



**LOS ANGELES CITY PLANNING COMMISSION**  
200 N. SPRING STREET, ROOM 272, LOS ANGELES, CALIFORNIA, 90012-4801  
(213) 978-1300  
WWW.LACITY.ORG/PLN/INDEX.HTM

**Determination Mailing Date:** NOV 22 2011

**CASE NO. CPC-2011-382-SPP-CUB-CU-GB**  
CEQA: ENV-2007-3393-EIR

**Location:** 6360 N. Topanga Canyon Boulevard, 21700-21870 W. Victory Boulevard, 21919-21945 W. Erwin Street, 6351 N. Owensmouth Avenue  
**Council District:** 3-Hon. Dennis P. Zine  
**Plan Area:** Canoga Park-Winnetka-Woodland Hills-West Hills  
**Request(s):** Project Permit, Conditional Use for Alcoholic Beverage, Conditional Use for Auto-Related

**Applicant:** Westfield, LLC  
**Representative:** Lucinda Starrett, Latham & Watkins

**At its meeting on October 27, 2011, the following action was taken by the City Planning Commission:**

1. **Certified** that it has reviewed and considered the information contained in the Draft and Final Environmental Impact Report, and Errata No. **ENV-2007-3393-EIR**, (SCH. No. 2007101117), **Adopted** the Mitigation Monitoring and Reporting Program; **Adopted** the related Environmental Findings; and **Adopted** the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur;
2. **Approved Project Permit Compliance, pursuant to LAMC Section 11.5.7-C**, including:
  - a. **Shared parking of 3,362 parking spaces for the entire project site** to accommodate reserved spaces for the anchor retailer required per LAMC Sec. 12.21.A.4, subject to the attached conditions;
  - b. **Height modification** for a maximum building height of **247.5-feet**, in lieu of the maximum building height of 165-feet, subject to the attached conditions;
  - c. **Floor Area Averaging** to allow an overall average maximum FAR of 1.5:1 for the Project Site, with individual lots exceeding the 1.5:1 FAR; subject to the attached conditions;
  - d. **Lot Coverage Averaging** in a unified development to allow an overall average maximum of 70 percent for the Project with individual lots exceeding the 70 percent Lot Coverage limit;
  - e. **Uniform Sign Program**, subject to attached conditions;
  - f. **Project phasing permitting two phases**, subject to attached conditions;
3. **Approved Conditional Use**, pursuant to LAMC Section 12.24-W.1 for the following:  
Master Alcohol permit, for up to 17 establishments for **on-site** sales and consumption of alcoholic beverages at restaurants and a hotel, and for a total of 3 establishments for **off-site** sales of alcoholic beverages by an anchor retailer, a wine and spirits retailer, and a grocery store, for a combined total of 20 establishments.
4. **Approved Conditional Use**, pursuant to LAMC Section 12.24-W.4, for automotive uses that do not comply with the hours of operation and transparent requirement uses in the C2 Zone, subject to the attached conditions; and

5. **Adopted** the attached **Conditions of Approval**.
6. **Adopted** the attached **Findings**.
7. **Advised** the Applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that **mitigation conditions** are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
8. **Advised** the Applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.

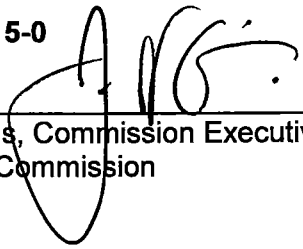
**NOTE:** The master land use case (CPC-2011-382-SPP-CUB-CU-**GB**) was originally filed with the Green Building suffix indicating processing of green building requirements through the Department of City Planning. Ordinance 181,479 transferred oversight of green building related programs from a discretionary process to a ministerial one, whereby the Department of Building and Safety provides the required oversight.

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

**This action was taken by the following vote:**

**Moved:** Roschen  
**Seconded:** Lessin  
**Ayes:** Cardoso, Kim, Romero  
**Absent:** Burton, Freer, Hovaguimian, Woo

**Vote:** 5-0




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James Williams, Commission Executive Assistant II  
 City Planning Commission

**Effective Date/Appeals:** Any aggrieved party may appeal the decision of the City Planning Commission to the City Council within **15 days** of the date of this determination. Any appeal not filed within the **15-day period** shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE:** DEC 09 2011

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90<sup>th</sup> day following the date on which the City's decision became final pursuant to California code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions and Findings  
 City Planner: Elva Nuño-O'Donnell  
 Senior City Planner: Jon Foreman

The State of Environmental Impacts, Findings and Mitigation Measures; Statement of Overriding Considerations, Mitigation Monitoring Program and Errata are located in administrative file CPC-2011-382-SPP-CUB-CU-GB, and are available upon request.

## CONDITIONS OF APPROVAL

### A. ENTITLEMENT CONDITIONS

#### Project Permit Compliance

(General), pursuant to LAMC Section 11.5.7-C, for all provisions contained in Sections of the Warner Center Specific Plan, with the exception of those provisions in which the applicant has requested modification, including Section 6.B.2 (Project Phasing); 9.E (Floor Area Averaging); 10.A.2b2 (Height Increase); 10.E (Lot Coverage Averaging); 12.D (Shared Parking); and 14 (Uniform Sign Program), the subject Property is conditioned as follows:

1. **Site Development.** The subject Project shall be developed in substantial conformance with the conceptual site plans, marked Exhibits "A2" and "A3", and elevation plans included herein as Exhibits "A10" through "A13", and attached to the administrative file, CPC-2011-382-SPP-CUB-CU-GB, dated October 27, 2011, except as modified by this action. The anchor retailer (Costco) shall be in substantial compliance with elevation plans marked as Exhibits "A18" and "A19." Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization. Prior to the issuance of building permit, except demolition, excavation, or foundation permits for any component of this project, detailed plans showing that component's compliance with these conditions shall be submitted for review, to the satisfaction of the Director of Planning.
2. **Permitted Uses.** In compliance with Section 7 C 6 of the Specific Plan, uses on the subject property shall be restricted to those uses permitted by the (WC) C4 and C2 Specific Plan zone/land use categories. The C4 and C2 categories permit commercial development consistent with those uses permitted in the C4 and C2 Zones, as specified in LAMC Section 12.14 and 12.16, respectively. The subject Project is approved to permit the construction of 1,027,000 square feet of GBA with the uses set forth in Condition No. 24. The subject Project requested the ability to construct in phases as provided for in Condition No. 24, though the EIR also analyzed overlapping construction. Heights are not to exceed 247.5 feet. Without exception, any other uses not covered by this condition or not permitted in the (WC) C2 or (WC) C4 Zone pursuant to LAMC 12.14 and 12.16 shall not be permitted, including, but not limited to: automobile sales (other than member-only internet sales permitted as an ancillary use with Costco), temporary or weekend used automobile sales, automobile auctions, swap meets, the exchange of second hand items for cash or compensation, carnivals or parking lot fairs, open storage and/or any uses not approved as part of this Project Permit Compliance approval or any past approvals.
3. **Kiosks.** Prior to the issuance of any building permit for a component of the Project, the applicant shall submit a kiosk plan identifying the proposed locations of kiosks for that component of the Project. 2,000 square feet of the kiosk space shall be limited to Phase 1 and an additional 2,000 square feet of kiosk space shall be limited to Phase 2. A maximum of fifty percent of the kiosks shall be permitted to include connections to plumbing, and the remainder shall be limited to mobile type retail merchandising units that do not require installation of plumbing.

4. **Parking/Driveway Plan.** Prior to the issuance of any building permit for a phase of the Project, a parking area and driveway plan for that phase shall be prepared for approval by the Valley District Offices of the Bureau of Engineering and the Department of Transportation.
5. **DOT Application Fee.** Pursuant to Section 11.B.1.b of the Specific Plan, the Applicant shall pay an application fee to cover the cost for review of the Project. For Projects which generate more than 42 Trips with review of mitigation measures and applicable street/dedication improvement requirements, an initial filing fee of \$500 was required in addition to the fees review of the Traffic Study MOU #1 and MOU #2 each at \$1,143.00, plus and review of the Traffic Study at \$50 for every 1,000 square feet of floor area which is capped at a maximum fee of \$25,000. On July 28, 2011, the Applicant submitted payment to the Department of Transportation, Valley Division in the amount of \$27,786.00. The application fee was calculated as follows and reflects a zero balance:

Application fee	=	\$500.00
Traffic Study MOU #1 Fee	=	\$1,143.00
Traffic Study MOU #2 Fee	=	\$1,143.00
Traffic Study Review Fee	=	\$25,000.00

Less Application Fees Paid= -\$27,786.00  
**Application Fee Due = \$0.00**

6. **Street Dedications/Improvements/Traffic Signal Modifications.** Prior to the issuance of any building permits, the following street improvements and signal modifications shall be guaranteed through the B-permit process of the Bureau of Engineering-Department of Public Works. All physical transportation improvements required of a development phase must be guaranteed before the issuance of any building permit for that phase of the Project through the B-Permit process of the Bureau of Engineering, Department of Public Works, and must be completed before the issuance of any certificate of occupancy for that development phase to the satisfaction of DOT and the Bureau of Engineering. Prior to setting the bond amount for the B-Permit, the Bureau of Engineering shall require that the developer's engineer or contractor contact DOT's B-Permit Coordinator at (213) 580-5322 to arrange a pre-design meeting to finalize the design for the required transportation improvements.

Since Topanga Canyon Boulevard is a State Highway, all mitigation measures involving Topanga Canyon Boulevard will require Caltrans approval through the Encroachment Permit process prior to installation. In the event the applicant is unable to obtain the necessary construction permits from the concerned agencies in a timely fashion, a temporary certificate of occupancy may be granted by the City provided the applicant has demonstrated reasonable efforts and due diligence to complete the necessary designs and improvements to the satisfaction of DOT. Should any improvements in these conditions not receive required approval, the applicant must propose a substitute mitigation measure for City review.

7. **Land Dedication.** Pursuant to Section 11.E of the Specific Plan, no building permit shall be issued for a phase of the project until all dedications comprising part of the lot for that phase, have been offered to the City as required by the Los Angeles Municipal Code (LAMC), the Specific Plan and any other applicable ordinances. At locations where street widening is not immediate, the Bureau of

Engineering and DOT will accept a future street dedication allowing the applicant to continue use of the land, without construction of structures, until such time the City needs the land for public right-of-way purposes.

8. **Transportation Impact Assessment (TIA) Fee.** Pursuant to Section 11.G of the Specific Plan, prior to the issuance of any building permit, the Applicant must pay or guarantee a TIA Fee to DOT associated with that building permit. The TIA Fee payable to DOT is calculated below. Fees shall be indexed annually.

**Phase 1 + Phase 2**

Office P.M Peak Hour Generated	= 314
Trip Cost Factor	= \$5,148 per Office Trip
Office Subtotal =314 x \$5,148	= <b>\$1,616,472</b>
Non-Office P.M. Peak Hour Trips Generated	=1,526
Trip Cost Factor	= \$4,571 per non-office trip
Non-Office Subtotal =1,526 x \$4,571	= <b>\$6,975,346</b>
<b>Project Gross TIA Fee</b>	= \$1,616,472 + \$6,975,346 = <b><u>\$8,591,818</u></b>

**Phase 1 Only**

P.M. Peak Hour Trips Generated	= 968 trips
Trip Cost Factor	= \$4,571 per non-office trip
<b>Phase 1 Gross TIA Fee</b>	= 968 x \$4,571.00 = <b>\$4,424,728.00</b>

**Phase 2 Only**

Office P.M Peak Hour Generated	= 314
Trip Cost Factor	= \$5,148 per Office Trip
Office Subtotal =314 x \$5,148	= <b>\$1,616,472</b>
Non-Office P.M. Peak Hour Trips Generated	=1,526
Trip Cost Factor	= \$4,571 per non-office trip
Non-Office Subtotal =558 x \$4,571	= <b>\$2,550,618</b>

The TIA Fee will be further reduced by the amount of any In-Lieu Credits, except that a portion of the Fee which is to be deposited into the Warner Center Transportation Trust Fund for the Specific Plan's Residential Neighborhood Protection Program and for TDM/transit program support, as determined by DOT and the Department of City Planning in keeping with the provisions of Section 11 H and K of the Specific Plan.

9. **In-Lieu Credits.** Pursuant to Section 11.H of the Specific Plan, some of the physical improvements and land dedications, as listed above in Sections A and B under Project Requirements, qualify for in-lieu credits. The amount of in-lieu credits cannot be calculated until actual construction plans have been approved by all affected agencies and any necessary construction bonds have been

posted. It should also be noted that based upon analysis of the Warner Center Specific Plan budget, it has been determined that in-lieu credits cannot exceed 75.15% of a Project's gross TIA Fee.

- 10. **Transportation Demand Management (TDM) Program.** Since the project involves the construction of more than 25,000 square feet of new non-residential gross floor area, it must comply with all requirements of the Citywide TDM Ordinance No. 168,700. The ordinance requires the provision of transportation demand management features in new construction, which would facilitate the use of alternative transportation modes to decrease dependency on vehicles carrying only one person. Prior to the issuance of a permanent certificate of occupancy, the owner/applicant shall agree, by way of a covenant that runs with the land, to provide and maintain in a state of good repair the management and trip reduction measures required by Ordinance 168,700.

Since the Project involves total floor area greater than 25,000 square feet of non-residential floor area, pursuant to Section 11.J of the Warner Center Specific Plan, the applicant must execute and record a Covenant and Agreement agreeing to abide by the applicable requirements of the subsection prior to issuance of a building permit. If the applicant has not already done so, the applicant must also join the Warner Center Transportation Management Organization (TMO), or equivalent organization, and maintain membership in good standing and shall submit a preliminary TDM plan to DOT for review and approval. Prior to issuance of any certificate of occupancy, the applicant shall submit a final TDM plan to DOT for review and approval.

- 11. **Specific Plan Preparation Fee and Noise/Air Quality Study Preparation Fee.** Prior to the issuance of a building, grading, or use permit, the Applicant shall pursuant to Section 6.C.1.(a) of the Specific Plan pay to DOT a Specific Plan preparation fee of \$0.05 per square foot of GBA and pursuant to Section 6.C.1.(b)<sup>1</sup> of the Specific Plan pay an additional fee of \$0.02 per square foot of GBA to pay for the costs incurred in the preparation of the court-mandated Supplemental Environmental Impact Report (SEIR) to restudy noise and air quality impacts on Canoga Park High School and Parkman Middle School.

$$\begin{aligned}
 \text{Total Preparation Fee} &= 1,027,994 \text{ square feet} \\
 &= \frac{\text{x } (\$0.05 + \$0.02)}{\text{= } \$71,960.00}
 \end{aligned}$$

**A. Preparation Fees to be deposited in Warner Center Transportation Improvement Trust Fund.**

Pursuant to Section 6.C.1.(a) of the Specific Plan, the Applicant shall pay to DOT a Specific Plan Preparation Fee of \$0.05 per square foot of GBA. Pursuant to Section 6.C.1 (b) of the Specific Plan, the Applicant shall pay a Noise/Air Quality Study Preparation Fee of \$0.02 per square foot of GBA of which 19 percent is to be deposited into the Warner Center Transportation Improvement Trust Fund (WCTITF).

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<sup>1</sup> The collected Section 6.C.1 (b) fee is apportioned with 19 percent to be deposited into the Warner Center Transportation Improvement Trust Fund, administered by DOT, and 81 percent deposited into the City's General Fund.

WCTITF Portion of Fee	=	1,027,994 square feet
	=	<u>x \$0.05 + [(\$0.02 x 0.19)]</u>
	=	<b>\$55,306.00</b>

**B. Preparation Fees to be deposited into the City's General Fund.**

Pursuant to Section 6.C.1 (b) of the Specific Plan, the Applicant shall pay a Noise/Air Quality Study Preparation Fee of \$0.02 per square foot of GBA of which 81 percent is to be deposited into the City's General Fund. The fee is calculated as follows:

General Fund portion of Fee =	\$71,960 - \$55,306
	= <b>\$16,654.00</b>

12. **Site Access and Internal Circulation.** Prior to the issuance of any building permit for a phase of the Project, the Applicant shall secure approval by DOT of driveway access, loading/unloading areas or the parking scheme for a phase of the Project. That review should be accomplished by submitting a site plan separately to DOT Valley Development Review, 6262 Van Nuys Boulevard, Suite 320, Van Nuys, CA.
13. **Landscaping/Setback.** Prior to the issuance of any final certificate of occupancy for a component of the Project, Open Space areas of the Project site for that component shall have landscaping installed in compliance with Exhibits "A21" and "A22", dated October 27, 2011, including an automatic irrigation system, in accordance with the Landscape Ordinance No. 170,978. Additionally, pursuant to Section 10 F of the Specific Plan, the Project shall observe a minimum 15-foot setback for Topanga Canyon Boulevard, a minimum 40-foot landscape setback for Owensmouth Avenue and a minimum 25-foot landscape setback for both Victory Boulevard and Erwin Street. To the extent feasible, pursuant to safety considerations and regulations, landscaping shall be provided within the fueling station queuing area to the satisfaction of the Director of City Planning after consultation with the Departments of Transportation and Building and Safety.
14. **Landscape (Surface Parking).** Prior to the issuance of any final certificate of occupancy for a component of the Project which adds surface parking, a minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces serving such component. The landscape plan for such trees shall provide for the following: trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscaped. Automatic irrigation plan shall be approved to the satisfaction of the Department of City Planning. Trees shall be planted in island configurations pursuant to requirements of Landscape Ordinance No. 170,978.
15. **Interim Surface Parking Landscaping-** The Applicant shall submit an interim landscaping plan to include hardscape and/or softscape until such time as the applicant initiates construction of Phase 2 which necessitates construction of the surface parking area. The interim landscaping shall include canopy-style solar panels designed to create shade for the surface parking areas or a combination of boxed trees, planter boxes, rock gardens, and solar lighting, and be composed of a permeable surface, other than decomposed granite, as determined to the satisfaction of the Director of Planning. Should the construction of Phase 2 not commence within three years of the final Certificate of Occupancy for the first building, permanent landscaping shall be required for the surface parking area.

16. **Specific Plan Air Quality Requirements (Construction).** The Applicant shall comply with the following requirements established in Section 13 B 3 (a) of the Warner Center Specific Plan for the entire Project site:

- A. Spread soil binders on exposed soil to reduce fugitive dust;
- B. Reestablish ground cover on construction sites through seeding and watering;
- C. Wash off trucks leaving construction sites;
- D. Provide rideshare and transit incentives to construction personnel;
- E. Configure construction parking to minimize interference with traffic;
- F. Minimize the obstruction of through-traffic lanes;
- G. Use flag people to guide traffic properly;
- H. Schedule operations affecting roadways for off-peak periods; and
- I. Assure that construction vehicles avoid, to the extent feasible, travel on streets immediately adjacent to (northbound) multiple family residential on east of Owensmouth Avenue, throughout the construction of Phase 1 and Phase 2. Haul routes shall be designed to comply with this measure as follows:

Haul trucks and construction material delivery trucks will travel to and from the Project site via a designated haul route. Trucks would enter the site by heading north on Topanga Canyon Boulevard from the Ventura (US-101) directly to the project site. Trucks would exist by traveling east on Victory Boulevard, south on Owensmouth Avenue, west on Erwin Street, and south on Topanga Canyon Boulevard, to the US-101. The haul route would not be located adjacent to any schools(PDF).

The Applicant is subject to additional air pollution mitigation measures specified below resulting the Project's environmental analyses.

17. **Street Lighting.** Prior to the issuance of any building permits, satisfactory arrangements shall be made to guarantee the installation of street lighting facilities as may be required by the Bureau of Street Lighting.
18. **Street Trees.** Prior to the issuance of a permit for each component of the project, satisfactory arrangements shall be made with the Street Tree Division of the Bureau of Street Maintenance for the construction of tree wells and planting of street trees, if necessary, in areas adjacent to that component of the project along Topanga Canyon Boulevard, Victory Boulevard, Owensmouth Avenue, and Erwin Street fronting the Project site. Appendix "E" of the Specific Plan designates the following trees to be planted as the appropriate street trees for each street identified: Pinus pinea (Italian Stone Pine tree) or Ginkgo biloba (Autumn Gold Ginkgo tree) along Topanga Canyon Boulevard; Tipuana tipu (Tipu tree) or Araucaria araucana (Monkey Puzzle tree) along Victory Boulevard; Koelreuteria bipinnata (Chinese Flame) along Erwin Street; and Platanus acerfolia (Yarwood tree) or Quercus agrifolia (California Live Oak tree) along Owensmouth Avenue.
19. **Articulation of Building Facades.** Prior to the issuance of a building permit for a Building Facade (other than parking structures) over 250 horizontal feet in length and where its exterior wall is within 50 feet of a required Landscape Setback, the Applicant shall submit plans demonstrating such Building Façade includes variations, as seen from a bird's eye view as follows:
- A. The Building Facade for the Costco shall be in substantial compliance with the articulation and design elements shown in Exhibits "A18" and "A19."



If the façade design for the Costco building is modified, it shall be reviewed for compliance with the following and shall be relieved by one or more variations, which:

1. In total, shall be not less than 15 percent of the length of the Building Facade; and
  2. Shall be a minimum depth of 15 feet and shall be no less than 35 feet in height but need not exceed the height of the building.
- B. Changes in depth may be accomplished by wall offsets, bays, projections, recesses, courtyards, stair towers, balconies or by other similar architectural design treatments.
- C. Window box elements consisting of translucent panels that are projected from the wall surface and are backlit so they glow at night shall be incorporated on the building façade (Costco) along Victory Boulevard, and in substantial compliance with Exhibits "A18" and "A19."
- D. The use of ornamentation on Building Facades shall be incorporated into the architectural design of all buildings. Techniques may include, but are not limited to: variation in materials, textures; apparent wall thickness, roof lines, cornice lines and fenestration. In addition, articulation and design elements for the anchor retailer (Costco) shall be in substantial compliance with Exhibits "A18" and "A19."
20. **Articulation of Building Facades of Parking Structures.** Prior to the issuance of a building permit for full buildout of the parking structure, the Applicant shall provide revised plans for review by the Urban Design Studio detailing the façade design of the parking structure using compatible colors, materials, and architectural details with the buildings it serves and providing for techniques to screen the parking structure, to the satisfaction of the Department of City Planning.
- Kiosk(s) shall be provided at the Victory Boulevard entrance at Westfield Way, in connection with activating the pedestrian courtyard and outdoor food court also to be located at the Westfield Way entry, contributing to an activity node for the Project. Pedestrians crossing Victory Boulevard in the mid-block shall have access to a landscaped sidewalk entrance which provides views of this pedestrian activity area.
21. **Fuel Station Canopy (Costco).** Prior to the issuance of a building permit for the fueling station, the Applicant shall provide additional plans for review by the Urban Design Studio detailing the design of the fueling station canopy, and to the satisfaction of the Department of City Planning.
22. **Walkway Plan.** Pursuant to Section 10.J of the Specific Plan, the final Project site plan submitted to the Department of Building and Safety shall include a Walkway Plan with the following design criteria included:
- A. Walkways shall have an unobstructed width of 6 feet;
  - B. At minimum, Walkways shall connect together entrances to the main and any adjacent or accessory buildings on the same lot and the front lot line(s) of the lot on which the building(s) is located. Walkways may also connect buildings to alternate points on the same lot.

- C. To create a sense of greater depth in the appearance of Landscaped Setbacks and to promote the overall urban design character of this Specific Plan area, meandering or serpentine sidewalks shall be provided along the Project's public street frontages for public sidewalk purposes in lieu of customary sidewalks. Meandering sidewalks may be located partly on private property and shall connect with public sidewalks in the dedicated right-of-way. Public sidewalks along the Project's public street frontages shall be designed satisfactory to the Department of City Planning and the Bureau of Engineering of the Department of Public Works. Easements for public sidewalk purposes shall be granted over private property, as necessary to accommodate the design and construction of meandering sidewalks along the public street frontages, as determined by the Bureau of Engineering. Meandering sidewalks shall be:
1. A minimum of 6-foot wide;
  2. Required between access driveways 100 or more feet apart;
  3. Provided, when feasible, as determined by the Department of City Planning, between access driveways less than 100 feet apart.
- D. Walkways shall be available for public use for the life of the development.
- E. **Multi-use Trails.** A Multi-use Trail shall be provided along Topanga Canyon Boulevard, Victory Boulevard, Owensmouth Avenue, and Erwin Street (adjacent to Project Site) pursuant to the following conditions:
1. The Multi-use trail shall be a minimum width of 5 feet and separated from the meandering sidewalk, provided that, to the satisfaction of the Planning Department, lesser width at adjoining path be permitted at the corner of Victory Boulevard and Topanga Canyon Boulevard due to existing site constraints;
  2. Materials for the Multi-use Trail shall be approved by the Department of City Planning;
  3. Signage shall include clear demarcation of Multi-use Trail and pedestrian walkways with additional signage and safety devices to insure the safety of multi-use and sidewalk users;
  4. The construction and completion of the Multi-use Trail and meandering sidewalk, around the perimeter of the Project site along Topanga Canyon Boulevard, Victory Boulevard, Owensmouth Avenue, and Erwin Street, shall be synchronized with adjacent construction.
23. **Bicycle Parking.** Prior to the installation of bicycle parking, the Applicant shall submit a Bicycle Parking Plan for review by the Urban Design Studio providing for a minimum of 100 bicycle parking spaces, or a greater number if determined necessary by the Department of City Planning. The Bicycle Plan shall include a bicycle circulation component and identify bicycle parking areas and their function, e.g. visitor bicycle parking vs. worker bicycle parking. Showers for the Project shall be provided in accordance with Sec. 91.6307 of the LAMC. This condition shall apply to the overall Project, and the Project owner's compliance with this condition shall satisfy this requirement for any individual establishment.
24. **Arts Development Fee/Warner Center Cultural Affairs Trust Fund.** All fees collected from the Applicant for deposit into the Citywide Arts Fund (pursuant to the Arts Development Fee Ordinance, Ordinance No. 166,725) shall be conveyed by the Department of Building and Safety to the Treasurer for deposit into the Warner Center

Cultural Affairs Trust Fund No. 577, pursuant to Ordinance No. 168,869, which is to be administered by the Cultural Affairs Department. A record of such conveyance shall be provided by the Applicant to the Department of City Planning Department upon completion of Project plan check.

25. **Multiple Phased Project.** Pursuant to LAMC Section 11.5.7-C, the approval of a Phasing Program for a multi-phase project, per Section 6.B.2 of the Warner Center Specific Plan which provides for approval by the Director of Planning. The Project EIR also analyzed specific flexibility for cinema uses, location of office and hotel towers, and construction overlapping between phases.

