



# DEPARTMENT OF CITY PLANNING

## APPEAL STAFF REPORT

### City Planning Commission

**Date:** May 28, 2020  
**Time:** After 10:00 A.M.\*  
**Place:** In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the City Planning Commission Meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].

The meeting's telephone number and access code number will be provided no later than 72 hours before the meeting on the meeting agenda published <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting [cpc@lacity.org](mailto:cpc@lacity.org)

**Public Hearing:** April 30, 2019  
**Appeal Status:** Further Appealable to City Council  
**Expiration Date:** May 29, 2020 (by extension)  
**Multiple Approval:** Yes

**Case No.:** VTT-74588-1A  
**CEQA No.:** ENV-2016-3909-EIR (Supplemental) SCH. No. 2016111027  
**Related Cases:** VTT-74587; VTT-74588; VTT-74589; ZA-2016-3908-MCUP-DI-SPP-DB; AA-2016-3910-PMEX  
**Council No.:** 3 - Blumenfield  
**Plan Area:** Canoga Park- Winnetka- Woodland Hills- West Hills  
**Plan Overlay:** Warner Center 2035 Plan  
Warner Center 2035 Plan Sign District  
**Certified NC:** Woodland Hills- Warner Center  
**Land Use:** Regional Center Commercial  
**Zone:** (WC) Warner Center-Downtown  
**Applicant:** Westfield Promenade, LLC  
Promenade Buyer, LLC  
c/o Larry Green  
**Representative:** Cindy Starrett; Shivaun Cooney  
Latham & Watkins, LLP  
**Appellant:** Larry Green on behalf of:  
Westfield Promenade LLC  
Promenade Buyer LLC  
Representative: Cindy Starrett;  
Shivaun Cooney, Latham & Watkins

**PROJECT LOCATION:** **6100 N. Topanga Canyon Boulevard;** 21800 and 21900 W. Erwin Street; 21801, 21821, 21901 and 21931 W. Oxnard Street; and 6101 N. Owensmouth Avenue, Woodland Hills, CA 91367

**ORIGINAL PROJECT:** The Project proposes the redevelopment of the existing Westfield Promenade Shopping Center located within the Warner Center Specific Plan area on a 34-acre site (after dedication), consisting of the demolition of 641,164 square feet of existing floor area for the construction of a multiple-phase, mixed-use development comprised of residential, retail/restaurant, office, hotel and entertainment uses. Upon completion, the Project would include a total of 3,271,050 square feet of floor area, resulting in a net increase of 2,629,886 square feet of new floor area, including up to 1,432 multi-family residential units, approximately 244,000 square feet of retail/restaurant uses, approximately 629,000 square feet of office space, up to 572 hotels rooms within two hotels, and an Entertainment and Sports Center approximately 320,050 square-feet and 15,000 seats in size. The proposed uses would be provided in several buildings throughout the Project Site that would range in height from one-story retail and three- to four-story creative office, to a 28-story office tower. The Project proposes 5,610 parking spaces on-site in a combination of parking structures, subterranean parking, and limited surface parking. The Project proposes approximately 5.6 acres of ground-level, publicly accessible open space, including a central green space and

plaza areas. The Project includes the removal and/or relocation of eight (8) on-site protected trees, and 90 street trees.

Pursuant to Sec. 5.1.6 (ii) of the Warner Center 2035 Plan (Division of Land), any Unified Development with an aggregate size of 217,800 square feet or larger, shall not be approved prior to the "submittal and approval" of a Project Permit Compliance application for a Master Planned Project (appealed under ZA-2016-3908-MCUP-DI-SPP) in accordance with LAMC Section 11.5.7.-C and Section 5.3.3.3 of the Plan.

## REQUESTED ACTIONS:

Appeal of the entire decision of the Advisory Agency in approving the following actions:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency reviewed and considered the information contained in the Environmental Impact Report prepared for this Project, which includes the Draft Supplemental EIR, No. ENV-2016-3909-EIR (SCH No. 2016111027), dated April 2018, the Final Supplemental EIR, dated April 2019 (The Promenade 2035 Project EIR), and Erratum dated May 2020, as well as the whole of the administrative record;
2. Found based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the Promenade 2035 Supplemental EIR No. 2016111027, certified on July 17, 2019; and pursuant to CEQA Guidelines, Section 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project; and
3. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED Vesting Tentative Tract Map No. 74588**, located at 6100 N. Topanga Canyon Boulevard; 21800 and 21900 W. Erwin Street; 21801, 21821, 21901 and 21931 W. Oxnard Street; and 6101 N. Owensmouth Avenue, to allow the merger and subdivision of 7.3 acres into (9) ground lots for the phased development of 646 residential units (approximately 690,000 square feet), approximately 64,000 square feet of non-residential space within work-live units, 21,000 square feet of retail, two, six-level above-grade parking structures within two residential buildings providing approximately 1,140 parking spaces as shown on map stamped-dated March 6, 2019 (Exhibit A), which includes corrected cover pages and Sheet 3.01, a haul route for the import of 94,000 cubic yards of soil and export of 66,000 cubic yards of soil and the removal of 23 street trees in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

## RECOMMENDED ACTIONS:

**Deny** the appeal in part, and **Grant** the appeal in part, of the decision of the Advisory Agency to approve Case No. VTT-74588, to modify actions and conditions as described in this report:

### ENV-2016-3909-EIR

1. **Find**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Promenade 2035 Supplemental EIR No. ENV-2016-3909-EIR (SCH No. 2016111027), previously certified on May 28, 2020; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project.

### Vesting Tentative Tract Map No. 74588

2. Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), that the City Planning Commission, **APPROVE Vesting Tentative Tract Map No. 74588**, located at 6100 N. Topanga

Canyon Boulevard, 21800 and 21900 W. Erwin Street; 21801, 21821, 21901 and 21931 W. Oxnard Street; and 6101 N. Owensmouth Avenue, Woodland Hills, CA 91367 (Exhibit A).

3. Adopt the Modified Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP  
Director of Planning



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William Lamborn  
Deputy Advisory Agency



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Luciralia Ibarra  
Principal City Planner



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Milena Zasadzien  
Senior City Planner



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**ADVICE TO PUBLIC: \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda.** Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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B – Appeal from Larry Green, Westfield Promenade LLC and Promenade Buyer LLC

Environmental Impact Report link:

Draft SEIR:

<http://planning4la.com/development-services/eir/promenade-2035-project-0>

Final SEIR:

<http://planning4la.com/development-services/eir/promenade-2035-project>

Erratum:

[https://planning.lacity.org/eir/promenade\\_2035/erratum\\_1.pdf](https://planning.lacity.org/eir/promenade_2035/erratum_1.pdf)

## PROJECT ANALYSIS

### Project Background

On July 17, 2019, the Zoning Administrator certified the Promenade 2035 Project Supplemental EIR, adopted the Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program for Alternative 5 – Reduced Entertainment and Sports Seating (Option 2 – 7,500 Seat) with a full-enclosed Entertainment and Sports Center. On July 22, 2019, the Advisory Agency approved Vesting Tentative Tract Map No. 74588, in connection with the proposed Promenade 2035 Project after considering the Project as filed and the Approved Project, Alternative 5 – Reduced Entertainment and Sports Center Seating Alternative (Option 2 – 7,500 Seats). The Project and Alternative 5 as approved by the Zoning Administrator are described below:

#### Original Project:

The Project proposes the redevelopment of the existing Westfield Promenade Shopping Center located within the Warner Center Specific Plan area on a 34-acre site (after dedication), consisting of the demolition of 641,164 square feet of existing floor area for the construction of a multiple-phase, mixed-use development comprised of residential, retail/restaurant, office, hotel and entertainment uses. Upon completion, the Project would include a total of 3,271,050 square feet of floor area, resulting in a net increase of 2,629,886 square feet of new floor area, including up to 1,432 multi-family residential units, approximately 244,000 square feet of retail/restaurant uses, approximately 629,000 square feet of office space, up to 572 hotel rooms within two hotels, and an Entertainment and Sports Center approximately 320,050 square-feet and 15,000 seats in size. The proposed uses would be provided in several buildings throughout the Project Site that would range in height from one-story retail and three- to four-story creative office, to a 28-story office tower. The Project proposes 5,610 parking spaces on-site in a combination of parking structures, subterranean parking, and limited surface parking. The Project proposes approximately 5.6 acres of ground-level, publicly accessible open space, including a central green space and plaza areas. The Project includes the removal and/or relocation of eight (8) on-site protected trees, and 90 street trees.

#### Advisory Agency Approved Project - Alternative 5 (Option 2: 7,500 seats):

The Advisory Agency approved the redevelopment of the existing Westfield Promenade Shopping Center located within the Warner Center Specific Plan area on a 34-acre site (after dedication), consisting of the demolition of 641,164 square feet of existing floor area for the construction of a multiple-phase, mixed-use development comprised of residential, retail/restaurant, office, hotel and entertainment uses. Upon completion, the Project would include a total of 3,271,050 square feet of floor area, resulting in a net increase of 2,629,886 square feet of new floor area, including up to 1,432 multi-family residential units, approximately 244,000 square feet of retail/restaurant uses, approximately 629,000 square feet of office space, up to 572 hotel rooms within two hotels, and a fully-enclosed Entertainment and Sports Center approximately 320,050 square-feet and 7,500 seats in size. The proposed uses would be provided in several buildings throughout the Project Site that would range in height from one-story retail and three- to four-story creative office, to a 28-story office tower. The Project proposes 5,610 parking spaces on-site in a combination of parking structures, subterranean parking, and limited surface parking<sup>1</sup>. The Project proposes approximately 5.6 acres of ground-

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<sup>1</sup> The Zoning Administrator dismissed the request for off-site parking, as part of the Project Permit Compliance as no longer necessary due to the reduction in the Entertainment and Sports center seating from 15,000 seats to 7,500 seats.

level, publicly accessible open space, including a central green space and plaza areas. The Project includes the removal and/or relocation of eight (8) on-site protected trees, and 90 street trees.

The Advisory Agency took the following actions in regards to the Vesting Tentative Tract Map for the Project:

- Found, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the Promenade 2035 Supplemental EIR, SCH No. 2016111027, certified on July 17, 2019; and pursuant to CEQA Guidelines, Section 15162 and 15164, no subsequent EIR, negative declaration, or addendum was required for the approval of the Project; and
- Approved a Vesting Tentative Tract Map for the merger and subdivision of 7.3 acres into (9) ground lots for the phased development of 646 residential units (approximately 690,000 square feet), approximately 64,000 square feet of non-residential space within work-live units, 21,000 square feet of retail, two, six-level above-grade parking structures within two residential buildings providing approximately 1,140 parking spaces as shown on map stamped-dated March 6, 2019 (Exhibit A), which includes corrected cover pages and Sheet 3.01, a haul route for the import of 94,000 cubic yards of soil and export of 66,000 cubic yards of soil and the removal of 23 street trees in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

***Appeals Filed:***

On August 1, 2019, part of the decision of the Advisory Agency's action was appealed by the Applicant, Larry Green on behalf of Westfield Promenade, LLC and Promenade Buyer, LLC, claiming to be aggrieved by the action of the Advisory Agency. This was the only appeal filed on this vesting tentative tract.

***Modified Project***

In response to multiple appeals filed on the Promenade 2035 Project (ZA-2016-3908-MCUP-DI-SPP), the Applicant requested the Department of City Planning to consider a Modified Project in a letter to the Director of City Planning dated February 20, 2020. Further, in order to address the concerns expressed by appellants and community stakeholders regarding the lack of affordable housing available in Warner Center, the Applicant further submitted an affordable housing request for a Waiver of Development Standards Affordable Housing Incentive in exchange for providing a total of 54 Very Low Income Household Units in the Northeast A and Northeast B Phases (5% of 646 units proposed) and in the Northwest B Phase (5 % of 417 units proposed). The incentive would allow a reduction in residential building heights to approximately 67-70 feet in lieu of the minimum 100-feet required by the WC2035 Plan. The additional entitlement i.e., density bonus, does not constitute a significant change to the Project as the original unit count of the Project remains unchanged at 1,432 dwelling units and no increase in density or intensity is requested. The Modified Project is identified below in strike-out and underline format:

The Modified Project proposes the redevelopment of the existing Westfield Promenade Shopping Center located within the Warner Center Specific Plan area on a 34-acre site (after dedication), consisting of the demolition of 641,164 square feet of existing floor area for the construction of a multiple-phase, mixed-use development comprised of residential, retail/restaurant, office, hotel and entertainment uses. Upon completion, the Project would include a total of 3,271,050 square feet of floor area, resulting in a net increase of 2,629,886

square feet of new floor area, including up to 1,432 multi-family residential units, of which 54 units would be set aside for Very Low Income Households, 54 units would be set aside for Workforce Housing units, and 54 units would be set aside for Stakeholder Housing, approximately ~~244,000~~ 280,000 square feet of retail/restaurant uses, approximately ~~629,000~~ 731,500 square feet of office space, up to 572 hotels rooms within two hotels, and an Entertainment and Sports Center approximately ~~320,050~~ 181,550 square-feet and in size with 15,000 ~~10,000~~ seats in size. The proposed uses would be provided in several buildings throughout the Project Site that would range in varying heights from one-to two-story retail and three- to ~~four~~ five-story creative office, to a 28-story office tower. The Project proposes ~~5,610~~ 5,655 parking spaces on-site in a combination of parking structures, subterranean parking, and limited surface parking, and shared parking and off-site parking. The Project proposes approximately ~~5.6~~ 6.0 acres of ground-level, publicly accessible open space, including a central green space and plaza areas. The Project includes the removal and/or relocation of eight (8) on-site protected trees, and 90 street trees.

As noted above, the Modified Project includes a reduction in the square footage of the Entertainment and Sports Center to approximately 181,550 square feet, reduction in the number of seats to 10,000, reallocation of the formerly proposed Entertainment and Sports Center square footage (-138,500 sf) to an additional 102,500 square feet of office uses and approximately 36,000 square feet of additional retail uses, increase in on-site parking from 5,610 spaces to 5,655 spaces and approximately 6.0 acres of publicly accessible open space compared to the previous 5.6 acres of publicly open space proposed for the Original Project. The Applicant further requests the option for a partial open roof Entertainment and Sports Center that would accommodate 7,500 seats.

**Modified Project – Conceptual Site Plan**



**LEGEND:**

- Retail
- Residential
- Residential - Tower
- Hotel
- Office
- E.S.C

In response to the Applicant's Modified Project, the Department of City Planning prepared an Erratum to demonstrate that environmental impacts associated with the Modified Project were within the scope analyzed under the WC2035 Plan Programmatic EIR and the Project's Supplemental EIR in accordance with California Public Resources Code (PRC) Section 21091.1 and CEQA Guidelines Section 15088.5. Subsequently, an Erratum was released in May 2020, as discussed in more detail below, in order to provide the City Planning Commission, and any subsequent decision-maker, the opportunity to fully consider the Modified Project, including any associated environmental aspects of the Modified Project. A limited public hearing is scheduled before the City Planning Commission on May 28, 2020 to consider the Modified Project as filed, as well as appeals on the actions of the Zoning Administrator and Deputy Advisory Agency. A comparison of the Original Project as filed, the Project as approved by the Zoning Administrator and Advisory Agency, and the Modified Project is illustrated below in **Table 1**:

<b>Table 1</b>			
<b>Promenade 2035 Project Comparisons</b>			
<b>Southwest, Northeast and Northwest Phases</b>			
<b>Southwest</b>	<b>Original Project</b>	<b>ZA Approved</b>	<b>Modified Project</b>
Entertainment & Sports Center (ESC) sf	320,050 sf	320,050 sf	181,550 sf (-138,500) <sup>2</sup>
ESC Seats	15,000 seats	7,500 seats	10,000 seats
ESC Roof	Fully Enclosed; or Partial Roof	Fully Enclosed	Enclosed Roof with Partial Roof Option
ESC Height	Partial Roof: 85' Fully Enclosed: 155'	Fully Enclosed: 155'	Fully Enclosed: 85' Partial Roof: 75' (7,500 seats)
Office	43,000 sf	43,000 sf	145,500 sf (+102,500)
Retail	23,000 sf	23,000 sf	59,000 sf (+36,000)
Jobs	Retail/Restaurant/Commercial	661	759 (+98)
	Office	3,013	3,504 (+491)
	Hotel (572 rooms)	530	530
	ESC	125	63 (-62)
	Parking	201	201
	<b>Net New Jobs</b>	<b>3,048</b>	<b>2,986</b>
Parking	ESC	3,000 spaces	2,000 spaces
	Office	629	732
	Retail	488	560
	Residential	1,432	1,432
	Hotel	241	241
<b>Parking Totals</b>	<b>5,610</b>	<b>5,610</b>	<b>5,655</b>
Off-Site Parking Required	Yes	No	Yes (Peak Dec. Sold-out Event) 360 spaces- Weekday 159 spaces- Weekend
Open Space (Publicly Accessible)	5.6 acres	5.6 acres	6.0 acres
<b>Northeast/Northwest</b>			
Affordable Housing	0	0	54 VLI Units <sup>3</sup>
Residential Bldg. Height	≥100'	≥100'	Relief to 67'-70'

<sup>2</sup> The 138,500-sf reduction in the ESC is reallocated to 102,500 sf for office uses and 36,000 sf for retail uses.

<sup>3</sup> 33 VLI Units in the Northeast A and Northeast B Phases (5% of 646 Units) and 21 VLI Units in the Northwest B Phase (5% of 417 Units). No change in the Project's total proposed residential units of 1,432.

