more than 89,000 employees under anticipated 2035 development levels. This compares to 54,037 anticipated by SCAG in 2035 without the proposed project (the No Project alternative).

As noted in the CEQA Guidelines, increases in population may tax existing community service facilities, requiring construction of new facilities that could themselves cause significant environmental effects. The CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental or of little significance to the environment. As analyzed in the Plan's EIR Section 4.10, the population, housing and employment associated with the proposed project would be consistent with the growth anticipated for the City of Los Angeles as a whole.

The proposed project would remove impediments to growth to the extent that it would allow for increased development in Warner Center that may not be permitted under present planning regulations (although project-by-project incremental approvals would still be possible). It is the intent of the proposed project to focus growth that might otherwise occur in other areas of the City (further from transit and in areas without the mix of uses designed to reduce trips). The proposed project is designed to induce growth within Warner Center at the expense of growth elsewhere.

With regard to infrastructure-induced population growth, all roadway improvements planned for the proposed project, or as mitigation, are intended to provide for better circulation flows throughout the area and/or to improve pedestrian safety and would not open any large undeveloped areas for new use. Utility and other infrastructure upgrades would also meet project-related demand. The proposed project's demand for commercial goods and services would be met by new retail, services and community facilities and by existing retail, service and other resources all located within the project site (Warner Center).

The proposed project is expected to provide for population and employment growth anticipated for the City of Los Angeles through the year 2035. The proposed project would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled.

The project would result in greater density of uses, would encourage walking and the use of transit both internal and external to the site (Warner Center). The

project would not induce growth in an area that is not already developed with infrastructure to accommodate such growth. Implementation of the proposed project would likely result in improvements to infrastructure in the area including water, sanitation, police and fire facilities as necessary to meet growth anticipated within Warner Center.

Overall, while the project would result in an increase in the population that could tax existing community service facilities that would need to be improved in the Warner Center area (police, fire, parks, libraries, water, sewer, solid waste facilities) it is not anticipated to encourage or facilitate other activities outside of Warner Center. Thus, the project would not result in significant growth-inducing impacts, other than those anticipated from implementation of the proposed project.

Significant Irreversible Impacts

CEQA Guidelines Section 15126.2(c) requires that an EIR analyze significant irreversible environmental changes that would be caused by the proposed project. This includes the use of nonrenewable resources during construction and operation of a project to such a degree that the use of the resources thereafter is unlikely. It also includes significant and irreversible environmental changes that could result from environmental accidents associated with the project.

Implementation of the proposed project would include the construction of individual projects that that would result in a commitment of limited, slowly renewable, and nonrenewable resources. Such resources would include certain types of lumber and other forest products; metals such as steel, copper, and lead; aggregate materials used in concrete and asphalt (e.g., stone, gravel, and sand); and other construction materials such as plastic. In addition, fossil fuels used in construction vehicles would also be consumed during construction of the project.

Implementation of the proposed project would involve the continued consumption of limited, nonrenewable, and slowly renewable resources similar to other mixed-use projects. These resources would include natural gas and electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling of buildings, transporting people and goods to and from the site, heating and refrigeration for food storage and preparation, heating and cooling of water, and lighting. Operation of the project would occur in accordance with Title 24, Part 6 of the California Code of Regulation, which sets forth conservation practices that would limit the amount of energy consumed by the project. In addition, the project would be subject to energy efficient planning and construction guidelines set forth by the City of Los Angeles. Nonetheless, the use of such resources would still continue to represent a long-term, irreversible commitment of these resources.

9. OTHER CEQA CONSIDERATIONS

Recirculation of Final EIR

CEQA Guidelines Section 15088.5 does not require recirculation of the Final EIR based on the following:

- No significant new information has been added that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project, a feasible way to mitigate or avoid such an impact that the Applicant has declined to implement, or a feasible Project alternative;
- The new information, including certain factual corrections and minor changes, provides clarification to points and information already included in the Draft EIR;
- There are no significant new environmental impacts resulting from the Project or from a new mitigation measure proposed to be implemented;
- There is no substantial increase in the severity of an environmental impact that has not been mitigated to a level of insignificance;
- The Applicant has not declined to adopt any feasible project alternatives or mitigation measures, considerably different from others previously analyzed, that clearly would lessen the environmental impacts of the Project; and
- The Final EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded. The City Council finds that, after considering the Final EIR, there is substantial evidence to conclude that none of the conditions requiring recirculation of the Final EIR are present and therefore recirculation of the Final EIR is not required.