Prior to granting any Project Permit Compliance Review for the first phase of a multi-phase project, the owner(s) of the subject property shall execute and record a Covenant, satisfactory to the Department of Transportation and Department of City Planning, promising to comply with the following requirements:

- A. Multiple-phase, master planned Projects which have been granted as conditioned per the Project Phasing Chart below:

<b>Project Phasing</b>	
	<b>Floor Area (sf)</b>
<b><i>Phase 1</i></b>	
Anchor retail	165,759
Shopping Center Retail*	166,660
Restaurant	32,075
<i>Subtotal Phase 1</i>	<i>364,494</i>
<b><i>Phase 2</i></b>	
Shopping Center Retail	112,325
Restaurant	21,560
Grocery Store	36,765
Hotel**	193,600
Office	285,000
Community/Cultural	14,250
<i>Subtotal Phase 2</i>	<i>663,500</i>
<b>Total Development</b>	<b>1,027,994</b>
<u>*Project analyzed the conversion of 53,900 square feet of retail to cinema uses.</u>	
<u>**Hotel impacts determined by number of rooms.</u>	

- B. If the Applicant submits a modification to the Project which results in a change in density or land use and which results in a change in Trip generation or change in distribution of land uses on site, from the approved Phasing Program, appropriate adjustments in fees, Traffic Impact Mitigation or TDM requirements shall be made as a condition of DOT approval.
- C. If in connection with any modifications by the Applicant to the approved Phasing Program, the Applicant requests the pro-rating of any other mitigation measures, appropriate adjustments shall be made by the Director of Planning.

26. **Floor Area Ratio/Floor Area.** Pursuant to LAMC Section 11.5.7-C, the approval of Floor Area Averaging (FAR) in a unified development to allow an overall average maximum FAR of 1.5:1 for the Project at buildout, with individual lots exceeding 1.5:1, per Section 9-E of the Warner Center Specific Plan.
- A. In connection with issuance of each building permit, the applicant shall provide a table to the Department of City Planning showing the floor area ratio per lot constructed to date.
- B. The Applicant shall file a covenant and agreement running with the land with the Department of Building and Safety, with a copy provided to the Department of City Planning, prior to the issuance of any building permits as follows:
- (i) guaranteeing to continue the operation and maintenance of the development as a unified development;
  - (ii) indicating the floor area used on each parcel and floor area potential, if any, that would remain;
  - (iii) guaranteeing the continued maintenance of the unifying design elements; and
  - (iv) specifying an individual entity to be responsible and accountable for this maintenance. An annual inspection shall be made by the Department of Building and Safety of the development to monitor compliance.
27. **Height.** Pursuant to LAMC Section 11.5.7-C, the approval of a Modification to allow a 50 percent increase in the permitted height of the office and hotel buildings, for a maximum height of 247.5 feet, in lieu of the 165-foot height limit, per Section 10.A.2(b)(2) of the Warner Center Specific Plan pursuant to Height Zone Exhibit "A13," is conditioned as follows:
- No building or structure located on the subject property shall exceed 247.5 feet in height, as defined by LAMC Section 12.21.1 B 3(a) and (b). Any modifications to landscape that reduce the amount of open space provided, and falls below the 45 percent required for the authorized maximum height, shall result in a direct reduction in the amount of height permitted for the office and hotel components in Phase 2.
- Elevations shall be in substantial compliance with Exhibits "A14", "A15", "A18" and "A19."
28. **Project Permit Compliance (Lot Coverage Averaging),** pursuant to LAMC Section 11.5.7-C, the approval of Lot Coverage Averaging in a unified development to allow an overall average maximum of 70 percent for the Project at buildout, with individual lots exceeding the 70 percent Lot Coverage limit, per Section 10-E of the Warner Center Specific Plan. In connection with issuance of each building permit, the Applicant shall provide a table to the Department of City Planning showing the percent of lot coverage per lot constructed to date.
29. **Project Permit Compliance (Shared Parking),** pursuant to LAMC Section 11.5.7-C, the approval of a Shared Parking Approval to request a parking space reduction in the total number of required parking spaces for individual uses one-site in conjunction with the use and operation of the Village at Westfield Topanga, per Section 12-D of the Warner Center Specific Plan, is conditioned as follows:

- (a) **Minimum Parking.** A minimum of 3,362 on-site parking spaces shall be provided for the entire Village at Westfield Topanga project upon completion of Phase 2. Buildout of Phase 1 shall provide 1,755 on-site parking spaces, which includes 521 spaces reserved for the anchor retailer (Costco). The Applicant shall secure by lease, or other comparable method, 46 additional parking spaces within 750 feet of the Project Site upon the completion of Phase 1 and only during the weekend, holiday season as provided for below. The off-site parking shall be for employee use and shall not be used for visitor or shopper parking unless a free shuttle is operated by the Applicant between the off-site parking location and the Project Site.
- (b) Reserved, handicapped or otherwise restricted parking spaces shall not be shared.
- (c) For the period commencing on the day after Thanksgiving until New Year's Day (or until January 2nd if New Year's Day falls on a weekend). The location of the 46 off-site parking spaces shall be either in accordance with LAMC Section 12.21 A 4 (g), measured from any of the lots which comprise the Project site, or at any other location within the Specific Plan area, if a shuttle service is provided between the Project Site and the off-site parking area. Copies of recorded parking affidavits approved by the Department of Building and Safety for this purpose shall be submitted to the Departments of City Planning and Transportation prior to any permanent Certificate of Occupancy for the subject Project.

The off-site employee parking spaces required in the preceding paragraph shall be mandatory during the business hours from Friday through Sunday beginning Thanksgiving weekend through December 14th, and then on a daily basis during business hours from December 15th until New Year's Day (or until January 2nd if New Year's Day falls on a weekend).

- (d) A plan designed to control parking access, including a description of implementation measures to be undertaken by the Village at Westfield Topanga, shall be submitted to the Departments of City Planning and Transportation in accordance with Section 12 C of the Specific Plan prior to the implementation of a controlled parking program.

30. **Parking Management Plan:**

Prior to the issuance of any building permits, the applicant shall prepare and submit to the Department of Transportation for approval a parking management plan which may include such elements as a program for carpool, vanpool and other employee parking, valet operation, and parking validation system. The plan shall address peak shopping periods and parking during any construction.

31. **Parking Monitoring Program:**

- (a) The Applicant shall complete an annual parking study of the Village at Westfield Topanga parking area and any off-site parking areas required by this Project Approval within one year after the temporary or permanent Certificate of Occupancy is issued for the subject Project, and thereafter every year for up to five years from the issuance of the first Certificate of Occupancy. The parking study shall be prepared by a Professional Engineer in Traffic Engineering, duly registered by the State of California, Department of Consumer Affairs. The

parking study shall survey parking occupancy at and within the vicinity of the Village at Westfield Topanga on the following days: (1) the day after Thanksgiving; (2) the Saturday preceding Christmas; and (3) the day after Christmas. The parking study shall be submitted to the Department of Transportation (DOT). The parking study (two copies) shall be submitted to DOT within 30 days of the final survey date.

If during the first five years of required parking studies, the parking surveys have not shown an occupancy of 90 percent or greater, then the requirement to conduct the annual parking study shall end.

- (b) DOT shall submit a report on the parking study to the Department of City Planning within 30 days of receipt thereof. DOT shall review the parking study based upon the following criteria:
- (i) If the first annual parking study conducted shows 90 percent or greater occupancy of the on-site parking spaces of the Village at Westfield Topanga parking area for each of four peak hours on the days surveyed, as determined by DOT, and it is therefore determined that insufficient parking spaces exist for the site, the applicant shall provide a additional off-site parking as determined by DOT.
  - (ii) If the next annual parking study conducted still shows 90 percent or greater occupancy of the on-site parking spaces of the Village at Westfield Topanga parking area for each of four peak hours on the days surveyed, as determined by DOT, and it is therefore determined that insufficient parking spaces exist for the site, the applicant shall provide additional off-site parking as determined by DOT.
  - (iii) If the next annual parking study conducted still shows 90 percent or greater occupancy of the on-site parking spaces of the Village at Westfield Topanga parking area for each of four peak hours on the days surveyed, as determined by DOT, and it is therefore determined that insufficient parking spaces exist on spaces, the applicant shall provide additional parking, as determined by DOT. For any off-site parking provided within 1,500 feet of the Project site, the applicant shall supply and operate a full-time, year around shuttle bus/van in order to transport customers and employees from off-site parking area(s) to the Project site and to the off-site parking area(s) from the Project site.
- (c) If at any point in the five-year required parking study cycle a study does not show 90 percent or greater occupancy of the on-site parking spaces of the Village at Westfield Topanga, then the Director of Planning, based upon a recommendation from DOT, may consider a request to modify any parking level limitation, specified in Condition No. 30 (a) in effect at the time, as well as to modify or delete the off-site employees parking requirements specified in Condition No. 27 (c).
- (d) Prior to the issuance of any building permit, the applicant shall submit a parking plan to the satisfaction of both the Director of Planning and the General Manager of the DOT demonstrating the ability to provide additional parking spaces to the levels specified in Condition No.30 b (i), (ii) and (iii) in the event that the parking is deemed to be inadequate. The additional parking, if required, shall be either

on-site or within 1,500 feet of the Project site. No off-site parking shall be located on the applicant's property at 6600 Topanga Canyon Boulevard (Topanga Plaza), legal description: Tract No. 23662, Lot Nos. 1, 2, and 3 unless further approved by the Director of Planning.

32. Site Access/Driveway/Internal Circulation Plan. Prior to the issuance of any building permit, a site access plan including entrances/exits, driveways, loading areas, internal circulation, and parking layout with a minimum scale of 1"=40' shall be submitted to the DOT Valley Development Review Section at 19040 Vanowen Street, Reseda, CA, as soon as possible.
33. The shared parking authorization shall be in effect so long as the subject uses pursuant to the Shared Parking Analysis are maintained on the premises, and shall terminate upon the termination of those uses.
34. The Village at Westfield Topanga shall have the option of offering valet assisted parking.
35. In addition to any other site security, security shall be provided in all parking areas, and shall be provided by either a State licensed security firm or by security personnel employed by the Village at Westfield Topanga. Security patrols shall be maintained within all parking areas, around the perimeter of the parking area, and in the off-site employee parking areas commensurate with a security plan developed by the applicant.
36. Any reserved or restricted parking spaces shall not be shared.
37. All employees shall be notified not to park on adjoining residential streets. Any employee parking shall be designed to avoid employee parking spilling out into the adjacent residential neighborhoods.
38. Validated (free) parking shall be provided to any group or organization that has arranged for the use of the community room area provided within the Project.
39. In no event shall the property be operated as a commercial automobile parking lot, but the property shall be maintained as a parking facility to serve the employees, customers, guests and others having business at the Village at Westfield Topanga.
40. Prior to the issuance of any building permits, the applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Director of Planning which describes the nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, and which demonstrates that the required parking for each use will be available taking into account their hours of operation.
41. **Project Permit Compliance (Uniform Sign Program), pursuant to LAMC Section 11.5.7-C, the approval of a Uniform Sign Program (USP) for the unified project site in conjunction with the use and operation of the Village at Westfield Topanga, per Section 14 of the Warner Center Specific Plan, is conditioned as follows:**  
Prior to the issuance of any sign permit on the subject property by the Department of Building and Safety, the Project shall demonstrate compliance with Section 14 (Signs) of the Specific Plan and with A-F below. The following elements shall be considered in developing this Program:
  - A. All signs shall conform to the limitations as established in this Specific Plan and conditions of this approval.

- B. No fuel price signage shall be permitted for the Fueling Station (Costco), other than a canopy sign identifying "Costco", to the satisfaction of the Department of City Planning.
- C. No off-site signs shall be permitted.
- D. All future sign permits in a Project shall be consistent with the approved USP, and in substantial conformance with Exhibits "A16" and "A17." In the event of modifications such that substantial conformance with "A16" and "A17" cannot be achieved, the maximum sign area shall be as shown in the exhibits but the location of signs may be subject to approval by the Department of City Planning.
- E. Any future sign permit applications submitted for review consistent with that USP shall be exempt from the Project Permit Compliance Review requirements, including the application fee.
- F. Any request for a change to an approved USP shall be in writing and submitted to the Department of City Planning and shall be accompanied by a fee equal to the application fee charged for "Modification of Plans or Conditions" pursuant to LAMC Section 19.01.J.
- G. Upon completion of any portion of the Multi-Use Trail and/or Meandering Sidewalk along Victory Boulevard, Owensmouth Avenue, Erwin Street or Topanga Canyon Boulevard, wayfinding signage shall be provided at the Project site which direct bicyclists and pedestrians to the Los Angeles River.

The Applicant shall be responsible for distributing copies of the sign requirements of the Specific Plan and of this Project Permit Compliance approval to all building tenants, and these requirements shall be incorporated into each new or renewed tenant lease entered into following the effective date of this approval.

- 42. **Alcohol Use-Plan Approvals Required.** Exhibit "A23" identifies the anticipated locations of the establishments utilizing this Conditional Use Permit to sell alcohol. Alcohol-serving establishments within the locations identified in Exhibit "A23" shall be required to comply with the conditions of this approval, and no Plan Approval shall be required. Those alcohol-serving establishments within areas not identified on Exhibit "A23" shall be subject to a Plan Approval, with a hearing at the discretion of the Zoning Administrator.
- 43. **Alcohol Use – Additional Corrective Measures.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions if the Zoning Administrator receives complaints and, after a hearing as provided by LAMC Section 12.24.Z, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

#### **Conditional Use Permit (Alcohol)**

- 44. Conditional Use Permit (On-Site and Off-Site Alcohol Sales), pursuant to LAMC Section 12.24.W.1, the approval of a Master alcohol permit, for up to 17 establishments for on-site sales and consumption of alcohol beverages at restaurants and a hotel, and for a total of three off-site sales of alcoholic beverages by an anchor retailer (Costco), a wine and spirits retailer and a grocery store, is conditioned as follows:



- a. Eleven (11) restaurant establishments offering a full line of alcoholic beverages for on-site consumption;
  - b. Five (5) restaurant establishments offering only beer and wine for on-site consumption;
  - c. One (1) full service grocery store offering a full line of alcoholic beverages for off-site consumption;
  - d. One (1) anchor retailer (Costco) offering a full line of alcoholic beverages for off-site consumption;
  - e. One (1) wine and spirits retailer offering a full line of alcoholic beverages for off-site consumption; and
  - f. One (1) hotel offering a full line of alcoholic beverages for on-site consumption.
  - g. All restaurant establishments shall be required to submit more detailed floor plans to the Zoning Administrator for inclusion in the file, as these become available. Such plans shall provide individual square footage for each restaurant and its kitchen, shall identify the maximum seating capacity including specific allocations for indoor seats, bar area seats and patio seats, if any, and shall be consistent with the locations shown in Exhibit "A23." Such plans must be submitted before any individual establishment engages in sale of alcohol. In the event an alternate location is requested, such a request shall be subject to the review of the Zoning Administrator.
45. The number of alcohol sales facilities may be changed only by new plan approval authorization.
46. **Hours of Operation.** The hours of operation and alcohol sales shall be permitted as follows, unless otherwise determined for each individual establishment in accordance with the filing of a Plan Approval application as noted above.:
- a. Eight restaurants: 10:00 a.m. to 2:00 a.m. Monday-Saturday, 11:00 a.m. to 10:00 p.m. Sunday. Eight restaurants: 10:00 a.m. to 12:00 a.m. Monday-Saturday, 11:00 a.m. to 10:00 p.m. Sunday.
  - b. Grocery Store: 7:00 a.m. to 2:00 a.m. Monday-Sunday.
  - c. Anchor Retailer, (Costco) (exclusive of fuel station operation) 6:00 a.m. to 10:00 p.m. Monday-Sunday.
  - d. Specialty Wine and Spirits Retailer: 7:00 a.m. to 12:00 a.m. Monday-Sunday.
  - e. Hotel: 24-hour in-room mini-bar access only, restaurant, pool deck and banquet halls 6:00 a.m. to 2:00 a.m. daily.
  - f. Cleaning hours for the anchor retailer (Costco): 11:00 p.m. to 5:00 p.m.
  - g. Delivery hours for the anchor retailer (Costco): 9:00 p.m. to 10:00 a.m. These delivery hours requested are in addition to those permitted by LAMC Section 12.22.A.28(b)(4).
  - h. Fueling Station Delivery anchor retailer (Costco): Approximately three (3) and up to four (4) tankers per day, **except** that such deliveries shall be prohibited during weekday morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 a.m. to 6:00 p.m.) peak travel periods.
47. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
48. All conditions of this grant shall apply to all establishments, **unless otherwise noted.**
49. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and

shall be binding on any subsequent owners, heirs, or assigns. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

**Alcohol Uses – On-Site Consumption Permits.** Conditions Numbers 50 through 75 shall apply to on-site consumption permits.

50. All owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request to the Zoning Administrator.
51. No booth or group seating shall be installed in a manner that it prohibits the observation of patrons.
52. Tenants shall be made aware that a violation of these conditions may result in revocation
53. All personnel serving alcohol shall be 21 years of age or older.
54. A 24-hour hotline shall be provided to residents, including those abutting the project site, and local neighborhood associations for the reporting of any complaints regarding the operation of the shopping center and any violations if this grant or other complaints associated with the subject establishments.
55. The applicant shall not exchange any of the alcoholic beverage licenses for a public premises type license.
56. Within nine months of a restaurant and/or hotel establishment utilizing this approval, all employees and managers involved with the sale of alcoholic beverages for that establishment shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol retailers (STAR)." Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training and with which establishment each employee is affiliated. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the license, within one year of such a change, this training program shall be required for all new staff.

Restaurants:

57. The sale of distilled spirits by the bottle, for on-site consumption, is prohibited. This limitation shall not apply to the hotel guest room in-room controlled cabinets.
58. Alcohol sales shall be incidental to the sale of food at all times that the restaurants are open for business.
59. Sale of alcoholic beverages shall only be made behind the counter where an employee of the restaurant/café obtains the product. No self-service of alcoholic beverages shall be permitted.

60. Sales of alcoholic beverages for consumption off-site shall be prohibited by restaurants, unless approved by the Zoning Administrator as part of an on-site/off-site conditional use permit as limited by these conditions, and in such instances shall be limited to beer and wine only.
61. Each restaurant establishment shall be maintained in a bonafide restaurant with a kitchen each as defined in the Los Angeles Municipal Code. Each restaurant shall provide a menu containing an assortment of foods which shall be made available at all times that each restaurant is open. Customers and the general public shall be informed that the primary business of the establishments is the sale of food which shall include providing each customer with a menu, posting signs on the premises and advertising the food service.
62. No restaurant shall operate a nightclub.
63. There shall be no employment or renting out of any of the restaurants to any outside promoter, however, full restaurant rentals for convention business or large groups shall be permitted subject to the requirement of compliance with these conditions for any such rental.
64. Each restaurant shall implement a Designated Driver Program (i.e., free soft drinks or coffee to a designated driver of the group) which shall be submitted to the Zoning Administrator for inclusion in file. The availability of this program shall be made known to restaurant patrons either via a two-sided card placed on all tables and/or a program description printed on the menu.
65. The applicant shall be responsible for maintaining the area adjacent to the premises over his/her control free of litter.
66. No cover charge or any after hours use of any of the restaurants shall be permitted. No membership shall be required for admission to any of the restaurants or any sub-portion of the restaurants. No minimum age requirements shall be required for entry.
67. Unless otherwise permitted by Municipal Code Section 12.24W.34, no pool tables or coin operated electronic, video, or mechanical amusement devices shall be maintained on any of the individual restaurant premises.
68. Live entertainment in any of the establishments shall be limited to "low-key" performances including but not limited to piano, harp and vocal performances. As applicable, a café permit shall be obtained from the Police Commission prior to the conduct of any live entertainment on each respective restaurant.
69. Any amplified music shall not be audible beyond the Project site.
70. All restaurant tenants shall be provided with a copy of these conditions which shall also be referenced in any lease and which shall be maintained on the premises and available upon request by an enforcement agency.
71. Recommendations of the Fire Department relative to fire safety shall be incorporated into all building plans, to the satisfaction of the Fire Department.
72. Security personnel shall provide surveillance outside the restaurants where alcoholic beverages are sold at all times that alcoholic beverages are available.

73. In the event any establishment permitted under this approval is located in a dining terrace configuration, this conditional shall apply. A dining terrace included in the Project shall be supervised by an employee of the shopping center. Consumption of alcohol within the dining terrace shall be limited to specific seating areas, as designated by the State Department of Alcoholic Beverage Control (ABC). Alcoholic beverages shall not be removed from the dining terrace and signs shall be posted to this effect at all entrances and exits of the common eating area. Alcohol served within the dining terrace shall be served in clear cups or glasses that are clearly distinguishable from non-alcoholic beverage containers, and shall not be served in individual cans or bottles. Security shall monitor the dining terrace area to ensure that alcoholic beverages are not being poured into containers other than those designated for alcoholic beverages.

Hotel:

74. The Office of the Zoning Administration may conduct a public hearing at the Zoning Administrator's discretion and if determined necessary, at the time that detailed hotel plans are submitted regarding the location of the hotel's alcohol-serving uses.
75. Establishments for the on-site consumption of alcohol in association with the hotel, shall be limited to:
- a. Hotel restaurants and bars, including at the pool area.
  - b. Banquet facilities.
  - c. One (1) room catering service.
  - d. Mini-bars (one per hotel guest room)

**Alcohol Uses – Off-Site Consumption Permits.** Condition Numbers 76 through 80 shall apply to off-site consumption permits.

- a. A full line of alcoholic beverages for consumption off premises in conjunction with the construction of 36,765 square feet grocery store;
  - b. A full line of alcoholic beverages for consumption off the premises in conjunction with a specialty wine and spirits retailer;
  - c. A full line of alcoholic beverages for consumption off the premises in conjunction with the construction of 165,759 square feet of anchor retailer (Costco).
76. Within nine months of an establishment utilizing this approval, all employees and managers involved with the sale of alcoholic beverages for that establishment shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol retailers (STAR)." Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training and with which establishment each employee is affiliated. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the license, within one year of such a change, this training program shall be required for all new staff. The applicant may substitute Costco's own in-house training of alcoholic sales, which is based on California laws, regulations and restrictions, (such as hours of sales, age of sale, or signage) in lieu of the STAR training program.
77. No video games are permitted on premises, unless otherwise permitted by Municipal Code Section 12.24.W.34. The sale of video games and equipment shall be permitted on the anchor retailer's (Costco) interior premises, as shall the display and occasional promotional use by customers, also within the interior of the store.

78. Each establishment shall install video surveillance cameras and monitors inside the store and cameras outside which project a clear view of the sidewalk area to the satisfaction of the Police Department prior to the exercise of the grant. Evidence of compliance shall be submitted to the Zoning Administrator within 90 days prior to the issuance of Certificate of Occupancy. The business operator shall maintain the tapes for at least two weeks and make them available to the Police Department upon request. If the Project owner implements a Project-wide surveillance camera system, individual establishments shall be deemed to be in compliance with this condition.
79. Each establishment shall secure a City permit decal denoting approval of alcoholic beverage sales from a Department of City Planning public counter and mount it on either the inside of the window of the subject site facing the internal street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein for alcoholic beverages are utilized.
80. All owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request to the Zoning Administrator. Costco may utilize its own in-house training of alcoholic sales, which is based on California laws, regulations and restrictions (such as hours of sales, age of sale or signage) to satisfy this condition.
81. **Signs and advertising.**
- a. Age 21 limit warning. Signs shall be prominently posted in English, Spanish and the predominant language of the facility's clientele that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age.
  - b. Except for the wine and spirits retailer, there shall be no signs visible outside which advertise the availability of alcoholic beverages except that the anchor retailer, grocery store, and wine and spirits retailer, may post weekly fliers which may include alcohol advertisements.
  - c. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
  - d. Public park notice. Signs shall be posted in the alcohol beverage display areas in readily visible manner stating that it is illegal to consume alcoholic beverages in a public park.
82. **Site Security.**
- a. The property owner shall be responsible for discouraging loitering in and around the subject property.
  - b. State licensed private security personnel shall be maintained at the project site on a 24-hour basis. Such private security shall patrol the entire building including interior, exterior, and multi-level parking facilities. The company contracted to maintain security for the proposed site shall ensure that all uniformed personnel are properly trained and comply with California State Guard regulations. Each officer shall have a designated type uniform that complies with the Los Angeles Police Commission requirements. As stated by the applicant each officer shall be minimally equipped with a radio that can be used to reach a central security office. Each officer shall be properly trained in the working use of his/her assigned equipment. **During holiday peak periods, additional security shall be provided to the satisfaction of the**

**Los Angeles Police Department.** This condition shall apply to the overall Project, and the Project's owner's compliance with this condition shall satisfy this requirement for any individual establishment.

- c. The security company shall provide to the Los Angeles Police Department, Topanga Police Station, a security plan for special events held at the Project site.
  - d. The Los Angeles Police Department shall be consulted for recommendations regarding the appropriate number of security personnel to be provided and additional security measures which will provide for adequate protection to visitors and employees of the site and nearby residents. Security features may include the provision of a private on-site security force, implementation of a surveillance system, installation of locks and alarms on entryways where appropriate, security lighting, and parking garage patrols. A plan setting forth the feasible protection measures shall be submitted for approval by Director and included in the subject case file.
83. **Lighting.** All lighting shall be shielded and directed onto the site and no floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.
84. **Maintenance, trash and storage.**
- a. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
  - b. No open, unscreened areas shall be devoted to trash storage; trash areas shall be screened from view.
  - c. All outside trash containers on the subject property shall be screened from view and shall be located so as not to result in noise or smell impacts on any adjacent residential use.
  - d. Trash pickup shall take place only between 7 a.m. and 8 p.m. Monday through Friday, and 10 a.m. and 4 p.m. Saturday and Sunday.
85. The conditions of this approval shall be retained on the premises at all times and be immediately produced upon request by any LAPD officer or Alcoholic Beverage Control (ABC) investigator. The market and restaurant management and all employees of these establishments shall be knowledgeable of the conditions herein.
86. **Administrative.**
- a. Exchange of license WARNING. Prohibition of license exchange is not included in the subject conditions because the City cannot prohibit the State from issuing or exchanging any license. The State licenses do not supersede this authorization. The property owner/operator must secure a new conditional use authorization to modify any conditions, requirements or provisions of the subject authorization.
- Warning: The property owner/operator is advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility and/or property ownership. The conditions must be complied with in addition to any conditions or requirements imposed by The Alcoholic Beverage Control Department, Police Department or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires a new conditional use permit.
- b. Prior to the issuance of any permits relative to this matter, a covenant acknowledging

and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Director for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Director for attachment to the subject case file.

