

Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012

www.cityofla.org/PLN/index.htm



Determination of the City Planning Commission

Date: **SEP 02 2005**

City Council
Room 395, City Hall

Applicant: City of Los Angeles

CASE NO. CPC NO. 2005-3594-ICO

CEQA: ENV-2005-3595-CE

Location: Various

Specific Plan: Warner Center

Council District: 3

Plan Area: Canoga Park-West Hills-Winnetka-
Woodland Hills-West Hills

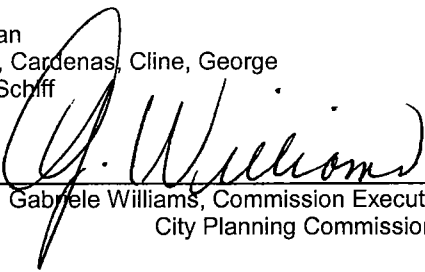
At its meeting of August 4, 2005, the City Planning Commission took the following action:

- 1) **Approved** the attached revised staff report and findings, as its report and findings on this matter;
- 2) **Disapproved and recommended** that the City Council not adopt the Interim Control Ordinance, **Exhibit B**, restricting residential development above 3,000 additional dwelling units in the Warner Center Specific Plan Area, an area generally bounded by Topanga Canyon Boulevard on west, Vanowen Street on the north, DE Soto Avenue on the east, and US 101 Freeway on the south.
- 3) **Approved and Recommended** that the City Council adopt a substitute motion, **Exhibit "C"**, instructing the Planning Department to: (a) implement a comprehensive Interim Specific Plan Regulations Procedure for processing residential Projects in the Warner Center Specific Plan area, an area generally bounded by Topanga Canyon Boulevard on the west, Vanowen Street on the north, De Soto Avenue on the east, and US 101 Freeway on the south and, (b) initiate the allocation of the necessary City staff to restudy the Warner Center Specific Plan, including preparing the necessary environmental analysis, with emphasis on residential development patterns.
- 4) **Approved and Recommended** that in the restudy of the Warner Center Specific Plan that the City establish and allocate funding for a bi-annual Specific Plan Status Report, as recommended by the South Valley Area Planning Commission.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved:	Burg
Seconded:	Mahdesian
Ayes:	Atkinson, Cardenas, Cline, George
Absent:	Mindlin, Schiff
Vote:	7-0



Gabriele Williams, Commission Executive Assistant II
City Planning Commission

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Revised Staff Report w/Findings, Exhibits A, B, and C

cc: Notification List

Revised STAFF REPORT AND FINDINGS

I. BACKGROUND / HISTORY

The 1993 Warner Center Specific Plan, adopted by the City Council on June 30, 1993, was a four-phase plan limiting the total amount of "non-residential" development in the final phase to 35.7 million square feet of Cumulative Approved Permitted Floor Area. The current version of the Specific Plan imposes Phase I limitations on development up to 21.5 million square feet of Cumulative Approved Permitted Floor Area with a 35.7 million square-foot limitation.

The Los Angeles Times stated on August 1, 1993 - the day after the City Council adoption - that the Specific Plan will provide a "blueprint for future growth in Warner Center" and provide a mechanism in which "mitigations are keeping pace with development as the Center is built-up." Almost 12 years later, the Specific Plan has been effectively regulating all types of development in the Plan area and has so far accomplished what it's original framers intended providing a blueprint for development that has insured orderly development that has balanced the needs of the business community with the needs of the residents, while promoting this Regional Center as an attractive place to live, work, and visit.

Department of City Planning, partnered with the Department of Transportation, developed the Specific Plan and has provided for its administration since its 1993 adoption, including processing various adaptive amendments to the Specific Plan (in 1997, 2000, and 2001). The significant accomplishments under the Plan are detailed in the Warner Center Specific Plan Status Report to the South Valley Area Planning Commission scheduled for their June 23, 2005 meeting (see attached **Exhibit "D"**). The primary conclusion of the Report is that the Specific Plan is working. The Plan has achieved the primary goal of improving Warner Center's transportation conditions by: coordinating future land uses with public transit and transportation improvements; mitigating the Project-specific impacts of individual Projects including requiring a transportation/Trip fee for non-residential Projects; implementation of TDM measures such as requiring developers to join the Warner Center Transportation Management Organization; encouraging mixed-use developments; and striving toward a healthy jobs-housing balance by allowing multi-family residential developments anywhere in the Plan area.

The City of Los Angeles has a severe housing shortage. Over the last several years, many citywide legislative measures have been enacted by the City to provide for more housing of all types. A primary strategy by framers of the Specific Plan was to allow residential development anywhere in the area, as well as providing additional incentives for the production of housing (e.g., residential Projects are exempt from the assessment of any Trip fees and are allowed a floor area ratio of up to 3 to 1). It was understood that residential development was necessary to help encourage a healthy jobs-housing balance over the life of the Specific Plan. As a result, the Specific Plan's housing incentives have resulted in the approval of approximately 3,000 dwelling units over the past five years.

