

ORDINANCE NO. 171529

An ordinance amending Ordinance No. 168,873, known as the Warner Center Specific Plan ("Specific Plan"), for portions of the Canoga Park-Winnetka-Woodland Hills Community Plan.

**WHEREAS**, the Specific Plan, which was adopted by the City Council on June 30, 1993, is intended to coordinate future land use development with transportation systems improvements and contains transportation demand management (TDM) provisions which are designed to reduce vehicular trips.

**WHEREAS**, practical difficulties have resulted from the implementation of certain TDM provisions of the Specific Plan in that building permit applicants have experienced delays in obtaining sign-offs for relatively minor tenant improvement work due to unwieldy TDM processing requirements and procedures.

**WHEREAS**, the recent January 17, 1994 Northridge earthquake, in combination with the current economic recession, have caused physical and financial hardships which are widespread in the Warner Center area, necessitating more efficient permit processing, wherever possible, that might assist rebuilding efforts.

**WHEREAS**, this amendment to the Specific Plan will result in greater clarity and certainty as to TDM plan submittal, review, implementation and enforcement requirements.

**WHEREAS**, this amendment also involves clarifications and minor revisions to the definition of "Project", intercept parking and shared parking agreements, which will remove ambiguities and improve application submittal and processing requirements of the Specific Plan.

**NOW, THEREFORE,**

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

**Sec. 1.** Section 4 of Ordinance No. 168,873 is hereby amended to read:

**Project** - The construction, erection, addition to or structural alteration of any building or structure, or a use of land or change of use of a building or land on a lot located in whole or in part within the Specific Plan area which requires the issuance of a grading permit, a foundation permit, building permit, or use of land permit after the effective date of this Specific Plan. An Intercept Parking Facility which serves a Project shall be considered a part of the Project. A Project includes interior or exterior remodeling of a building or the change of use of a building only if it: (1) increases the number of Trips as determined by the Department of Transportation; or (2) changes the footprint of a building and increases the Floor Area, as determined by the Departments of Building and Safety and City Planning; or, (3) decreases landscaping or conflicts with the urban design requirements of Section 10 of this Specific Plan, as determined by the Department of City Planning.

**Sec. 2.** Section 11 J of Ordinance No. 168,873 is hereby amended to read:

**J. Transportation Demand Management (TDM) Program.**

**1. TDM Plan Submittal Requirements.**

**(a) Projects.** Prior to the issuance of any building, grading or foundation permit for a Project containing 30,000 square feet or more of Floor Area, the Applicant shall comply with the requirements set forth in this Subsection.

**(b) Existing Development.** The building owner for any existing development containing 30,000 square feet or more of Floor Area shall be responsible for the submittal of a TDM plan by not later than the dates indicated below:

July 31, 1997 - For existing development located west of Canoga Avenue.

January 31, 1998 - For existing development located east of Canoga Avenue.

For the purpose of this Subsection, existing development shall mean any non-residential building or combination of buildings on a lot, excluding parking structures, for which a certificate of occupancy was issued prior to August 17, 1993.

**2. Covenant and Agreement.** The Applicant for a Project shall execute and record a Covenant and Agreement to abide by the applicable requirements of this Subsection.

**3. Preliminary Transportation Demand Management Plan for Projects.** A Project Applicant shall submit a preliminary TDM plan to DOT for review. DOT shall review and approve or disapprove a preliminary TDM plan within 30 days of the date of submittal. Any preliminary plan not reviewed and acted upon by the end of 30 days shall be deemed approved as a preliminary plan. The preliminary TDM plan shall include the following elements:

**(a)** Building and site design elements that facilitate employee vehicle Trip reduction efforts, such as loading and unloading areas for HOVs, bicycle facilities, direct pedestrian access, preferential parking for HOVs, and public transit stops.

(b) Specific measures that will be performed by the building owner in providing ridesharing services and information to customers and employees within the Project.

(c) Financial and non-financial Trip reduction incentives that the building owner will provide to customers and employees working within the Project.

(d) Methods that the building owner will use, such as leasing provisions, to encourage the cooperation of tenants within the Project.

(e) Any preliminary TDM plan submitted by the Applicant and any TDM plan submitted by a building owner of an existing development shall encourage membership in a TMO.