87. **Conditional Use Permit (Automobile Uses), pursuant to LAMC Section 12.24.W.4, the approval of a Conditional Use to permit automotive uses in the C Zones that do not comply with development standards and/or operating conditions enumerated in LAMC Section 12.22.A.28, is conditioned as follows:**
- a. Transparent windows shall not be required for the member-only (Costco) tire center;
  - b. Hours of operation for the member-only fueling station (Costco) shall be only between the hours of 6:00 a.m. to 10 p.m. Monday-Sunday.
  - c. The authorization for member-only (Costco) internet automobile sales uses. Parking of a maximum of six vehicles for display purposes only, shall be permitted in association with the internet automobile sales. Under no circumstances shall any vehicle on-site be operated or test-driven for sales purposes.
  - d. This Conditional Use Permit approval is only authorized for the member-only fueling station associated with the proposed Costco. Any other fueling station proposed for the Project site, which does not comply with the development standards and/or operating conditions enumerated in LAMC Section 12.22.A.28, shall be required to obtain a new Conditional Use Permit approval.
88. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business.
89. Prior to the issuance of a building permit for the Costco, the Applicant shall indicate on the plot plan to be signed off, the location of trash cans and cart retrieval areas throughout the parking area.
90. The Applicant shall provide the Department of City Planning a cart containment plan which outlines and includes cart containment methods, to prevent the abandonment of carts in the surrounding neighborhoods.
91. A local or toll-free telephone number for shopping cart retrieval shall be posted in a conspicuous place in each building.
92. **Related Subdivision Case VTT-69943.** In connection with the recordation of any subdivision lot, the applicant or any successor in interest shall comply with the Advisory Agency requirements contained in Case No. VTT-69943 being processed concurrently with this case, and any subsequent modifications thereto, including appeal VTT-69943-1A, to the satisfaction of the Director of Planning.
93. **Green Building.** Except for the Costco and existing buildings (Crate & Barrel retail store at 6360 N. Topanga Canyon Boulevard and a two-story office building at 6351 Owensmouth Avenue), the Project shall be built to achieve the standards of the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver level. The Costco building would be designed to achieve the standards of LEED® Certified, or an equivalent green building standard, at minimum. Sustainable design features may include but shall not be limited to: daylighting of work areas; operable windows and fresh air circulation; dual piping to enable the use of

recycled water if supported by the City, water efficient fixtures, and recycling during demolition and construction.

## **B. ENVIRONMENTAL CONDITIONS**

94. The Applicant shall prepare and execute a Covenant and Agreement (Planning Department General form CP-6770) in a manner satisfactory to the Department of City Planning requiring the Applicant to identify mitigation monitors who shall provide periodic status reports on the implementation of applicable mitigation items required by Mitigation Conditions of the Project's approval satisfactory to the Department of City Planning. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the below mentioned mitigation items.

95. The Applicant shall prepare and execute a Covenant and Agreement (Planning Department General form CP-6770) in a in a manner satisfactory to the Planning Department, binding the Applicant, binding the Applicant and all successors to the following:

Note: MM corresponds to mitigation measures. To the extent that the Conditionals of Approval conflict with Mitigation Measure, if any, the Conditions of Approval shall govern and shall serve as part of the final Mitigation Monitoring and Reporting Program.

- MM-1 Temporary fencing (e.g., chain linked or wood) with screening material shall be used around the perimeter of the site to buffer views of construction equipment and materials. The Applicant shall ensure through appropriate postings with the following language "POST NO BILLS" and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period. Such language shall appear at intervals of no less than 25 feet along the length of the publicly accessible portions of the fencing.
- MM-2 The Applicant shall prepare a street tree plan to be reviewed and approved by the City's Department of Public Works, Urban Forestry Division. All plantings in the public right-of-way shall be installed in accordance with the approved street tree plan.
- MM-3 All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the City of Los Angeles Department of Planning.
- MM-4 All new street and pedestrian lighting within the public right-of-way shall be approved by the Bureau of Street Lighting and shall be tested in accordance with the requirements of the Bureau of Street Lighting.
- MM-5 A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the City



- Planning Department. Palm trees shall not be considered in meeting this requirement.
- MM-6 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 Municipal Code Section 91.8104.
- MM-7 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 Municipal Code Section 91.8104.15.
- MM-8 All unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. The spreading of soil binders shall be required on exposed soil to reduce fugitive dust and reestablish ground cover on construction sites through seeding and watering.
- MM-9 All heavy-duty truck loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. In addition, trucks shall be washed off prior to leaving the construction site.
- MM-10 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- MM-11 All earth moving or excavation activities shall be discontinued during periods of high winds (i.e., greater than 25 mph) to prevent excessive amounts of dust.
- MM-12 All equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- MM-13 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues will have their engines turned off after five minutes when not in use, to reduce vehicle emissions. Construction activities shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.
- MM-14 Petroleum powered construction activity shall use electricity from power poles rather than temporary diesel power generators and/or gasoline power generators if power poles are available at construction area.
- MM-15 The project Developer shall require by contract specifications that heavy-duty (>50 hp) off-road vehicles used in the construction phases meet EPA Tier 3 emission standards. This level of reduction would be achieved by the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters and catalytic converters, and/or other options as such become available.

- MM-16 Proposed buildings would be designed to minimize the need for the application of architectural coatings; and where the application of architectural coatings is necessary, shall use low VOC coatings.
- MM-17 The project Developer shall provide rideshare and transit incentives to construction personnel.
- MM-18 The Applicant or its successor shall minimize delivery truck idling times to a maximum of five (5) minutes, per the California Air Resources Board's Airborne Toxic Control Measure.
- MM-19 The Applicant or its successor shall route delivery trucks via the most efficient route on the project Site.
- MM-20 New on-site facility emissions shall be minimized through the use of emission control measures as required by SCAQMD Regulation XIII, New Source Review, and District Regulation. Specifically, the proposed gasoline station will be required to comply with SCAQMD Rule 461 (Gasoline Transfer and Dispensing); boilers are subject to Rule SCAQMD 474 (Fuel Burning Equipment-Oxides of Nitrogen); emergency stand-by generators are subject to Rule 1470; and charbroilers are subject to SCAQMD Rule 1138 (Control of Emissions from Restaurant Operations).
- MM-21 The necessary permits shall be obtained from the Department of Building and Safety. All grading operations shall conform with all requirements of the City's Building Code. As part of City requirements, prior to issuance of a grading permit, a qualified geotechnical engineer shall be retained by the Applicant to prepare a more detailed geotechnical investigation to address the specific footprint of the proposed buildings and to identify further recommendations, if any, to mitigate expansive and/or liquefiable soils on the project site. The recommendations of this report shall be implemented as part of construction of the project.
- MM-22 A qualified geotechnical engineer shall be present on the project site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations as specified in geotechnical reports prepared by Kleinfelder, as well as other recommendations which may be made in subsequent geotechnical investigations prepared for the project to address the specific foundation design and footprint of the proposed buildings. Such recommendations include, but are not limited to:
- conformance with California Building Code seismic design requirements for the project area;
  - using a conventional strip and isolated spread footing on engineered fill for minor structures and using driven precast piles for major structures; and
  - overexcavation and recompaction of existing soils.
  - when appropriate, the geotechnical engineer shall provide structure-specific geologic and geotechnical recommendations which shall be

documented in a report to be appended to the project's previous geotechnical reports.

MM-23

If groundwater is within two feet of the bottom of the proposed excavations for installation of the underground storage tanks at the time of construction, the Applicant shall retain an experienced engineer for design of a dewatering system. The dewatering system shall be installed by a contractor specializing in dewatering under similar soil conditions. The dewatering system shall include the following provisions:

- Alternative methods of groundwater control, such a sump pumping, may be proposed by a contractor. If groundwater rises, requiring several feet of drawdown, a vacuum wellpoint system shall be implemented;
- Gravel filled trenches and sump pits shall be lined with filter fabric;
- Groundwater that is removed by dewatering shall be treated before it is discharged into the public storm drain system. Permitting and monitoring of the discharged water shall be required in accordance with RWQCB requirements, and any contaminated water shall be required to be captured and treated to agency requirements prior to being discharged into the public storm drain system;
- Heavy equipment shall be kept off of the lower three feet of excavation for the underground storage tanks, and excavation shall be performed with a "toothless" bucket to reduce disturbance of the subgrade. All disturbed soils at the subgrade level shall be replaced with the gravel bedding for the underground storage tanks, and the bedding shall be separated from the subgrade by a filter fabric;
- A dewatering monitoring program shall be implemented and shall include routine monitoring for suspended solids and treatment facilities to ensure compliance with regulatory criteria. D. Surface Water Hydrology and Surface Water Quality

MM-24

All wastes from construction of the project 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.

MM-25

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.

MM-26

Material spills shall not be hosed down at the pavement. Dry cleanup methods shall be used wherever possible.

MM-27

Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or covered with tarps or plastic sheeting.

- MM-28 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.
- MM-29 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- MM-30 In accordance with the requirements of the applicable NPDES permit for stormwater discharge, a Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation that shall include the following:
- Identification of the sources of sediments and other pollutants that affect the quality of storm water discharge;
  - A monitoring program and reporting plan for the construction period.
  - The Storm Water Pollution Prevention Plan shall be retained at the construction site.
- MM-31 The project shall prepare a storm water quality plan which shall meet the requirements of the Los Angeles Regional Water Quality Control Board. The storm water quality plan shall outline specific Best Management Practices to be implemented on the site. BMPs shall be designed to retain or treat 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 licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be provided.
- MM-32 A temporary, continuous and impermeable sound barrier wall shall be erected as follows: (1) at the boundary of on-site construction activities along Owensmouth Avenue during Phase 1 construction activities; and (2) at the northwest corner of the project site during Phase 1 building construction. The exact height and extent of the sound barrier wall shall be designed to achieve a minimum 10 dBA noise reduction.
- MM-33 Exterior construction activities shall be limited to Monday through Friday from 7:00 A.M. to 6:00 P.M., and from 8:00 A.M. to 6:00 P.M. on Saturdays. No construction activities shall occur on Sundays or national holidays.
- MM-34 Construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels.
- MM-35 Noise-generating construction equipment operated at the project site shall be equipped with effective noise control devices, i.e., mufflers, lagging, and/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.

- MM-36 Engine idling from construction equipment such as bulldozers and haul trucks shall be limited. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District.
- MM-37 The Applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners. The liaison shall be responsible for responding to any concerns regarding construction noise. The liaison's telephone number(s) shall be prominently displayed at multiple locations along the perimeter of the project site.
- MM-38 The proposed building design for the hotel building shall achieve an interior sound environment of 45 dBA (CNEL), as required by City's Building Code.
- MM-39 The helipad shall be used for emergency use only. No commercial or private use of the helipad shall be allowed.
- MM-40 The outdoor amplified sound system at the restaurant areas located within the western portion of the project site shall be limited to a maximum sound level of 85 dBA ( $L_{eq}$ ) at a distance of 50 feet from the amplified sound system.
- MM-41 The outdoor amplified sound system of the outdoor area within the podium of the hotel shall be limited to a maximum sound level of 85 dBA ( $L_{eq}$ ) at a distance of 50 feet from the amplified sound system.
- MM-42 During construction for the project, the Los Angeles Fire Department shall be notified of the times of day and locations of any lane closures or other road construction.
- MM-43 The project shall comply with all applicable State and local Codes and Ordinances regarding fire protection and environmental safety, as well as the General Plan Safety Element and General Plan Framework Element, both of which are elements of the General Plan of the City of Los Angeles.
- MM-44 The applicant shall submit an emergency response plan for approval by the decision maker and the Los Angeles Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.
- MM-45 Within the member-only fueling station, additional primary and secondary containment equipment and spill-prevention features shall include overfill protection features, gravity return of undispensed product, flex joints at tanks and islands, and breakaway/impact valves and dispensers.
- MM-46 Within the member-only fueling station, a fuel system leak detection monitoring console shall be located within the steel controller enclosure. The leak detection system shall provide constant monitoring and positive shutdown of the flow if a leak is detected within the tank, and/or

pipng system. The alarm system will be tied to the main anchor retail store warehouse as well as to an independent security company.

- MM-47 A spill clean-up kit and absorbent materials shall be provided for small spill containment and clean-up as part of a hazardous waste disposal plan. The kit and its location shall be marked in such a way as to identify when and how it is to be used. This kit shall be checked on a daily basis to ensure that it is complete and ready for use.
- MM-48 Within the member-only fueling station, an emergency response plan, approved by the Los Angeles Fire Department, shall be located inside the controller enclosure and all gasoline facility employees shall be fully trained in all facets of this plan.
- MM-49 Upon installation, the fueling system within the member-only fueling station shall be pressure-checked according to the manufacturer's specifications to detect any pressure loss and to isolate and correct new problems before covering the tanks and paving the site.
- MM-50 During construction of the project, the Applicant shall implement security measures including security fencing, lighting, locked entry, and security patrol on the site.
- MM-51 The Applicant shall consult with the Los Angeles Police Department Crime Prevention Unit regarding crime prevention features appropriate for the design of the project and subsequently, shall submit plot plans for the project 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, 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 patrols throughout the project site if needed. These measures shall be approved by the Police Department prior to the issuance of building permits.
- MM-52 Upon project completion, the Applicant shall provide the Los Angeles Police Department - Valley Bureau Commanding Officer with a diagram of each portion of the property, including access routes, and any additional information that might facilitate police response.
- MM-53 Off-site truck staging shall be provided in a legal area furnished by the construction truck contractor. Potential sites include the perimeter of the project site, where street dedications are required. Additionally, trucks shall not be permitted to travel along other residential streets to the east and west or along the prohibited routes as specified in the WCSP.
- MM-54 During the initial periods of Phase 1 construction and during the construction of Phase 2 during the holiday season, if on-site parking for construction workers is not possible, an off-site location shall be identified. A shuttle program shall be developed and implemented to transport construction workers between the off-site parking location and

- the worksite. Construction parking in adjacent residential neighborhoods shall be prohibited at all times.
- MM-55 A flagperson shall be placed at Westfield Way and Victory Boulevard, to control the flow of exiting trucks.
- MM-56 Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods. Deliveries and pick-ups shall be coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.
- MM-57 Access for adjacent land uses shall be maintained during project construction, as well as the maintenance of emergency access consistent with the City of Los Angeles Fire Department requirements.
- MM-58 Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible.
- MM-59 A construction staging and traffic management plan shall be developed by the contractor and approved by the City of Los Angeles Department of Transportation. The construction management plan shall include the measures identified above and other measures as may be deemed appropriate. Any necessary lane or sidewalk closures shall also be identified. Additionally, the construction plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided as well as rerouting of traffic around any potential lane closures. The Construction Staging and Traffic Management Plan shall be subject to final approval by LADOT.
- MM-60 Transportation Demand Management: A project-level TDM program shall be implemented for the project that includes a series of TDM elements including enhancements to adjacent pedestrian facilities, coordinating with LADOT on potential transit routes and on-site bus stops, and implementation of additional TDM strategies.
- MM-61 Topanga Canyon Boulevard & Victory Boulevard (Intersection #4). Dual left-turn lanes shall be installed in the northbound and southbound directions, as well as a dedicated northbound right-turn lane.
- MM-62 Canoga Avenue & Victory Boulevard (Intersection #5). Dual left-turn lanes on the eastbound and westbound approaches shall be installed.
- MM-63 Topanga Canyon Boulevard & Erwin Street (Intersection #7). Dual westbound left-turn lanes shall be installed with a new westbound right-turn lane and an additional northbound shared through/right-turn lane.
- MM-64 Topanga Canyon Boulevard & Oxnard Street (Intersection #12). An additional westbound left-turn-only lane and an additional southbound left-turn only lane shall be installed.
- MM-65 Topanga Canyon Boulevard & Saticoy Street (Intersection #30). The southbound and northbound A.M. and P.M. peak period curbside parking along Topanga Canyon Boulevard shall be removed.

- MM-66 Topanga Canyon Boulevard & Sherman Way (Intersection #32). The southbound curbside parking during the analyzed periods shall be removed in conjunction with the installation of a westbound right-turn-only lane and an additional northbound through lane.
- MM-67 Fallbrook Avenue & Victory Boulevard (Intersection #42). A westbound right-turn lane shall be developed.
- MM-68 Shoup Avenue & Victory Boulevard (Intersection #43). A separate right-turn lane for the eastbound approach shall be installed.
- MM-69 Owensmouth Avenue & Victory Boulevard (Intersection #45). An eastbound right-turn lane shall be installed, the northbound right-turn lane shall be converted into a shared right-through lane in conjunction with the installation of a third southbound departure lane.
- MM-70 Topanga Canyon Boulevard & US-101 Westbound Off-Ramp (Intersection #55). This intersection shall be signalized, if approved by Caltrans.
- MM-71 Topanga Canyon Boulevard & Ventura Boulevard (Intersection #56). A second southbound left-turn lane shall be introduced, if approved by Caltrans.
- MM-72 Topanga Canyon Boulevard & Westfield Village Driveway (Intersection #62). This intersection shall be signalized.
- MM-73 Owensmouth Avenue & West Valley Way (Intersection #68). Roadway widening shall be completed that would permit the introduction of a southbound right-turn-only lane.
- MM-74 Topanga Canyon Boulevard & Clarendon Street (Intersection #86). If ROW can be acquired from a private party, install a second southbound left-turn lane and widen east leg of intersection to receive traffic from the dual left-turn lanes.
- MM-75 De Soto Avenue & Victory Boulevard (Intersection #6). If ROW can be acquired from a private party, roadway widening shall be implemented that would permit the installation of an eastbound right-turn lane.
- MM-76 Canoga Avenue & US-101 Westbound Off-Ramp (Intersection #24). If LADOT is able to acquire the necessary ROW along Canoga Avenue and the north side of the US-101 ramp, a free-flow right-turn lane from the US-101 off-ramp to Canoga Avenue shall be constructed.
- MM-77 Shoup Avenue & Sherman Way (Intersection #31). A northbound right-turn only lane shall be installed.
- MM-78 Canoga Avenue & Sherman Way (Intersection #34). Contribute payment into the Warner Center Trust Fund for implementation of future improvements.
- MM-79 De Soto Avenue & Sherman Way (Intersection #35). An eastbound right-turn-only lane shall be installed.



- MM-80 Topanga Canyon Boulevard & Kittridge Street (Intersection #40). Southbound Saturday midday peak period curbside parking shall be removed.
- MM-81 Variel Avenue & Victory Boulevard (Intersection #46). An additional and separate northbound right-turn-only lane shall be completed.
- MM-82 Owensmouth Avenue & Canyon Creek Road (Intersection #48). A southbound right-turn-only lane shall be installed.
- MM-83 Shoup Avenue & Erwin Street (Intersection #49). Roadway widening and re-striping shall be implemented to permit the introduction of a dual southbound left-turn lane and northbound right-turn lane.
- MM-84 Shoup Avenue & Oxnard Street (Intersection #50). A northbound right-turn-only lane shall be installed.
- MM-85 The WCSP transportation impact assessment fee (TIA Fee) shall be paid for each phase of the development.
- MM-86 Topanga Canyon Boulevard Frontage. A fourth northbound lane shall be constructed along the Topanga Canyon Boulevard frontage of the project site (between Erwin Street and Victory Boulevard).
- MM-87 Victory Boulevard Frontage. Victory Boulevard shall be widened, to LADOT's Major Class I arterial standard, in order to accommodate both the additional fourth eastbound lane and the Victory Median Concept.
- MM-88 Vanowen Street/Westfield Topanga Signalized Entrance. A traffic signal shall be installed at the main entrance to Westfield Topanga on Vanowen Street in order to improve ingress to and egress from Westfield Topanga.
- MM-89 The Applicant shall participate in a neighborhood traffic management plan process, which will involve the following steps:
1. Upon approval of development on the project site, the Applicant shall be responsible for collecting 24-hour count data subject to the approval of LADOT on the key residential streets within the identified neighborhoods. These counts shall be completed and submitted to LADOT prior to the issuance of the final Certificate of Occupancy.
  2. If requested by LADOT, "after" counts shall be conducted within one year of the opening of project Phases 1 and/or 2 to quantify the level of intrusion impacts.
  3. If the traffic growth within the neighborhood exceeds the LADOT criteria for a significant impact, the Applicant shall sponsor a neighborhood traffic management study for the affected neighborhood.
  4. A detailed neighborhood traffic management plan shall be developed in cooperation with the neighborhood residents and then submitted to LADOT and to the residents for approval.

## MM-90

For the retail, restaurant, hotel and office uses on the project site, the Applicant shall (unless otherwise required and to the satisfaction of the City of Los Angeles Department of Building and Safety):

- Install high-efficiency toilets that provide a maximum 1.28 gallons per flush. Rebates may be offered through LADWP to offset portions of the costs of these installations.
- Install no-flush or waterless urinals. Rebates may be offered through LADWP to offset portions of the costs of these installations.
- Install restroom faucets/toilet controls of a self-closing design (i.e., that would automatically turn off when not in use).
- Install pre-rinse, self-closing spray heads for restaurant sinks.
- Install Energy Star-rated dishwashers.
- Install Energy Star-rated clothes washers within the hotel.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute for hotel, restaurant, and office uses.
- Install restroom faucets with a maximum flow rate of 0.5 gallons per minute for retail uses.
- Prohibit the use of single-passing cooling equipment.

## MM-91

In addition to the requirements of Ordinance No. 170,978 (Landscape Ordinance), the landscape plan for the project shall incorporate the following:

- Weather-based irrigation controls with rain shutoff;
- Matched precipitation (flow) rates for sprinkler heads;
- Minimize use of spray systems in favor of drip, bubblers, rotating sprinkler nozzles, etc;
- Minimum irrigation system distribution uniformity of 75 percent;
- Proper hydro-zoning, turf minimization and use of native (at least 10 percent)/drought tolerant plant materials (at least 30 percent);
- Use of water conserving power spray equipment for non-permeable surface cleaning;
- Flow sensors and master shutoff;
- Use of landscape contouring to minimize precipitation runoff; and
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 square feet and greater, to the satisfaction of the City of Los Angeles Department of Building and Safety.

- MM-92 The construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Department of Building and Safety prior to issuance of demolition or construction permits.
- MM-93 To facilitate on-site separation and recycling of demolition and construction-related wastes, the construction contractor should provide temporary waste separation bins on-site during demolition and construction of the project.
- MM-94 Recycling bins shall be provided at appropriate locations on the project site to promote recycling of paper, metal, glass, and other recyclable materials.
- MM-95 The proposed project would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds do not occur. Specifically, in accordance with the MBTA, efforts would be made to schedule removal of mature trees between September 1 and February 14 to avoid the nesting season. If activities were to occur during the nesting season, all suitable habitats would be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to removal. If any active nests were detected, the area will be flagged, along with a minimum 50-foot buffer (buffer may range between 50 and 300 feet as determined by the monitoring biologist), and would be avoided until the nesting cycle has completed or the monitoring biologist determines that the nest has failed.
- MM-96 Outdoor Environments and Land Use: Located in a suburban area with surrounding uses, particularly the Westfield Topanga and Westfield Promenade shopping centers to the north and south, respectively, the project would provide dining, entertainment, shopping, and working experience for the community. The location of these uses within an already developed area in close proximity to other commercial uses would also serve to reduce vehicle trips, promote alternatives to individual vehicle travel and promote efficient delivery of services and goods. The project would also provide new open space areas and landscaping that would assist in carbon intake and minimize surface water runoff. (PDF)
- MM-97 Transportation: The project would incorporate the following transportation-related project design features to reduce vehicle trips and promote alternative modes of transportation (PDF):
- The project site is accessible to multiple public transportation lines, including Metro Rapid and Bus Rapid Transit lines, long distance commuter service lines, and Metro Local and Limited-Stop Service lines.
  - The project would provide preferred parking to Zero Emission Vehicles for the retail and office components of the project.

- The project would prepare and implement a Transportation Demand Management Plan (TDM) Plan that would set out programs and actions to reduce vehicle trips from the project.
- The project would provide vehicular ingress/egress access driveways and interior roadways that minimize vehicular queuing and interference with traffic flows on the adjacent streets, while providing adequate circulation and safe pedestrian access.

**MM-98**

Water: The project would include the following project design features to address water conservation (PDF):

- Water conservation measures for retail/restaurant and office commercial uses on the project site include the following: high-efficiency toilets and urinals; automatic faucet and toilet controls; pre-rinse self closing spray heads for restaurant sinks; Energy-Star rated dishwashers; and faucet flow restrictors for bathroom sinks.
- Water conservation measures for hotel uses on the project site include the following: high-efficiency toilets; high-efficiency clothes washers; one shower head per shower stall; demand water heater system; Energy-Star rated dishwashers; and swimming pool and spa leak detection system.
- Water conservation measures for landscaping uses on the project site include the following: smart irrigation controllers; use of drought tolerant species in the landscape plan; water efficient sprinkler heads; minimal turf; preferred use of drip irrigation systems, bubblers, etc over spray systems; and water-conserving power spray equipment.
- The project would reduce its domestic water demand by at least 20 percent through the use of project design features described above.

**MM-99**

Energy: The project would incorporate the following project design features to reduce the project's energy usage (PDF):

- The project would include strategies to mitigate the heat island effect. The project would install roofing materials with a high Solar Reflectance Index. The project would also integrate non-roof strategies, such as providing shade to paved areas, using paving materials with a high Solar Reflectance Index, and placing at least 50 percent of parking spaces under a roof. By mitigating the heat island effect around the project site, the project would lower its air conditioning demand, and thus its peak energy usage.
- Commissioning of building energy systems by an independent company to verify that the project's buildings energy systems are installed, calibrated, and performed to the Applicants' project requirements.

- Participation in fundamental refrigerant management to preclude the use of chlorofluorocarbons (CFCs) in HVAC systems for the project.
- The project would reduce its energy usage by at least 14 percent below its Title 24 2005 baseline through the use of project design features described above.

- MM-100 Regulatory Compliance: The project would comply with applicable CARB Executive Orders and Procedures and SCAQMD Regulations. Potential air pollutant emissions from the proposed fuel dispensing equipment would be regulated by SCAQMD. SCAQMD is the responsible agency for issuing Authority to Construct /Permit to Operate for all fueling facilities in the Los Angeles County area and providing inspections of equipment installation and testing. (PDF)
- MM-101 Dewatering: Coordination with the Watermaster will commence during preliminary design of the project and any dewatering necessary by the project will be reported to the Watermaster. All dewatering will comply with state and local regulations. (PDF)
- MM-102 SWPPP and Best Management Practices: In compliance with NPDES and City requirements, BMPs would be implemented to address water quality during both construction and operation of the project. These BMPs may include, but are not limited to, catch basin filtration inserts for collection of suspended pollutants and oils from paved areas, screened or enclosed trash container areas, stenciling of on-site storm drain inlets, and structural treatment control devices for increasing filtration and targeted pollution control. The final selection of BMPs would be completed through coordination with the City as part of the normal building permit process subsequent to environmental review. (PDF)
- MM-103 On-site Detention Facilities: The project would include on-site detention facilities, such as oversized pipes and/or vaults that would detain flows such that post-project flows would be attenuated to pre-project conditions. For Phase 1, detention basins are proposed for Drainage Basins 300 and 400. For Phase 2, a detention facility is proposed for Drainage Basin 200. The runoff would then be discharged from the on-site detention facilities at a controlled rate into the existing storm drain system. Outflow rates from the on-site site detention facilities would be determined based on the pre-project flow conditions. Final selection and design of the on-site detention facilities (i.e., volume, outlet works, spillway, location, etc.) would be determined upon final project design. (PDF)
- MM-104 Noise Mitigation Features implemented during Project Operations (PDF):

- All building outdoor mounted mechanical and electrical equipment would be designed to meet the requirements of LAMC, Chapter XI, Section 112.02.
- All outdoor loading dock and trash/recycling areas would be fully or partially enclosed such that the line-of-sight between these noise sources and any adjacent noise sensitive land use would be obstructed.
- All rooftop parking areas, if any, would include a parapet wall of adequate height (e.g., minimum 36 inches above the parking level roof elevation), designed to screen parking related noises from vehicles.
- Non-squeal paving finishes shall be used within the parking structure.