Project Description

CEQA requires that the description of the project include "the whole of an action" and must contain specific information about the Plan to allow the public and reviewing agencies to evaluate and review its environmental impacts, and that this description must include all integral components of the Plan. A proper project description is important to ensure that "environmental considerations do not become submerged by chopping a large project into many little ones – each with minimal impact on the environment – which cumulatively may have disastrous

consequences.” (Bozung v. Local Agency Formation Commission (1975) 13 Cal.3d 263, 283-284.) The Final EIR contains a project description that describes the whole of the proposed action consistent with CEQA requirements.

Substantial Evidence

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR and Final EIR and other related materials, each of which are incorporated herein by this reference. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

Relationship of Findings to EIR

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings.

Custodian of Documents

The custodian of the documents or other material which constitutes the record of proceedings upon which the City Planning Commission and City Council's decision is based is the City of Los Angeles, Department of City Planning, located at 200 North Spring Street, Los Angeles, California 90012.

Miscellaneous

- a. The concept of “feasibility” encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a Project. “Feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.
- b. CEQA requires that the lead agency exercise its independent judgment in reviewing the adequacy of a Final EIR and that the decision of a lead agency in certifying a Final EIR and approving a Project not be predetermined. The City has conducted its own review and considered the Final EIR, and is exercising its independent judgment when acting as herein provided.
- c. CEQA requires decision-makers to adopt a mitigation monitoring program for those mitigation measures identified in the Final EIR that would

mitigate or avoid each significant impact identified in the Final EIR and to incorporate the mitigation monitoring program, including all mitigation measures, as conditions of Project approval.

- d. The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
- e. CEQA requires the Lead Agency approving a Project to adopt a Mitigation Monitoring Program (MMP) for the changes to the Project which it has adopted or made a condition of Project approval in order to ensure compliance with the mitigation measures during Project implementation. The mitigation measures included in the Final EIR as certified by the City Council and included in the MMP as adopted by the City Council serves that function. The MMP includes all of the mitigation measures and project design features that reduce potential impacts which were identified in the Final EIR and adopted by the City Council in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. The final mitigation measures are described in the MMP. Each of the mitigation measures identified in the MMP, and contained in the Final EIR, is incorporated into the Project. In accordance with the requirements of Public Resources Code § 21081.6, the City Council hereby adopts the MMP and incorporated by reference into these findings. The City Council finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP, and contained in the Final EIR.
- f. In accordance with the requirements of Public Resources Code § 21081.6, the City Council hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
- g. The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Final EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- h. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project evaluated in the Final EIR. The City Council finds that the Final EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City Council finds that it has independently reviewed and analyzed the Final EIR for the Project, that the Draft EIR that was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City Council.

- i. The City Council finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
- j. The Planning Department evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Planning Department reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on a full evaluation of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR.
- k. The significant environmental impacts of the Project and the alternatives were identified and evaluated in the Draft and Final EIR.
- l. The City Council is approving and adopting findings for the entirety of the actions described in these Findings and in the Final EIR as comprising the Project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the Lead Agency for the Project, the Final EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the Project.

10. **MITIGATION MONITORING**

The Mitigation Monitoring Plan (MMP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a plan where a Final EIR has identified significant environmental effects to adopt a "reporting or monitoring program for the changes to project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The City is the Lead Agency for the Plan.

The MMP is designed to monitor implementation of all feasible mitigation

measures as identified in the Final EIR for the Plan. All departments listed are within the City unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the City unless otherwise noted.

11. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Los Angeles hereby adopts this Statement of Overriding Considerations concerning the unavoidable significant impacts of the Warner Center 2035 Plan (previously referred to as the Warner Center Regional Core Comprehensive Specific Plan – Warner Center 2035 Plan) to explain why the benefits of the Warner Center 2035 Plan outweigh and override its unavoidable impacts.

