

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

WHEREAS, Warner Center, bounded generally by Vanowen Street, the Ventura Freeway, De Soto Avenue, and the properties fronting the west side of Topanga Canyon Boulevard, is the premier urban center of the west San Fernando Valley containing regional-oriented office and commercial development.

WHEREAS, in the 1970s and early-1980s substantial development was underway in Warner Center which threatened the high standards established in the area.

WHEREAS, City officials anticipated that significant new development was expected to cause serious traffic congestion problems, in addition to the already deteriorating traffic conditions in the area.

WHEREAS, the City Council in October 1984, responded to this threat by authorizing a restudy of the 1971 Warner Center Specific Plan by significantly expanding the area, scope and regulations of the existing Plan, as well as appointing a Citizens Advisory Committee (CAC) to work jointly with the City in the preparation of the revised Plan.

WHEREAS, on June 23, 1993, the Los Angeles City Council adopted the revised Warner Center Specific Plan (Ordinance Nos. 168,873 and 168,984) along with related appendices, General Plan amendments, zone changes and other accompanying ordinances, as well as certifying the Specific Plan's Environmental Impact Report (EIR).

WHEREAS, soon after the adoption of the Specific Plan, the Los Angeles Unified School District filed suit against the City of Los Angeles challenging the sufficiency of the Specific Plan's Environmental Impact Report (EIR) contending that the EIR failed to adequately address the Plan's impact of additional noise and air pollution on two District schools, Canoga Park High School and Francis Parkman Middle School.

WHEREAS, on September 20, 1995, the Superior Court of the County of Los Angeles denied the School District's petition against the City; however, the School District appealed this decision to the Court of Appeal.

WHEREAS, on October 22, 1997, the Court of Appeal remanded the case back to the trial court holding that the evidence in the record did not support the EIR's findings with regard to no significant noise impacts at Canoga Park High School and Francis Parkman Middle School and also holding that the analysis of air and noise impacts was inadequate for failing to discuss whether air conditioning and filtration are feasible mitigation measures for mitigating increased air pollution under the plan.

WHEREAS, on December 9, 1997, the City Council adopted a motion to instruct the Department of City Planning, with the assistance of the City Attorney and the Department of Transportation to prepare and process a Supplemental Environmental Impact Report (SEIR) which would re-analyze the potential air quality and noise impacts of the Specific Plan on the two adjacent LAUSD schools and any resulting changes to the Warner Center Specific Plan and related ordinances that may be necessary in order to continue to effectively provide long-term regulation of development in the area.

WHEREAS, on March 24, 1999, the City reached an interim agreement with LAUSD which was approved by the court allowing a modified Specific Plan to remain in effect while the City prepared the SEIR.

WHEREAS, on February 11, 1999, the City released the draft SEIR for a 45-day comment period and on May 17, 1999, the City released the final SEIR.

WHEREAS, the SEIR analysis became the basis for this amendment to the Specific Plan which establishes regulations designed to insure that developments in the Warner Center Specific Plan area mitigate significant air quality and noise impacts on Canoga Park High School and Francis Parkman Middle School.

WHEREAS, specifically, this amendment to the Specific Plan includes the following additions:

1. Addition of a new section creating noise and air quality requirements in order to insure a Project's compliance with the noise and air quality mitigation measures from the SEIR analysis. A Project Approval must be consistent with this Section. The new Section is divided into two subsections: Noise Requirements and Air Quality Requirements.

2. New definitions for Air Quality Impact Areas, Construction Air Quality Impact Assessment (CAQIA) Fee, Construction Noise Management Plan (CNMP), Facility Noise Management Plan (FNMP), Noise Impact Areas, Surface Area Disturbed, and Warner Center Air Quality Trust Fund.

3. Additional finding for a Project Approval that the Project is consistent with the new noise and air quality requirements.

4. Addition of a requirement that establishes that no Project Permit shall be approved by the Director unless it has been determined that the proposed development is in compliance with the new noise and air quality requirements.

