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April 14, 2021

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**SUPPLEMENTAL STAFF RECOMMENDATION REPORT WITH APPEAL RESPONSE FOR  
CASE NOS. VTT-74891-2A / ENV-2017-1708-MND; 20920 – 20970 W WARNER CENTER  
LANE; 20935 – 21051 W WARNER CENTER LANE; 20931 – 21041 W BURBANK  
BOULEVARD; CF 21-0134**

**APPELLANT 1: APPEAL POINTS FROM MITCHELL M. TSAI (THE SOUTHWEST REGIONAL  
COUNCIL OF CARPENTERS), SUPPLEMENTAL LETTER SUBMITTED MACRH 16, 2021**

**Appeal Point II: Acceptance of an appeal renders the Project inconsistent with the Warner Center 2035 Plan.**

- 1. Appeal Point II.a.1.i: By revising Condition 2.d, the City Planning Commission allowed the concurrent development of phases, which “effectively remove(s) the Project’s phasing requirement,” which is inconsistent with the Specific Plan. To carry out the intent of the Specific Plan, the City should prioritize the commercial component to achieve the employment / residential balance sought by the Specific Plan.**

Response: As described in the March 9, 2021 staff report, the Warner Center 2035 Plan does not require the phasing of projects nor that phases in Multiple-Phase Projects are to be developed restrictively on an exclusively sequential basis. Section 5.3.3.2.1 does describe a procedure relating to “subsequent phases of development” in Multiple-Phase Projects because multiple phases generally will be developed over a period of time that may be discontinuous, but there are no regulations in that section or in any other section of the plan that require that phases are developed in an exclusively sequential manner in which the development of only one phase may take place at any given time.

Regarding Condition 2.d and the development of phases, in addition to the arguments made in the March 9, 2021 staff report, it should be clear that the interpretation of the appellant is based on a false assumption that because Section 6.1.2.2 of the Specific Plan describes the Commerce District as the most “jobs-rich” district, that it means that commercial development should be prioritized over residential development. The staff report explains that the Warner Center 2035 Specific Plan seeks an “employment / residential balance” and does not indicate a preference for commercial development over residential development. As mentioned previously, the Commerce District, anticipated to be the most jobs-rich district, allows for and anticipates up to 50% residential floor area, reflecting a true balance of residential and non-residential development. The ratio of residential to non-residential development in the Project is consistent with what is allowed in the Commerce District per the Specific Plan.

Section 2 of the Specific Plan explains that “[t]he purpose of the Warner Center 2035 Plan is to create a vital mixed-use, transit-oriented district (TOD) for the Plan area and surrounding communities.” The plan describes a future in which the “streets are energized with the activity of many uses proximate to one another.” There could not be a vital, mixed-use TOD without residential development. Further, four of the subdistricts of the Specific Plan have no restrictions on residential development in relation to the allowed ratio of residential to non-residential development. Section 10 of the Specific Plan describes the future build-out of the Plan, anticipating 23.5 million square feet of net new residential development and 14 million square feet of net new non-residential development. When the Plan allows for and expects 63% of net new development to be residential in nature, the point of the appellant is not well-taken that the Specific Plan prioritizes commercial development. The Specific Plan lays out a vision for both residential and non-residential development, both in the Commerce District and in the Plan area as a whole.

In Case No. ZA-2016-3908-MCUP-DI-SPP, the City found “Appendix B, Graduated FAR table, Note 6, provides that ‘[m]ulti-phased projects may reserve floor area for the required non-residential component in a future phase on-site.’ Nevertheless, due to concerns raised at the public hearing on April 30, 2019, regarding development of only the residential components of a phase and deferment of the commercial development, which is the one of the job-creating components of the WC2035 Plan, a condition of has been incorporated in this approval to ensure the development of the commercial component of a phase is developed concurrently with the residential component of said phase.” The finding makes clear that the condition was intended to respond to concerns raised about the specific project at a public hearing. The appellant thus misrepresented the longstanding policy of the City, which in contrast has been to allow multiple-phased projects to “reserve floor area for the required non-residential component in a future phase on-site,” consistent with Appendix B. The claim of the appellant that the City has a “longstanding policy to promote the prioritization of the Commercial District” is unfounded and based on no substantial evidence submitted as a part of the appeal. The appellant has based the argument on one case in which the finding explicitly states that “[m]ulti-phased projects may reserve floor area for the required non-residential component in a future phase on-site” in accordance with the Specific Plan.

It should be noted, as explained in the March 9, 2021 staff report, that Condition 2.d for the subject case, as adopted by the City Planning Commission, states “No temporary certificate of occupancy shall be issued for a residential building which also contains commercial square footage, unless the commercial component has received a temporary certificate of occupancy prior to, or concurrently with, the residential building component.” This condition requires that the commercial component for any building is developed prior to, or concurrently with the residential component within each building, in a similar manner to Case No. ZA-2016-3908-MCUP-DI-SPP. The appellant in the appeal point appears to be more concerned, however,

that residential phases may be developed prior to non-residential phases in the Project. As already stated, Appendix B, Graduated FAR Table, Note 6 of the Specific Plan explicitly allows non-residential development to be reserved for future phases.

In summary, the false characterization of the Specific Plan and the policy of Los Angeles City Planning “to prioritize the commercial aspect of the Project,” and thus to forbid the development of any residential development until all commercial development has been built, appears to be based solely on one remark that the Commerce District is to be the most jobs-rich district per the Specific Plan and no other evidence submitted as a part of the appeal. Yet, when the most jobs-rich district in the Specific Plan allows for up to 50% residential development and Appendix B makes clear that non-residential development may be reserved for future phases, it should be clear that neither the Commerce District nor the Specific Plan as a whole prioritize commercial development over residential development in the way that the appellant alleges that it should. Thus, the appeal point has no merit.

**2. Appeal Point II.a.1.ii: Appeal Point: The City applied Ordinance No. 186,498 (Warner Center 2035 Plan Mobility Fee Amendment) to the subject case, but did not apply it to Case No. DIR-2018-3394-SPP.**

Response: In the March 16, 2021 supplemental letter, the appellant alleges “[t]he Letter of Determination’s DIR Condition 27 correctly applied the Mobility Fee,” and “the City’s revision of DIR Condition 27 to remove the applicability of the Mobility Fee Update renders the Project inconsistent with the Specific Plan.” The argument made by the appellant in the March 16, 2021 letter has reversed the argument from the January 22, 2021 appeal justification, in which the appellant argued that the City correctly applied the Mobility Fee Update to the subject case upon appeal but did not apply it correctly to a different case, Case No. DIR-2018-3394-SPP, which was issued a Letter of Determination prior to the effective date of the ordinance. The statement that the City removed the applicability of the Mobility Fee Update upon appeal is not based in fact and fails to recognize that the language was amended upon appeal precisely to make the language of DIR Condition No. 27 more consistent with Ordinance No. 186,498, incorporating language directly from the Mobility Fee Update into the condition.

It should be stated again that Case No. DIR-2018-3394-SPP is not under appeal at this time. The subject case numbers for this appeal are Case No. VTT-74891 and Case No. ENV-2017-1706-MND, for which the VTT Letter of Determination was issued March 23, 2020, *after* the effective date of Ordinance No. 186,498, which became effective on March 10, 2020.

The original appeal point regarding the application of the Mobility Fee Update to the cases mentioned is addressed adequately in the March 9, 2021 staff report. In summary, Ordinance No. 186,498 set forth a new Mobility Fee Rate Table for projects deemed complete *after* the effective date of the ordinance. Projects deemed complete *prior* to the effective date of the ordinance are subject to the same Mobility Fee Rate Table as set forth in the unamended Warner Center 2035 Specific Plan. Case No. DIR-2018-3394-SPP and the subject case were both deemed complete *prior* to the effective date of the ordinance. Thus, both are subject to the same annually adjusted Mobility Fee Rate Table as set forth in the unamended Warner Center 2035 Specific Plan. Other minor changes were described in the March 9, 2021 staff report.

In conclusion, the allegation of the appellant that “the City’s revision of DIR Condition 27 to remove the applicability of the Mobility Fee Update” stands in direct contrast to what the City Planning Commission actually did, which was to add language directly from Ordinance No. 186,498 upon appeal to make the condition more consistent with the new language of the

Mobility Fee Update. Thus, the appeal point has no merit and appears to be based on a misunderstanding of Ordinance No. 186,498 and how it applies to Warner Center Specific Plan cases.

**3. Appeal Point II.a.2: *The Project does not comply with the Specific Plan's Cultural Amenities Trust Fund Requirements because it uses conditional requirements.***

Response: This appeal point is adequately addressed in the March 9, 2021 staff report. However, it should be noted that it is not the function of Los Angeles City Planning to assess the monetary valuation of projects. The Warner Center 2035 Specific Plan makes clear that the Warner Center Cultural Amenities Fee applies if the valuation exceeds \$500,000.00. Monetary valuation is calculated by the Department of Building and Safety at the time of an application for a building permit. Additionally, the Warner Center Cultural Amenities Fee is calculated at the time of building permit. Building permits are a function that lies solely within the purview of the Department of Building and Safety and are not issued unless an applicant applies for and is approved for a building permit. The appellant is requesting that Los Angeles City Planning perform functions currently within the purview of the Department of Building and Safety, and furthermore to perform these functions prior to the submission of an application for a building permit. The appeal point thus has no merit and appears to be based on a misunderstanding of the processes of the City of Los Angeles and their distribution across City Departments.

**4. Appeal Point II.a.3: *The Project Violates the Warner Center 2035 Plan's Publicly Accessible Open Space Requirements.***

Response: This appeal point is adequately addressed in the March 9, 2021 staff report regarding New Street standards. It should be noted that the appellant again raised the initial concerns of Commissioner Ambroz regarding the design of the Publicly Accessible Open Space as evidence that the Project violates the Warner Center 2035 Specific Plan. Nevertheless, the action of the City Planning Commission, in a vote of 8-0, including Commissioner Ambroz, was to deny the appeals and find the Project consistent with the Warner Center 2035 Specific Plan, including Publicly Accessible Open Space regulations. The Letter of Determination details in the findings how the Project complies with Publicly Accessible Open Space standards. The appellant has provided no substantial evidence to demonstrate that the Project violates the Specific Plan's Publicly Accessible Open Space standards. Thus, the appeal point has no merit.

**5. Appeal Point II.a.4: *The decisions of the City Planning Commission, the Deputy Advisory Agency, and Director of Planning are inconsistent with the Warner Center 2035 Specific Plan because they should be stayed until the City implements the City Council's direction to implement additional labor standards, local hire, prevailing wage, mobility fee, and affordable housing requirements.***

Response: In addition to the March 9, 2021 staff response, it should be noted that the claim of the appellant that the City "has recently approved a number of changes to the Warner Center 2035 Plan including measures to implement labor standards, local hire, prevailing wage, mobility fee and affordable housing requirements" is not based in fact, except for the Mobility Fee Amendment (Ordinance #186,498), which is the only amendment to the Specific Plan that has been adopted. There have been no amendments to the plan regarding labor standards, local hire, prevailing wage, or affordable housing requirements.

The appellant here repeats the new argument made in Appeal Point II.a.1.ii, directly contradicting the contentions made by the appellant in the January 22, 2021 appeal justification. The line of argumentation now is that the initial Letter of Determination got the Mobility Fee right, but that the minor change in the language of the condition, a change that was revised on appeal by the City Planning Commission to make the condition language more consistent with the Mobility Fee Amendment, was incorrect. By reversing the argumentation of the initial appeal point, the appellant now appears to be taking the position that the City should not have applied Ordinance #186,498 to the subject case, even though it became effective on March 10, 2020 and the Letter of Determination was issued March 23, 2020. Since March 23, 2020 is a date that is later in time than March 10, 2020, it goes without saying that it was appropriate that the City Planning Commission approved the minor change to the language of the Mobility Fee condition (No. 27) to be made more consistent with the recently adopted Mobility Fee Ordinance. The appellant seems to agree, contradicting the line of reasoning just made, by arguing that “a project is subject to all legal requirements, including the Mobility Fee update, which is in effect at the time of the Project approval.”

Thus, the reversal of the initial appeal point made in the January 22, 2021 appeal, that the adoption of the Mobility Fee Amendment language into the condition on appeal was correct, to now seeing the adoption of the Mobility Fee Amendment language into the condition on appeal as improper, appears logically inconsistent, given that the appellant also acknowledges that the amendment should apply to the Project. Given that the new interpretation directly contradicts the earlier argumentation and that the new line of argumentation is logically inconsistent, the only reasonable conclusion is that the appellant lacks an understanding that the ordinance requires that projects deemed complete prior to the effective date of the ordinance are subject to the Mobility Fee Rate Table as set forth in the unamended Warner Center 2035 Specific Plan for a period of seven years.

Due to the confusion raised by the appellant by reversing the previous appeal positions and misrepresenting the regulations contained within the Mobility Fee Ordinance (Ordinance No. 186,498), it is worth quoting the language from the relevant section, amending Section 7.3.1 of the Specific Plan, as follows:

“The Mobility Fee rate shall be based upon those rates in effect at the time of building permit issuance. However, those projects, including phased projects, for which an application for discretionary approval has been submitted to the Department of City Planning and deemed complete prior to the effective date of this ordinance (which is the first amendment to the Warner Center Specific Plan), shall be subject to the annually adjusted fee rates and credits pursuant to the multi-column table previously set forth in **Appendix D** and titled “Warner Center 2035 Plan - Mobility Fee Table”, which was in effect at the time the application was deemed complete, for a maximum period of seven years following the effective date of this ordinance, after which the project shall be subject to the most current fee and credit rates.”

