

Amended Appeal of
Site Plan Review and
to City Council on CEQA grounds
of Mitigated Negative Declaration
No. ENV-2008-1179-MND
and
CPC-DIR-2008-1178-DB-SPP-1A

Agenda Items 12 and 13
PLUM Committee Hearing
1/19/2010

Tuesday, January 19, 2010

Planning and Land Use Management Committee
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012
Board of Public Works Edward R. Roybal Hearing Room 350

Date: 1-19-10
Submitted in PLM Committee
Council File No: 10-0017 & 10-0017-S1
Item No.: 12 and 13
Deputy: Submitted by Applicant

Members: Councilmember Ed P. Reyes, Jose Huizar and Paul Krekorian
Legislative Assistant: Patrice Lattimore

RE: Council File No. 10-0017
DIR-2008-1178-DB-SPP
ENV-2008-1179-MND

Item #12 on Agenda, 10-0017-S1

ENV 2008-1179 Appeals brought under California Public Resources Code, Section 21151c of the California Environmental Quality Act, from part of the determination of the City Planning Commission in adopting Mitigated Negative Declaration No. ENV-2008-1179-MND in connection with a 35 percent Density Bonus to allow the construction of 146 rental apartments, of which 109 units are stated as by-right, for property at 11933 Magnolia Boulevard, subject to Conditions of Approval.

Honorable Councilmembers Reyes, Huizar and Krekorian:

There are fundamental errors intrinsic with this project that start literally at the ground level with zoning/land-use discrepancies; these discrepancies become compounded by procedural issues where the City did not follow its own policy; and they culminate with a series of bad math, bad assumptions and inadequate CEQA mitigations. All of these issues have been depicted in the material previously submitted to Planning, and have been whittled down to the following items for the this hearing:

CEQA Issues:

1. CUMULATIVE TRAFFIC IMPACTS, requiring a community-commissioned study for objective analysis.

a. The baseline figures that DOT uses as reasonable traffic flow in this traffic study are based on broader national numbers which are not reflective of conditions and circumstances that are "real-time" in Los Angeles. When this information was brought to the attention of the previous Councilmember, she acknowledged it as factual. Her action at the time was to request a cumulative traffic study of Magnolia Blvd., from Whitsett to Fwy 170. Although this motion was passed in Council, DOT never completed the study due to lack of funding.

b. The third project that DOT included in its cumulative impact study was NOT the project already approved on south Magnolia but instead was another proposed project on Ben St., so there were actually 4 projects in consideration at the same time. This information was not clarified until the CPC hearing, where the community

had an inadequate amount of time to research and rebut.

c. Noting that the community's opinions and personal observations bring unquantifiable value to the objective evaluation of traffic impacts, an impartial professional was commissioned to evaluate the study taken by Hirsch and Green, and approved by DOT. His findings:

- The city's traffic study significantly understates project trip generation. Specifically, the study understates daily trips by 67% (1,596 v. 955).

- The city's study understates traffic impacts at Magnolia and Laurel Canyon, which may require greater mitigation measures.

- The city's study understates traffic impacts at Magnolia and Ben Avenue; the city's mitigation measures are likely insufficient.

The new study questions whether mitigation measures proposed for Magnolia and Colfax Avenue are sufficient and is evidence that justifies the need for an Environmental Impact Report to accurately and thoroughly assess impacts and consider mitigation measures, given the Initial Study's significant flaws.

2. This project directly violates the City of Los Angeles CEQA Thresholds Guide for Shade and Shadow, requiring another community-commissioned study. The City of Los Angeles CEQA Thresholds Guide states the importance of "routinely useable outdoor spaces associated with residential and recreational land uses. These uses are considered sensitive because sunlight is important to function and physical comfort."

The guidelines also state that "a project impact would normally be considered **significant** if shadow sensitive uses would be shaded by the project for more than three hours between 9:00 am and 3:00 pm from late October to early April, or for more than four hours between 9 am and 5 pm from early April to late October."

The community commissioned a Shade/Shadow Study performed by a professional in this field, Annette Mercer. Her findings were not considered at the CPC hearing due to the limited time factor; additionally, the point that the City's study only measured to the roof (and not the actual adjacent property use areas such as the pool) was not addressed by the Planning Department.

3. None of the specific environmental issues was or could be adequately evaluated in the context of a Director's Determination. A sample of this is that the normal advisory agency hearings that would evaluate fire safety issues were not held. A 146-unit 'block' project of the type contemplated is far different from the 78 unit condo project previously approved.

The Planning Department should have undertaken a complete environmental analysis, not permitting the 78-unit condominium MND's analysis to support a 146-unit apartment project which contained more underground parking than the condo MND, and additional impacts to adjacent private and public infrastructure.

The lead agency had been advised, and should have found for all of the reasons listed above and within the hearing materials, that a fair argument had been presented indicating the project would have a significant cumulative effect on the environment, and **should have prepared an EIR**, which would have also provided appropriate public hearings to discuss proper mitigations of cumulative impacts.

We therefore respectfully request that PLUM recommend for City Council to 1) refer this matter back to Planning; 2) require that a FULL EIR be done; and 3) require that the Site Plan Review which was performed for the 78-unit condo project be performed again in light of the project's tripling of existing density.

Sincerely,

Sandy Hubbard, 11911 Magnolia Blvd., Unit 10, Valley Village, CA 91607

Magnolia Tree Villas Homeowners Association
c/o Dale Neglia, 11911 Magnolia Blvd, Unit 12, Valley Village, CA 91607
c/o Jennifer Reed, 11911 Magnolia Blvd., Unit 36, Valley Village, CA 91607

Weddington Plaza Homeowners Association
c/o Sarah Boulton, 11910 Weddington, Valley Village, CA 91607

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cc: Neighborhood Council Valley Village
Coastal San Pedro Neighborhood Council
Northwest San Pedro Neighborhood Council
Studio City Neighborhood Council
Sunland Tujunga Neighborhood Council
Granada Hills Neighborhood Council
Greater Valley Glen Neighborhood Council
La Brea Coalition
LA Neighbors United
Mar Vista Community Council
Northridge East Neighborhood Council
Valley Glen Neighborhood Council
Venice Neighborhood Council
Valley Alliance of Neighborhood Councils
Sherman Oaks Neighborhood Council
Reseda Neighborhood Council
Noel Weiss
Cary Brazeman
Tom Paterson

11911 Magnolia Traffic Study Peer Review

Tom Brohard and Associates

December 3, 2009

Mr. Cary Brazeman, Founder
LA Neighbors United
128 North Swall Drive, #304
Los Angeles, California 90048

**SUBJECT: Review of the Proposed Mitigated Negative Declaration (MND)
for the 11933 Magnolia Boulevard Project in the City of Los Angeles –
Traffic Issues**

Dear Mr. Brazeman:

Tom Brohard, P.E., has reviewed the April 22, 2009 Proposed Mitigated Negative Declaration (Proposed MND) prepared for the proposed project at 11933 Magnolia Boulevard to develop 146 apartments (Proposed Project) in the City of Los Angeles. Other documents including the November 26, 2008 Hirsch/Green Transportation Consulting "Updated Cumulative Traffic Impact Analysis for Three Proposed Residential Condominium Projects at Magnolia Boulevard and Ben Avenue in the Valley Village Community in the City of Los Angeles" (Traffic Study), the March 5, 2009 Department of Transportation Inter-Departmental Correspondence to the Department of City Planning "Clarification of Cumulative Traffic Assessment" (LADOT Memo), and various other documents including earlier versions of the Traffic Study dated March 21, 2008 and October 21, 2008 have also been reviewed.

My review revealed serious flaws that understate project trip generation, as well as several other significant traffic issues associated with the Traffic Study for three residential projects including the proposed 11933 Magnolia Boulevard Project. The various issues and concerns outlined below must be carefully considered. It is premature to conclude that this project has traffic impacts that either are insignificant or can be reduced to insignificance. The projects clearly will have impacts on traffic including cumulative impacts that are greater than projected by the November 26, 2008 Traffic Study. These impacts must be fully assessed using reasonable assumptions in an environmental impact report (EIR) and adequate and enforceable mitigation measures must be included.

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 40 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the City of Big Bear Lake and City of San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the

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Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects. Several recent assignments are highlighted in the enclosed resume.

Project Description

Page 1 of the Proposed MND describes the Proposed Project as a new 146-unit, 154,908 square-foot residential apartment project with 266 parking spaces on a 59,450 square-foot lot previously developed with 51 apartments.

From Los Angeles Department of Planning records, the application to construct 146 apartments was filed on March 25, 2008. On September 3, 2008, the applicant was advised that a traffic impact study was required.

A previous Traffic Study, prepared in March 2007 for a proposed and later abandoned condominium project at the site, analyzed cumulative traffic impacts from three separate projects. While two of the projects were approved, the proposed 78 condominium project at 11933 Magnolia Boulevard was abandoned and a new project to develop 146 apartments was proposed. The current Traffic Study for the Proposed Project analyzes cumulative traffic impacts for the following three residential projects:

- Project A: 5226, 5234, 5238 Ben Avenue – Demolish 3 existing single family homes; construct 22 new condominiums.
- Project B: 11945-11959 Magnolia Boulevard – Demolish 36 existing apartments; construct 97 new condominiums.
- Project C: 11933-11935 Magnolia Boulevard – Demolish 51 existing apartments; construct 146 new apartments.

Traffic Issues

Based on the information provided in the Proposed MND, in the November 26, 2008 Traffic Study for the 11933 Magnolia Boulevard Project, and in the other documents, my review indicates the following traffic issues and areas of concern:

- 1) Incorrect Assumptions in the Baseline Analysis – According to records from the Los Angeles Department of Planning, the application to construct 146 apartments at 11933 Magnolia Boulevard was filed on March 25, 2008. On September 3, 2008, the applicant was advised that a traffic impact study was required as part of the environmental process for this project.

The California Environmental Quality Act (CEQA) requires analysis of baseline conditions that were present at the time of filing of the application for

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

the Proposed Project. While new traffic counts were made at the six intersections evaluated in the Traffic Study on Tuesday, February 5, 2008, 36 apartment units on the Project B site had been demolished. Under these conditions, there were no vehicle trips being made to or from the demolished apartments on February 5, 2008, but the Traffic Study incorrectly assumes these apartments were occupied at the time. As discussed in detail below, this serious flaw in the Traffic Study as well as the excessive reduction for trips made by transit significantly underestimates the number of net new trips that will be generated by the three projects.

- 2) Flaws in the Traffic Study Understate Project Trip Generation – In my review of the Traffic Study, two serious flaws were found in the calculation of the number of net new trips generated by the three projects. These errors, resulting in lower net new trip generation forecasts than will occur, were then carried throughout the analysis of the cumulative traffic impacts of the three projects. These serious flaws must be corrected to properly disclose, analyze, and mitigate the trips that will be generated by the three projects as follows:

- a) Excessive Trip Generation Credits for Prior Existing Uses – In regard to trip generation calculations, Page 5 of the March 2002 “LADOT Traffic Study Policies and Procedures” states: “Any claim for trip credits for an ‘existing’ active land use which is applied to calculate net new trips requires that the ‘existing’ use was in place at the time of the existing base year traffic counts... Any claim for trip credits for a previously terminated land use must be supported with appropriate documentation of the previous active use such as copies of any building permit, certificate of occupancy, business license, lease agreement, affidavits, or photographs and documentation as to when the previous land use was terminated.”

Other agencies have similar policies regarding taking trip credits for existing uses that will be removed before new projects are constructed. For example, Page B-3 of Appendix B, Guidelines for CMP Transportation Impact Analysis in the “2004 Congestion Management Program for Los Angeles County”, states: “Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts.”

The Traffic Study does not contain documentation of the occupancy of the existing residential uses on the Project B site on Tuesday, February 5, 2008 when the traffic counts were made at the six intersections. Excluding documentation of the level of occupancy of the 36-unit apartment building violates the requirements of the “LADOT Traffic Study Policies and Procedures” for taking credit for the trips generated by these apartments.

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

According to Los Angeles Department of Building and Safety records, the owner of the 36 apartments (Project B) had withdrawn these units from the rental market as of February 24, 2006 in accordance with provisions of the Ellis Act. Permits to demolish the three separate 12-unit apartment buildings on the Project B site were issued on March 20, 2007 and the buildings were demolished before these permits were finalized and closed by the City on August 23, 2007.

Table 2 on Page 10 of the Traffic Study assumed the 36 apartments on the Project B site were fully occupied in February 2008 when in fact these units had been vacated in 2006 and demolished in 2007. The Traffic Study used faulty methodology when it deducted 242 daily trips, 18 trips in the AM peak hour, and 22 trips in the PM peak hour for full occupancy of the 36 apartments on the Project B site.

Page 21 of the November 26, 2008 Traffic Study admits that "...the existing 51-unit apartment use occupying the proposed 11933 Magnolia Boulevard site (Project C)... was vacant at the time of the updated (February 2008) traffic counts; although the site is currently vacant, it still exhibits active entitlements for use of the 51 residential units, and as such, if the proposed 11933 Magnolia Boulevard project component of this cumulative analysis is not approved, that site could be reoccupied under its existing entitlements." While the Traffic Study does add trips for the 51 apartments back into the cumulative analysis assuming they can be reoccupied, it is erroneous and inconsistent with the requirements of the "LADOT Traffic Study Policies and Procedures" for the Traffic Study to take trip credits for these units that have been and continue to be vacant.

As a result of this faulty methodology, the Traffic Study significantly underestimates trips that will occur with the redevelopment of the three sites. This error appears on Page 10 of the Traffic Study and is carried throughout this document. By using fewer net new trips, the trip generation calculations understate the number of daily, AM peak hour, and PM peak hour trips that will occur with the three proposed projects.

- b) Excessive Reduction for Transit Trips – Page 9 of the Traffic Study states: "Following discussions with LADOT staff, it was determined that a 10 percent trip discount was appropriate for the projects due to the close proximity of the MTA Orange Line and connections to the Transit Center at Lankershim/Chandler Boulevards."

Attachment "F", Transportation Demand Management and Trip Reduction Measures" to the March 2002 LADOT "Traffic Study Policies and Procedures", states that the reduction in the number of trips made by single-occupant vehicles "applies only to the construction of new non-

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

residential gross floor area.” Since the three proposed projects only contain apartment or condominium residential development, it is incorrect to reduce 10 percent of the trips based on nearby transit service.

Other agencies have policies regarding reductions for trips that could use transit service. For example, Pages B-5 and B-6 in the Guidelines for CMP Transportation Impact Analysis in the “2004 Congestion Management Program for Los Angeles County”, allow reductions for peak hour person trips made on transit of 10 percent if the residential project is within ¼ mile of a CMP transit center, 7 percent if the residential project is within ¼ mile of a CMP multi-modal transportation center, or 5 percent if the residential project is within ¼ mile of a CMP transit corridor. These trip reduction percentages are based upon studies documenting the number of people walking to public transportation. These studies are based upon proximity and show a significant reduction in transit usage if the walking distance is more than ¼ mile between the residence and the transit facility.

The nearest CMP transit center on the Orange Line is located at Chandler Boulevard and Lankershim Boulevard, about 1.25 miles along the most direct route from the three residential projects. Based upon the distance of 1.25 miles (five times greater than the CMP Guidelines for transit center proximity), a 10 percent reduction for transit trips cannot be taken.

The nearest CMP multi-modal transportation center on the Orange Line is located at Chandler Boulevard/Laurel Canyon Boulevard, with the physical bus stops located several hundred feet east and west of Laurel Canyon Boulevard. These facilities are about 0.35 miles along the most direct route from the three residential projects. In addition, continuous sidewalk does not exist on both sides of the local residential streets between the three residential projects and the nearest Orange Line bus stops. Based on the distance of 0.35 miles, 50 percent greater than the CMP Guidelines for multi-modal transportation center proximity, a 7 percent reduction for transit trips cannot be taken.