5. Addition of a new Application Fee to recoup the cost of the preparation of the 1999 SEIR.

6. Addition of a requirement for review and mitigation of noise and air quality impacts from individual Projects.

NOW, THEREFORE,

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

Section 1. Section 4 (Definitions) of Ordinance No. 168,873 is hereby amended by adding the following definitions in alphabetical order:

Air Quality Impact Areas - Portions of this Specific Plan located within the shaded areas shown on Map 9 in Section 18. These areas are generally adjacent to Canoga Park High School and Francis Parkman Middle School.

Construction Air Quality Impact Assessment (CAQIA) Fee - The monies required to be paid as a mitigation fee into a Warner Center Air Quality Trust Fund for those Projects subject to the CAQIA Fee requirements established in Section 18.

Construction Noise Management Plan (CNMP) - A document submitted to the Department of City Planning by the Applicant identifying any Project and/or cumulative noise impacts relative to either Canoga Park High School or Francis Parkman Middle School, whichever is closer to the Project site. This Plan will provide the mitigation measures, if necessary, which will be implemented by the Applicant to mitigate significant noise impacts of the Project or are otherwise required by the Department of City Planning pursuant to Section 18 of this Specific Plan.

Facility Noise Management Plan (FNMP) - A document submitted to the Department of City Planning by the Applicant that ensures that cumulative noise emissions from facility operations, including stationary mechanical equipment, from any Project located within 500 feet of either Canoga Park High School or Francis Parkman Middle School will not exceed 64 dBA at the closest school's lot line.

Noise Impact Areas - Portions of this Specific Plan area located within the shaded areas shown on Map 8 in Section 18. These impact areas encompass those portions of the Specific Plan that are within 500 feet of Canoga Park High School and Francis Parkman Middle School.

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

A Project for the purposes of assessing the potential for air quality impacts shall include demolition, site preparation or construction on any lot located in whole or in part within the shaded portions of Map 9 (Air Quality Impact Areas) when there is Surface Area Disturbed, including, but not limited to, construction vehicles digging, scraping, trenching, *etc.*, in the preparation for the construction of a surface parking lot. A Project for the purposes of assessing the potential for noise impacts shall also include any demolition, construction, or other work for which a mechanical permit is required, when that work occurs within 500 feet of either Canoga Park High School or Francis Parkman Middle School (see the shaded portions of Map 8 -Noise Impact Areas). Any Project meeting either of these definitions shall be subject to the requirements established in Section 18 of this Ordinance. Repaving, which does not involve digging or scraping of the surface, or restriping of a parking lot or interior alterations, except as provided in the previous paragraph, shall not be deemed a Project.

Surface Area Disturbed - Any portion of a site where development activity occurs that involves the movement and/or handling of earth materials, including the traveling of construction vehicles on any unpaved portion of the construction site, as determined by the Director of Planning.

Warner Center Air Quality Trust Fund - A fund established by ordinance for those Construction Air Quality Impact Assessment (CAQIA) Fees collected from Projects to be used for the funding for air conditioners at both Canoga Park High School and Francis Parkman Middle School **Sec. 2.** Section 6 A 4 (Project Approval-Finding) of Ordinance No. 168,873 is hereby amended to read:

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Finding. The Director of Planning, or the Director's designee, shall grant a Project Approval only upon making a written finding that the Project complies with this Specific Plan. In particular, he or she must find that the Project meets the requirements of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15 and 18.

Sec. 3. Section 6 B (Project Approval-Requirements of the Phases of Development) of Ordinance No. 168,873 is hereby amended by adding a new paragraph 6 to read:

6. Compliance with the Noise and Air Quality Requirements. No Project Approval shall be issued for a Project unless the Project Applicant has demonstrated to the satisfaction of the Director of Planning that the proposed Project is in compliance with Section 18 of this Specific Plan.

Sec. 4. Section 6 D 3 (Project Approval-Application Fees) of Ordinance No. 168,873 is hereby amended by adding a new paragraph c to read:

c. Each Applicant shall pay an additional fee of \$0.02 per square foot of proposed Floor Area to pay for the costs incurred in the preparation of the courtmandated Supplemental Environmental Impact Report (SEIR) to restudy noise and air quality impacts on Canoga Park High School and Francis Parkman Middle School and these funds shall be deposited in the City's General Fund and the Warner Center Transportation Improvement Trust Fund with 81% of the fee deposited in the City's General Fund and 19% of the fee deposited in the Warner Center Transportation Improvement Trust Fund.