## **EIR Background**

The following is a summary of the environmental review process and final impacts resulting from the Proposed Project. The Project's Supplement Environmental Impact Report tiers off of the programmatic EIR certified by the City to evaluate the potential impacts of the Warner Center Plan Programmatic EIR (ENV-2008-3471-EIR). The Warner Center Plan EIR evaluated the anticipated development within the Warner Center Plan area, including the anticipated development of the Project Site. As such, in accordance with CEQA Guidelines 15163, the City prepared the Promenade 2035 Project Supplemental EIR (ENV-2016-3909-EIR) to examine construction and operational impacts specific to the Project.

The following is a summary of the environmental review process and final impacts resulting from the proposed Promenade 2035 Project ("Project").

The City of Los Angeles published a Notice of Preparation (NOP) on November 9, 2016, identifying the scope of the environmental issues, which was distributed to State, regional and local agencies, and members of the public, for a 34-day comment period to December 12, 2016. The purpose of the NOP was to formally notify the public that the City was preparing a Draft Supplemental EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft Supplemental EIR. A public scoping meeting was held on November 29, 2016. Copies of the written comments received are provided in the Final Supplemental EIR.

The Draft Supplemental EIR was circulated for public comments on April 26, 2018 for a 45-day comment period which was subsequently extended to July 26, 2018, for a total of 92-days of circulation for public comment. The Draft Supplemental EIR included the following alternatives: 1) Alternative 1: No Project/No Build Alternative – Assumes that the Project would not be implemented; 2) Alternative 2: No Project/Base Maximum Development in accordance with the Warner Center Plan (WC2035) – Considers development of the Project Site in accordance with the maximum development parameters set forth in the WC2035 Plan; 3) Alternative 3: Reduced Density – Reduces Floor Area Ratio of the Proposed Project to 1.75:1, by reducing the residential and office uses proposed; 4) Alternative 4: Studio Mixed Use development – Reduces density of retail/restaurant and office uses and would not include hotels uses or the Entertainment and Sports Center; and 5) Alternative 5: Reduced Entertainment and Sports Center Seating (Option 1 – 10,000 seats and Option 2 – 7,500 Seats). The Final Supplemental EIR was released on April 5, 2019, whereby responses were sent to all public agencies that made comments on the Draft Supplemental EIR at least 10 days prior to the certification of the Final Supplemental EIR.

On April 30, 2019, a concurrent public hearing was held by the Zoning Administrator and the Deputy Advisory Agency, as the initial decision-makers on the Project, where the above-referenced Project and the alternatives to the Project were presented for consideration. The Zoning Administrator certified the Supplemental EIR (ENV-2016-3909-EIR, SCH No. 2016111027) on July 17, 2019, in connection with its approval of Case No. ZA-2016-3908-MCUP-DI-SPP (Alternative 5 – Reduced Entertainment and Sports Center Seating (Option 2- 7,500 seats). On July 22, 2019 the Deputy Advisory Agency approved VTT-74587 consistent with Alternative 5 (Option 2- 7,500 seats).

The Supplemental Environmental Impact Report identified impacts that would have 1) no impacts or less than significant impacts, 2) potential significant impacts that could be mitigated to less than significant, and 3) significant and unavoidable impacts. The impacts are summarized below:

Impacts found not to be significant within the Initial Study include the following:

- Aesthetics (Proximity to a Scenic Highway)
- Agricultural and Forest Resources
- Air Quality (Objectionable Odors)
- Biological Resources
- Cultural Resources (Archeological and Paleontological Resources)
- Geology and Soils
- Hazards and Hazardous Materials (Proximity to Schools, Airports and Wildlands)
- Hydrology (Flooding, Tsunami, Mudflow)
- Land Use and Planning (Habitat Conservation Plan)
- Mineral Resources
- Noise (Proximity to Airports)
- Population and Housing (Housing Displacement)
- Transportation/Circulation (Airport Traffic Hazards)

Impacts found to be Less Than Significant Prior to Mitigation include the following:

- Air Quality (CO "Hot Spots" Analysis)
- Land Use (Construction, Operation and Cumulative)
- Population, Housing and Employment (Induced Growth – Construction, Operations and Cumulative)
- Appendix F – Energy Conservation (Construction, Operation and Cumulative)

Impacts found to be Less Than Significant Prior to Mitigation, where Mitigation is Nonetheless Provided:

- Aesthetics (Aesthetics, Views, Light/Glare, and Shading)
- Greenhouse Gas Emissions (Construction, Operation, Cumulative)
- Hazards and Hazardous Materials (Hazardous Materials, Emergency Response, Construction, Operation, and Cumulative)
- Hydrology, Surface Water Hydrology and Quality and Groundwater (Construction, Operation, Cumulative)
- Noise (Construction - Off-Site Construction Noise, On-site Construction Vibration for Building Damage and Human Annoyance, and Off-Site Construction Vibration for Building Damage; Operation – On-site Operational Noise, Off-Site Operational Noise, Operational Vibration, Land Use Compatibility, and Cumulative Construction Vibration for Building Damage and Cumulative Operational Noise)
- Public Services-Police, Fire, Schools, Parks and Recreation, Libraries (Construction, Operations, and Cumulative)
- Traffic and Access (Construction – On-Street Parking; Operational and Cumulative – Regional Transportation System; Access and Circulation; Bicycle, Pedestrian, and Vehicular Safety; Parking-On and Off-site; Caltrans Facilities)
- Utilities and Services, Water Supply and Infrastructure, Wastewater, and Solid Waste (Construction, Operations and Cumulative)

Impacts found to be Less Than Significant with Mitigation include the following:

- Air Quality (TAC and Localized Impacts from On-site construction – Construction and Cumulative)
- Cultural Resources (Project-related impacts to Archeological Resources- Buried Human Remains, and Cumulative Archeological Resources and Historic Resources Impacts)
- Traffic and Access (Access and Safety during Construction, Transit during Construction, LOS during Operation)
- Tribal Cultural Resources (Construction, Operation, and Cumulative)

*Impacts Found to be Significant and Unavoidable even with the implementation of all feasible mitigation include the following whereby a Statement of Overriding Consideration must be adopted by the decision-maker:*

- Air Quality (Project and Cumulative construction-related regional air quality emissions)
- Air Quality (Project and Cumulative operational regional air quality emissions)
- Cultural Resources (Historical Resources)
- Noise (On-site construction noise impacts at on-site receptors-informational only)
- Noise (Cumulative on- and off-site construction noise impacts to off-site receptors)
- Noise (Cumulative on-and off-site construction noise impacts from off-site construction vibration related to the significance threshold for human annoyance)
- Traffic, Access, and Parking (Project and cumulative construction traffic)
- Traffic, Access, and Parking (Project and cumulative intersection impacts for operation of Phases 1-3 (interim) conditions in the event the Warner Center Plan improvements are not implemented by operation of Phases 1-3)
- Traffic, Access, and Parking (Project and cumulative traffic impacts to neighborhood street segments during operation)

### Erratum

In response to the Modified Project proposed by the Applicant, an Erratum was subsequently prepared by the Department of City Planning in May 2020. The intent of the Erratum is to provide the decision-maker, in this instance, the City Planning Commission, with the opportunity to consider the Modified Project, including the disclosure of any potential environmental impacts associated with the proposed Modified Project, in order to clarify and refine the Supplemental EIR and provide supplemental information to the City decision-makers and the public. CEQA requires recirculation of the a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified.

Based on the analysis and clarifications presented in the Erratum, the Modified Project does not result in any new significant impacts or a substantial increase in the severity of an impact area already identified in the Draft SEIR. In addition, no new feasible alternatives or mitigation measures which would clearly lessen significant impacts were proposed and declined by the Applicant. As such, the Erratum does not change any basis, findings or conclusion of the Supplemental EIR, and as such, does not require recirculation of the Supplemental EIR. Nevertheless, similar to the Original Project, a Statement of Overriding Considerations must be adopted by the decision-maker in consideration of approval of the Modified Project for impacts that cannot be mitigated.

## **Appeal Analysis**

The following discussion addresses the appeal points presented in the appeal submitted by the Applicant (**Exhibit 3** of Appellant’s submittal). The appeal points have been summarized in the following pages, followed by staff responses:

### **Appellant: (Applicant)**

**Larry Green**

**Westfield Promenade LLC; Promenade Buyer LLC**

## **An Appeal of part of the decision**

**Appeal Dated: August 1, 2019**

### **Appeal Point 1: Clarification that the approval is for a phased Vesting Tentative Tract Map**

*The Appellant requests the following clarification in the approval clause:*

***Vesting Tentative Tract Map No. 74588***, located at 6100 N. Topanga Canyon Boulevard; 21800 and 21900 W. Erwin Street; 21801, 21821, 21901 and 21931 W. Oxnard Street; and 6101 N. Owensmouth Avenue, to allow the merger and subdivision of 7.3 acres (after dedication) into (9) ground lots for the phased development of 646 residential units (approximately 690,000 square feet), approximately 64,000 square feet of non-residential space within work-live units, 21,000 square feet of retail, two, six-level above-grade parking structures within two residential buildings providing approximately 1,140 parking spaces as shown on map stamped-dated March 6, 2019 (Exhibit A), which includes corrected cover pages and Sheet 3.01, a haul route for the import of 94,000 cubic yards of soil and export of 66,000 cubic yards of soil and the removal of 23 street trees in the Canoga Park-Winnetka-Woodland Hills-West Hills Community This is an approval of a two-phased Vesting Tentative Tract Map.

### **Response to Appeal Point 1:**

The Department of City Planning staff previously discussed the language in the approval clause upon issuance of the staff report seven days prior to the public hearing held on April 30, 2019. At the time, the representative indicated there was no issue with including the word “phased” in the grant clause so as not to confuse the phasing of the Project with the phasing of the map. However, since the proposed language merely clarifies the grant, staff recommends granting this appeal point.

### **Appeal Point 2: Correction to Condition 1.c**

The Appellant requests the following correction:

“1. c. That an 80-foot wide and variable width private street easement be provided for the proposed private street along the southerly tract boundary and a 40-foot variable width private street easement be provided along the westerly ~~easterly~~ tract boundary adjoining proposed Tract No. 74587, including 15-foot radius property easement returns at the intersections with Erwin Street and Owensmouth Avenue all on alignments satisfactory to the Valley District Engineering Office.”

### **Response to Appeal Point 2**

The Appellant requests typographical corrections to the above-referenced condition. As such, the appeal point should be granted.

### **Appeal Point 3: Clarification of Grading Condition 2**

*The Appellant requests the following clarification:*

“2. Prior to the issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with the following conditions ~~all the requirements and conditions contained in the email dated March 19, 2019, attached to the case file for VTT-74588;~~”

a. This Grading Division approval is only applicable for the purpose of filing of Vesting Tentative Tract Maps (VTT 74587, 74588, and 74589) with the Department of City Planning. No grading or building permits shall be issued based on the referenced report and this approval letter.

b. Prior to the issuance of grading or building permits, a comprehensive soils report suitable for the proposed development shall be submitted to the Grading Division of the Department of Building and Safety for review and approval.”

### **Response to Appeal Point 3**

The Appellant request modifications to the above-referenced Condition 2 to clarify the soils approval letter is specific only to the filing of the tract map and a subsequent comprehensive soils report will be required prior to the issuance of any grading or building permits. As this requested modification is consistent with the Department of Building and Safety Grading Division letter, this appeal point should be granted.

### **Appeal Point 4: Clarification of Street Lighting Condition 5**

Appellant requests modification of Condition 5 as follows:

5. *SPECIFIC CONDITION: If new street light(s) are required, pPrior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.*

### **Response to Appeal Point 4:**

Condition S-3 (c) of the Bureau of Engineering – Standard Conditions (page 13), clearly states “No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights: four (4) on Erwin Street and eleven (11) on Owensmouth Avenue.” This is a standard condition for all tracts, and is further clarified in Condition S-3(c). As such, this appeal point should be denied.

### **Appeal Point 5: Clarification of Cost and Maintenance Obligations –LAFD Condition 6.bb**

Appellant states that the Project is under one ownership and requests modification, for clarification purposes, of the Condition 6.bb as follows:

6. bb. “In order to provide assurance that the proposed common fire land and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the subdivider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General form CP-6770) to assure the following:

The following conditions shall only be required in the event that the subdivider does not retain full ownership of the subject project and a portion of the property is transferred to an entity unaffiliated with the subdivider.

i). The establishment of a property owners association or execution of a property owners agreement which allocates costs and responsibility for maintenance, which shall cause a yearly inspection to be made by a registered civil engineer of all common fire lanes and fire protection facilities. The ~~association~~ owners will undertake any necessary maintenance and corrective measures. Each future property owner shall enter into the property owners agreement, which

*shall allocate obligations such as cost and maintenance, or automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.*

*ii). The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program or property owners agreement for their lot. Any amendment or modification that would defeat the obligation of such property owners or association must be approved by ~~as~~ the Advisory Agency ~~must approve~~ ~~required hereinabove~~ in writing after consultation with the Fire Department.*

*iii). In the event that the property owners' ~~association~~ fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.*

*iv). Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.*

*v). That the Common Fire Lanes and Fire Protection facilities be shdown on the Final Map."*

#### **Response to Appeal Point 5:**

Department of City Planning received an interdepartmental memo dated March 14, 2019, from the Los Angeles Fire Department (LAFD) regarding tract conditions related to fire. Staff included these conditions, including 6 bb. referenced above, in the conditions of approval for the tract map. In response to the appeal point, Department of City Planning staff met with LAFD on February 19, 2020 to discuss the Appellant's proposed modifications to the above-referenced condition. According to the LAFD staff, they do not support any modifications to the condition language. If the Appellant can provide evidence on how LAFD erred in the condition language, LAFD would consider issuing a correction letter once all the entitlements have been approved. As such, this appeal point should be denied with the exception to correct the typographical error in 6.bb(v).

#### **Appeal Point 6: Clarification and Correction of Condition 8 - LADWP**

*The Appellant asserts that a copy of the April 22, 2019 LADWP recommendation letter has not been provided to the Applicant and therefore, appeals the conditions noted in the letter, and further requests the following correction to Condition 8:*

*8. "Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System Rules and Requirements, satisfactory to the ~~LADPW~~ LADWP memo dated April 22, 2019. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearance to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)*

#### **Response to Appeal Point 6:**

A member of the Appellant's representative visited the Department of City Planning Van Nuys office numerous times, including January 1, 2019 and April 15, 2019, and reviewed the case file which included copies of recommendation reports submitted by other agencies. The referenced condition was included as provided by LADWP and is a standard condition. Two letters were received from the Los Angeles Department of Water and Power dated November 17, 2016 and April 22, 2019. Both letters were incorporated into the administrative file for VTT-74588 and

were available for review at any point in time. As a matter of fact, one of the representative's team members reviewed the case file multiple times as indicated in the record at which time he had the opportunity to review the November 17, 2016 letter which is similar to the April 22, 2019 letter. Further, on both letters, the applicant's engineer (Inclledon Consulting Group) was cc'd and should have received a copy of the letters.

Staff provided the Appellant's representative a copy of the April 22, 2019 letter via email on February 12, 2020. Although the staff appreciates the Appellant clarifying on how they plan to proceed upon review of the conditions, this point is not germane on how the Advisory Agency erred or abused its power regarding this condition. No language changes are proposed by the Appellant, other than correction of a typographical error. As such, the appeal point should be denied with the exception to correct the typographical error.

**Appeal Point 7: Clarification to Condition 11**

*Clarification regarding the effect of the Warner Center Plan street tree provisions as follows:*

11. *"Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Los Angeles Municipal Code-designated tree expert as designated by Los Angeles Municipal Code (LAMC) Ordinance No. 177,404, for approval by the Department of City Planning and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per current Urban Forestry Division standards and in compliance with the Warner Center Plan; in the event of a conflict between Urban Forestry Division standards and the Warner Center Plan, the Warner Center Plan provisions shall be controlling."*

**Response to Appeal Point 7:**

Staff contacted Project Planning staff responsible for administering the WC2035 Plan. If there is a conflict between Urban Forestry Division Standards and the WC2035 Plan, Urban Forestry has the authority for issues related to protected trees and street trees, and as such, the Department of City Planning defers to Urban Forestry in such matters. Nevertheless, in instances when a conflict may occur, the various departments work together to resolve any problems or issues.

For informational purposes, also note that the following language was not referenced in the appeal: "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." This appeal point should be denied.

**Appeal Point 8: Proposed New Condition No. 12**

*The Appellant requests a new Condition No. 12 be added in order to clarify that the approval is for a phased map, as noted below:*

*"12. Map Phasing. The Advisory Agency approves phasing of this Vesting Tentative Tract Map into two separate phases. The clearing of conditions shall be phased to be consistent with each of the two phases."*

**Response to Appeal Point 12:**

Upon review of other phased projects, staff recommends the following condition language be added following the grant clause:

“UNIT MAP CONDITION

That the tract be permitted to record with final map units in three different phases, in a number of sequence satisfactory to the Advisory Agency. The subdivider shall submit the Unit Map Fee, a Unit Map showing the boundaries of all units, the Unit Number(s) of each Unit Map(s), and all applicable tract conditions in a matrix for each Unit Map(s). Should particular master tract conditions(s) not apply to a Unit Map, the subdivider shall submit all evidence or documentation to prove so. All above required items shall be submitted satisfactory to the Advisory Agency prior to the clearance of all other conditions of approval. (Note: All conditions and requirements of the City Engineer for each unit map and the approved tract as a whole shall be satisfactory to the City Engineer.”