On Page 125 of the Trip Generation Handbook, 2nd Edition published by the Institute of Transportation Engineers, a 5 percent vehicle trip reduction is suggested if the residential development is located within 0.25 miles of a bus transit corridor. This guideline matches the 5 percent reduction in the CMP Guidelines.

The Traffic Study assumed a 10 percent reduction for trips that may be made using the MTA Orange Line whereas only a 5 percent reduction for transit trips is justified. The Traffic Study used faulty methodology when it deducted 107 daily trips, 8 trips in the AM peak hour, and 10 trips in the PM peak hour for transit trips. These reductions are excessive.

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

The Traffic Study significantly overestimated trips that will be made by transit for these three sites. This error appears on Page 10 of the Traffic Study and is carried throughout this document. By using fewer net new trips, the trip generation calculations understate the number of daily, AM peak hour, and PM peak hour trips that will occur for the three projects.

Removing trip credits for the 36 apartments that have been demolished and reducing the transit trip credit to 5 percent indicates the three projects will generate an additional 296 daily trips with 22 more AM peak hour trips and 27 more PM peak hour trips. When these errors are corrected, the three projects will generate 1,253 daily trips including 95 AM peak hour trips and 112 PM peak hour trips.

Removing trip credits for the 51 vacant apartments, the 36 apartments that have been demolished, and reducing the transit trip credit to 5 percent indicates the three projects will generate an additional 639 daily trips with 48 more AM peak hour trips and 59 more PM peak hour trips. When these errors are corrected, the three projects will generate 1,596 daily trips including 121 AM peak hour trips and 144 PM peak hour trips.

The increased volume of traffic to and from the three projects will have an adverse impact on traffic flow. These impacts must be analyzed in an environmental impact report (EIR) and additional mitigation measures must be adopted to reduce the significant impacts.

3) Additional Significant Project Traffic Impacts Are Reasonably Foreseeable –

As discussed above, the Traffic Study has significantly underestimated the number of net new trips that will occur with the redevelopment of the three sites. The faulty methodology used in the Traffic Study counts trips from demolished apartments and it overestimates the number of trips that are likely to use transit. Even so, Table 8 on Page 34 of the Traffic Study indicates the three projects will create significant traffic impacts at Magnolia Boulevard/Ben Avenue in both the AM and PM peak traffic hours as well as at Magnolia Boulevard and Colfax Avenue in the AM peak hour. The additional daily trips as well as the additional AM peak hour trips and the additional PM peak hour trips are very likely to create the following additional significant traffic impacts that will require further mitigation:

- a) Magnolia Boulevard at Laurel Canyon Boulevard – Using the underestimated number of net new trips, Table 8 indicates Magnolia Boulevard at Laurel Canyon Boulevard will experience an increase of 0.009 in the AM peak hour and an increase of 0.007 in the PM peak hour. With the intersection operating at LOS "F" in both peak hours, a significant traffic impact would occur at this intersection if the AM peak hour

experienced a further increase of 0.001 and if the PM peak hour experienced a further increase of 0.003. These nominal increases (which are more than likely to result when the net new trips is increased to correct the faulty methodology used in the Traffic Study) are equal to less than 5 additional AM or PM trips to or from the three project sites. This will trigger a significant traffic impact at Magnolia Boulevard and Laurel Canyon Boulevard that requires mitigation.

- b) Magnolia Boulevard at Ben Avenue – Using the underestimated number of net new trips, the Traffic Study indicates this intersection is significantly impacted during both peak traffic hours. A westbound right turn lane on Magnolia Boulevard and a southbound left turn lane on Ben Avenue are proposed to mitigate these significant traffic impacts. When the number of net new trips is increased to correct the faulty methodology used in the Traffic Study, further mitigation will be needed and traffic signals will likely be warranted at this intersection.
- c) Local Street Impacts - Using the underestimated number of net new trips, Table 11 in the Traffic Study indicates that Ben Avenue north of the project sites will not experience a significant traffic impact with project generated traffic added. While the Traffic Study distributed 99 daily trips to Ben Avenue north of the project sites (about 10 percent of the project trips), Page 1 of the LADOT memo states: "The project trip distribution was changed slightly to reflect a greater utilization of local streets during the peak hour periods." After correcting the trip generation for the projects, there will be additional daily trips generated by the three projects. In combination, the increased number of net new trips together with the redistribution of trips by LADOT will likely add at least 50 daily trips to Ben Avenue. These additional trips will result in significant traffic impacts on the residential streets in the neighborhood north of the project sites, requiring further mitigation.

The increases of daily, AM peak hour, and PM peak hour trips will have a potentially significant adverse impact on traffic flow. In turn, these increases will likely result in additional significant traffic impacts at Magnolia Boulevard and Laurel Canyon Boulevard, at Magnolia Boulevard and Ben Avenue, and on the local streets north of the project sites as discussed above. This must be analyzed in an EIR and additional mitigation measures adopted to reduce the potentially significant impacts.

- 4) Mitigation at Magnolia Boulevard/Ben Avenue Creates Parking Impacts – As part of the proposed mitigation of significant traffic impacts at Magnolia Boulevard and Ben Avenue, the Traffic Study proposes to install a very short left turn lane on Ben Avenue approaching Magnolia Boulevard. To implement the left turn lane, Figure 10 indicates it is necessary to paint an additional 54

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

feet of red curb to prohibit stopping and parking on the east side of Ben Avenue and to paint an additional 39 feet of red curb to prohibit stopping and parking on the west side of Ben Avenue. Page 3 of the Traffic Study states "This measure will require the removal of approximately three existing on street parking spaces on Ben Avenue, two along the Project B frontage, and one on the west side of Ben Avenue. However, these secondary parking-related impacts are considered acceptable in order to improve the accessibility of Ben Avenue traffic to Magnolia Boulevard."

Parking spaces are typically 18 feet in length. The installation of this red curb as proposed in the Traffic Study will eliminate three parking spaces on the east side of Ben Avenue in the 54-foot long section to be painted red as well as two parking spaces on the west side of Ben Avenue in the 39-foot long section to be painted red. Five parking spaces, not three parking spaces as indicated in the Traffic Study, must be eliminated on Ben Avenue just north of Magnolia Boulevard to implement the mitigation proposed in the Traffic Study.

A 40-foot long left turn lane for southbound traffic on Ben Avenue is proposed for the 39 southbound left turns forecast in the AM peak hour in Year 2010 at Magnolia Boulevard. When the additional net new trips are added to the analysis, there will be seven additional southbound left turns in the AM peak hour from Ben Avenue to Magnolia Boulevard. Using one foot of storage for each left turn vehicle as was done in the Traffic Study, then the left turn lane on Ben Avenue must be 50 feet long. This will require removal of one additional on-street parking space from each side of Ben Avenue north of Magnolia Boulevard. Therefore, a total of seven parking spaces, not three parking spaces as indicated in the Traffic Study, must be eliminated on Ben Avenue just north of Magnolia Boulevard.

From our discussions, I understand that on-street parking on Ben Avenue in this area is heavy, particularly at night. Elimination of seven on-street parking spaces required to implement mitigation will create other potential impacts. For example, it is likely that cars will circulate in the neighborhood in search of parking. This traffic will be in addition to the traffic calculated in the Proposed MND, and may add to the already significant traffic delays discussed in the Traffic Study. Further, the additional traffic circulating in search of parking may create accident risks to the many pedestrians on the neighborhood streets which lack continuous sidewalks. Additional study is needed to address these parking issues and to then incorporate appropriate mitigation.

The Traffic Study inappropriately dismisses the removal of on street parking spaces from Ben Avenue as "secondary parking impacts that are considered acceptable in order to improve the accessibility of Ben Avenue traffic to Magnolia Boulevard." CEQA requires analysis of the potential impacts any mitigation measure may cause. There is at least a "fair argument" that

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

removal of seven on-street parking spaces will have an adverse environmental impact which must be studied in an EIR.

- 5) Mitigation at Magnolia Boulevard/Colfax Avenue May Be Insufficient – The Traffic Study indicates the intersection of Magnolia Boulevard at Colfax Avenue is significantly impacted by the three projects. As mitigation, the Traffic Study proposes to widen the south side of Magnolia Boulevard within the existing right-of-way by five feet and restripe the eastbound approach to install a new exclusive eastbound right turn only lane at Colfax Avenue.

Figure 11 in the Traffic Study illustrates the proposed mitigation measure on Magnolia Boulevard at Colfax Avenue. As shown, the new 15-foot wide eastbound right turn lane on Magnolia Boulevard contains a bus stop just west of Colfax Avenue. When busses are stopped at this location, the new eastbound right turn lane will be blocked and it will not provide the anticipated improvement assumed in the calculation for this mitigation. For the new right turn lane to mitigate the significant project traffic impact at this intersection, the bus stop must also be relocated to the south side of Magnolia Boulevard just east of Colfax Avenue as was shown in the March 21, 2008 Traffic Study.

- 6) City Council Request for Cumulative Traffic Study Has Not Been Completed – Recognizing potential cumulative impacts from these three projects and others planned for the immediate area, the March 16, 2007 motion approved by the City Council specifically requested a detailed evaluation of Magnolia Boulevard from Laurel Canyon Boulevard to Colfax Avenue. On February 14, 2008, the City Council instructed LADOT and City Planning “to establish a tracking system that will monitor projects that are planned in this area and require that these projects be analyzed as a group to better determine the cumulative traffic impacts that these projects will have in the Magnolia Boulevard area as defined as Magnolia Boulevard between Laurel Canyon Boulevard and Colfax Avenue.”

The Traffic Study falls short of determining the cumulative traffic impacts and necessary mitigation measures associated with the redevelopment of the immediate area. While the Traffic Study examines the impacts of additional traffic generated by three residential projects on Magnolia Boulevard at Laurel Canyon Boulevard, at Ben Avenue, and at Colfax Avenue, it does not consider buildout of the immediate area and it does not evaluate traffic impacts at the other intersections along this portion of Magnolia Boulevard.

From our discussions, I understand that additional projects have recently been proposed and that higher density projects along the Orange Line are being encouraged by the City. To fully address cumulative traffic conditions, the Traffic Study must be revised and expanded to evaluate buildout traffic

Mr. Cary Brazeman
11933 Magnolia Boulevard Project – Traffic Issues
December 3, 2009

conditions at all intersections on Magnolia Boulevard from Laurel Canyon Boulevard to Colfax Avenue.

As indicated, my review disclosed serious flaws and several other significant traffic issues associated with the Traffic Study for three residential projects including the proposed 11933 Magnolia Boulevard Project. The various issues and concerns outlined above must be carefully considered before reaching the conclusion this project has traffic impacts that either are insignificant or can be reduced to insignificance. The project will clearly have impacts on traffic including cumulative impacts that will be significant. These impacts must be fully assessed using reasonable assumptions in an environmental impact report (EIR) and adequate and enforceable mitigation measures must be included. If you have questions regarding these comments, please call me at your convenience.

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosure



**Shade/Shadow Study Submitted by Weddington
Homeowners Association
as performed by Annette Mercer**

Packet prepared for
City Planning Commission
Public Hearing
October 22, 2009

by
Weddington Plaza HOA
11910 Weddington Street
Valley Village

Regarding Proposed Project
At
11933 Magnolia Blvd
Valley Village

Summary of Items in This Packet

Page	Item
1.	Copy of speaker's presentation
2.	Slide #1
3.	Slide #2
4.	Slide #3
5.	Slide #4
6.	Written Summary of Shade/Shadow diagrams by consultant showing impact of proposed structure to 11910 Weddington pool and backyard
9.	Figure 1 a. Diagram of backyard 11910 Weddington
10.	Figure 2 a. Diagram showing Shadow Conditions at Winter Solstice on 11910 Weddington pool
11.	Figure 3 a. Diagram showing Shadow Conditions at Fall or Spring Equinox on 11910 Weddington pool
12.	Figure 4 a. Diagram showing Shadow Conditions at Summer Solstice on 11910 Weddington pool
13.	Figure 5 a. Diagram showing Shadow Arc over pool area of 11910 Weddington by proposed structure at various times of the year including the Solstices and Equinoxes.
14.	Table 1 a. Shadow lengths of the Proposed Project

Good morning Commissioners, my name is Sarah Boulton. I am president of the Weddington Plaza HOA. Our building abuts the proposed 146 unit project to be built at 11933 Magnolia Blvd. in Valley Village. I am here today to show how this project directly violates the City of Los Angeles CEQA Thresholds Guide for Shade and Shadow. The City of Los Angeles CEQA Thresholds Guide states the importance of (and I quote) "routinely useable outdoor spaces associated with residential and recreational land uses. These uses are considered sensitive because sunlight is important to function and physical comfort." The guidelines also state that "a project impact would normally be considered significant if shadow sensitive uses would be shaded by the project for more than three hours between 9:00 am and 3:00 pm from late October to early April, or for more than four hours between 9 am and 5 pm from early April to late October."

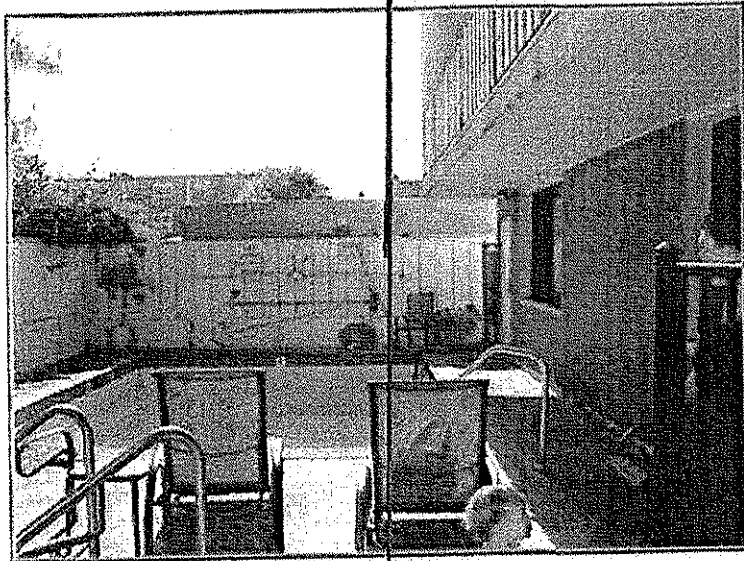
If you look at the photos in your packet, you will see that this project falls under those guidelines. The fact that the building is less than 60 ft is not the criteria for significant impact, as written in the Thresholds of Significance; **it is the hours of shade that determines the significance threshold.** In four slides, you will see by the line of delineation where the end of the proposed building will be in relation to our pool area. You will also notice the new construction, on the corner, of a 36ft tall bldg. The proposed building will be 12 ft taller than that and two stories taller than the structure that is currently there that already shades part of our pool in the summer. We will show that the new structure along with the racquetball court to the east that casts the morning shadows, will entirely shade our pool area from at least 9am to 5pm most of the year. The two diagrams show the footprint of the proposed structure as it relates to our bldg. as well as the angles of the sun, at Summer & Winter Solstices and the Equinoxes. You can see that our pool area will be completely shaded at all of these times and is more than impacted by the hours of sun in the guidelines. We must spend thousands of dollars each year to maintain and repair our pool, because it is considered a commercial or public pool. In fact, we just spent \$3000 to change the drains because of the new law. So we are required to spend the money, but we will not be able to use the facilities. I don't know how many of you live in the Valley, but in June, July and August, our owners and their families live in the pool.

We propose that the new structure follow the original proposal of 78 units, that it be the same height as the structure that is currently there, and that the 16' easement be increased so that the end of the building will not abut our pool area.

Slide #1

this line delineates, from another angle, where structure will end, and 16 ft. easement will begin.

You can see that this structure will block all sun, over our backyard and pool area.