Sec. 5. Section 6 D 4 (Project Approval-Environmental Review) of Ordinance No. 168,873 is hereby amended to read:

4. Environmental Review. As part of the application for Project Approval, the Project Applicant shall file the necessary forms and information for environmental review as prescribed by the Director. The Director shall cause to be prepared, concurrently with the review and approval of the Project, the required environmental studies and notices for the Project. Additionally, Applicants for Projects subject to the requirements under Section 18, Compliance with Air Quality and Noise Requirements, shall submit an environmental assessment form (EAF), pay the applicable fee, and submit the additional Construction and Facility Noise Management Plans as required by that Section. **Sec. 6.** Section 16 H (Implementation of the Phases of Development-Maximum Development Permitted by this Specific Plan) of Ordinance No. 168,873 is hereby amended to read:

H. Maximum Development Permitted by this Specific Plan. No Project Approval shall be issued for any Project which would cause the cumulative Approved Permitted Floor Area to exceed 35.7 million square feet, prior to City Council adoption and certification, respectively, of a new Specific Plan and Environmental Impact Report, and, no Project Approval shall be issued for any Project beyond the year 2010 without further environmental review.

Sec. 7. Section 18 is hereby added to Ordinance No. 168,873:

Section 18. Noise and Air Quality Requirements.

A. Noise Requirements.

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1. Prohibition. No building, demolition, grading or foundation permit for a Project located within 500 feet of either Canoga Park High School or Francis Parkman Middle School, as identified on Map 8 - Noise Impact Areas, shall be issued until the Department of City Planning has analyzed the significant noise impacts of a proposed Project and certified that completion of mitigation measures listed in Subdivision 4 of this Subsection has been guaranteed to the satisfaction of the Department.

2. Requirement. Prior to the issuance of any Project Approval determination, an Applicant for a Project which is subject to the prohibition established in Subdivision 1 of this Subsection shall be required to prepare both a Construction Noise Management Plan and a Facility Noise Management Plan, which achieve compliance with requirements for noise attenuation as defined in Chapter XI, Section 112 of the Los Angeles Municipal Code in order to mitigate potential noise impacts on either Canoga Park High School or Francis Parkman Middle School.

3. Submittals and Review of Noise Impacts. An Applicant for a Project which is subject to the prohibition established in Subdivision 1 of this Subsection shall submit, as part of the Project Approval procedures established in Section 6 D 2, the following studies:

> a. Construction Noise Management Plan (CNMP). A Construction Noise Management Plan (CNMP) to evaluate

potential noise impacts on the closest of either Canoga Park High School or Francis Parkman Middle School. The CNMP shall be prepared by a licensed Acoustical Engineer and shall be prepared in conformance with Appendix F of this Specific Plan. The CNMP will be used by the Department of City Planning to determine the appropriate mitigation measures for any potentially significant noise impacts generated by the Project.

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> **b.** Facility Noise Management Plan (FNMP). A Facility Noise Management Plan to ensure that noise emissions from facility operations, including stationary mechanical equipment, do not cause significant impacts. The Facility Noise Management Plan shall ensure that the cumulative mechanical equipment noise does not exceed a level of 64 dBA at the closest school's lot line. The FNMP shall be prepared by a licensed Acoustical Engineer and shall be prepared in conformance with Appendix G of this Specific Plan. Compliance with this noise limitation may include, but is not limited to, the installation of mechanical equipment enclosures, roof-mounted parapets, silencers, barriers and/or appropriate setbacks.

4. Mitigation Measures. The Department of City Planning shall require as part of its Project Approval determination that feasible mitigation measures be undertaken or guaranteed to mitigate the significant noise impacts of the Project to a level of insignificance as a condition of granting a building, grading or foundation permit.