- MM-105 Adequate Emergency Exit: Adequate means of egress (e.g., clearly marked and unobstructed exits) for all occupants on the project site shall be provided. (PDF)
- MM-106 Automatic Sprinkler Systems: All buildings and parking structures would be equipped with hydraulically designed and electronically supervised automatic sprinkler systems. (PDF)
- MM-107 Fire Department Standpipes: Standpipes would be included within buildings that have a floor level of 30 feet or more above the lowest level of fire department vehicle access. The standpipes would be located within the stairwells and designed in accordance with the National Fire Protection Association (NFPA) 14: Standard for the Installation of Standpipes and Hose Systems. (PDF)
- MM-108 Fire Alarm Systems: All buildings will be equipped with fire alarm systems designed to alert alarm, supervisory, and trouble signals. The alarm signal provides indication of a fire or any other emergency condition in the building. The supervisory signal would indicate if a required fire extinguisher is not in full working order, while the trouble signal would indicate the portion of the fire protection system that is not functioning properly (e.g., faulty electrical wire). The fire alarm systems would be programmed to annunciate alarm conditions on a building by building basis and would be electronically supervised. Occupant notification systems would be installed in various locations as required by the Fire Code. In addition, all high rise buildings would have an emergency voice/alarm communication system. (PDF)
- MM-109 Automatic Smoke Detection: Smoke detectors would be installed in various locations, including but not limited, to within the hotel, office, and other high rise buildings. (PDF)
- MM-110 Portable Fire Extinguishers: As an additional aid for the control of accidental fires, portable fire extinguishers would be located in the buildings as required by the Fire Code (e.g., within 30 feet of commercial cooking equipment). (PDF)

- MM-111 Egress Lighting and Exit Signage: Egress lighting and exit lighting would be installed within the buildings and connected to an approved emergency power source to provide continued illumination for a minimum of 90 minutes after primary power loss. (PDF)
- MM-112 Emergency Power System: An emergency source of power (e.g., emergency generator) would be provided to operate required equipment in the event of power failure. The emergency power system would operate upon loss of power to the building within 10 seconds supplying each of the following systems: means of egress lighting, exit signage, fire alarm control panel(s) and associated devices, emergency voice/alarm systems, and elevator car lighting for the high rise buildings. (PDF)
- MM-113 Fire Safety for High-rise Buildings: All high-rise buildings shall comply with Division 118 of the Fire Code and provide (PDF):
- A rooftop emergency helicopter landing facility,
  - A Fire Control Station that contains a public address system and telephones for LAFD use,
  - A fire detection and fire alarm system,
  - An elevator recall switch and a status panel for all elevator cars,
  - Sprinkler control system,
  - Standby power and emergency electrical power controls,
  - Controls for unlocking stairshaft doors,
  - Smoke evacuation and fan controls,
  - Stairway pressurization control switches, and
  - Status indicators for fire pumps and water supply.
- MM-114 Plot Plan Review by LAFD: A plot plan of the project would be submitted to LAFD for approval prior to the recordation of the final map or the approval of a building permit. The plot plan would include the following minimum design features (PDF):
- Fire lanes, where required, would be a minimum of 20 feet in width clear to sky, posted with a sign of no less than three square feet in area and/or painted with "Fire Lane No Parking", and have an adequate approved turning area; when a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions would not be less than 28 feet in width;

- No building or portion of a building would be constructed more than 150 feet from the edge of a roadway, of an improved street, access road, or designated fire lane, unless otherwise approved by the LAFD;
- Access for LAFD apparatus and personnel to and into all structures would be provided;
- Locations and dimensions of turning areas. Standard cut corners would be used in all turns;
- Roadways through the site would be a minimum of 20 feet in width clear to the sky; no more than 15 percent in grade; constructed to meet the roadway dimension requirements of the Department of Public Works; and maintained in an unobstructed manner;
- Locations and sizes of all fire hydrants; and
- All structures would be within 300 feet of an approved fire hydrant.

- MM-115** Fire Access: Since some exterior walls of the project buildings would be farther than 150 feet from the public street, the project would provide an approximately 30-foot wide internal emergency fire lane that would curve along the eastern site boundary from Owensmouth Avenue to Erwin Street. Additionally, if further improvements to the project site's internal access roads become necessary, such improvements would be reviewed and approved to the satisfaction of the LAFD. (PDF)
- MM-116** Fire Flow Requirements: In accordance with LAFD requirements, a minimum public hydrant fire flow of 9,000 to 12,000 gpm would be provided from four to six hydrants flowing simultaneously. The project Applicant would consult and coordinate further with LAFD during the development of the project plans to ensure that adequate private on-site fire hydrant flow is provided prior to the issuance of a building permit. Additionally, if further improvements to the water system become necessary, such improvements would be reviewed and approved to the satisfaction of the LAFD. (PDF)
- MM-117** Fire Service Connections: The project's on-site fire protection system would include at minimum three fire service connections to meet the on-site fire flow requirement. The existing 10-inch and 8-inch fire service connections along Victory Boulevard to the north could be utilized. The third connection would be a new 8-inch connection to create a looped fire protection system throughout the project site. The location of the new third connection would be influenced by the water pipeline layout of the on-site fire protection system and would be determined at the time of final LAFD plan review. (PDF)
- MM-118** Member-Only Fueling Station Safety Features: The member-only fueling station would be designed in accordance with local, state, and federal requirements and installed by state certified installation



contractors. Specific features and requirements would include, but would not be limited to, the following (PDF):

- Trained employees and supervisors would be present on-site during all hours of operation;
- Senior management in the anchor retail store would be present on-site during all hours of operation for the member-only fueling station. These managers would be equipped with a roam telephone programmed to receive calls from the fueling facility;
- A 911 telephone that automatically contacts emergency dispatch would be present on-site in addition to a regular telephone line and roam phones;
- Employees would be trained to identify maintenance requirements and physically inspect the fuel islands regularly during operating hours. This training would include spill clean-up and emergency response procedures consistent with applicable local, state, and federal regulatory requirements. Should the system require attention beyond what the trained site person could address, the local authorized and certified service contractor would be contacted and dispatched to repair the system;
- Emergency shutoff equipment would be installed in accordance with the Fire Code and each fueling station would be equipped with an automatic shutoff valve, fire extinguishers, and leak detection sensors. Emergency shut-off switches would also be installed next to the controller enclosure and in locations near dispensers, as dictated by the Fire Code.
- Closed circuit television monitor cameras would be installed to show all fueling positions and equipment enclosures to allow for full-time monitoring of the fueling operation;
- The tank and piping monitoring system would include visual and audible alarms to alert employees in the event of an emergency and each fueling station would be equipped with an automatic shutoff valve, fire extinguishers, and leak detection sensors;
- The fueling station tank and piping system would be certified to meet applicable local, state, and federal Underground Storage Tank (UST) requirements, including leak detection standards. The piping system would also be certified by the California State Water Resources Control Board;
- An independent security company would monitor the anchor retail warehouse alarm system, including the alarm associated with the fueling station;

- The storm drainage system for the fueling facility area would be designed in accordance with State of California Best Management Practices for water quality treatment standards. Stormwater from the fueling area would be isolated and would be directed to a catch basin and processed through an oil/water separator prior to discharge to the downstream system;
- The underground tank and piping control units for the fueling station would be housed inside the controller enclosure. The enclosure would contain the power console, the dispenser interface unit, the submersible pump variable speed controllers, and the monitoring system console. An air conditioner mounted on the side of the enclosure would have a preset thermostat to maintain a safe operating temperature;
- The USTs and all containment sumps, including the dispenser sumps would consist of double-walled fiberglass. Fiberglass is used for its corrosion resistance and plasticity. The double-walled storage tank system would include a hydrostatic interstitial space sensor that monitors the primary and secondary tank walls. If a tank wall is compromised, the interstitial sensor would immediately shut down the product delivery system and activate a visual/audible alarm;
- The USTs would be secured in place with anchoring straps (tie-downs) connected to concrete blocks. The entire tank excavation hole would be backfilled with pea gravel and capped with an 8-inch-thick reinforced concrete slab (overburden). The tie-downs, together with the overburden, would overcome any possible buoyancy factors and resist buckling under hydrostatic pressures;
- All product, vapor and vent piping would be non-corrosive and provide three levels of protection. First, all product piping would be monitored with pressure line leak detection. Second, all piping would be double wall to provide secondary containment. Third, all fiberglass piping would be additionally monitored under vacuum per California 2481 regulations such that if a breach is detected in the vacuum, the product delivery system would shut down and system would sound audible alarm;
- All piping connections to the tanks and dispensers would be flexible. Flexible connectors would be used to reduce risk of rupture from any form of ground movement;
- All piping would slope to the sumps at the USTs. If a piping leak occurred, the gasoline would flow through the secondary pipe to the sump, where a sensor would be triggered to immediately shut down the system and activate an audible/visual alarm;

- All tanks and dispensers would be equipped with Phase I and Phase II Enhanced Vapor Recovery (EVR) vapor recovery air pollution control equipment technology per local, state, and federal regulatory requirements. Phase I vapor recovery shall be used at the underground tank fill ports. This will reduce vapor release to the air associated with refueling underground storage tanks. Phase II vapor recovery shall be used at the product dispensers. This system will reduce vapor release to the air typically associated with refueling of vehicles;
- The UST monitoring system would incorporate automatic shutoffs. If gasoline is detected in the sump at the fuel dispenser, the dispenser would shut down automatically and an alarm would be sounded. If a problem is detected with a tank, the tank would be automatically shut down and an alarm would be sounded. If the product piping system detects a failure of the 0.1 gallons per hour (GPH) test, the line would be automatically shut down and the alarm would be sounded. Pursuant to current federal requirements, monitoring equipment must be able to detect a minimum leak of 3 GPH (equivalent to the accuracy of a mechanical leak detector). By providing monitoring to a higher standard (0.1 vs. 3), the fueling station would maintain a higher degree of safety than required by current federal requirements. The monitoring system would also be designed so that if power is lost to the monitoring console, the fueling station facility is shut down and would not operate; and
- Each dispenser sump would be equipped with an automatic shutoff valve to protect against vehicle impact. In addition, each fuel hose would include a poppeted breakaway device that would stop the flow of fuel at both ends of the hose in the event of an accidental drive-off. Also, each dispenser would be equipped with internal fire extinguishers. Lastly, all dispensers would include leak detection sensors connected to the alarm console inside the controller enclosure.

**MM-119**

**On-site Security:** In order to maintain high levels of safety for employees, patrons, and visitors during project operation, on-site security consisting of personnel and equipment would be provided. 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 (PDF):

- 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.
- Controlling and monitoring activities in public spaces.

MM-120

**Security Programs and Equipment:** An enhanced security program would be implemented in addition to the computer-assisted security programs currently maintained at Westfield Topanga and Westfield Promenade to the north and south of the site, respectively. Additional 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 in compliance with Westfield 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. (PDF)

MM-121

**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, (PDF):

- 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.
- Graffiti deterrent measures, where possible.

MM-122

**Security Program Regarding Anchor Retailer Member-Only Auto Sales:** The anchor retailer and the remainder of the project site would be staffed with project security during regular business hours. After hours, in addition to project security, the anchor retailer and outdoor vehicles would be protected by cameras located at each corner of the anchor

retailer, which would provide views of all parts of the building, the front entrance, loading dock and member-only gas station. These cameras would connect to television monitors that could be monitored by both anchor retailer personnel and, if requested by LAPD, the local LAPD station. (PDF)

MM-123

**Parking Supply and Design:** Parking for the new anchor retailer constructed as part of Phase 1 would be provided in a new grade plus one level parking facility within the central portion of the project site as well as within a surface parking area to the south of the anchor retailer building. In addition, parking for the shopping center retail and restaurant uses constructed as part of Phase 1 would be provided within the new grade plus one level parking structure and a series of surface parking areas located throughout the southern and western portions of the project site. In total, 1,755 parking spaces would be provided as part of Phase 1 of the project. As part of Phase 2 of the project, it is anticipated that this parking structure would be expanded into a grade plus five level parking facility within the southeastern portion of the project site, and thus would be centrally located within the City block that includes the project site. Additional surface parking areas would also be developed as part of Phase 2. Upon completion of Phase 2 (Two), 3,362 parking spaces would be provided.

MM-124

**Parking Control Program:** A parking control program would be implemented on the site. This type of controlled parking is in place at some of the project applicant's other developments (such as the Westfield Century City Shopping Center in Los Angeles, and Horton Plaza in San Diego) and the operation is expected to be similar for the project site. A driver entering the parking structure would pull a time-stamped ticket (or use a proximity pass card in the case of employees or residents). Upon exit, the driver would insert a validated exit ticket (or his/her proximity pass card) obtained at a validation machine or a pay-on-foot booth within the project site. Parking validations would be available for one, two, or three hours (depending on the shopping/restaurant/cinema activity of the patron). Drivers exceeding their validated time would pay a nominal parking fee to obtain their exit pass. The parking fee amount and the number of hours of free validated parking would be set to discourage office employees from parking in the retail visitor parking areas.

Retail stores and the hotel within the project would be given employee parking passes (paid for through common area maintenance fees) according to their size and need. Office employees would have to pay for their parking passes on a monthly basis. Office visitors could be validated by the business they visited. The number and the location of the inbound and outbound ticket gates would be subject to review and approval by LADOT. It is likely that the surface parking spaces serving the ground-level retail along Topanga Canyon Boulevard would be located outside of the parking control points and would be either free or controlled by time limits or meters. (PDF)

MM-125

**Vehicular Access and Circulation:** The project would have nine driveways. As presented in Figures 2A and 2B of the Traffic Study, the project would provide access along Topanga Canyon Boulevard,

Victory Boulevard, Owensmouth Avenue and Erwin Street. The proposed driveway entrances would be located (PDF):

- Along Topanga Canyon Boulevard, just north of Erwin Street, there would be an unsignalized right-turn-in/right-turn-out only driveway serving the southwest corner of the project site and adjacent surface parking.
- Along Topanga Canyon Boulevard, north of the intersection described above and just south of the proposed main Topanga Canyon Boulevard Entrance, there would be an unsignalized right-turn-in/right-turn-out only driveway that would provide access to the southwestern project site buildings and adjacent surface parking.
- Along Topanga Canyon Boulevard approximately mid-way between Victory Boulevard and Erwin Street, a driveway would serve as the main entrance from Topanga Canyon Boulevard and be signalized. Right and left-turn entrances and exits to and from the project would be permitted.
- Along Topanga Canyon Boulevard approximately mid-way between Victory Boulevard and the proposed main Topanga Canyon Boulevard entrance, there would be an unsignalized right-turn-in/right-turn-out only driveway that would provide access to parking near the northwestern project site buildings and adjacent surface parking.
- Along Victory Boulevard at the intersection of Westfield Way & Victory Boulevard, a driveway would serve as the project's main northern entrance. It would be a four-way signalized intersection providing access to the anchor retailer parking structure and other points within the site via the south leg of the intersection and access to/from Topanga Plaza on the north. This signalized intersection exists today but would be shifted westerly to accommodate the project driveway design.
- Along Victory Boulevard between Westfield Way and Owensmouth Avenue, a driveway would serve as an access point for the anchor retailer's fueling station. It would be a right-turn-in/right-turn-out only driveway.
- Along Owensmouth Avenue south of Victory Boulevard approximately mid-way between Victory Boulevard and West Valley Way, a driveway would provide right-turn-in and right-turn-out access to the project site and provide direct access to anchor retailer's fueling station and parking area.
- At the intersection of Owensmouth Avenue & West Valley Way, a driveway would serve as the project's eastern entrance. It is currently a signalized three-way intersection that would provide access to the project's parking structure and parking field situated in the core of the site.

- Along Erwin Street east of Topanga Canyon Boulevard, a driveway would serve as the project's only driveway along the southern edge of the property. This driveway would be stop-controlled and provide right-turn-in and right-turn-out access to the project site.

MM-126      Alternative Transportation Measures: To promote alternative modes of transportation, the project will provide secure, covered bicycle storage areas on-site for occupants and residents. The retail and office components of the project will provide preferred parking to low-emitting (Zero Emission Vehicles) and fuel-efficient vehicles. The project Applicant would also sponsor a guaranteed ride home program for its employees through the deployment of on-site short-term rental vehicles (e.g. Zipcars). (PDF)

MM-127      Water Conservation Features: Water conservation features for the project's uses would include the following (PDF):

*Retail, Restaurant, Hotel and Office Uses*

- high efficiency toilets (maximum 1.28 gallons per flush);
- no flush or waterless urinals;
- automatic faucet/toilet controls (sensors);
- pre-rinse self-closing spray heads for restaurant sinks;
- Energy-Star rated dishwashers;
- faucet flow restrictors (hotel, restaurant, and office bathroom sinks will be limited to maximum flow rate of 1.5 gpm; retail bathroom sinks will be limited to maximum flow rate of 0.5 gpm);
- Energy-Star rated clothes washers within the hotel.
- prohibition of single pass cooling systems; and
- Swimming pool and spa leak detection systems.

*Landscaping*

- At least 10 percent of the landscaping will consist of native plants and 30 percent of the landscaping will consist of drought tolerant plants (includes native plants);
- smart irrigation controls (weather sensors, etc.);
- water efficient sprinkler heads;
- limit turf to where required for active use;

- minimize use of spray systems in favor of drip, bubblers, rotating sprinkler nozzles, etc;
- use of water conserving power spray equipment for non-permeable surface cleaning; flow sensor and master shutoff;
- use of designed landscaped contour to minimize precipitation runoff; and
- a separate irrigation meter for landscaping, micro-irrigation (which excludes sprinklers and high-pressure sprayers) to supply water in non-turf areas, and self-closing nozzles on hoses.

MM-128 Domestic Water Connections: Existing domestic water connections to the existing water mains located within the City streets would be utilized, where appropriate, to serve the project's domestic water demand. The project would also require new domestic water connections (e.g., hook-ups). New water connections would be provided in accordance with the City of Los Angeles Department of Building and Safety and applicable building code requirements. (PDF)

MM-129 Fire Service Connections: The project's on-site fire protection system would consist of a looped system of private water mains dedicated for fire protection service only. This looped system of piping would be connected to the public water system piping surrounding the site. The final configuration of the private on-site fire protection system piping would be determined during the final engineering design effort for the project. The on-site fire protection system should include at minimum three fire service connections. The existing 10-inch and 8-inch fire service connections along Victory Boulevard to the north would be utilized. In addition to these two connections, two additional 8-inch connections would need to be installed to create a looped fire protection system throughout the project site. The location of the additional connections would be influenced by the water pipeline layout of the on-site fire protection system and the fire hydrant flow requirements of the different buildings proposed as part of the project and would be determined at the time of final LAFD plan review. (PDF)

MM-130 On-site Recycling Containers: During project operations, recycling containers to promote the recycling of paper, metal, glass, and other recyclable materials and adequate storage areas for such containers would be provided on the site to reduce the need for solid waste disposal at landfills. (PDF)

**96. Construction Mitigation Conditions** – Prior to the issuance of a grading or building permit the Applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department binding the Applicant and all successors to the following:



- CM-1 Haul Route Information: The project developer shall notify school principals of Hamlin Elementary School and Canoga Park Senior High School of haul route and construction schedule. (PDF)
- CM-2 Temporary fencing (e.g., chain linked or wood) with screening material shall be used around the perimeter of the site to buffer views of construction equipment and materials. The Applicant shall ensure through appropriate postings with the following language "POST NO BILLS" and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period. Such language shall appear at intervals of no less than 25 feet along the length of the publicly accessible portions of the fencing.
- CM-3 All unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. The spreading of soil binders shall be required on exposed soil to reduce fugitive dust and reestablish ground cover on construction sites through seeding and watering.
- CM-4 All heavy-duty truck loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. In addition, trucks shall be washed off prior to leaving the construction site.
- CM-5 All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- CM-6 All earth moving or excavation activities shall be discontinued during periods of high winds (i.e., greater than 25 mph) to prevent excessive amounts of dust.
- CM-7 All equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- CM-8 General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues will have their engines turned off after five minutes when not in use, to reduce vehicle emissions. Construction activities shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.
- CM-9 Petroleum powered construction activity shall use electricity from power poles rather than temporary diesel power generators and/or gasoline power generators if power poles are available at construction area.
- CM-10 The project Developer shall require by contract specifications that heavy-duty (>50 hp) off-road vehicles used in the construction phases meet EPA Tier 3 emission standards. This level of reduction would be achieved by the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters and catalytic converters, and/or other options as such become available.

- CM-11 Proposed buildings would be designed to minimize the need for the application of architectural coatings; and where the application of architectural coatings is necessary, shall use low VOC coatings.
- CM-12 The project Developer shall provide rideshare and transit incentives to construction personnel.
- CM-13 All wastes from construction of the project 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.
- CM-14 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.
- CM-15 Material spills shall not be hosed down at the pavement. Dry cleanup methods shall be used wherever possible.
- CM-16 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or covered with tarps or plastic sheeting.
- CM-17 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.
- CM-18 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.
- CM-19 The project shall prepare a storm water quality plan which shall meet the requirements of the Los Angeles Regional Water Quality Control Board. The storm water quality plan shall outline specific Best Management Practices to be implemented on the site. BMPs shall be designed to retain or treat 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 licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be provided.
- CM-20 A temporary, continuous and impermeable sound barrier wall shall be erected as follows: (1) at the boundary of on-site construction activities along Owensmouth Avenue during Phase 1 construction activities; and (2) at the northwest corner of the project site during Phase 1 building construction. The exact height and extent of the sound barrier wall shall be designed to achieve a minimum 10 dBA noise reduction.
- CM-21 Exterior construction activities shall be limited to Monday through Friday from 7:00 A.M. to 6:00 P.M., and from 8:00 A.M. to 6:00 P.M. on

- Saturdays. No construction activities shall occur on Sundays or national holidays.
- CM-22 Construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously, which causes high noise levels.
- CM-23 Noise-generating construction equipment operated at the project site shall be equipped with effective noise control devices, i.e., mufflers, lagging, and/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.
- CM-24 Engine idling from construction equipment such as bulldozers and haul trucks shall be limited. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District.
- CM-25 The Applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners. The liaison shall be responsible for responding to any concerns regarding construction noise. The liaison's telephone number(s) shall be prominently displayed at multiple locations along the perimeter of the project site.
- CM-26 During construction for the project, the Los Angeles Fire Department shall be notified of the times of day and locations of any lane closures or other road construction.
- CM-27 During construction of the project, the Applicant shall implement security measures including security fencing, lighting, locked entry, and security patrol on the site.
- CM-28 Off-site truck staging shall be provided in a legal area furnished by the construction truck contractor. Potential sites include the perimeter of the project site, where street dedications are required. Additionally, trucks shall not be permitted to travel along other residential streets to the east and west or along the prohibited routes as specified in the WCSP.
- CM-29 During the initial periods of Phase 1 construction and during the construction of Phase 2 during the holiday season, if on-site parking for construction workers is not possible, an off-site location shall be identified. A shuttle program shall be developed and implemented to transport construction workers between the off-site parking location and the worksite. Construction parking in adjacent residential neighborhoods shall be prohibited at all times.
- CM-30 A flagperson shall be placed at Westfield Way and Victory Boulevard, to control the flow of exiting trucks.
- CM-31 Deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods. Deliveries and pick-ups shall be coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

- CM-32 Access for adjacent land uses shall be maintained during project construction, as well as the maintenance of emergency access consistent with the City of Los Angeles Fire Department requirements.
- CM-33 Temporary lane closures, when needed, shall be scheduled to avoid peak commute hours and peak school drop-off and pick-up hours to the extent possible.
- CM-34 A construction staging and traffic management plan shall be developed by the contractor and approved by the City of Los Angeles Department of Transportation. The construction management plan shall include the measures identified above and other measures as may be deemed appropriate. Any necessary lane or sidewalk closures shall also be identified. Additionally, the construction plan shall identify the locations of the off-site truck staging and off-site worker parking to be provided as well as rerouting of traffic around any potential lane closures. The Construction Staging and Traffic Management Plan shall be subject to final approval by LADOT.
- CM-35 The construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract specifying recycled waste service shall be presented to the Department of Building and Safety prior to issuance of demolition or construction permits.
- CM-36 To facilitate on-site separation and recycling of demolition and construction-related wastes, the construction contractor should provide temporary waste separation bins on-site during demolition and construction of the project.
- CM-37 Construction and Design Elements: During construction, the project would provide the following project design features to address air quality, greenhouse gas emissions, and a sustainable project design: (PDF)
- The project would be designed to achieve the standards of the Silver Rating under the USGBC's Leadership in Energy Efficiency and Design (LEED®) green building program, or equivalent green building standards. The anchor retailer building would be designed to achieve the standards of LEED® Certified, or an equivalent green building standard, at minimum. The project would also be designed to meet the requirements of the City of Los Angeles' Green Building Code.
  - Publication and distribution of a Tenant Design and Construction Guidelines document to retail, hotel, and office tenants, which would provide information on the project's sustainable design and construction features, as well as the projects' sustainability goals and objectives. This document would include recommendations, including examples, of sustainable strategies, products, and materials.
  - Activities associated with the grading and export of soil would occur in accordance with City requirements, as specified in the

LAMC and through the grading plan review and approval process.

- The project would recycle and reuse building and construction materials, including the on-site recycling and reuse of concrete removed during demolition and salvaging of existing appliances and fixtures.
- The project would comply with SCAQMD Rule 403 regarding fugitive dust control. Control measures would control fugitive dust at least as effectively as the following measures:
  - The project would maintain soil stabilization of inactive construction areas with exposed soil via water, non-toxic soil stabilizers, or replaced vegetation;
  - Suspension of earthmoving operations or additional watering would be implemented to meet Rule 403 criteria if wind gusts exceed 25 mph;
  - All haul trucks would be covered or would maintain at least six inches of freeboard;
  - Haul trucks would be routed to minimize use of street segments with sensitive air quality land uses;
  - Track-out emissions would be minimized using the methods provided for in Rule 403; and
  - Vehicle speeds would be limited to 15 miles per hour or less in staging areas and on haul roads.