As such, this appeal point may be granted with the modifications to the language as proposed by staff.

**Appeal Point 9: Correction of Condition 12.b – Residential Tandem Valet Parking**

*Warner Center Plan does not prohibit tandem parking for residential parking spaces, which should be permitted with valet operations. The Warner Center Plan only prohibits tandem parking for residential guest parking spaces in residential projects that are less than 100 units, pursuant to Section 6.2.3.2.1 of the WC2035 Plan. As such the Appellant requests the ability to utilize tandem parking associated with residential parking spaces as clarified below:*

*b. Off-Street parking shall comply with the requirements of Case No. ZA-2016-3908-MCUP-DI-SPP. In the event that Case No. ZA-2016-3908-MCUP-DI-SPP is not approved, the project shall comply with the Sec. 6.2.3.2 of the Warner Center 2035 Specific Plan for uses other than hotel. Hotel uses shall comply with Section 12.21.A.4.(b) of the LAMC.*

*“Directions to guest parking spaces shall be clearly posted. ~~No~~ ~~to~~ Tandem parking shall be permitted for residential parking spaces with valet. Only additional parking provided over the required parking for residential and hotel uses may be shared in accordance with the Warner Center Specific Plan.”*

**Response to Appeal Point 9:**

Sec. 6.2.3.3 of the WC2035 Plan states that the Plan’s parking provisions shall supersede provisions of the Los Angeles Municipal Code (LAMC). However, if a provision is silent in a specific plan, the LAMC serves as the regulatory document. According to Sec. 12.21.A.5(h)(2) of the LAMC, tandem parking is permitted “In a private garage or private parking areas serving a one-family dwelling, an apartment house, apartment hotel, hotel, two-family dwelling, or multiple or group dwelling[s], where the tandem parking is not more than two cars in depth. Tandem parking shall not be allowed in parking areas for recreational vehicles or guest parking [emphasis added].” Section 6.2.3.2.1 does indeed restrict tandem parking in association with residential guest parking for residential units *equal to or less than 100 units*. Furthermore, guest parking is optional for Projects with more than 100 units.

Upon consultation with Project Planning staff, it was determined that although the WC2035 Plan is specific in allowing “non-residential tandem parking,” the Plan is silent in specifically prohibiting tandem parking associated with residential parking. As such the LAMC provides allowances for tandem parking in residential uses as stipulated above. Therefore, given the tandem parking for the residential uses will be provided with a valet, this appeal point should be granted.

**Appeal Point 10: Clarification of Bicycle Parking Requirements Condition 12.c**

*Bicycle parking should be consistent with LAMC requirements as follows, as opposed to conditions of approval in Case No. ZA-2016-3908-MCUP-DI-SPP.*

*12c. ~~“Bicycle Parking shall comply with requirements of Case No. ZA-2016-3908-MCUP-DI-SPP. The Project shall provide bicycle parking consistent with LAMC requirements.”~~*

**Response to Appeal Point 10:**

The Appellant requests clarification to Condition 12.c to reference the LAMC required bicycle parking rather than identifying a specific number of bicycle spaces as noted in the related Case No. ZA-2016-3908-MCUP-DI-SPP. This appeal point was also presented by the Appellant in the related case ZA-2016-3908-MCUP-DI-SPP, wherein staff recommended granting the appeal point for clarification purposes. Therefore, the appeal point should be granted.

**Appeal Point 11: Clarification to Condition S-3 (d)**

*Amend the language in the following condition for clarification purposes:*

*(d) 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 and in compliance with the Warner Center Plan. 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. In the event of a conflict between Urban Forestry Division standards and the Warner Center Plan, the Warner Center Plan provisions shall be controlling.*

**Response to Appeal Point 11:**

This is a standard condition presented in tract determinations. As previously stated in response to Appeal Point No. 7, should there be a conflict between Urban Forestry Division Standards and the WC2035 Plan, Urban Forestry has the authority for issues related to protected trees and street trees, and as such, the Department of City Planning defers to Urban Forestry in such matters. Nevertheless, in instances when a conflict may arise, the various departments work together to resolve any problems or issues. As such, this appeal point should be denied.

**Appeal Point 12: Clarification to “Notes:” section of report (Page 15)**

*In accordance with the Subdivision Map Act, clarify the “Notes” section to read as follows:*

*“The final map for the first map unit must record within 36 months of this approval, unless a time extension is granted before the end of such period.”*

**Response to Appeal Point 12:**

The Appellant references the Subdivision Map Act to clarify the “first map unit” must record within 36 months of the approval, thereby allowing the recordation of multiple unit maps on one tentative map. Specifically, Section 66456.1 of the Subdivision Map Act, states, “Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map.” Basically, if a tentative map has not expired, the subdivider may record multiple final unit maps on one tentative map. As such, this appeal point merely clarifies the initial recording action and should be granted.

## **Conclusion**

Given that the majority of appeal points were references to typographical corrections or clarifications, staff recommends the appeal to be granted in part to effectuate such corrections and clarifications as discussed herein and deny in part for those appeal points which failed to adequately disclose how the City erred or abused its agency discretion.

Note that the City Planning Commission will consider the merits of the Modified Project pursuant to ZA-2016-MCUP-DI-SPP-DB-1A at the May 28, 2020 meeting. Should the final decision-maker impose a condition that differs from a condition of approval on a tentative tract map, the Advisory Agency shall have the authority to make the tract map conditions consistent with the final decision-maker's action.

# EXHIBIT B

## Promenade 2035 Project Mitigation Monitoring Program

ENV-2016-3909-EIR (SUPPLEMENTAL)

## **IV. Mitigation Monitoring Program**

# **IV. Mitigation Monitoring Program**

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## **1. Introduction**

To ensure that the mitigation measures identified in an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the California Environmental Quality Act (CEQA) requires the Lead Agency for a project to adopt a program for monitoring or reporting on the revisions it has required for a project and the measures it has imposed to mitigate or avoid significant environmental effects. As specifically set forth in Section 15097(c) of the CEQA Guidelines, the public agency may choose whether its program will monitor mitigation, report on mitigation, or both. As provided in Section 15097(c) of the CEQA Guidelines, “monitoring” is generally an ongoing or periodic process of project oversight. “Reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

A Supplemental EIR has been prepared to address the Project’s potential environmental impacts. The evaluation of the Project’s impacts takes into consideration project design features, which are measures proposed by the Applicant as a feature of the Project and which are detailed in the Supplemental EIR. Where appropriate, the Supplemental EIR also identifies mitigation measures to avoid or substantially lessen any significant impacts. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of those project design features and mitigation measures.

This MMP has been prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097. It is noted that while certain agencies outside of the City of Los Angeles (City) are listed as the monitoring/enforcement agencies for individual project design features and mitigation measures listed in this MMP, the City, as Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

## **2. Purpose**

It is the intent of this MMP to:

1. Verify compliance with the project design features and mitigation measures identified in this Supplemental EIR;
2. Provide a framework to document implementation of the identified project design features and mitigation measures;
3. Provide a record of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of project design features and mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize the existing agency review processes wherever feasible.

### **3. Organization**

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental issue area, with accompanying discussion of:

- Enforcement Agency—the agency with the power to enforce the project design feature or mitigation measure.
- Monitoring Agency—the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase—the phase of the Project during which the project design feature or mitigation measure shall be monitored.
- Monitoring Frequency—the frequency at which the project design feature or mitigation measure shall be monitored.
- Action(s) Indicating Compliance—the action(s) by which the enforcement or monitoring agency indicates that compliance with the identified project design feature or required mitigation measure has been implemented.

### **4. Administrative Procedures and Enforcement**

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate

monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction on a quarterly basis in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Annual Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor, or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

## **5. Program Modification**

The Project shall be in substantial conformance with the project design features and mitigation measures contained in this Mitigation Monitoring Program. The enforcing departments or agencies may determine substantial conformance with project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision-maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the project design feature or mitigation measure is no longer needed, not feasible, or other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a project design feature or mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

## 6. Mitigation Monitoring Program

### A. Aesthetics, Views, Light/Glare, and Shading

#### (1) Project Design Features

**Project Design Feature A-1:** The Project shall replace all protected trees at a ratio of 4:1.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of Tree Removal Permit by Department of Public Works

**Project Design Feature A-2:** Temporary construction fencing shall be placed along the periphery of the Project Site to screen construction activity from view at the street level.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Field inspection sign-off

**Project Design Feature A-3:** The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Field inspection sign-off

**Project Design Feature A-4:** On-site utility connections that may be required to serve the Project shall be installed underground, where feasible.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature A-5:** Mechanical, electrical, and roof top equipment (including Heating, Ventilation, and Air Conditioning systems), as well as building appurtenances, shall be integrated into the Project's architectural design or screened from view from public rights-of-way.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature A-6:** Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction

- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature A-7:** Glass used in building façades shall be anti-reflective or treated with an anti-reflective coating in order to minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure AES-1:** All open areas not used for buildings, driveways, parking areas, recreational facilities or walkways 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Plan check approval; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure AES-4:** Multiple temporary signs in the store windows and along the building walls are not permitted.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure AES-6:** A building permit for a new Digital Display sign shall not be issued until any prohibited signs, on such parcel, have been removed.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety.
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety.
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once
- **Action(s) Indicating Compliance:** Issuance of digital sign permit

**Warner Center Plan Mitigation Measure AES-7:** All signs in the WCRCCSP<sup>1</sup> area 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.
- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

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<sup>1</sup> *The Warner Center 2035 Plan was previously referred to as WCRCCSP prior to the name change indicated in the Warner Center 2035 Plan Final EIR, published on June 2012. See Warner Center 2035 Plan Final EIR, [https://planning.lacity.org/eir/WarnerCntrRegionalCore/FEIR/WarnerCenter\\_FEIR.pdf](https://planning.lacity.org/eir/WarnerCntrRegionalCore/FEIR/WarnerCenter_FEIR.pdf).*

- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, per phase during field inspection; Annually
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy; Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** Los Angeles Fire Department; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Fire Department; Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of sign permit

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Field inspection sign-off and quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure AES-10:** Exterior lighting shall incorporate fixtures and light sources that focus light onto project sites to minimize light trespass.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check, Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-11:** Lighting of individual projects shall comply with LAMC Section 93.0117. As such, lighting shall not cause more than 2 foot-candles of lighting intensity or direct glare from the light source at any residential property.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-12:** All buildings, parking structures, and signage within Warner Center shall be prohibited from 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-14:** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential uses.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase at field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once per phase at plan check; Once, per phase during field inspection

- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-16:** Prior to issuance of a building permit for signage displays, 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 insure compliance with all City lighting regulations and these mitigation measures.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Compliance report submitted by the lighting design expert

**Warner Center Plan Mitigation Measure AES-17:** Each 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Once, no later than six months after Certificate of Occupancy is issued
- **Action(s) Indicating Compliance:** Compliance Report submitted by the Lighting Expert

**Warner Center Plan Mitigation Measure AES-18:** All displays shall have a wattage draw not to exceed 12 watts/sq. ft. to meet Title 24 2008 requirements.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-19:** All displays shall be fully dimmable, and shall be controlled by a programmable timer so that luminance levels may be adjusted according to the time of day. Displays shall also include an automatic light level meter, with the intensity of the illumination not to exceed 0.3 foot-candle above ambient light levels, in addition to the other illumination restrictions of these mitigations.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection

- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-20:** All displays shall have a maximum total lumen output of no more than 20 lumens per square foot.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-22:** Digital displays shall include an automatic light sensor/meter to ensure that illumination levels do not exceed 0.3 foot-candle above ambient light levels.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-23:** During daytime hours all digital displays will have a brightness less than 3,500 candelas/m<sup>2</sup>.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection

- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-24:** All digital displays shall transition smoothly at a consistent rate of speed from the permitted daytime brightness to the permitted nighttime brightness levels, beginning at 45 minutes prior to sunset and concluding the transition to nighttime brightness 45 minutes after sunset. Where applicable, they shall also transition smoothly at a consistent rate of speed from the permitted nighttime brightness to the permitted daytime brightness levels, beginning 45 minutes prior to sunrise and concluding the transition to daytime brightness 45 minutes after sunrise.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-25:** All light emitting diodes used within any digital display shall have a horizontal beam spread of maximum 165 degrees wide and 65 degrees vertically. All light emitting diodes shall be generally oriented downwards to the street, rather than up towards the sky.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; once per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AES-27:** Each 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable sign permit

**Warner Center Plan Mitigation Measure BIO-2:** For development in the Specific Plan area the City shall require replacement of loss of any protected trees—in accordance with the Los Angeles Protected Tree Ordinance: 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.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of Tree Removal Permit by Department of Public Works

**Mitigation Measure A-1:** Street trees to be removed that are under the jurisdiction of the City of Los Angeles shall be replaced to the satisfaction of the City of Los Angeles Department of Public Works, Bureau of Street Services, Urban Forestry Division through measures that may include one or more of the following:

- 2:1 replacement of removed street trees;
- 1:1 replacement of removed street trees with new trees on-site that are of comparable size to the removed street trees;
- replacement at an off-site location in the vicinity or at the Bureau of Street Services' nursery; and/or
- payment of an in-lieu fee.

- Street trees shall be planted with species/cultivars listed in Figures 1-12 of the Warner Center Plan.
- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of Tree Removal Permit by Department of Public Works

**Mitigation Measure A-2:** Street trees to be removed under the jurisdiction of Caltrans shall be replaced to the satisfaction of Caltrans.

- **Enforcement Agency:** California Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Approval of tree removal from Caltrans

## B. Air Quality

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure AQ-1:** The City shall require that all projects use soil binders on soils exposed for extended periods of time (more than two weeks) to reduce fugitive dust and the speed on unpaved haul roads within the Project Site shall be limited to 15 miles per hour. In addition, the City shall require that projects be required to include the following measures as applicable and feasible:

- i) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- ii) Provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.

- iii) Reroute construction trucks away from congested streets or sensitive receptor areas.
- iv) 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.
- v) Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.
- vi) Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.
- vii) Construct or build with materials that do not require painting.
- viii) Require the use of pre-painted construction materials.
- ix) Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
- x) During project construction, all internal combustion engines/ construction, equipment operating on the project site shall meet the following:
  - Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet or exceed the Tier 4 emission standards. 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 clean up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: [www.aqmd.gov/tao/Implementation/SOONProgram.htm](http://www.aqmd.gov/tao/Implementation/SOONProgram.htm).
- xi) Other measures as applicable on a project by project basis and as may be recommended by SCAQMD on their web site or elsewhere: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).

- **Enforcement Agency:** South Coast Air Quality Management District; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance certification report submitted by construction monitor

**Warner Center Plan Mitigation Measure AQ-2:** The City shall require 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).

- **Enforcement Agency:** South Coast Air Quality Management District; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance certification report submitted by construction monitor

**Warner Center Plan Mitigation Measure AQ-3:** The City shall require that trucks leaving construction sites be washed to reduce track-out dirt and dust.

- **Enforcement Agency:** South Coast Air Quality Management District; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance certification report submitted by construction monitor

**Warner Center Plan Mitigation Measure AQ-4:** The City shall require that developers provide rideshare and transit incentives to construction personnel.

- **Enforcement Agency:** City of Los Angeles Department of Transportation

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance certification report submitted by construction monitor

**Warner Center Plan Mitigation Measure AQ-5:** The City shall require that developers configure construction parking to minimize interference with traffic lanes.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure AQ-6:** The City shall require that developers and City Departments minimize the obstruction of through-traffic in the vicinity of construction sites.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure AQ-7:** The City shall require that developers and City Departments use flag people during construction to guide traffic properly.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure AQ-8:** The City shall require that construction activities that could affect roadways be scheduled for off-peak periods.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure AQ-9:** The City shall require that developers (as well as City construction personnel associated with construction of roadway and other infrastructure) ensure 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 of each project to reduce potentially significant project-specific and cumulative construction-related air quality impacts. The City shall ensure that haul routes are designed to comply with this measure.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

## C. Cultural Resources

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure CUL-3:** For discretionary projects in the Specific Plan area the City shall require that 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** To be determined by consultation with archaeologist
- **Action(s) Indicating Compliance:** Submittal of compliance documentation prepared by qualified archaeologist

**Warner Center Plan Mitigation Measure CUL-5:** For discretionary projects in the Specific Plan area the City shall require that if human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to 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 living descendant(s). The most likely living descendant 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Upon discovery of human remains of Native American origin
- **Action(s) Indicating Compliance:** Submittal of compliance documentation by contractor, and if human remains are uncovered, submittal of compliance report by archeologist and/or tribal contact, as applicable

**Mitigation Measure C-1: Recordation.** Prior to issuance of a demolition permit for the Macy's Building, the Macy's building shall be documented to the standards of the Historic American Building Survey (HABS) program. The documentation shall include:

- Written description and narrative report following the most recent HABS Guideline for Historical Reports, Outline Format;
- High resolution black and white and color digital photographs following the most recent HABS Photography Guidelines. Views shall include the setting, important site features, all exterior façades, the Macy's building's façades within the mall, detail views of significant exterior architectural features, and interior views of significant spaces and features;
- A site plan showing the Macy's building location in relationship to the shopping mall, setting and surrounding streets; a photo key using the site plan shall be included, as well. This will be submitted in hard copy and digital format;
- Duplicates of historic photographs and drawings, if available; and
- High resolution digital copies of all historic photographs and drawings identified as part of the historic resources assessment of the property as well as others, as available.