A Project's compliance with this Section of the Specific Plan shall, at minimum, include the following, or equivalent, mitigation measures:

> a. Construction activities shall be restricted to hours between 7:00 a.m. and 9:00 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday.. No noise-generating construction activities shall take place on Sundays or national holidays.

> **b.** Noise-generating construction equipment shall be equipped with the most effective state-of-theart noise control devices, *i.e.*, mufflers, lagging, or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to

worn or improperly maintained parts, would be generated.

c. Effective temporary noise barriers shall be used and relocated, as needed, to block line-of-sight between the construction equipment and the noise-sensitive receptors.

d. Truck deliveries and haul routes, to the extent feasible, shall be directed away from the two schools and not access construction sites from DeSoto Avenue, along the lot line of Francis Parkman Middle School or from Topanga Canyon Boulevard and Vanowen Street along the lot line of Canoga Park High School.

e. Applicants for Projects shall notify the schools in advance of construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that each school may communicate its concerns.

f. If the results of the Construction and Facility Noise Management Plans submitted to the Department of City Planning as part of the Project Approval application in Section 6 of this Specific Plan show that additional noise mitigation measures are necessary, these additional measures shall be imposed by the Planning Department on a Project.

5. Guarantee of Mitigation Measures. Prior to issuance of any building, demolition, grading or foundation permit, the Applicant shall:

a. Guarantee the proposed mitigation measures required pursuant to Subdivision 4 of this Section, as required by the Department of City Planning.

b. Execute and record a Covenant and Agreement pursuant to Subdivision 6 of this Subsection.

6. Covenant and Agreement. Prior to the issuance of any building, demolition, grading or foundation permit for any Project, the Applicant shall:

a. Prepare a Covenant and Agreement to implement the noise mitigation measures required pursuant to the Construction and Facility Noise Management Plans approved by the Director of Planning. The Covenant shall also include a declaration, in writing, signed by all the owners of the Project, acknowledging the contents and limitations of this Specific Plan, including the requirement for noise mitigation measures.

b. Deliver an executed, certified and recorded copy of the Covenant and Agreement to the Department of City Planning prior to the issuance of any permit or certificate for which a Covenant is a condition precedent.

7. Compliance with the Specific Plan. The Director of Planning shall not make a finding of a Project's compliance with the Specific Plan as required in Section 6 unless it is demonstrated that noise impacts on the schools, if any, will be mitigated, to the extent feasible, to a level of insignificance. The level of impact attributed to an individual Project shall be based on the applicable standards and significance thresholds defined in the Warner Center Supplemental Environmental Impact Report, SEIR No. 90-0053-SP, SCH No. 90-011055 (Warner Center SEIR).

B. Air Quality Requirements.

1. Prohibition. No building, demolition, grading or foundation permit shall be issued for any Project until the Applicant has complied with the mitigation measures established in Subdivision 3a of this Subsection to the satisfaction of the Department of City Planning, or for any Project located in the Air Quality Impact Areas, as shown on the shaded portion of Map 9, until the Department of City Planning has analyzed the significant air quality impacts of the proposed Project and certified that completion of mitigation measures listed in Subdivisions 3a and 3b of this Subsection are guaranteed to the satisfaction of the Department of City Planning.

2. Requirement. Prior to the issuance of any building, demolition, grading or foundation permit, an Applicant shall

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guarantee the implementation of the applicable mitigation measures set forth under Subdivision 3 of this Subsection to the satisfaction of the Director of Planning.

3. Mitigation Measures. The Department of City Planning shall require that mitigation measures, to the extent feasible, be undertaken or guaranteed to mitigate the air quality impacts of a Project to a level of insignificance, as a condition of granting a building, grading or foundation permit.

a. All Projects. Applicants for all Projects shall be required to conform to construction mitigation measures identified in the Warner Center Draft EIR (August 1991) including:

(i) Spread soil binders on exposed soil to reduce fugitive dust;

(ii) Reestablish ground cover on construction sites through seeding and watering;

(iii) Wash off trucks leaving construction sites;

(iv) Provide rideshare and transit incentives to construction personnel;

(v) Configure construction parking to minimize interference with traffic;

(vi) Minimize the obstruction of through-traffic lanes;