- CM-38 Construction Equipment Noise Features: Project construction contractor(s) would equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards. (PDF)
- CM-39 Construction Delivery Truck Access: Construction delivery trucks would access the site via planned staging areas off of Topanga Canyon Boulevard and Victory Boulevard from 101 Freeway. The delivery truck route would begin from the project site to access 101 Freeway via Victory Boulevard, Owensmouth Avenue, Erwin Street and Topanga Canyon Boulevard. (PDF)
- CM-40 Construction Fire Safety Training: Construction managers and personnel would be trained in emergency response and fire safety operations. (PDF)
- CM-41 Construction Fire Suppression Equipment: Fire suppression equipment specific to construction would be maintained on-site in accordance with OSHA and Fire Code requirements. (PDF)
- CM-42 Construction Staging and Traffic Management Plan: A construction staging and traffic management plan shall be prepared and implemented, wherein traffic management personnel (flag persons) and

appropriate detour signage would be employed as necessary to ensure emergency access is maintained to the project site consistent with LAFD requirements and that traffic flow is maintained on street right-of-ways. (PDF)

CM-43 Construction and Demolition Debris: Construction contractors would divert at least 75 percent of construction and demolition debris from landfills via measures such as recycling or reuse. (PDF)

CM-44 Recycled-Content Materials: During construction, at least 10 percent of the total value of the building materials used in the construction of the project would be of recycled content. (PDF)

**A. Administrative Conditions:**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the (WC)C2 and (WC) C4 zone classifications of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Master Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
7. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the

Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

- 8. Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.
- 9. Utilization of Concurrent Entitlement.** Pursuant to CPC-2011-382-SPP-CUB-CU-GB, the subject Project Permit Compliance, Conditional Use for a Master Alcohol Permit, Conditional Use Automotive Uses, and Development Agreement (CPC-2011-1051-DA), requires completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning and the expiration date of the Project Permit Compliance, Conditional Use for a Master Alcohol Permit, Conditional Use Automotive Uses and Development Agreement, shall coincide with the term of the Development Agreement, as approved and recommended by the City Planning Commission, and adopted by the City Council.

## FINDINGS

### WARNER CENTER SPECIFIC PLAN PROJECT PERMIT COMPLIANCE FINDINGS

**1. The Project substantially complies with the applicable regulations, standards and provisions of the specific plan.**

**a. Zoning**

The Project Site encompasses two zoning designations: (WC)C2-165/1.5 and (WC)C4-165/1.5. The majority of the Project Site is categorized as (WC)C2-165/1.5, with the southernmost portion of the site along Erwin Street categorized as (WC)C4-165/1.5. The (WC)C2 and (WC)C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the contemplated uses are permitted by the underlying zoning designations. The 165/1.5 designation indicates that the maximum permitted building height is 165 feet and the maximum permitted floor area ratio ("FAR") is one and one half times (1.5:1) the permitted buildable area.

Pursuant to the WCSP, the maximum allowable height of 165 feet may be increased with a corresponding increase in the required provision of Open Space. The proposed hotel and office tower building heights of up to 247.5 feet, represents a 50% increase from the 165-foot limit. Therefore, the Applicant is required to provide a 50% increase in the amount of Open Space otherwise required on-site. Per Section 10.D of the WCSP, the minimum Open Space required for a lot is percent. A 50% increase over this minimum requirement means that the Applicant must provide Open Space on at least 45% of the lot. The Applicant will provide approximately 50% Open Space across the Project Site (or approximately 645,750 square feet of Open Space out of a total net lot area of 1,299,817 square feet), and will therefore exceed the requirement to increase the percentage of Open Space on site by 50%.

The FAR for the Project is limited to an average 1.5:1 across all lots, with some lots exceeding the 1.5:1 FAR through Floor Area Averaging (WCSP Section 9.E). The actual FAR for the Project, as proposed, would be approximately 0.85:1 with all uses, and 0.84:1 excluding community uses, per WCSP Section 8.E.1 and 8.E.3.<sup>2</sup> This relatively low over-all FAR with two lots exceeding the 1.5:1 limit would allow for smart-growth clustering of density within the interior of the Project site while preserving open space and creating a visually interesting development.

The Project falls within an Enterprise Zone, which permits a parking ratio of two parking spaces per 1,000 square feet of gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools or research and development buildings per LAMC Sec. 12.21 A.4(x)(3). Utilizing this Enterprise Zone incentive, the Project, as proposed, would require approximately 871 parking spaces for Phase 1, and approximately 3,040 spaces at Project buildout. As the Project would provide approximately 1,755 parking spaces for Phase 1, and approximately 3,362 parking spaces at Project buildout, the Project would result in approximately 884 excess parking spaces for Phase 1, and approximately 322 excess parking spaces upon Project completion, as compared to code requirements.

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<sup>2</sup> The total net lot area for the Project is 1,299,817 square feet, and the total proposed floor area is 1,103,674 square feet (including both new and existing square footage to remain), hence an FAR of 0.85:1 including the community use, and an FAR of 0.84:1 excluding the community/cultural use per the Specific Plan. While 11 of the proposed 13 ground lots would have an FAR of less than 1:1, one lot would have an FAR of approximately 5.1:1, and one lot would have an FAR of approximately 3:1, therefore FAR averaging is needed. For more details regarding the FAR of each lot, please see the Project Permit Application, which includes the lot area, floor area, and FAR for each proposed ground lot.



**b. Specific Plan**

Upon approval of the Project applications, the Project will comply with all applicable components of the Specific Plan, as detailed below.

**1. Project Approval (Section 6)**

In compliance with Section 6 of the Specific Plan, the Project shall be developed in substantial conformance with a conceptual site plan and elevation plans marked as Exhibit "A," and attached to the case file. Upon approval of all concurrently-filed entitlement requests, these plot and floor plans would be consistent with the provisions of the Warner Center Specific Plan.

Consistent with Section 6, the Applicant is also requesting approval of a Project Phasing Program. The Applicant will also pay all Specific Plan preparation fees and record any covenants required by WCSP Section 6.

**2. Land Use Categories (Section 7)**

In compliance with Section 7.C.6 and 7.C.7 of the Specific Plan, the Project would be restricted to those uses permitted by the (WC)C2 and (WC)C4 Specific Plan zone/land use categories. The C2 category permits commercial development consistent with those uses permitted in the C2 Zone, as specified in LAMC Section 12.14. The C4 category permits commercial development consistent with those uses permitted in the C4 Zone, as specified in LAMC Section 12.16. All of the Project's proposed uses are consistent with these land use categories.

**3. Floor Area Ratios and Building Limitations (Section 8)**

The Project Site is shown on the WCSP Land Use Categories Map (Map No. 3) as permitting a maximum height of 165 feet and a maximum Floor Area Ratio of 1.5 to 1. The Applicant is seeking both a height increase pursuant to Section 10.A.2(b)(2) of the Specific Plan to allow the proposed height of the hotel and office tower buildings to exceed this 165-foot height limitation, and approval of floor area averaging in a unified development pursuant to Section 9.E for an averaged Floor Area Ratio of up to 1.5:1. Approval of these requests will ensure that the proposed Project is consistent with the Specific Plan's FAR requirements and building height limitations.

**4. Transfer/Increase/Averaging Floor Area Ratio (Section 9)**

The Project does not include a request to transfer unused permitted floor Area or increase floor area ratio, to a receiver site.

**5. Urban Design Requirements (Section 10 and Appendix E)**

The Project will comply with all of the Specific Plan's urban design requirements, including details relating to articulation of building and parking structure facades, building tower separation, lot coverage, landscape setbacks, pedestrian serving uses, parking area landscaping, and walkways.

The proposed anchor retail building will be architecturally compatible with the surrounding retail buildings and will be in substantial conformity with the urban design guidelines of the Warner Center Specific Plan. The anchor retail building will meet the height, lot coverage, landscape, setback and pedestrian and walkway requirements of the Specific Plan together with the rest of the Project. The anchor retail building façade will be consistent with the contemporary style of architecture as that of the adjacent Crate & Barrel retail building and feature variation of

materials, articulation, and integrated landscaping.

To create variety and interest along the Victory Boulevard frontage, the anchor retail building will use a variety of materials such as concrete, horizontal ribbed metal and projecting metal trellises that provides texture and interest and are the primary materials for contemporary architecture. Consistent with the articulation requirements of the Specific Plan and in order to reduce the overall massing of the building, the wall plane along Victory Boulevard includes several full height setbacks of the building façade and a variety of projecting canopies and tower elements. The overall distance between these projections and recesses varies to provide visual interest to the overall composition. The entire Victory Boulevard façade of the anchor retail building will be articulated with building setbacks, building projections, or changes of materials, colors and textures.

The use of trellises along the street elevation will also help engage the landscape into the building design and provide strong shadow lines that create a more interesting elevation. The setback area adjacent to Victory Boulevard will include significant landscaping including trees, berms, shrubs, and groundcovers as well as a meandering sidewalk and a multi-use trail. This active pedestrian area will provide additional interest along the Victory Boulevard façade.

To create additional articulation and visual interest, additional special treatments will be provided at the driveway closest to Owensmouth Avenue and the driveway closest to Crate & Barrel retail building.

At the driveway closest to Owensmouth Avenue, a landscaped screening wall will be added in front of the northeastern corner of the building which extends 12 feet from the building wall. Dual towers will punctuate the corners of the building which will minimize the horizontality of the building mass and help to accentuate these corners as visual markers along the Victory frontage. At the Owensmouth/Victory corner, a landscaped plaza area featuring amenities such as seating, lighting, canopies and special paving will be provided to mark the corner as a "gateway" element. This will be a shaded pedestrian-friendly area, which connects to the other pedestrian amenities as described below.

At the driveway closest to Crate and Barrel retail building, the corner tower treatment of the building will anchor the entry to the site. This entrance will include the use of a variety of paving materials, textures and colors, as well as substantial landscaping, pedestrian scaled lighting, and signage.

Together these elements, including the variation and articulation of the building's façade, the trellises and other screening features, and the integrated landscaping and pedestrian features, satisfy the urban design guidelines of the Specific Plan for the anchor retail building and its Victory Boulevard frontage.

Appendix E of the Specific Plan also includes Urban Design Guidelines related to Street Tree Plans and the Owensmouth Parkway, with which the Project will be consistent. Street trees will be consistent with the suggested species and sizes identified in the Specific Plan.

The Project will be consistent with the objectives and guidelines of the Owensmouth Parkway. The Project will add new meandering sidewalks, multi-use trails, and landscaping, as well as pedestrian lighting, benches, and canopies, along Owensmouth Avenue to create a walkable and pedestrian-oriented environment. The street front corner at Owensmouth Avenue and Victory Boulevard will be transformed into a mini-plaza area accented with groups of trees, trellises, and seating, to allow pedestrians to rest or provide areas for transit riders to wait for the bus. The Project will also physically improve the existing bus stop along Owensmouth Avenue with street furniture and amenities, such as new benches or shelters. Owensmouth

Avenue will provide a direct pedestrian connection into the Project site. This pedestrian path from Owensmouth Avenue will be clearly delineated by special paving, include significant landscaping areas and trees flanking either side of the path, and be highlighted with pedestrian scale lighting.

The Project will provide substantial screening to minimize views of the fuel station from vehicles or pedestrians on Owensmouth Avenue. This screening includes a decorative vine covered screen wall to obscure the fueling station activity from the public street, a landscaping screening wall along Owensmouth Avenue, and mature landscaping placed around the perimeter of the fuel station at the time the fuel station opens.

In light of the Project's proposed transformation of Owensmouth Avenue into an activated, pedestrian-friendly and transit-friendly, landscaped linear park, the Project is consistent with the Owensmouth Parkway Guidelines.

#### 6. Transportation Requirements (Section 11)

The Project would comply with the Warner Center Specific Plan's transportation requirements, including implementation of significant improvements to the surrounding circulation system, preparation of a Transportation Demand Management Program, and participation in a Neighborhood Projection Program. A traffic and parking analysis in connection with the proposed Project and been prepared and identifies Project-level, and a physical mitigation program to minimize traffic impacts created by the Project.

#### 7. Parking Requirements (Section 12)

The Project falls within an Enterprise Zone, which permits a parking ratio of two parking spaces per 1,000 square feet of gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools or research and development buildings per LAMC Sec. 12.21 A.4(x)(3). Utilizing this Enterprise Zone incentive, the Project would require approximately 871 parking spaces for Phase 1, and approximately 3,040 spaces at Project buildout. As the Project would provide approximately 1,755 parking spaces for Phase 1, and approximately 3,362 parking spaces at Project buildout, the Project would result in approximately 884 excess parking spaces for Phase 1, and approximately 322 excess parking spaces upon Project completion, as compared to code requirements. The Project's convenient location in close proximity to an MTA park-and-ride facility and additional transit options in the area further ensure that adequate on-site parking will be provided.

#### 8. Air Quality and Noise (Section 13)

Section 13 of the WCSP requires that all projects within the boundaries of the WCSP mitigate any significant air quality and noise impacts to a level of insignificance, if feasible. In compliance with this requirement, the Project will include mitigation measures identified in Section 13, to the extent feasible.

Additionally, projects located in Air Quality and Noise Impact areas identified on Maps 8 and 9 in the WCSP are required to provide additional analysis and mitigation measures. The Project is not located in either an Air Quality or a Noise Impact area, so the additional analysis and mitigation measures required for projects within those areas are not applicable.

9. Signs (Section 14)

As required by WCSP Section 14.G, the Applicant requests approval of a Uniform Sign Program for Project Phases 1 and 2. Signage will be consistent with the signage regulations as provided in the LAMC and the Warner Center Specific Plan, and will be visually integrated with the proposed development on the site and will employ a consistent design theme. Proposed signage for the Project will include monument signs, building identification signs, directional signage, automotive fuel station identification signage, and wall signs for advertising purposes. Proposed signage would be visually compatible with development on the site and on neighboring sites, and would be designed to minimize potential visual distractions to pedestrian and vehicular activity.

The intent of the Uniform Sign Program is to establish parameters for processing of signs on a multi-use or multi-tenant Project, whereby a more efficient and orderly processing of individual tenant signs is possible. The Uniform Sign Program furthers the goals of permit streamlining by establishing a process for signage that meets the provisions and regulations of the Warner Center Specific Plan whereby in-depth and time-consuming review is not warranted.

Although tenant-specific signage is conceptual at this point in time, Exhibits "A16" and "A17", incorporated into Condition 41 of the approval, identify the total permitted signage for the Project Site based on the street frontages, including additional square footage permitted for multi-story buildings and high rise buildings in accordance with the WSCP provisions. The dimensions of each proposed sign have also been identified as well as their tentative location. Each individual tenant requesting signage will be required to submit sign plans to the Department of City Planning for review of consistency with the Uniform Sign Program. Any sign that does not meet the provisions of the WSCP or Uniform Sign Program, will be not be signed off until the sign plan is modified to do so.

As a matter for the administrative record, Section 14 Signs of the WCSP, makes reference to respective sign sections that have been updated since the adoption of the Specific Plan. The table below reflects the updated code sections:

<b>Old Building Code Sign Sections vs. Planning and Zoning Code Sign Sections referenced in Warner Center Specific Plan (Adopted 1993)</b> (Ordinance 179,416. Effective 12/20/07, established new Article 4.4 and amended 91.6201.2 to transfer sign regulations from building code to zoning code)	
Division 62 (Building Code) Signs	Planning and Zoning Code- Sec. 14.4.1 Signs
91.6201-91.6219 (should have been 91.6220)	Article 4.4, Section 14.4.1-14.4.20
91.6208(e) High Rise Signs	14.4.10.E - High Rise Signs
91.6210.1 Area of Wall Signs	14.4.10.A. Area of Wall Signs

10. Mixed-Use Projects (Section 15)

The Project will be located in an urbanized setting, in a developed regional community commercial center. The existing, established regional community center attracts a substantial working and visiting population. Though the Project would not incorporate dwelling units, it

would provide a mix of shopping, dining, hotel, office, community uses, and potential theater uses to enhance the existing center serving nearby residential development and, consistent with the spirit of mixed use development. The Project would offer open space, such as landscaped pedestrian walkways blended into pedestrian-friendly, outdoor settings and a landscaped pedestrian-oriented open space area within the central interior portion of the site. Through the integration of multiple uses, the proposed Project would allow people to work, shop, stay and recreate in one location.

11. Child Care Facility Incentives (Section 16)

The Project does not propose to include a child care facility, therefore, no provisions of Section 16 apply to the proposed Project.

12. Implementation of the Specific Plan (Section 17)

The proposed Project will comply with all provisions of Section 17. Because development is anticipated after 2010, as specified in the Warner Center Specific Plan, a separate environmental analysis is being undertaken in connection with this Project, in accordance with the requirements of Section 17.A.1(b).

13. Cultural Amenities (Section 18)

As conditioned, the will comply with Section 18 of the WCSP by paying any arts fees imposed on the Project.

**c. General Plan**

Adopted in 1996 and updated in 2001, the City of Los Angeles General Plan Framework Element ("Framework") establishes the conceptual basis for the City's General Plan. The Framework establishes the City's long-range comprehensive growth strategy and provides a Citywide context to guide local planning, including future amendments to the required Elements of the General Plan, proposed zoning ordinances, and other pertinent programs. The Framework defines citywide policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The Project is consistent with several goals, objectives and policies of the Framework.

**Land Use**

The Framework's Land Use policy encourages retention of the City's stable residential neighborhoods and proposes incentives to encourage the location of future growth in neighborhood districts, commercial and mixed-use centers, industrial districts, along boulevards, and in proximity to transportation corridors and transit stations.

The Framework includes regional centers, which are high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. As stated previously, the Project Site is designated as a regional center, and is consistent with the following goals, objectives and policies of the Land Use chapter of the Framework:

**Objective 3.4** Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/ boulevards, while at the same time conserving existing neighborhoods and related districts.

The Project will create an integrated center within the community by providing a broad array of shopping, dining, hotel and entertainment opportunities, as well as open spaces and amenities, all within an established regional center. The Project will include the development of approximately 444,744 square feet of retail uses, including approximately 278,985 square feet of shopping center uses and approximately 165,759 square feet of anchor retailer uses. The anchor retail uses will include ancillary food service, a tire center, an internet automotive sales program, and a members-only automotive fuel station with 20 pumps. The Project will also include approximately 53,635 square feet of restaurant uses, an approximately 36,765 square foot grocery store, a 275-room hotel (including approximately 10,000 square feet of banquet hall space and approximately 5,000 square feet of hotel restaurant), approximately 285,000 square feet of office uses, and approximately 14,250 square feet of community/cultural center uses. The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater.

The Project would also provide landscaped walkways, landscaped pedestrian-oriented open space, and streetscape improvements along the project site's perimeter. These landscaped pedestrian-oriented open space areas would include pedestrian seating, enhanced paving, pedestrian lighting, planters, landscaping that would include accent trees, and other pedestrian amenities. Through the creation of such open space areas, the buildings and the landscape of the Project would be integrated to provide for a pedestrian-oriented area within Warner Center.

The proposed Project will not remove or replace existing residential units, and will thereby protect existing neighborhoods while enhancing Warner Center's commercial core. The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel) that are currently on-site and replace six existing, underutilized commercial buildings with new and enhanced shopping center uses, office uses, a 275-room hotel, new restaurant and grocery options for Warner Center and additional parking, all of which will improve an existing commercial core and create a community socializing point for Warner Center.

Goal 3F                      Mixed-use centers that provide jobs, entertainment, culture and serve the region.

The Project will provide space for new retail, restaurants and grocery store options within the same project as a 275-room hotel, and approximately 285,000 square feet of office space. A 14,250 square foot community/cultural center would also be provided on-site as well as potential theater uses. This mix of uses would facilitate new job opportunities in Warner Center, while providing enhanced cultural and entertainment options for the region.

Objective 3.10            Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

The Project reinforces the Warner Center Regional Center by contributing new office, hotel, retail, dining, grocery and commercial options to the area. The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-25-story Warner Center towers, are located in close proximity to the Project Site. The Project will generate significant job opportunities on its own, and guests and visitors of the Project will also have easy access to all of the adjacent business, employment, entertainment, and lodging uses.

The Project is served by an existing network of major roadways that make the Project Site very accessible to the region. The Ventura Freeway (the US-101 Freeway) as well as Topanga

Canyon Boulevard, Victory Boulevard, Canoga Avenue, and Ventura Boulevard all serve the site and provide regional and local access. The Project site is also located proximate to an Orange Line Bus Station and Transit Hub, which further ensures regional and local accessibility.

**Objective 3.1** Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

The Project builds on the existing diversity of uses in Warner Center, which include office, retail, entertainment, hotel and residential uses. By providing an integrated center of office space, retail stores, restaurants, a hotel, and a grocery store, the Project supports the needs of the City's current and future residents, visitors and businesses.

**Policy 3.1.1** Identify areas ... sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/ institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.

The Project will provide a great diversity of uses to Warner Center, including 275 new hotel guest rooms, office space, retail space, restaurants and grocery store uses. The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater. A 14,250 square foot community/cultural center will also be provided on-site, as well as enhanced landscaping and a landscaped pedestrian-oriented open space area within the central interior portion of the site.

The Project is expected to generate significant new economic activity in Los Angeles and enhance Warner Center's status as a premier retail, entertainment and economic center in Los Angeles. Improving the Project Site with high-end retail, restaurant, hotel and commercial uses will draw local and regional visitors and augment services to existing residents.

The Project would also increase the vitality of the Warner Center area by enhancing the aesthetic appeal of the Project Site, which is currently significantly underutilized; much of the site is unpaved and has been undeveloped for many years despite efforts to entitle and develop the site. The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel) that are currently on-site and replace six existing, underutilized commercial buildings with updated and integrated structures, while providing for additional landscaping, open space and pedestrian amenities.

**Policy 3.1.3** Identify areas for the establishment of new open space opportunities to serve the needs of existing and future residents.

Pursuant to the WCSP, the maximum allowable height of 165 feet may be increased with a corresponding increase in the required provision of Open Space. The proposed hotel and office tower building heights of up to 247.5 feet represent a 50% increase from the 165 foot limit, therefore the Applicant will be providing approximately 645,750 square feet of Open Space at the Project Site, which is approximately 50% of the Project Site. This is more than a 50% increase over the percentage of Open Space that is required to be provided on site. This Open Space will include an active landscaped buffer along the street frontage of Topanga Canyon Boulevard where visitors and residents can walk, as well as internal pedestrian walkways and green spaces. The Applicant proposes to implement a landscape program to provide a walkable, pedestrian-scaled environment in the middle of Warner Center.

**Policy 3.1.4** Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

The Project is consistent with the Framework Long-Range Land Use Diagram, which identifies Warner Center as a regional center targeted for high density growth and economic development.

Policy 3.1.7 Allow for development in accordance with the policies, standards, and programs of specific plans in areas in which they have been adopted...

Upon approval of the proposed Project Permit Compliance request and related entitlements, the Project will be compliant with all provisions of the Warner Center Specific Plan. In compliance with WCSP Sections 7.C.6 and 7.C.7, Project uses would be restricted to those permitted by the (WC)C2 and (WC)C4 zoning designations. The C2 and C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the Project's contemplated uses are consistent with these zoning designations.

Pursuant to the WCSP, the maximum allowable height of 165 feet may be increased with a corresponding increase in the required provision of Open Space. The proposed hotel and office tower building heights of up to 247.5 feet represent a 50% increase from the 165 foot limit, therefore the Applicant is required to provide a 50% increase in the amount of Open Space otherwise required on site. Per Section 10.D of the WCSP, the minimum Open Space required for a lot is 30%. A 50% increase over this minimum requirement means that the Applicant must provide Open Space on at least 45% of the lot. The Applicant will provide approximately 50% Open Space across the Project Site (or approximately 645,750 square feet of Open Space out of a total net lot area of 1,299,817 square feet), and will therefore exceed the requirement to increase the percentage of Open Space on site by 50%.

The FAR for the Project would be limited to an average 1.5:1 across all lots, with some lots exceeding the 1.5:1 FAR through Floor Area Averaging, consistent with WCSP § 9.E. The actual FAR for the Project would be approximately 0.85:1 with all uses, and 0.84:1 excluding community uses, as permitted by WCSP § 8.E.3.<sup>3</sup> This relatively low over-all FAR with discrete lots exceeding the 1.5:1 limit would allow for smart-growth clustering of density within the interior of the Project site while preserving open space and creating a visually interesting development.

Upon approval of the Project Permit Compliance request and all related entitlements, the Project would also be consistent with WCSP § 10.D, Lot Coverage. Pursuant to WCSP § 10.D, the Project includes averaging in a unified development to allow an overall average maximum Lot Coverage of approximately 70 percent for the Project, with individual lots exceeding the 70 percent Lot Coverage limit otherwise imposed.

Approval of these and all related entitlement requests would ensure that the Proposed project is consistent with the Specific Plan.

Objective 3.2 Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

The Project integrates a hotel into a regional commercial center, thereby decreasing the need of new hotel visitors and business travelers to travel outside of the region for shopping, dining and entertainment needs. The Project provides 275 new hotel guest rooms directly adjacent to proposed commercial and office uses which will allow guests, business travelers and tourists to walk to a Regional Shopping Center, offices and other entertainment options throughout Warner Center, instead of traveling by car. The Project Site is also proximate to an MTA park-and-ride

<sup>3</sup> The total net lot area for the Project is 1,299,817 square feet, and the total proposed floor area is 1,103,674 square feet (including both new and existing square footage to remain), hence an FAR of 0.85:1 including the community use, and an FAR of 0.84:1 excluding the community/cultural use per the Specific Plan. While 11 of the proposed 13 ground lots would have an FAR of less than 1:1, one lot would have an FAR of approximately 5:1, and one lot would have an FAR of approximately 3:1, therefore FAR averaging is needed. For more details regarding the FAR of each lot, please see the Project Permit Application, which includes the lot area, floor area, and FAR for each proposed ground lot.



and Orange Line Bus Station and Transit Hub, which will encourage hotel guests to use public transit for regional access, and will encourage regional and local visitors to use public transit to access Project amenities.

**Policy 3.2.3** Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

The design of the Project emphasizes pedestrian connections, as addressed in the WCSP. The Project includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project also includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site. The proposed 275 hotel guest rooms would also reinforce and support pedestrian activity throughout the Project Site.

**Policy 3.2.4** Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.

The Project would allow for the redevelopment of a currently under-utilized site with a mix of uses that are complementary to, and compatible with, surrounding uses. The Project provides for open spaces, new retail shops and restaurants, a grocery store, and office and hotel uses. This mix of uses would increase economic activity in Warner Center and provide an attractive regional commercial center for future area residents and visitors. The Project would enhance the existing commercial center while preserving area residential neighborhoods, consistent with the intent and objectives of the Community and Specific Plans.

**Objective 3.16** Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

The Applicant will be providing approximately 645,750 square feet of Open Space at the Project Site, which is approximately 50% of the Project Site. This is more than a 50% increase over the percentage of Open Space that is required to be provided on site. This proposed Open Space includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project also includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site. The proposed 275-room hotel would also reinforce and support pedestrian activity throughout the Project Site. Buildings have been sited and designed to encourage pedestrian activity among the various uses.