The rapid occurrence of these housing development proposals in Warner Center, while welcomed by those advocating for more housing production, became a concern to many residents living in and around Warner Center. Many felt that the Specific Plan, and more importantly its environmental documents, did not anticipate nor support this much residential development.

II. PROPOSED INTERIM CONTROL ORDINANCE (ICO)

Council District 3 agreed with the surrounding neighborhood's concerns and on February 9, 2005, introduced a motion (see **Exhibit "A"**) to impose an Interim Control Ordinance (ICO) in Warner Center to

effectively limit the approval of any residential Projects that exceeds 3,000 dwelling units added since the adoption of the original Specific Plan. This action was predicated upon the 1993 Warner Center Specific Plan Final Environmental Impact Report (EIR) that analyzed the Phase I portion of the Plan based upon a maximum of 21.5 million square feet of non-residential development and 3,000 residential dwelling units.

The current version of the Warner Center Specific Plan specifies “thresholds” for the restudy of the Specific Plan either by June 2008 or once the 20 million square feet of non-residential square footage is approved, whichever comes first. The 2005 cumulative net new non-residential square-footage is only at approximately 16 million square feet (4 million short of the threshold). The residential unit count is approximately 3,000 units.

The motion requested that:

- 1) Planning Department, with the assistance of the City Attorney and the Department of Transportation, draft an Interim Control Ordinance (ICO), with an urgency clause, for the Specific Plan area that will not allow building permits to be issued for residential projects once the 3,000 unit threshold is passed. Additionally, the ICO will be for a one-year period, with the possibility of two, six-month extensions.
- 2) A Hardship Exemption provision shall be included in the ICO. With this provision, the City Council can grant an exemption provided that provisions of Project Compliance as currently required in the Specific Plan are complete, an environmental review that addresses the cumulative environmental and traffic impacts for the area and region impacts is certified, the appropriate mitigation measures and/or contributions to the Warner Center Transportation Trust Fund are made, and a mix-use component in the project is provided.
- 3) The Planning Department, with the assistance of the City Attorney and the Department of Transportation, immediately work on modifications and amendments to the Specific Plan implement Phase II that will allow for continued smart growth development of Warner Center with the appropriate jobs/housing balance, including greater consideration to the needs of the region and community, appropriate land use and design standards for a high quality mixed-use community giving due consideration to market and economic forces, and appropriate mitigation measures to curtail traffic congestion.

Exhibit “B”, the proposed ICO, essentially provides the regulations, as specified by City Council in the 2/9/2005 motion. This proposed ICO establishes:

- A Project as the construction, erection, reconstruction, rehabilitation, addition, structural alteration, or change of use for any development of a building proposing Residential Dwelling Units on a lot located in whole or in part within the Interim Control area identified in Section 3 of this Ordinance, that requires the issuance of a Permit.
- A 3,000 dwelling unit limitation based upon Project Permit Compliance approvals, predicated a “baseline” of 4,161 dwelling units which is the number of approved dwelling units in whole or in part within the boundaries of the Warner Center Specific Plan area on August 17, 1993.
- The regulations of the ICO will be in effect for 365 days from the effective date of the ordinance.
- Exceptions to the regulations of the ICO include:
 - Compliance with an order issued by the Department of Building and Safety to repair, remove, or

demolish an unsafe building or a substandard condition.

- Allowance to rebuild a building or structure damaged as a result of fire, earthquake, or other natural disaster.
- Those Projects proposing Residential Dwelling Units that received a Project Permit Compliance approval by the Director of Planning, per LAMC Section 11.5.7 C, on or before May 16, 2005.
- The 160 dwelling units approved under Vesting Tentative Tract Map 51449.
- Extension of the regulations of the ICO for two additional periods of six months each.
- Allowance for Hardship Exemptions by the City Council.
- Specification for an Urgency Clause.

The only significant change in the proposed ICO, contrary to the 2/9/2005 motion, is that the 3,000 dwelling-unit limitation is based upon the issuance of Project Permit Compliance approvals by the Director of Planning, not based upon the issuance of building permits by the Department of Building and Safety.

As the primary enforcement agency of the ICO, the Planning Department has control over existing Project Permit Compliance approvals, as well as the issuance of any future approvals. Once the Project Permit Compliance approval is issued, the City cannot withhold a building permit if all conditions are met.