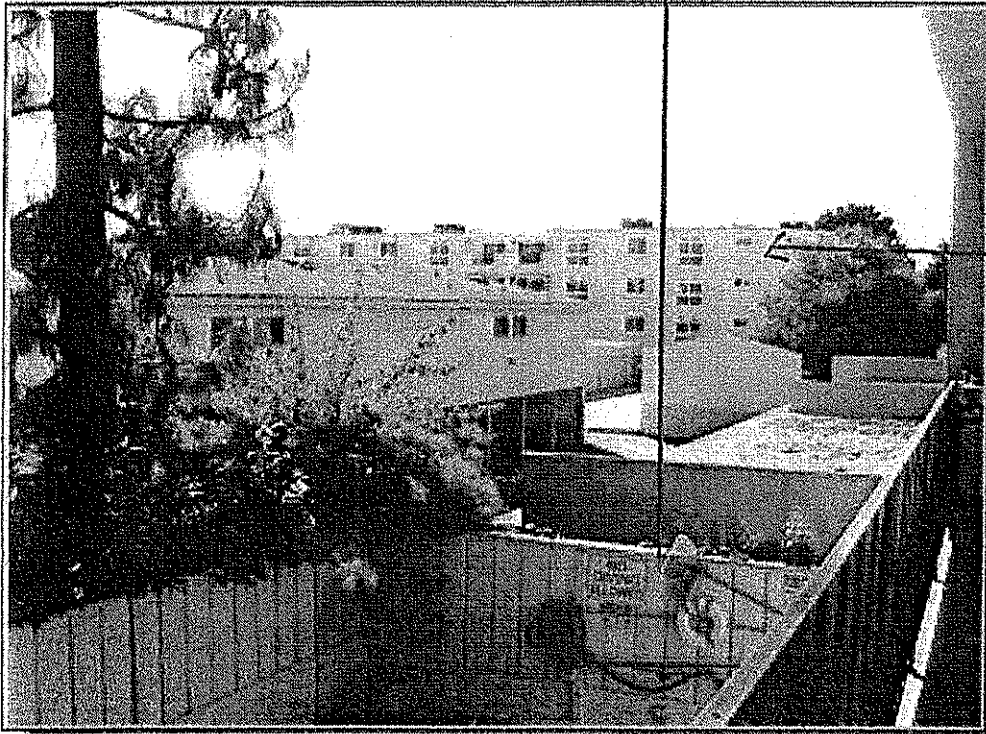
Slide #2



Indoor Racquetball Court
East of Pool - blocks morning
Sun 9am - 12 noon

Slide #3

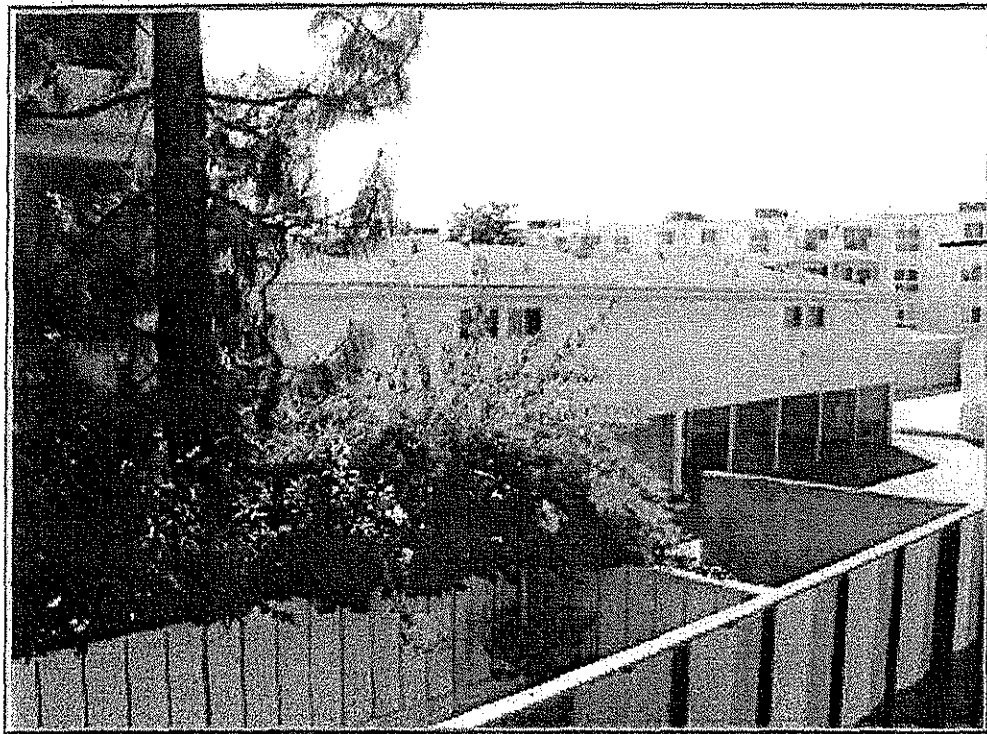
this line delineates
where the 16' ft
easement begins
and where the
structure will end.



this building
under
construction
on the corner
is only 36 ft.
tall. Proposed
structure at
11933 will be
12 ft. taller

Oct 4 3pm Pool
facing southwest
From 1st floor balcony

Slide #4



→ this new building is 36 ft. 11933 will be 12 ft. taller two additional stories from the structure that is currently there.

Oct 4 3pm - Pool facing Southwest

FIGURE 1 POOL LOCATION
AT 11910 WEDDINGTON

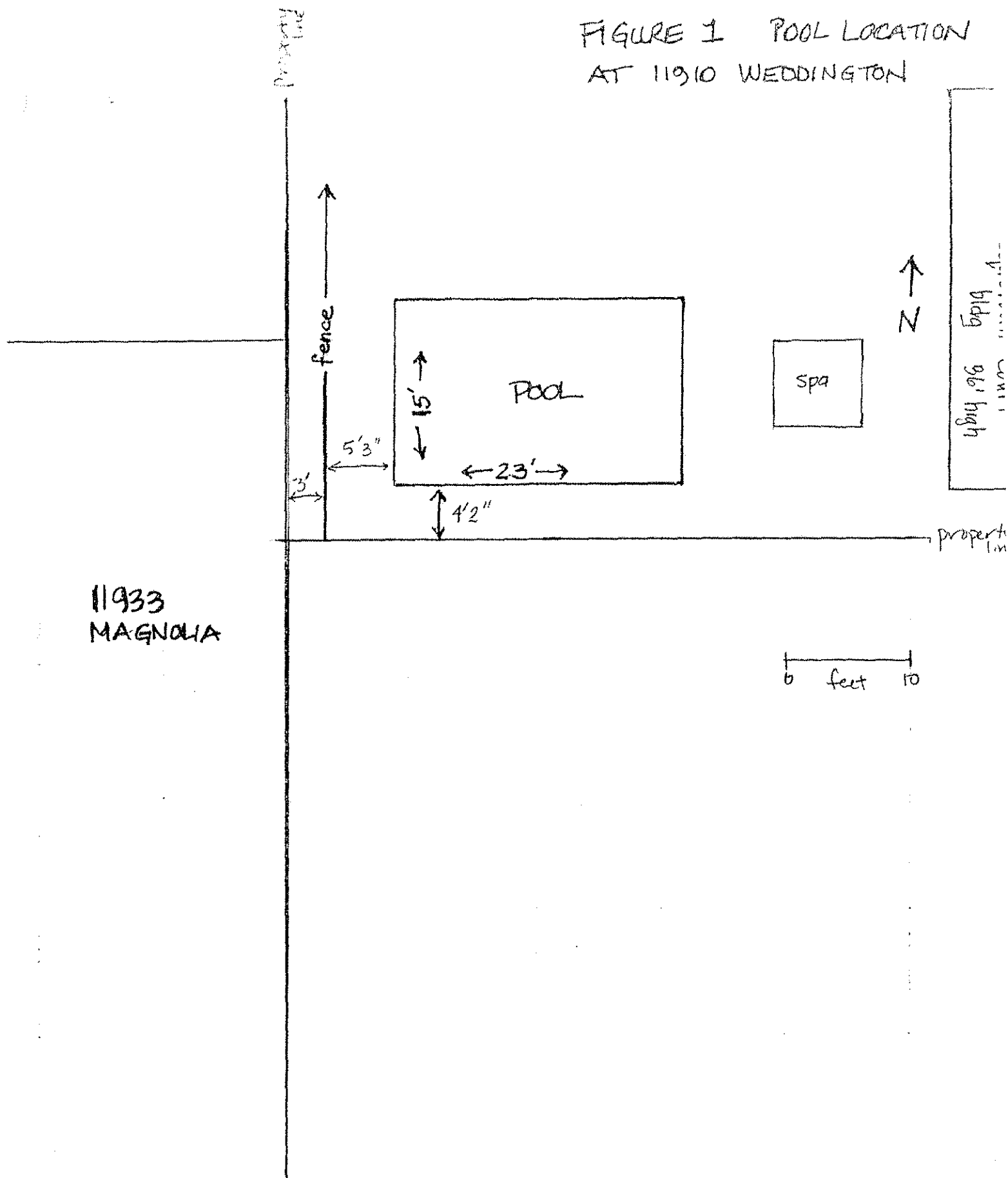


FIGURE 3

SHADOW CONDITION
TALL OR SPRING EQU
48.58' building

working floor
near shadow
condition

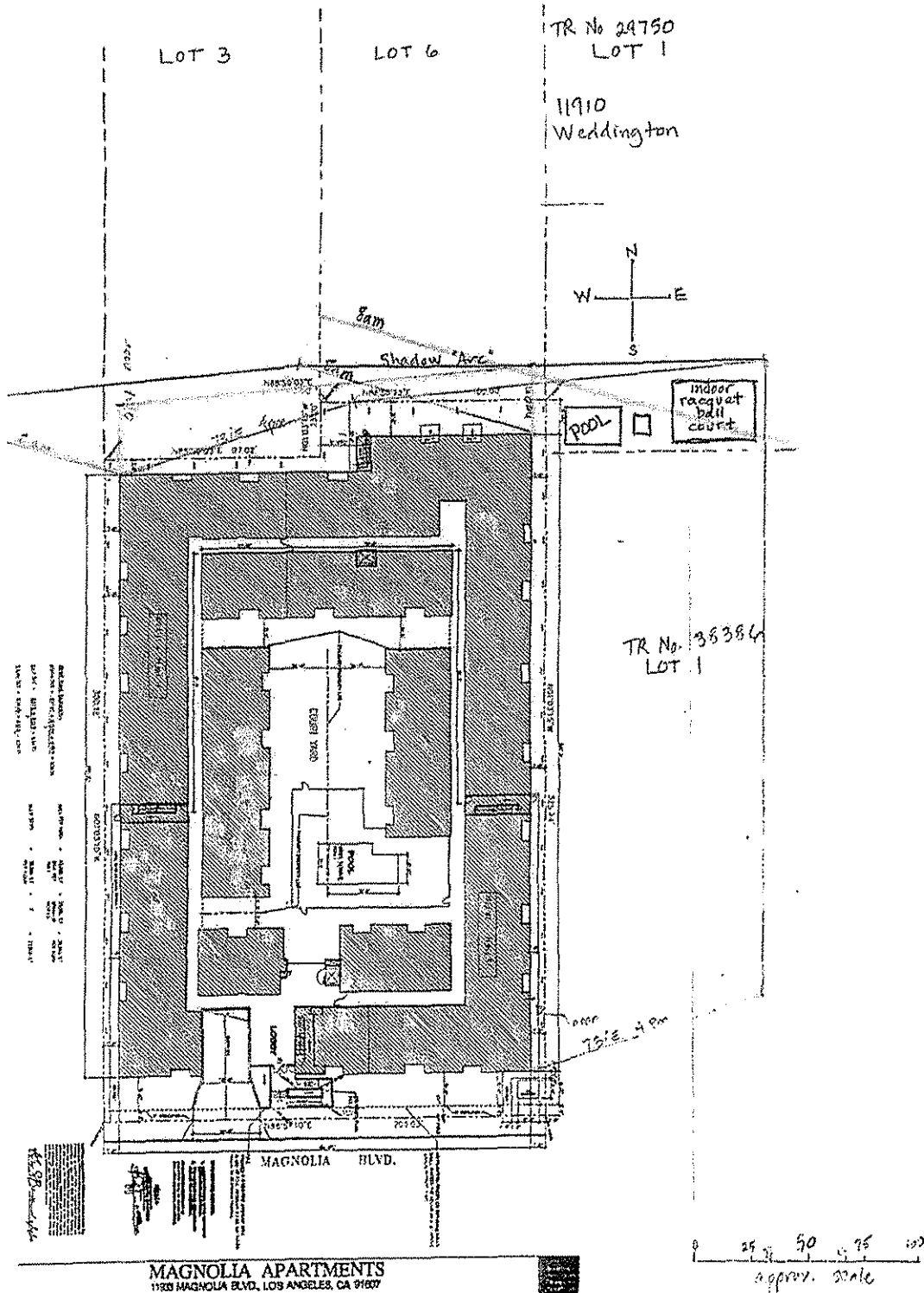
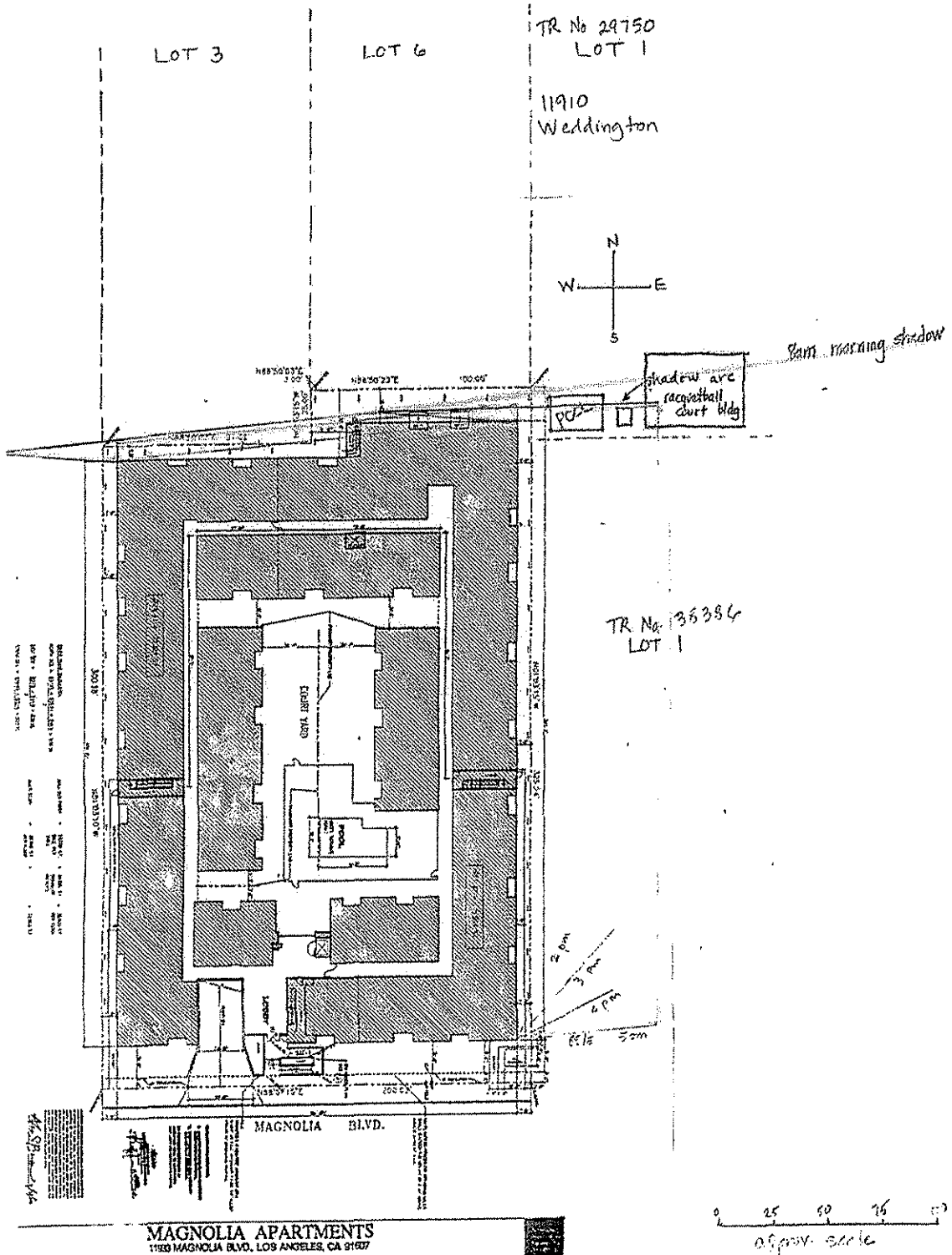