A qualified professional who meets the requirements of the *Secretary of the Interior's Professional Qualifications Standards* for history, architectural history, or historic architecture, as well as a HABS

qualified photographer, shall prepare the documentation. Upon completion, copies of the documentation materials shall be sent to City of Los Angeles Department of City Planning Office of Historic Resources. Materials shall be posted in digital format on HistoricPlacesLA, the City's Historic Resources Inventory and Management System. In addition, copies of the documentation materials shall be offered and sent if requested to appropriate archives and repositories, including the Southern California Information Center at Cal State University, Fullerton; Los Angeles Public Library Central Library and/or local branch as appropriate; the University of Southern California Library, Special Collections; California State University, Northridge; the Museum of the San Fernando Valley; and local preservation organizations and historical societies.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Office of Historic Resources
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Office of Historic Resources
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of applicable demolition permit

## D. Greenhouse Gas Emissions

### (1) Project Design Features

**Project Design Feature D-1:** The design of the new buildings shall incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program to be capable of meeting the standards of LEED Silver or equivalent green building standards. Specific sustainability features that are integrated into the Project design to enable the Project to achieve LEED® Silver certification will include the following:

- a. Exceeding Title 24, Part 6, California Energy Code baseline standard requirements by 25 percent for energy efficiency, based on the 2016 Building Energy Efficiency Standards requirements.
- b. Use of Energy Star-labeled products and appliances.
- c. Use of light-emitting diode (LED) lighting or other energy-efficient lighting technologies, such as occupancy sensors or daylight harvesting and dimming controls, where appropriate, to reduce electricity use.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; issuance of Certificate of Occupancy

**Project Design Feature D-2:** The Project shall limit the installation of natural gas fireplaces to 150 natural gas fireplaces, which would be included in the villa surrounding the outdoor amenity decks, penthouse units located at the top floor of the residential buildings, and outdoor amenities.

- **Enforcement Agency:** South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature D-3:** Upon buildout of the Project, the Project shall install a minimum of 10 percent of the total domestic hot water heaters as solar or non-fossil fuel burning units.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature D-4:** Upon buildout of the Project, at least 40 percent of the total code-required parking spaces provided for all types of parking facilities shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 40 percent results in a fractional space, round up to the next whole number. A label stating “EV CAPABLE” shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature D-5:** Upon buildout of the Project, at least 15 percent of the total code-required parking spaces shall be equipped with EV charging stations and/or outlets for plugin. Plans shall indicate the proposed type and location(s) of charging stations. Plan design for charging stations shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 15-percent results in a fractional space, round up to the next whole number.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection

- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of final Certificate of Occupancy

**Project Design Feature D-6:** Upon buildout of the Project, the Project shall provide a minimum of 500 kilowatts of photovoltaic panels on the Project Site, except where rooftop amenities preclude installation of photovoltaic panels.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of final Certificate of Occupancy

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure AQ-21:** As streetlights are replaced, energy-efficient lighting shall be used.

- **Enforcement Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure AQ-22:** All landscaping shall be drought tolerant to reduce water consumption and provide passive solar benefits.

- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

## E. Hazards and Hazardous Materials

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure HAZ-3:** The City shall require that each project applicant and/or contractor ensure that no hazardous materials are transported along Topanga Canyon Boulevard or Burbank Boulevard or within one-quarter mile of a school.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure HAZ-4:** The City shall require that each applicant and/or contractor 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.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Fire Department

- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure HAZ-5:** The City shall ensure that any construction site and/or permanent facility storing hazardous materials comply with applicable regulations regarding storage, transport and disposal of hazardous materials and wastes.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by the construction monitor

## F. Hydrology, Surface Water Quality, and Groundwater

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure HYDRO-1:** For development in the WCRCCSP area the City shall require compliance with the Low Impact Development (LID) Ordinance. Construction contractors of individual projects 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 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.)

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once, per phase at plan check; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure HYDRO-2:** For development in the WCRCCSP area the City shall require structural design of individual projects to 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.
- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of applicable building permit

**Warner Center Plan Mitigation Measure HYDRO-3:** For development in the WCRCCSP area the City shall require sufficient area to be available so that runoff can be collected in roadside vegetated swales as appropriate 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.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction

- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of applicable building permit

**Warner Center Plan Mitigation Measure HYDRO-4:** For development in the WCRCCSP area the City shall require compliance with applicable NPDES permit requirements, including preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and Standard Urban Stormwater Mitigation Plan (SUSMP) in accordance with the Los Angeles Municipal Storm Water permit. The SUSMP shall identify post development peak runoff, conserve natural areas, minimize storm water pollutants, protect slopes and channels, and post construction Best Management Practices (BMPs) and other items as required by the permit. (SUSMP measures require review and approval of the Watermaster.)

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Approval of SWPPP and SUSMP

**Warner Center Plan Mitigation Measure HYDRO-5:** For development in the Specific Plan area the City shall require runoff from parking lots to be treated, as required by SUSMP regulations, prior to discharging into existing storm drain systems.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Approval of SWPPP and SUSMP

**Warner Center Plan Mitigation Measure HYDRO-6:** The City shall require as conditions on project approval within the WCRCCSP area that all wastes from construction in the WCRCCSP area 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Field inspection sign-off and quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure HYDRO-7:** The City shall require as conditions on project approval within the WCRCCSP area that leaks, drips, and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

- **Enforcement Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Public Works
- **Monitoring Phase:** Construction; Operation
- **Monitoring Frequency:** Periodic field inspections per phase during construction; Annually
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor; Annual compliance report submitted by Applicant during operation

**Warner Center Plan Mitigation Measure HYDRO-8:** The City shall prohibit, as a condition on project approval within the WCRCCSP area, material spills from being hosed down at the pavement. Dry cleanup methods shall be required wherever possible.

- **Enforcement Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Public Works
- **Monitoring Phase:** Construction; Operation
- **Monitoring Frequency:** Periodic field inspections per phase during construction; Annually

- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor; Annual compliance report submitted by Applicant during operation

**Warner Center Plan Mitigation Measure HYDRO-9:** The City shall require as conditions on project approval within the WCRCCSP area that dumpsters be covered and maintained. Uncovered dumpsters shall be required to be placed under a roof or covered with tarps or plastic sheeting.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure HYDRO-10:** The City shall require as conditions on project approval within the WCRCCSP area 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety and City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety and City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Field inspection sign-off and quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure HYDRO-11:** The City shall require as conditions on project approval within the WCRCCSP area 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.

- **Enforcement Agency:** City of Los Angeles Department of City Planning

- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report submitted by the Applicant

**Warner Center Plan Mitigation Measure HYDRO-12:** Short-term water quality impacts may result from the construction of the proposed project. Project construction shall comply with the General Construction 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.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once, per phase at plan check; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure HYDRO-13:** Ordinance No. 172176 and Ordinance No. 173494 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. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at [www.swrcb.ca.gov/rwqcb4/](http://www.swrcb.ca.gov/rwqcb4/)).

- The project applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 0.75 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 (Planning Department General form CP-6770) 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.
- **Enforcement Agency:** City of Los Angeles Department of Public Works

- **Monitoring Agency:** City of Los Angeles Department of Public Works; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once, per phase at plan check; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly compliance report submitted by construction monitor

## G. Land Use

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

No mitigation measures are identified in the Supplemental Environmental Impact Report for this environmental issue.

## H. Noise

### (1) Project Design Features

**Project Design Feature H-1:** Project construction would not include the use of driven (impact) pile systems.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during field inspection
- **Action(s) Indicating Compliance:** Quarterly compliance report from construction monitor

**Project Design Feature H-2:** All outdoor mounted mechanical equipment would be enclosed or screened from off-site noise-sensitive receptors. The equipment screen would be impermeable and break the line-of-sight from the equipment to the off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature H-3:** Trash collection areas would be enclosed or screened from off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

**Project Design Feature H-4:** Within outdoor areas, other than the Entertainment and Sports Center, outdoor amplified sound systems (e.g., speaker and stereo systems, amplification systems, or other sound-producing devices) would be designed so as not to exceed the maximum noise level of: (i) 80 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet from the amplified sound systems at the courtyards/roof decks; (ii) 90 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet at the hotel roof pool decks; and (iii) 92 dBA ( $L_{eq-1hr}$ ) at a distance of 50 feet for the amplified sound systems at the Promenade Square.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, per phase at field inspection during operation; Annually
- **Action(s) Indicating Compliance:** Submittal of compliance report from noise consultant; Submittal of annual compliance report from Project applicant

**Project Design Feature H-5:** If the roof of the Entertainment and Sports Center is a partial roof, the temporary/touring amplified sound system would be designed, using a line-array speaker system, so as not to exceed a maximum noise level of 95 dBA ( $L_{eq-1hr}$ ) at a distance of 130 feet from the amplified sound systems (main array and delay speakers).

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once at field inspection during operation of Entertainment and Sports Center; Annually
- **Action(s) Indicating Compliance:** Submittal of compliance report from noise consultant; Submittal of annual compliance report from Project applicant

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure NOI-3:** The City shall require that all construction activities within the WCRCCSP area shall be restricted 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure NOI-4:** The City shall require that noise-generating construction equipment be equipped with the most effective commercially available 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure NOI-5:** The City shall require effective 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. Specific locations for the temporary sound barriers shall include the following:

- During construction of the Northeast Area, at the northeastern corner of the Project Site to block the line-of-sight between the construction area and receptor location R1. This temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at receptor location R1.
- During construction of the Southwest Area, at the southwestern corner and southern border of the Project Site to block the line-of-sight between the construction area and receptor locations R2, R3 and R4. The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at receptor location R2, 7-dBA noise reduction at receptor location R3, and 12 dBA noise reduction at receptor location R4.
- During construction of the Northwest Area, at the western and southern boundary of the Northwest area to block the line-of-sight between the construction area and receptor locations R2 and R4. The temporary sound barrier shall be designed to provide a minimum 7-dBA and 12-dBA noise reduction at receptor locations R2 and R4, respectively.
- During construction of the Southeast Area, at the southern boundary of the Project Site to block the line-of-sight between the construction area and receptor location R2. This temporary sound barrier shall be designed to provide a minimum 9-dBA noise reduction at receptor location R2.
- During any phase of construction where on-site construction activities would be located adjacent to on-site sensitive receptors. This temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of building permit; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of building permit; field inspection sign-off; quarterly compliance report by construction monitor

**Warner Center Plan Mitigation Measure NOI-6:** The City shall require that construction 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan

**Warner Center Plan Mitigation Measure NOI-7:** The City shall require applicants for projects within Warner Center to 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.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report submitted by construction monitor

## I. Population, Housing, and Employment

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

No mitigation measures are identified in the Supplemental Environmental Impact Report for this environmental issue.

## J.1. Public Services—Police Protection

### (1) Project Design Features

#### **For Entertainment and Sports Center:**

**Project Design Feature J.1-1:** Security personnel shall be on duty at the Entertainment and Sports Center during all hours of operation and before and after events, with the exact time period to be determined with LAPD in a Security Plan based on the size and type of event. During such time, the security personnel shall patrol the property to identify and minimize unusual disturbances, and coordinate with the proper authorities any loitering, trespassing or any other criminal activities in the general vicinity of the property.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, prior to issuance of the Certificate of Occupancy for the Entertainment and Sports Center; Annually
- **Action(s) Indicating Compliance:** Documentation of LAPD review of the Entertainment and Sport Center’s Security Plan; Annual compliance report

**Project Design Feature J.1-2:** A Security Plan shall be developed and implemented by the Applicant in consultation with the LAPD and LAFD outlining the security services and features to be provided in conjunction with the proposed Entertainment and Sports Center. The Security Plan shall ensure appropriate public safety and security deployment by the Applicant based upon identified, objective standards, including, but not limited to: anticipated crowd size, historical data associated with crowd or fan behavior, event type, etc. The Security Plan shall be sufficiently flexible to be responsive to the type and size of events at the Entertainment and Sports Center. The Security Plan may include but is not limited to identification of the following:

- A private on-site security force, with the number of security officers identified based on event size;
- Pedestrian, vehicular, and/or bicycle patrols during operational hours;
- Security procedures for initial response, investigation, detainment of crime suspects, LAPD notification, crowd and traffic control, and general public assistance;
- Planned routes for emergency service personnel and vehicles to access the Entertainment and Sports Center;
- Secure staging locations, within the Project Site, for first responders;
- A First Responder Communications Plan, prepared in consultation with LAPD and LAFD;
- Provision to LAPD and LAFD of detailed diagrams of the Entertainment and Sports Center, including access routes, floor plans, and any information that would facilitate police response;
- Closed-circuit television surveillance system, for both inside and outside the Entertainment and Sports Center, which recordings shall remain available for review by LAPD for at least 30 days; and
- Installation of locks and alarms on entryways where appropriate.
- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction; Operation

- **Monitoring Frequency:** Once, prior to issuance of the Certificate of Occupancy for the Entertainment and Sports Center; Annually
- **Action(s) Indicating Compliance:** Documentation of LAPD and LAFD's review of the Entertainment and Sport Center's Security Plan; Annual compliance report

**Project Design Feature J.1-3:** The Security Plan shall be updated from time to time based on information that may be learned during operation of the Entertainment and Sports Center.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report

**Project Design Feature J.1-4:** An Emergency Procedures Plan shall be established and implemented by the Applicant in conjunction with the proposed Entertainment and Sports Center. The Emergency Procedures Plan shall outline employee guidelines and procedures in the event of fire, medical emergency, civil disturbance, injuries to multiple individuals, evacuation, and other types of emergencies. The Plan shall be subject to review by the LAPD and LAFD. This Emergency Procedures Plan shall also include an Emergency Medical Response Plan developed by the Applicant in consultation with the LAFD, outlining the first aid and medical services and the safety features to be provided by the Applicant during events. The plan shall be subject to review by the LAFD.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, prior to issuance of the applicable Certificate of Occupancy; Annually
- **Action(s) Indicating Compliance:** Documentation of LAPD and LAFD review of Emergency Procedures Plan by LAPD and LAFD; Annual compliance report

**Project Design Feature J.1-5:** A phone number to a responsible representative of the Applicant shall be conspicuously posted on the premises for the purposes of reporting an emergency or a complaint about the method of operation of the Entertainment and Sports Center. A complaint log shall be maintained and be made available to the City upon request.

- **Enforcement Agency:** City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report by Applicant

**For Overall Project Site:**

**Project Design Feature J.1-6:** In order to maintain high levels of safety for employees, patrons, residents and visitors during Project operation, on-site security consisting of personnel and equipment would be provided for the entire Project Site, including for the Project's open space areas, such as Promenade Square. On-site security presence would be implemented based on the anticipated day-to-day levels of activity and would be increased during peak shopping days. During each shift, security personnel would be assigned to foot patrol, bike patrol and golf cart/vehicle patrol, in order to cover the common areas of the site. Duties of the security personnel would include, but not be limited to, the following:

- Assisting with patron access and monitoring entrances and exits,
- Managing and monitoring fire/life/safety systems,
- Patrolling the perimeter of the property,
- Controlling and monitoring activities in the parking facilities; and
- Controlling and monitoring activities in spaces open to the public.
- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually

- **Action(s) Indicating Compliance:** Documentation of LAPD review of Project-wide security plan; Annual compliance report

**Project Design Feature J.1-7: Security Programs and Equipment:** An enhanced security program would be implemented for the entire Project Site, including for the Project's open space areas, such as Promenade Square. Security system features to be installed on-site as part of this enhanced security program include industry standard security lighting at recommended locations including parking structures, pathway options, and curbside queuing areas. Closed-circuit television (CCTV) would be installed at locations consistent with industry standards. These locations would include all exit points, play areas, family rest areas, food courts, loading docks, and parking areas/structures. CCTV access would be available to the local police station via secure internet with future consideration of wireless secure transmission. Additionally, license plate recognition (LPR) cameras would be located strategically throughout the property.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** LAPD review of Project-wide security plan; Annual compliance report

**Project Design Feature J.1-8: Crime Prevention Design:** The Project Applicant shall consult with the LAPD regarding crime prevention features appropriate to the design of the Project. Such features would include, but not be limited, to:

- Landscaping to be planted in a manner that does not provide obvious cover for persons tampering with doors or windows of commercial facilities, or for persons lying in wait for pedestrians or parking garage users,
- Lighting of parking structures, elevators, and lobbies to reduce areas of concealment,
- Lighting of building entries, pedestrian walkways, and public open spaces to provide pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into buildings,
- Design of public spaces to be easily patrolled and accessed by safety personnel,

- Parking facilities easily patrolled and accessed by safety personnel,
- Implementing public safety measures in parking facilities; and
- Graffiti deterrent measures, where possible.
- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Operation
- **Monitoring Frequency:** Once per phase at plan check; Annually
- **Action(s) Indicating Compliance:** Documentation of LAPD review of design features; Annual report by Applicant

**Project Design Feature J.1-9:** An Emergency Procedures Plan shall be established and implemented by the Applicant for the Project's other buildings. The Emergency Procedures Plan shall outline employee guidelines and procedures in the event of fire, medical emergency, civil disturbance, injuries to multiple individuals, evacuation, and other types of emergencies. The Plan shall be reviewed and approved by the LAPD and LAFD. This Emergency Procedures Plan shall also include an Emergency Medical Response Plan developed by the Applicant in consultation with the LAFD, outlining the first aid and medical services and the safety features to be provided by the Applicant. The Plan shall be subject to review by the LAFD.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Police Department; City of Los Angeles Fire Department; City of Los Angeles Planning Department
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, prior to issuance of the applicable Certificate of Occupancy; Annually
- **Action(s) Indicating Compliance:** Approval of an Emergency Procedures Plan by LAPD and LAFD; Annual compliance report

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure PS-12:** The City shall require that during construction of individual projects, each project applicant shall implement security measures including security fencing, lighting, locked entry, and security patrol on the site.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan; Field inspection sign-off

**Warner Center Plan Mitigation Measure PS-13:** The City shall require that during the construction phase of each project, each applicant shall provide adequate through access and emergency access to adjacent uses as necessary.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once per phase at plan check prior to issuance of grading or building permit
- **Action(s) Indicating Compliance:** Approval of a Construction Management Plan; Field inspection sign-off

**Warner Center Plan Mitigation Measure PS-14:** The City shall require that each applicant consult with the Police Department and comply with recommended security features for each construction site, including security fencing, locked entrances, lighting, and the use of a seven-day, 24-hour security patrol.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan; Field inspection sign-off

**Warner Center Plan Mitigation Measure PS-16:** The City shall require that applicants consult with the LAPD Crime Prevention Unit regarding crime prevention features appropriate for the design of the project and subsequently, shall submit plot plans 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 building permits.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to the issuance of applicable building permit
- **Action(s) Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning; Issuance of building permit.