## **Housing**

The Housing chapter of the Framework seeks to contribute to stable, safe, and livable neighborhoods and improve access to jobs and neighborhood services. The Project is consistent with the following goals, objectives and policies of the Housing chapter of the Framework:

**Objective 3.7** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The Project does not proposed new residential dwelling units, but it does propose appropriately-sited commercial, office, hotel and entertainment uses to support new residential growth within Warner Center.

Additionally, as the Project would be located within a developed area of Warner Center, no new roadways or regional infrastructure (i.e. water or wastewater lines) would need to be developed

to service the Project. The existing regional infrastructure and the established roadway network are sufficient to serve the Project's expected guest and visitor population.

**Goal 5A** A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

The Project does not proposed new residential dwelling units, but it does propose appropriately-sited commercial, office, hotel and entertainment uses to support new residential growth within Warner Center. The Project site is located within a high-density center, and is surrounded by office and commercial buildings in a dense urban landscape. It is also within close proximity to major roadways, including the 101 Freeway, Topanga Canyon Boulevard, and Victory Boulevard. Further, the Project will contribute to a more attractive and vibrant Warner Center, attracting future investment in both the Project Site and surrounding area.

### **Urban Form and Neighborhood Design**

The Project is consistent with the following goals, objectives and policies of the Urban Form and Neighborhood Design chapter of the Framework:

**Goal 5A** A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

By integrating hotel guest rooms and related amenities with transit, shops, office space and restaurants, the Project will enhance the quality of life for visitors, guests, and employees. The Warner Center area is characterized by a range of housing types, including, mid-size apartments and condominiums. The Project is consistent with these uses, and continues to focus commercial development within existing commercial centers while preserving Warner Center's residential neighborhoods. Additionally, the development of new retail stores, common areas and diverse entertainment options within the Project Site will provide an important opportunity for continued investment in the Warner Center Regional Center and surrounding area, and for continued development of attractive shopping and entertainment options for the community.

**Objective 5.2** Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Warner Center is designated as a Regional Center, and currently contains mid-rise and high-rise office buildings, apartments and condominiums, and large-scale commercial development. The Project proposes to develop in an area already designated as a center of residential and commercial activity in Warner Center and to reinforce that area as an integrated center of activity for Warner Center and the San Fernando Valley.

**Policy 5.2.1** Designate centers and districts where activity is already concentrated and/ or where good transit service is, or will be provided.

The Project is located in Warner Center, which is designated and currently functions as a regional commercial center. Major arterials serving Warner Center, as well as the internal street circulation system, are served by public transit. The Project site is located within a high-density, high-rise commercial center, and is surrounded by office and commercial buildings in a dense urban landscape. The Project would redevelop an underutilized parcel with a new, vibrant, mixed-use development.

**Policy 5.2.2** Encourage the development of centers, districts, and selected corridor/ boulevard nodes such that the land uses, scale, and built form allowed and/or

encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime ...

The Project incorporates several pedestrian-oriented design elements. The Project proposes to include numerous open air areas and common areas within the Project Site, thereby encouraging pedestrian activity and enhancing pedestrian access. Additionally, the Project integrates 275 new hotel guest rooms and office space in close proximity to the commercial uses, which reduces vehicle trips for new residents and encourages pedestrian activity for shopping and entertainment.

**Objective 5.8** Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

The Project includes a continuous pedestrian route throughout the Project Site that would connect to existing pedestrian crossings at the perimeters of the site. The Project would include an active landscaped buffer along the public street frontages with multi-use trails and meandering sidewalks for guests and residents to enjoy. The Project also includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site.

The Project will create an integrated center within the community by providing a broad array of shopping and dining choices, entertainment opportunities and outdoor spaces and amenities, enhancing continued investment opportunities in both the Project Site and Warner Center.

### **Open Space and Conservation**

The Open Space and Conservation chapter of the Framework calls for the use of open space to enhance community and neighborhood character. The policies of this chapter recognize that there are communities where open space and recreation resources are currently in short supply, and therefore suggests that vacated railroad lines, drainage channels, planned transit routes and utility rights-of-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of residents. The Project is consistent with the following goals, objectives and policies of the Open Space and Conservation chapter of the Framework:

**Policy 6.4.8** Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.

- a. Encourage the development of public plazas, forested streets, farmers markets, residential commons, rooftop spaces, and other places that function like open space in urbanized areas of the City with deficiencies of natural open space, especially in targeted growth areas ...

Pursuant to the WCSP, the maximum allowable height of 165 feet may be increased with a corresponding increase in the required provision of Open Space. The proposed hotel and office tower building heights of up to 247.5 feet represent a increase from the 165 foot limit, therefore the Applicant is required to provide a 50% increase in the amount of Open Space otherwise required on site. Per Section 10.D of the WCSP, the minimum Open Space required for a lot is 30%. A 50% increase over this minimum requirement means that the Applicant must provide Open Space on at least 45% of the lot. The Applicant will provide approximately 50% Open Space across the Project Site (or approximately 645,750 square feet of Open Space out of a total net lot area of 1,299,817 square feet), and will therefore exceed the requirement to increase the percentage of Open Space on site by 50%. Proposed Open Space areas will

include common areas and pedestrian connections within the Project Site and connecting the Project to adjoining uses to the north.

### **Economic Development**

The Economic Development chapter of the Framework seeks to provide physical locations necessary to attract continued economic development and investment to targeted districts and centers. The Project is consistent with the following goals, objectives and policies of the Economic Development chapter of the Framework:

#### **Objective 7.3**            Maintain and enhance the existing businesses in the City.

The Project will redevelop an underutilized parcel within an existing regional center with a broad array of shopping, dining, and entertainment opportunities, open spaces and amenities, 275 hotel guest rooms, office space, a new grocery store, and community space. In all, the Project will include the development of approximately 444,744 square feet of retail uses, including approximately 278,985 square feet of shopping center uses and approximately 165,759 square feet of anchor retailer uses. The anchor retail uses will include ancillary food service, a tire center, an internet automotive sales program, and a members-only automotive fuel station with 20 pumps. The Project will also include approximately 53,635 square feet of restaurant uses, an approximately 36,765 square foot grocery store, a 275-room hotel (including approximately 10,000 square feet of banquet hall space and approximately 5,000 square feet of hotel restaurant), approximately 285,000 square feet of office uses, and approximately 14,250 square feet of community uses. The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater.

These new and enhanced businesses would improve the urban lifestyle options available to Warner Center residents, as well as support and grow a client base for existing businesses in the area.

#### **Policy 7.3.2**            Retain existing neighborhood commercial activities within walking distance of residential areas.

While the Project does not include residential uses, its design and landscaping will encourage pedestrian and public transit access by local residents. The Project also includes the development of 275 new hotel guest rooms within close walking distance of a plethora of dining, retail, grocery store, and office uses.

#### **Goal 7B**                A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

The Project expands and revitalizes the Warner Center area, thereby facilitating further diversification of office, retail, and entertainment options and providing an attractive market for new investment opportunities within Warner Center.

#### **Objective 7.2**            Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The Project provides for the simultaneous development of office, hotel, retail, and dining uses. This development is expected to spur further economic growth within Warner Center, a designated regional center, and to meet the shopping and dining needs of residents and visitors of Warner Center. The Project will also be developed in accordance with mitigation measures and considerations identified by a rigorous environmental review process in order to ensure maximum feasible environmental quality.

#### **Policy 7.2.2**            Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and

mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.

Warner Center is currently designated a regional center, and the Project will redevelop an existing, underutilized commercial site. The Project Site is also located in close proximity to transit hubs and is surrounded by a range of uses, including multiple family residential, office, retail shopping, and hotel uses. The Project Site's location is appropriate for the proposed Project, and its development will enhance existing commercial uses while preserving Warner Center's existing residential neighborhoods.

### **Transportation**

The Project is consistent with the following goals, objectives and policies of the Transportation chapter of the Framework:

**Objective 3** Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

The Project is located in Warner Center, which is designated and currently functions as a regional center. Major arterials and the internal street circulation system serving Warner Center are served by public transit. The Project will include the redevelopment of an underutilized commercial site with a new, vibrant mixed-use Project, thereby enhancing Warner Center's image as a center for community activity. The Project's development will also enhance existing commercial uses while preserving Warner Center's existing residential neighborhoods.

**Objective 4** Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

Consistent with this goal, the Project locates higher density development within an established regional center, thus preserving the lower-density residential areas. In addition, the Project will provide upgraded Open Space areas and a community center, thereby enhancing the pedestrian-oriented nature of the Project Site and facilitating easier pedestrian access to the development.

#### **d. Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan**

The Project Site is also located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan ("Community Plan"). The Community Plan serves as the General Plan Land Use Element for the area. The Community Plan designates the Project Site as "Regional Commercial," which permits variety of commercial, office, retail and residential uses. The Project is consistent with several of the requirements, goals and policies the Community Plan, as follows:

#### **Commercial**

**Objective 2-1** Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel) that are currently on-site and replace six existing, underutilized commercial buildings with new and enhanced shopping center uses, office uses, a 275-room hotel, new restaurant and grocery options for Warner Center and additional parking, all of which will improve an existing commercial core and create an outdoor space for people to socialize within Warner Center.

**Policy 2-1.1** Locate new commercial development in areas currently designated for such development

The Project is located within the (WC)C2 and (WC)C4 zoning designations and is designated Regional Commercial under the Community Plan. The C2 and C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the Project's contemplated uses are consistent with these zones. Similarly, the Regional Commercial designation is intended to correspond with medium and high-density commercial and residential development, and the Project has been designed to comply with this policy.

Objective 2-2 Enhance the appearance of commercial districts

The Project Site's existing buildings are outdated and the Project Site is significantly underutilized. Much of the site is unpaved and has been undeveloped for many years despite efforts to entitle and develop the site.

The proposed Project would bring continuity and cohesiveness of design to the Project Site, and would create continuity between the Project Site and surrounding parcels. The design of the Project emphasizes pedestrian connections, and includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project would include an active landscaped buffer along the public street frontages with multi-use trails and meandering sidewalks for guests and residents to enjoy. The Project also includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site. The Project would have a "greening" effect on Warner Center, and would create an attractive and architecturally-integrated center for the community.

Policy 2-2.1 Require that any proposed development be designed to enhance and be compatible with adjacent development.

The Project reinforces the Warner Center Regional Center by contributing new office, hotel, retail, dining, grocery and commercial options to the area. The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-25-story Warner Center towers, are located in close proximity to the Project Site.

The Project will generate significant job opportunities on its own, and guests and visitors of the Project will also have easy access to all of the adjacent business, employment, entertainment, and lodging uses.

Policy 2-2.2 Require screening of open storage and auto repair uses, and prohibit storage of automobile parts and other noxious commercial related products in front of commercial development, exposed to the street.

The Project would include ancillary automotive uses to a proposed anchor retailer as part of Phase 1. Proposed automotive uses include an automotive fuel station and tire installation operation, and an internet automotive sales program. The member-only automotive fuel station would be located adjacent to the main anchor retail structure and would be comprised of a five-island facility with a total of 20 fueling positions. The tire installation operation would also be located adjacent to the main anchor retail structure and would be maintained for the sole purposes of selling and installing tires. No additional automotive repair, installation or maintenance activities would occur on site. The automotive sales program would be an entirely internet-based program and on-site test driving and sales would not occur. The automotive sales use would require only six parking spaces for on-site vehicle display and storage.

Although they are all permitted by-right within the (WC)C2 and (WC)C4 zones when in compliance with development standards and operating conditions enumerated in Section 12.22.A.28 of the LAMC, the proposed tire center, fuel station, and automotive sales uses would

have hours of operation that are different from those specified under LAMC Section 12.14 A.6 and 12.22 A.28. Accordingly, the Applicant is requesting a Conditional Use Permit to deviate from LAMC operations requirements in connection with this request for Project Permit Compliance. All of the proposed automotive uses would be compliant with LAMC and Community Plan screening, operations, and urban design requirements following approval of the proposed Project Permit Compliance and related Conditional Use Permit.

**Policy 2-2.3** Preserve community character, scale and architectural diversity.

The Project would not remove or replace existing residential units, and would thereby protect existing neighborhoods while enhancing Warner Center's commercial core. The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel) that are currently on-site and replace six existing, underutilized commercial buildings with new and enhanced shopping center uses, office uses, a 275-room hotel, new restaurant and grocery options for Warner Center and additional parking, all of which will improve an existing commercial core and create an outdoor space for people to socialize within Warner Center.

The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-25-story Warner Center towers, are located in close proximity to the Project Site.

The Project's commercial and office uses, as well as the parking structures would be designed to ensure a unified project appearance. The buildings would employ common architectural elements, building materials, and on-site identification signs. In effect, they would complement each other, without being identical. The hotel building would also be designed to be compatible with the design of the commercial buildings. The Project would operate as a unified and integrated development that would complement surrounding commercial and residential uses.

**Policy 2-2.4** Improve safety and aesthetics of parking areas in commercial areas.

The Project's commercial and office uses, as well as the parking structures would be designed to ensure a unified project appearance. The Project's parking structures would also be appropriately screened, lit, and secured to ensure patron safety.

**Policy 2-2.5** Landscaped corridors should be created and enhanced through the planting of street trees along segments with no building setbacks and through median plantings.

The design of the Project emphasizes pedestrian connections through landscaped pathways and improved streetscape elements. In addition to complying with the City's minimum landscaping requirements, the Project includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project provides open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site.

**2. The Project Site is a Unified Development as defined by LAMC Section 12.24 W.19.**

As required by WCSP Section 9.D is found to be a unified development as defined by LAMC Section 12.24 W.19.

The Project would combine a mix of shopping and dining, hotel, and office space within a landscaped setting. The Project would offer open space, such as landscaped pedestrian walkways incorporated into pedestrian-friendly, outdoor settings and a landscaped pedestrian-oriented open space area within the central interior portion of the site. To ensure easy access

throughout the development, a series of vehicular roadways and pedestrian walkways would connect the various uses, as appropriate.

Due to the integrated design of the Project, when viewed from the surrounding streets, it would appear as a single project. The shopping center, office, and parking structures would be designed to ensure that the design of the project is compatible and mutually reinforcing. The buildings would employ common architectural elements, building materials, and on-site identification signs. In effect, they would complement each other, without being identical. The hotel building would also be designed to be compatible with the design of the commercial buildings. The Project would operate as a unified and integrated development.

- a. *A combination of functional linkages, such as pedestrian or vehicular connections.*

The Project would combine a blend of shopping and dining, hotel, and office space within a beautifully landscaped setting. The Project would offer generous open space, such as landscaped pedestrian walkways blended into pedestrian-friendly, outdoor settings and a landscaped pedestrian-oriented open space area within the central interior portion of the site. To ensure easy access throughout the development, a series of vehicular roadways and pedestrian walkways would connect the various uses, as appropriate.

The proposed mix of uses and amenities throughout the Project would also encourage the movement of pedestrians along the streetscape and into the various buildings. For example, an active landscaped buffer would front Topanga Canyon Boulevard, thereby encouraging pedestrian activity both within the Project site and between the Project and other nearby uses. Moreover, it is expected that Project guests and employees working within the office building uses would utilize the retail, restaurant, and grocery store uses within the Project.

- b. *In conjunction with common architectural and landscape features, which constitute distinctive design elements of the development.*

The various elements of the Project will share common architectural and landscape features, all of which will be distinctive design elements of the development. The shopping center, office, and parking structures would be designed to ensure that the design of the project is compatible and mutually reinforcing. While an architect for the hotel structure has not been selected, the Applicant will work with the architect to ensure that it is architecturally compatible with the other uses. The Project would operate as a unified and integrated development, and as such, would be designed to facilitate access between the buildings. The internal roadways would access all of the commercial components of the Project, and the landscaping would be developed to integrate all of the uses through the linear landscaped buffers at the perimeter of the project and landscaped open space areas in the interior of the Project site.

- c. *Is composed of two or more contiguous parcels, or lots of record separated only by a street or alley.*

The Project is composed of 13 ground lots and 14 airspace lots, all of which are contiguous.

- d. *When the development is viewed from adjoining streets, appears to be a consolidated whole.*

Due to the integrated design of the Project, when viewed from the surrounding streets, it would appear as a single project. The shopping center, office, and parking structures would be designed to ensure that the design of the project is compatible and mutually reinforcing. The buildings would employ common architectural elements, building materials, and on-site



identification signs. In effect, they would complement each other, without being identical. The hotel building would also be designed to be compatible with the design of the commercial buildings.

All structures and uses would be connected by a unified landscape that would employ a common landscaping theme, including consistent use and spacing of trees, shrubs, and groundcover. Pedestrian linkages along the enhanced walkways would provide a consistent theme for the Project that would be easily recognized throughout the Project.

**CONDITIONAL USE: ALCOHOLIC BEVERAGE (ON-SITE AND OFF-SITE) FINDINGS****REQUEST**

Pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit ("CUP") to permit up to 20 establishments to sell alcoholic beverages as follows: 11 restaurant establishments offering a full line of alcoholic beverages for on-site consumption; five restaurant establishments offering only beer and wine for on-site consumption; one full-service grocery store offering a full line of alcoholic beverages for off-site consumption; one anchor retail store offering a full line of alcoholic beverages for off-site consumption; one wine and spirits retailer; and a hotel, offering a full line of alcoholic beverages for on-site consumption in connection with a proposed in-hotel restaurant and bar, banquet facilities, room and pool-side service, and controlled access cabinets. Pursuant to LAMC Section 12.24.F, the decision-maker shall have the authority to impose conditions on the conditional use approvals requested above as part of approving the locations of such conditional uses.

- 1. The proposed location will be desirable to the public convenience and welfare. (LAMC 12.24.E)**

The proposed Project would redevelop a partially vacant, underutilized series of lots totaling approximately 29.84 net acres with approximately 1,027,994 square feet of new retail, restaurant, grocery, office, hotel and community/cultural uses in the Warner Center community of Los Angeles. Alcohol sales is proposed as an accessory use to the proposed restaurant, grocery, anchor retailer and hotel uses, which would be scattered throughout the Project Site. To meet consumer expectations, the Project proposes approval of a CUP for 11 full-line alcoholic beverage permits for on-site consumption in connection with private restaurants within the Project Site. Similarly, the Project requests that five private restaurant establishments, scattered throughout the Project, be permitted to serve beer and wine in connection with food service. One anchor retailer, one specialty retailer, and one grocery store would also sell a full line of alcoholic beverages for off-site consumption. Additionally, the Project seeks to provide the sale of a full line of alcoholic beverages as a use accessory to a proposed hotel, including sales in connection with an in-hotel restaurant and bar, banquet facilities, room and pool-side service, and in-room mini bars.

The proposed Project is located within an existing regional commercial center and is surrounded by compatible land uses, including the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. Surrounded by high-rise office buildings, hotels and parking structures, the proposed alcohol sales establishments would be well-situated to serve the recreational, entertainment and community service needs anticipated of a vibrant, urban commercial center.

The proposed uses would enhance the public convenience and welfare of the surrounding community. The Project would bring in national credit tenants which provide high-quality jobs with excellent employment benefits. The Project as a whole, including the proposed hotel, grocery, retail and restaurant uses, would provide thousands of construction and operational jobs. The proposed Project would help to further revitalize and enhance the community of Warner Center to underscore its standing as a vibrant center of commerce. The Project would also promote positive Community activity on a currently underutilized, partially vacant Project Site.

The anchor retailer is proposed to be a nationally recognized establishment, with a regulated private club membership. Sales would be monitored, and alcohol consumption would not be

permitted on-site. Alcohol sales for off-site consumption in connection with a proposed grocery store would be similarly monitored and controlled.

The proposed restaurant uses would provide increased opportunities in quality dining for visitors and guests, reducing the need for local customers to travel long distances to enjoy these types of uses. The tenants sought for the project would offer product lines consistent with the demographics and needs of the surrounding communities, and the Project would serve as a central point for convenient meeting, shopping and dining activities. The availability of diverse activities, such as dining with the option of alcoholic beverages, would greatly enhance the atmosphere and attractiveness of The Village at Westfield Topanga. This diversity of food service is desired and expected, and the selling of alcoholic beverages provides a desired amenity for patrons. In addition, ample on-site parking is accessible and security will be provided.

Moreover, since the establishments serving alcoholic beverages will be a part of a carefully controlled first-class shopping center with a security force, and the service of alcoholic beverages will only be incidental to the principal restaurant operations, these establishments will not take on the negative characteristics of a tavern or bar, or attract undesirable elements into the neighborhood.

The proposed hotel alcoholic beverage service uses are also standard conveniences that are expected in a premier hotel, a standard which the Applicant intends to achieve and maintain. Having mini-bars in individual guest rooms and room and pool-side service would meet the expectations of some guests and should have no negative impacts to the public welfare outside of the hotel. Such uses would provide a desired convenience to hotel guests, and would discourage them from leaving Warner Center in search of quality dining and entertainment. The proposed banquet hall and hotel restaurant/bar service are also standard conveniences that are expected of high quality hotels, and would help to attract visitors and guests to the area. As all proposed hotel uses would be conducted within a 275-room hotel with significant staff and security presence, no negative impacts from the hotel alcohol-serving uses would be expected.

Therefore, the Project is desirable to the public convenience, and no resulting negative impact on the surrounding communities would be expected to occur.

**2. The proposed location is proper in relation to adjacent uses or the development of the community. (LAMC 12.24.E)**

The Property is a level, irregularly shaped parcel of land containing approximately 29.84 net acres, bounded by Victory Boulevard on the north, Topanga Canyon Boulevard on the west, Erwin Street on the south and Owensmouth Avenue on the east. The property is located within the (WC) C2-165/1.5 and (WC) C4-165/1.5 Zones and is currently significantly underutilized. It is currently developed with eight buildings, surface parking areas, undeveloped areas that have been graded, and limited landscaping. The site is designated for Regional Center commercial uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

The proposed diversity of Project uses, including alcohol-serving dining, grocery and hotel establishments, will strengthen Warner Center's existing commercial core by enhancing the diversity of retail and restaurant offerings available to the community.

There are no incompatible uses, such as schools, parks, hospitals or churches located within 1,000 feet of the Project site. The Project requests a total of 20 alcohol-selling establishments. The granting of this request assures a maximum cap on the number of establishments on-site and the number of grants off-site. In order to allow safeguards to be established on a case-by-case basis, additional detailed floor plans shall be submitted for restaurants uses identified in

Exhibit "A23." Furthermore, given no specifics are available at the present time for the hotel, the Zoning Administrator will have the discretion to require a public hearing upon request for the hotel's alcohol serving uses, pursuant to the Conditions of Approval.

**3. The proposed location will not be materially detrimental to the character of development in the immediate neighborhood. (LAMC 12.24.E)**

The proposed Project would provide a significant benefit to the community by redeveloping a currently underutilized, partially vacant, approximately 29.84 net acre site with community-serving retail, hotel, restaurant, grocery and office uses. The Project Site is located within an area designated Regional Center Commercial and would complement that center with additional entertainment, dining and shopping options. The Project is located within an Enterprise Zone and would accomplish the goal of this designation of improving the area and attracting new visitors and new business investment.

In light of the benefits provided by the proposed Project, as well as the sensitivity to development in the immediate neighborhood, the Project would not be materially detrimental to the character of development in the immediate neighborhood. Rather, it would benefit the community by providing a high-quality project and improved focal point for the neighborhood.

**4. The proposed location will be in harmony with the various elements and objectives of the General Plan. (LAMC 12.24.E)**

Adopted in 1996 and updated in 2001, the City of Los Angeles General Plan Framework Element ("Framework") establishes the conceptual basis for the City's General Plan. The Framework establishes the City's long-range comprehensive growth strategy and provides a Citywide context to guide local planning, including future amendments to the required Elements of the General Plan, proposed zoning ordinances, and other pertinent programs. The Framework defines citywide policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The Project is consistent with several goals, objectives and policies of the Framework.

**Housing**

The Housing chapter of the Framework seeks to contribute to stable, safe, and livable neighborhoods and improve access to jobs and neighborhood services. The Project is consistent with the following goals, objectives and policies of the Housing chapter of the Framework:

**Objective 3.7** Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

The Project does not propose new residential dwelling units, but it does propose appropriately-sited commercial, office, hotel and entertainment uses to support new residential growth within Warner Center.

Additionally, as the Project would be located within a developed area of Warner Center, no new roadways or regional infrastructure (i.e. water or wastewater lines) would need to be developed to service the Project. The existing regional infrastructure and the established roadway network are sufficient to serve the Project's expected guest and visitor population.

**Goal 5A** A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

The Project does not propose new residential dwelling units, but it does propose appropriately-sited commercial, office, hotel and entertainment uses to support new residential growth within Warner Center. The Proposed Conditional Use site is located within a high-density center, and is surrounded by office and commercial buildings in a dense urban landscape. It is also within close proximity to major roadways, including the 101 Freeway, Topanga Canyon Boulevard, and Victory Boulevard. Further, the Project will contribute to a more attractive and vibrant Warner Center, attracting future investment in both the Project Site and surrounding area.

### **Urban Form and Neighborhood Design**

The Project is consistent with the following goals, objectives and policies of the Urban Form and Neighborhood Design chapter of the Framework:

**Goal 5A** A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

By integrating hotel guest rooms and related amenities with transit, shops, office space and restaurants, the Project will enhance the quality of life for visitors, guests, and employees. The Warner Center area is characterized by a range of housing types, including apartments and condominiums. The Project is consistent with these uses, and continues to focus commercial development within existing commercial centers while preserving Warner Center's residential neighborhoods. Additionally, the development of new retail stores, common areas and diverse entertainment options within the Project Site will provide an important opportunity for continued investment in the Warner Center Regional Center and surrounding area, and for continued development of attractive shopping and entertainment options for the community.

**Objective 5.2** Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Warner Center is designated as a Regional Center, and currently contains mid-rise and high-rise buildings, mid-rise and high-rise apartments and condominiums, and large-scale commercial development. The Project proposes to develop in an area already designated as a center of residential and commercial activity in Warner Center and to reinforce that area as an integrated center of activity for Warner Center and the San Fernando Valley.

**Policy 5.2.1** Designate centers and districts where activity is already concentrated and/ or where good transit service is, or will be provided.

The Project is located in Warner Center, which is designated and currently functions as a regional commercial center. Major arterials serving Warner Center, as well as the internal street circulation system, are served by public transit. The Project site is located within a high-density, high-rise commercial center, and is surrounded by office and commercial buildings in a dense urban landscape. The Project would redevelop an underutilized parcel with a new, vibrant, mixed-use development.

**Policy 5.2.2** Encourage the development of centers, districts, and selected corridor/ boulevard nodes such that the land uses, scale, and built form allowed and/ or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime ...