III. ALTERNATIVE TO AN ICO

While the proposed ICO addresses the immediate inadequacy in the Specific Plan and its environmental support documents, it is neither long-term nor comprehensive. The Planning Department recommends against an ICO primarily because, as stated above, the Specific Plan has demonstrated that it has been effective, especially in regards to improving the local traffic conditions and providing needed housing for the region. Additionally, there is a viable option to the ICO, as detailed below that includes:

- An Interim Specific Plan Regulations Procedure established to deal with the “short-term” urgencies related to Warner Center residential development.
- A proposal for long-term and comprehensive review of the entire Specific Plan including and especially a detailed review of multi-family residential development policies and procedures.

A. Interim Specific Plan Regulations Procedure for Residential Projects¹

The motion for the ICO is designed to provide a “short-term solution” to address only the inequity between residential and non-residential development. In-lieu of an ICO, the spirit and intent of the Council motion can be adhered to immediately through the establishment of an “Interim Specific Plan Regulations Procedure” to process proposed residential developments in Warner Center until the revised Specific Plan is adopted and becomes effective. This procedure establishes a City staff-level review and approval of any Project that proposes to construct residential dwelling units

¹ This subsection has been updated to reflect the revised version of the proposed Interim Specific Plan Regulations Procedure in **Exhibit C (Revised)**.

in excess of an overall 3,000 dwelling unit threshold.

Applicants will apply for Project Permit Compliance approval by the Director of Planning and would file the same application as any other Project. As part of the application requirements, any applicant proposing residential developments would be required to:

1) **ENVIRONMENTAL ASSESSMENT FORM (EAF).** A completed EAF application form, signed and notarized by the property owner, including all required exhibits.

2) **TRANSPORTATION IMPACT REVIEW APPLICATION.** A copy of the completed and accompanying receipt for the subject project. The applicant is required to prepare a traffic study for any Project proposing residential dwelling units, including a cumulative traffic impact analysis (see No. 3 below).

3) **CUMULATIVE IMPACT ANALYSIS.** A "cumulative impact analysis" following the requirements established in Section 15130 of the California Environmental Quality Act (CEQA) Guidelines including, but not limited to, the following:

- Analysis of the incremental effects of the proposed residential project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- A summary of the expected environmental impacts for each environmental category listed on the Initial Study to be produced by those projects, when considered together.
- An detailed analysis of the cumulative impacts for each environmental category listed on the Initial Study.

Based upon the information provided, if the City determines that there are unmitigated significant impacts, the following three options would be available to the applicant:

NO. 1 - ADDITIONAL ENVIRONMENTAL ANALYSIS/ENVIRONMENTAL IMPACT REPORT.

The individual and cumulative impact analyses provided by the applicant would be used by the Department of City Planning to determine if there is substantial evidence that the Project may have a significant effect on the environment. Pursuant to Section 15063 (b)(1) of the CEQA Guidelines, if the Department of City Planning determines that there is substantial evidence that any aspect of the proposed Project, either individually or cumulatively, may cause a significant effect upon the environment, the applicant shall be required to prepare an Environmental Impact Report (EIR) per Sec. 21150 of the Public Resources Code.

OR

NO. 2 - A VOLUNTARY CONDITIONS.

The applicant would voluntarily agree to cumulative mitigation measures/conditions to be incorporated in the Project Permit Compliance approval reducing impacts to an acceptable level.

OR

NO. 3 - A BASIC DEVELOPMENT RIGHT.

An applicant would be allowed a Basic Development Right for a lot not to exceed and FAR of 0.35 to 1.0.

B. Specific Plan Restudy

Whether the "short-term" solution is either an ICO or an Interim Specific Plan Regulations Procedure, the Specific Plan needs to be restudied. The goal of this restudy would be to create an updated Specific Plan that addresses the cumulative impact of all development types, including and especially multiple-family residential.

The restudy would take "a comprehensive review" of all sections of the Specific Plan and make the necessary changes, including revised fees and design standards. To accomplish this, the City Council would need to introduce a motion [see **Exhibit "C" (Revised)**] that would:

- Initiate the allocation of the necessary Planning, City Attorney and Transportation staff to restudy of the Warner Center Specific Plan, including preparing the necessary environmental analysis, with emphasis on residential development patterns.
- Hiring of consultants to prepare the necessary environmental analysis.
- Allocation of the necessary funds to restudy the Specific Plan from the existing monies in the Warner Center Specific Plan's Transportation Trust Fund. (The Fund permits up to 10 percent of the collected revenues to be used for administrative costs including a Specific Plan restudy.) Currently, it is estimated that approximately \$700,000 can be used for administrative costs/Specific Plan restudy.
- In-lieu of a Citizens Advisory Committee (CAC), the Woodland Hills-Warner Center Neighborhood Council and the Warner Center Association would both appoint Warner Center Specific Plan Restudy committees to work with the City Planning Department on the restudy
- Request that the Planning Department establish an interim, staff-level administrative procedure for processing any residential developments that exceed the 3,000 dwelling unit threshold.