**Warner Center Plan Mitigation Measure PS-17:** The City shall require that upon completion of each project, each applicant shall provide the local Commanding Officer with access routes and other information that might facilitate police response, as requested by the LAPD.

- **Enforcement Agency:** Los Angeles Police Department, City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure PS-19:** The City shall require that each project 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 project site if needed.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Operation
- **Monitoring Frequency:** Once per phase at plan check; Annually
- **Action(s) Indicating Compliance:** Documentation of LAPD review of design features; Annual report by Applicant

## J.2. Public Services—Fire Protection

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure PS-2:** The City shall require that applicants of the individual projects developed as part of the WCRCCSP shall submit for review and approval all future project plans to the LAFD to ensure that all new structures would comply with current fire codes and LAFD requirements.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure PS-3:** Project building plans shall include the submittal of a plot plan for approval by the Los Angeles Fire Department either prior to the recordation of the final map or the approval of a building permit.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction

- **Monitoring Frequency:** Once, prior to issuance of building permit
- **Action(s) Indicating Compliance:** Approval of the plot plan by the Los Angeles Fire Department

**Warner Center Plan Mitigation Measure PS-4:** The City shall require that all applicants within the WCRCCSP area consult with the Fire Department and incorporate fire prevention and suppression features appropriate to the design of each project.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure PS-5:** The City shall require that plans and specifications shall be submitted to the Fire Department and requirements for necessary permits satisfied prior to commencement of any portion of any project.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure PS-6:** The City shall require fire hydrants to be installed as appropriate that shall be fully operational and accepted by the Fire Department prior to any building construction above grade.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure PS-7:** The City shall require plot plans indicating access driveways and roads and turning areas be reviewed and approved by the Fire Department, prior to the issuance of a building permit.

- **Enforcement Agency:** Los Angeles Fire Department
- **Monitoring Agency:** Los Angeles Fire Department

- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, prior to issuance of applicable building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure PS-8:** The City shall require that during the construction phase of each project, emergency access shall remain clear and unobstructed.

- **Enforcement Agency:** Los Angeles Fire Department
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once per phase at plan check prior to issuance of grading or building permit; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan; Quarterly compliance report submitted by construction monitor

**Warner Center Plan Mitigation Measure PS-9:** The City shall require that each project 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.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Issuance of building permits

**Warner Center Plan Mitigation Measure PS-10:** The City shall require that 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.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Post-construction; Operation

- **Monitoring Frequency:** Once, upon completion of construction; Annually
- **Action(s) Indicating Compliance:** Certificate of Occupancy; Annual compliance report from Applicant during operation

### J.3. Public Services—Schools

#### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

#### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure PS-20:** For projects developed under the WCRCCSP, the city shall ensure that prior to issuance of a building permit, the project developer shall pay to the LAUSD the prevailing State Department of Education Development Fee 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.

- **Enforcement Agency:** City of Los Angeles Unified School District
- **Monitoring Agency:** City of Los Angeles Unified School District' City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

### J.4. Public Services—Parks and Recreation

#### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure PS-21:** The City shall require that project applicants comply with the open space regulations of the Warner Center Specific Plan.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Recreation and Parks
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

## J.5. Public Services—Libraries

### (1) Project Design Features

**Project Design Feature J.5-1:** The Project shall incorporate a library room of approximately 800 square feet in each residential building for use by Project residents. The library room will include computers, free internet access, periodicals, books for loan, seating areas and tables.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Public Library
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure PS-22:** The City shall require that individual projects developed within the WCRCCSP area offset the burden on the existing libraries through one of the following:

(1) payment of a fee based on an established nexus between the new development, demand and the need for additional personnel and facilities; (2) provision of on-site facilities commensurate with the demand generated; or (3) some combination of the foregoing. If any fees are collected, they should be spent within the WCRCCSP area.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Public Library
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit; Issuance of Certificate of Occupancy

## K. Traffic, Access, and Parking

### (1) Project Design Features

**Project Design Feature K-1:** Topanga Canyon Boulevard frontage: An auxiliary lane/fourth through lane is proposed along northbound Topanga Canyon Boulevard. This will result in an additional northbound lane, along the Project frontage, between Oxnard Street and Erwin Street. Implementation of this project design feature would occur with construction of the Northwest Area (anticipated Phase 2), north of Promenade Boulevard and Southwest Area (anticipated Phase 3), south of Promenade Boulevard.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** California Department of Transportation (Caltrans); City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, for each of the Northwest and Southwest phases at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy for the Northwest and Southwest phases

**Project Design Feature K-2:** Intersection No. 20, Topanga Canyon Boulevard & Calvert Street/Promenade Boulevard: A new traffic signal shall be

installed at this intersection. Implementation of this improvement would occur with construction of the Northwest Area (anticipated Phase 2). This intersection will be reconfigured to facilitate all vehicular movement for all approaches in conjunction with the required signalization. The east leg of this intersection effectively serves as a driveway into the Project Site. Implementation of this project design feature would occur with construction of the Northwest Area (anticipated Phase 2).

- **Enforcement Agency:** City of Los Angeles Department of Transportation;
- **Monitoring Agency:** Caltrans; City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, for the Northwest phase at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy for the Northwest phase

**Project Design Feature K-3:** Intersection No. 16, Warner Drive North & Erwin Street: This is a new intersection located approximately mid-block on Erwin Street. A voluntary dedication of right-of-way will be utilized to incorporate the construction of a dedicated eastbound right-turn lane into the Project Site; additionally, signalized control will be introduced along with a westbound left-turn lane. Implementation of this project design feature would occur with the Northwest Area (anticipated Phase 2).

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once for the Northwest phase at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy for the Northwest phase

**Project Design Feature K-4:** Intersection No. 21, Owensmouth Avenue & Promenade Boulevard: This existing intersection will be improved to facilitate access into/out of the Project Site and incorporates the required right-of-way dedication along Owensmouth Avenue. Implementation of this project design feature would occur with the Northeast Area (anticipated Phase 1).

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, for the Northeast phase at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy for the Northeast phase

**Project Design Feature K-5:** Intersection No. 25, Warner Drive South & Oxnard Street: This existing intersection will be improved to facilitate access into/out of the Project site. Implementation of this project design feature would occur with the Southeast Area (anticipated Phase 4).

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, for the Southeast phase at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy for the Southeast phase

**Project Design Feature K-6:** Operational Event Management Plan: An Event Management Plan (EMP) will be implemented as part of operation of the ESC. The EMP is intended to be an evolving document subject to modification over time in coordination and consultation with LADOT and Caltrans, in order to respond to changes in traffic patterns and mobility/parking technologies that may alter the travel to and attendance of events at the ESC.

On-site measures are proposed to include: providing access along all four street frontages of the Project Site; the addition of a northbound lane on the Topanga Canyon Boulevard across the site frontage (resulting in a total of four northbound lanes); a dedicated entry speed ramp into the subterranean ESC parking garage on Topanga Canyon Boulevard between Oxnard Street and Promenade Boulevard; multiple above ground and subterranean parking facilities across the Project Site that will be managed by a single parking operator; subterranean parking that is designed to be connected and operated as a single facility; and centrally located pick-up/drop-off and bus zones. Also included as part of the on-site measures will be a guest communications system that will provide the location of the purchased

parking space to visitors with the advance purchase of an event ticket; identification of preferred traffic routes to the assigned parking facility prior to the event, at the time of ticket purchase and on the parking ticket; traffic announcements and updates made in the ESC and to guest cell phones at the end of the event; and coordination of traffic information and ridesharing services.

Off-site measures are proposed to include: identification of specific routing to distribute event traffic away from already congested locations along with the use/installation of changeable message signs at select freeway and arterial locations to communicate to visitors the preferred routing to the Project Site; coordinated traffic control adjacent to the Project Site; coordination with the LADOT Traffic Action Team, which oversees and/or implements special event traffic operations in the City; coordination with the citywide Traffic Management Center to facilitate the real-time monitoring of event traffic conditions along with real-time adjustments to traffic control equipment, including allowing adjustments to signal timing and synchronization; deployment of traffic control officers, by the ESC operator, to selected locations for the purposes of directing traffic; and facilitation of the utilization and integration of transit services during ESC events, including by coordinating with Metro to optimize transit service and frequency to the ESC during events.

Late-night measures for the purpose of reducing off-site noise are proposed to include: delaying access to the Warner Drive South & Oxnard Street driveway to exiting vehicles by approximately 15 minutes after the end of the event (or another period to be identified in consultation with LADOT) using internal traffic control (traffic control officers, staff, signage, and/or barriers); utilization of additional wayfinding signage and changeable message signs to direct exiting traffic to preferred routes; and utilization of traffic control officers to reconfigure driveway/intersection lanes to facilitate outbound event operations.

The EMP will also identify off-site parking needed to accommodate parking demand based on time of year, day/time of the event, and number of attendees. The Applicant will be required to provide DOT annually evidence of agreements that identify/secure the location and quantity of available off-site parking, prior to the issuance of a temporary or permanent certificate of occupancy for the ESC.

During the Holiday period between Thanksgiving and New Year's, for weekday or weekend events with 7,500 or more attendees, the EMP will be supplemented with additional measures to account for higher background traffic volumes. The Holiday EMP measures include: additional intersection operation adjustments and an expanded deployment of traffic control officers.

These and other measures would be implemented in accordance with a tiered operational plan that is based on attendance. In particular, the off-site traffic management and traffic control officer components of the EMP would be scaled commensurate to the event attendance/projected traffic levels as set forth in the Traffic Study. As indicated therein, the EMP off-site measures are proposed to be applied at the following attendance levels:

- <7,500 attendees: On-site measures; no off-site measures required;
- 7,500–10,000 attendees: On-site measures; off-site measures comprised of Traffic Management (changeable message signs), Coordinated Traffic Control (LADOT Traffic Management Center), and off-site parking; and,
- >10,000 attendees: On-site measures; all off-site measures required, including those required above for 7,500 to 10,000 attendees, deployment of traffic control officers, transit service coordination; and additional late-night measures for events ending after 10 P.M.

During holidays (day after Thanksgiving through January 2 of the following year), the above measures would also be implemented for each of the attendance levels, plus for events with >10,000 attendees, additional traffic control officers would be located at all intersections operating at LOS D or worse (with Project traffic) within the Study Area.

- **Enforcement Agency:** Los Angeles Department of Transportation
- **Monitoring Agency:** Los Angeles Department of Transportation; Los Angeles Department of City Planning
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, prior to issuance of Certificate of Occupancy for the Entertainment and Sports Center; Annually
- **Action(s) Indicating Compliance:** Review of Event Management Plan by LADOT and issuance of the Certificate of Occupancy for the Entertainment and Sports Center; Annual compliance report by the Applicant

**Project Design Feature K-7: Transportation Demand Management (TDM) Program**—The Project shall prepare and implement a TDM Program that includes strategies to promote non-automobile travel and reduce the use of single-occupant vehicle trips, which shall be reviewed and approved by LADOT. The TDM Program shall include design features, transportation services, education programs, and incentive programs intended to reduce the amount of single-occupancy vehicles during commute hours, although the elements of the TDM Program may vary

by Project phase and not all of these elements shall be required for each phase.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction; Operation
- **Monitoring Frequency:** Once, per phase prior to issuance of Certificate of Occupancy; Annually
- **Action(s) Indicating Compliance:** Approval of TDM program from Los Angeles Department of Transportation; issuance of Certificate of Occupancy; Submittal of annual compliance report

**Project Design Feature K-8:** Intersection No. 17, Owensmouth Avenue & Erwin Street: The Project shall install a dedicated eastbound right-turn lane in combination with the dedication of right-of-way to facilitate the future construction of an additional eastbound left-turn lane. Implementation of this improvement would occur with construction of the Northeast Area (anticipated Phase 1).

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of Public Works, Bureau of Engineering
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, for the Northeast phase at issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of Certificate of Occupancy

## (2) Mitigation Measures

**Mitigation Measure K-1:** Construction Management Plan—Prior to the start of construction for each Project phase, the Applicant shall prepare a Construction Management Plan and submit it to the City for review and approval. The Construction Management Plan shall include such measures as, but not be limited to the following:

- Minimum 72-hour advance notification to adjacent property owners and occupants, as well as, nearby schools, of upcoming construction activities affecting the public right-of-way (i.e. temporary lane closures and detours, short-term parking

restrictions, etc.), including durations and daily hours of construction;

- Prohibition of construction worker parking on adjacent residential streets, and identification of construction employee parking locations and protocols;
- Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag men)
- Prohibition of construction-related vehicle parking on surrounding public streets;
- Safety precautions for pedestrian and bicyclists through such measures as alternate routing and protection barriers as appropriate, including along all identified Los Angeles Unified School District (LAUSD) pedestrian routes to nearby schools;
- Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible, and so as to not impede school drop-off and pick-up activities and students using LAUSD's identified pedestrian routes to nearby schools;
- Coordination with public transit agencies to provide advanced notifications of any anticipated stop relocations and durations;
- Provision of advanced notification of any temporary on-street parking removals and duration of removals;
- Establish construction hours that are in compliance with Sections 41.40 and 62.61 of the Los Angeles Municipal Code (LAMC);
- Establish a construction phone number which shall be posted on the site, and appoint a construction liaison to respond to concerns or inquiries regarding Project construction;
- Maintain unimpeded emergency access to the Project site and nearby properties;
- Establish truck access and staging areas, and identify haul route approved with the Project;
- Provide construction site security.
- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction; Construction

- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading or building permit; Once, per phase during field inspection
- **Action(s) Indicating Compliance:** Approval of Construction Management Plan by LADOT; Field inspection sign-off

**Mitigation Measure K-2:** Warner Center Plan Mobility Fee. The Project shall be required by LADOT to mitigate impacts by phase through: (1) the physical roadway and streetscape mitigation measure improvements as outlined in Appendix E [of the Warner Center Plan]; (2) payment of the Mobility Fees in-lieu of any physical improvements; or (3) the combination of both the mitigation measures outlined in Appendix E and the payment of the Mobility Fee.

- **Enforcement Agency:** City of Los Angeles Department of Transportation; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Post-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Written verification of payment of fees to the City of Los Angeles Department of Transportation or implementation of applicable mitigation measure; Issuance of Certificate of Occupancy

**Mitigation Measure K-3:** Neighborhood Protection Program—The Warner Center Plan provides funding of the Neighborhood Protection Program and allows a mechanism for further study, if requested by residents of the identified neighborhoods, to identify potential intrusion impacts upon completion of a project. A neighborhood traffic management plan process for the Project would include the following steps:

1. Prior to completion of a Project phase that could result in neighborhood intrusion impacts (anticipated to be completion of the Southwest Area, following completion of the Northeast and Northwest Areas) (the “Potential Impact Phase”), the Applicant would collect 24-hour count data, subject to the approval of LADOT, on the key residential streets within the five identified neighborhoods. These counts would be completed and submitted to LADOT prior to the issuance of the temporary or final Certificate of Occupancy for the Potential Impact Phase.
2. If requested by LADOT, “after” counts would be conducted on event nights within one year of the opening of the Potential Impact Phase to quantify the level of intrusion impacts. These counts could be repeated in subsequent years to determine if the amount of

intrusion has grown or diminished with stabilization of the Project's operation.

3. If the traffic growth within the neighborhood exceeds the LADOT criteria for a significant impact, a neighborhood traffic management study for the affected neighborhood would be prepared.
  4. A detailed neighborhood traffic management plan would be developed in cooperation with the neighborhood residents and then submitted to LADOT and to the residents for approval.
  5. Should the plan fail to gain the required level of approval by the residents (per LADOT guidelines), then the improvement plan would not be implemented and such impacts would remain significant.
- **Enforcement Agency:** Los Angeles Department of Transportation
  - **Monitoring Agency:** Los Angeles Department of Transportation
  - **Monitoring Phase:** Before and after operation of the Potential Impact Phase as identified by the Traffic Engineer
  - **Monitoring Frequency:** Once before and once after operation of the Potential Impact Phase
  - **Action(s) Indicating Compliance:** Written verification of compliance with measure by traffic consultant and Los Angeles Department of Transportation

## L. Tribal Cultural Resources

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Mitigation Measure L-1:** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archaeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the Project Site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation. Any qualified

archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (OHR).