The City Planning Commission updated the condition on appeal to contain this language, making the condition more consistent with the recently effective amendment. As such, the conditions and findings adopted by the City Planning Commission are consistent with the Specific Plan as it is written and as it is amended by the Mobility Fee Ordinance. This appeal point, as argued in the March 16, 2021 supplemental justification, is logically inconsistent and based on a clear misinterpretation of the ordinance. Thus, it has no merit.

- 6. Appeal Point II.b.: The Project is inconsistent with the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan due to the initial proposal of solely market-rate units.**

Response: The March 9, 2021 staff response addresses the concerns raised by the appellant. However, it is worth noting that Objective 1-4 of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, which is the basis of the appeal point, has four policies directly associated with the objective. The policies promote individual choice in type, quality, price, and location of housing; mixed use projects in pedestrian oriented areas; minimizing the displacement of existing residents; and increasing home ownership options by providing opportunities for development of townhouses, condominiums, and similar types of housing.

The Project approved by the City Planning Commission contains 1,009 units of new housing in a Project site that currently contains no housing. With 168 condominium units (ownership) and 841 rental units, ten percent of which will be reserved for workforce housing for a period of 55 years, as well as units with a variety of number of bedrooms available and Work-Live Units, the Project provides significant individual choice regarding type, quality, price, and location of housing. Furthermore, the Project is mixed use in nature, creating a pedestrian-oriented area where one does not currently exist.

By advocating for the denial of the Project, as well as other Projects in the Warner Center 2035 Specific Plan area for which they have filed appeals, the Southwest Regional Council of Carpenters is promoting housing development in the surrounding region that likely would be located in existing residential areas, likely resulting in the displacement of existing residential owners and tenants, many of whom are low-income, in direct contrast to Objective 1-4 and the associated policies of the Community Plan that promote mixed use development and are consistent with what the Warner Center 2035 Specific Plan envisions and makes possible through its regulations. Thus, the appeal point is without merit.

**7. Appeal Point II.c.: *The Project fails to comply with LAMC 11.5.7.(C).***

Response: As described in the March 9, 2021 staff response, no substantial evidence has been submitted as part of the appeal demonstrating how the Project is inconsistent with the current regulations within the Specific Plan. The findings necessary for Project Permit Compliance approval as per LAMC 11.5.7 C.2 are appropriate and supported by detailed responses and evidence in the administrative record. The final, approved Project plans, Exhibit A, were submitted on June 7, 2019. The approved plans were analyzed in the MND, published in December 2019, and approved on March 23, 2020. The appellant has offered no substantial evidence or explanation as to how the final Project plans as approved differ from the Project as analyzed in the MND. Furthermore, as previously described in the March 9, 2021 staff response, there is no basis to conclude that the Findings made under LAMC 11.5.7 C.2 (b) were inadequate.

**Appeal Point III: California Environmental Quality Act**

**8. Appeal Point III.b: *The City must adopt a mandatory finding of significance that the Project may cause a substantial adverse effect on human beings and mitigate COVID-19 impacts.***

Response: The appeal point has been adequately addressed in the March 9, 2021 staff response. The Project has met its CEQA obligations in this regard.

**9. Appeal Points III.c, III.a, and III.b: *The City omitted information regarding the Project's significant impacts. The Project requires a site-specific EIR. The MND is inadequate and violates CEQA.***

Response: The appeal point has been adequately addressed in the March 9, 2021 staff response and the March 1, 2021 memorandum from Environmental Science Associates and Sheppard Mullin. The City finds that the appeal points raised have no merit and do not provide substantial evidence that the Project is inconsistent with the Warner Center 2035 Specific Plan or that the Project may cause significant effects on the environment that were not adequately addressed in the Final EIR and the Tiered Initial Study / Mitigated Negative Declaration.

**APPELLANT 2: SUPPLEMENTAL APPEAL JUSTIFICATION FROM JAMIE T. HALL (ON BEHALF OF JEFF BORNSTEIN), SUBMITTED MARCH 16, 2021**

From the January 22, 2021 appeal justification, the appellant has greatly expanded the scope of argumentation in the supplemental appeal justification submitted March 16, 2021. At the outset, it is important to note that the Warner Center 2035 Program EIR was certified in 2013 and was not the subject of any legal challenge. As such, the Warner Center 2035 Program EIR, including the analysis of project impacts contained in it, is conclusively presumed to comply with CEQA pursuant to Public Resources Code Section 21167.2.

Public Resources Code Section 21166 describes situations in which an EIR may be inadequate, including *substantial* changes in the project which will require *major revisions* in the EIR, *substantial* changes to the circumstances under which the project is undertaken which will require *major revisions* in the EIR, and new information, which was *not known and could not have been known* at the time the environmental impact report was certified as complete.

The appellant argues that changes in circumstances and new information require the preparation of a subsequent EIR for the Warner Center 2035 Plan. In the letter, the appellant references CEQA Guidelines, Section 15162, which sets forth the circumstances when a subsequent negative declaration or EIR is required after an EIR has been certified for a project.

After an EIR for a project has been certified, CEQA has a strong presumption against requiring a subsequent EIR and requires it in only very limited circumstances per CEQA Guidelines, Section 15162, following Public Resources Code Section 21166 as described above. The focus of the appellant pertains to claims of changes in circumstances and new information, but the appellant fails to recognize that the changes in circumstances must be *substantial* and that they must involve a new significant environmental effect or a substantial increase in the severity of previously analyzed environmental effects that requires *major revisions* in the EIR. To the extent that the appellant claims “new information” requires the preparation of a subsequent EIR, that new information must meet at least two stringent requirements:

1. The new information was *not known and could not have been known* at the time the original EIR was certified; and
2. The new information must show the project will have new significant impacts not analyzed in the EIR or a substantial increase in impacts from what was analyzed in the EIR.

Based upon these requirements, none of the “circumstances” or “new information” cited meet the standard for requiring a subsequent EIR, as discussed in detail below:

1. The SB 743 adoption of VMT as new metric for evaluating transportation impacts:
  - 1.1. Adoption of a new metric does not invalidate a previously certified EIR.

- 1.2 The fact that trip number and trip lengths are now believed to be a better basis for evaluating transportation than LOS was known long before SB 743 was adopted, so this does not constitute new information. Moreover, the Warner Center EIR analyzes the effect that development consistent with the Warner Center Specific Plan will have on VMT.
- 1.3. In a memorandum dated March 17, 2021, the Los Angeles Department of Transportation confirmed that projects developed in a manner consistent with the Warner Center Specific Plan will not result in a VMT significant impact under the City's VMT threshold and, therefore, such projects shall not require project level VMT analysis.

Therefore, the adoption of SB 743 and the implementation of VMT as the new threshold for evaluating transportation impacts does not constitute a substantial change in circumstances involving new significant environmental effects or a substantial increase in previously identified significant effects. Furthermore, it does not constitute new information that was not known or could not have been known when the EIR was certified that results in new significant effects or a substantial increase in previously identified significant effects.

2. Adoption of Measure JJJ and the effect of the alleged “upzoning” of major parts of the City:
  - 2.1 Measure JJJ was approved in 2016 and was codified in 2017. The TOC Guidelines called for in Measure JJJ were approved in 2017 and updated in 2018. However, there have not been any projects seeking to take advantage of the density increases permitted by Measure JJJ or the TOC guidelines within the boundaries of the Warner Center 2035 Specific Plan. There has only been one TOC project within the boundaries of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan. Furthermore, because of the densities permitted in the Warner Center Specific Plan and the limited number of high-quality transit corridors within the boundaries of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan, it is anticipated that few, if any, TOC projects will be proposed either within the boundaries of the Warner Center Specific Plan or within the boundaries of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan. In addition, the EIR prepared for the Warner Center EIR assessed a potential build-out limitation of 62.7 million square feet of floor area. To date, only 37.8 million square feet have been approved, including the development from prior to the adoption of the Warner Center 2035 Specific Plan. Therefore, the appellant's claim that TOC “upzoning” makes the cumulative impact analysis in the Warner Center EIR insufficient amounts to pure speculation.
3. New Programs and Legislation Related to GHG emissions:
  - 3.1 The EIR for Warner Center Specific Plan analyzed GHG emissions and determined its implementation would have a significant and unavoidable GHG impact. The fact that new legislation has been adopted does not mean that there will be a substantial increase in the already identified GHG significant impact.
  - 3.2 The analysis of GHG impacts in the Warner Center EIR is conclusively presumed to comply with CEQA as the Warner Center EIR never faced a legal challenge.

- 3.3 The Mayor's Green New Deal is not an adopted plan of the City, but instead is a policy statement issued by the Mayor.
4. Changes to the Warner Center 2035 Specific Plan land uses since it was first adopted:
  - 4.1 The EIR anticipated development in excess of what has been approved as of present. Therefore, the analysis has adequately addressed development to date.
  - 4.2 The Warner Center EIR analyzed traffic impacts based upon LOS. However, since 2019, the state has established that congestion based upon LOS is no longer a significant impact. Therefore, LOS impacts are no longer CEQA environmental effects. As such, the effects on LOS from new development, even development greater than anticipated in the Warner Center EIR, are no longer significant CEQA impacts.

See Public Resources Code, Section 20199(b)(2) which states: "Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." (Cal Pub Resources Code § 21099(b)(2). These new guidelines set forth in CEQA Guidelines, Section 15064.3 applied statewide as of July 1, 2020.

Given the foregoing, the appeal points raised by Jamie T. Hall have no merit.

### **Conclusion**

For the reasons stated herein, and in the findings of the Director's Determination and the Decision of the Deputy Advisory Agency, the proposed Project complies with the applicable provisions of the Warner Center 2035 Specific Plan. The intent of the Specific Plan is to provide standards to ensure land uses and development in a manner that is compatible with the goals and policies stated in the Specific Plan. Based on the complete plans submitted by the applicant and considering the appellants' arguments for appeal, Staff finds that the Project meets the standards of the Plan and has satisfied the requirements of CEQA.

### **RECOMMENDATION**

It is recommended that the City Council deny the appeals, adopt the attached modified Conditions of Approval and Findings, and **FIND**, pursuant to CEQA Guidelines Sections 15168(c)(1) and 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2017-1706-MND, as circulated on December 19, 2019 ("Mitigated Negative Declaration"), the Warner Center 2035 Program EIR, No. ENV-2008-3471-EIR, SCH No. 1990011055 certified on October 23, 2013 ("Warner Center PEIR") and all comments received, with the imposition of mitigation measures included in the Mitigated Negative Declaration and applicable mitigation measures included in the Warner Center PEIR, there is no substantial evidence that the project will have any significant effects on the environment that were not examined in the Warner Center PEIR. **FIND** the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **FIND** the mitigation measures included in the Mitigated Negative Declaration and the applicable mitigation measures included in the Warner Center PEIR have been made enforceable conditions on the project; **FIND** that the Soil/Water/Air Protection Enterprise (SWAPE) analysis provided by Mitchell M. Tsai (representing The Southwest Regional Council of Carpenters) lacks credibility and does not constitute substantial

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evidence due to inaccurate assumptions, facts, and analysis pertaining to the subject case; and **ADOPT** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Tim Fargo  
City Planner

VPB:LW:BEL:CR:TJF

Enclosures

VTT-74891-2A Conditions of Approval

VTT-74891-2A Findings

VMT Memorandum from the Los Angeles Department of Transportation

## CONDITIONS OF APPROVAL

In accordance with provisions of Section 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency determines that the Initial Study / Mitigated Negative Declaration (IS/MND) tiers from the Warner Center 2035 Program EIR, No. ENV-2008-3471-EIR, SCH No. 1990011055 ("Warner Center PEIR") pursuant to CEQA Guidelines 15152 and 15168; that the IS/MND analyzes potential environmental impacts that were not examined as significant effects on the environment in the Warner Center PEIR, or were susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means; that revisions in the project were made and agreed to by the applicant before the proposed IS/MND was released for public review which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; that there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment; that the IS/MND reflects the independent judgment and analysis of the City; and approves an eight-phased Vesting Tentative Tract Map (VTTM 74891) to merge and re-subdivide the Project site, located at 20920 – 20970 W Warner Center Lane, 20935 – 21051 W Warner Center Lane, and 20931 – 21041 W Burbank Boulevard, for a maximum of eight (8) parcels (Lots 1 through 8), including Lot 5 on which a new building with 168 residential condominium units would be developed, and Warner Center Lane (a private street), as shown on revised map stamp-dated June 7, 2019. This unit density is based on the Warner Center 2035 Specific Plan. The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety which will legally interpret the Zoning Code as it applies to this particular property.