The Project incorporates several pedestrian-oriented design elements. The Project proposes to include numerous open air areas and common areas within the Project Site, thereby encouraging pedestrian activity and enhancing pedestrian access. Additionally, the Project integrates 275 new hotel guest rooms and office space in close proximity to the commercial uses, which reduces vehicle trips for new residents and encourages pedestrian activity for shopping and entertainment.

**Objective 5.8** Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

### **Economic Development**

The Economic Development chapter of the Framework seeks to provide physical locations necessary to attract continued economic development and investment to targeted districts and centers. The Project is consistent with the following goals, objectives and policies of the Economic Development chapter of the Framework:

**Objective 7.3** Maintain and enhance the existing businesses in the City.

The Project will redevelop an underutilized parcel within an existing regional center with a broad array of shopping, dining, and entertainment opportunities, open spaces and amenities, 275 hotel guest rooms, office space, a new grocery store, and a community center. In all, the Project will include the development of approximately 444,744 square feet of retail uses, including approximately 278,985 square feet of shopping center uses and approximately 165,759 square feet of anchor retailer uses. The anchor retail uses will include ancillary food service, a tire center, an internet automotive sales program, and a members-only automotive fuel station with 20 pumps. The Project will also include approximately 53,635 square feet of restaurant uses, an approximately 36,765 square foot grocery store, a 275-room hotel (including approximately 10,000 square feet of banquet hall space and approximately 5,000 square feet of hotel restaurant), approximately 285,000 square feet of office uses, and approximately 14,250 square feet of community/cultural center uses. The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater.

These new and enhanced businesses would improve the urban lifestyle options available to Warner Center residents, as well as support and grow a client base for existing businesses in the area.

### **Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan**

The Project Site is also located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan ("Community Plan"). The Community Plan serves as the General Plan Land Use Element for the area. The Community Plan designates the Project Site as "Regional Commercial," which permits variety of commercial, office, retail and residential uses. The Project is consistent with several of the requirements, goals and policies the Community Plan, as follows:

**Policy 2-1.1** Locate new commercial development in areas currently designated for such development

The Project is located within the (WC)C2 and (WC)C4 zoning designations and is designated Regional Commercial under the Community Plan. The C2 and C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the Project's contemplated uses are consistent with these zones. Similarly, the Regional Commercial

designation is intended to correspond with medium and high-density commercial and residential development, and the Project has been designed to comply with this policy.

**Objective 2-2** Enhance the appearance of commercial districts

The Project Site's existing buildings are outdated and the Project Site is significantly underutilized. The proposed Project would bring continuity and cohesiveness of design to the Project Site, and would create continuity between the Project Site and surrounding parcels. The design of the Project emphasizes pedestrian connections, and includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project would include an active landscaped buffer along the public street frontages with multi-use trails and meandering sidewalks for guests and residents to enjoy. The Project also includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site. The Project would have a "greening" effect on Warner Center, and would create an attractive and architecturally-integrated center for the community.

**Policy 2-2.1** Require that any proposed development be designed to enhance and be compatible with adjacent development.

The Project reinforces the Warner Center Regional Center by contributing new office, hotel, retail, dining, grocery and commercial options to the area. The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-story to 25-story Warner Center towers, are located in close proximity to the Project Site.

The Project will generate significant job opportunities on its own, and guests and visitors of the Project will also have easy access to all of the adjacent business, employment, entertainment, and lodging uses.

**Policy 2-2.3** Preserve community character, scale and architectural diversity.

The proposed alcohol, on-site and off-uses, would not remove or replace existing residential units, and would thereby protect existing neighborhoods while enhancing Warner Center's commercial core. The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel retail store) that are currently on-site and replace six existing, underutilized commercial buildings with new and enhanced shopping center uses, office uses, a 275-room hotel, new restaurant and grocery options for Warner Center and additional parking, all of which will improve an existing commercial core and create an outdoor space for people to socialize within Warner Center.

The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-story to 25-story Warner Center towers, are located in close proximity to the Project Site.

The shopping center, office, and parking structures would be designed to ensure a unified project appearance. The buildings would employ common architectural elements, building materials, and on-site identification signs. In effect, they would complement each other, without being identical. The hotel building would also be designed to be compatible with the design of the commercial buildings. The Project would operate as a unified and integrated development that would complement surrounding commercial and residential uses.

**5. The proposed use will not adversely affect the welfare of the pertinent community. (LAMC 12.24.W.1.a.1)**

The Project's anchor retailer is proposed to be a nationally recognized establishment, with a regulated private club membership. Sales would be monitored, and alcohol consumption would not be permitted on-site. Alcohol sales for off-site consumption in connection with a proposed grocery store and the specialty store would be similarly monitored and controlled.

The proposed restaurant uses would provide increased opportunities in dining for visitors and guests, reducing the need for local customers to travel long distances to enjoy these types of uses. The tenants sought for the project would offer product lines consistent with the demographics and needs of the surrounding communities, and the Project would serve as a central point for convenient meeting, shopping and dining activities. The availability of diverse activities, such as dining with the option of alcoholic beverages, would enhance the atmosphere and attractiveness of The Village at Westfield Topanga. This diversity of food service is desired and expected, and the selling of alcoholic beverages provides a desired amenity for patrons. In addition, ample on-site parking is accessible and security is readily available.

Moreover, since the establishments serving alcoholic beverages will be a part of a carefully controlled first-class shopping center with a security force, and the service of alcoholic beverages will only be incidental to the principal restaurant operations, these establishments will not take on the negative characteristics of a tavern or bar, or attract undesirable elements into the neighborhood.

The proposed hotel alcoholic beverage service uses are also standard conveniences that are expected in a hotel, a standard which the Applicant intends to achieve and maintain. Having mini-bars in individual guest rooms and room and pool-side service would meet the expectations of some guests and should have no negative impacts to the public welfare outside of the hotel. Such uses would provide a desired convenience to hotel guests, and would discourage them from leaving Warner Center in search of quality dining and entertainment. The proposed banquet hall and hotel restaurant/bar service are also standard conveniences that are expected of high quality hotels, and would help to attract visitors and guests to the area. As all proposed hotel uses would be conducted within a 275-room hotel with significant staff and security presence, no negative impacts from the hotel alcohol-serving uses would be expected.

The Project as a whole is expected to bring significant benefit to the pertinent community. It will bring new shopping, dining, and entertainment options to Warner Center, while also creating new temporary and permanent jobs and boosting sales and property tax revenues for the local jurisdiction.

**6. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area. (LAMC 12.24.W.1.a.2)**

The proposed restaurants are anticipated to offer a wide range of cuisines and atmospheres. The sale of alcoholic beverages is of critical importance to operators of these facilities to attract



and cater to a sophisticated clientele. Since the establishments will be part of a carefully controlled, first-class shopping center and the service of alcoholic beverages will be incidental to their primary operations, these establishments will not take on the negative characteristics of a tavern or bar nor attract undesirable elements to the neighborhood.

There are no churches, schools, hospitals, or recreation areas within 1,000 feet of the Project Site, as this area is largely commercial with some residential uses on the perimeter. Furthermore, a new police station, the Topanga Community Police Station, recently opened which will provide additional police protection services to the Project Site. There are currently 20 on-site licenses and 2 off-site licenses within 600 feet of the Project Site, and 1 additional off-site license between 600 feet and 1000 feet of the Project Site. This includes alcohol licenses at Westfield Topanga Plaza, which has 7 on-site licenses (including department stores) and 1 off-site license at Target. Within regional commercial centers such as Warner Center, this is not an unusually high number of alcohol-serving establishments. The Project's characteristics, as a center serving a variety of needs, will result in a development where the diversity and number of restaurant and food-service venues is a customary and expected component of such a center. These uses contribute to the viability of the center, and are restricted within a self-contained, planned development which can be easily monitored and secured. Accordingly, the addition of establishments serving alcoholic beverages in the Project would not result in or contribute to an undue concentration of such establishments.

- 7. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine. (LAMC 12.24.W.1.a.3)**

There are no churches, schools, hospitals, or recreation areas within 1,000 feet of the Project Site, and the requested Conditional Use Permit will be complementary in nature to the overall commercial use of the area and the proposed Project.

The anchor retailer will be a nationally recognized establishment, likely with a regulated private club membership. Sales would be monitored, and alcohol consumption would not be permitted on-site. Alcohol sales for off-site consumption in connection with a proposed grocery store and the specialty store would be similarly monitored and controlled.

The proposed restaurant uses would provide increased opportunities in quality dining for visitors and guests, reducing the need for local customers to travel long distances to enjoy these types of uses. The tenants sought for the project would offer product lines consistent with the demographics and needs of the surrounding communities, and the Project would serve as a central point for convenient meeting, shopping and dining activities. The availability of diverse activities, such as dining with the option of alcoholic beverages, would greatly enhance the atmosphere and attractiveness of The Village at Westfield Topanga. This diversity of food service is desired and expected, and the selling of alcoholic beverages provides a desired amenity for patrons.

Since the establishments serving alcoholic beverages will be a part of a carefully controlled first-class shopping center with a security force, and the service of alcoholic beverages will only be incidental to the principal restaurant operations, these establishments will not take on the negative characteristics of a tavern or bar, or attract undesirable elements into the neighborhood.

The proposed hotel alcoholic beverage service uses are also standard conveniences that are expected in a hotel, a standard which the Applicant intends to achieve and maintain. Having mini-bars in individual guest rooms and room and pool-side service would meet the expectations of some guests and should have no negative impacts to the public welfare outside of the hotel. Such uses would provide a desired convenience to hotel guests, and would discourage them from leaving Warner Center in search of quality dining and entertainment. The proposed banquet hall and hotel restaurant/bar service are also standard conveniences that are expected of high quality hotels, and would help to attract visitors and guests to the area. As all proposed hotel uses would be conducted within a 275-room hotel with significant staff and security presence, no negative impacts on the surrounding neighborhood from the hotel alcohol-serving uses would be expected.

The proposed Project is located within an existing regional commercial center and is surrounded by compatible land uses, including the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the west. The nearest residentially-zoned community is buffered from the Project Site by intervening roads and commercial uses. The Project vicinity is highly developed and therefore consistent with the proposed Project in scale and use. Surrounded by high-rise office buildings, hotels and parking structures, the proposed alcohol sales establishments would be well-situated to serve the recreational, entertainment and community service needs anticipated within an urban commercial center.

## CONDITIONAL USE: AUTOMOTIVE USE FINDINGS

### REQUEST

Pursuant to LAMC Section 12.24 W.4, the Applicant requests a Conditional Use Permit for Automotive Uses that do not meet the operational and design requirements of LAMC Section 12.14.A.6 and LAMC Section 12.22.A.28. Specifically, the proposed automotive fuel station, tire center, and internet automotive sales uses will not operate within the hours of operation required by LAMC Section 12.22.A.28(b)(4) & (5) and the tire installation center would not meet the design standards of LAMC Section 12.22.A.28(a)(1).

The combined operating hours of the accessory member-only automotive fuel station, internet automotive sales, and tire installation uses, which are contained within into the hours of operation of the anchor retailer, will be 6:00 a.m. to 10:00 p.m. Site cleaning will occur from 11:00 p.m. to 5:00 a.m. Deliveries associated with the tire installation uses will occur from 9:00 p.m. to 10:00 a.m., and approximately three to four fuel deliveries per day shall be permitted to the fuel station, except that such fuel deliveries shall be prohibited during the weekday morning (7:00 am – 9:00 am) and afternoon (4:00 pm – 6:00 pm) peak travel periods. These requested delivery hours are in addition to those hours permitted by LAMC Section 12.22.A.28(b)(4).

The exterior wall of the tire center parallel to Owensmouth Avenue would consist of less than 50 percent transparent windows, and thus would not meet the design standards of LAMC Section 12.22.A.28(a)(1). However, the tire center would be located in the interior of the site, more than 300 feet from Owensmouth Avenue, and would not be visible from the public roadway. Additionally, the Project site along Owensmouth Avenue would include extensive landscaping and pedestrian paths along the perimeter of the site, connecting to the interior of the site, thus accomplishing the goal of making the site visually attractive and welcoming to pedestrians.

Pursuant to LAMC Section 12.24.F, the decision-maker shall have the authority to impose conditions on the conditional use approvals requested above as part of approving the locations of such conditional uses.

### FINDINGS

- 1. The proposed location will be desirable to the public convenience and welfare. (LAMC 12.24.E)**

The proposed Project would redevelop a partially vacant, underutilized series of lots totaling approximately 29.84 net acres with approximately 1,027,994 square feet of new retail, restaurant, grocery, office, hotel and community/cultural uses in the Warner Center community of Los Angeles. The Project would include ancillary automotive uses to a proposed anchor retailer as part of Phase 1. These automotive uses include a proposed members-only automotive fuel station and tire installation operation, and an internet-based automotive sales program. They are uses permitted by-right within the Property's (WC)C2 and (WC)C4 Zones, and require a Conditional Use Permit only for the purposes of expanding the hours of operation otherwise permitted by the LAMC, and modifying the design development standards.

The tire installation operation would be located internal to the south, on the southern side of the main anchor retail structure and would be maintained for the sole purposes of selling and installing tires. No additional automotive repair, installation or maintenance activities would occur on site. The automotive sales program would be an entirely internet-based program and on-site test driving and sales would not occur. The automotive sales use would require only six

parking spaces for on-site vehicle display and storage, which would be located within the surface parking area adjacent to the anchor retailer.

The proposed member-only automotive fuel station would be located adjacent to the main anchor retail structure and would be comprised of a five-island facility with a total of 20 fueling positions. Three underground fuel storage tanks would be installed, each with a 30,000 gallon capacity. The anticipated annual output would be approximately 14,400,000 gallons of gasoline per year. The fueling stations would be fully-automated and self-serve, and would be located adjacent to the main anchor retail structure. They would be available to members only, as proposed.

The automotive fuel station will be screened from the public right-of-way with extensive landscaping and a landscaped screening wall to minimize the visibility of all the activities associated with fuel station operation, without compromising safety and efficiency. Adjacent to both Victory Boulevard and Owensmouth Avenue, the Project's landscaped setbacks will include a tree-lined meandering sidewalk and multi-use trail enhanced with shrubs, and a decorative, vine-covered screen wall that will obscure the automotive fuel station activity beyond. In addition to the landscaping, pedestrian features and other amenities, such as seating areas and canopies, will surround the exterior of the automotive fuel station area to provide pedestrian linkages from Owensmouth Avenue and Victory Boulevard. The paths will also include a shaded plaza area at the corner for pedestrians to stop and rest. Consistent with the Specific Plan goals of encouraging pedestrian activity along the corridors, these paths will connect to the rest of the Project's uses internal to the site, and connect to uses in the surrounding area. The canopies and all associated structures will be architecturally compatible with the main anchor retail building and the rest of the Project's buildings.

The automotive fuel station and tire center would be desirable to the public convenience and welfare by providing discounted automotive uses in close proximity to neighboring residential and commercial communities. The discounted cost of gas and tire installation would provide a significant benefit to local residents and area employees, as such costs would be lower as compared to other automotive fuel stations in the vicinity. The Project Site is also readily accessible to customers using the freeway, given the Project's convenient accessibility from the Ventura Freeway (the US-101 Freeway).

The proposed expanded hours of operation would be desirable to the public convenience in that it would allow for additional off-peak hour fueling options for both the community, and visitors and employees of the Project Site. The expanded hours would not be detrimental to the community because the Project Site is surrounded by similar and compatible commercial uses in an area designated as Regional Center Commercial. The Project vicinity is also highly developed and therefore these uses would be consistent with the surrounding area.

**2. The proposed location is proper in relation to adjacent uses or the development of the community. (LAMC 12.24.E)**

The Property is a level, irregularly shaped parcel of land containing approximately 29.84 net acres, bounded by Victory Boulevard on the north Topanga Canyon Boulevard on the west, Erwin Street on the south and Owensmouth Avenue on the east. The property is located within the (WC) C2-165/1.5 and (WC) C4-165/1.5 Zones and is currently significantly underutilized. It is currently developed with eight buildings, surface parking areas, undeveloped areas that have been graded, and limited landscaping. The site is designated for Regional Center commercial uses by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

The Project is compatible with and reinforces adjacent uses, which include the Westfield Topanga shopping center to the north, commercial and multi-family residential uses to the east, the Westfield Promenade shopping center to the south, and office and commercial uses to the

west. The Project vicinity is highly developed and consistent with the proposed Project in scale and use. High-rise office buildings, hotels and parking structures, including the 16-story Warner Center Marriott building and the 11-story to 25-story Warner Center towers, are located in close proximity to the Project Site.

The automotive uses accessory to the Project's anchor retailer are appropriately-sited and consistent with the Project Site's (WC)C2 and (WC)C4 Zoning. The expanded hours of operation sought for the Project's automotive uses would not be detrimental to the community because the Project Site is surrounded by similar and compatible Regional Center commercial uses. The Project vicinity is highly developed and therefore consistent with the proposed Project in scale and use.

The tire center would be located in the interior of the site, more than 300 feet from Owensmouth Avenue, and would not be visible from the public roadway. Additionally, the Project site along Owensmouth Avenue would include extensive landscaping and pedestrian paths along the perimeter of the site, connecting to the interior of the site, thus accomplishing the goal of making the site visually attractive and welcoming to pedestrians.

For the reasons set forth above, the Project will enhance the existing Warner Center commercial center, further the economic development of the community, and be proper in relation to adjacent uses.

**3. The proposed location will not be materially detrimental to the character of development in the immediate neighborhood. (LAMC 12.24.E)**

The proposed Project, which includes the fueling station, tire center, and internet automobile sales, will provide a significant benefit to the community. Other components of the Project include new retail, restaurant, grocery, office, hotel and community/cultural uses. The proposed uses are consistent with current zoning and have been designed with appropriate setbacks, parking and scale to complement and enhance the surrounding neighborhood.

The entire Project is located within an Enterprise Zone and would accomplish the goal of this designation of improving the area and attracting new visitors and new business investment. In addition, the Project will provide approximately 645,750 square feet of Open Space on the Site, which is approximately 50% of the Project Site. This is more than a 50% increase over the percentage of Open Space that is required to be provided on site. This Open Space will include an active landscaped buffer along the street frontage of Topanga Canyon Boulevard where visitors and residents can walk, as well as internal pedestrian walkways and lush plantings. The Project will thereby replace what is currently a sparsely-landscaped, partially vacant, and underutilized site with a visually-interesting and activated pedestrian space where the community can congregate.

The proposed automotive uses, which are permitted in the Project Site's (WC)C2 and (WC)C4 Zones, in themselves would provide a community benefit by providing convenient and discounted services in close proximity to neighboring residential and commercial communities. Given the rising costs of fuel, these discount automotive uses would benefit local residents and area employees, who will no longer have to drive longer distances for more expensive fuel and tire installation.

The tire center would be located in the interior of the site, more than 300 feet from Owensmouth Avenue, and would not be visible from the public roadway. Additionally, the Project site along Owensmouth Avenue would include extensive landscaping and pedestrian paths along the perimeter of the site, connecting to the interior of the site, thus accomplishing the goal of making the site visually attractive and welcoming to pedestrians.

The proposed tire installation and automotive sales uses will be conducted indoors, will be connected to the main anchor building, and will be entirely internal to the Project Site, making these uses much less noticeable than other automotive in the area that have large lots for car sales and automobile repairs. Furthermore, the anchor retailer's ancillary automotive uses will only be available to its members.

The proposed automobile sales are in a component of a larger Project and are designed with sensitivity to development in the immediate neighborhood, the Project would not be materially detrimental to the character of development in the immediate neighborhood. Rather, it would benefit the community by providing a high-quality project and improved focal point for the neighborhood.

**4. The proposed location will be in harmony with the various elements and objectives of the General Plan. (LAMC 12.24.E)**

Adopted in 1996 and updated in 2001, the City of Los Angeles General Plan Framework Element ("Framework") establishes the conceptual basis for the City's General Plan. The Framework establishes the City's long-range comprehensive growth strategy and provides a Citywide context to guide local planning, including future amendments to the required Elements of the General Plan, proposed zoning ordinances, and other pertinent programs. The Framework defines citywide policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services. The Project is consistent with several goals, objectives and policies of the Framework.

**Land Use**

The Framework's Land Use policy encourages retention of the City's stable residential neighborhoods and proposes incentives to encourage the location of future growth in neighborhood districts, commercial and mixed-use centers, industrial districts, along boulevards, and in proximity to transportation corridors and transit stations.

The Framework includes regional centers, which are high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. As stated previously, the Project Site is designated as a regional center, and is consistent with the following goals, objectives and policies of the Land Use chapter of the Framework:

**Objective 3.4** Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/ boulevards, while at the same time conserving existing neighborhoods and related districts.

The Project will create an integrated center within the community by providing a broad array of shopping, dining, hotel and entertainment opportunities, as well as open spaces and amenities, all within an established regional center. The proposed Project will include the development of approximately 444,744 square feet of retail uses, including approximately 278,985 square feet of shopping center uses and approximately 165,759 square feet of anchor retailer uses. The anchor retail uses will include ancillary food service, a tire center, an internet automotive sales program, and a members-only automotive fuel station with 20 pumps. The Project will also include approximately 53,635 square feet of restaurant uses, an approximately 36,765 square foot grocery store, a 275-room hotel (including approximately 10,000 square feet of banquet hall space and approximately 5,000 square feet of hotel restaurant), approximately 285,000 square feet of office uses, and approximately 14,250 square feet of community/cultural center uses.

The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater.

The Project would also provide landscaped walkways, landscaped pedestrian-oriented open space, and streetscape improvements along the project site's perimeter. These landscaped pedestrian-oriented open space areas would include pedestrian seating, enhanced paving, pedestrian lighting, planters, landscaping that would include accent trees, and other pedestrian amenities. Through the creation of such open space areas, the buildings and the landscape of the Project would be integrated to provide for a pedestrian-oriented area within Warner Center.

The automotive fuel station and tire center would be a desirable use within the Warner Center area by providing discounted automotive uses in close proximity to neighboring residential and commercial communities. The mix of uses and hours of operation will further the creation of a community where members have no reason to unnecessarily travel outside their neighborhoods. The discounted cost of gas and tire installation would provide a significant benefit to local residents and area employees, as such costs would be lower as compared to other automotive fuel stations in the vicinity. The Project Site is also readily accessible to customers using the freeway, given the Project's convenient accessibility from the Ventura Freeway (the US-101 Freeway).

**Goal 3F**            Mixed-use centers that provide jobs, entertainment, culture and serve the region.

The Project will provide a mix of uses that includes automotive uses such as an automotive fuel station, a tire installation center, and auto sales. Such uses would serve the area by providing discounted fuel and automotive services in the Warner Center area.

**Objective 3.1**        Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

The Project builds on the existing diversity of uses in Warner Center, which include office, retail, entertainment, hotel and residential uses. By providing an integrated center of office space, retail stores, restaurants, a hotel, and a grocery store, as well as automotive uses, the Project supports the needs of the City's current and future residents, visitors and businesses.

**Policy 3.1.4**        Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram.

The proposed Project, and proposed automobile uses, are consistent with the Framework Long-Range Land Use Diagram, which identifies Warner Center as a regional center targeted for high density growth and economic development.

**Policy 3.1.7**        Allow for development in accordance with the policies, standards, and programs of specific plans in areas in which they have been adopted...

Upon approval of the proposed Conditional Use Permit request and related entitlements, the Project will be compliant with all provisions of the LAMC and Warner Center Specific Plan. In compliance with WCSP Sections 7.C.6 and 7.C.7, Project uses would be restricted to those permitted by the (WC)C2 and (WC)C4 zoning designations. The C2 and C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the Project's contemplated uses are permitted by-right under these zoning designations. Approval of these and all related entitlement requests would ensure that the Proposed Project is consistent with the Specific Plan.

**Objective 3.2**        Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

The Project integrates discounted automotive uses within the site, thereby reducing the need for people to travel farther for these services. The Project Site is also proximate to an MTA park-and-ride and Orange Line Bus Station and Transit Hub, which will encourage hotel guests to use public transit for regional access, and will encourage regional and local visitors to use public transit to access Project amenities. Additionally, the automotive uses of the anchor retailer will be member-focused and will include shared trips to the anchor retailer and other uses on site. Such shared trips will be in harmony with the General Plan's mixed-use and trip reduction objectives.

**Policy 3.2.3** Provide for the development of land use patterns that emphasize pedestrian/ bicycle access and use in appropriate locations.

The design of the Project emphasizes pedestrian connections, as addressed in the WCSP. The Project includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project also includes significant open spaces, including landscaped pedestrian walkways and pedestrian amenities such as seating. The location of these uses, the fueling station, tire center, and automobile internet sales, will not interrupt or interfere with the pedestrian amenities.

The Project would also comply with the Los Angeles Municipal Code by providing bicycle parking on site at a rate of 2 percent of the parking spaces provided on-site, and by providing showers and lockers employees. The Project may include additional measures to promote bicycling and walking by visitors and employees as part of the Project's Transportation Demand Management Plan, discussed further in the Project's traffic study.

**Objective 3.16** Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

The automotive fuel station would be screened from the public right of way with extensive landscaping and a landscaped screening wall to minimize the visibility of all the activities associated with fuel station operation, without compromising safety and efficiency. Adjacent to both Victory Boulevard and Owensmouth Avenue, the Project's landscaped setbacks will include a tree-lined meandering sidewalk and a multi-use trail, and a decorative, vine-covered screen wall that will obscure the automotive fuel station activity beyond. In addition to the landscaping, pedestrian features and other amenities, such as seating areas and canopies, will surround the exterior of the automotive fuel station area to provide pedestrian linkages from Owensmouth Avenue and Victory Boulevard. The paths will also include a shaded plaza area at the corner for pedestrians to stop and rest. Consistent with the Specific Plan goals of encouraging pedestrian activity along the corridors, these paths will connect to the rest of the Project's uses internal to the site, and connect to uses in the surrounding area. The canopies and all associated structures will be architecturally compatible with the main anchor retail building and the rest of the Project's buildings.

### **Urban Form and Neighborhood Design**

The Project is consistent with the following goals, objectives and policies of the Urban Form and Neighborhood Design chapter of the Framework:

**Objective 5.2** Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Warner Center is designated as a regional center, and currently contains high-rise buildings, mid-rise and high-rise apartments and condominiums, and large-scale commercial development. The Project proposes to develop in an area already designated as a center of residential and commercial activity in Warner Center and to reinforce that area as an integrated center of activity for Warner Center and the San Fernando Valley. The automotive fuel station



would be located along a major transit corridor, Owensmouth Avenue, that is well-developed and within the center of the Warner Center community.

**Policy 5.2.1** Designate centers and districts where activity is already concentrated and/ or where good transit service is, or will be provided.