The qualified archaeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archaeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological monitor and tribal monitor both indicate that the site has a low potential for impacting cultural resources.

Prior to the commencement of any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archaeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; and (2) OHR.
2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and

make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably concludes that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archaeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations

developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.

8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's office, determines to be confidential in nature, shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.
  - **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Office of Historic Resources
  - **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Office Of Historic Resources
  - **Monitoring Phase:** Pre-construction; Construction
  - **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; Periodic field inspections per phase during ground disturbance activities
  - **Action(s) Indicating Compliance:** Issuance of grading permit; compliance report submitted by Project archaeologist during grading activities; if resources are discovered, completion of report by archaeologist and submittal of report to City of Los Angeles Office of Historic Resources

## M.1. Utilities and Service Systems—Water Supply and Infrastructure

### (1) Project Design Features

**Project Design Feature M.1-1:** The Project design shall incorporate the following design features to support water conservation:

- High-efficiency toilets with flush volume of 1.04 gallons of water per flush.
- Kitchen faucets with flow rate of 1.25 gallons per minute.
- Showerheads with flow rate of 0.75 gallon per minute.

- Lavatory faucets with flow rate 0.35 gallon per minute for residential and hotel units.
- Pre-rinse spray valves (kitchen faucet) with flow rate of 1.28 gallons per minute.
- Residential clothes washers, front-loading (> 2.5 cu-ft)—Integrated Water Factor 3.0.
- Residential dishwashers, 3.0 gallons/cycle.
- Cooling tower conductivity controllers or cooling tower pH conductivity controllers.
- Pool/spa solar water heating.
- Pool/spa recirculating filtration equipment.
- Pool splash troughs around the perimeter that drain back into the pool.
- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired.
- Reuse pool backwash water for irrigation.
- Leak detection system for swimming pool and spa.
- Drip/subsurface irrigation (micro irrigation).
- Micro-spray.
- Proper hydro-zoning (group plants with similar water requirements together).
- Landscape contouring to minimize precipitation runoff.
- Drought-tolerant plants—100 percent of total ornamental landscaping.
- Rainwater harvesting systems.
- Wood chips and mulch (3 inches) around the base of trees and shrubs.
- No public water features.
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once per phase at plan check; once per phase prior to issuance of Certificate of Occupancy

- **Action(s) Indicating Compliance:** Issuance of applicable building permit; Issuance of Certificate of Occupancy

## (2) Mitigation Measures

**Warner Center Plan Mitigation Measure U-2:** Water supply and conveyance demand/pressure clearance from LADWP will be required at the time that a water connection permit application is submitted.

- **Enforcement Agency:** Los Angeles Department of Water and Power
- **Monitoring Agency:** Los Angeles Department of Water and Power
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase with submittal of connection permit application
- **Action(s) Indicating Compliance:** Approval of connection permit application

**Warner Center Plan Mitigation Measure U-3:** The City shall require each applicant to 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 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.

- **Enforcement Agency:** City of Los Angeles Fire Department
- **Monitoring Agency:** City of Los Angeles Fire Department
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure U-4:** The City shall require that each applicant implement water conservation measures in new development that shall include but not be limited to the following:

- High-efficiency urinals (0.125 gallon 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 gallon per minute or less and self-closing;
- Limit of one showerhead per shower stall;
- 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); and,
- 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
  - Minimum irrigation system distribution uniformity of 75 percent
- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Post-construction
- **Monitoring Frequency:** Once, per phase at plan check; Once, per phase prior to issuance of Certificate of Occupancy
- **Action(s) Indicating Compliance:** Issuance of applicable building permit; Issuance of Certificate of Occupancy

**Warner Center Plan Mitigation Measure U-5:** The City shall require that prior to the issuance of a building permit, each 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.

- **Enforcement Agency:** Los Angeles Department of Water and Power
- **Monitoring Agency:** Los Angeles Department of Water and Power
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permits
- **Action(s) Indicating Compliance:** Issuance of building permits

**Warner Center Plan Mitigation Measure U-6:** The City shall require that each project incorporate 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.

- **Enforcement Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report by the Applicant

**Warner Center Plan Mitigation Measure U-7:** The City shall require that each project comply with any additional mandatory water use restrictions imposed as a result of drought conditions.

- **Enforcement Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report by the Applicant

**Warner Center Plan Mitigation Measure U-8:** The City shall require automatic sprinkler systems to 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.

- **Enforcement Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action(s) Indicating Compliance:** Annual compliance report by the Applicant

**Warner Center Plan Mitigation Measure U-9:** Prior to issuance of building permits, applicants shall pay any appropriate fees imposed by the Building and Safety Department. A percentage of building permit fees is contributed to the fire hydrant fund, which provides for Citywide fire protection improvements.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permits
- **Action(s) Indicating Compliance:** Issuance of building permits

**Warner Center Plan Mitigation Measure U-10:** Development within Warner Center must remain within Citywide water budgets established by LADWP. As required by LADWP projects may be required to provide for new water supply through a combination of water conservation (on and potentially off-site) 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.

- **Enforcement Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Water and Power; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction

- **Monitoring Frequency:** Once, per phase prior to issuance of building permits
- **Action(s) Indicating Compliance:** Issuance of building permits

**Warner Center Plan Mitigation Measure U-11:** Any pumping and discharge or disposal of groundwater is considered to be a consumptive use. The City requires that any pumping of groundwater be reported to the Watermaster and LADWP shall be compensated for any loss of groundwater. In addition, reasonable efforts shall be used by project applicants to beneficially use any extracted groundwater (for example cooling or irrigation).

- **Enforcement Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Agency:** City of Los Angeles Department of Water and Power
- **Monitoring Phase:** Pre-construction and Operation (although not anticipated)
- **Monitoring Frequency:** Once, per phase prior to issuance of building permits; Annually
- **Action(s) Indicating Compliance:** Issuance of building permits; Annual compliance report by the Applicant

## M.2. Utilities and Service Systems—Wastewater

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure U-1:** The City shall require that the project applicant for each project within the WCRCCSP 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, each Applicant/Contractor 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. Sewer capacity clearance from the Department of Public Works will be required at the time that a sewer connection permit application is submitted.

- **Enforcement Agency:** City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Public Works
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Plan check approval; Issuance of building permit

### M.3. Utilities and Service Systems—Solid Waste

#### (1) Project Design Features

**Project Design Feature M.3-1:** The Project shall comply with the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program to meet the standards of LEED Silver or equivalent green building standards. In so doing, the Project shall:

- Use at least 10 percent recycled material, at least 10 percent regional materials use (sourced within 500 miles), and certified wood in new construction; and
- Use recycled content for concrete, fly ash within concrete, and structural steel with recycled content.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report by construction monitor

#### (2) Mitigation Measures

**Warner Center Plan Mitigation Measure U-12:** The City shall require that each project recycle and/or salvage at least 75 percent of non-hazardous construction and demolition debris, and that each applicant prepare 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. 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. Projects in Warner Center will be required to comply with the City's standard requirement that, all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more, are required to set aside a recycling area or room for on-site recycling activities.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of Public Works
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Quarterly compliance report by construction monitor

## N. Appendix F—Energy Conservation

### (1) Project Design Features

No project design features are identified in the Supplemental Environmental Impact Report for this environmental issue.

### (2) Mitigation Measures

No mitigation measures are identified in the Supplemental Environmental Impact Report for this environmental issue.

The following project design features and mitigation measures are from the Initial Study, provided in Appendix A, of the Draft Supplemental EIR.

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## Biological Resources

### (1) Project Design Features

No project design features are identified in the Initial Study for this environmental issue.

### (2) Mitigation Measures

Refer to pages B-11 and B-12 of the Initial Study, provided in Appendix A, of the Draft Supplemental EIR for the following mitigation measure language:

**Warner Center Plan Mitigation Measure BIO-1:** For development in the Specific Plan area the City should require avoiding 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<sup>2</sup>) 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.

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<sup>2</sup> *California Department of Fish and Game (CDFG) is now known as the California Department of Fish and Wildlife (CDFW).*

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.

- **Enforcement Agency:** California Department of Fish and Wildlife; Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once, prior to issuance of grading permits; or, if vegetation removal, building demolition, or grading is initiated during the nesting season, as determined by a qualified biologist
- **Action(s) Indicating Compliance:** Annual compliance certification report submitted by construction monitor; or, if vegetation removal, building demolition or grading is initiated during the nesting season, submittal of a survey report by a qualified biologist

## Cultural Resources

### (1) Project Design Features

No project design features are identified in the Initial Study for this environmental issue.

### (2) Mitigation Measures

Refer to pages B-14 and B-15 as well as B-16 of the Initial Study, provided in Appendix A, of the Draft Supplemental EIR for the following mitigation measure language. Note that Warner Center Plan Mitigation Measure CUL-3, which is provided in the Initial Study, is also provided in Section IV. C, Cultural Resources, of the Draft Supplemental EIR.

**Warner Center Plan Mitigation Measure CUL-4:** For discretionary projects in the Specific Plan area the City shall require that if cultural resources are discovered during construction activities, the construction contractor will verify that work is halted until appropriate site-specific treatment measures are implemented.

- **Enforcement Agency:** City of Los Angeles Department of City Planning

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; Los Angeles Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Submittal of compliance documentation prepared by construction monitor; If resources are encountered, submittal of report by cultural resources expert to the City of Los Angeles Office of Historic Resources

**Warner Center Plan Mitigation Measure CUL-6:** For discretionary projects in the Specific Plan area the City shall require that a qualified paleontologic monitor shall monitor excavation activities below previously disturbed materials. The qualified paleontologic monitor shall retain the option to reduce monitoring if, in his/her professional opinion, potentially fossiliferous units, are not found to be present or, if present, are determined by qualified paleontologic personnel to have low potential to contain fossil resources.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; Department of City Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Submittal of compliance documentation prepared by qualified paleontologist

## Geology and Soils

### (1) Project Design Features

No project design features are identified in the Initial Study for this environmental issue.

### (2) Mitigation Measures

Refer to pages B-19 through B-21 of the Initial Study, provided in Appendix A, of the Draft Supplemental EIR for the following mitigation measure language:

**Warner Center Plan Mitigation Measure GEO-1:** The City shall require that individual projects 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.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of applicable building permit

**Warner Center Plan Mitigation Measure GEO-2:** The City shall require that individual projects be constructed in compliance with the Los Angeles Municipal Code and California Building Code and other applicable regulations.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase at plan check prior to issuance of grading and building permits
- **Action(s) Indicating Compliance:** Issuance of grading and building permits

**Warner Center Plan Mitigation Measure GEO-3:** Unless otherwise specified by the City of Los Angeles, the City shall require that individual projects 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 City of Los Angeles Department of Building and Safety, as conditions to issuance of any grading and building permits.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction

- **Monitoring Frequency:** Once, per phase prior to issuance of grading and building permits
- **Action(s) Indicating Compliance:** Issuance of applicable grading and building permits

**Warner Center Plan Mitigation Measure GEO-4:** The City shall require that individual projects 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 the project:

- Prior to the issuance of a grading permit by the Department of Building and Safety, the consulting geologist and soils engineer for each project shall review and approve project grading plans. 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, a qualified geotechnical engineer and engineering geologist shall be employed on each project 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.
- On each project, during construction, 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 Superintendent of Building and Safety.
- Any recommendations prepared by the consulting geologist and/or soils engineer on each 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 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.
- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction

- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of applicable grading permit; Quarterly compliance report by construction monitor

**Warner Center Plan Mitigation Measure GEO-5:** The City shall require that individual projects conform to applicable criteria set forth in the Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of applicable building permit

**Warner Center Plan Mitigation Measure GEO-6:** The City shall require that individual projects within WCRCCSP 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 Building Code and Grading Ordinance as may be identified by the Department of Building and Safety prior to Plan Check approval on each building.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure GEO-7:** The City shall require that the structural design of each building within the WCRCCSP area shall comply with the seismic standards of the most recent applicable California Building Code according to the seismic zone and construction type.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of building permit
- **Action(s) Indicating Compliance:** Issuance of building permit

**Warner Center Plan Mitigation Measure GEO-8:** The City shall require that on each project site, 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 to the satisfaction of the City of Los Angeles 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.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly report submitted by construction monitor

**Warner Center Plan Mitigation Measure GEO-9:** The City shall require appropriate erosion control and drainage devices to be incorporated to the satisfaction of the Department of Building and Safety into every project within the WCRCCSP area. Such measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly report submitted by construction monitor

**Warner Center Plan Mitigation Measure GEO-10:** The City shall require 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.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly report submitted by construction monitor

**Warner Center Plan Mitigation Measure GEO-11:** The City shall require that on each project site provisions are made for adequate surface drainage away from areas of excavation as well as protection of excavated areas from flooding. The grading contractor shall control surface water and the transportation of silt and sediment.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; Construction
- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit; Periodic field inspections per phase during construction
- **Action(s) Indicating Compliance:** Issuance of grading permit; Quarterly report submitted by construction monitor

**Warner Center Plan Mitigation Measure GEO-12:** The City shall require that all projects within the WCRCCSP area shall comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, including preparation of Storm Water Pollution Prevention Plans. As part of each SWPPP, Best Management Practices would be identified for construction to reduce soil erosion and pollutant levels to the maximum extent possible.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety and City of Los Angeles Department of Public Works

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety and City of Los Angeles Department of Public Works
- **Monitoring Phase:** Pre-Construction
- **Monitoring Frequency:** Once, per phase at plan check
- **Action(s) Indicating Compliance:** Approval of SWPPP and issuance of applicable building permit

**Warner Center Plan Mitigation Measure GEO-13:** The structures on the Project Site shall be supported on a mat foundation system or deep foundation system, such as friction pile.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction
- **Monitoring Frequency:** Once, per phase prior to issuance of grading permit
- **Action(s) Indicating Compliance:** Issuance of grading permit

VTTM-74588-1A

EXHIBIT B

APPEAL FROM LARRY GREEN  
WESTFIELD PROMENADE LLC and  
PROMENADE BUYER LLC



**4. JUSTIFICATION/REASON FOR APPEAL**

Is the entire decision, or only parts of it being appealed?  Entire  Part  
 Are specific conditions of approval being appealed?  Yes  No


If Yes, list the condition number(s) here: See attached

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

**5. APPLICANT'S AFFIDAVIT**

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 7/31/17

**6. FILING REQUIREMENTS/ADDITIONAL INFORMATION**

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>17822-</u>	Reviewed & Accepted by (DSC Planner): <u>Diana Jimenez</u>	Date: <u>8.1.19</u>
Receipt No: <u>0104073670</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

**Promenade 2035**  
**Case No. ZA-2016-3908-MCUP-DI-SPP; VTT-74587; VTT-74588; VTT-74589**  
**Attachment to Appeal Application**

**INTRODUCTION**

Guided by the City's Warner Center 2035 Specific Plan ("Warner Center Plan"), the Promenade 2035 Project is a transformative vision for mixed-use development to replace an aging enclosed mall surrounded by blacktop surface parking. The Project provides housing, community-serving retail and restaurant uses, hotel and office space, and an Entertainment and Sports Center ("Entertainment Center") in downtown Warner Center. The Project will result in a \$1.5 billion long-term investment in Warner Center, creating more than 12,500 jobs and generating nearly \$2 billion in total economic output. The Project includes landscaped open space and hundreds of new trees as it breaks up the existing superblock into smaller, pedestrian-scale streetscapes, meeting and exceeding the requirements of the Warner Center Plan and supporting the long-term vision for Warner Center.

While Westfield Promenade LLC and Promenade Buyer LLC (collectively, the "Applicant") are pleased that the Zoning Administrator's decision and the three Vesting Tentative Tract Map determinations (together with the Zoning Administrator's decision, the "Determinations") approve the overall Project and its fundamental elements, recognizing the Project's tremendous benefit to the community and the consistency of the Project with the Warner Center Plan, this appeal is necessary to address limitations imposed upon the Project's Entertainment Center in the Determinations and certain other conditions. As to the Entertainment Center, this appeal addresses the reduction in capacity, the requirement for a fully enclosed roof, and denial of off-site shared parking, together with other conditions imposed on the Project that require certain modifications and clarification as described herein. As required by the City's procedures, the Applicant is filing this appeal as the next step in the process seeking City approval. The Applicant respectfully requests that the City Planning Commission ("CPC") uphold the fundamental approval of the Project in the Determinations, together with the certification of the Supplemental EIR, and approve the modifications requested in this appeal, as set forth below and in the attached exhibits, and provide additional environmental certifications as needed in connection with the CPC's decision on the appeal.

The Applicant will also continue its ongoing discussions with community stakeholders and City leaders to understand their goals for the Warner Center Plan. The Project already includes incentivized uses identified in the Plan but the Applicant is open to additional ideas, such as the many community comments about the need for a permanent post office location. The Project's housing is designed in compliance with the Plan, as the Zoning Administrator found, and the Applicant will continue to consider the Project's public benefits for Warner Center as we plan for the future of our community. As demonstrated by Westfield's adjacent projects in Warner Center, including Westfield Topanga and the Village at Westfield Topanga, which have generated jobs and benefits including award-winning sustainability innovations, the Applicant is committed to excellence and looks forward to continued engagement for Promenade 2035.