The Advisory Agency's approval is subject to the following conditions:

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

### BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

*A Bonding and Phasing matrix for each Project Phase, identifying the required dedications and improvements by phase, shall be approved by the Bureau of Engineering and Department of Transportation prior to the recordation of any unit map for the proposed project. A copy of the Bonding and Phasing Matrix shall be included in the project case file.*

*In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission and approval of such Bonding and Phasing Matrix before obtaining any permit shall be recorded.*

*The tract will be permitted to record with final map units in a number and sequence satisfactory to the Advisory Agency. The subdivider shall submit the Unit Map fee, a Unit Map showing the boundaries of all units and the Unit Number(s) of each Unit Map(s). Dedications and improvements for each unit map shall be phased in-line with the Unit Map(s) boundaries satisfactory to the City Engineer, and as set forth in the Bonding and Phasing matrix as required.*

*Any questions regarding this report should be directed to Mr. Georgic Avanesian of the Land Development Section, located at 201 North Figueroa Street, Suite 290, or by calling (213) 808-8588.*

1. That an 18-foot wide strip of land be dedicated along De Soto Avenue adjoining the subdivision to complete a 68-foot wide half right-of-way dedication in accordance with Modified Boulevard II Standards of LA Mobility Plan. In addition, a 20-foot radius property line return be dedicated at intersection with Burbank Boulevard adjoining the tract.
2. That an additional 12-foot wide public sidewalk easement be provided along De Soto Avenue adjoining the public street dedication stated above in accordance with Warner Center Specific Plan.
3. That a 2-foot wide strip of land be dedicated along Burbank Boulevard adjoining the subdivision to complete a 45-foot wide half right-of-way dedication in accordance with **Modified Avenue I** Standards of LA Mobility Plan.
4. That an additional 6-foot wide public sidewalk easement be provided along De Burbank Boulevard adjoining the public street dedication stated above in accordance with Warner Center Specific Plan.
5. That a minimum 64-foot and variable width private street easement be provided as shown on the **revised tentative map stamp dated June 7, 2019** including 20-foot radius property easement returns at the intersections with Burbank Boulevard and De Soto Avenue all on alignments satisfactory to Valley District Engineering Office. The existing private street easement shall be located within the new proposed private street easement. In the event any portion of the existing private street easement area is outside of the new proposed private street easement area then a revised map shall be submitted for approval.
6. That the full width of the proposed private street be dedicated as a sanitary sewer easement.
7. That the private street easement be part of the adjoining parcels.
8. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary easements for ingress, egress and public facilities over the private street area upon the sale of the respective lots and they will maintain the private street, free and clear of obstructions and in a safe condition for vehicular use at all times.
9. That a Covenant and Agreement be recorded stating that private street will be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code" Private Street Regulations".
10. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work adjoining any drainage and sewer easements and to construct adjoining the existing drainage and sewer facilities must be submitted to the City Engineer for approval.
11. That satisfactory arrangements be made with the Valley District B-permit Section for abandoning or privatizing the existing public sewer system within the tract property. In the event that the above system is to be abandoned then abandonment shall be completed prior to the recordation of the final map.

12. That in the event that satisfactory arrangements have been made with the valley District Engineering District regarding the abandonment and or privatizing of the existing sewer system then the existing public sewer easement within the tract area be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to easements being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.
13. That all existing public sewer and drainage easements not being merged including any public drainage easement for LA County be shown on the final map.
14. That the subdivider make a request to the Valley District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
15. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of public/or private drainage facilities within suitable easements may be required satisfactory to the Valley District Engineering.
  - b. Improve De Soto Avenue being dedicated and adjoining the subdivision by the construction of the following:
    - i. A concrete curb, a concrete gutter, and an 8-foot concrete sidewalk and landscaping of the parkway.
    - ii. Suitable surfacing to join the existing pavement and to complete a 56-foot half roadway.
    - iii. Any necessary removal and reconstruction of existing improvements.
    - iv. The necessary transitions to join the existing improvement.
  - c. Improve all newly dedicated corner cuts with concrete sidewalks.
  - d. Improve Burbank Boulevard being dedicated and adjoining the subdivision by the removal of existing curb, gutter and sidewalk and construction of the new concrete curb, gutter and an 8-foot concrete sidewalk and landscaping of the parkway, including any necessary removal and reconstruction of existing improvement.
  - e. Improve the private street being provided by the construction of the following:
    - i. Construct additional concrete sidewalks to complete minimum 6-foot wide sidewalks.
    - ii. Construct suitable surfacing to provide 32-foot wide minimum roadway or

maintain the existing 44-foot wide private street roadways as approved under P-30435.

- f. Construct any necessary on-site main line sewers including house connections satisfactory to the Valley District Office.

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

*Grading Division approvals are conducted at 221 North Figueroa Street, 12<sup>th</sup> Floor suite 1200. The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.*

16. The Soils Report Approval Letter for the Project issued by the Grading Division of the Department of Building and Safety, dated March 10, 2020, and the geotechnical reports referenced therein are acceptable, provided the following conditions are complied with during site development:
  - a. The Soils Report Approval Letter is only applicable for the purpose of the approval of VTTM 74891. No grading or building permits shall be issued based on the Soils Report Approval Letter and the reports referenced therein.
  - b. Prior to the issuance of grading or building permits with respect to each project phase, a comprehensive soils report shall be submitted to the Grading Division for review and approval with respect to such project phase.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

*An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.*

17. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
  - b. Provide a copy of affidavit AF-89-1492311-MB, AF-96-227272-OB, AFF-53017, AFF-53018, AFF-55688, AFF-55689, AFF-5588, AFF-56892, AFF-56893, AFF-56894, AFF-56895, AFF-56896, AFF-56896, AFF-56897, AFF-56942, AFF-56981, AFF-64958, OB-14529, OB-14553, OB-14557 and PKG-5567. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.

- c. Provide a copy of CPC case CPC-2008-3470-SP-GPA-ZC-SUD-BL and CPC-22423-ZBA. Show compliance with all the conditions/requirements of the CPC case(s) as applicable.
- d. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
- e. Private Street shall comply with both Fire Department and Bureau of Engineering conditions.

Notes:

Each Unit Map shall be clear once all applicable above Zoning conditions have been satisfied.

This property is located within the Warner Center Specific Plan Area and requires to comply with the Warner Center Specific Plan.

This property is located in a Liquefaction Zone.

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A.4(a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

**DEPARTMENT OF TRANSPORTATION**

*A Bonding and Phasing matrix for all Project Phases, identifying the required dedications and improvements by phase, shall be approved by the Bureau of Engineering and Department of Transportation prior to the recordation of any unit map for the proposed project. A copy of the Bonding and Phasing Matrix shall be included in the project case file.*

*Any questions regarding these conditions should be directed to Shirley Zamora or Brandon Wilson by calling (818) 374-4691.*

- 18. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, or to the satisfaction of DOT.

19. A two-way driveway width of  $W=30$  feet is required for all driveways, or to the satisfaction of DOT.
20. With respect to each unit map, a parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.
21. The subdivision report fee and condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of each unit map. Note: The applicant may be required to comply with any other applicable fees per this new ordinance.

## **FIRE DEPARTMENT**

*The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (818) 374-4351. You should advise any consultant representing you of this requirement as well.*

22. Submit plot plans for Fire Department approval and review prior to recordation of Tract Map Action. In addition, the following items shall be satisfied:
  - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. One or more Knox Boxes will be required to be installed for LAFD access to project location and number to be determined by LAFD Field inspector. (Refer to FPS Req # 75).
  - c. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - d. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
  - e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - g. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - h. Submit plot plans indicating access road and turning area for Fire Department

- approval.
- i. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - j. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - k. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - l. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - m. Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.
  - n. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.
  - o. Private development shall conform to the Fire Department street standards for fire access as shown on Department of Public Works Standard Plan S-470-0 and shall otherwise conform to the standards for New Streets in the Warner Center 2035 Plan Section 6.2.5.2.1, as applicable.
  - p. Standard cut-corners will be used on all turns.
  - q. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
  - r. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - s. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - t. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.
  - u. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
  - v. The plot plans for each project phase shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the unit map for that phase. Each phase shall comply independently with code requirements.

## DEPARTMENT OF WATER AND POWER

23. That the developer shall complete the following financial and engineering arrangements as **conditions of map clearance**:
- a. Street improvement/sewer/storm drain/water plans shall be submitted. **Submit on a unit map basis.**
  - b. Quitclaim Easement. **Developer must start the quitclaim process for the 64' easement for waterline right-of-way purposes on Warner Center Lane. Submit on a unit map basis.**
24. That the developer shall complete the following financial and engineering arrangements as **conditions of service** (but not conditions of unit map clearance):
- a. New services and meters shall be installed. **Installed on a unit map basis. Developer/engineer to provide list of services required for development.**
  - b. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for lot(s) where pressures exceed 80 psi at the building pad elevation. **Required for all unit maps on a unit map basis.**
  - c. Additional Requirements: **New LADWP easements must be granted and recorded by the applicant over the area of the new Warner Center Lane street alignment prior to quitclaim of the existing easement. Grants and quitclaims of portions of the easement can be on a unit map basis.**
25. Other pertinent information applicable to this subdivision: On January 1, 2018, LADWP implemented a new policy regarding water service for multi-unit residential structures. If a development allows LADWP to install an individual meter in front of each house and the water main serving that development fronts the property and is in a public right-of-way, then this is a conventional installation and LADWP will provide individual meters. However, if the small lot is completely and within private property and the request is for a manifold type installation of consecutive meters in a coffin-type configuration, LADWP can provide up to five meters in that manifold-setting. LADWP can provide a master meter if the number of meters required is greater than five.

## BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS

*Street Lighting clearance for this Street Light Maintenance Assessment District condition is conducted at 1149 S. Broadway Suite 200. Street Lighting improvement condition clearance will be conducted at the Bureau of Engineering District office, see condition S-3. (c).*

26. IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate, upgrade, and/or replace street lights on a unit map basis; eight (8) on Burbank Boulevard and ten (10) on De Soto Avenue.

### NOTES:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

## **DEPARTMENT OF RECREATION AND PARKS**

*If you have any questions regarding this recommendation, please contact Park Fee Staff at (213) 202-2682 or [rap.parkfees@lacity.org](mailto:rap.parkfees@lacity.org). Park Fees are paid at 221 North Figueroa Street, Suite 400, Los Angeles.*

27. Consistent with Mitigation Measure PS-21 in the Final Environmental Impact Report for the Warner Center 2035 Plan, the requirements of LAMC Section 12.33 shall be fulfilled through either the dedication of land and/or the payment of in-lieu fees prior to the recordation of each applicable unit map. Dedication of land and/or payment of in-lieu fees may be on a unit-map basis. Any dedication of land with respect to a unit map may be on-site or off-site. The applicant shall also be entitled to any applicable credits pursuant to LAMC Section 12.33.H. However, per LAMC 12.33 H(2)(e), no credits can be received for open space areas required by a specific plan. The applicant may apply for any credits for open space beyond the required amount, and any other applicable credits, subject to review and approval by the Department of Recreation and Parks. A suitable arrangement shall be made, satisfactory to the Department of Recreation and Parks, guaranteeing said land dedication and/or payment of in-lieu fees.

## **BUREAU OF SANITATION**

28. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problems, as stated in the memo dated June 8, 2017, with the exception of the following:

There are easements contained within the aforementioned property. Any proposed development in close proximity to the easements must secure Department of Public Works approval.

Note: This Approval is for the Tract Map only and represents the office of the Bureau of Sanitation/WCSD. The applicant may be required to obtain other necessary Clearances/Permits from the Bureau of Sanitation and appropriate District office of the Bureau of Engineering.

## **INFORMATION TECHNOLOGY AGENCY**

29. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

## **URBAN FORESTRY DIVISION AND CITY PLANNING DEPARTMENT**

30. The applicant shall submit a Protected Tree Report with a tree replacement plan prepared by a Tree Expert on a unit map basis, as required by LAMC Ordinance No. 177,404 and Advisory Agency for approval by the Bureau of Street Services, Urban

Forestry Division. The Protected Tree Report shall contain the Tree Expert's recommendations for the preservation of as many desirable trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on a site survey. An on-site 4:1 tree replacement for Native Protected Trees may be required for the unavoidable loss of any Native Protected tree on-site.

Note: Removal of Native Protected trees requires the approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

CEQA document must address protected tree removals and replacements.

31. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for permit information. CEQA document must address parkway tree removals.

## **DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS**

*Clearances may be conducted at the Figueroa, Valley, or West Los Angeles Development Services Centers. To clear conditions, an appointment is required, which can be requested at [planning.lacity.org](http://planning.lacity.org).*

32. A Bonding and Phasing matrix for all Project Phases, identifying the required dedications and improvements by phase, shall be approved by the Bureau of Engineering and Department of Transportation prior to the recordation of any unit map for the proposed project. A copy of the Bonding and Phasing Matrix shall be included in the project case file.

Notwithstanding any Project condition to the contrary, prior to recordation of a unit map for any phase of development, the Property Owner shall bond for the De Soto Avenue, Burbank Boulevard, and Private Street improvements abutting that phase of the development, as well as any off-site improvements otherwise associated with that phase of the development as set forth in the approved Bonding and Phasing matrix, satisfactory to the Valley District Engineering Office and the Department of Transportation, or, if the Property Owner elects to construct the improvements on a unit map basis, submit to the Bureau of Engineering an application for A-permit(s) and/or B-permit(s) for such improvements. On a unit map basis, public right-of-way improvements along De Soto Avenue and Burbank Boulevard, as well as Private Street improvements, shall be completed and constructed prior to issuance of a certificate of occupancy for any new building within the subject unit map.

33. Prior to final map recordation for each phase, any designated remainder or any omitted parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map per Government Code Section 66424.6(d), but a conditional certificate of compliance is required. No building permits shall be issued for any designated

remainder or any omitted parcel unless a conditional certificate of compliance is recorded, with the exception of demolition permits, tenant improvements, and changes of use.

34. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. Limit the proposed development to a maximum of 8 lots.
  - b. That the subdivider shall comply with the **Warner Center 2035 Specific Plan** prior to the issuance of a building or grading permit.
  - e. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - f. That the subdivider consider the use of natural gas and/or solar energy and consult with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - g. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an

indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Action includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

35. That prior to the issuance of a building permit or the recordation of the final map or the first unit map, a copy of the Case No. DIR-2017-1708-SPP shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. DIR-2017-1708-SPP is not approved, the subdivider shall submit a tract modification. Case No. DIR-2017-1708-SPP concerns Project Permit Compliance with the Warner Center 2035 Plan and conditions site development, permitted land uses, intensity, phasing, ground floor limitations, building height, street standards, Activity Nodes, Active Street Frontages, setbacks, Publicly Accessible Open Space, Park Fees and Land Dedication, parking requirements, compliance with Design Guidelines, street trees, on-site trees, compliance with sustainability standards, street lighting, site access and internal circulation, Mobility Fee, Transportation Demand Management options, and the Warner Center Cultural Amenities Development Fee, among other regulations.
36. Per Warner Center 2035 Plan Section 5.3.3.2.2, any changes to any phase of development which are not substantially compliant with approved plans, including changes to elevations, site plans, orientations, and other design features to a Multiple-Phase Project, shall require a modification to a Project Permit Compliance pursuant to the requirements of LAMC Section 11.5.7.D. Any modification request shall include submittal of all materials necessary to support the modification request including, but not limited to, supplemental application materials, phasing documentation and DOT review specified in

subsections 5.3.3.1.1 through 5.3.3.1.3.

37. Pursuant to Warner Center 2035 Plan Section 6.1.2.2.10 regarding the anticipated extension of Variel Avenue from Califa Street to the north to Burbank Boulevard to the south, the Project shall design the driveway identified on plans as Adler Drive, along the west side of the Project site, to be directly accessible to Burbank Boulevard and to be built to a width of 28 feet, as proposed on Plan Sheet MP-30, in anticipation of the adjacent properties to the north and west being redeveloped, and allowing for an extension of Variel Avenue in a southerly direction to Burbank Boulevard. There shall be a 10-foot parkway located to the west of Adler Drive, extending to the property line, as proposed by the applicant and depicted on Plan Sheet MP-30. The northern end of Adler Drive may be temporarily improved as private, park-like open space, as proposed by the applicant, until such time that the property to the north redevelops.
38. Per Warner Center 2035 Plan Section 6.2.2 and Appendix F, Section 7, the Project shall provide a minimum of 15 percent of the net site area as Publicly Accessible Open Space (PAOS), based on a lot size of 1,042,301 square feet. Since the Project includes the creation of a New Street, 50% of the Project's PAOS requirement shall be credited, in accordance with Section 6.2.2.3.2. The Project thus shall provide a minimum of 78,173 square feet of PAOS, which is further conditioned in Case No. DIR-2017-1708-SPP.

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

39. That prior to recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770 and Exhibit CP-6770. M) in a manner satisfactory to the Planning Department requiring the subdivider to identify (a) mitigation monitor(s) who shall provide periodic status reports on the implementation of mitigation items required by the following Mitigation Condition and Project Design Feature Nos. of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitor(s) shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.
40. Prior to the recordation of the final map, the subdivider will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - AES-1:** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
  - AES-2:** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.
  - AES-3:** The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104.15.

- AES-4:** Multiple temporary signs in the store windows and along the building walls are not permitted.
- AES-7:** All signs shall meet the following criteria:
- a) The building and ground area around signs shall be properly maintained at all times. All unused mounting structures, hardware and wall perforations from any previous sign shall be removed and building surfaces shall be restored to their original condition.
  - b) All signage copy shall be properly maintained and kept free from damaged sign material and other unsightly conditions, including graffiti.
  - c) Any sign structure shall be at all times kept in good repair and maintained in a safe and sound condition and in conformance with all applicable codes.
  - d) Razor wire, barbed wire, concertina wire or other barriers preventing unauthorized access to any sign, if any, shall be hidden from public view.
  - e) The signage copy must be repaired or replaced immediately upon tearing, ripping, or peeling or when marred or damaged by graffiti.
  - f) No access platform, ladder, or other service appurtenance, visible from the sidewalk, street or public right-of-way, shall be installed or attached to any sign structure.
  - g) Existing signs that are no longer serving the current tenants, including support structures, shall be removed and the building facades originally covered by the signs shall be repaired/resurfaced with materials and colors that are compatible with the facades.
- AES-8:** The material, construction, mounting, and adhesive methods of all proposed signage shall be subject to the approval of the Fire Department and the Department of Building and Safety.
- AES-9:** All lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the construction area boundaries that is improved with light-sensitive uses.
- AES-10:** Exterior lighting shall incorporate fixtures and light sources that focus light onto project sites to minimize light trespass.
- AES-11:** Lighting of individual phases of the Project shall comply with LAMC Section 93.0117. As such, lighting shall not cause more than two footcandles of lighting intensity or direct glare from the light source at any residential property.
- AES-12:** All buildings, parking structures, and signage shall be prohibited from the using highly reflective building materials such as mirrored glass in exterior façades. Examples of commonly used non-reflective building materials include cement, plaster, concrete, metal, and non-mirrored glass, and would likely include additional materials as technology advances in the future.

- AES-13:** Buildings shall not include large areas of reflective surfaces that could reflect light from signage into surrounding areas. No high brightness special effects lighting with brightness levels that shall exceed the lighting levels of permitted signage would be allowed. Buildings, signage or thematic elements shall not incorporate reflective building materials or provide a source of auto headlight-related glare in proximity to glare sensitive uses.
- AES-14:** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential uses.
- AES-15:** The exteriors of buildings shall be constructed of materials such as high performance tinted non-reflective glass and/or pre-cast concrete or fabricated wall surfaces.
- AES-16:** Prior to issuance of a building permit for signage displays for each phase of the Project, a lighting design expert shall develop plans and specifications for the proposed lighting displays, to identify maximum luminance levels for the displays. The City and lighting expert shall review and monitor the installation and testing of the displays, in order to ensure compliance with all City lighting regulations and these mitigation measures.
- AES-17:** The Applicant (and successor) and/or its lighting design expert shall implement the following protocol to determine compliance with all City lighting regulations and these mitigation measures no later than 6 months after certificate of occupancy:
- a) A representative testing site shall be established on or next to those light sensitive receptors that have the greatest exposure to signage lighting on each facades of a development.
  - b) A light meter mounted to a tripod at eye level, facing project buildings, should be calibrated and measurements should be taken to determine ambient light levels with the sign on.
  - c) An opaque object (a board) should be used to block out the view of the sign from the light meter, at a distance of at least 4 feet away from the tripod and blocking the light meter's view of the building. A reading should be taken to determine the ambient light levels with the sign off.
  - d) The difference between the two would be the amount of light the sign casts onto the sensitive receptor.
  - e) An alternate acceptable method to measure light levels would be to use the same tripod and same light meter, but to turn on and off the signage. This method takes more coordination, but is more accurate.
- AES-27** The Applicant (or successors as appropriate) shall submit a conceptual signage and lighting design plan to the Department of City Planning to establish lighting standards and guidelines.
- AQ-1:** The Project shall use soil binders on soils exposed for extended periods of time (more than two weeks) to reduce fugitive dust. In addition, the Project shall include the following measures as applicable and feasible for each phase of the Project:

- 1) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- 2) Provide dedicated turn lanes for movement of construction trucks and equipment, on-and off-site.
- 3) Reroute construction trucks away from congested streets or sensitive receptor areas.
- 4) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.
- 5) Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.
- 6) Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.
- 7) Construct or build with materials that do not require painting.
- 8) Require the use of pre-painted construction materials.
- 9) Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
- 10) During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher, according to the following:
  - All off road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
  - Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate cleanup of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

11) Other measures as applicable that may be recommended by SCAQMD on their web site or elsewhere: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.

- AQ-2:** The Applicant shall ensure that ground cover be reestablished on construction sites through seeding and watering on completion of construction (or if sites are to remain undeveloped for more than a year) for each phase of the Project.
- AQ-3:** The Applicant shall ensure that trucks leaving construction sites be washed to reduce track-out dirt and dust.
- AQ-4:** The Applicant shall provide rideshare and transit incentives to construction personnel.
- AQ-5:** The Applicant shall configure construction parking to minimize interference with traffic lanes.
- AQ-6:** The Applicant shall minimize the obstruction of through-traffic in the vicinity of each construction site.
- AQ-7:** The Applicant and City Departments shall require the use of flag people during construction to guide traffic properly.
- AQ-8:** The Applicant shall ensure that construction activities that could affect roadways be scheduled for off-peak periods.
- AQ-9:** Project construction personnel (as well as City construction personnel associated with construction of roadway and other infrastructure) shall ensure that that construction vehicles avoid, to the extent feasible, travel on streets immediately adjacent to Canoga Park High School, Woodland Hills Academy Middle School and Hart Elementary School throughout the construction phase for each phase of the Project to reduce potentially significant project specific and cumulative construction-related air quality impacts. The Applicant shall ensure that haul routes are designed to comply with this measure.
- AQ-10:** Each phase of the Project located within 0.5 mile of Woodland Hills Academy Middle School shall be subject to a construction fee that provides for funding for the replacement of air filters at the beginning and at the conclusion of construction in any air conditioning units at the affected school site.
- AQ-11:** For each phase of the Project located within 0.5 mile of Woodland Hills Academy Middle School, the Applicant shall provide advance notification of the Project's anticipated general construction schedule and a specific schedule for site grading and preparation activities, and shall allow the affected school 15 days to review and comment on the schedule. In addition, any such project phase shall be required to provide personnel on a daily basis to wash the playground, lunch areas, and seating areas at the affected school site during active grading and earth moving phases of the construction, as coordinated with the appropriate school administrative staff.

- AQ-12:** For each phase of the Project located within 0.5 mile of Woodland Hills Academy Middle School, the Applicant shall, as a condition of the Project Permit Compliance Review, execute a covenant to implement feasible mitigation measures, including all measures identified above.
- AQ-13:** For each phase of the Project located within 0.5 mile of Woodland Hills Academy Middle School, the Applicant shall contribute a fair share to the Warner Center Air Quality Trust Fund by paying the Construction Air Quality Impact Assessment (CAQIA) fee prior to the issuance of any building, demolition, grading or foundation permit. The CAQIA Fee shall be \$0.10 per square foot of proposed surface area disturbed or greater as may be identified in a subsequent fair share study.
- AQ-22:** All landscaping shall be required to be drought tolerant to reduce water consumption and provide passive solar benefits.
- BIO-1:** The development of the Project shall avoid disturbance of any nests protected by the Migratory Bird Treaty Act: If construction activities (i.e., removal of trees or shrubs) are scheduled to occur during the non-breeding season (September 1 through January 31), no mitigation is required. If construction activities are scheduled to occur during the breeding season (February 1 through August 31), the project proponent will implement the following measures to avoid potential adverse effects on birds covered by the Migratory Bird Treaty Act:
- No more than two weeks prior to construction, a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat within 500 feet of construction activities where access is available.
  - If active nests are found during preconstruction surveys, the project proponent will create a no disturbance buffer (acceptable in size to the CDFG) around active raptor nests and nests of other special-status birds during the breeding season, or until it is determined that all young have fledged. Typical buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified during coordination and in consultation with the CDFG and will be based on existing noise and human disturbance levels at the project site. Nests initiated during construction are presumed to be unaffected, and no buffer would be necessary. However, the "take" (mortality, severe disturbance to, etc.) of any individual birds will be prohibited.
  - If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by birds covered by the Migratory Bird Treaty Act or that are located outside the no-disturbance buffer for active nests may be removed.
- BIO-2:** Replacement for the loss of any protected trees shall be required in accordance with the Los Angeles Protected Tree Ordinance: Replace all on-site trees to ensure continuation of the urban forest. Replace all non-native trees greater than 10 centimeters (4 inches) in diameter at breast height (4.5 feet above surrounding grade) with native or non-native (non-

invasive) trees of appropriate local climate tolerance at a 2:1 ratio. For native species, source materials should be from seeds or cuttings gathered within coastal southern California to ensure local provenance.

- CUL-3:** Archaeological monitoring by a qualified archaeologist, of grading of subsurface materials not previously disturbed, shall be undertaken. If buried cultural resources are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. If during cultural resources monitoring the qualified archaeologist determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated will verify that work is halted until appropriate site-specific treatment measures are implemented.
- CUL-4:** If cultural resources are discovered during construction activities, the Project's construction contractor will verify that work is halted until appropriate site-specific treatment measures are Implemented.
- CUL-5:** If human remains of Native American origin are discovered during ground-disturbing activities on the Project Site, the Project will comply with State laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to determine the most likely descendent(s). The most likely descendent shall determine the most appropriate means of treating the human remains and any associated grave artifacts, and shall oversee disposition of the human remains and associated artifacts by the project archaeologists.
- CUL-6:** A qualified paleontological monitor shall monitor excavation activities below previously disturbed materials for the Project on the Project Site. The qualified paleontological monitor shall retain the option to reduce monitoring with respect to any project phase if, in his/her professional opinion, potentially fossiliferous units, are not found to be present or, if present, are determined by qualified paleontological personnel to have low potential to contain fossil resources.
- GEO-1:** The Applicant is required to prepare detailed geotechnical investigations that address site-specific geologic constraints of the site including soil conditions (including liquefaction and expansive soils) and stability. The study shall include recommendations related to erosion control and other site-specific conditions including seismicity for construction of individual projects.

