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CITY ATTORNEY

REPORT NO. R 1 3 - 0 2 8 1

SEP 20 2013

REPORT RE:

**DRAFT ORDINANCE ESTABLISHING
THE WARNER CENTER 2035 PLAN**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 13-0197
CPC File No. 2008-3470-SP-ZC-GPA-SUD

Honorable Members:

This Office transmits to you for your consideration a draft ordinance, approved as to form and legality, that, if adopted, would: (i) repeal the existing Warner Center Specific Plan and all amendments thereto; and (ii) establish the Warner Center 2035 Plan, a new specific plan. The Warner Center 2035 Plan is attached to the draft ordinance.

Background

The draft ordinance would replace the existing Warner Center Specific Plan with a new specific plan called the Warner Center 2035 Plan (Specific Plan). The proposed Specific Plan would provide unique zoning regulations for a portion of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area. The Specific Plan area is shown on Map 1 of the Specific Plan.

The Specific Plan is designed to address a build-out scenario within the Specific Plan area that involves: (i) 30,100,000 square feet of non-residential floor area; (ii)

32,600,000 square feet of residential floor area; and (iii) 26,048 dwelling units. It also addresses potential development beyond that build-out scenario.

Summary of Ordinance Provisions

The Specific Plan establishes eight districts (i.e., College District, Commerce District, Downtown District, North Village District, Park District, River District, Topanga District, and Uptown District). Each district has its own standards and regulations. In addition, the Specific Plan includes special provisions for master-planned projects, multiple-phase projects, automobile dealerships, entertainment uses, parking requirements, hybrid industrial uses, specified uses that qualify for development bonuses, and pedestrian-oriented nodes/street frontages.

Mobility Fees and Cultural Amenities Development Fees are required for certain projects, which fees are to be deposited into the Warner Center Mobility Trust Fund and the Warner Center Cultural Amenities Trust Fund, respectively. Each of those trust funds is to be created by a separate ordinance.

The City Planning Commission and your Planning and Land Use Management Committee have reviewed and approved a previous version of the Specific Plan. Since their approval, numerous modifications were made to that version of the Specific Plan for clarification purposes and to address formatting and technical matters.

Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft ordinance on behalf of the City Planning Commission. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his transmittal dated September 17, 2013, a copy of which is enclosed herewith, or by making your own findings.

California Environmental Quality Act (CEQA)

If you wish to adopt the proposed ordinance, you must first comply with CEQA. You may do so by doing the following:

- (1) CERTIFY that the final Environmental Impact Report (EIR) (EIR No. ENV-2008-3471-EIR; State Clearing House No. 1990011055) has been completed in compliance with the California Environmental Quality Act, that the final EIR was presented to the City Council and the City Council has reviewed and considered the information contained in the final EIR, that the final EIR reflects the independent judgment and analysis of the lead agency City of Los Angeles, and that the documents constituting the record of proceedings on which the City Council's decision is based are located in Council File No.13-0197 in the custody of the City Clerk and in

the files of the Department of City Planning in the custody of the Environmental Review Section;

- (2) ADOPT the FINDINGS recommended by the Director of Planning, on behalf of the Los Angeles City Planning Commission, in his September 17, 2013, transmittal, including the Environmental Findings, pursuant to Public Resources Code Section 21081 as the CEQA Findings of the City Council;
- (3) ADOPT the Mitigation Monitoring Program; and
- (4) ADOPT the Statement of Overriding Considerations prepared by the Department of City Planning.

If this ordinance is adopted, Department of City Planning staff should be directed to cause the filing of a Notice of Determination in accordance with State CEQA Guidelines Section 15075.

Council Rule 38 Referral

Pursuant to Council Rule 38, a copy of the draft ordinance was sent to the Department of Recreation and Parks, Department of Building and Safety, Department of Housing and Community Investment, Department of Transportation, Department of Cultural Affairs, Fire Department, Police Department, and Department of Public Works (Bureau of Engineering and Bureau of Street Services). This Office has addressed the comments received from these Departments. Department of Transportation (DOT) recommended various revisions to the Specific Plan in its letter dated September 10, 2013, a copy of which is enclosed. Some of DOT's recommended revisions are not incorporated in the current version of the Specific Plan because Department of City Planning does not agree with those revisions from a policy perspective. The enclosed DOT letter is marked to indicate those revisions.

If you have any questions regarding this matter, please contact Deputy City Attorney Edward Young at (213) 978-8228. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID J. MICHAELSON
Chief Assistant City Attorney

PBE/EY:pat
Transmittal