## **I. PROJECT BACKGROUND AND PROCESS**

The Project proposes the redevelopment of the 34-acre existing Westfield Promenade shopping center at 6100 North Topanga Boulevard (the “Project Site”) with a vibrant, mixed-use development. As proposed, the Project would include 1,432 multi-family residential units, approximately 244,000 square feet of retail/restaurant uses, approximately 629,000 square feet of office space, up to 572 hotel rooms, and an Entertainment Center, with a partial roof option or roof option, approximately 320,050 square feet and 15,000 seats in size. The Project includes 5.6 acres of ground-level, publicly accessible open space, including the one-acre Promenade Square. To accommodate these uses, the Project would develop 5,610 on-site parking spaces and would utilize existing off-site parking consistent with Warner Center Plan requirements. The Project is located adjacent to existing Warner Center high-rise office buildings which have extensive parking structures that remain largely empty on evenings and weekends, and the Project’s proposal to utilize off-site parking to increase supply during peak periods is supported by environmental sustainability principles and policies.

The Project is entirely consistent with the Warner Center Plan, as the Zoning Administrator concluded, including that the Entertainment Center is a permitted use under the Plan. The Warner Center Plan reflects eight years of collaborative effort between the City and a citizens advisory committee to develop goals, policies, and requirements tailored to Warner Center. The process included extensive public participation, including more than 120 meetings held in the community prior to adoption of the Plan. The Warner Center Plan embodies sustainable planning principles by promoting development near transit, encouraging pedestrian-friendly design, and siting residential units near jobs, retail, and entertainment uses. The Project embraces these goals by incorporating a mix of uses near transit, utilizing shared parking and off-site parking, and implementing best practices related to pedestrian- and bicycle-amenities, including activated street fronts, on-site bicycle facilities, and new streets. As the Zoning Administrator determined, the Project is consistent with the use and design goals of the Warner Center Plan.

There is widespread support for the Project. More than 230 letters of support for the Project have been submitted to the City, and an additional 1,800 people have submitted cards in support of the Project. In addition, more than twenty-five community organizations have voiced support for the Project, including the Warner Center Association, the Canoga Park Neighborhood Council, and the West Valley Warner Center Chamber of Commerce. The Project incorporates a balance of uses intended to provide the community with housing, jobs, open space, and other amenities, including uses incentivized by the Warner Center Plan and intended to serve the local community, such as a grocery store and local-serving retail. The Applicant is committed to continuing to work with the community to meet the needs of local residents and provide desired services and uses.

The Project has undergone a comprehensive review process by the City, including extensive time for public comment. The Project’s applications were filed and deemed complete in October 2016. The City prepared an Initial Study and circulated a Notice of Preparation for public comment on November 9, 2016, for a 30-day review period. A public scoping meeting was conducted on November 29, 2016. While the City was preparing the Project’s Supplemental EIR, the Applicant engaged various community groups, including the Woodland Hills

Homeowners Organization and Woodland Hills Warner Center Neighborhood Council, which formed an ad hoc committee related to the Project. During this time, the Applicant made more than two dozen presentations to various community groups and stakeholders. The Applicant met with the ad hoc committee eight times over a 18-month period to discuss topics ranging from building design and massing to security features and operation of the Entertainment Center. The City circulated the Draft Supplemental EIR for the Project for public comment on April 26, 2018, initially for the standard 45-day comment period. In response to public comment, the City extended the comment period to a total of 92 days. After detailed responses to comments were prepared, a notice of public hearing and availability of the Final Supplemental EIR were published on April 5, 2019. A nearly four-hour joint Zoning Administrator/Advisory Agency hearing was held on April 30, 2019. At the hearing, testimony included the support of numerous community organizations as well as individual members of the public, including the former Chair of the Warner Center Citizens Advisory Committee who testified that the Project accomplishes the vision of the Warner Center Plan.

The Zoning Administrator's decision dated July 17, 2019 approved the Project with modifications. Specifically, the Zoning Administrator approved the Director's Interpretation concluding that the Entertainment Center is consistent with the Warner Center Plan, the Project Permit Compliance Review, and a Master Conditional Use Permit to authorize the sale of alcohol. In addition, the Zoning Administrator certified the Promenade 2035 Project Supplemental Environmental Impact Report (ENV-2016-3909-EIR), adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring Program. The Advisory Agency's decision approving three Vesting Tentative Tract Maps for the Project was issued on July 22, 2019, for Vesting Tentative Tract Map Nos. 74587, 74588, and 74589. The Advisory Agency found that the EIR and associated materials approved by the Zoning Administrator were also sufficient for approval of those Vesting Tentative Tract Maps.

The Applicant hereby appeals the modifications imposed by the Zoning Administrator and his disapproval of a portion of the Project as proposed, limiting the Entertainment Center to only 7,500 seats, requiring that it be constructed with a full roof, and denying the Applicant's request for off-site shared parking. The Applicant appeals the onerous conditions imposed by the Zoning Administrator related to alcohol sales which differ from the conditions for the existing successful Westfield operations on the nearby Westfield Topanga and the Village at Westfield Topanga. The Applicant also appeals the new condition requiring that activity nodes on the corner of Erwin and Owensmouth and Oxnard and Owensmouth include play areas for children; not because the Applicant opposes play areas, which will indeed be included in the Project, but because the requirements for street fronting activity nodes are not safe for envisioned play areas. The Applicant also appeals the condition requiring that existing street trees be replanted within the community because, though the Applicant supports significant investment in new trees for the Project, some existing street trees may not be suitable for replanting. The Applicant also appeals certain conditions as to fees which are not consistent with applicable legal rules and City policies, including a condition changing the vesting date for calculating Mobility Fees, and a condition that appears to suggest that Parks Fees that were not effective until after the Project application was deemed complete would be required. The Applicant also hereby appeals the three Vesting Tentative Tract Map determinations and respectfully requests needed clarifications to several of the proposed conditions, and detailed in the attached exhibits.

While the Applicant supports the overall approval of the Project, the certification of the Supplemental EIR, and the adoption of the Statement of Overriding Considerations and the Mitigation Monitoring Program, as detailed below and in the attached exhibits, the Applicant respectfully requests that the Entertainment Center be approved as proposed and that modifications are made to various other conditions of approval and language throughout the Determinations.

## **II. REASON FOR APPEAL AND SPECIFIC POINTS AT ISSUE**

### **A. The Zoning Administrator’s Changes to the Entertainment Center Lack a Nexus to Project Impacts and Are Not Supported by the Warner Center 2035 Plan.**

#### **1. The Zoning Administrator’s Decision to Reduce the Capacity of the Entertainment Center is Arbitrary and Inconsistent with the Warner Center 2035 Plan.**

The Zoning Administrator correctly determined the Entertainment Center is an intended, permitted, and desired use within the Downtown District of the Warner Center Plan. However, the determination that the capacity of the Entertainment Center be reduced from 15,000 seats, as proposed, to 7,500 seats appears to be based on comments from certain members of the community as to their preferred size and not related to what is permitted and envisioned by the Warner Center Plan or the potential impacts analyzed in the Supplemental EIR. The Zoning Administrator’s decision to reduce the capacity of the Entertainment Center is not based on the elimination of any significant operational impacts. The Supplemental EIR analysis concluded that, even with a sold-out event, a 15,000-seat Entertainment Center would not result in significant traffic impacts. In addition, the Supplemental EIR concluded that the lighting and noise impacts associated with the operation of a 15,000-seat Entertainment Center with a partial roof would be less than significant.

The Indicators of Demand for the Promenade 2035 Project’s Proposed 15,000-Seat Entertainment and Sports Center, which is included as Appendix FSEIR-6 of the Final Supplemental EIR (“Demand Analysis”), confirms that there is demand for a 15,000-seat venue within the San Fernando Valley. Currently, residents of the San Fernando Valley have to travel to Hollywood, downtown Los Angeles, or Ventura County to access a sports and entertainment facility capable of hosting high-profile events. The Demand Analysis concluded that a 15,000-seat venue would fill this gap and provide a valuable amenity to residents across the San Fernando Valley.

As confirmed in the Director’s Interpretation, the Entertainment Center is a permitted use under the Warner Center Plan, which supersedes the Los Angeles Municipal Code (“LAMC”) requirement that a Conditional Use Permit (“CUP”) is required to authorize auditoriums or venues with more than 3,000 seats. The lack of objective justification provided in the Zoning Administrator’s decision for reducing the size of the Entertainment Center is illustrated by considering the CUP findings for such uses required in other areas of the City, including whether the project will enhance the built environment and provide a beneficial function to the

community, that the project's operation will not adversely impact adjacent properties, and that the project substantially conforms to the intent and provisions of any applicable specific plan.

Here, the Entertainment Center would enhance the built environment and provide a function that is beneficial to the surrounding community. The Zoning Administrator has approved the Entertainment Center use as consistent with the Warner Center Plan, finding that it would serve the surrounding community. The Demand Analysis concluded that the San Fernando Valley was in need of a venue that would provide high-quality entertainment and could support a venue including 15,000 seats. Thus, the Entertainment Center would enhance the built environment by siting an exciting new use in the heart of the San Fernando Valley and provide a function that is beneficial to the surrounding community.

The Entertainment Center will be compatible with and will not adversely affect adjacent properties or the surrounding neighborhood. The size of the Entertainment Center and its placement ensure that it will integrate into the surrounding neighborhood; the Zoning Administrator's decision did not require that the physical size of the facility be reduced, but instead just limited the number of seats. As analyzed in the Supplemental EIR, the Entertainment Center would not cause any significant operational impacts associated with noise or light, and even with a sold-out event, a 15,000-seat Entertainment Center would not result in significant traffic impacts after implementation of project design features and mitigation measures. Therefore, the Entertainment Center will be compatible with the surrounding neighborhood and the Supplemental EIR demonstrates that there will be no adverse impacts to adjacent properties.

The Zoning Administrator determined that the Entertainment Center was a use consistent with the goals of the Warner Center Plan. Specifically, the Zoning Administrator determined that the proposed Entertainment Center use and similar uses were permitted by the Warner Center Plan. The Warner Center Plan encourages the siting of entertainment uses within the Downtown District. The Zoning Administrator's decision demonstrates that the Entertainment Center is consistent with the applicable specific plan requirements.

Recognizing that the facts support key findings for compatibility of the Entertainment Center as proposed, it is not clear why the Zoning Administrator would unilaterally cut the proposed Entertainment Center in half in terms of its capacity, and require it to be fully enclosed and over-parked, especially without substantial evidence to support such alterations to the proposed Project. The decision to limit the capacity of the Entertainment Center to 7,500 seats is not based on a finding of inconsistency with the Warner Center Plan, the avoidance of significant environmental impacts, or the demonstrated needs of the community. Thus, the Applicant respectfully requests that the proposed Entertainment Center, with 15,000 seats, be approved.

## **2. The Zoning Administrator's Determination Requires a Fully Enclosed Roof for the Entertainment Center Without Justification.**

The Zoning Administrator's determination alters the Project's proposal for a partially or fully enclosed roof and instead imposes the requirement of a fully enclosed roof, citing community concerns regarding noise. Requiring an enclosed Entertainment Center does not eliminate or avoid any significant operational impacts, as demonstrated in the Supplemental EIR.

The determination specifically notes that noise and lighting impacts associated with the proposed 15,000-seat, partially roofed Entertainment Center were found to be less than significant. In light of the Supplemental EIR's conclusion that impacts associated with the operation of the Entertainment Center would be less than significant, the requirement to fully enclose the roof has no nexus to any environmental impacts. Further, the cited community concerns about noise cannot serve as the basis for imposing a design requirement when the Supplemental EIR demonstrates that the operation of the Entertainment Center will not result in a significant noise impact. The Applicant requests that the requirement to install a full roof on the Entertainment Center be modified to allow for either a partial roof or full roof.

**3. The Parking Requirements, including Denial of Off-Site Parking, Are Unjustified and Would Result in Potentially Increased Environmental Impacts; Unified Parking Strategy as Proposed Should Be Approved**

The Zoning Administrator's determination requires the Project to include the full 5,610 parking spaces proposed by the Project, despite the Zoning Administrator's reduction in the capacity of the Entertainment Center by half, which would substantially reduce the associated parking demand. This imposition contradicts the Warner Center Plan's objectives and results in potentially greater environmental impacts than were accounted for in the Supplemental EIR's analysis of Alternative 5: Option 2, which included 4,478 on-site parking spaces commensurate with a 7,500-seat Entertainment Center.

The Warner Center Plan encourages the utilization of shared parking and off-site parking to avoid overbuilding parking and to more efficiently use the existing parking within Warner Center. As described in the Project's entitlement application and the Supplemental EIR, there are currently thousands of existing office parking spaces within walking distance of the Entertainment Center that could be used during off-peak hours for event parking. The extensive adjacent parking opportunities are shown in the attached figure. As detailed in the Supplemental EIR and required by Project Design Feature K-6, off-site parking agreements would be required prior to issuance of the certificate of occupancy for the Entertainment Center. The Project proposes, and the Supplemental EIR analyzed, a unified parking strategy for the Project Site to ensure that parking demand is adequately met and managed. The cited community concern regarding the insufficiency of parking to support the Entertainment Center is counter to the City's environmental analysis for the Project and the goals and objectives of the Warner Center Plan. The Supplemental EIR analyzed the noise impacts associated with event attendees walking to and from existing parking for the office buildings on Oxnard Street and determined that there would be no significant noise impact. Further, attendees parking off-site would not walk past residential areas, so noise impacts to nearby homes would be less than significant. Therefore, the Applicant requests that off-site parking be approved pursuant to the Warner Center Plan.

**B. The Zoning Administrator's Imposition of Various Project Conditions is Not Supported by the Warner Center Plan or Other City Policy.**

**1. The Zoning Administrator's Decision Imposes Unnecessary Restrictions on the Sale of Alcohol**

The Zoning Administrator imposed various conditions related to the sale of alcohol on the Project Site that would unreasonably restrict the operation of the Project, and are not consistent with the conditions on the nearby Westfield Topanga and the Village at Westfield Topanga. The Zoning Administrator conditioned the Master Conditional Use Permit for alcohol to require a discretionary Plan Approval process for each of the establishments authorized under the grant. This is an onerous requirement that could result in delay in opening previously-approved establishments, and the intent of the requirement can be addressed more efficiently through the administrative review process the City has approved for similar projects to confirm each proposed establishment's compliance with the conditions of the grant.

The Zoning Administrator conditioned the restaurants within the Project to burdensome design and operational requirements that would limit the ability to offer private dining, prevent ambient music from being played, and require that each restaurant provide valet parking (which may be implemented but should not be required). These conditions would materially impact the ability of a variety of restaurants, including those serving the diverse needs of various constituents within the community, to operate in a customary manner.

Accordingly, the Applicant proposes various additions and modifications to the proposed conditions, detailed in Exhibit 1, consistent with the Zoning Administrator's intent to control alcohol sales but with the necessary clarifications for successful implementation and operation of the Project, consistent with conditions imposed on other similar projects by the City.

**2. The Zoning Administrator's Decision as to Activity Nodes Conflicts with the Warner Center Plan; Play Areas Will Be Provided in Other Locations**

The Zoning Administrator imposed a requirement that the required Activity Nodes include a water feature and children's play areas that were not depicted on the Project's plans or required by the Warner Center Plan. Specifically, Condition 50 requires that the Project's Exhibit A be revised to incorporate a water feature and a play area for children within the Activity Nodes on the corners of Erwin and Owensmouth, and Oxnard and Owensmouth. The Warner Center Plan prescribes the development of Activity Nodes to create a focal point at the intersection of streets where pedestrian-serving uses are concentrated. The Activity Nodes are located along busy streets that are meant to provide easy pedestrian access to residences, retail, and restaurants. Consistent with the goals of the Warner Center Plan, these locations are meant to encourage pedestrian access to the Project. These locations are not appropriate areas to site amenities for children and were not intended to serve as gathering or lounging spaces.

As an alternative, the Applicant voluntarily commits to providing a children's play area in a more appropriate location within the proposed publicly accessible open space across the Project. This commitment will fulfill the Zoning Administrator's goal of providing active play

spaces for children, while ensuring that they are located in safe and appropriate areas. In addition, given the water conservation efforts incorporated into the Project, the Applicant believes that requiring a water feature would be inappropriate, but will continue to explore options for providing innovative amenities within the publicly accessible open space. As such, the Applicant requests the necessary modifications to this condition as set forth in Exhibit 1.

**3. The Zoning Administrator’s Decision Imposes Arbitrary and Overly Burdensome Tree Removal Conditions That Are Unsupported by the Warner Center Plan or the LAMC.**

The Zoning Administrator imposed a requirement that street trees that will be removed must be relocated. The note that is appended to Condition 64 requires that these trees be located within the boundaries of the Warner Center Plan on nearby streets, within public open space, or on other project sites. The condition erroneously states that this requirement is included within the Warner Center Plan’s Urban Design Guidelines (“Guidelines”). The condition refers to Guideline 6 of Section 7 of the Guidelines, which includes suggested planting locations for new trees off-site, if the Director determines that they cannot be accommodated on a project site. Guideline 6 of Section 7 does not require the relocation of street trees. Accordingly, imposition of this requirement is arbitrary and inconsistent with the Warner Center Plan requirements.