IV. FINDINGS

It is recommended that the City Planning Commission **adopt** the following findings:

- 1) In accordance with City Charter Section 556, this Interim Control Ordinance is not in substantial conformance with the purposes, intent, and provisions of the General Plan, in that the proposed ordinance does not present the best "short-term" solution.
- 2) In accordance with City Charter Section 558(b)(2), the proposed Interim Control Ordinance is not in conformance with the public necessity, convenience, general welfare, and good zoning practice. A viable, alternative proposal (Interim Specific Plan Regulations Procedure) exists that will

accomplish the necessary results while the restudy of the Specific Plan takes place.

- 3) The proposed ICO has been granted a General Exemption through ENV 2005-3595-ICO, pursuant to the California Environmental Quality Act (CEQA) (Article 2, Section 2m).

V. CONCLUSION

The Warner Center Specific Plan has been effectively regulating all types of development in the Plan area for almost 12 years. Over the last five years, the market trends have resulted in an imbalance in development favoring multi-family residential developments. This imbalance has resulted in a specific and immediate need for the City to re-evaluate the Specific Plan in order to address this trend. A long-term and comprehensive solution of restudying the Specific Plan is recommended. Even though a proposed ICO (**Exhibit "B"**) has been prepared and introduced, the Planning Department cannot support its adoption for the reasons outlined above. A viable, alternative proposal (Interim Specific Plan Regulations Procedure) exists that will accomplish the necessary results, while the restudy of the Specific Plan takes place.

EXHIBIT "A"

CITY
MOTION
FEBRUARY

PLANNING and LAND USE MGT
MOTION

FEB 08 2005

COUNCIL
DATED
9, 2005

Warner Center is located in the west San Fernando Valley, and is the Valley's most prominent mixed-use commercial/residential community. In the mid-1980's a community-based effort was initiated to create a Master Development Plan that balances commercial and residential growth, thus reducing traffic impacts in the region and to provide design and aesthetic standards for the Warner Center area. That effort culminated in the adoption the Warner Center Specific Plan (Ordinance Nos. 168,873 and 168,984) by the City Council in June 1993. Various changes and amendments to the plan have subsequently transpired in 1997, 2000 and 2001.

The Environmental Impact Report (EIR) certified in 1993 (State Clearing House No. 90-011055) for the adoption of the Warner Center Specific Plan (WCSP) identified a jobs/housing balance that included a total of 21.5 million square feet of commercial space and 3,000 residential units in the Phase I of said plan. This was based on the anticipated growth to 2010 when the plan would then be re-studied and Phase II would be implemented.

However, in 1993 commercial growth in Warner Center was higher than residential growth. In order to encourage residential growth and create more balance, transportation fees and other restrictions were not required on residential projects as they were on commercial and industrial development. Most significant, while the WCSP calls for the immediate stop of more commercial development once the 21.5 million square feet threshold is met, there is no such provision for stopping further residential development once the 3000 unit threshold is met. Another concern raised by the community and the Woodland Hills Warner Center Neighborhood Council (WHWCNC) is that design and aesthetic standards in the current plan are minimal.

The reality is that residential development has greatly out paced the predicted commercial and industrial development, and, at the current rate, the 3000 units will soon be reached five years before 2010, when Phase II is scheduled to be implemented. Commercial development meanwhile remains at a current 17.5 million square foot build out.

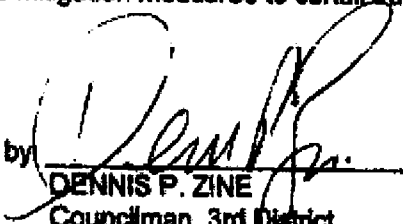
This unprecedented growth in the number of residential units will undermine the jobs housing balance which is the heart of the plan and further increase traffic congestion. Also, the community concern of the lack design and aesthetic standards needs to be further addressed. Therefore it is necessary to immediately implement an Interim Control Ordinance to curtail this growth until the appropriate studies and amendments are made to implement Phase II of the Specific Plan.

I THEREFORE MOVE, that the Los Angeles City Council request that the Planning Department, with the assistance of the City Attorney and the Department of Transportation, draft an Interim Control Ordinance (ICO), with an urgency clause, for the Warner Center Specific Plan area that shall not allow building permits to be issued for residential projects once the 3,000 unit threshold is passed. Said ICO is to be imposed for a one-year period, with the possibility of two, six-month extensions during which time the WCSP be reviewed and revised to implement the next stage of growth based on smarter growth plans and new community input.