- GEO-2:** The Project shall be constructed in compliance with the Los Angeles Municipal Code and California Building Code and other applicable regulations.
- GEO-3:** Unless otherwise specified by the City, for each phase of the Project, the Applicant shall demonstrate compliance with specific recommendations for grading, foundation design, retaining wall design, temporary excavations, slabs on grade, site drainage, asphalt concrete pavement and interlocking pavers, design review, construction monitoring and geotechnical testing as identified in a site-specific geotechnical study, to the satisfaction of the Department of Building and Safety, as conditions to issuance of any grading and building permits with respect to such phase.
- GEO-4:** For each phase of the Project, the Applicant shall comply with the following Department of Building and Safety requirements (if not already covered by mitigation measure GEO-3), prior to issuance of a grading permit for such phase of the Project:
- Prior to the issuance of a grading permit by the Department of Building and Safety for each phase of the Project, the consulting geologist and soils engineer for the Project shall review and approve project grading plans with respect to such phase. This approval shall be conferred by signature on the plans which clearly indicate the geologist and/or soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in the report.
  - Prior to the commencement of grading activities for each phase of the Project, a qualified geotechnical engineer and engineering geologist shall be employed with respect to such phase for the purpose of observing earthwork procedures and testing fills for conformance to the recommendations of the City Engineer, approved grading plans, applicable grading codes, and the geotechnical report approved to the satisfaction of the Department of Building and Safety.
  - During construction of each phase of the Project, all grading shall be carefully observed, mapped and tested by the project engineer. All grading shall be performed under the supervision of a licensed engineering geologist and/or soils engineer in accordance with applicable provisions of the Los Angeles Municipal Code and California Building Code and to the satisfaction of the City Engineer and the Department of Building and Safety.
  - Any recommendations prepared by the consulting geologist and/or soils engineer for each phase of the Project for correction of geologic hazards, if any, encountered during grading shall be submitted to the Department of Building and Safety for approval prior to issuance of a Certificate of Occupancy for the applicable phase of the Project.
  - Grading and excavation activities shall be undertaken in compliance with all relevant requirements of the California Division of Industrial safety, the Occupational Safety and Health Act of 1970 and the Construction Safety Act.
- GEO-5:** The Project shall conform to applicable criteria set forth in the Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California.

- GEO-6:** Each phase of the Project shall be designed to conform to the City of Los Angeles Seismic Safety Plan and additional seismic safety requirements not encompassed by compliance with the Los Angeles Municipal Code and California Building Code and Grading Ordinance as may be identified by the Department of Building and Safety prior to Plan Check approval on each building.
- GEO-7:** The structural design of each project building shall comply with the seismic standards of the most recent applicable California Building Code according to the seismic zone and construction type.
- GEO-8:** For each phase of the Project, the Applicant shall ensure that during inclement periods of the year, when rain is threatening (between November 1 and April 15 per the Los Angeles Building Code, Sec. 7002.), an erosion control plan that identifies BMPs shall be implemented on the Project Site to the satisfaction of the Department of Building and Safety to minimize potential erosion during construction. The erosion control plan shall be a condition to issuance of any grading permit for the applicable phase of the Project.
- GEO-9:** The Applicant shall ensure that appropriate erosion control and drainage devices are incorporated to the satisfaction of the Department of Building and Safety. Such measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures.
- GEO-10:** The Applicant shall ensure that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.
- GEO-11:** The Applicant shall ensure that provisions are made for adequate surface drainage away from areas of excavation, as well as protection of excavated areas from flooding, on the Project Site. The grading contractor shall control surface water and the transportation of silt and sediment.
- GEO-12:** For each phase of the Project, the Applicant shall comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, including preparation of Storm Water Pollution Prevention Plans (SWPPP). As part of the SWPPP for each phase of the Project, Best Management Practices (BMPs) would be identified for construction to reduce soil erosion and pollutant levels to the maximum extent possible.
- HAZ-3:** The Applicant and/or contractor shall ensure that no hazardous materials are transported along Topanga Canyon Boulevard or Burbank Boulevard or within one-quarter mile of a school.
- HAZ-4:** The Applicant and/or contractor shall coordinate in advance of construction with the City of Los Angeles Department of Transportation and Fire Department to ensure that road closures (temporary or permanent) are identified and that alternate access and evacuation routes are determined in the event of an emergency and/or natural disaster.

- HAZ-5:** Each construction site and/or permanent facility storing hazardous materials shall comply with applicable regulations regarding storage, transport and disposal of hazardous materials and wastes.
- HYDRO-1:** The Applicant shall comply with the Low Impact Development (LID) Ordinance. Construction contractors for the Project shall be required to control erosion and runoff as necessary through the use of site appropriate grading practices. Specifically, the construction contractor shall plan for and implement Best Management Practice (BMP) during each phase of construction to the satisfaction of the Department of Public Works, Bureau of Engineering, Stormwater Management Division City of Los Angeles, and/or other designated responsible agencies/departments. (LID measures also require review and approval of the Watermaster.)
- HYDRO-2:** The Applicant shall ensure that structural design of the Project will be modified when possible to avoid the need for a permanent dewatering system. When a permanent dewatering system is necessary, one or more of the following measures as per the Department of Building and Safety shall be followed:
- Pumping water to a beneficial use on site (landscaping, decorative fountains or lakes, toilet flushing, cooling towers); or
  - Returning water to the groundwater basin by an injection well.
- HYDRO-3:** The Applicant shall provide sufficient available area so that runoff can be collected in roadside vegetated swales, as appropriate and feasible, and directed to existing curb and gutter or storm drains. In other areas, runoff shall be collected in gutters and directed to the storm drain systems. Swale design shall be coordinated with on-site hazardous materials issues as necessary.
- HYDRO-4:** The Applicant shall comply with applicable NPDES permit requirements, including preparation and implementation of a Standard Urban Stormwater Mitigation Plan (SUSMP) for each phase of the Project in accordance with the Los Angeles Municipal Storm Water permit. The SUSMP shall identify post development peak runoff, conserve natural areas, minimize stormwater pollutants, protect slopes and channels, and post construction Best Management Practices (BMP) and other items as required by the permit. (SUSMP measures require review and approval of the Watermaster.)
- HYDRO-5:** The Applicant shall ensure that runoff from parking lots to be treated, as required by SUSMP regulations, prior to discharging into existing storm drain systems.
- HYDRO-6:** The Applicant shall ensure that all wastes from construction on the Project Site shall be disposed of properly. Appropriately labeled recycling bins shall be used to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- HYDRO-7:** The Applicant shall ensure leaks, drips, and spills be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- HYDRO-8:** The Applicant shall prevent material spills from being hosed down at the pavement. Dry cleanup methods shall be required wherever possible.
- HYDRO-9:** The Applicant shall ensure that dumpsters be covered and maintained. Uncovered dumpsters shall be required to be placed under a roof or covered with tarps or plastic sheeting.
- HYDRO-10:** The Applicant shall ensure that where truck traffic is frequent, gravel approaches and dirt tracking devices shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- HYDRO-11:** The Applicant shall ensure that all vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be required to be conducted at an appropriate location. Drip pans or drop cloths shall be required to catch drips and spills.
- HYDRO-12:** Short-term water quality impacts may result from the construction of the proposed Project. Each phase of project construction shall comply with the Construction General Activity Stormwater Permit (General Permit) and the City's Development Construction Program pursuant to the NPDES Permit (Permit No. CA00401). Implementation of the General Permit and NPDES Permit programs will mitigate potential impacts to a level of insignificance.
- HYDRO-13:** Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control, which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. The Applicant must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board for each phase of the Project, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).
- The Applicant shall implement stormwater BMPs to treat and, as appropriate and feasible, infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - Post development peak stormwater runoff discharge rates shall not exceed the estimated predevelopment rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - Clearing and grading of native vegetation at the project site shall be limited to the minimum needed to build lots, allow access, and provide fire protection.

- Trees and other vegetation at each site shall be maximized by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Natural vegetation shall be promoted by using parking lot islands and other landscaped areas.
- Any identified riparian areas shall be preserved.
- Appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code will be incorporated.
- Outlets of culverts, conduits or channels from erosion by discharge velocities shall be protected by installing a rock outlet protection. Rock outlet protection is physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Sediment traps shall be installed below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
- Any connection to the sanitary sewer will have authorization from the Bureau of Sanitation.
- Impervious surface area will be reduced by using permeable pavement materials where appropriate. These include pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- Roof runoff systems will be installed where site is suitable for installation.
- Messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets shall be painted.
- All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area will be paved and sufficiently impervious to contain leaks and spills.
- The storage area shall have a roof or awning to minimize collection of stormwater within the secondary containment area.
- An efficient irrigation system shall be designed to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

- Cleaning of oily vents and equipment will be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
- Trash dumpsters will be stored both under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Containers will be washed in an area with properly connected sanitary sewer.
- Wastes, including paper, glass, aluminum, oil and grease will be reduced and recycled.
- Liquid storage tanks (drums and dumpsters) will be stored in designated paved areas with impervious surfaces in order to contain leaks and spills. A secondary containment system such as berms, curbs, or dikes shall be installed. Drip pans or absorbent materials whenever grease containers are emptied will be used.
- The owner(s) of the property will prepare and execute a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**NOI-3:** The Applicant shall restrict construction hours to hours between 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. No noise-generating construction activities shall be allowed on Sundays or national holidays.

**NOI-4:** The Applicant shall ensure that noise-generating construction equipment be equipped with the most effective state-of-the-art noise control devices, i.e., mufflers, lagging, or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**NOI-5:** The Applicant shall ensure that temporary noise barriers to be used and relocated, as needed, to block line-of-sight (sound) between the construction equipment and any noise sensitive receptors within 500 feet of a construction site.

**NOI-6:** The Applicant shall ensure that truck deliveries and haul routes, to the extent feasible, shall be directed away from the three LAUSD schools in the vicinity of Warner Center and not access construction sites from De Soto Avenue, along the lot line of Woodland Hills Academy Middle School or from Topanga Canyon Boulevard and Vanowen Street along the lot line of Canoga Park High School, or use Variel north of Warner Center to access project sites in Warner Center.

**NOI-7:** The Applicant shall notify schools in advance of construction activities. The construction manager's (or representative's) telephone number shall be

provided with the notification so that each school may communicate any concerns.

- PS-1:** Adequate fire protection service levels shall be maintained through the addition of personnel and facilities as necessary to meet anticipated demand, and where appropriate, through project-specific on-site features that reduce the demand for such personnel and facilities.
- PS-2:** The Applicant shall submit for review and approval all project plans on a phase-by-phase basis to the LAFD to ensure that the applicable new building complies with current fire codes and LAFD requirements.
- PS-3:** The project building plans shall include the submittal of a plot plan on a phase-by-phase basis for approval by the LAFD prior to the recordation of the final map or the issuance of the first building permit for the applicable phase of the Project.
- PS-4:** The Applicant shall consult with the LAFD and incorporate fire prevention and suppression features appropriate to the design of each phase of the Project.
- PS-5:** Plans and specifications shall be submitted to the LAFD on a phase-by-phase basis and requirements for necessary permits satisfied prior to commencement of any portion of the applicable phase of the Project.
- PS-6:** Fire hydrants shall be installed on a phase-by-phase basis as appropriate that shall be fully operational and accepted by the LAFD prior to any building construction above grade.
- PS-7:** Plot plans shall indicate access driveways and roads and turning areas be reviewed and approved by the LAFD, prior to the issuance of a building permit for the applicable phase of the Project.
- PS-8:** During each construction phase of the Project, emergency access shall remain clear and unobstructed.
- PS-9:** The Project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles.
- PS-10:** All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.
- PS-11:** A Fire Flow analysis shall be prepared for each phase of the Project. The purpose of the analysis will be to determine whether the proposed public water system can deliver required fire flows to the public fire hydrants located in the area. Should fire flow be found to be inadequate with respect a project phase, the Applicant shall be required to comply with the requirements of LADWP (including construction of additional water supply lines within the project area, payment of a fee to cover fair share costs

and/or other measures as deemed necessary by LADWP and/or LAFD) to ensure adequate fire flow.

- PS-12:** During construction, the Applicant shall implement security measures including security fencing, lighting, locked entry, and security patrol on the site.
- PS-13:** During the construction phase of the Project, the Applicant shall provide adequate through access and emergency access to adjacent uses as necessary.
- PS-14:** The Applicant shall consult with the LAPD and comply with recommended security features for the construction site, including security fencing, locked entrances, lighting, and the use of a seven-day, 24-hour security patrol.
- PS-16:** The Applicant shall consult with the LAPD Crime Prevention Unit regarding crime prevention features appropriate for the design of the Project and subsequently, shall submit plot plans on a phase-by-phase basis to the LAPD Crime Prevention Unit for review and comment. The plans shall incorporate design guidelines relative to security and semi-public and private spaces which may include but not be limited to access control to buildings, secured parking facilities, wall/fences with key systems, well-illuminated public and semi-public and private spaces, which may include access control to buildings, secured parking facilities, walls/fences with key systems, well-illuminated public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provisions of security guard patrol if needed. These measures shall be approved by the LAPD prior to the issuance of a building permit for the applicable phase of the Project.
- PS-17:** Upon completion of each phase of the Project, the Applicant shall provide the local Commanding Officer with access routes and other information with respect such phase that might facilitate police response, as requested by the LAPD.
- PS-18:** The Applicant shall provide project plans on a phase-by-phase basis to the LAPD Crime Prevention Unit to determine any additional crime prevention and security features appropriate to the design of the applicable phase of the Project. Any additional design features identified by the LAPD Crime Prevention Unit shall be incorporated into the final design for the applicable phase of the Project and to the satisfaction of LAPD, prior to issuance of a Certificate of Occupancy for such phase of the Project.
- PS-19:** Each phase of the Project shall incorporate design guidelines relative to security, semi-public and private spaces, which may include, but not be limited to, access control to buildings, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas and provision of security guard patrol throughout the portion of the Project Site on which the applicable phase is located, if needed.