#### **4. Final Transportation Demand Management Plan.**

(a) **Projects.** Prior to the issuance of any temporary or permanent certificate of occupancy for a Project, any Applicant that was required to prepare and submit a preliminary TDM plan for the Project shall submit a final TDM plan for review and approval by DOT. The final TDM plan prepared by the Applicant shall address any modifications recommended by DOT and changes in Trip reduction incentives the Applicant will provide to employees and customers within the Project. DOT shall review and approve or disapprove the final TDM plan within 30 days of submittal. Any plan not reviewed and acted upon by DOT by the end of 30 days shall be deemed automatically approved.

Preparation of a final TDM plan shall not be required if DOT had earlier approved the Applicant's preliminary TDM plan and not required revisions to be made, provided that there are also no changes made to the Project subsequent to the preliminary TDM plan approval by DOT.

**(b) Existing Development.** Pursuant to the criteria set forth under Subdivision 1 (b) of this Subsection, the building owner for any existing development containing 30,000 square feet or more of Floor Area shall prepare and submit a proposed final TDM plan for review and approval by DOT. The TDM plan shall include the same elements required for a preliminary TDM plan specified under Subdivision 3 of this Subsection. DOT shall review and approve or disapprove the TDM plan within 90 days of submittal. Any plan not reviewed and acted upon by DOT by the end of 90 days shall be deemed automatically approved.

**(i)** A building owner who voluntarily submits a Trip reduction plan to the South Coast Air Quality Management District (SCAQMD) may submit a copy of his/her most recently approved plan in lieu of the TDM plan required by this Subsection.

**(ii)** Any tenant improvement within a multi-tenant existing development containing over 30,000 square feet or more of Floor Area shall be regarded as subject to the TDM plan preparation provisions specified in this Subsection for existing development. The building owner shall be responsible for preparation and implementation of the TDM plan.

**(c) Administrative Clarification.** Within 15 days of any final TDM plan determination by DOT, a Project Applicant or building owner may request an administrative clarification from the City Planning Commission. A request shall be made upon a form prescribed for such purpose and accompanied by a fee equal to the fee charged for Clarification of (Q) Conditions, as set forth in LAMC Section 19.01 C.

**5. Requirements for the Transportation Demand Management Plan.** TDM plans submitted for Projects and existing developments in the Specific Plan Area shall be designed to:

(a) **Projects.** Achieve and maintain a minimum AVR which corresponds to the following Phases of Development:

Phase I: Minimum 1.50 AVR

Phase II: Minimum 1.65 AVR

Phase III: Minimum 1.80 AVR

Phase IV: Minimum 2.00 AVR

To accomplish these goals, the Applicant may limit the number of Trips generated by the Project at its driveways to a figure calculated by DOT based on the Trip Generation Table (Appendix B) pursuant to Section 11 B 2 (a) of this Specific Plan.

(b) **Existing Development.** Achieve and maintain a minimum AVR of 1.30 by the year 2001 or by the time Phase I of this Specific Plan is certified by the City Council as complete, whichever occurs later, for existing non-residential development containing 30,000 square feet or more of Floor Area. Thereafter, achieve and maintain a minimum AVR of 1.45 for Phase II, 1.60 AVR for Phase III, and 1.75 AVR for Phase IV for existing development.

**6. Transportation Demand Management Status Reports.**

(a) A building owner shall submit (with the optional assistance of a TMO or traffic consultant) five annual status reports on his or her TDM program to DOT beginning one year after the issuance of a Project's first certificate of

occupancy. For existing development, the building owner shall submit five annual status reports on his or her TDM program beginning one year after DOT approves the TDM plan. The report shall include employee surveys, AVR calculation in a manner acceptable to DOT, site improvements, if any, and shall be prepared in the form and format designated by DOT, which must either approve or disapprove the status report within 30 days of submittal. If the DOT has not reviewed the plan for approval by the end of 30 days, it shall be deemed automatically approved. A building owner for a Project which has achieved an AVR of 1.50 in Phase I shall submit only certification each year to that effect.

Subsequent to Phase I for Projects and existing development, the building owner shall submit for DOT review and approval one additional TDM status report within one year of the inception of each new Phase of Development. The report at each subsequent Phase shall document AVR performance against the AVR goals established by Phase pursuant to Subdivision 5 above.

(b) The TDM status report shall contain an Average Vehicle Ridership report for the building site in a manner acceptable to DOT. The building owner shall also provide a summary of the total number of employees/tenants and employee/tenant vehicles that come to the building site between 6 AM and 10 AM, based on a 5-day average count, and determine an Average Vehicle Ridership for all employees/tenants reporting to the building site in a manner acceptable to DOT.