FIGURE 4

SHADOW CALCULATIONS
SUMMER SOLSTICE
42° 00' heading

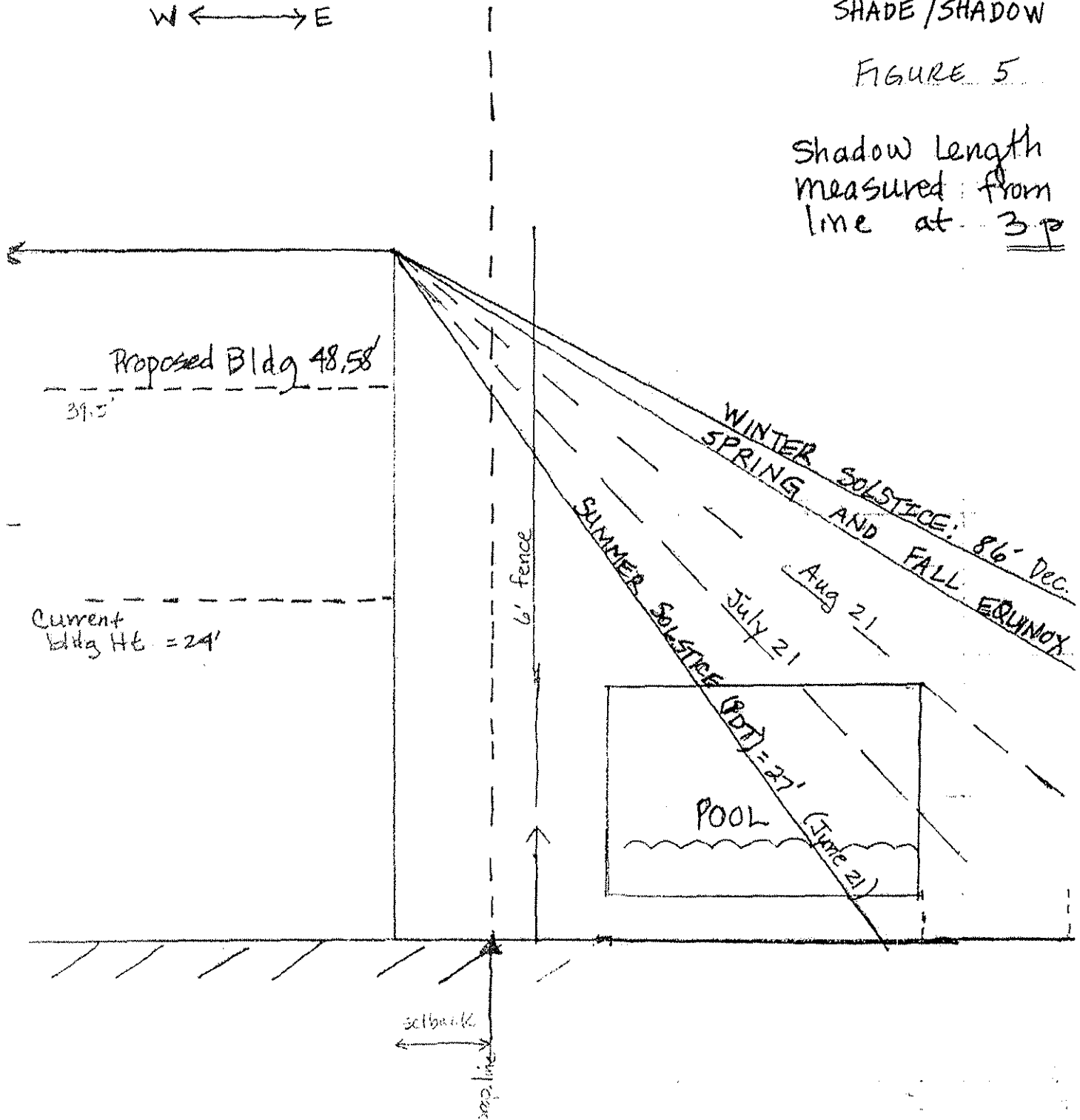
morning shadow
noon shadow
afternoon shadow



11910 WEDDING 101N
SHADE/SHADOW

FIGURE 5

Shadow Length
measured from
line at 3 p



Annette Menzer
2647 Glendon Avenue
Los Angeles, CA 90064

October 11, 2009

Ms. Sarah Bolton
11910 Weddington Ave.
Los Angeles, CA 91607

Re: Shade/Shadow Study of 11933 Magnolia Blvd.

Dear Ms. Bolton,

I have prepared a shade/shadow analysis of your pool location per the Los Angeles CEQA Thresholds Guide (2006) and attach the diagrams for your use. This analysis was based on the proposed building footprint provided by you, from which an approximate scale drawing showing the pool location was created. Per your measurements, the pool is located relative to the property line as shown in Figure 1. A building height of 48 feet 7 inches (48.583 feet) was used and the proposed building is 16 feet from the northern property line and 7 feet from the eastern property line. Shadow length calculations were made using the multipliers provided in the Thresholds Guide (Tables A.3-1 to A.3-3)* and conservatively mapped on the building footprint diagrams (Figures 2-4). These calculations are provided in Table 1. I have also included calculations for a building 39.5 feet tall per the limits of the Valley Village Specific Plan. Such a building would be 81% as high as the proposed and cast shadows 81% as long (the ratio of the building heights).

As can be seen on Figures 2-4, the pool would not be shaded by the proposed building before solar noon (when the sun is highest in the sky; approximately noon clock time PST and 1 pm clock time PDT) at any time of the year since the pool is slightly east of the proposed building and the sun is always to the south here in the Northern Hemisphere. Following noon the pool, and indeed much of your property, would be continuously shaded by the proposed building at the Winter Solstice (Dec. 22) (Figure 2). The pool area would remain shaded through the Spring Equinox (March 22) (Figure 3). Even at the Summer Solstice (June 22) (Figure 4), when the sun is highest in the sky and the days are the longest, the pool would be partially shaded in the early afternoon and fully shaded shortly after 3 pm. As summer continues, shadows would lengthen again and before the Fall Equinox (Sept. 22) (Figure 3 again), the pool would be continually shaded in the afternoon. To show this in a different way, Figure 5 shows an east/west cross section through the northern end of the proposed building and the shadow length at 3 pm for various times of the year.

In conclusion, the pool area, which is a shade sensitive use per the Los Angeles CEQA Thresholds Guide would be continuously shaded from 1/2 hour after solar noon until sundown for at least six months of the year (Fall Equinox to Spring Equinox). At the Summer Solstice, part of the pool would be shaded from 3/4 hour past solar noon to sundown. Because your pool is already shaded from the east and receives little or no morning sun, and because of the proximity of the pool to the the proposed building, the project would have a cumulatively significant impact on the pool area, despite it being less than 60 feet in height.

** I believe Table A.3-1 is incorrect in the multiplier for the Summer Solstice and 2.18 should read 1.33, as borne out by the use of 1.33 in Table A.3-3.*

Reducing the height of the proposed building does not adequately mitigate the shade impacts of the project (see calculation in Table 1). Therefore the only mitigation available would be to reduce the extent of the building footprint at the northern end of the project such that afternoon sun would reach your property.

Thank you for the opportunity to be of assistance.

Sincerely,

A handwritten signature in cursive script, reading "Annette Mercer", followed by a long horizontal flourish line.

Annette Mercer

Annette L. Mercer
Environmental Planning

Education: B.A. University of California, San Diego/1981/Biology (Physiology)
M.S. University of Washington/1983/Resource Management
Natural History Field Studies: U.S.D.A Washington D.C.
/1986
Wetland Delineation Course, USACOE Methodology/ 1998

Work History:

2007 Self employed - Subconsultant to Parsons Transportation Group

- Environmental planning services including EIR section preparation and technical editing for three highway projects.

2003-2004 Jones & Stokes; On-call Employee

- Provided document editing and quality control as well as project management and biological resources assistance for the finalization of the River Road Bridge Replacement project in Riverside County (scheduled for construction in 2008).

1998-2009 School & Community Volunteer

- Initiated and organized Family Science and Math Night for 3 years. This event provided 15 classroom sessions of hands-on science experiences and 11 math activities for 200+ students.
- Taught classroom gardening and science for grades K-5; Co-Chaired gardening program for 3 years, including curriculum development, supply purchasing, and volunteer coordination.

1989-2000 Myra Frank & Associates; Senior Environmental Planner

- Prepared numerous environmental documents, both state and federal as well as natural resources technical reports and constraints analyses for highway, rail, and infrastructure projects.
- Project Manager on small and large-scale highway and transit projects, including project organization, budgeting, document preparation, QA/QC, and management of staff and subconsultants.
- Participated in Public Hearings and provided presentations to clients.

1985-1989 DeLeuw Cather/Parsons, Washington D.C.; Environmental Planner

Shade/Shadow, 11933 Magnolia

Table 1: Shadow Lengths of the Proposed Project

	Time	Multiplier	Shadow Length (ft.) for a Building 48.583' high	Shadow Length (ft.) for a Building 39.5' high	Bearing*
Winter Solstice	9 am	3.03	147.21	119.69	45/W
	noon	1.60	77.73	63.20	0/N
	3 pm	3.03	147.21	119.69	45/E
Equinoxes	8 am	2.18	105.91	86.11	73/W
	noon	0.72	34.98	28.44	0/N
	4 pm	2.18	105.91	86.11	73/E
Summer Solstice	9 am	1.33	64.62	52.54	85/W
	1 pm	0.16	7.77	6.32	0/N
	5 pm	1.33	64.62	52.54	85/E

* Bearing is in degrees from North, therefore 45/W is 45 degrees west of north.

Tuesday, January 19, 2010

Planning and Land Use Management Committee
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012
Board of Public Works Edward R. Roybal Hearing Room 350

Members: Councilmember Ed P. Reyes, Jose Huizar and Paul Krekorian
Legislative Assistant: Patrice Lattimore

RE: Council File No. 10-0017 DIR-2008-1178-DB-SPP ENV-2008-1179-MND

Item #13 on Agenda, 10-0017

Mitigated Negative Declaration and appeals from the entire determination of the Director of Planning in approving a 35 percent Density Bonus to allow for the construction of 146 rental apartments, of which 109 units are stated as by-right, for property at 11933 Magnolia Boulevard, subject to Conditions of Approval. The project is setting aside 11 percent of the 109 units, for a total of 12 units reserved for Very Low Income units. (On January 12, 2010, Council adopted Motion [Krekorian-Koretz] pursuant to Charter Section 245, asserting jurisdiction over the December 23, 2009 written action of the City Planning Commission.)

Honorable Councilmembers Reyes, Huizar and Krekorian:

There are fundamental errors intrinsic with this project that start literally at the ground level with zoning/land-use discrepancies; these discrepancies become compounded by procedural issues where the City did not follow its own policy; and they culminate with a series of bad math, bad assumptions and inadequate CEQA mitigations. All of these issues have been depicted in the material previously submitted to Planning, and have been whittled down to the following items for this hearing:

Economic Feasibility Issue:

1. Quite recently, 2 studies were commissioned by the community which provided evidence that a smaller project that would still have provided for 12 units of affordable housing, and which would have been more closely aligned with the community's Specific Plan Height Limitation, would also have been economically feasible. This could have been discovered had the City engaged in a cost certification process as was required by Government Code §65915 (SB1818) at the time the developer's application was filed (March, 2008).

Because the City did not seek input as to whether the incentive requested by the developer was necessary to provide financial justification for the request, the Community commissioned a study by a specialist in this field, who created a sample pro forma of this project and estimated costs for building this project 3 different ways. The study shows that the project economics are favorable without even granting the density bonus, which was required by Government Code §65915 (SB1818).

Subsequently, another specialist studied the plans as submitted by the architect to the City, and again found that the project economics were favorable without waiving the development standards.

These studies were not completed prior to the CPC hearing, so the Planning Department did not have time to review them—but had the City engaged in this process or required the information from the developer, they could have ascertained the same information themselves.

The economic feasibility of this project has changed since its inception as the property was foreclosed upon September 29th, 2009, and has since returned to possession of First Regional Bank, Century City. The economics of the project have therefore dramatically changed, providing the City with alternatives in evaluating this project, which should have been more properly addressed by Planning in their recommendation to the CPC. It should also have been addressed by the City Planning Commission, but was ignored.

We provided these alternative pro formas to the submitted project design, because it is in our firmest belief that 146 units destroys the character of our neighborhood. However, it has come to our attention that a pro forma showing that 146 units could be built within the 36 feet height limitation (required by the VVL Specific Plan) would be beneficial to the decision-makers in ascertaining the economic feasibility of the project. We were unable to commission this study on short notice, however, would respectfully request additional time to submit these findings.

Erroneous Underlying Zoning:

2. The Zoning on this property is incorrect, and should have been downzoned to RD1.5 as part of the AB 283 Zoning/Community Plan Consistency Program. The land use designation was wrongly changed to match the zoning, which is improper pursuant to the clarification of AB283 (which states that where the land use designation and the zoning are different, the zoning needs to be downgraded to match the land use designation).

This is relevant for review because it changes the *base* number of units applicable to the Project, and is critical to the calculation of the density bonus as mandated by the statute and/or the City's Implementing Ordinance. The "by-right" number of units is incorrect as stated at 109. These arguments are also thoroughly reviewed in previous hearing materials.

Whereas the Planning Department and Planning Commission have determined that they will not address the zoning error delineated thoroughly in the appellant's previous appeal submissions, we respectfully request that the City Council direct the matter to be studied and then rectify this AB 283 miss. The approval of this AB 283 "miss" as it stands is inconsistent with the relevant General Plan, Community Plan,

and VWL Specific Plan. Precedent has been set, and we've included a few recent cases for your review in the addendum to this handout.

Inconsistency of Protocol and Policy Implementation:

3. Planning failed to follow its own protocol, and the law in effect at the time, when evaluating the materials presented by the developer. Additionally, they misled the community when verifying what law applied to this project.

When project notification was first sent out to the community on April 24th & 25th of 2009, the community was advised on the cover page that this project was to be determined under Government Code §65915 (SB 1818) and the City of Los Angeles' Density Bonus Ordinance No. 179,681.

a. As the community struggled to teach itself what all of this meant, a community representative contacted Planning, and asked why the appeal deadline on the form was listed as the same day as the document was mailed. Planning stated it was a mistake, and they'd resend the notification.

b. On 5/4/09, the community received a one-page letter, without the accompanying packet, stating that the deadline date was wrong and had been extended. As most people had thrown their copy away, believing the deadline had passed, Planning agreed this second error should be rectified.

c. On May 5th, 2009, the community representative contacted Planning again, first by e-mail and finally by going down to the Public Counter and meeting with Planner Dan O'Donnell.

1) She verified with him that a new, complete, mailing would go out yet again with the new end Appeal Date as well as the new packet.