- PS-20:** Prior to issuance of a building permit for each phase of the Project, the Applicant shall pay to the LAUSD the prevailing State Department of Education Development Fee for the applicable phase of the Project to the extent allowed by State law. School fees exacted from residential and commercial uses would help fund necessary school service and facilities improvements to accommodate anticipated population and school enrollment within the LAUSD service area, and would allow for the LAUSD to allocate these funds as they deem necessary.
- PS-21:** The Applicant shall comply with the open space regulations of the WC2035 Plan and also undertake one of the following: (1) dedicate additional parkland to meet the requirements of LAMC Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; and/or (3) provide onsite improvements equivalent in value to said in lieu fees. If any fees are collected, they should be spent within the WC2035 Plan area, including, for example, within opportunity areas along the Los Angeles River.
- PS-22:** The Applicant shall offset the burden on the existing libraries through one of the following: (1) payment of a fee based on an established nexus between the Project, demand and the need for additional personnel and facilities on a phase-by-phase basis; (2) provision of onsite facilities commensurate with the demand generated; or (3) some combination of the foregoing. If any fees are collected, they should be spent within the WC2035 Plan area.
- TCR-1:** The Project Applicant shall retain a professional Native American monitor procured by the Fernandeno Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations up to 5-feet below the surface of native soil, unless there is evidence to suggest cultural resources extend below the specified depth.
- If cultural resources are encountered, the Native American monitor will have the authority to request ground disturbing activities cease within 60-feet of discovery to assess and document potential finds in real time.
- TCR-2:** The Lead Agency and/or applicant shall, in good faith, consult with the Fernandeno Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project.
- TCR-3:** If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County coroner shall be contacted. If the human remains are determined to be Native American in origin by the County coroner, the applicant shall immediately notify the Lead Agency, the Fernandeno Tataviam Band of Mission Indians.
- U-1:** The Applicant shall be required to coordinate with the Department of Public Works, Bureau of Sanitation in order to ensure that existing and/or planned sewer conveyance and treatment facilities are capable of meeting wastewater flow capacity requirements. In coordination with the Bureau of Engineering, the Applicant shall be required to identify specific on- and off-site improvements needed to ensure that impacts related to wastewater conveyance capacity are addressed prior to issuance of plans for each

phase of construction. Sewer capacity clearance from the Department of Public Works will be required at the time that a sewer connection permit application is submitted for a construction phase.

- U-2:** The Applicant shall coordinate with the City of Los Angeles Department of Water and Power (LADWP) in order to ensure that existing and/or planned water supply and water conveyance facilities are capable of meeting water demand/pressure requirements. In coordination with the LADWP, the Applicant will identify, with respect to each phase of the Project, specific onsite and offsite improvements needed to ensure that impacts related to water supply and conveyance demand/pressure requirements are addressed prior to issuance of a certificate of occupancy for the applicable project phase. Water supply and conveyance demand/pressure clearance from the LADWP will be required at the time that a water connection permit application is submitted for the applicable phase of the Project.
- U-3:** The Applicant shall coordinate with the City of Los Angeles Fire Department and Building Safety Department in order to ensure that existing and/or planned fire hydrants are capable of meeting fire flow demand/pressure requirements. The issuance of building permits for each phase of the Project will be dependent upon submission, review, approval, and testing of fire flow demand and pressure requirements, as established by the City of Los Angeles Fire Department and Building Safety Department prior to occupancy of the applicable Project phase.
- U-4:** The Applicant shall implement water conservation measures in new development that shall include, but not be limited to, the following:
- Installation of high-efficiency toilets (1.28 gallons per flush or less, includes dual flush)
  - High-efficiency urinals (0.125 gallons per flush or less, includes waterless)
  - Restroom faucet flow rate of 1.5 gallons per minute or less
  - Public restroom faucet flow rate of 0.5 gallons per minute or less and self-closing
  - Showerhead flow rate of 2.0 gallons per minute or less
  - Limit of one showerhead per shower stall
  - High efficiency clothes washers (water factor of 4.0 or less)
  - High efficiency dishwashers (Energy Star rated)
  - Domestic water heating system located in close proximity to point(s) of use, as feasible
  - Use of tankless and on-demand water heaters as feasible
  - Cooling towers must be operated at a minimum of 5.5 cycles of concentration
  - Install on-site water recycling as feasible
  - Use of recycled water (if available) for appropriate end uses (irrigation, cooling towers, sanitary)

- Single pass cooling shall be prohibited (e.g. any vacuum pumps or ice machines)
- Irrigation shall include:
  - Weather-based irrigation controller with rain shutoff
  - Flow sensor and master valve shutoff (for large landscaped areas)
  - Matched precipitation (flow) rates for sprinkler heads
  - Drip/microspray/subsurface irrigation where appropriate
  - Minimum irrigation system distribution uniformity of 75%
  - Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
  - Use of landscape contouring to minimize precipitation runoff

**U-5:** With respect to each phase of the Project, prior to the issuance of a building permit, the Applicant shall consult with LADWP to identify feasible and reasonable measures to reduce water consumption, including, but not limited to, systems to use reclaimed water for landscaping (should reclaimed water become available in Warner Center), drip irrigation, re-circulating hot water systems, water conserving landscape techniques (such as mulching, installation of drip irrigation systems, landscape design to group plants of similar water demand, soil moisture sensors, automatic irrigation systems, clustered landscaped areas to maximize the efficiency of the irrigation system), water conserving kitchen and bathroom fixtures and appliances, thermostatically controlled mixing valves for baths and showers, and insulated hot water lines, as per City adopted UBC requirements.

**U-6:** The Applicant shall comply with Phase I of the City of Los Angeles Emergency Water Conservation Plan including prohibiting hose watering of driveways and associated walkways; requiring decorative fountains to use recycled water, and repairing water leaks in a timely manner.

**U-7:** The Applicant shall comply with any additional mandatory water use restrictions imposed as a result of drought conditions.

**U-8:** The Applicant shall ensure that automatic sprinkler systems will be installed to irrigate landscaping during morning hours or during the evening to reduce water losses from evaporation. Sprinklers shall be reset to water less often in cooler months and during the rainfall season, so that water is not wasted in excessive landscape irrigation.

**U-9:** With respect to each phase of the Project, prior to issuance of building permits, the Applicant shall pay any appropriate fees imposed by the Department of Building and Safety. A percentage of any such building permit fees will be contributed to the fire hydrant fund, which provides for Citywide fire protection improvements.

**U-10:** The Project shall remain within Citywide water budgets established by LADWP. As required by LADWP, the Project may be required to provide for new water supply through a combination of water conservation (onsite and potentially offsite) and recycled water, such that the net increase in

water demand (not including demand for recycled water) from Warner Center does not exceed the calculated demand anticipated for the City and/or Warner Center as appropriate and as documented in the City's most recent Urban Water Management Plan.

- U-11:** Any pumping and discharge or disposal of groundwater is considered to be a consumptive use. The Applicant shall report any pumping of groundwater to the Watermaster and LADWP shall be compensated for any loss of groundwater. In addition, reasonable efforts by the Applicant shall be made to beneficially use any extracted groundwater (for example cooling or irrigation).
- U-12:** The Applicant shall ensure that the Project recycles and/or salvages at least 75% of non-hazardous construction and demolition debris, in addition to the preparation of a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or comingled shall be developed and implemented. Excavated soil and land-clearing debris do not contribute to the amount of recycled/salvaged debris. Calculations can be done by weight or volume, but must be consistent throughout.
- U-13:** The Applicant shall coordinate with the City of Los Angeles' Department of Water and Power in order to ensure that existing and/or planned electrical facilities are capable of meeting electrical demand requirements. In coordination with the Department of Water and Power, the Applicant will be required to identify specific on- and off-site improvements needed to ensure that impacts related to electrical facility requirements are addressed prior to operation. Electrical facility design clearance from the Department of Water and Power will be required as established by the LADWP.
- U-14:** During the design process for each phase of the Project, the Applicant shall consult with the Department of Water and Power, Energy Services Subsection, and the Southern California Gas Company, the Commercial, Industrial or Residential Staff Supervisor, regarding possible Energy Conservation Measures for the Project.
- U-15:** The Applicant shall coordinate with the Gas Company in order to ensure that existing and/or planned natural gas facilities are capable of meeting natural gas demand requirements. In coordination with the Gas Company, the Applicant will identify specific on- and off-site improvements needed to ensure that impacts related to natural gas facility requirements are addressed prior to operation of each phase of the Project. Natural gas facility design clearance from the Gas Company will be required for each phase of the Project as established by the Gas Company.

#### **DEPARTMENT OF CITY PLANNING - STANDARD CONDITIONS**

- C-1 That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of each unit map, the subdivider shall submit a plot plan for approval by the Development Services Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  2. All other conditions applying to Model Dwellings under Section 12.22A, 10 and 11 and Section 17.05 O of the Code shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2 Consistent with Condition 27 and prior to the recordation of each unit map, the subdivider shall dedicate land and/or pay or guarantee the payment of a park and recreation fee with respect to such unit map, based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3 That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. Replace all on-site trees to ensure continuation of the urban forest. Replace all nonnative trees greater than 10 centimeters (4 inches) in diameter at breast height (4.5 feet above surrounding grade) with native or non-native (non-invasive) trees of appropriate local climate tolerance at a 2:1 ratio. For native species, source materials should be from seeds or cuttings gathered within coastal southern California to ensure local provenance. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.
- In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.
- C-4 In order to expedite the development, the applicant may apply for a building permit for an apartment/commercial building. However, prior to issuance of a building permit for apartments/commercial building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use. Any necessary additional street dedications shall comply with the Americans with Disabilities Act (ADA) of 2010. This may require additional street dedications along both Burbank Blvd and De Soto Avenue as well as within the unit map limits on a unit map basis, to the satisfaction of the City Engineer.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements are either constructed prior to recordation of the applicable unit map or that the construction is suitably guaranteed on a unit map basis:

(a) Construct on-site sewers to serve the applicable tract as determined by the City Engineer.

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the applicable tract as required by the Bureau of Street Lighting.

(1) No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate, upgrade, and/or replace street lights on a unit map basis; eight (8) on Burbank Boulevard and ten (10) on De Soto Avenue.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 847-3077) upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(h) Construct any necessary additional street improvements to comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design. This may require additional street dedications along both Burbank Blvd and De Soto Avenue as well as within the unit map limits on a unit map basis, to the satisfaction of the City Engineer.

- (i) That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:
  - (1) After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of public/or private drainage facilities within suitable easements may be required satisfactory to the Valley District Engineering.
  - (2) Improve De Soto Avenue being dedicated and adjoining the subdivision by the construction of the following:
    - a. A concrete curb, a concrete gutter, and an 8-foot concrete sidewalk and landscaping of the parkway.
    - b. Suitable surfacing to join the existing pavement and to complete a 56-foot half roadway.
    - c. Any necessary removal and reconstruction of existing improvements.
    - d. The necessary transitions to join the existing improvement.
  - (3) Improve all newly dedicated corner cuts with concrete sidewalks.
  - (4) Improve Burbank Boulevard being dedicated and adjoining the subdivision by the removal of existing curb, gutter and sidewalk and construction of the new concrete curb, gutter and an 8-foot concrete sidewalk and landscaping of the parkway, including any necessary removal and reconstruction of existing improvement.
  - (5) Improve the private street being provided by the construction of the following:
    - a. Construct additional concrete sidewalks to complete minimum 6-foot wide sidewalks.
    - b. Construct suitable surfacing to provide 32-foot wide minimum roadway or maintain the existing 44-foot wide private street roadways as approved under P-30435.
  - (6) Construct any necessary on-site main line sewers including house connections satisfactory to the Valley District Office.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract map action. However the existing or proposed zoning may not permit this number of units. This Vesting map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

Any removal of the existing street trees shall require Board of Public Works approval.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due

to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05-N of the Los Angeles Municipal Code (LAMC).

The final map of first unit map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

## FINDINGS

### FINDINGS OF FACT (CEQA)

Mitigated Negative Declaration, Case No. ENV-2017-1706-MND, was prepared for the project and circulated on December 19, 2019. The IS/MND found the following potential negative impacts, but found that all could be reduced to less than significant:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Green House Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Noise;
- Public Services;
- Tribal Cultural Resources; and
- Utilities and Service Systems

The Advisory Agency has reviewed the IS/MND No. ENV-2017-1706-MND, as circulated on December 19, 2019, all comments received, and the imposition of mitigation measures and the Mitigation Monitoring Program prepared for the IS/MND. The Advisory Agency finds that IS/MND tiers from the Warner Center 2035 Program EIR, No. ENV-2008-3471-EIR, SCH No. 1990011055 ("Warner Center PEIR") pursuant to CEQA Guidelines 15152 and 15168. This IS/MND analyzes potential environmental impacts that were not examined as significant effects on the environment in the Warner Center PEIR; or were susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

The Advisory Agency determines that revisions in the project were made and agreed to by the applicant before the proposed IS/MND was released for public review which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Advisory Agency finds that there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment and that the IS/MND reflects the independent judgment and analysis of the City. The Advisory Agency further finds mitigation measures have been made enforceable conditions on the project.

In accordance with Section 21081.6 of the Public Resources Code (AB3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by requiring reporting and monitoring as specified in **Condition No. 40**.

The Planning and Land Use Management Committee FINDS that the Soil/Water/Air Protection Enterprise (SWAPE) analysis provided by Mitchell M. Tsai (representing The Southwest Regional Council of Carpenters) in the appeals submitted January 22, 2021 and subsequent supplementary materials, lack credibility and do not constitute substantial evidence due to inaccurate assumptions, facts, and analysis pertaining to the subject case.

### FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. VTT-74891 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the

State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC) and the Warner Center 2035 Specific Plan.