The Final Program Environmental Impact Report (PEIR) for the Warner Center 2035 Plan has identified and discussed significant environmental impacts that may occur as a result of implementation of the Warner Center 2035 Plan:

Visual quality has impacts with new signage that has the potential to significantly impact.

Shade and shadow impacts are potentially significant as a result of increasing density and associated increased building heights and increased sensitive receptors that could be affected (new residential units and open space).

Construction air quality impacts are potentially significant as a result of development projects and infrastructure construction (roadways, bridges, and utility lines) in the area.

Operational air quality impacts are potentially significant as a result of mobile source and energy use.

Greenhouse gas emissions impacts are potentially significant as a result of construction and operation.

Construction noise and vibration impacts are potentially significant at individual construction sites.

Operational noise impacts are potentially significant at Variel Avenue between Victory Boulevard and Vanowen Street.

Transportation impacts are potentially significant at one intersection (Variel Avenue and Victory Boulevard) and one arterial street segment (Canoga Avenue between Ventura Boulevard and Oxnard Street), due to increased vehicle miles traveled (VMT) and vehicle hours traveled (VHT).

The City of Los Angeles has made specific Findings, pursuant to the California Environmental Quality Act (CEQA), on each of the significant environmental impacts of the Warner Center 2035 Plan and on mitigation measures and alternatives. Nevertheless, even with implementation of feasible mitigation, many of the significant and unavoidable impacts still remain.

In accordance with Section 15093 of the CEQA Guidelines, the City of Los Angeles City Council hereby finds that following economic, legal, social, technological, environmental and other benefits of the Warner Center 2035 Plan outweigh its unavoidable, adverse environmental impacts discussed in the Findings, based on the considerations set forth herein:

Benefits of the 2012-2035 RTP/SCS:

The Warner Center 2035 is consistent with Senate Bill 375. While increasing vehicle miles traveled and greenhouse gases in the immediate area, the Warner Center 2035 implements a condensed development pattern adjacent to transit, consistent with SB 375 and the Regional Transportation Plan/Sustainable Communities Strategy, adopted by the Southern California Association of Governments (SCAG) in April 2012 (2012 RTP/SCS), and therefore would be expected to contribute to decreasing regional vehicle miles traveled and greenhouse gas emissions.

The Proposed Plan would support the policies and goals of the General Plan Framework Element by allowing the City to grow strategically and allow for the conservation of existing low-scale residential neighborhoods throughout the City. The Warner Center 2035 Plan will improve overall mobility and provide congestion relief in the Warner Center area. The Warner Center 2035 Plan includes a mix of land uses designed to reduce vehicle trips. In addition, the Warner Center 2035 Plan includes numerous transportation improvements in the Warner Center area.

The Warner Center 2035 Plan provides a funding mechanism (mobility fee) for the preservation of the existing and future transportation systems. Funding the transportation improvements included in the Warner Center 2035 Plan will guarantee optimizing the productivity of our transportation system, thereby, accruing greater benefits associated with mobility, congestion relief, economic activity, safety, and accessibility.

The Warner Center 2035 Plan promotes development that would accommodate anticipated population growth and guide physical development towards a desired form and quality that is consistent with the social, economic and aesthetic values of the City.

The Final EIR provides a programmatic mitigation framework to guide

development projects in order to reduce environmental impacts.

The Warner Center 2035 Plan promotes active transportation modes (i.e., bicycling and walking) by providing an attractive pedestrian-oriented environment as well as lanes for bicycles. In general in the region (according to the 2012 RTP/SCS), active transportation spending is expected to increase the region's bikeways from 4,315 miles to 10,122 miles and bring significant portions of deficient sidewalks into compliance with the Americans with Disabilities Act (ADA), along with implementing other safety improvements. The Plan's emphasis on transit and active transportation will allow the region's residents to lead a healthier and active lifestyle.