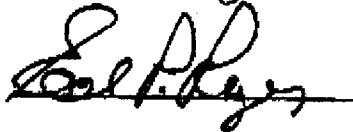
I FURTHER MOVE, that an application for a **HARDSHIP EXEMPTION** from the ICO can be made to the Los Angeles City Council. The City Council may grant an exemption provided that provisions of Project Compliance as currently required in the WCSP are complete, an environmental review that addresses the cumulative environmental and traffic impacts for the area and region impacts is certified, the appropriate mitigation measures and/or contributions to the Warner Center Transportation Trust Fund are made, and a mix-use component in the project is provided.

I FURTHER MOVE, that the Planning Department, with the assistance of the City attorney and the Department of Transportation, immediately work with WHWCNC to consult with the stakeholders of Woodland Hills and local developers such that within one year, recommendations will be made to the Los Angeles City Planning Commission and City Council for modifications and amendments to the WCSP to implement Phase II that will allow for continued smart growth development of Warner Center with the appropriate jobs/housing balance, including greater consideration to the needs of the region and community, appropriate land use and design standards for a high quality mixed-use community giving due consideration to market and economic forces, and appropriate mitigation measures to curtail traffic congestion.

Presented by


DENNIS P. ZINE
Councilman, 3rd District

Seconded by:



February 9, 2005

EXHIBIT "B"

PROPOSED INTERIM CONTROL ORDINANCE, INCLUDING BOUNDARY MAP

ORDINANCE NO. _____

An ordinance imposing interim regulations on the issuance of building permits for any Project proposing Residential Dwelling Units on any Commercially-zoned Lot in the Warner Center Specific Plan area, generally bounded by Vanowen Street, the Ventura Freeway, De Soto Avenue, and the properties fronting along the west side of Topanga Canyon Boulevard as shown upon the attached map within the heavy dashed lines.

WHEREAS, the Warner Center Specific Plan (adopted by City Council on June 23, 1993) has been effectively regulating all development in the Plan area for over eleven (11) years and mostly achieving the Specific Plan's primary goal of improving Warner Center's transportation conditions;

WHEREAS, amendments to the Specific Plan occurred in 1997 (Transportation Demand Management Amendment), 2000 (Los Angeles Unified School District lawsuit settlement amendment) and 2001 (Revised Trip Fee/Phase I amendment);

WHEREAS, the adopted Specific Plan includes a total of 21.5 million square feet of non-residential development and 3,000 Residential Dwelling Units in the Phase I of said Specific Plan, based on the anticipated growth to 2010;

WHEREAS, over the last several years, market conditions have changed in Warner Center creating an increased demand for the construction of residential developments;

WHEREAS, since the year 2001, eight residential Projects have been approved by the Director of Planning in compliance with the Warner Center Specific Plan, totaling 2,944 dwelling units in over 4 million square feet of new residential floor area (excluding 160 debited per Vesting Tentative Tract 51449), as well as removing over 1 million square feet of commercial/industrial floor area;

WHEREAS, residential development (including the eight approved residential Projects) are not subject to the payment of a Trip Fee and therefore are not mitigating impacts above those anticipated by the Specific Plan;

WHEREAS, residential development has greatly out-paced the predicted non-residential development, with the 3,000 residential units soon to be reached;

WHEREAS, the current version of the Specific Plan specifies "thresholds" for the restudy of the Specific Plan either by June 30, 2008 or once the 20 million square feet of non-residential square footage is approved, whichever comes first;

WHEREAS, in fact, in the current year 2005 the cumulative net new non-residential square-footage is only at 16 million square feet cumulative; and

WHEREAS, there are no thresholds established in the Specific Plan for analyzing the impact of further residential development once the additional 3,000 Residential Dwelling Unit limitation is achieved.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. DEFINITIONS. The following words or phrases, whenever used in this Ordinance, shall be as defined in this Section. Words and phrases not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

Applicant. Any Person, as defined in LAMC Section 11.01, submitting an application for a building, grading, demolition, sign or foundation permit for a Project.

Project. The construction, erection, reconstruction, rehabilitation, addition, structural alteration, or change of use for any development of a building proposing Residential Dwelling Units on a lot located in whole or in part within the Interim Control area identified in Section 3 of this Ordinance, that requires the issuance of a Permit.