The proposed subdivision is located within the areas governed by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan and the Warner Center 2035 Specific Plan (WC 2035 Plan). The General Plan Framework Element sets forth the long-term growth and development of the City of Los Angeles through its goals, objectives, and policies, which the City implements through its individual community plans and specific plans. The proposed Project includes a mix of buildings and uses that are consistent with the purposes, intent, and provisions of the General Plan, including the Community Plan, and the WC 2035 Plan. A review of the relevant and applicable General Plan goals, objectives, and policies is presented below.

**General Plan Framework Element.** The land use designation for the Project Site is Regional Center Commercial. Regional Centers, as defined in the Land Use Chapter (Chapter 3) of the Framework Element, "are intended to serve as the focal points of regional commerce, identity, and activity." Additionally, the definition in Chapter 3 describes Regional Centers as "contain[ing] a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Region-serving retail commercial malls and retail services should be integrated where they complement and support the other uses in the Regional Center. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities."

The Framework Element goes on to further describe the physical characteristics of Regional Centers, including "Areas containing mid- and high-rise structures sited on large independent lots, set back from the property frontages (e.g., Warner Center and most of Century City). Though inhibited by the separation of structures, it is encouraged that buildings and sites be designed to improve pedestrian activity within the center."

Consistent with the definition and physical development for Regional Centers, the proposed Project is a mixed-use development on a 24-acre site that combines commercial office space, hotel, retail, restaurant, community space and multi-family (rental and ownership) housing in mid-rise and high-rise structures, with building setbacks that meet the applicable development regulations in the WC 2035 Plan, and provides pedestrian adapted pathways throughout the Project Site to maintain pedestrian connectivity between the new buildings and the adjacent properties and street frontages.

Goal 3F of the Framework Element is to provide "mixed-use centers that provide jobs, entertainment, culture and serve the region." In support of this Goal, Objective 3.10 is to "[r]einforce existing and encourage the development of new Regional Centers that

accommodate a broad range of uses that serve, provide job opportunities, are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles."

In conformance with this Goal and Objective, the Project redevelops the existing commercial office park with a mixed-use development that includes commercial office space, hotel, retail, restaurant, community space and multi-family housing uses. These combined uses serve the overall goals of the WC 2035 Plan to establish Warner Center as the primary Regional Center in the West San Fernando Valley providing work, live, and play opportunities. The opportunity presented by the Project for future residents and workers to live and work in an urban setting that does not require a car to access many of the essential aspects of one's community will further the objectives of the WC 2035 Plan.

Goal 7G in the Economic Development Chapter (Chapter 7) of the Framework Element seeks "[a] range of housing options in the City." Objective 7.9 of this Goal is to "[e]nsure that the available range of housing opportunities is sufficient, in terms of location, concentration, type, size, price/rent range, access to local services and access to transportation, to accommodate future population growth and to enable a reasonable portion of the City's work force to both live and work in the City."

Consistent with this Goal and Objective, the proposed Project contains a range of housing opportunities from apartment to condominium units, including Work-Live Units. The mix of units includes floor plans ranging from studio to three-bedroom units, allowing for a diverse residential population.

The incorporation of ground floor retail and restaurant uses will provide residents access to local services within walking distance. The proximity of the Project to a number of local and regional transit stops will allow residents and workers alike to have meaningful access to transportation. The following local and regional bus lines are within convenient walking distance (approximately 1,500 feet) of the Project Site:

- Metro Local Line 244
- Metro Local Line 150
- Metro Local Line 161
- Metro Shuttle Line 601 (Warner Center Shuttle)
- Santa Clarita Transit Route 796/797
- Antelope Valley Transit Authority 787

The Project Site will also have access to the Orange Line. Metro Shuttle Line 601 (the Warner Center Shuttle) provides two stops located adjacent to and on the Project Site, one at the northwest intersection of Burbank Boulevard and De Soto Avenue, and the other on Warner Center Lane, just north of Burbank Boulevard. The shuttle runs through the Project Site along Warner Center Lane every ten minutes. The shuttle provides direct connection to and from the Metro Orange Line Canoga Station and throughout Warner Center, including direct connection to the Warner Center Towers, Warner Center Corporate Park, and Westfield Topanga, the Village and the Promenade. The Warner Center Shuttle also stops at the Warner Center Transit Hub at the intersection of Oxnard Street and Owensmouth Avenue.

The proximity of the Project to a variety of public transit options, both existing and proposed, will provide new residents and businesses with greater flexibility and quality of life choices. The Project will further the City's approach to "smart growth", as it expands

employment, transportation access, housing type and size, and concentrates uses in an efficient manner to improve public health and quality of life overall. Given the Project's range of housing options and its proximity to local services and transportation, the Project is generally consistent with the Economic Development section of the Framework Element.

**General Plan Housing Element.** Goal 1 of the General Plan Housing Element is "Housing Production and Preservation." Objective 1.1 of this Goal is to "[p]roduce an adequate supply of rental and ownership housing in order to meet current and projected needs." To implement this Goal and Objective, Policy 1.1.3 is to "[f]acilitate new construction and preservation of a range of different housing types that address the particular needs of the City's households" and Policy 1.1.4 is to "[e]xpand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards". Similarly, Policy 1.3.5 of the Housing Element is to "[p]rovide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan." Additionally, Goal 2 of the Housing Element is, "Safe, Livable, and Sustainable Neighborhoods", and in support of this Goal is Objective 2.2, to "[p]romote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit."

Consistent with these goals, objectives and policies, the Project is a mixed-use development containing much-needed housing with a variety of housing unit types (rental, including 10% workforce housing, and ownership) and sizes served by several transit options, as discussed above.

The Project includes a total of 1,009 residential units, with a mix of studio, one-, two- and three-bedroom units and Work-Live Units, as well as office, hotel, and other commercial (restaurant and/or retail) uses, as well as community space (to be completed in Phase VIII). The phased development of the Project will not displace any current residents or remove any existing housing stock since it will be built on land currently used for commercial uses. The Project will instead substantially increase the amount of available housing stock in the City of Los Angeles to address housing demand. Additionally, the Project encourages a more sustainable neighborhood that contains a mix of housing, job opportunities, commercial services, and amenities near public transit. Further, the Project will provide 10% of its rental units as workforce housing, meeting needs for affordable housing in the area.

The Project includes amenities including, but not limited to, several landscaped courtyards, swimming pool/spa facilities, recreation and fitness outlets, children's play areas, and dog runs, which will improve future residents' quality of life and reduce the need for additional public recreational resources. The Project's proximity to a variety of public transportation services will also increase the sustainability of this neighborhood, as it will allow future and current residents to utilize alternative modes of transportation. The availability of multiple modes of transportation will in turn reduce single- occupancy vehicle trips, and therefore, emissions of common air pollutants. The Project's concentration of a mix of uses, as well as proximity to a variety of existing commercial, retail, and service uses, will further reduce the need for automobile trips and improve the quality of life for residents and community members at large. In light of the Project's mixed-use program of commercial and residential uses located in close proximity to several modes of public transportation, the Project is consistent with the Housing Element's applicable goals, objectives, and policies.

**General Plan Mobility Plan 2035.** Policy 3.3, for Land Use Access and Mix, is to "[p]romote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services." Policy 3.4, for Transit Services, is to "[p]rovide all residents, workers, and visitors with affordable, efficient, convenient, and attractive transit services." Mobility Plan 2035, which is the transportation element of the General Plan, encourages development that promotes concentrations of housing, jobs, and local services within close proximity of one another. The Project is consistent with the above policies of the Mobility Element, as it proposes mixed-use residential and commercial buildings located in close proximity to one another as well as a variety of existing public transit lines and future transit opportunities. The Project will include 1,009 residential units, including Work-Live Units, and 1,140,746 square feet square feet of office space in addition to several ground-floor commercial (restaurant, retail and/or office) uses, providing future residents, employees, and patrons from the broader Warner Center community access to a mixed land use that helps to minimize vehicular trips.

The Project will also be conditioned through the Project Permit Compliance entitlement to dedicate land along De Soto Avenue to complete a 56-foot half roadway, a 16-foot half parkway, and an eight (8)-foot half sidewalk, within a 68-foot half right-of-way and a 12-foot easement, consistent with the Warner Center 2035 Specific Plan standard for Major Highway Class I and the Mobility Plan standard for Modified Boulevard II. Also, the Project will be conditioned to dedicate land along Burbank Boulevard to complete a 35-foot half roadway, an eight (8)-foot half sidewalk, and an eight (8)-foot half parkway within a 45-foot half right-of-way and a six (6)-foot easement, consistent with the Warner Center 2035 Specific Plan standard for Secondary Highway and the Mobility Plan standard for Modified Avenue I. With the inclusion of a New Street, the Project will be conditioned such that the New Street meets the following standards: a minimum 64-foot right-of-way, including a maximum roadway width of 36 feet, a minimum paved sidewalk width of six (6) feet on each side of the roadway, and a minimum parkway width of eight (8) feet on each side of the roadway from the edge of the sidewalk to the edge of the roadway curb. There are controlled crosswalks with raised, enhanced paving, crosswalks, and crosswalks with enhanced paving located throughout the Project site, across Warner Center Lane as well as across Adler Drive, Commerce Drive, and Towncenter Drive (private driveways), depicted on Plan Sheet MP-23.

**The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.** The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan (the "Community Plan") is part of the Land Use Element of the General Plan, with which the Project is consistent. The Project is consistent with the following relevant residential and commercial land use goals, objectives and policies identified in the Community Plan:

- Goal 1 - A safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Community Plan Area.
- Objective 1-1 - Achieve and maintain a housing supply sufficient to meet the diverse economic needs and current and projects population to the year 2010.
- Policy 1-1.1 - Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.
- Objective 1-2 - Reduce automobile trips in residential areas by locating new housing in areas offering proximity to goods, services, and facilities.
- Policy 1-2.1 - Locate higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will

- accommodate development.
- Policy 1-2.2 - Encourage multiple family residential development in commercial zones.

The Project is consistent with these goals, objectives, and policies, as it includes multi-family units with a range of unit types from studio to three-bedroom floor plans, and includes apartments, condominiums and Work-Live Units as part of a larger, multi-phase, mixed-use development. The variety of housing type helps to provide housing that is accessible for a broad segment of the community. The Project's proximity to a multitude of public transportation options will further ensure the accessibility of such housing. In addition, the location of housing within a mixed-use development will reduce the number of vehicle trips because goods, services, and amenities will be located immediately adjacent to and within walking distance of the residential buildings.

- Goal 2 - An economically vital commercial sector offering a diversity of goods and services to meet the needs of the community plan area. This means that commercial land use policies must support maximum efficiency and accessibility of commercial development while preserving the historic commercial and cultural character of the district.
- Objective 2-1 - Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

The Project includes the phased redevelopment of commercial structures built in the 1980s. The existing low-density commercial buildings and their age limit the Project Site's commercial vitality and fails to provide a diversity of goods and services that meet the needs of the community. Through the incorporation of mixed-use development and modern commercial spaces, the Project will better meet the needs of the Warner Center community and strengthen the economic viability of the commercial sector.

- Goal 5 - A community with sufficient open space in balance with new development to serve the recreational environment and health needs of the community.

The Project includes 121,683 square feet (2.79 acres) of Publicly Accessible Open Space (PAOS) for recreational opportunities, as well as common open space exclusively for the residential uses. Pedestrian Adapted Pathways (PAPs) are incorporated into the PAOS to provide both access to all of the project buildings and connectivity between De Soto Avenue and Burbank Boulevard. The incorporation of nine (9) focal points distributed throughout the Project Site will provide additional open and gathering spaces in the form of shaded seating areas for employees, residents, and visitors.

For these reasons, the Project is consistent with the applicable goals, objectives and policies in the Community Plan.

**WC 2035 Plan.** The Project is in compliance with the applicable development regulations and design guidelines in the WC 2035 Plan, as discussed in more detail below, which discussion is incorporated herein by this reference. The Project is consistent with the WC 2035 Plan and its vision, creating the desired urban center with a mix of land uses. The Project is a mixed-use development on a 24-acre property that combines commercial office space, hotel, retail, restaurant, community space and multi-family housing in mid-rise and high-rise structures, together with PAPs throughout the Project Site, which will be further reinforced through conditions of Project Permit Compliance to create pedestrian connectivity between the buildings and to the adjacent street frontages.

(b) THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 and 66419 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site.

The tract map was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication, and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards. The Bureau of Engineering has recommended dedication and improvements, consistent with the standards of the WC 2035 Plan and the Mobility Plan. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

Further, the design of the proposed subdivision and the Project is consistent with the General Plan, Community Plan, and Specific Plan. As discussed in the prior finding, which is incorporated herein by this reference, the Project is consistent with the applicable goals, objectives, policies, regulations and guidelines in the General Plan, including the Community Plan, and the WC 2035 Plan. The balance of this finding sets forth additional details regarding the consistency of the Project with the applicable development regulations and design guidelines in the WC 2035 Plan.

The Project Site consists of multiple lots within the Commerce District established in the WC 2035 Plan. VTTM 74891 merges and re-subdivides the Project Site into eight lots, including one lot (Lot 5) that will be developed with 168 residential condominium units for condominium purposes. The Project is consistent with the development regulations for the Commerce District established in the WC 2035 Plan and other development regulations and design guidelines in the WC 2035 Plan. Some aspects of the WC 2035 Plan with which the Project is consistent include, but are not limited to, the following:

The Project includes multi-family residential, work-live, office, hotel, restaurant and retail uses as well as community space, consistent with the uses and development intensity permitted in the Commerce District under the WC 2035 Plan. As set forth in *Appendix A: Land Use Matrix* of the WC 2035 Plan, a variety of land uses are permitted in the Commerce District, including live/work units, multiple residential dwelling units, offices, restaurants and retail uses. A base maximum Floor Area Ratio (FAR) of 4.5:1 is permitted in the Commerce District. The Project includes 2,634,268 square feet of floor area on the 1,042,301-square foot Project Site (post anticipated dedications), for an overall FAR of 2.52:1.