The Project is located in Warner Center, which is designated and currently functions as a regional commercial center. Major arterials serving Warner Center, as well as the internal street circulation system, are served by public transit. The Project site is located within a high-density, high-rise commercial center, and is surrounded by office and commercial buildings in a dense urban landscape. The Project would redevelop an underutilized parcel with a new, vibrant, mixed-use development. The automotive fuel station would be located along a major transit corridor, Owensmouth Avenue, that is well-developed and within the center of the Warner Center community. Additionally, the proposed automotive uses are permitted within the Project Site's (WC)C2 and (WC)C4 Zones,

### **Economic Development**

The Economic Development chapter of the Framework seeks to provide physical locations necessary to attract continued economic development and investment to targeted districts and centers. The Project is consistent with the following goals, objectives and policies of the Economic Development chapter of the Framework:

**Objective 7.3** Maintain and enhance the existing businesses in the City.

The overall Project would allow for the redevelopment of a site that is significantly underutilized and partially vacant. Much of the site is unpaved and has been undeveloped for many years despite efforts to entitle and develop the site.

The proposed Project will redevelop this underutilized parcel within an existing regional center with various shopping, dining, and entertainment opportunities, outdoor open spaces and amenities, 275 hotel guest rooms, office space, a new grocery store, and community uses. In all, the Project will include the development of approximately 444,744 square feet of retail uses, including approximately 278,985 square feet of shopping center uses and approximately 165,759 square feet of anchor retailer uses. The anchor retail uses will include ancillary food service, a tire center, an internet automotive sales program, and a members-only automotive fuel station with 20 pumps. The Project will also include approximately 53,635 square feet of restaurant uses, an approximately 36,765 square foot grocery store, a 275-room hotel (including approximately 10,000 square feet of banquet hall space and approximately 5,000 square feet of hotel restaurant), approximately 285,000 square feet of office uses, and approximately 14,250 square feet of community/cultural uses. The Project includes an option to convert approximately 53,900 square feet of the approximately 278,985 square feet of shopping center retail space to a 2,200 seat movie theater.

These new and enhanced businesses would improve the urban lifestyle options available to Warner Center residents, as well as support and grow a client base for existing businesses in the area.

**Goal 7B** A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

The Project Site is located in a State Enterprise Zone, which establishes certain incentives to stimulate economic growth, attract businesses, and increase employment opportunities within economically challenged areas. The location for the fueling station, tire center, and internet automobile sales, will contribute to a robust and diverse commercial center in Warner Center, compatible with the its surrounding uses, including the industrial land uses to the northeast of the Project Site. The Project expands and revitalizes the Warner Center area, thereby facilitating further diversification of office, retail, and entertainment options and providing an attractive market for new investment opportunities within Warner Center.

**Objective 7.2** Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The Project provides for the simultaneous development of office, hotel, retail, and dining uses, as well as automotive uses such as a members only automotive fuel station and a tire installation center. This development is expected to spur further economic growth within Warner Center, a designated regional center, and to meet the shopping and dining needs of residents and visitors of Warner Center. The Project will also be developed in accordance with mitigation measures and considerations identified by a rigorous environmental review process in order to ensure maximum feasible environmental quality.

**Policy 7.2.2** Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations, and mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.

Warner Center is currently designated a regional center, and the Project will redevelop an existing, underutilized commercial site. The Project Site is also located in close proximity to transit hubs and is surrounded by a range of uses, including multiple family residential, office, retail shopping, and hotel uses. The Project Site's location is appropriate for the proposed Project, and its development will enhance existing commercial uses while preserving Warner Center's existing residential neighborhoods.

### **Transportation**

The Project is consistent with the following goals, objectives and policies of the Transportation chapter of the Framework:

**Objective 3** Support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

The Project is located in Warner Center, which is designated and currently functions as a regional center. Major arterials and the internal street circulation system serving Warner Center are served by public transit. The Project will include the redevelopment of an underutilized commercial site with a new, vibrant mixed-use Project, thereby enhancing Warner Center's image as a center for community activity. The Project's development will also enhance existing commercial uses while preserving Warner Center's existing residential neighborhoods.

The proposed uses will further the mix of available services in Warner Center.

**Objective 4** Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

Consistent with this goal, the Project locates higher density development within an established regional center, thus preserving the lower-density residential areas. In addition, the Project will provide upgraded Open Space areas, landscaped open spaces, and a community center, thereby enhancing the pedestrian-oriented nature of the Project Site and facilitating easier pedestrian access to the development.

### **Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan**

The Project Site is also located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan ("Community Plan"). The Community Plan serves as the General Plan Land Use Element for the area. The Community Plan designates the Project Site as "Regional Commercial," which permits a variety of commercial, office, retail and residential uses. The

Project is consistent with several of the requirements, goals and policies the Community Plan, as follows:

Commercial

Objective 2-1 Conserve and strengthen viable commercial development and encourage recycling of obsolete commercial development.

The Project will maintain an office building and newly constructed retail building (occupied by a Crate & Barrel) that are currently on-site and replace six existing, underutilized commercial buildings with new and enhanced shopping center uses, office uses, a 275-room hotel, new restaurant and grocery options for Warner Center, additional parking, and new discounted automotive uses and fueling options, all of which will improve an existing commercial core and create a place for the public to socialize within Warner Center.

Policy 2-1.1 Locate new commercial development in areas currently designated for such development

The Project is located within the (WC)C2 and (WC)C4 zoning designations and is designated Regional Commercial under the Community Plan. The C2 and C4 designations indicate that the Project Site is designated for commercial and residential uses, and all of the Project's contemplated uses are permitted by-right within these zones. Similarly, the Regional Commercial designation is intended to correspond with medium and high-density commercial and residential development, and the Project has been designed to comply with this policy.

Objective 2-2 Enhance the appearance of commercial districts

The Project Site's existing buildings are outdated and the Project Site is significantly underutilized and only partially paved. Much of the site has been undeveloped for many years despite efforts to entitle and develop the site.

The proposed Project, which includes the fueling station, tire center, and internet automobile sales, would bring continuity and cohesiveness of design to the Project Site, and would create continuity between the Project Site and surrounding parcels. The design of the Project emphasizes pedestrian connections, and includes a continuous pedestrian route throughout the Project that would connect to existing pedestrian crossings at the perimeter of the Project Site. The Project would include an active landscaped buffer along the public street frontages with multi-use trails and meandering sidewalks for guests and residents to enjoy. The Project includes significant open spaces, including landscaped pedestrian walkways and a landscaped pedestrian-oriented open space area within the central interior portion of the site. The Project would have a "greening" effect on Warner Center, and would create an attractive and architecturally-integrated center for the community.

The automotive fuel station would be screened from the public right of way with extensive landscaping and a landscaped screening wall to minimize the visibility of all the activities associated with fuel station operation, without compromising safety and efficiency. Adjacent to both Victory Boulevard and Owensmouth Avenue, the Project's landscaped setbacks will include a tree-lined meandering sidewalk and a multi-use trail, and a decorative, vine-covered screen wall that will obscure the automotive fuel station activity beyond. In addition to the landscaping, pedestrian features and other amenities, such as seating areas and canopies, will surround the exterior of the automotive fuel station area to provide pedestrian linkages from Owensmouth Avenue and Victory Boulevard. The paths will also include a shaded plaza area at the corner for pedestrians to stop and rest. Consistent with the Specific Plan goals of encouraging pedestrian activity along the corridors, these paths will connect to the rest of the Project's uses internal to the site, and connect to uses in the surrounding area. The canopies and all associated structures will be architecturally compatible with the main anchor retail building and the rest of the Project's buildings.

The proposed tire installation and automotive sales uses will also be conducted indoors, will be connected to the main anchor building, and will be entirely internal to the Project Site, making these uses much less noticeable than other automotive uses in the area that have large lots for car sales and automotive repairs. Furthermore, the anchor retailer's ancillary automotive uses will only be available to members.

Policy 2-2.2 Require screening of open storage and auto repair uses, and prohibit storage of automobile parts and other noxious commercial related products in front of commercial development, exposed to the street.

The Project would include ancillary automotive uses to a proposed anchor retailer as part of Phase 1. Proposed automotive uses include an automotive fuel station and tire installation operation, and an internet automotive sales program. The member-only automotive fuel station would be located adjacent to the main anchor retail structure and would be comprised of a five-island automotive fueling facility with a total of 20 fueling positions. The tire installation operation would also be located adjacent to the main anchor retail structure and would be maintained for the sole purposes of selling and installing tires. No additional automotive repair, installation or maintenance activities would occur on site. The automotive sales program would be an entirely internet-based program and on-site test driving and sales would not occur. The automotive sales use would require only six parking spaces for on-site vehicle display and storage.

Although they are all permitted by-right within the (WC)C2 and (WC)C4 zones, the proposed tire center, fuel center and automotive sales uses would not comply with all operational requirements codified as LAMC Section 12.14 A.6 and 12.22 A.28. Specifically, the proposed Automotive Fuel Station, Tire Center, and Automotive Sales uses will not operate within the hours of operation required by LAMC Section 12.22.A.28. Accordingly, the Applicant is requesting the right to clean and maintain the accessory automotive uses after-hours and to expand the hours of operation of the proposed member-only automotive fuel station to accommodate morning and evening on-site fueling. The Applicant similarly requests to expand the hours of operation of its tire center and automotive sales uses for consistency with the standard operating hours of the anchor retailer's main building. Upon approval of this Conditional Use request and all other proposed entitlements, all of the proposed automotive uses would be compliant with LAMC and Community Plan screening, operations, and urban design requirements.

**5. There is not a detrimental concentration of automotive uses in the vicinity of the proposed automotive use. (LAMC 12.24.W.4.b.1)**

There is not a detrimental concentration of automotive uses in the vicinity of the proposed Project. Most of Warner Center's automotive retail uses provide auto sales or auto repair. The anchor retailer's proposed automotive uses are limited to tire installation and very limited auto sales, which will be conducted exclusively online. The Project Site will only contain a kiosk for internet access within the anchor building and six parking spaces for automotive display.

The proposed tire installation and automotive sales uses will also be conducted indoors, will be connected to the main anchor building, and will be entirely internal to the Project Site, making these uses much less noticeable than other automotive uses in the area that have large lots for car sales and automotive repairs. Furthermore, the anchor retailer's ancillary automotive uses will only be available to members.

While there are other automotive fuel stations in the vicinity, with the nearest one located at 6423 Topanga Canyon Boulevard approximately 175 feet away, the proposed member-only automotive fuel station will offer more cost effective fueling services to members. Additionally,

this fuel station will provide a convenient fueling location for visitors to, and employees of, the Project.

**6. Any new or remodeled structure is designed to reflect the scale and character of the surrounding commercial area. (LAMC 12.24.W.4.b.2)**

The proposed automotive fuel station will be screened from the public right of way with extensive landscaping to minimize the visibility of all the activities associated with automotive fuel station operation, without compromising safety and efficiency. A tree-lined meandering sidewalk enhanced with shrubs, and a decorative vine covered screen wall that will obscure the automotive fuel station activity beyond, will be provided adjacent to both Victory Boulevard and Owensmouth Avenue. In addition to the landscaping, pedestrian features and other amenities, such as seating areas, will surround the exterior of the automotive fuel station area to provide pedestrian linkages from Owensmouth Avenue and Victory Boulevard. The paths will include a shaded open space area at the corner for pedestrians to stop and rest, and will link this area with the rest of the Project Site and the surrounding area. Although the extensive landscape screening will minimize the visibility of the automotive fuel station, the canopy and all associated structures will be visible from the street and will be architecturally compatible with the main anchor building and therefore the rest of the Project Site. The tire center will be located in the interior of the site and therefore largely screened from view. The tire installation services will also be conducted indoors. Therefore, these uses will be compatible with the surrounding area. The anchor retailer and these ancillary uses will also be integrated into the larger Project, and all uses will be designed to enhance and complement the surrounding neighborhood.

The Project's commercial and office uses, as well as the parking structures would be designed to ensure a unified project appearance. The buildings would employ common architectural elements, building materials, and on-site identification signs. In effect, they would complement each other, without being identical. The hotel building would also be designed to be compatible with the design of the commercial buildings. As a result, the Project would operate as a unified and integrated development that would complement surrounding commercial and residential uses.

**7. Access and ingress to, egress from and associated parking of the automotive use does not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, based on data provided by the Department of Transportation or by a licensed traffic engineer. (LAMC 12.24.W.4.b.3)**

The Project's traffic study analyzed access, ingress to, and egress from the proposed automotive uses and parking, and determined that these uses would not generate a traffic hazard or significant disruption of vehicular circulation on adjacent streets. This traffic study is included in the Draft Environmental Impact Report for The Village at Westfield Topanga Project.

**8. The automotive use is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit-oriented district area or zone, or, that the use would be consistent with the district, area, or zone. (LAMC 12.24.W.4.b.4)**

The proposed automotive uses are not located within any such district. While they are located within the Warner Center Specific Plan area, upon approval of the proposed Conditional Use Permit and related entitlements, including a Project Permit Compliance request, the Project will be compliant with all requirements of the LAMC and the WCSP.

- 9. Any spray painting will be conducted within a fully enclosed structure and the structure is located at least 500-feet away from a school or A or R zone. In addition, all spray painting shall be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations. (LAMC 12.24.W.4.b.5)**

Spray painting would not be undertaken on the Project Site in connection with any of the proposed Project uses.

- 10. A landscape plan will be submitted setting forth all plant materials, irrigation system, and a written maintenance schedule, which indicates how the landscaping will be maintained. (LAMC 12.24.W.4.b.6)**

Conceptual landscape plans included as Exhibits "A21" and "A22", and conceptual irrigation schedule included in the Master Land Use Application, which specifies tree species, and indicates that drip irrigation with timers and low flow irrigation heads will be used. Additional landscape plans will be submitted to the City as part of the Project's construction drawings which include a maintenance schedule.

- 11. The automotive use substantially complies with the minimum standards set forth in section 12.26.I.3 of this Code.**

The automotive uses described in Section 12.26.I.3 refer primarily to automotive repairs (e.g. full body and fender repairs) or automotive used vehicle sales. However, those standards in LAMC 12.26.I.3 that do apply to the Project's proposed automotive uses (tire installation and member-only automotive fuel station) would be complied with in connection with Project development and operation.

### **CEQA Findings**

The Department of City Planning issued a Notice of Completion for Environmental Impact Report (EIR) No. ENV-2007-3393-EIR (SCH No. 2007101117) on July 22, 2011. The project described below has been completed in compliance with the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21,000 et seq. In connection with the following approvals granted to the Applicant. This Final EIR is being Certified in connection with all discretionary or ministerial approvals and permits required to implement the Project.

The proposed Project will be developed on the property generally bounded by Victory Boulevard, Owensmouth Avenue, Erwin Street, and Topanga Canyon Boulevard.

As described fully in the EIR Project Description, the EIR analyzed a mixed-use development consisting of a 275-room, 193,600 square-foot hotel, 285,000 square-feet of office space, 278,985 square-feet of shopping center retail (includes an option to convert 53,900 square-feet of retail to a 2,200 seat movie theater), 53,635 square feet of restaurant, 36,765 square-feet of grocery, and 14,250 square-feet of community/cultural uses, service and amenity space on a 29.84 net-acre site.

The Los Angeles Department of City Planning is acting as lead agency as defined by CEQA for environmental review of this Project. Upon certification of the Final EIR by the City of Los Angeles, a variety of discretionary and ministerial actions will be required.

Based on the City's Environmental Review Committee, the City determined an EIR was necessary to analyze the potential effects of the proposed Project. The Notice of Preparation

("NOP") for a Draft Environmental Impact Report (the "Draft EIR") was circulated for a 60-day review period starting on October 29, 2007.

The Department found that potential significant and unavoidable impacts could occur from the project's implementation due to:

- Air Quality (Regional VOC and NO<sub>x</sub> Emissions, and Localized PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>2</sub> Emissions, during Construction);
- Air Quality (Regional NO<sub>x</sub> VOC, CO, PM<sub>10</sub>, PM<sub>2.5</sub> Emissions, during Operation); Noise (Construction Impacts);
- Traffic, Access, and Parking (Construction, Operational and Cumulative Impacts on Intersections, Neighborhood Intrusion).

The Department of City Planning found that all other impacts were either considered less than significant or could be mitigated from the project's implementation.

### **Growth Inducing Impacts of the Proposed Project-**

Section 15126.2(d) of the CEQA Guidelines requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a waste water treatment plant). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental or of little significance to the environment.

The project would combine a mix of shopping and dining, hotel, and office uses, as well as potential theater uses, to revitalize an existing underutilized site in Warner Center. The population, employment and housing associated with the project would be consistent with the growth anticipated for SCAG's City of Los Angeles Subregion. In addition, the project would not remove impediments to growth. The area surrounding the project site is already developed with commercial and residential uses. With regard to infrastructure-induced population growth, all roadway improvements planned for the project or as mitigation are intended to provide for better circulation flows throughout the area or to improve pedestrian safety and would not open any large undeveloped areas for new use. Utility and other infrastructure upgrades, if necessary, are also intended primarily to meet project-related demand. The project would be consistent with the growth forecast for the City of Los Angeles Subregion, and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled.

### **Significant Irreversible Impacts-**

According to Section 15126.2(c) of the CEQA Guidelines, an EIR is required to evaluate significant irreversible environmental changes that would be caused by implementation of the project. As stated in CEQA Guidelines Section 15126.2(c):

"[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with

the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The project would necessarily consume non-renewable resources and resources that are effectively non-renewable due to their long regeneration time during both construction and operation. The project would require a commitment of non-renewable and renewable resources that would include: (1) building materials; (2) water; and (3) energy resources. Specifically, during construction of project buildings, the project would consume non-renewable resources that would include the following building materials: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt, such as sand, gravel and stone; metals, such as steel, copper, and lead; petrochemical construction materials, such as plastics. As stated in Section II, project Description, of this Draft EIR, the project would be designed to achieve the standards of the Silver Rating under the US Green Building Councils' Leadership in Energy and Environmental Design (LEED) green building program, with the exception of the anchor retail, which at a minimum, would achieve LEED Certified. As part of the LEED program, at least 75 percent of construction and demolition debris from project construction would be diverted from landfills and 10 percent of the building materials used in the construction of the project would be of recycled content. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced. Water, which is a limited, slowly renewable resource, would also be consumed during project construction. project consumption of water during construction is addressed in Section IV.I.1, Water Supply, of the Draft EIR. As concluded therein, given the temporary nature of construction activities, water consumption during project construction would not result in a significant impact on water supplies. Similarly, as the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the construction consumption of fossil fuels would be less than significant.

The resources that would be committed during operation of the project would include water for drinking and washing, and fossil fuels for electricity, natural gas, and transportation. The consumption of water is analyzed in Section IV.I.1, Water Supply, of this Draft EIR. While project operation would result in the irreversible consumption of water, the project would not result in a significant impact with respect to water supply. During ongoing operation of the project, non-renewable fossil fuels would represent the primary energy source and, thus the existing finite supplies of these resources would be incrementally reduced. The consumption of non-renewable fossil fuels for energy use is analyzed in the Initial Study provided in Appendix A of this Draft EIR. As analyzed therein, the project's estimated electricity and natural gas demand would be within the anticipated service capabilities of LADWP and The Gas Company. The project would also comply with Title 24 of the California Code of Regulations, which sets forth the Building Energy Efficiency Standards to limit the amount of energy consumed by the project. Furthermore, as part of the LEED program, the project would be designed to achieve a reduction of energy usage by at least 14 percent below its Title 24 baseline. Other energy efficiency measures include the installation of roofing materials with a high Solar Reflectance Index and commissioning of building energy systems. Thus, long-term impacts associated with the consumption of fossil fuels would not be significant.

The project would involve the limited use of potentially hazardous materials typical of commercial uses, including cleaning solvents, fertilizers and/or pesticides for landscaping. These materials would be contained, stored, and used on-site in accordance with manufacturers' instructions, applicable government regulations and standards. In addition, demolition activities would comply with regulatory requirements to ensure that asbestos and lead-based paints would not be released into the environment. Compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

Based on the above, project construction and operation would require commitment and use of slowly renewable and nonrenewable resources and would limit the availability of these



resources and the project's building site for future generations or for other uses. However, the continued use of such resources would be on a relatively small scale and consistent with regional and local urban design and development goals for the area. As a result, the nonrenewable resources would not result in significant irreversible changes to the environment.

#### OTHER CEQA CONSIDERATIONS

1. The City of Los Angeles (the "City"), acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City Finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City Finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The City Finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
3. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.
4. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics/Visual Resources, Views, Light and Glare, and Shading; Air Quality; Geology and Soils; Surface Water Hydrology and Surface Water Quality; Land Use; Noise; Fire Protection; Police Protection; Schools; Parks and Recreation; Libraries; Traffic, Access and Parking; Water Supply; and Solid Waste. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes, Growth Inducing Impacts and potential secondary effects of the project. The significant environmental impacts of the project were identified in the Draft and Final EIR. The significant environmental impacts of the project and the alternatives were also identified in the Draft and Final EIR.
5. The mitigation measures which have been identified for the project were identified in the Draft and Final EIR. The final mitigation measures are described in the Mitigation Monitoring and Reporting Program ("MMRP"). Each of the mitigation measures identified in the MMRP, and contained in the Final EIR, is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Final EIR.

6. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The Department of City Planning staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.
7. The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
8. Having reviewed the information contained in the EIR and in the administrative record as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant information in the Final EIR and finds that recirculation of the Draft EIR is not required.
9. CEQA requires the Lead Agency approving a project to adopt an MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and included in the MMRP as adopted by the City serves that function. The MMRP includes all of the mitigation measures identified in the EIR and adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code §21081.6, the City hereby adopts the MMRP.
10. In accordance with the requirements of Public Resources Code §21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.
11. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the Department of City Planning, Valley Major Projects, 6262 Van Nuys Boulevard, Suite 351, Van Nuys, California 91411.
12. The City Finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
13. The City is Certifying an EIR for, and is approving and adopting Findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the Lead Agency for the project, the EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the project.

14. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City of Los Angeles and the other regulatory jurisdictions.

**Statement of Overriding Considerations:**

The Final EIR has identified unavoidable significant impacts that would result from implementation of the proposed project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These Findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the reference library to the EIR, and documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the proposed project, as identified in the EIR:

- Air Quality (Regional VOC and NO<sub>x</sub> Emissions, and Localized PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub> Emissions, during Construction);
- Air Quality (Regional NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> Emissions during Operation);  
Noise (Construction Impacts);
- and Traffic, Access, and Parking (Construction, Operational and Cumulative Impacts on Intersections, Neighborhood Intrusion).

It is not feasible to mitigate such impacts to a less than significant level.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby Finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals and objectives of the proposed project, and provide, in addition to the above Findings, the detailed rationale for the benefits of the project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the project justify adoption of the project and certification of the completed Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the project and justify adoption of the project and certification of the

completed EIR. In particular, achieving the underlying purpose for the project would be sufficient to override the significant environmental impacts of the project.

1. The project will enhance the future economic vitality of Warner Center and the City of Los Angeles by developing a multi-faceted shopping, entertaining, dining, and working experience within an underutilized site, thereby promoting the Warner Center area as a high activity regional center destination, which will attract more business to the area and encourage local job creation.
2. Development and construction of the project will generate more than 3,000 jobs, and project operation will generate another approximately 4,500 long-term jobs.
3. Operation of the project will provide a significant new source of tax revenue to the City of Los Angeles. Operation of the mix of uses to be developed as part of the project will generate approximately \$7.9 million in annual tax revenue for the City, or approximately \$198 million in tax revenue to the City over the next 15 years.
4. The project will also be a significant economic engine in the City of Los Angeles. The annual economic output from operation of the project will generate approximately \$636 million in economic activity in the City.
5. The project will transform an underutilized area primarily covered with surface parking into a community gathering space that will have nearly 15 acres of open space, of which 6 acres will be landscaped and include pedestrian paths and seating areas.
6. The project's street frontages will be turned into linear parks totaling 2 acres of open space, with meandering sidewalks, multi-use trails, trees, and pedestrian amenities such as benches and shade structures.
7. The applicant will provide and maintain landscaping within the new Victory Boulevard median, approximately half an acre in size.
8. A community space totaling 14,250 square feet will be provided.
9. The project will transform the three public street corners of the project site into landscaped mini-plaza areas featuring pedestrian amenities such as seating, lighting, canopies, and special paving. These three mini-plaza areas will mark the corners as "gateways" into the Warner Center area and provide a shaded area for pedestrians to stop and rest. These elements would improve the pedestrian experience, and make walking a more attractive option for visitors.
10. The project will physically improve the existing bus stops adjacent to the project site, on Owensmouth Avenue and Victory Boulevard, with street furniture and amenities, such as new benches and shelters. A new bus stop will also be provided along Topanga Canyon Boulevard. All of these improvements will make using public transit easier and more desirable for visitors.

11. The project will facilitate a reduction of vehicle trips (and associated greenhouse gas emissions) by locating a mixed-use development on a site easily accessible by several modes of transit, and enhancing the site's adjacent transit stops. The project will also implement a Transportation Demand Management Plan designed to reduce single driver car trips by employees and shoppers.
12. The project, with the exception of the Costco and existing buildings (Crate & Barrel retail store and 2-story office building), will be designed to achieve the standards of the Silver Rating under the USGBC's Leadership in Energy Efficiency and Design ("LEED") green building program, or equivalent green building standards. The anchor retailer building would be designed to achieve the standards of LEED Certified, or an equivalent green building standard, at minimum. New buildings will be designed to promote water and energy conservation.
13. Development of the project in an established urban area served by existing infrastructure will minimize the need for the development of new infrastructure and make more efficient use of existing facilities.
14. The project will strengthen Warner Center's competitive position as a hub for regional commerce and activity by adding a greater variety of retail, restaurant, and office spaces at the project, in response to market demand.
15. The project will redevelop a significantly underutilized, partially unpaved, and partially vacant site with a mix of uses that will provide an aesthetically attractive regional commercial center for future residents and visitors, which will be complementary to, and compatible with, surrounding uses.
16. The project will provide a walkable, outdoor, pedestrian-oriented shopping environment within Warner Center.

The required Findings related to the California Environmental Quality Act are attached as a portion of this determination. The document entitled "California Environmental Quality Act Findings and Statement of Overriding Considerations" is incorporated by reference and located in the administrative file. These Findings represent the independent judgment of the City Planning Commission in certifying the Environmental Impact Report and adopting the Statement of Overriding Consideration.

**Mitigation Monitoring and Reporting Program.** Section 21081.6 of the Public Resources Code and Section 15091(d) of the State CEQA Guidelines require that when a public agency is making findings required by Section 21081 of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the public agency shall adopt a reporting or monitoring program for the mitigation measures which have been made part of this Project.

The City hereby Adopts the Mitigation Monitoring and Reporting Program for the Project, incorporated by reference and located in the administrative file, and finds that the Project meets the mitigation monitoring program requirement of Section 21081.6 of the Public Resources Code.

The City hereby Finds and determines that the Mitigation Monitoring and Reporting Program provides for the implementation and monitoring of the Project mitigation measures intended to

mitigate potential environmental impacts. The Mitigation Monitoring and Reporting Program is required for implementation by Condition No. 94 of this grant.