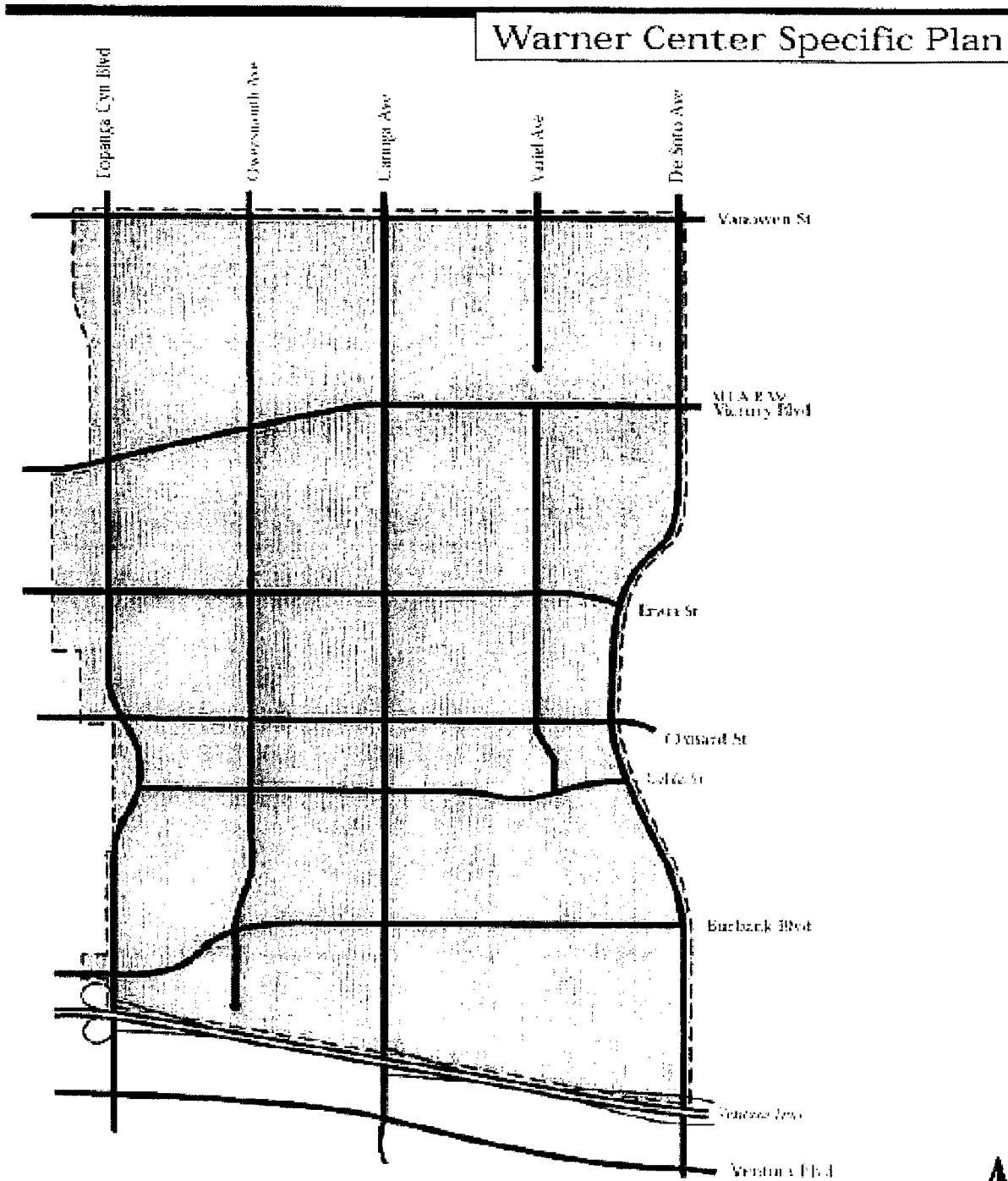
Residential Dwelling Unit. A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living or sleeping purposes.

Residential Dwelling Unit Baseline. Four thousand, one hundred and sixty-one (4,161) which is the number of approved dwelling units in whole or in part within the boundaries of the Warner Center Specific Plan area on August 17, 1993.

Sec. 2. PROHIBITION. Notwithstanding any provision of the LAMC to the contrary, for a period of 365 days from the effective date of this Ordinance, or until the adoption of an amendment to the Warner Center Specific Plan that further regulates residential development in the Specific Plan area until such time as the permanent regulations governed by the Interim Control Ordinance as shown on the map identified in Section 3 of the Ordinance becomes effective, whichever occurs first.

No Project Permit Compliance approval, processed pursuant to LAMC Section 11.5.7.C, shall be issued for any Project proposing Residential Dwelling Units exceeding the 7,161 threshold (the Residential Dwelling Unit Baseline of 4,161 plus 3,000).

Sec. 3. INTERIM CONTROL AREA. The provisions of this Ordinance shall apply to all lots located Warner Center Specific Plan area, generally bounded by Vanowen Street, the Ventura Freeway, De Soto Avenue, and the properties fronting along the west side of Topanga Canyon Boulevard as shown on the following map:



----- Residential ICO Boundary



Not To Scale

Warner Center Specific Plan - Residential ICO (June 2005)

Sec. 4. EXCEPTIONS.