(vii) Use flag people to guide traffic properly;

(viii) Schedule operations affecting roadways for off-peak periods; and

(ix) Assure that construction vehicles avoid, to the extent feasible, travel on streets immediately adjacent to both Canoga Park High School and Francis Parkman Middle School throughout the construction phase of the Project to reduce potentially significant Project-specific and cumulative construction-related air quality impacts identified. Haul routes shall be designed to comply with this measure.

b. Additional Requirements For Projects Located Within Air Quality Impact Areas. Applicants for Projects located within those areas identified as Air Quality Impact Areas relative to Canoga Park High School and Francis Parkman Middle School as shown on the shaded portions of Map 9 shall be subject to the following additional requirements:

> (i) Provide personnel on a daily basis to wash the playground, lunch areas, and seating areas at the affected school site during active grading and earth moving phases of the construction, as coordinated with the appropriate school administrative staff; and

> (ii) As a condition of the Project Approval, covenant pursuant to Subdivisions 4 and 5 of this Subsection to implement feasible mitigation measures, which shall include, but not be limited to, all previously listed measures identified in the Warner Center Draft EIR (August 1991) and the additional measures listed in Subdivision 3 a of this Subsection; and

> (iii) Provide the funding for the replacement of the air filters at the beginning and at the conclusion of the construction of the Project in any air conditioning units at the affected school site; and

> (iv) Contribute its fair share to the Warner Center Air Quality Trust Fund (The Fund) by paying the Construction Air Quality Impact Assessment (CAQIA) fee prior to the issuance of any building, demolition, grading or foundation permit. The CAQIA Fee shall be \$.10 per square foot of proposed Surface Area Disturbed.

4. Guarantee of Mitigation Measures. Prior to issuance of any building, demolition, grading or foundation permit, the Applicant shall do the following:

a. Guarantee the proposed mitigation measures required pursuant to Subdivision 3 of this Subsection, as required by the Department of City Planning.

b. Execute and record a Covenant and Agreement pursuant to Subdivision 5 of this Subsection.

5. Covenant and Agreement. Prior to the issuance of a building, demolition, grading or foundation permit for any Project, the Applicant shall:

a. Prepare a Covenant and Agreement to complete, prior to the issuance of a building, demolition or grading permit, the air quality mitigation measures required pursuant to Subsection 3 of this Section. The Covenant shall also include a declaration, in writing, signed by all owners of the Project, acknowledging the contents and limitations of this Specific Plan, including the requirement for air quality mitigation measures.

b. Deliver an executed, certified, recorded copy of the Covenant and Agreement to the Department of City Planning prior to the issuance of any permit or certificate for which a Covenant is a condition precedent.

6. Compliance with the Specific Plan. The Director of Planning shall not make a finding of a Project's compliance with the Specific Plan as set forth in Section 6 unless the Applicant has complied with all requirements of this Plan.

7. Compliance Requirements for Projects Approved Under the March 24, 1998, Court-Approved Modified Warner Center Specific Plan. Projects which have been approved under the March 24, 1998, court-approved Modified Warner Center Specific Plan were required under Section 11 F 2 of that ordinance to sign a covenant to pay their fair share, not to exceed \$0.58 per square foot, of any fee found necessary in the SEIR as a feasible mitigation measure to mitigate the cumulative air quality and noise impacts on Canoga Park High School and Francis Parkman Middle School to a level of insignificance. Any Project approved under the Modified Specific Plan located within the shaded portion of Map 9 (Air Quality Impact Areas) shall be required to pay a mitigation fee based upon the new requirements established in Section 18 B 3 b (iii)(b) as adopted in this ordinance. However, in no instance shall the calculation of a Project's fee under this new methodology exceed the amount which would have been derived from the calculation of the Project's new square footage multiplied by \$0.58. Additionally, all Projects approved under the Modified Specific Plan and not located within the shaded portions of Map 9 are not required to pay the mitigation fee and their covenants shall be terminated.