With regard to height, the Project varies in height from 35 feet (2 stories) to 350 feet (24 stories). Projects within the Commerce District are permitted an unlimited building or structure height, subject to certain provisions that have been met.

With regard to setbacks, projects within the Commerce District are required to observe a front setback area of not less than 12 feet and not more than 15 feet. Projects not located on an Active Street Frontage, however, are permitted a front setback area of up to 20 feet. A minimum of 30% of the required setback area shall be landscaped. The Project includes front setback areas in compliance with those standards, except as described in DIR-2017-1708-SPP-1A regarding the setback for Lot 1. In addition, as shown in the plans for the Project, on Sheet L-01 (Ground Level Landscape Plan), the Project exceeds the minimum 30% landscaped front setback requirement, with 36,694 square feet (or 47%) of combined landscaping in the front setback areas (at project completion).

The Project complies with the applicable parking provisions set forth in WC 2035 Plan Section 6.2.3 and any applicable LAMC provisions, providing 1,627 residential parking spaces and 3,921 non-residential parking spaces. Parking is detailed in the Project Plans, Sheets MP-24, MP-25 and MP-26 (Phasing Diagrams). For each new building, all parking required for such building will be constructed simultaneously and on the same lot.

In accordance with the PAOS requirement in WC 2035 Plan Section 6.2.2.1, the Exception provision in Section 6.2.2.3.2 for Warner Center Lane, which will be improved as a "New Street," and the Incentivized Uses and Development Bonus, the Applicant proposes 121,683 square feet (2.79 acres) of PAOS for the Project, as detailed in the Project Plans, Sheet MP-22 (Publicly Accessible Open Space Diagram), in compliance with Warner Center standards.

The Project, as subdivided in the manner set forth in VTTM 74891, has been designed to comply with the applicable development regulations in the WC 2035 Plan, and the subdivision and improvements are otherwise consistent with the General Plan, including the Community Plan, and the WC 2035 Plan.

The Project has been further conditioned so that, in accordance with Warner Center 2035 Specific Plan Section 5.3.3.2.2, any changes to any phase of development which are not substantially compliant with approved plans, including changes to elevations, site plans, orientations, and other design features to a Multiple-Phase Project, shall require a modification to a Project Permit Compliance pursuant to the requirements of LAMC Section 11.5.7-O.

Additionally, pursuant to Warner Center 2035 Plan Section 6.1.2.2.10 regarding the anticipated extension of Variel Avenue from Califa Street to the north to Burbank Boulevard to the south, the Project is conditioned to design the driveway identified on plans as Adler Drive, along the west side of the Project site, to be directly accessible to Burbank Boulevard and to be built to a width of 28 feet, as proposed on Plan Sheet MP-30, in anticipation of the adjacent properties to the north and west being redeveloped, and allowing for an extension of Variel Avenue in a southerly direction to Burbank Boulevard. Additionally, there shall be a 10-foot parkway located to the west of Adler Drive, extending to the property line, as proposed by the applicant and depicted on Plan Sheet MP-30. The northern end of Adler Drive may be temporarily improved as private, park-like open space, as proposed by the applicant, until such time that the property to the north redevelops.

Should the properties to the north and west redevelop during the time frame in which the Warner Center 2035 Plan is in effect, the possibility remains that Variel Avenue may be extended from Califa Street in the north to Burbank Boulevard in the south. Should the properties not redevelop within that time frame, however, Adler Drive provides vehicular,

as well as pedestrian connectivity on the eastern side of Adler Drive, from Burbank Boulevard to the northern property line of the site, consistent with the intent of the Warner Center 2035 Plan to break up large blocks with vehicular and pedestrian access.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT.

The project site is a generally level, irregular-shaped site consisting of 1,062,923 gross square feet (24.40 acres) of lot area. The site is currently developed with 12 existing buildings with 340,339 total square feet of floor area.

The Project Site is physically suitable for the subdivision and improvements that comprise the proposed Project. The Project Site is not located in a Hillside area, a Very High Fire Hazard Severity Zone, a Flood Zone, a Hazardous Waste Area, a Landslide Area, or a Methane Buffer Zone. The project site is located within 12.4 km of the Malibu Coast Fault, but is not located within the Alquist-Priolo Fault Zone. The subject site is, however, located within a State of California liquefaction seismic hazard zone.

Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. The site is not identified as having hazardous waste or past remediation. The site is in Flood Zone X/Type C, which denotes areas an area of minimal hazard from the principal source of flood. There are currently no flood zone compliance requirements for construction in this zone. The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas

The Department of Building and Safety, Grading Division recommends approval of VTT-74891 in the Soils Report Approval Letter issued for the Project, dated March 10, 2020, which states that the geotechnical reports referenced therein are acceptable for the purpose of the approval of VTTM 74891, provided the following conditions are complied with during site development: (1) no grading or building permits shall be issued based on the Soils Report Approval Letter and the reports referenced therein, and (2) that prior to the issuance of grading or building permits with respect to a project phase, a comprehensive soils report shall be submitted to the Grading Division for review and approval with respect to such project phase. The tract map thus will receive approval contingent on the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of each unit map and issuance of any grading or building permits.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The Project Site is physically suitable for the proposed density of development. The WC 2035 Plan regulates density for the Project Site, which is located within the Commerce District established in the WC 2035 Plan. The development standards for the Commerce District limits development through the establishment of a maximum floor area ratio (FAR). A maximum FAR of 4.5:1 is permitted on the Project Site, which is far greater than the 2.52:1 FAR proposed for the Project. A 4.5:1 FAR for the Project Site would allow for 4,690,355 square feet of floor area, while the Project consists of only 2,634,268 square feet of combined residential and non-residential floor area. As measured by the permitted and proposed FAR per zone, the proposed Project's intensity of development is physically suitable for the Project Site.

Furthermore, the Final Environmental Impact Report certified for the WC 2035 Plan analyzed the environmental impacts associated with allowable density for the WC 2035 Plan area, including the Project Site. Therefore, the long-term planning document for Warner Center, and its related environmental document, contemplated and allows the proposed density for the Project Site.

Finally, the tract map has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

- (e) THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The proposed subdivision and related improvements will not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project Site is located in an urbanized area of the City of Los Angeles, and is currently developed with buildings, paved surface parking lots, and landscaping. Given that the proposed subdivision is an urban infill development that would replace a property currently improved with commercial buildings and associated surface parking and landscaping, the Project will likely not cause any substantial environmental damage that would injure fish or wildlife or their habitat. Further, the Project has been analyzed for its effect on the environment and has been conditioned through Condition No. 40 containing Mitigation Measures AES-1 through U-15.

- (f) THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The design of the proposed subdivision and improvements will not likely cause serious public health problems. The proposed subdivision includes new multi-family apartment and condominium units and Work-Live Units, and will replace an existing auto-oriented commercial park with new commercial floor area occupied by office, retail, restaurant and hotel uses. The replacement of the existing development with a new development will not cause any serious public health problems.

The design of the Project furthers the intent of the WC 2035 Plan, which seeks to create an environment where there is a mix of uses. The Project has the potential to result in fewer vehicle trips, as homes, jobs, amenities and services will be located immediately adjacent to each other and the Project is proximately located next to several modes of public transportation. This is a potential benefit to the public health of the community in improving air quality.

- (g) THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed subdivision and proposed improvements will not conflict with easements for access through or use of the Project Site. The Project does not contemplate the removal or rerouting of any public streets. Warner Center Lane will be upgraded to meet the "New Street" design standards in the WC 2035 Plan, significantly improving the private street easement to provide public access to the Project.

VTTM 74891 shows all other public utility, sanitary sewer, flood control, street trees and lighting, and communications easements, and describes the status of each easement as to whether it will remain, be merged by the final map, or quitclaimed, as appropriate.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The Project will include features such as, but not limited to, building materials, architectural features (i.e., balconies), courtyards, and landscaping that will minimize glare and reflected heat, and will provide shade to reduce heat gain. Passive features are not contemplated at this time, but the Project will comply with Title 24, Part 6 of the California Code of Regulations, which mandates many passive features that focus on promoting more energy-efficient buildings relating to building envelope, heating and cooling, water heating, and lighting restrictions. In, addition, the Project will comply with applicable provisions of the City's Green Building Code, which, among other things, are intended to improve the energy performance standards of new construction. Furthermore, in compliance with the WC 2035 Plan, the Project will be designed to meet the equivalent of a LEED (Leadership in Energy and Environmental Design) Silver rating.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract No VTT-74891.

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

Date: March 17, 2021

To: Blake Lamb, Principal City Planner  
Department of City Planning

From:  Tomas Carranza, Principal Transportation Engineer  
Department of Transportation

**Subject: VEHICLE MILES TRAVELED ANALYSIS WITHIN THE WARNER CENTER 2035 SPECIFIC PLAN'S ENVIRONMENTAL IMPACT REPORT**

The purpose of this memorandum is to address how the Warner Center 2035 Plan (Plan) supports the reduction of Vehicle Miles Traveled (VMT) and to summarize the reasons for not requiring a project-level VMT analysis for projects entitled within the scope of, or tiering from, the WC2035 Environmental Impact Report (EIR). Additionally, this memorandum demonstrates that the Plan would not result in an impact under the new VMT plan threshold, and development projects that implement the plan would not result in a new significant impact or in a more severe significant impact.

According to the VMT impact thresholds in LADOT's Transportation Assessment Guidelines, a land use plan will have a potential transportation impact if:

- The anticipated land use growth under the proposed plan would result in an average total VMT per service population in the horizon year that exceeds 15% below the regional average total VMT per service population for the baseline year from the most recent SCAG RTP/SCS.
- The land use growth anticipated under the plan would result in an average total VMT per service population in the plan horizon year that exceeds the average total VMT per service population in the plan area for the baseline year from the most recent locally validated travel demand forecasting model.

The intent of the Plan is to serve as an urban planning blueprint to spur job growth and economic development. The Plan looks to development as fundamental to support regional mobility investments, like the Metro Orange Line, and, as a result, create a vibrant Transit Oriented District (TOD) area based on community connectedness, accessible public transit, innovative businesses, job diversity, and a safe and friendly pedestrian environment.

Implementation and build out of the Plan would not be expected to exceed the average total VMT per service population in the Plan area for the baseline year from the most recently validated travel demand. According to the data summarized below, the elements of the Plan that have been implemented have collectively resulted in lower VMT within the Plan area.

Based on the LADOT's travel demand simulation model, the VMT in the Warner Center area is 15% below the SCAG VMT average. The LADOT model was calibrated to simulate existing conditions and was used to develop the City's VMT thresholds and estimation tools. The LADOT model indicates that the South Valley

Area Planning Commission area (which includes Warner Center) has an 11 VMT per capita and a 13.7 VMT per employee, whereas the SCAG regional average is 17.2 VMT per capita and 21.3 VMT per employee.

The Plan’s permitting process allows the expedited approval of a concentration of mixed uses that are within walking distance of one another so people can easily walk rather than drive. The Plan has been a pioneer to the “Complete Streets” concept which accommodates alternatives to vehicles, which is the cornerstone of the Mobility Plan 2035. The Plan also requires a majority of new projects to create a Transportation Demand Management (TDM) Plan or join the Warner Center’s Transportation Management Organization (TMO), both aimed to reduce Average Vehicle Ridership (AVR), and requires annual surveys to measure the effectiveness of AVR reduction at each site.

Using the travel behavior datasets from StreetLight Data (a Big Data platform), LADOT compared the VMT generated by Warner Center to the rest of the San Fernando Valley area. The Plan was adopted in 2013, so this comparison offers an assessment of the Plan and the benefits of its goals to create a TOD area. The datasets evaluated were collected during the months of September and October 2019 (pre Covid-19), and the average VMT was calculated for both a typical weekday PM peak hour and for a typical weekend. The results showed that the Warner Center VMT was lower when compared to the LADOT West Valley area that includes Council Districts 3, 5, 6 and 12, as follows:

Area	PM Peak Hour VMT	Weekend VMT
Warner Center	7.5 per trip	8.8 per trip
West Valley	7.9 per trip	9.4 per trip

The Warner Center VMTs were also lower when compared to the average VMTs of both the North Valley and South Valley Area Planning Commission areas. These figures, which provide a 6-year assessment since the Plan was adopted, confirms that the objectives of the Plan are being realized with the implementation of projects that are consistent with the provisions and terms of the Plan’s EIR and Specific Plan.

These comparisons highlight the increased efficiency and internal trip-making achieved by the anticipated new development under the Plan. This increase in efficiency is a direct benefit of the high-density mixed-use development of the Plan’s anticipated development Buildout, which assists in the elimination or shortening of vehicular trips. In the future, as the various mobility enhancements of the Plan are implemented, as the TMO builds up its membership, and as TDM plans of individual projects are processed, the Plan’s VMT figures should see further reductions. For these reasons, LADOT recommends that development proposals that are consistent with the Plan should not be required to prepare a VMT analysis per LADOT’s Transportation Assessment Guidelines. Demonstrating consistency with the Plan already points to the desired VMT outcomes of the new LADOT guidelines and VMT thresholds. This policy recommendation would need to be revisited once the Plan is updated.

If you have any questions, please call Vicente Cordero or Shirley Zamora at (818) 374-4699.

TC/SZ:sz

- c: Tim Fargo, LADCP
- Jesus Serrano, LADOT