2) Together they verified that the mailing list Planning used was old, and that notification needed to be sent to a current and updated mailing list of abutting owners.

3) At that time, the community representative also asked why, if the project was supposed to comply with the SB1818 LA ENABLING ORDINANCE, had the Planners not required the developer to set back the building 12 feet?

After much discussion behind the counter amongst several Planners, it was determined that PLANNING would get back to the community with another new mailing that would address those issues.

d. May 18th of 2009 was the date of the new packet the community received. **The cover on this one was modified to say that the project was NOT required to adhere to the City's Density Bonus Ordinance, but only to that of the GC § 65915, because the applicant had filed his application on 3/25/08 (ten days after the City Council approved the Ordinance, but 3 weeks before it became effective).**

NOTABLY, the Applicant's application was NOT deemed complete until March of 2009, so we maintain this project should not have been grandfathered in to the effective date of March 2008.

e. Once again, the community representative went to the counter and asked the Planner to provide us with exactly what Government Code applied to this project. She went to her files, pulled out a copy of a memo by Eva Yuan-McDaniel, and told

the community representative that this memo would apply, along with Government Code §65915 which she also handed her:

1) The copy of the Government Code §65915 was a printed out copy dated 6/21/07.

2) The memo was from Deputy Director Eva Yuan-McDaniel, who issued a Department-wide memo dated August 7, 2007, advising Planning Staff of Processing Procedures for Affordable Set-Aside Unit Cases (SB 1818) aka Density Bonus with the statement that this memo included materials that were presented in a training session given by City Attorney staff and had been reviewed by said staff and City Planning Policy Committee Staff.

This memo clearly specifies on Page 2, second bulleted item, that the Planner must submit a detailed justification as to why they need these incentives. The developer did NOT do this and Planning did NOT request it.

Two different City employees, acting as agents of the City in their various job capacities (one of them a department head), specifically informed Planning Staff and City residents that the procedures of this memo must be followed, yet Planning failed to implement its own protocol.

f. Just discovered on 1/14/10 while preparing for this hearing. Within the December 23rd, 2009 CPC Determination, Item #48 reintroduces the language that this project is approved under Government Code §65915 as “adopted by the City Council on February 20, 2008 and effective on April 15, 2008.” This clearly requires this project to conform to the City’s Density Bonus Implementation Ordinance, as the ordinance, at minimum, requires the following change: That the building should be set back one horizontal foot for each foot of height that exceeds the 36-foot VVL Specific Plan.

“(5) Height. A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A 10 of this Code shall not apply.

(i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units. ...

(b) For each foot of additional height the building shall be set back one horizontal foot.”

Reinstatement of Conditions previously granted:

4. The community asked the Planning Department to reinstate certain conditions which had previously been authorized by the City Council for the prior condo project approval.

These conditions are as applicable to this project today as they were to the condo project (e.g., the relocation monies for previous tenants, public notification of construction progress impacts, posted no-left turn signs in underground garage, community standing to sue for enforcement of the conditions as a public nuisance, etc.).

Since these conditions were approved by City Council previously, and accepted by both the community and the developer as appropriate conditions, they should all be reinstated to this project with the same level of validity.

The Director failed to make any consideration of this request, in effect, obliterating the City Council's previous decision (which was made after due deliberation) on the relocation monies.

With respect, we do not think that the developer should renege on his commitment to the City Council to pay the additional relocation fees to the buildings' previously displaced tenants.

Issues with the CPC Hearing:

5. (a) At the CPC hearing in October, the Architect stated that the project could be reduced from 13-foot ceilings on the top floor, to 9-foot ceilings, as this height requirement was cosmetic only. AT NO TIME did the CPC Commission stop the process to inquire why a height incentive that intended to override the Valley Village Specific Plan was required for aesthetic purposes, NOT ECONOMIC purposes.

(b) Note also that this points out another case of bad math: at the end of the discussion, the architect and the Commission accepted that the height of the building would be reduced 3 feet, not the 4 feet that a 13ft-to-9ft ceiling reduction would ACTUALLY be.

(c) It should be noted that the CPC did NOT make a motion to vote on this project, the Commission President was forced to do it. The CPC also did NOT vote to approve this project on their first vote, however, they were pressured into voting YES because they were told they would lose the only change they thought they could make, which was the height reduction for parts of the project.

(d) In this same hearing, City Attorney Fong stated that the way the State law was written, it put the burden on the City to make the infeasibility finding—yet the City FAILED to make this finding because the lead agency FAILED to require the developer to submit a pro forma in order for the City to perform the cost justification which was required by Government Code §65915 (f) at the time of the application.

The City also attempts to absolve itself of feasibility studies in this hearing because "there may be a resource problem." A resource problem is NOT an adequate reason for the community to be denied the City's compliance with the law!

(e) The CPC President also makes statements that they have repeatedly determined the need to have tools to perform economic feasibility, but the tools haven't been developed.

Please note that over 14 Neighborhood Councils and Homeowner Associations have submitted letters of support to this appeal, which you find attached herewith. Their support was given with great deliberation, since this project is not within their direct purview, however, they believe that the broad issues underlying this case affect all citizens in Los Angeles, and therefore must be addressed with proper diligence.

We therefore respectfully request that PLUM recommend for City Council to:

1) refer this matter back to Planning; 2) require that the property be downzoned in accordance with AB 283; 3) require that a FULL EIR be done; 4) require that the Planning code under which this project applies be made clear to the Planning staff, developer and community; 5) require that the Site Plan Review which was performed for the 78-unit condo project be performed again in light of the project's tripling of existing density and doubling of the previous proposed project; and 6) require that

the 78-unit condo project filed as VTT-67012-M1, a ministerial action to convert the 78 unit condo project to 148 apartments, be forever eliminated, as it is prohibited to have 2 simultaneous SB 1818 entitlements on the same project site.

Sincerely,

Sandy Hubbard, 11911 Magnolia Blvd., Unit 10, Valley Village, CA 91607

Magnolia Tree Villas Homeowners Association
c/o Jennifer Reed, 11911 Magnolia Blvd., Unit 36, Valley Village, CA 91607
c/o Dale Neglia, 11911 Magnolia Blvd, Unit 12, Valley Village, CA 91607

Weddington Plaza Homeowners Association
c/o Sarah Boulton, 11910 Weddington, Valley Village, CA 91607

Tony Braswell, tonybraswell@gmail.com, 310-423-4472

Ginny Hatfield, ginnyvmh@aol.com

David H. Bate
Bate, Peterson, Deacon, Zinn & Young, LLP
888 South Figueroa St., 15th Floor, LA, CA 90017

cc: Neighborhood Council Valley Village
Valley Village Homeowners Association
Coastal San Pedro Neighborhood Council
Northwest San Pedro Neighborhood Council
Studio City Neighborhood Council
Sunland Tujunga Neighborhood Council
Granada Hills Neighborhood Council
Greater Valley Glen Neighborhood Council
La Brea Coalition
LA Neighbors United
Mar Vista Community Council
Northridge East Neighborhood Council
Valley Glen Neighborhood Council
Venice Neighborhood Council
Valley Alliance of Neighborhood Councils
Sherman Oaks Neighborhood Council
Reseda Neighborhood Council
Noel Weiss
Cary Brazeman
Tom Paterson

Alternate Pro forma

Table 1
Residual Land Value
Rental Residential Development
Los Angeles Valley Village

DRAFT FOR INTERNAL REVIEW

	Proposed Project: 146 Units, 12 Very Low Income, Underground Parking	Alternate Project 1: 109 Units, 12 Very Low Income, Ground Floor Parking	Alternate Project 2: 109 Units, 12 Very Low Income, Underground Parking
Site Area and Zoning			
Lot Size	59,450 Square Feet	59,450 Lot Size	59,450 Square Feet
Lot Acreage	1.36 Acres	1.36 Lot Acreage	1.36 Acres
Maximum Residential Lot Coverage	75%	75%	75%
Maximum FAR	3 FAR	3 FAR	3 FAR
Development Program			
Description	Low Rise Podium	Low Rise Podium w/ GF Parking	Low Rise Podium
Maximum Height	45 Feet	40 Feet	36 Feet
Maximum Total Floors	4 Floors	3 Floors	3 Floors
Building Efficiency	80%	80%	80%
Residential			
Housing Units	146 Units	109 Units	109 Units
Average Unit Size	977 Square Feet	982 Square Feet	982 Square Feet
Overall Unit Mix	40% 1 BR 60% 2 BR 0% 3 BR	40% 1 BR 60% 2 BR 0% 3 BR	40% 1 BR 60% 2 BR 0% 3 BR
BMR Unit Mix	33% 1 BR 67% 2 BR 0% 3 BR	33% 1 BR 67% 2 BR 0% 3 BR	33% 1 BR 67% 2 BR 0% 3 BR
Number of Very Low Income Units	12 Units	12 Units	12 Units
Number of Low Income Units	0 Units	0 Units	0 Units
Total Number of BMR Units	12 Units	12 Units	12 Units
Number of Market Rate Units	134 Units	97 Units	97 Units
Parking			
Average Parking Ratio Required	1.73 Space per Unit	1.71 Space per Unit	1.71 Space per Unit
Spaces per MR 1 Bedroom	1.50 Space per Unit	1.50 Space per Unit	1.50 Space per Unit
Spaces per MR 2 Bedroom	2.00 Space per Unit	2.00 Space per Unit	2.00 Space per Unit
Spaces per BMR Unit	1.00 Space per Unit	1.00 Space per Unit	1.00 Space per Unit
Additional Spaces (Guest/Tenant) Proposed	13 Spaces (Cars)	13 Spaces (Cars)	13 Spaces (Cars)
Parking Spaces Proposed	266 Spaces (Cars)	199 Spaces (Cars)	199 Spaces (Cars)
Value			
Income			
Monthly Market Rate Rents	\$2.25 Per Net Square Foot \$2,201 Per MR Unit	\$2.25 Per Net Square Foot \$2,212 Per MR Unit	\$2.25 Per Net Square Foot \$2,212 Per MR Unit
Monthly BMR Rents	\$637 Per BMR Unit	\$637 Per BMR Unit	\$637 Per BMR Unit
Monthly BMR Rents Without Parking	\$587 Per BMR Unit	\$587 Per BMR Unit	\$587 Per BMR Unit
Monthly Parking Income	\$50 Per Space	\$50 Per Space	\$50 Per Space
Vacancy Rate	5%	5%	5%
Monthly Rental Income	\$2,056 Per Unit	\$2,018 Per Unit	\$2,018 Per Unit
Expenses			
Percent of Rental Income	25%	25%	25%
Monthly Operating Expenses	\$514 Per Unit	\$505 Per Unit	\$505 Per Unit
Net Operating Income			
Monthly Net Operating Income	\$1,542 Per Unit	\$1,514 Per Unit	\$1,514 Per Unit
Value			
Capitalization Rate	6.5%	6.5%	6.5%
Capitalized Value	\$41,556,422 \$284,633 Per Unit \$291 Per NSF	\$30,459,339 \$279,443 Per Unit \$285 Per NSF	\$30,459,339 \$279,443 Per Unit \$285 Per NSF
Building Costs			
Hard Construction (incl. parking)	\$167 Per NSF	\$151 Per NSF	\$166 Per NSF
Governmental Fees	\$10 Per NSF	\$10 Per NSF	\$10 Per NSF
Other Soft Costs @ 18% of Hard Costs	\$30 Per NSF	\$27 Per NSF	\$30 Per NSF
Construction Financing	\$25 Per NSF	\$24 Per NSF	\$26 Per NSF
Total Building Costs	\$33,060,045 \$226,439 Per Unit \$232 Per NSF	\$22,802,312 \$209,196 Per Unit \$213 Per NSF	\$24,941,346 \$228,820 Per Unit \$233 Per NSF
Residual Land Value			
Return on Value	8.0%	8.0%	8.0%
Developer Margin	\$ 3,324,514 \$22,771 Per Unit	\$ 2,436,747 \$22,355 Per Unit	\$ 2,436,747 \$22,355 Per Unit
Land Value			
Per Unit	\$35,424 Per Unit	\$47,892 Per Unit	\$28,268 Per Unit
Per Net Residential Square Foot	\$36 Per NRSF	\$49 Per NRSF	\$29 Per NRSF
Per Gross Residential Square Foot	\$29 Per GRSF	\$39 Per GRSF	\$23 Per GRSF
Per Lot Square Foot	\$87 Per LSF	\$88 Per LSF	\$52 Per LSF
Per Acre of Land	\$3,789,510 Per Acre	\$3,824,986 Per Acre	\$2,257,680 Per Acre
Representative Site Land Value	\$5,171,863	\$5,220,280	\$3,081,246

Sources: Developer plans for Magnolia Apartments, market research on rents and construction and operating costs in and around Valley Village, the Urban Land Institute's *Dollars & Cents of Multifamily Housing* (2006), Los Angeles Housing Department and the Los Angeles Department of City Planning for affordable housing rents, parking requirements, and fees, and industry standards.

Alternate Architectural Review and Summary Analysis

OVALLE ARCHITECTS
3037 GOLDEN AVENUE
LONG BEACH, CA 90806
562 • 726 • 2615 PHONE
310 • 774 • 3684 FAX

WWW.OVALLEARCHITECTS.COM

December 22, 2009

Mr. Cary Brazeman
LA Neighbors United
128 N. Swall Drive, #304
Los Angeles, CA 90048

Dear Mr. Brazeman,

On December 6th of this year we received from your office via email a series of documents including a limited set of construction documents outlining a project proposed for the subject site and a pro forma indicating a proposed alternative for a reduced scope.

The documents received and studied by our office are as follows:

Construction documents prepared by Alan S. Boivin, AIA, for Valley View Apartments located at 11933 Magnolia Blvd., Los Angeles, CA 91607 and dated "Plan Check July 25, 2008"

A2.0 (number assumed, only partially readable), A2.1, A3.0, A3.1, A3.2, A3.3, A4.1

Other documents:

Pro Forma titled "Table 1 Residual Land Value, Rental Residential Development, Los Angeles Valley Village" prepared by Seifel Consulting Inc.

After a careful study of the documents provided to us by you, we have arrived at the conclusion that to the best of our knowledge and based on substantial experience with multifamily housing, the proposed alternative ("Alternate Project 1") indicating a reduced scope is feasible from an architectural design perspective.

As I understand from you, the proposed project anticipates a height incentive (45') and a rear-yard setback reduction. Alternate Project 1 outlined in the pro forma and as evaluated by our firm includes a reduced height incentive (40') and no rear-yard setback reduction.

As an aside, with all due respect to the architect of record, because I don't know the conditions and parameters under which he designed the proposed project: If I were the architect I would propose design modifications to address the perception of a massive building; mainly the lack of articulation and the enhanced height all around the roof. In this case there appears to be an effort to fill up the available volume with the exception of the balconies, in my opinion a case of quantity vs. quality. My tactic would be to create spaces that have interest and clarity inside and out; such that the user has a perception of more space, where in fact he/she is perceiving more natural light and views, clear circulation paths, more easily furnished spaces, etc., even if the space in terms of number of units is smaller.

Sincerely,



Carlos Ovalle, AIA, LEED AP
Principal
Ovalle Architects

Pro Forma Analysis of Proposed Multifamily Apartment Project at 11933 Magnolia Boulevard, Valley Village, Los Angeles, and Two Alternate Project Scenarios

Architectural Review of Design Feasibility of Alternate Project #1

SUMMARY OF FINDINGS

Seifel Consulting Inc. is a California-based economic consulting firm providing strategic real estate and urban economic advisory services. They advise on developments involving a variety of land uses, including residential, retail, office, research and development, industrial, hotel, waterfronts and recreation areas. The firm has advised private and public-sector clients (including CRA/LA) on properties ranging from \$5 million to \$4 billion, and helped jurisdictions evaluate and implement inclusionary housing policies and other programs to increase the supply of affordable housing.