Sec. 8. The following maps are added to Ordinance No. 168,873:

Map 8 - Construction Noise Impact Areas. (Attached)

Map 9 - Air Quality Impact Areas. (Attached)

Sec. 9. The following appendices are added to Ordinance No. 168,873:

Appendix F - Requirements for a Construction Noise Management Plan. (Attached)

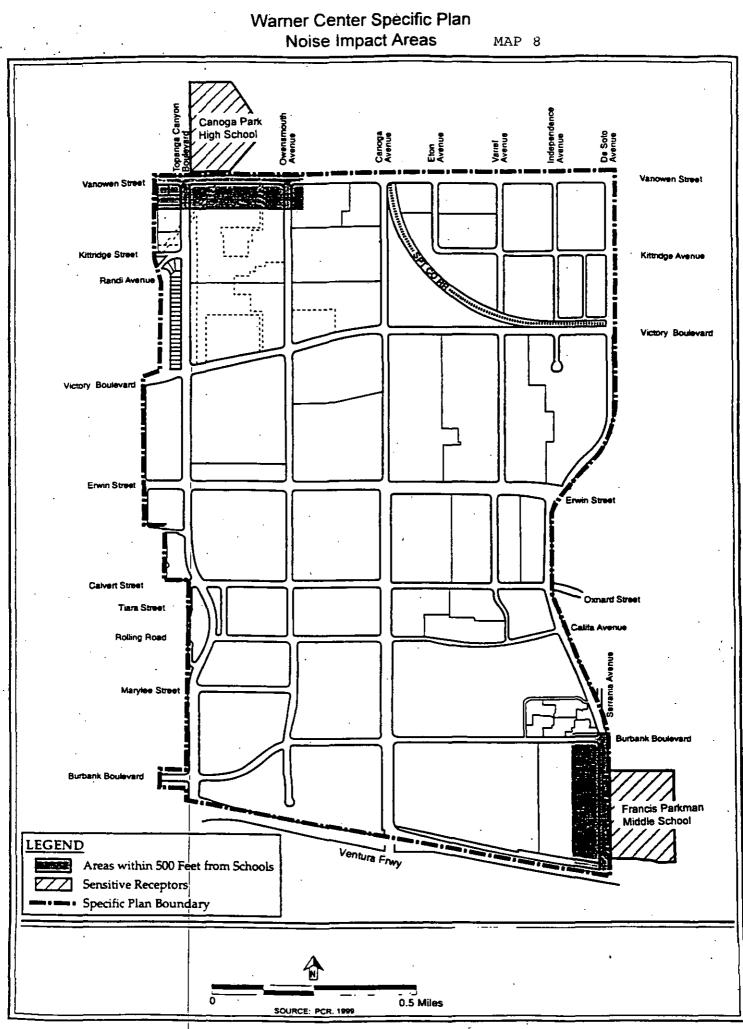
Appendix G - Requirements for a Facility Noise Management Plan. (Attached)

Sec. 10. Operative Date. This Specific Plan ordinance shall become operative when either (a) the Supplemental Environmental Impact Report (SEIR), EIR No. 90-0053-SP/State Clearinghouse No. 90-011055, dated May, 1999, is validated through a final court ruling or (b) both the Specific Plan and the SEIR are no longer subject to legal challenge. The provisions of this ordinance shall apply only to Projects which were not granted a Project Approval under the court approved Modified Warner Center Specific Plan in effect since March 24, 1998.