A. The prohibition specified in Section 2 of this Ordinance shall not apply to any building or construction for which a Permit is required as follows:

1. In order to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe building or a substandard condition; or
2. In order to rebuild a building or structure damaged as a result of fire, earthquake, or other natural disaster, provided that the development is not prohibited by any provision of the LAMC; or
3. Those Projects proposing Residential Dwelling Units that received a Project Permit Compliance approval by the Director of Planning, per LAMC Section 11.5.7 C, on or before May 16, 2005. However, any Applicant that fails to utilize an approval within the time limits prescribed in LAMC 11.5.7 C 4(e) not qualify for this Exception; or
4. The 160 dwelling units approved under Vesting Tentative Tract Map 51449.

Sec. 5. EXTENSION OF REGULATIONS. The City Council may, by resolution, extend the provisions of this Ordinance, for two additional periods of six months each, so long as the City Council makes the following finding: That the appropriate City agencies and officials are exercising due diligence on the necessary restudy and amendment to the Warner Center Specific Plan and that the permanent, new regulations for residential development in the area are being expeditiously processed.

Sec. 6. HARDSHIP EXEMPTIONS. The City Council, acting in its legislative capacity and by resolution, may grant exemptions from any or all of the provisions of this Ordinance in cases of extreme hardship duly established to the satisfaction of the City Council. An application for a hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 7. SEVERABILITY. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance, which can be implemented without the invalid provision, and, to this end, the provisions of this Ordinance are declared to be severable.

Sec. 8. APPLICABILITY OF THE ZONING CODE. The regulations of this Ordinance are in addition to those set forth in the Planning and Zoning Code of Chapter 1 of the LAMC and any other ordinance adopted by the City Council and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or other ordinances.

Sec. 9. URGENCY CLAUSE. The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: This Ordinance will temporarily prevent irreversible development from occurring, which could create adverse impacts on the community through the over-development of Residential Dwelling Units in Warner Center. This Ordinance is necessary to prevent irreversible development from occurring and that the Specific Plan be reviewed and revised to implement the next stage of growth in Warner Center based on smarter growth plans and new community input. Therefore, this Ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

EXHIBIT "C"

1. MOTION TO RESTUDY THE SPECIFIC PLAN/ESTABLISH AND INTERIM SPECIFIC PLAN REGULATIONS PROCEDURE

AND

2. INTERIM SPECIFIC PLAN REGULATIONS PROCEDURE

1. Motion to Restudy the Specific Plan / Establish an Interim Specific Plan Regulations Procedure

MOTION

A motion initiating the restudy to amend the Warner Center Specific Plan to enact its Phase II regulations and to establish, during the restudy, an Interim Specific Plan Regulations Procedure for the approval of those Projects proposing residential dwelling units above a 3,000 dwelling-unit threshold.

WHEREAS, the Warner Center Specific Plan (adopted by City Council on June 23, 1993) is generally bounded by Vanowen Street, the Ventura Freeway, De Soto Avenue, and the properties fronting along the west side of Topanga Canyon Boulevard;

WHEREAS, the Specific Plan has been effectively regulating all development in the Plan area for approximately twelve (12) years and achieving the Specific Plan's primary goal of improving Warner Center's transportation conditions;

WHEREAS, the adopted Specific Plan includes a total of 21.5 million square feet of non-residential development and 3,000 Residential Dwelling Units in the Phase I of said Specific Plan, based on the anticipated growth to 2010;

WHEREAS, a primary component of the transportation mitigation program contained in the Warner Center Specific Plan is to provide for a jobs-housing balance by allowing residential development anywhere in the Plan boundaries;

WHEREAS, over the last several years, market conditions have changed in Warner Center creating an increased demand for the construction of residential developments;

WHEREAS, 4,161 dwelling units existed in Warner Center when the Specific Plan was adopted in June 1993; however, since the year 2001, eight residential Projects have been approved by the Director of Planning in compliance with the Warner Center Specific Plan, totaling 2,944 dwelling units in over 4 million square feet of new residential floor area (excluding 160 debited per Vesting Tentative Tract 51449), as well as removing over 1 million square feet of commercial/industrial floor area;

WHEREAS, the residential development (including the eight approved residential Projects), replacing the 1 million square feet of commercial/industrial floor area, are not subject to the payment of a Trip Fee and therefore are not mitigating impacts anticipated by the Specific Plan;

WHEREAS, the current version of the Specific Plan specifies "thresholds" for the restudy of the Specific Plan either by June

30, 2008 or once the 20 million square feet of non-residential square footage is approved, whichever comes first; and there are no thresholds established in the Specific Plan for analyzing the impact of further residential development once the additional 3,000 residential dwelling unit limitation is achieved;