Westfield has a long history of saving trees and installing new ones. For example, at the Village at Westfield Topanga, thirty-five on-site trees were relocated to the Promenade during construction of that project and then relocated back to the Village and sensitively incorporated into the landscape design. Here, none of the street trees proposed for removal are protected trees. The majority of the existing trees along Topanga Canyon Boulevard are of inconsistent health caused by a recent insect infestation and the risks and costs associated with relocating them would be high. Along Erwin Street and Owensmouth Street, the tree species is a very large pine trees which have large limb structures that would not be guaranteed to survive relocation. In addition, these trees have extensive root systems that would require very large planting spaces that may be difficult to locate consistent with the condition. While the Applicant will attempt to retain or relocate appropriate trees that are good candidates for retention or relocation, it is not practical to require relocation of all street trees. In addition to the survivability issues noted above, relocating all of the existing street trees would require tearing up the sidewalks and public streets along all four frontages to preserve the trees’ root systems for relocation. This would involve significant disruption to the street systems and potentially generate additional environmental impacts not analyzed in the Supplemental EIR. Further, the Project will be relocating six of the eight on-site protected trees, as the remaining two trees were determined to be unlikely to survive boxing and relocation. The Project will also replant all removed street trees which are suitable for replanting on-site, rather than off-site, in connection with the landscaping provided throughout the Project Site and within the publicly accessible open space areas. The Project will be fully compliant with all required on-site and street tree planting requirements included within the Warner Center Plan and LAMC. Imposing a relocation requirement for unprotected street trees that will be replaced consistent with all City requirements would unduly burden the Project. Therefore, the Applicant requests that the note on Condition 64 related to tree relocation be deleted.

**4. The Zoning Administrator's Decision Improperly Alters the Reference Date of the Applicable Mobility Fee Table.**

The Zoning Administrator's determination improperly alters the reference date for the calculation of required Mobility Fees. Condition 71 states that the applicable Mobility Fee Table, which is used to calculate the Project's Mobility Fee, will be the Mobility Fee Table in effect at the time of building permit issuance. However, the Department of City Planning issued a deemed complete letter for the Project on October 31, 2016 that demonstrates that the Project is vested against changes to fees. Further, the Department of Transportation's March 29, 2018 traffic assessment letter includes a calculation of the Mobility Fees based on the Mobility Fee Table in effect in October 2016. Condition 71 would alter the recommendations of the Department of Transportation and effectively revoke the Project's vested status. Thus, as detailed in Exhibit 1, the Applicant requests that the condition be amended to clarify that the Mobility Fee Table used to calculate the Project's Mobility Fees be the version that was in effect on October 31, 2016, consistent with the Project's deemed complete date and the Department of Transportation's assessment letter.

**5. The Zoning Administrator's Imposition of Parks Fees and Land Dedication Conflicts With the Department of City Planning's Determination that the Project's Application Was Complete and the Department of Recreation and Parks Condition of Approval for the Project's Vesting Tentative Tract Maps.**

Condition 59 states that the Applicant is required to satisfy the Parks Fees and Land Dedications requirements included in LAMC Section 12.33. The Parks Fees and Land Dedications included in LAMC Section 12.33 did not become effective until January 2017, after the Project was deemed complete, on October 31, 2016. Only fees that were applicable when the Project vested can be levied against the Project. Therefore, it would be improper to require the Applicant to pay Parks Fees or provide Land Dedications, as those requirements were not in effect at the time that the Project was deemed complete and received vested rights. Additionally, the Zoning Administrator's condition is inconsistent with the language included in the Department of Recreation and Parks condition (Condition 7) of the Vesting Tentative Tract Map determinations, which states that the Project is not subject to the updated Parks Fees. The applicant requests that Condition 59 is amended, as detailed in Exhibit 1, consistent with the Department of Recreation and Parks Condition of Approval in the Project's Vesting Tentative Tract Maps approved by the Advisory Agency on July 22, 2019.

**6. The Zoning Administrator's Decision Erroneously Requires Project Entitlements to Be Utilized Within Three Years of the Decision's Effective Date.**

The Zoning Administrator's decision states that the Project's entitlements must be utilized within three years of the decision's effective date. Pursuant to City and state regulations, the various entitlements associated with the Project extend to the term of the vesting tentative tract maps, which were approved by the City on July 22, 2019. The Applicant requests that this be clarified as set forth in Exhibit 1.

**7. Additional Corrections and Clarifications to Various Conditions of Approval within the Zoning Administrator's Decision.**

In addition to the requested modifications discussed above, this appeal includes requested corrections and clarifications to various conditions of approval set forth in the Zoning Administrator's decision for purposes of accuracy and clarity. The requested modifications are presented in strikethrough/underline format in Exhibit 1. The Applicant also requests that corresponding modifications to the Project's findings and discussion be incorporated into the determination to ensure that they are consistent with the approved Project and conditions as modified herein.

**C. Corrections and Clarifications to Various Conditions of the Vesting Tentative Tract Map Determinations.**

The Applicant hereby appeals the determinations for Vesting Tentative Tract Map Nos. 74587, 74588, and 74589. The determinations approving the three Vesting Tentative Tract Maps refer to the Zoning Administrator's decision modifying the proposed Entertainment Center, as discussed above. In addition, the Vesting Tentative Tract Map determinations also include various conditions and other language that the Applicant is requesting amendments to for accuracy and clarity. Related to the approval language in each of these determinations, the Applicant requests that additional language be included to clarify that the approvals are for phased Vesting Tentative Tract Maps and that a new condition be added to clarify that the maps will be phased. The Applicant also requests that Condition 2 of each of these determinations be augmented to include the applicable conditions from the Department of Building and Safety in lieu of referencing an email. The Applicant also requests modification to certain conditions in each of the determinations to clarify that residential tandem parking is permitted, and to clarify when certain obligations are triggered (i.e., if new street lights are required in Condition 5). The Applicant also requests that a property owners agreement be permitted in lieu of a property owners association, in the event that the Applicant does not retain full ownership of the tract in Condition 6.bb. In addition, the Applicant is requesting that certain specific conditions in the Vesting Tentative Tract Map determinations be updated to conform with the requested changes to conditions within the Zoning Administrator's decision.

The requested modifications to Vesting Tentative Tract Map No. 74587 are presented in strikethrough/underline format in Exhibit 2.

The requested modifications to Vesting Tentative Tract Map No. 74588 are presented in strikethrough/underline format in Exhibit 3.

The requested modifications to Vesting Tentative Tract Map No. 74589 are presented in strikethrough/underline format in Exhibit 4.

### **III. THE APPELLANT IS AGGRIEVED BY THE DETERMINATIONS.**

As demonstrated above, the Applicant is aggrieved by certain aspects of the Zoning Administrator's decision, including the reduction in capacity of the Entertainment Center and the requirement that it be fully enclosed. As the Applicant's representative testified at the hearing, interest in locating at the Project has been expressed by different potential tenants including sports teams that would require open air facilities; the Determinations would prohibit the community from the benefit of such a use being located at the site, without justification. The Zoning Administrator's limitation of the Entertainment Center's capacity is not supported by any policy in the Warner Center Plan or environmental impact evaluated in the Supplemental EIR. The requirement to fully enclose the roof of the Entertainment Center to address concerns about noise is not supported by the analysis contained in the Supplemental EIR, which found a less-than-significant operational noise impact associated with a partially-enclosed roof. Denial of the request for off-site parking, in lieu of requiring more on-site parking, conflicts with sustainability goals as well as policies to reduce parking in transit areas. The requirement to build additional parking on-site in lieu of shared, off-site parking is inconsistent with the objective of the Warner Center Plan to prevent overbuilding and the efficient use of existing parking. The Entertainment Center as proposed is consistent with the Warner Center Plan and does not result in any operational significant impacts after implementation of project design features and mitigation measures. As such, the reduction in capacity, requirement to fully enclose, and denial of the off-site parking request are arbitrary requirements.

The Applicant is aggrieved by the various conditions discussed herein that were imposed by the Zoning Administrator, but not supported by the Warner Center Plan, LAMC, or state law. The alcohol conditions appealed herein would impede the Applicant's ability to successfully operate alcohol-serving establishments on the Project Site by requiring overly burdensome design and operation standards. Condition 64, requiring relocation of existing street trees, is not supported by the Warner Center Plan policy that it cites or any LAMC requirement and would be unduly burdensome to the Applicant. The Mobility Fee and Parks Fees conditions are inconsistent with the Project's vested rights, given that the Project applications were deemed complete in October 2016. Finally, the Zoning Administrator's limitation on the time period for utilization of this grant is inconsistent with City and state law and would severely hinder the Applicant's ability to fully utilize the Project entitlements.

The Applicant is aggrieved by the language within the Vesting Tentative Tract Map determinations referring to the Zoning Administrator's decision, as it modifies the Entertainment Center and imposes additional conditions, as discussed above. In addition, the Applicant is aggrieved by various other conditions of the Vesting Tentative Tract Map determinations and requests modifications to: clarify that the approval of the Vesting Tentative Tract Maps includes phasing; correct street width requirements to be consistent with the Warner Center Plan; list all applicable conditions of approval, rather than referencing departmental correspondence; allow tandem residential parking spaces; and various additional modifications provided in the attachments. Without these changes, the Applicant would be limited in its ability to develop the Project consistent with City requirements.

Accordingly, the Zoning Administrator's modifications to the Entertainment Center, imposition of certain conditions in the Determinations, and limitation of the entitlement

utilization period, affect the viability of the Project and obstruct the utilization of Project entitlements.

**IV. APPLICANT RESPECTFULLY REQUESTS THAT THE CITY PLANNING COMMISSION GRANT THIS APPEAL**

As demonstrated above, the Zoning Administrator's changes to the Entertainment Center and imposition of additional conditions and limitations are not supported by the Warner Center Plan or the City's analysis in the Supplemental EIR for the Project. The Applicant respectfully requests that the City Planning Commission grant this appeal by approving the Entertainment Center as proposed and modifying the various conditions discussed above and as set forth in Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4 as requested.



<b>ON-SITE PARKING</b>	<b>+/- 5,610</b>
<b>OFF-SITE PARKING</b>	<b>+/- 6,700</b>
<b>TOTAL PARKING</b>	<b>+/- 12,310</b>



ADJACENT PARKING OPPORTUNITIES



JOHNSON FAIN

# **Exhibit 3**

**Promenade 2035**

**Requested Modifications<sup>1</sup> to the Conditions of Approval in the Letter of Determination for VTTM-74588 (Northeast Area)**

<b>Reference</b>	<b>Requested Modification</b>	<b>Summary Justification for Modification (also see Attachment to Appeal)</b>
Approval	<p>“Vesting Tentative Tract Map No. 74588, located at 6100 N. Topanga Canyon Boulevard; 21800 and 21900 W. Erwin Street; 21801, 21821, 21901 and 21931 W. Oxnard Street; and 6101 N. Owensmouth Avenue, to allow the merger and resubdivision of 7.3 acres (after dedication) into nine (9) ground lots for the phased development of 646 residential units (approximately 690,000 square feet), approximately 64,000 square feet of non-residential space within work-live units, 21,000 square feet of retail, two, six-level above-grade parking structures within two residential buildings providing approximately 1,140 parking spaces as shown on map stamped-dated March 6, 2019 (Exhibit A), which includes corrected cover pages and Sheet 3.01, a haul route for the import of 94,000 cubic yard of soil and export of 66,000 cubic yards of soil and the removal of 23 street trees in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan. <u>This is an approval of a two-phased Vesting Tentative Tract Map.</u>”</p>	<p>Clarification that the approval is for a phased Vesting Tentative Tract Map.</p>
Condition 1.c	<p>“That an 80-foot wide and variable width private street easement be provided for the proposed private street</p>	<p>Clarification of boundary to the adjacent Vesting Tentative Tract Map.</p>

<sup>1</sup> Proposed modifications are shown in strikethrough/underline format.

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
Condition 2	<p>along the southerly tract boundary and a 40-foot and variable width private street easement be provided along the <del>westerly</del><sup>easterly</sup> tract boundary adjoining proposed Tract No. 74587, including 15-foot radius property easement returns at the intersections with Erwin Street and Owensmouth Avenue all on alignments satisfactory to the Valley District Engineering Office.”</p>	<p>Insertion of the applicable conditions referenced in the Department’s correspondence, in addition to a reference to the Department’s requirements, to maintain a clear record of the Project’s requirements.</p>
	<p>“Prior to the issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with <u>the following conditions</u><del>the requirements and conditions</del> (contained in the email dated March 19, 2019) attached to the case file for VTT-74588-:</p> <p>1) <u>This [Grading Division] approval is only applicable for the purpose of the filing of Vesting Tentative Tract Maps (VTT 74587, 74588, and 74589) with the Department of City Planning. No grading or building permits shall be issued based on the referenced report and this approval letter.</u></p> <p>2) <u>Prior to the issuance of grading or building permits, a comprehensive soils report suitable for the proposed development shall be submitted to the Grading Division of the Department of Building and Safety for review and approval.”</u></p>	

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
Condition 5	<p>“SPECIFIC CONDITION: If new street light(s) are required, prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.”</p>	<p>Clarification that this should only be required if the Project results in a need for new street lights.</p>
Condition 6.b	<p>“In order to provide assurance that the proposed common fire lanned and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the subdivider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General form CP-6770) to assure the following:</p> <p><u>The following conditions shall only be required in the event that the subdivider does not retain full ownership of the subject property and a portion of the property is transferred to an entity unaffiliated with the subdivider.</u></p> <p>i). The establishment of a property owners association, or execution of a property owners agreement which allocates costs and responsibility for maintenance, which shall cause a yearly inspection to be made by a</p>	<p>The Project Site is under the ownership of only one entity, the Applicant, therefore these conditions should only be required in the event that ownership is transferred to an entity unaffiliated with the Applicant. Additionally, in the event that ownership is transferred, the conditions should provide the opportunity for the property owners to allocate cost and maintenance obligations through a property owners’ agreement, rather than solely through a property owners association.</p>

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
	<p>registered civil engineer of all common fire lanes and fire protection facilities. The <del>association</del> owners will undertake any necessary maintenance and corrective measures. Each future property owner shall enter into the property owners agreement, which shall allocate obligations such as cost and maintenance, or automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.</p> <p>ii). The future owners of affected lots with common fire lanes and fire protection facilities shall be informed or their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program or property owners agreement for their lot. Any amendment or modification that would defeat the obligation of such property owners agreement or association must be approved by as the Advisory Agency <del>must approve</del> <del>required</del> <del>hereinabove</del> in writing after consultation with the Fire Department.</p> <p>iii). In the event that the property owners' <del>association</del> fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall</p>	

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
Condition 8	<p>be responsible for their proportional share of the maintenance.</p> <p>iv). Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.</p> <p>v). That the Common Fire Lanes and Fire Protection facilities be <u>sh</u>down on the Final Map.”</p>	<p>The Applicant has not been provided with a copy of the April 22, 2019 letter from LADWP, and therefore hereby appeals the conditions noted in the letter; such appeal will be withdrawn to the extent such conditions are acceptable upon review by the Applicant.</p>
Condition 11	<p>“Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System Rules and Requirements, satisfactory to the <del>LADPW</del>LADWP memo dated April 22, 2019. Upon compliance with these conditions and requirements, LADWP’s Water Services Organization will forward the necessary clearance to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)”</p>	<p>Clarification regarding the effect of the Warner Center Plan street tree provisions.</p>
	<p>“Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Los Angeles Municipal Code-designated tree expert as designated by Los Angeles Municipal Code (LAMC) Ordinance No. 177,404, for approval by the Department of City Planning and the Urban Forestry</p>	

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
	Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per current Urban Forestry Division standards and in compliance with the Warner Center Plan; in the event of a conflict between Urban Forestry Division standards and the Warner Center Plan, the Warner Center Plan provisions shall be controlling.”	
New Condition 12	“Map Phasing. The Advisory Agency approves phasing of this Vesting Tentative Tract Map into two separate phases. The clearing of conditions shall be phased to be consistent with each of the two phases.”	Clarification that the approval is for a phased map.
Condition 12.b	“Directions to guest parking spaces shall be clearly posted. <del>Not</del> Tandem parking shall be permitted for residential parking spaces with valet. Only additional parking provided over the required parking for residential and hotel uses may be shared in accordance with the Warner Center Specific Plan.”	The Warner Center Plan does not prohibit tandem parking for residential parking spaces, which should be permitted with valet operations. The Warner Center Plan only prohibits tandem parking for residential guest parking spaces in residential projects that are less than 100 units, pursuant to Section 6.2.3.2.1.
Condition 12.c	<del>“Bicycle Parking shall comply with requirements of Case No. ZA 2016 3908 MCUP DI SPP”</del> The Project shall provide bicycle parking spaces consistent with LAMC requirements.”	The Project’s Supplemental EIR and applications state that the Project would meet Code-required bicycle parking.
Condition S-3(d)	“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 and in compliance with the Warner Center Plan. All street tree plantings shall be brought up to current standards. When the City has	Clarification regarding the effect of the Warner Center Plan street tree provisions.

Reference	Requested Modification	Summary Justification for Modification (also see Attachment to Appeal)
Notes	<p>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. <u>In the event of a conflict between Urban Forestry Division standards and the Warner Center Plan, the Warner Center Plan provisions shall be controlling.</u>"</p>	<p>Clarification consistent with the Subdivision Map Act for phased map approvals.</p>