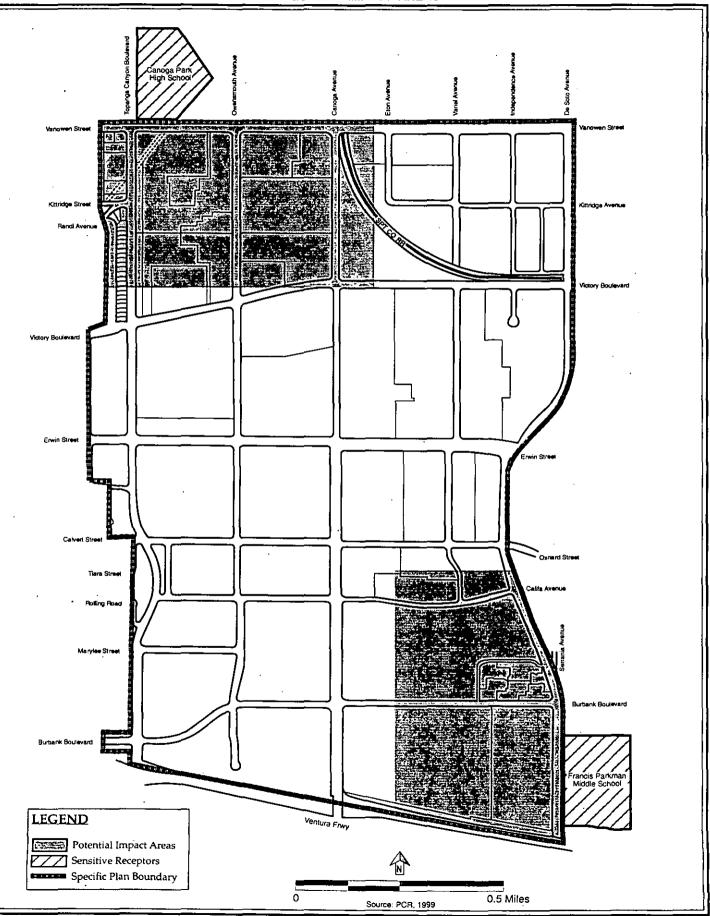
After either (a) the SEIR is validated through a final court ruling or (b) the Specific Plan and SEIR are no longer subject to legal challenge, the provisions of this ordinance shall apply to all Projects in the Warner Center Specific Plan area.

"No longer subject to legal challenge" shall means either that Case No. BS 024378 has been dismissed or the statute of limitations has run on challenging the SEIR without any other court action challenging it having been filed.

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MAP 9 WARNER CENTER SPECIFIC PLAN AIR QUALITY IMPACT AREAS



Appendix F Warner Center Specific Plan

Construction Noise Management Plan

The following is a summary of the requirements for the preparation of a Construction Noise Management Plan to be prepared by a licensed acoustical enginner.

- A. Description of the Project Site and Surrounding Community
- B. Noise Regulations
 - 1. California Noise Regulations
 - 2. City of Los Angeles Noise Regulations
 - 3. Summary of Noise Regulations

C. Analysis Methodology

- 1. General Description of Commuter Model
- 2. Input to the Computer Model
- 3. Output from the Computer Model
- 4. Model Calibration
- 5. Model Verification
- 6. Model Acceptance
- 7. Specific Modeling for Project Sources
- D. Existing Conditions
 - 1. Existing Ambient Noise
 - 2. Project Specific Noise Sources
- E. Project Impacts
 - 1. Future Ambient Noise
 - 2. Project Specific Noise Sources
- F. Mitigation Measures/Methods
 - 1. Noise Source Limitations Concept
 - 2. Mitigation of the Project's Noise Sources
 - 3. Mitigation of the Project's Construction Noise Impacts
- G. Conclusions

Appendix G Warner Center Specific Plan

Components of a Facility Noise Management Plan (FNMP)

The following is a summary of the requirements for the preparation of a Facility Noise Management Plan to be prepared by a licensed acoustical enginner.

- A. Description of the Project Site and Surrounding Community
- B. Noise Regulations
 - 1. California Noise Regulations
 - 2. City of Los Angeles Noise Regulations
 - 3. Summary of Noise Regulations
- C. Analysis Methodology
 - 1. General Description of Commuter Model
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 - 2. Project Specific Noise Sources
- F. Mitigation Measures/Methods
 - 1. Noise Source Limitations Concept
 - 2. Mitigation of the Project's Noise Sources
 - 3. Mitigation of the Project's Facility Noise Impacts
- G. Conclusions

Sec. 11. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____ JAN 2.5 2000

J. MICHAEL CAREY, City Clerk

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Deputy

Approved

Mayor ACTING

Approved as to Form and Legality

FEB 0 4 2000

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James K. Hahn, City Attorney

By ARA 04 CLAUDIA CULLING **Deputy City Attorney**

C.F. 99=12944Si File No.

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

see attached report

Director of Planning