

# Los Angeles City Planning Commission

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

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## 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

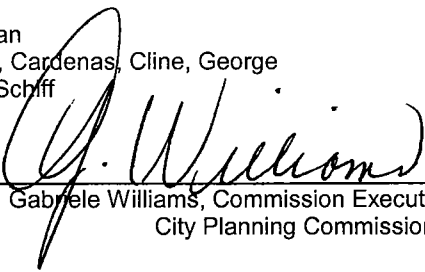
At its meeting of August 4, 2005, the City Planning Commission took the following action:

- 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

  
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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 Projects<sup>1</sup>

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

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<sup>1</sup> 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.