Seifel Consulting evaluated the economics of the proposed density-bonus project and two alternate project approaches.

Seifel believes the most meaningful method of evaluating the economics of a mixed-income rental housing development is a residual land value pro forma, which analyzes proposed development programs to determine a project's cost, capitalized value and the actual return on value for the developer, based on and including industry-standard cap rates (essentially the rate of return once the project is stabilized) and developer margins. A fair-market land value is determined as a result of this analysis.

This past summer (Summer 2009) the Magnolia Boulevard property was taken back by the bank, with its value written down to approximately \$5 million. There were no buyers willing to pay that price at the property's auction, so its actual value is likely lower. Seifel's analysis projects that both the proposed project as well as Alternate Project #1 would result in a residual land value of approximately \$5.2 million. Alternate Project #2 would produce the same rates of return (cap rates and developer margin) but yield a lower residual land value. The specifications of the proposed project and two alternate projects are outlined in the table; all three projects include 12 units of very low income housing.

Based on this feasibility analysis, a development program for this site that includes 12 units of very low income housing and 97 units of market-rate housing (109 units total) would produce attractive rates of return for the developer (the same rates of return as the proposed project). A density bonus of 37 units is not required to make this project economically feasible.

Carlos Ovalle Architects of Long Beach, which specializes in multifamily residential housing including affordable housing, evaluated and analyzed the design feasibility of Alternate Project #1 as specified in the Seifel Consulting pro forma. Ovalle determined that the development program, which includes some above-grade parking and a total building height of 40 feet, is architecturally feasible. That said, Ovalle suggests lowering the density on the site to be fewer than 109 units to create a more livable environment for tenants.

**3 DIR Cover Pages showing Erroneous
Notifications to Community**

1st DIR: 4-23-09

2nd DIR: 4-30-09

3rd DIR: 5-18-09

AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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April 23, 2009

Property Owner/Applicant

Gary Schaffel
15235 Burbank Blvd., Ste. C
Van Nuys, CA 91411

Case No: DIR-2008-1178-DB-SPP

CEQA: ENV-2008-1179-MND

Location: 11933 Magnolia Boulevard

Plan Area: North Hollywood-Valley
Village

Plan Land Use: Medium Residential, High
Medium Residential

Council District: 2

Zone: R3-1, R4-1

District Map: 171B165

Legal Description: Tract 10891, Lot 4

Last Day To Appeal: April 24, 2009

Pursuant to the State Density Bonus Program, and Los Angeles City Implementing Ordinance No. 179,681 and the Valley Village Specific Plan, Ordinance No. 168,613 as the designee of the Director of Planning, I hereby:

Conditionally Approve a Density Bonus Compliance Review and a Project Permit Compliance Review to allow the construction of a 146-unit residential apartment building, including 134 units for market rate and 12 units reserved for Very Low Income households. The proposed project height allowed is up to 48 feet, 7 inches, with four stories of residential over one and a half levels of subterranean parking garage with 266 parking spaces, on a 59,450 square-foot lot.

Adopt ENV-2008-1179-MND.

Approve a 35 percent density bonus for a project setting aside 11 percent of its pre-density units (12 units) for Very Low Income occupants.

Approve the following incentive for a project that reserves 11 percent of its units for Very Low Income occupants:

Up to a 12 foot, 7 inch deviation in the height limit, for a total of 48 feet, 7 inches, in lieu of the 36 feet permitted.

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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*2ND DIR
NOTIFICATION*

April 30, 2009

Gary Schaffel (Applicant/Owner)
15235 Burbank Blvd., Ste. C
Van Nuys, CA 91411

CASE NO: DIR 2008-1178-DB-SPP
Location: 11933 Magnolia Boulevard
Community Plan: North Hollywood-Valley Village
Council District: 2

CORRECTION LETTER

This letter is in reference to the appeal date of April 24, 2009 stated in DIR 2008-1178-DB-SPP. The appeal date of April 24, 2009 is incorrect. The 15-day appeal period date will restart from the date of this correction letter.

The revised last day to appeal for DIR 2008-1178-DB-SPP will be May 14, 2009.

If you have any questions regarding this matter, please contact Sevana Mailian at (818) 374-5061.

S. GAIL GOLDBERG, AICP
Director of Planning

Lynn Harper
Senior City Planner

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
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AND
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Date: May 18, 2009

REVISED APPEAL DATE/CORRECTED APPLICABLE STATUTE

Property Owner/Applicant

Gary Schaffel
15235 Burbank Blvd., Ste. C
Van Nuys, CA 91411

Case No: DIR-2008-1178-DB-SPP

CEQA: ENV-2008-1179-MND

Location: 11933 Magnolia Boulevard

Plan Area: North Hollywood-Valley
Village

Plan Land Use: Medium Residential, High
Medium Residential

Council District: 2

Zone: R3-1, R4-1

District Map: 171B165

Legal Description: Tract 10891, Lot 4

Last Day To Appeal: June 2, 2009

Note: This project is not subject to Density Bonus Ordinance No. 179,681 due to filing on March 25, 2008, before the ordinance effective date of April 15, 2008. Section 7, "Statement of Intent" of the ordinance, reads:

"It is the intent of the City Council that the provisions of this ordinance shall apply to applications filed on or after the effective date of this ordinance, except that for sale Housing Development Projects with tract or parcel maps that have not been recorded as the effective date of this ordinance are subject to the provisions of this ordinance regardless of language in tract or parcel map conditions or previously recorded covenants".

Pursuant to the State Density Bonus Program, State Government Code 65915 (SB 1818) and the Valley Village Specific Plan, Ordinance No. 168,613 as the designee of the Director of Planning, I hereby:

Conditionally Approve a Density Bonus Compliance Review and a Project Permit Compliance Review to allow the construction of a 146-unit residential apartment building, including 134 units for market rate and 12 units reserved for Very Low Income

**Consistency Attachments,
Showing 3 recent AB 283 Consistency Cases**

05-1804— Downzoning AB-283 Correction

06-1252— Downzoning Correction CPC 1995-0148-GPC_rpt_plan

09-1441 Jack Weiss Motion to Achieve Consistency -08-1412-05-30-08

**09-1441— Downzoning to Achieve Consistency With GP –
City Planning Report -6-8-09**

DEPARTMENT OF
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200 N. SPRING STREET, ROOM 525
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C.F.
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August 23, 2005

Honorable City Council
City of Los Angeles
Room 395, City Hall
MAIL STOP: 160

CPC 1995-148 GPC SA 130
Council File No. 95-1904-S6
Council District No. 15
Wilmington-Harbor City Community

Dear Honorable Members:

**CORRECTION ORDINANCE AND PLAN AMENDMENT RESOLUTION: GENERAL
PLAN/ZONING CONSISTENCY PROGRAM FOR WILMINGTON-HARBOR CITY
COMMUNITY (PORTIONS OF SUBAREA 130)**

The subject ordinance and resolution restore the R1-1-XL-O and RD6-1-XL-O Zones (with corresponding land use designation of Low Residential) for two privately owned properties in Subarea 130 of Ordinance No. 171,533, as a part of the General Plan/Zoning Consistency Program (AB 283 Open Space II and Clean Up Ordinance) for the Wilmington-Harbor City Community.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the City Planning Commission with respect to their actions on City Plan Case 1995-148 GPC on September 14, 1995, and, on behalf of the Commission, I adopt its findings and approve the correction ordinance and resolution, and recommend their adoption. As corrected, I find that my action conforms to the intent of the City Planning Commission on this matter.

Pursuant to Council Rule No. 38, transmitted herewith is the Correction Ordinance and plan amendment resolution, together with findings, recommended for adoption by your Honorable Body.

Sincerely,

CON HOWE
Director of Planning

ROBERT H. SUTTON
Deputy Director

Attachments

CH:RHS:BW:JP:CPT



Discussion

The southeasterly lot of Subarea 130, located at 1045 N. Cary Avenue, is privately owned. The southwesterly lot of Subarea 130, located at 1046-1048 N. Banning Avenue, is also privately owned. At this time, there is a single family dwelling on the 1045 N. Cary Avenue property and there are two dwellings on the 1046-1048 N. Banning Avenue property. The City Planning Commission approved and the City Council adopted a zone change from R1-1-XL-O and RD6-1-XL-O to OS-1-XL-O, and a land use plan amendment from Low Density Residential to Open Space for these portions of Subarea 130 as part of the General Plan/Zoning Consistency Program for the Wilmington-Harbor City Community Plan. At the time the ordinance and plan amendments were being prepared, the subject lots were privately owned and used for residential purposes. The Planning Department prepared an ordinance that misinterpreted the ownership of the subject lots and identified the subject lots in Subarea 130, which included publicly owned land, for re-zoning and land use re-designation. The subject correction ordinance and plan amendment resolution correct those errors consistent with the intent of the City Planning Commission and the City Council of applying the Open Space (OS) Zone designation only to public rather than private properties.

History

The history of the General Plan/Zoning Consistency Program for the subject property is as follows:

September 14, 1995 As a part of the General Plan/Zoning Consistency Program, the City Planning Commission recommends approval of Plan amendments and zone changes for the Wilmington-Harbor City Plan, including a zone change from R1-1-XL-O and RD6-1-XL-O to OS-1-1XL-O and a Plan amendment from Low Residential to Open Space for these portions of Subarea 130.

February 26, 1997 City Council adopts Plan amendments and Ordinance No. 171,533, effective April 15, 1997.

Findings

The subject properties are located within the Wilmington-Harbor City Community Plan area, adopted by the City Council on February 26, 1997.

The corrected ordinance and plan amendment are in substantial conformance with the purposes, intent and provisions of the General Plan in that the subject property has been privately owned since the inception of the Community Plan/Zoning Consistency program for the Wilmington-Harbor City Community Plan, and applying the OS Zone to private properties is not the intent of the City Planning Commission and the City Council.

The corrected ordinance and plan amendment will not relate to nor have an effect upon other General Plan elements, specific plans, or other plans in preparation by the Department of City Planning.

The environmental document for the Wilmington-Harbor City Community Plan update, ND-95-0154 GPC, was adopted by the City Council on February 14, 1996.

Based upon the above findings, the corrected ordinance is deemed to be consistent with the public necessity, convenience, general welfare and good planning and zoning practice.

RESOLUTION

WHEREAS, a privately owned parcel located at 1045 N. Cary Avenue, and a privately owned parcel located at 1046-1048 N. Banning Avenue are currently zoned OS-1- XL-O and designated for Open Space land use on the Wilmington-Harbor City Community Plan Map, adopted by the City Council on February 26, 1997, pursuant to City Plan Case No. 1995-148 GPC; and

WHEREAS, the property owner of 1045 N. Cary Avenue requested a zoning correction ordinance for the subject property from OS-1- XL-O to R1-1- XL-O with a corresponding plan amendment to re-designate the property from Open Space to Low Residential within the Wilmington-Harbor City Community Plan; and

WHEREAS, the privately owned parcel of 1046-1048 N. Banning Avenue also merits the requested zoning correction ordinance for the subject property from RD6-1- XL-O to R1-1- XL-O with a corresponding plan amendment to re-designate the property from Open Space to Low Residential within the Wilmington-Harbor City Community Plan; and

WHEREAS, the OS Zone and Open Space land use designation are solely applicable to public land; and

WHEREAS, before February 26, 1997, the 1045 N. Cary Avenue property was zoned R1-1- XL-O, and the 1046-1048 N. Banning Avenue property was zoned RD6-1-XL-O, both parcels corresponding to Low Residential land use; and

WHEREAS, the requested plan amendment is consistent with the intent and purpose of the adopted Wilmington-Harbor City Community Plan.

NOW, THEREFORE, BE IT RESOLVED that the Wilmington-Harbor City Community Plan shall be amended as shown on the attached General Plan Amendment Map.

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

CITY PLANNING COMMISSION

JANE ELLISON USHER
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ANDRES F. IRLANDO
VICE-PRESIDENT

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May 30, 2006

Honorable City Council
City of Los Angeles
Room 395, City Hall
MAIL STOP: 160

CPC 1995-0148-GPC
Council File No. 95-1904-S2
Council District No. 14
Central City North Community

Dear Honorable Members:

**CORRECTION ORDINANCE: GENERAL PLAN/ZONING CONSISTENCY PROGRAM,
PUBLIC FACILITIES, FOR THE CENTRAL CITY NORTH COMMUNITY (SUBAREA 300)**

The subject ordinance restores the M3-1 zone for two privately owned properties in Subarea 300 of Ordinance No. 171,037, as a part of the Community Plan Update for the Central City North Community.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the City Planning Commission with respect to their actions on City Plan Case No. 1995-0148 (CPU) on April 17, 1996 and, on behalf of the Commission, I adopt their findings and approve the subject correction ordinance and recommend its adoption. As corrected, I find that my action conforms to the intent of the City Planning Commission on this matter.

Pursuant to Council Rule No. 38, transmitted herewith is the Correction Ordinance, together with findings, recommended for adoption by your Honorable Body.

Sincerely,

S. GAIL GOLDBERG
Director of Planning

ROBERT H. SUTTON
Deputy Director

Attachments

Discussion

The two southwesterly lots in Subarea 300, one lot facing Olympic Boulevard and the other facing 10th Street, are privately owned. The lots are currently vacant. The City Planning Commission approved and the City Council adopted a zone change from M3-1 to PF-1VL for the subarea as part of the Public Facilities Phase of the General Plan/Zoning Code Consistency Program for the Central City North Community Plan. At the time the ordinance was being prepared, the subject lots were privately owned. The Planning Department prepared an ordinance that misinterpreted the ownership of the subject lots and rezoned them to PF-1VL as if they were publicly owned. The subject correction ordinance corrects that error consistent with the intent of the City Planning Commission and the City Council of applying the PF Zone only to public rather than private properties.

History

The history of the General Plan/Zoning Consistency Program for the subject property is as follows:

September 21, 1995 City Planning Commission recommends approval of zone changes and Plan Amendments as part of the Public Facilities phase of the General Plan/Zoning Consistency Program for the Central City North Community (CPC 95-0148 GPC).

April 17, 1996 City Council adopts the plan amendment and Ordinance No. 171,037, effective June 11, 1996.

Findings

The subject property is located within the Central City North Plan area, adopted by the City Council on December 15, 2000.

The corrected ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan in that the subject properties are privately owned. Applying the PF Zone to private properties is not the intent of the City Planning Commission and the City Council.

The corrected ordinance will not relate to nor have an effect upon other General Plan elements, specific plans, or other plans in preparation by the Department of City Planning.

The corrected ordinance conforms to the requirements of Government Code Section 65860, which requires that zoning be consistent with the adopted General Plan.

The environmental document for the **Central City North Community Plan** update, ND-95-0188 CPU, was certified by the City Council on April 17, 1996.

Based upon the above findings, the corrected ordinance is deemed to be consistent with the public necessity, convenience, general welfare and good planning and zoning practice.

RESOLUTION

WHEREAS, a privately owned parcel located at 2184 E. Olympic Boulevard and a privately owned parcel located at 2187 E. 10th Street are currently zoned PF-1XL and designated for Public Facilities land use on the Central City North Community Plan Map, adopted by the City Council on April 17, 1996, pursuant to City Plan Case No. 1995-148-GPC; and

WHEREAS, the property owner of both 2184 E. Olympic Boulevard and 2187 E. 10th Street requested a zoning correction ordinance for the subject properties from PF-1XL to M-3 with a corresponding plan amendment to re-designate the two properties from Public Facilities to Heavy Industrial within the Central City Community Plan; and

WHEREAS, the PF Zone and Public Facilities land use designation are solely applicable to public land; and

WHEREAS, before April 17, 1996, both the 2184 E. Olympic Boulevard and 2187 E. 10th Street properties were zoned M-3; both parcels corresponding to Heavy Industrial land use; and

WHEREAS, the requested plan amendment is consistent with the intent and purpose of the adopted Central City North Community Plan.