The Warner Center 2035 Plan provides air quality and public health benefits by providing a compact growth pattern that would reduce regional trips, and therefore reduce regional air quality as compared to a distributed growth pattern. Compared to existing conditions ROG, CO and NOx would be substantially less than today (as a result of statewide emission controls). In addition, the Plan requires that health risks within 500 feet of the US 101 freeway be evaluated and avoided consistent with SCAQMD guidelines.

While the Warner Center 2035 Plan would result in a significant increase in greenhouse gas emissions, it would be consistent with policies included in the 2012-2035 RTP/SCS by promoting a compact urban form that would result in more efficient energy and water use as compared to a distributed land use pattern that could otherwise occur without the Plan.

The development pattern of the Warner Center 2035 Plan accommodates population, housing, and employment growth while improving access to jobs and services. The Warner Center 2035 Plan provides for new housing and job growth in an area served by high quality transit. The Plan's focus on multi-family development will help the City and region accommodate the projected housing demand. The compact land use patterns described in the Warner Center 2035 Plan, combined with the transportation network improvements and strategies identified in the Plan, would result in improved pedestrian and bicycle access to community amenities, shorter average trip length, and reduced vehicle miles traveled per person.

The Warner Center 2035 Plan would reduce land consumption in Greenfield areas compared to the No Project Alternative which would increase development in accordance with a dated SCAG forecast. Compact and urban infill development patterns would result in reduced water consumption.

The Warner Center 2035 Plan encourages and creates incentives for energy efficiency by supporting compact land uses that substantially reduce consumption of transportation fuel, electricity, and natural gas. The overall energy savings resulting from developing more compactly translates to

meaningful savings in transportation fuel costs and residential energy bills.

Implementation of the Warner Center 2035 Plan is expected to provide economic benefits to the City of Los Angeles. These benefits are expected to be experienced directly through the jobs created by projects in the Warner Center 2035 Plan and through the benefits of a more efficient transportation system. The transportation investments in the Warner Center 2035 Plan would foster economic and household growth and improve accessibility to transportation infrastructure and many other amenities.

Implementation of the Warner Center 2035 Plan would generate jobs from construction as well as operation of development projects as well as transportation improvements. The job growth related to the Warner Center 2035 Plan would create wealth in the City, raise the household income level, and enhance the City's competitiveness.

The Warner Center 2035 Plan would reduce annual household costs associated with driving and residential energy and water use.

The land use plan as well as the goals, strategies, and improvements proposed in the Warner Center 2035 Plan were derived from extensive public participation and consultation efforts and reflect broad agency and public support.

The Warner Center 2035 Plan balances the policy goals and objectives of the City better than the alternatives, as discussed in the Findings.

For all of the above-mentioned reasons, the City of Los Angeles City Council hereby concludes that the benefits of the Warner Center 2035 Plan outweigh and override any adverse environmental impacts associated with the Plan.

ATTACHED EXHIBIT

From Iteris, Inc.

Extracted from Traffic Model- Warner Center 2035 Plan – September 9, 2013



Potential effects of publicly accessible open space and pathways, new streets and transit on reducing auto trips in Warner Center Specific Plan

A key component of the Warner Center Specific Plan and its Transit Oriented Development (TOD) is its Circulation Element, which is designed to be fully integrated with the Plan's Land Use Element. The circulation element is unique as it is truly a multimodal plan relying heavily on transit, bicycling and pedestrian modes for both internal as well as external access and circulation. The transit mode in particular is a comprehensive combination of regular scheduled bus transit, a robust internal shuttle system, the Metro Orange Line and its proposed extension and a potential fourth station in southeast quadrant of Warner Center.