NOW THEREFORE, I MOVE that the City Council initiate a permanent regulatory solution to the problem by restudying the Warner Center Specific Plan to amend it to implement its Phase II provisions allowing for continued smart growth development and:

1. Direct the City Planning Department, with the assistance of the City Attorney, Bureau of Engineering and the Department of Transportation, to conduct this restudy effort, including the preparation of an environmental review that addresses the cumulative environmental and traffic impacts for the area/region, establishes the appropriate mitigation measures, and prescribes that enforcement mechanisms be added to the Specific Plan and include such information in the Specific Plan Status Report.
2. Authorize, in order to fund this restudy effort, the appropriation and transfer of funds, upon the request of the Director of Planning, from the Warner Center Transportation Improvement Trust Fund No. 573, Department No. 94, to the following Fund, Department, and Account Nos.:
 - a. Department of City Planning Fund No. 100, Department No. 68: \$200,000 to Account No. 1010 (Salaries General); \$35,000 to Account No. 1090 (Overtime); \$150,000.00 to Account No. 3040 (Contractual Services in order to contract with the necessary consultants to assist the City in preparing the environmental analysis); \$35,000 to Account No. 6010 (Office and Administration Expense); \$25,000 to Account No. 6020 (Operating Expense); and \$5,000 to Account No. 7300 (Equipment); and
 - b. Department of Transportation Fund No. 100, Department No. 94: \$75,000 to Account No. 1010 (Salaries General); \$15,000 to Account No. 1090 (Overtime); \$15,000 to Account No. 6010 (Office and Administration Expense), \$10,000 to Account No. 6020 (Operating Expense); and \$5,000 to Account No. 7300 (Equipment).
3. Approve the resolution authority for the following new positions:
 - a. One new City Planner (Class No. 7944) position in the City Planning Department.
 - b. One new Transportation Engineering Associate (Class No. 7280) position in the Department of Transportation;
4. Establish that, in-lieu of a Citizens Advisory Committee (CAC), the Woodland Hills-Warner Center Neighborhood Council and the Warner Center Association to both appoint Warner Center Specific Plan Restudy committees to work with the City Planning Department on the restudy.

FURTHER, I MOVE that the City Council direct the Planning Department, with the assistance of the Department of Transportation, to establish an Interim Specific Plan Regulations Procedure for processing any Project Permit Compliance Review for a Project proposing residential dwelling units that exceeds the 7,161 threshold (the June 1993 baseline of 4,161 plus the 3,000 dwelling units approved by Project Permit Compliance). That, in addition to complying with the submittal requirements for a Project Permit Compliance review established in both Section 11.5.7C of the LAMC and the Warner Center Specific Plan (Ordinance No. 174,061), this Interim Specific Plan Regulations Procedure (attached) shall be utilized after an

applicant proposing a residential Project submits an environmental analysis that includes:

1. Individual impact analysis, including a complete traffic study.
2. A "cumulative impact analysis" following the requirements established in Section 15130 of the California Environmental Quality Act (CEQA) Guidelines including, but not limited to:
 - Analysis of the incremental effects of the proposed residential Project when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.

FURTHER, I MOVE that the Planning Department in the Interim Specific Plan Regulations Procedure provide a Workforce Housing component. In addition, the Planning Department shall include this in their Specific Plan Status Report and in the Specific Plan restudy.

FURTHER, I MOVE that, notwithstanding Sections 11.5.7.C1 through C6 of the LAMC, the initial decision-making authority for granting a Project Permit Compliance Reviews for those Projects proposing residential dwelling units that exceeds the 7,161 threshold shall be with the Area Planning Commission (APC), unless delegated to the Director of Planning, and the appeal authority shall be with the City Council. The applicant shall pay a "full-cost recovery" fee to the City Planning Department in connection with the Project Permit Compliance review filing pursuant to LAMC Section 19.05 A9.

FURTHER, I MOVE the initial decision-maker, or the decision-maker on appeal, in approving a Project under the Interim Specific Plan Regulations Procedure shall make findings that the proposed residential Project will: 1) Incorporate the necessary required conditions needed to fully mitigate the individual and cumulative environmental and traffic impacts identified in the Project's environmental analysis; 2) Insure orderly development that balances the needs of the business community with the needs of the residents promoting Warner Center as an attractive place to live, work, and visit; 3) Further the Specific Plan's goal of achieving and improved jobs-housing balance relationship; 4) Incorporate work force housing incentives necessary for employees in Warner Center to afford a unit in the proposed development; and 5) Not cause undue risk to the general public health or the health of the Project's inhabitants and will designed to be compatible with surrounding land uses.

FURTHER, I MOVE that the Woodland Hills-Warner Center Neighborhood Council shall receive early notification of all residential Projects processed under the Interim Specific Plan Regulations Procedure prior to any action by the initial decision-making authority.