Now, therefore, be it resolved that the Central City North Community Plan shall be amended as shown on the attached General Plan Amendment Map.

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
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CF 09-1441

JACK WEISS MOTION

Date Issued: June 8, 2009

City Plan Case No. CPC-2009-22-GPA
Council District No. 5

Honorable City Council
City of Los Angeles
200 N. Spring Street, Room 395
Los Angeles, CA 90012

Dear Honorable Councilmembers:

**A PROPOSED GENERAL PLAN AMENDMENT FOR THE FOLLOWING
PROPERTIES WITHIN THE ENCINO-TARZANA COMMUNITY PLAN:**

**17622 W. WEDDINGTON STREET
17623 W. WEDDINGTON STREET
17634 W. WEDDINGTON STREET
17635 W. WEDDINGTON STREET
17646 W. WEDDINGTON STREET
17647 W. WEDDINGTON STREET**

Pursuant to the provisions of Sections 551, 555 and 558 of the City Charter, transmitted herewith is the April 23, 2009, action of the City Planning Commission approving a proposed General Plan Amendment to the Encino-Tarzana Community Plan to redesignate the above mentioned properties from Low Medium II Residential to Very Low I Residential. The General Plan Amendment is initiated to correct inconsistent general plan designations and zoning for six lots within the Encino-Tarzana Community Plan. No project is proposed.

The City Planning Commission, as evidenced by the attached Findings, has determined that the proposed land use designation will conform to the City's General Plan, will be compatible with adjacent land uses, and is appropriate for the subject properties.

The proposed General Plan Amendment was submitted to the Mayor whose recommendation will be forwarded to you as specified by Section 11.5.6 of the Los Angeles Municipal Code.

THE CITY PLANNING DEPARTMENT RECOMMENDS

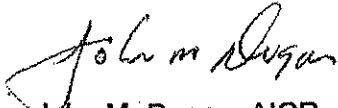
CF 09-1441

That the City Council:

1. **Concur** with the attached Action of the City Planning Commission relative to its approval of the proposed General Plan Amendment for the subject properties;
2. **Adopt** the attached Findings of the City Planning Commission as the Findings of the City Council;
3. **Adopt** by Resolution, the plan amendment, as shown in the attached exhibits; and
4. **Find** that the proposed general plan amendment is categorically exempt for the reasons set forth in Categorical Exemption No. ENV 2009-23-CE.

Sincerely,

S. GAIL GOLDBERG, AICP
Director of Planning



John M. Dugan, AICP
Deputy Director

Attachments:

1. City Planning Case File
2. City Planning Commission action, including Findings
3. Resolution Amending the Community Plan
4. General Plan Amendment Map

MAY 30 2008

PLANNING & LAND USE MANAGEMENT

MOTION

CF 09.1441

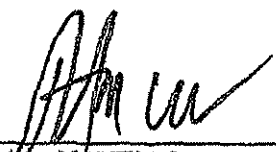
The Encino-Tarzana community plan was adopted by the City Council on September 16, 1997 and two of the policies of the plan are to "protect existing single family residential neighborhoods from new out of scale development" and "protect single family neighborhoods from encroachment by higher density residential and other incompatible uses."

There is a extremely stable single family neighborhood located on both the north and south sides of Weddington Street, a local street designated in the Encino-Tarzana community plan, just easterly of White Oak Avenue; and the existing zoning on these Weddington Street lots is RA-1, which corresponds to 17,500 square feet of lot area per dwelling unit, and is completely in keeping with the large front yard and rear yard setbacks and ample sideyard setbacks.

Due to an inconsistency in the Encino Tarazana community plan, the land use designation for these lots is Low Medium II Residential, which corresponds to the RD1.5 and RD2 zones, (which would permit up to 1,500 and 2,000 square feet of lot area per dwelling unit); and in order to correct this inconsistency, the Encino Tarzana community plan should be amended to change the land use designation of these parcels to Very Low I Residential, which would correspond to the RE20 and RA zones;

I THEREFORE MOVE that the City Council direct the Department of City Planning to process a Plan Amendment for both the north and south sides of Weddington Street between White Oak Avenue and Shoshone Avenue from Low Medium II Residential to Very Low I Residential in order to achieve consistency of the zone and the plan land use.

Presented by


JACK WEISS
Councilman, 5th District

Seconded by



May 30, 2008

08-1412 CD 5



CF 09-1441

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: JUN 04 2009

CITY COUNCIL
Room 395, City Hall

Applicant: City of Los Angeles

CASE NO. CPC-2009-22 -GPA

Location: 17622 W. Weddington Street; 17623 W. Weddington Street; 17634 W. Weddington Street; 17635 W. Weddington Street; 17646 W. Weddington Street; and 17647 W. Weddington Street.

Council District: No. 5

Plan Area: Encino - Tarzana

Request(s): General Plan Amendment

At its meeting on April 23, 2009, the following action was taken by the City Planning Commission:

1. **Approved** Staff Report and Exhibits as the Commission Report.
2. **Approved and recommended** that the City Council adopt the General Plan Amendment from Low Medium II Residential to Very Low I Residential for subject properties in the Encino-Tarzana Community Plan.
3. **Adopted** the attached Findings.
4. **Approved and recommended** that the City Council adopt the Categorical Exemption No. ENV-2009-23-CE.

This action was taken by the following vote:

Moved: Montanez
Seconded: Woo
Ayes: Burton, Cardoso, Freer, Hughes, Roschen
Absent: Kezios

Vote:

7-0


James Williams, Commission Executive Assistant I
City Planning Commission

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 90th 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.

Attachment: Findings
City Planning Assistant: Priya Mehendale

FINDINGS

1. **General Plan Land Use and Zoning Designation.** The six subject properties are located within the Encino-Tarzana Community Plan, adopted by the City Council on December 16, 1998 (Case No. CPC-1997-42-CPU). On May 30, 2008, the City Council passed a motion requesting an amendment to the Community Plan to change the plan designation of the six subject parcels from Low Medium II Residential to Very Low I Residential. While the six subject parcels are all currently zoned RA-1, which corresponds to the requested Very Low I Residential designation, the Community Plan currently designates the properties as Low Medium II Residential, which corresponds to RD1.5 and RD2 zones. The subject parcels are all zoned RA-1 and mark the only eastern entrance into an established single-family residential neighborhood. Moreover, the six parcels face Weddington Street, a designated Local Street that does not have sidewalks. The zoning is consistent with the surrounding area, but the current Low Medium II Residential is inconsistent and would allow development intensities that would be out of scale with the surrounding neighborhood. The proposed Plan designation of Very Low I Residential is **consistent** with the current RA-1 zoning designation.
2. **General Plan Text.** The proposed amendment to the land use designation of the six subject parcels is consistent with the following land use objectives, policies, and programs listed in the Encino-Tarzana Community Plan as indicated below:

Encino-Tarzana Community Plan

Goal 1. A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1 To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policies:

1-1.2 Protect existing single family residential neighborhoods from new, out-of-scale development.

1-1.3 Protect existing stable single-family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses

1-1.5 Maintain at least 63% residential land designated for single family uses.

1-1.6 The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multi-family residences.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity in existing single and multi-family neighborhoods.

Policies:

1-3.2 Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

3. **City Charter Section 556 and 558.** The recommended general plan amendment to the Encino-Tarzana Community Plan complies with Charter Section 556 and 558 in that the recommended amendments complements the land use patterns and trends in the immediate area for transitional residential uses, and furthers the intent, purposes and objectives of the Community Plan. Under the current land use designation, the six subject parcels could be developed with a maximum of approximately 84-90 dwelling units¹ of new development. The subject parcels are all zoned RA-1 and mark the only eastern entrance into an established single-family residential neighborhood. If the six subject parcels were developed to the maximum intensity permitted by the current land use designation the level of additional vehicles that would be taking access from Weddington Street would worsen traffic congestion on this designated Local Street, creating potential hazardous conditions for both vehicular traffic and pedestrians, particularly because Weddington Street does not have sidewalks. The majority of the properties on the east side of White Oak Avenue are designated Low Medium II Residential on the General Plan Land Use Map. As White Oak Avenue is a designated Major Highway Class II, the intent of this particular land use designation follows the policy of placing higher density on higher capacity roadways. However, on further investigation of the six parcels, the surrounding neighborhood, and its street network, it is clear that under the present conditions of Weddington Street, a Local Street with no sidewalks and improved to 60 feet in width, the current land use designation would allow development intensities that could not be supported by the infrastructure and would be out of scale with the surrounding neighborhood.
4. **California Environmental Quality Act (CEQA).** For the reasons set forth in ENV-2009-23-CE, the project has been issued a Categorical Exemption since it will not have an effect on the environment. Pursuant to Section 15308 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) entitled *Categorical Exemptions – Actions by Regulatory Agencies for the Protection of the Environment*, Categorical Exemptions are issued for actions taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment. This action by the City of Los Angeles involves more stringent land

¹ If the existing land use designation were to remain, the six properties could be developed with up to 84 to 90 units. The potential number of units is based on the existing Medium Low II land use designation, which would allow up to RD1.5 zoning intensity with an associated zone change. RD1.5 density would allow for up to 10 units plus a "by-right" density bonus of 4 additional units, or 11 units with an Adjustment (Section 12.28 of the Municipal Code) plus 4 units with density bonus. Moreover, RD1.5 zoning would allow for a maximum height of 45 feet.

use regulations than what is currently in place in this area. This action will allow residential development more in keeping with the surrounding single-family area.

5. **Sewerage Facilities.** The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

CF 09-1441

RESOLUTION

WHEREAS, the Encino-Tarzana Community Plan was adopted by the City Council on September 16, 1997 and two of the policies of the plan are to "protect existing single family residential neighborhoods from new out of scale development" and "protect single family neighborhoods from encroachment by higher densCPC-2009-22-GPA Resolutionity residential and other incompatible uses."; and

WHEREAS, there is a extremely stable single family neighborhood located on both the north and south sides of Weddington Street, a local street designated in the Encino-Tarzana Community Plan, east of White Oak Avenue; and the existing zoning on these Weddington Street lots is RA-1, which corresponds to 17,500 square feet of lot area per dwelling unit, and is completely in keeping with the large front yard and rear yard setbacks and ample side yard setbacks; and

WHEREAS, due to an inconsistency in the Encino-Tarzana Community Plan, the land use designation for the six subject lots is Low Medium II Residential, which corresponds to the RD1.5 and RD2 zones, (which would permit up to 1,500 and 2,000 square feet of lot area per dwelling unit); and

WHEREAS, the applicant has requested a proposed General Plan Amendment from Low Medium II Residential to Very Low I Residential Density Residential for the subject properties within the above mentioned plan in order to correct the inconsistency between the zoning and the land use designation; and

WHEREAS, the City-initiated General Plan Amendment proposes no project; and

WHEREAS, the City Planning Commission at its meeting on April 23, 2009, approved the General Plan Amendment request and recommended adoption by the City Council of a General Plan Amendment over the entire properties involved; and

WHEREAS, pursuant to the provisions of the Los Angeles, City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

WHEREAS, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Encino-Tarzana Community Plan to designate land use in an orderly and unified manner; and

WHEREAS, the Very Low I Residential land use designation will allow a project density which is consistent with the Plan; and

WHEREAS, the subject proposal has prepared a Categorical Exemption No. ENV-2009-23-CE in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RELOVED that the Encino-Tarzana Community Plan be amended as shown on the attached General Plan Amendment map.

REQUEST ANALYSIS

CF 09-1441

Background and Request

The Encino-Tarzana Community Plan's land use designation for the six subject parcels came into question when a property owner submitted a case requesting a zone change from RA-1 to RD1.5 for 17634 Weddington Street (associated Case No. APCSV-2007-285-ZC-ZAA). While the proposed zone change was consistent with the property's land use designation of Low Medium II Residential, the Hearing Officer for the case recommended that the South Valley Area Planning Commission deny the request on the basis that it was incompatible with the adjoining and surrounding single-family uses along Weddington Street. The South Valley Area Planning Commission's denial of the request was appealed to the City Council, who concurred with the APC's decision. Soon after on May 30, 2008, a motion was presented by Councilmember Jack Weiss (Council District No. 5) directing the Planning Department to amend the Encino-Tarzana Community Plan to modify the general plan land use designation for six properties on the north and south side of Weddington Street between White Oak Avenue and Shoshone Avenue from Low Medium II Residential to Very Low I Residential. The motion directed the City Planning Department to address the inconsistency between the zoning and the land use designation per the Encino-Tarzana Community Plan. The motion was adopted by the City Council on August 13, 2008.

Project

No development project is proposed in conjunction with the above request.

Subject PropertiesExisting Land Use:

- A. 17622 W. Weddington Street, site is improved with a one-story 3,181 square foot single-family house that was built in 1954.
- B. 17623 W. Weddington Street, site is improved with a one-story 3,389 square foot single-family house that was built in 1953.
- C. 17634 W. Weddington Street, site is improved with a one-story 2,098 square foot single-family house that was built in 1955.
- D. 17635 W. Weddington Street, site is improved with a one-story 3,288 square foot single-family house that was built in 1953.
- E. 17646 W. Weddington Street, site is improved with a one-story 2,425 square foot single-family house that was built in 1955.
- F. 17647 W. Weddington Street, site is improved with a one-story 2,384 square foot single-family house that was built in 1953.

Plan Land Use: The plan designation for the six subject parcels is Low Medium II Residential. The corresponding zones for this land use designation are RD1.5 and RD2.

Existing Zone: The lots are zoned RA-1.

Lot size range: The lot areas range from 16,386 square feet to 16,472 square feet.

Surrounding Land Use and Zoning

- North:** Abutting the three subject properties on the north side of Weddington Street is a house of worship and parochial school. CPC-2005-2806-CU-ZV was approved on March 13, 2007 to permit the school expansion and included a condition limiting the height of new construction to 32 feet. This site is zoned RA-1 and is designated Low Medium II Residential.
- South:** Abutting the three subject properties on the south side of Weddington Street is a condominium development on a 5.91 acre site that has frontage on White Oak Avenue. Additionally, there are six RA-1 zoned properties around the McCormick Street cul-de-sac, which are developed with one-story single-family dwellings. All six of the parcels are designated as Very Low I Residential.
- East:** The area east of the six subject properties are all zoned RA-1 and are developed with mostly one story single family dwellings. This area includes properties on Weddington Street, Shoshone Avenue, Margate Street and McCormick Street.
- West:** The west side of White Oak Avenue is zoned RD2-1 and is developed with multi-family developments that are mostly two stories in height and have RD2 densities. The area further west includes multi-family developments along Yarmouth Avenue that are zoned R3-1. Additionally, there is a church and religious school on an RA-1 zoned property on the southwest corner of Magnolia Boulevard and White Oak Avenue.

Street Classification

White Oak Avenue is adjacent to two of the subject properties and is designated as a Major Highway Class II. The road is dedicated to a width of 100 feet.

Weddington Street is adjacent to all of the six subject properties and is designated as a Local Street. The road is dedicated to a width of 60 feet. Weddington Street serves as one of the primary access point to the single-family residential neighborhood east and south of the Ventura Freeway (US 101).

Shoshone Avenue is located east of the six subject properties and is a designated Local Street. The road is dedicated to a width of 60 feet.

McCormick Street is located south of six subject properties and is a designated Local Street. The road is dedicated to a width of 54 feet. McCormick Street ends approximately 300 feet west of Shoshone Avenue.