(c) Failure to submit a required annual status report within 60 days of the anniversary date of the issuance of a Project's first certificate of occupancy, or within 60 days of the anniversary date of an approved TDM plan for existing development, shall constitute non-

compliance with the requirements of this Subsection.

(d) If a building owner fails to submit a required TDM plan annual status report, DOT may issue a notice of non-compliance. If after 30 days from the issuance of the notice of non-compliance the required status report is not received, the building owner shall be considered in violation of this Specific Plan and the City may take any action authorized by law to secure compliance or to otherwise mitigate the impacts of the Project or existing development.

**7. Transportation Demand Management Program Enforcement and Penalties.**

(a) No building permit, change of use permit, conditional use permit or certificate of occupancy shall be issued for any development that has not complied with the requirements of this Subsection. Non-compliance with the requirements of this Subsection shall only include any of the following, pursuant to a written determination letter by the DOT General Manager: failure to submit a TDM plan in conformance with the requirements of this section; failure to implement an approved TDM plan; or failure to address modifications recommended to a preliminary TDM plan after consultation with DOT. Except, these penalties shall not apply to:

(i) Any Project for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair an unsafe or substandard condition, provided, however, that the construction does not increase the Floor Area of the original building, nor generates additional Trips as determined by DOT;



(ii) Any Project for which a building permit is required to replace or restore a building or structure which was damaged or partially destroyed by fire, flood, wind, earthquake, or other natural disaster; provided, however, that the construction does not increase the Floor Area of the original building, nor generates additional Trips as determined by DOT; or,

(iii) Any building permit required for disabled access improvements, provided the improvements are not part of a Project and these improvements do not increase the Floor Area of any building.

**(b) Appeals.** A building owner who has received a written determination by DOT to be in non-compliance with the requirements of this Subsection shall therein be advised of the right to appeal such determination to the City Planning Commission within 15 days of the mailing date of the determination letter. Such appeal shall be made upon a form prescribed by the Department of City Planning for such purpose and accompanied by a fee equal to the appeal fee charged pursuant to LAMC Section 19.01 K 2. The appeal form may be obtained and filed at any public counter of the Planning Department. The Commission may grant, conditionally grant or deny such appeal. In granting or conditionally granting an appeal, the building owner must demonstrate and the Commission find that a good faith effort was made to comply with the TDM procedures and goals established herein. The decision of the Commission shall be final.

**Sec. 3.** Section 12 B 1 of Ordinance No. 168,873 is hereby amended to read:

**2. Location.** The location of any Intercept Parking facilities provided or constructed pursuant to this Section shall be subject to the approval of the Department of

Transportation. Intercept Parking facilities are required in conjunction with any new office development in accordance with the ratios specified under Subsection A above.

**Sec. 4.** Section 12 E of Ordinance No. 168,873 is hereby amended to read:

**E. Shared Parking Agreements.** Shared parking agreements shall be permitted for all uses subject to review and approval by the Department of City Planning. Application supporting documents for shared parking agreements shall be filed in the manner prescribed under LAMC Section 12.27 I 15(a), except administrative authority for review and approval shall rest with the Director of Planning. An application for shared parking approval shall be accompanied by a fee equal to that prescribed for the same purpose under LAMC Section 19.01 F, and may be processed separately or concurrent with an application for Project Approval.

(31599)

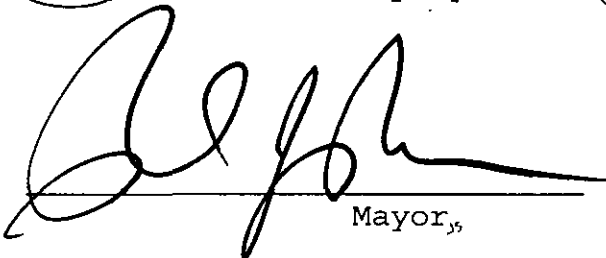
Sec. 5. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of FEB 19 1997.

J. MICHAEL CAREY, City Clerk


By   
Deputy

Approved FEB 27 1997

  
Mayor,

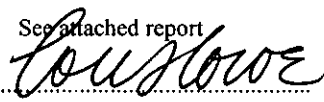
Approved as to Form and Legality

1/14/97  
JAMES K. HAHN, City Attorney

By   
CLAUDIA CULLING  
Deputy City Attorney

Pursuant to Sec. 97.8 of the City Charter,  
**approval** of this ordinance recommended  
for the City Planning Commission.....

JANUARY 9, 1997

See attached report  
  
Director of Planning

File No. C.F. 90-0901-S2  
95-1333