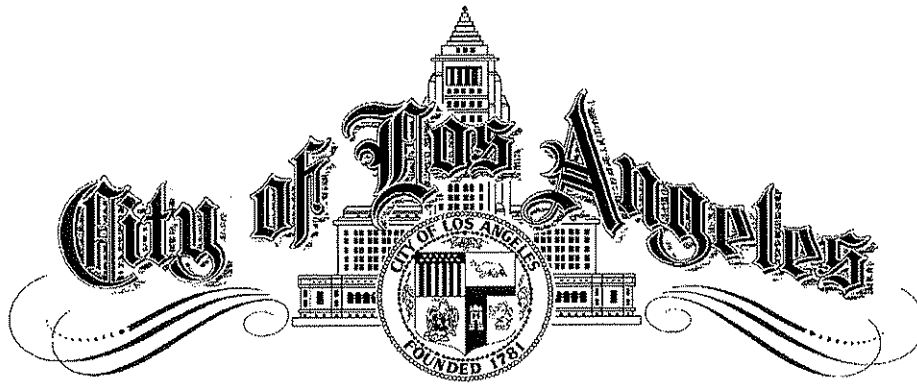
The success of the plan and its EIR heavily depend upon a larger than usual portion of the potential trips, which will be generated at the plan's implementation, to be accommodated by modes other than autos. The EIR includes recommendations for a series of traditional intersection and arterial mitigation measures. However, these proposed street improvements would be much larger in number and broader in their scope without the assumed significantly high mode shift to transit, walk and bike which would reduce overall vehicle trips. Conversely, the assumption of large shifts of trips to non-automobile modes is only possible due to the Plan's supporting assumptions related to enhanced pedestrian amenities, publically accessible open spaces, new streets as well as a robust and suitable local road network for bicycles and small/slow vehicles.

The table below compares 2035 PM peak hour trips that are expected to be generated from the Warner Center Specific Plan area with and without the assumption of TOD strategies, aggressive transit support and implementation of high-quality pedestrian and publically accessible open spaces to allow for the increased use of transit, walking and bicycling:

	Autos	Transit	Bicycle	Pedestrian
2035 Trips Without TOD/Street Plan	43,800	2,300	360	4,800
2035 Trips with TOD/Street Plan*	33,500	9,000	1,030	7,150
Change	-10,300	6,700	670	2,350

* The plan also assumes an overall small reduction of trips due to live-work arrangements and telecommuting

As can be seen, the assumption of TOD, transit, new streets, pedestrian amenities and publicly open spaces, are expected to increase PM peak hour pedestrian and bicycle trips by over 3,000 from just over 5,100 to nearly 8,200, or a 59 percent increase. This, along with shifting of trips to transit, which is also strongly supported by the existence of pedestrian pathways and amenities, is expected to result in a reduction of over 10,000 auto trips in the PM peak hour, which could translate into a reduction of 100,000 daily vehicle trips and consequently lessens the need for additional costly highway system improvements. It can also be estimated that the open space and pedestrian/bike pathways plan could potentially be used by a total of over 8,200 PM peak hour or over 80,000 daily pedestrian and bicycle trips, many of which would be made by automobiles if the plan amenities were not implemented.



MICHAEL N. FEUER
CITY ATTORNEY

September 17, 2013

The Honorable City Planning Commission
of the City of Los Angeles
City Hall, Room 532
200 North Spring Street
Los Angeles, California 90012

Attention: Alan Bell, Deputy Director of Planning

Re: Revised Draft of Ordinance Establishing the Warner Center 2035 Plan

(Council File No. 13-0197)

Honorable Members:

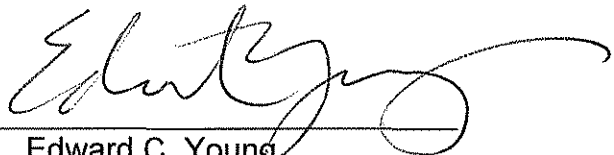
Pursuant to the action of the Planning and Land Use Management Committee of the City Council, as well as the anticipated action of the City Council, this office has prepared and transmits for your action a revised draft ordinance pertaining to the above-described subject matter.

Pursuant to Charter Section 559, the Director of Planning is authorized to approve or disapprove for the City Planning Commission any ordinance which is subject to the provisions of Charter Sections 555 or 558. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The City Planning Commission would have been required to make the appropriate findings and comply with the requirements of Charter Sections 556, 558(a) and 558(b)(2), and the California Environmental Quality Act.

Once you have acted on this matter, please transmit your action and the ordinance to this office at your earliest convenience in order that we may transmit it to the City Council for its consideration.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
Edward C. Young
Deputy City Attorney

Transmittal