Related Cases

APCSV-2007-285-ZC-ZAA: Request to construct a 4-story, 45-foot high 15-unit apartment with 38 subterranean parking spaces at 17634 Weddington Street, which is one of the six subject parcels included in this proposed General Plan Amendment. The requested entitlements included a Zone Change from RA-1 to RD1.5-1, and an Adjustment to permit 11 base units (before the "by-right" density bonus calculation of 4 additional units) in lieu of the

maximum of 10 units permitted in the requested RD1.5-1. South Valley Area Planning Commission (APC) unanimously voted to disapprove the request on November 8, 2007. The applicant appealed the South Valley APC's decision to City Council. The City Council's Planning and Land Use Management Committee denied the appeal on May 6, 2008, and the appeal went before the full City Council on May 27, 2008 where the PLUM Committee's report was adopted.

CPC-2005-2806-CU-ZV: Approved request for a maximum addition of 21,560 square feet of floor area and to permit 206 parking spaces in lieu of the minimum parking spaces required for an existing private school facility at 5300 N. White Oak Avenue, which is directly north of the subject parcels included in this proposed General Plan Amendment. The request was approved by the City Planning Commission on March 13, 2007.

CPC-1997-42 CPU: Encino-Tarzana Community Plan Update Program (December 16, 1998).

CPC-1987-2-ZC: Approved zone change from RA-1 to (T)(Q)RD2-1 for a condominium development for 5180 White Oak Avenue, as well as retaining the General Plan land use designation of Low Medium II Residential for this subject property and changing the land use designation for two properties (17628 and 17629 McCormick St) located at the end of the cul-de-sac on McCormick St. from Low Medium II Residential to Very Low I Residential

Reports Received

No Reports were received prior to the completion of the Hearing Officer's report to the City Planning Commission.

Issues

It was apparent at the public hearing as well as from the written and emailed comments that the majority of neighborhood residents living in the single-family residential neighborhood to the east of six subject parcels are in favor of the general plan amendment that would reduce the Community Plan land use designation of the six properties consistent with the RA-1 zoning. Proponents were concerned that allowing development on the six lots consistent with the Low Medium II land use designation would have significant adverse impacts on traffic congestion, on-street parking, privacy, and pedestrian safety on designated Local Streets that do not have sidewalks. They were also concerned that the current land use designation would permit taller, higher density multi-family housing that would be incompatible with the adjacent single-family neighborhood.

The six subject parcels are large, deep, and are similar in size, ranging from 16,386 to 16,472 square feet. All of the parcels are zoned RA-1 and are developed with one story single-family homes. With the exception of the two properties on the north and south side of Weddington Street, directly east of White Oak Avenue (17646 and 17647 Weddington Street), all of the properties located on White Oak Avenue between Ventura Boulevard and the US-101 Ventura Freeway are either developed with multi-family dwellings that range from RD2 to R3 intensities, are institutional uses, or are commercial uses. The majority of the properties on the east side of White Oak Avenue are designated Low Medium II Residential. As White Oak Avenue is a designated Major Highway Class II, the intent of this particular land use designation follows the policy of placing higher density on higher capacity roadways. However, as previously mentioned, the lots along White Oak Avenue are large

and deep, and an unintended consequence of these deep lots results in the continuation of the Low Medium II designation into an established single-family residential neighborhood Weddington Street.

The intent of the plan amendment is to continue to preserve the existing zones with an appropriate land use designation to minimize the potential impacts to an established single-family neighborhood. The six subject parcels mark the entrance into this "large-lot subdivision", and Weddington Street, which is a designated Local Street, serves as the only access point from White Oak Avenue for the residential neighborhood to the east. It is also worth noting that the internal circulation in the single-family neighborhood is limited because of the number of streets that dead end, including Weddington Street, McCormick Street and Shoshone Avenue. The current land use designation would allow development intensities that would not only be out of scale with the surrounding single-family residential neighborhood, but would also worsen traffic congestion and create potentially hazardous conditions for vehicular traffic and pedestrians, as Weddington Street does not have sidewalks.

Finally, the opposition to the request stated that the existing land use designation of the six subject parcels is consistent with the pattern along White Oak Avenue (north and south). In fact, these lots are oriented to Weddington Street and are actually more an extension of the land use patterns established to the east in the single-family neighborhood.

The current Low Medium II Residential land use designation creates a gradual chipping away of the single-family RA-1 zoned lots in this residential neighborhood. The proposed Very Low I Residential land use designation allows RA zoning, which matches the existing zoning, thus creating continuity and protecting the existing stable single family and low density residential neighborhood from encroachment by higher density residential uses that would be incompatible with the development capacity along Weddington Street, a designated Local Street. Therefore, the proposed plan amendment is an appropriate response to the unique conditions of these six subject parcels, which make them inappropriate for the level of development that is currently permitted.

FINDINGS

1. **General Plan Land Use and Zoning Designation.** The six subject properties are located within the Encino-Tarzana Community Plan, adopted by the City Council on December 16, 1998 (Case No. CPC-1997-42-CPU). On May 30, 2008, the City Council passed a motion requesting an amendment to the Community Plan to change the plan designation of the six subject parcels from Low Medium II Residential to Very Low I Residential. While the six subject parcels are all currently zoned RA-1, which corresponds to the requested Very Low I Residential designation, the Community Plan currently designates the properties as Low Medium II Residential, which corresponds to RD1.5 and RD2 zones. The subject parcels are all zoned RA-1 and mark the only eastern entrance into an established single-family residential neighborhood. Moreover, the six parcels face Weddington Street, a designated Local Street that does not have sidewalks. The zoning is consistent with the surrounding area, but the current Low Medium II Residential is inconsistent and would allow development intensities that would be out of scale with the surrounding neighborhood. The proposed Plan designation of Very Low I Residential is **consistent** with the current RA-1 zoning designation.
2. **General Plan Text.** The proposed amendment to the land use designation of the six subject parcels is consistent with the following land use objectives, policies, and programs listed in the Encino-Tarzana Community Plan as indicated below:

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1-1.2 Protect existing single family residential neighborhoods from new, out-of-scale development.

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1-1.5 Maintain at least 63% residential land designated for single family uses.

1-1.6 The City should promote neighborhood preservation, particularly in existing single family neighborhoods, as well as in areas with existing multi-family residences.

Objective 1-3 To preserve and enhance the varied and distinct residential character and integrity in existing single and multi-family neighborhoods.

CF 09-1441

Policies:

1-3.2 Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

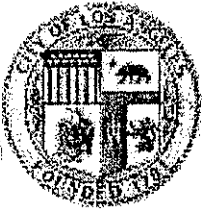
3. **City Charter Section 556 and 558.** The recommended general plan amendment to the Encino-Tarzana Community Plan complies with Charter Section 556 and 558 in that the recommended amendments complements the land use patterns and trends in the immediate area for transitional residential uses, and furthers the intent, purposes and objectives of the Community Plan. Under the current land use designation, the six subject parcels could be developed with a maximum of approximately 84-90 dwelling units¹ of new development. The subject parcels are all zoned RA-1 and mark the only eastern entrance into an established single-family residential neighborhood. If the six subject parcels were developed to the maximum intensity permitted by the current land use designation the level of additional vehicles that would be taking access from Weddington Street would worsen traffic congestion on this designated Local Street, creating potential hazardous conditions for both vehicular traffic and pedestrians, particularly because Weddington Street does not have sidewalks. The majority of the properties on the east side of White Oak Avenue are designated Low Medium II Residential on the General Plan Land Use Map. As White Oak Avenue is a designated Major Highway Class II, the intent of this particular land use designation follows the policy of placing higher density on higher capacity roadways. However, on further investigation of the six parcels, the surrounding neighborhood, and its street network, it is clear that under the present conditions of Weddington Street, a Local Street with no sidewalks and improved to 60 feet in width, the current land use designation would allow development intensities that could not be supported by the infrastructure and would be out of scale with the surrounding neighborhood.
4. **California Environmental Quality Act (CEQA).** For the reasons set forth in ENV-2009-23-CE, the project has been issued a Categorical Exemption since it will not have an effect on the environment. Pursuant to Section 15308 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) entitled *Categorical Exemptions – Actions by Regulatory Agencies for the Protection of the Environment*, Categorical Exemptions are issued for actions taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment. This action by the City of Los Angeles involves more stringent land use regulations than what is currently in place in this area. This action will allow residential development more in keeping with the surrounding single-family area.
5. **Sewerage Facilities.** The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health

¹ If the existing land use designation were to remain, the six properties could be developed with up to 84 to 90 units. The potential number of units is based on the existing Medium Low II land use designation, which would allow up to RD1.5 zoning intensity with an associated zone change. RD1.5 density would allow for up to 10 units plus a "by-right" density bonus of 4 additional units, or 11 units with an Adjustment (Section 12.28 of the Municipal Code) plus 4 units with density bonus. Moreover, RD1.5 zoning would allow for a maximum height of 45 feet.

and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

**Interim Processing Procedures for
Affordable Set-Aside Unit Cases (SB 1818)
a.k.a. Density Bonus, dated August 7, 2007**



Executive Office

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012



August 7, 2007

TO: **ALL PLANNING STAFF**

FROM: **EVA YUAN-MCDANIEL
DEPUTY DIRECTOR**

SUBJECT: **INTERIM PROCESSING PROCEDURES FOR AFFORDABLE SET-
ASIDE UNIT CASES (SB 1818) a.k.a. DENSITY BONUS**

State Government Code 65915 (codified SB 1818) can be found online at <http://www.leginfo.ca.gov> (from the main page, select "California Law," then check "Government Code" and type in "65915" in the keyword box).

This memo does not provide a thorough overview of the topic. It is advised that you read the State Code, the draft SB 1818 ordinance, and other materials in the Density Bonus Folder on the shared N drive. This memo supersedes previous information or documents.

The following information is based on a training session given by City Attorney staff Kenneth Fong and Siegmund Shyu on June 21, 2007. It was subsequently reviewed by the City Planning Policy Committee on July 13, 2007.

INTERIM CASE PROCESSING—PRIOR TO APPROVAL OF ORDINANCE:

- The draft SB 1818 implementing ordinance is not yet approved, and therefore should not be officially referenced, but can be used as guidance. Determination letters should **reference Government Code 65915**. Incentives and other provisions in the draft ordinance are more specific than the state law prescribes; these can be requested and granted in decisions, but should not be directly cited in documents (e.g. by section of draft ordinance). We are recommending applicants to use these incentives, but they shouldn't be described as on-menu or off-menu, which are terms used in our draft, not-yet-approved ordinance.
- For these cases, if there are no other discretionary actions, or if the only other action is Site Plan Review, the case shall be handled by the **Community Planning Bureau** staff.
- If there is no companion case or other discretionary action, the initial **decision maker** will continue to be Director of Planning and the appeal body CPC. If there is a companion entitlement, the approval should follow that process.

GENERAL CONSIDERATIONS:

- Density bonus cases are **discretionary**. Technically, we have the authority to approve or deny them; they have findings that must be met to in order to disapprove; (these are very limited findings) thus these projects are not ministerial.
- As part of the application requirements, insist that applicants submit a detailed **justification** as to why they need the incentives in order to provide the affordable units, and they should submit language pertaining to each of the two findings described below. The burden is on the applicant to provide us detailed information as to why they cannot be denied.
- Projects should be approved unless you can **make a finding** stating either 1) that a bonus or concession / incentive is "not required in order to provide for affordable housing costs" or 2) that it would have a "specific adverse impact...upon public health and safety."
- **Incentives / concessions** must be approved unless you can make one of the two findings in the previous paragraph. The incentives trump the LAMC, including Specific Plans, Qs (consider them like "free variances"), but it doesn't entirely negate existing plans. Projects are exempt only from the particular provisions they request. For example, a project could exceed the FAR requirement for a Specific Plan (if requested) but would have to meet the signage requirements (unless relief was also requested). Notably, these projects cannot trump/preempt state law, e.g. Subdivision Map Act or Coastal Act.
- **Conditions of Approvals** can be used. They are stronger and more legally defensible if the condition is tied to CEQA or linked back to an issue identified in the Environmental document, e.g. an MND. They are also stronger if you can make one of the above findings ("that your condition changes an element that is not required in order to provide for affordable housing costs.") Otherwise, use with caution and make sure the determination doesn't result in a "refusal to grant a requested density bonus, incentive, or concession" or a preclusion of the use of incentives. Possible conditions of approval include:
 - Somewhat limiting the size of the units if you can find that reducing their size produces a smaller building more compatible with surroundings, or
 - Requiring upper story step-backs to mitigate the additional height and bulk.
 - (Note that both of these examples may limit FAR, so keep that in mind if FAR increase happens to be one of the incentives requested.)
- Applicants can ask for a maximum of 35% additional units. The requests for incentives / conditions are nearly unlimited.
- Keep in mind that although these are commonly referred to as Density Bonus cases, projects don't have to utilize a density or unit bonus per se, they can choose to construct under the permitted density, but use incentives/concessions in order to build affordable units.
- Use the term "restricted affordable units" in determination letters.

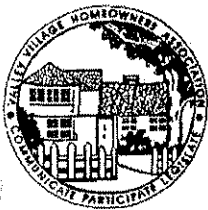
ENVIRONMENTAL REVIEW / CEQA

- All applicants should file for an initial study or provide the evidence necessary to make the Categorical Exemption findings. Most cases will require MNDs. Categorical Exemptions are likely not appropriate, unless we have substantial evidence to support the categorical exemption findings (we should not assume the findings can be made – we need to have the evidence to support them in advance).
- CEs previously thought applicable are no longer appropriate:
 - Categorical Exemption Class 3, Category 17 City CEQA Guidelines cannot not be used at all. This is a categorical exemption that relies on mitigation. When the City CEQA Guidelines were last updated in 2002, this may have been arguably permitted, but based on subsequent case law, specifically *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, this is no longer allowed.
 - Furthermore, from Article 19 of the CEQA Guidelines, Section 15332 pertaining to In-fill Development Projects (Class 32) would be difficult to use, unless there is substantial evidence that a project “would not result in any significant effects relating to traffic, noise, air quality, or water quality” (without using mitigation). This may be very difficult to show, particularly during the time of construction.
- For borderline projects, savvy developers will use an EIR, the most legally-defensible environmental document. Although it requires mitigation to the fullest extent possible, EIRs also permit overriding considerations. Also, the standard of review for legal challenges is much better than for MNDs.
- Again, for denial of incentives and concessions or for conditions of approval, you need to tie the concern to CEQA (i.e. traffic issues identified in the MND).
- For Site Plan Review purposes, projects under 50 units (not including density bonus units) do not need a separate Site Plan Review. However, they still need density bonus review under SB 1818 which is a discretionary action.

LESSONS LEARNED FROM CASE DIR-2006-6997-DB-1A (Staff: Kevin Keller) HEARD BY CPC ON 06-28-07

- CPC believed it was a “Model Staff Report”
- CPC believed conditions were warranted, and:
 - Required additional (5 vs. 3) low income units
 - Required 10 foot setback on top story
 - Required rear-facing façade modulation
 - Required that construction noise be limited, with work to start at 9 on Saturdays, rather than city standard of 8 am.
 - Voluntarily offered: to protect trees and ensure quality landscape

**Neighborhood Councils
And Other Community Organizations
Letters of Support**



VALLEY VILLAGE HOMEOWNERS ASSOCIATION
P.O. BOX 4916
VALLEY VILLAGE, CA 91617
ValleyVillageHA.com
818-506-5158

January 18, 2010

To whom it may concern:

Commercial and multi-family buildings contribute to the cumulative character of Valley Village, which is largely informed by its single family neighborhoods. The Valley Village Specific Plan written by veteran activists in Valley Village Homeowners Association and approved by the Los Angeles City Council serves to limit overdevelopment along our primary and secondary streets.

SB1818 adversely affects the Valley Village Specific Plan. It allows developers to override the thirty-six foot height limit as well as landscape and open space requirements. Off-street parking space would be drastically reduced. As passed by the California State legislature and implemented by the Los Angeles City Council it would destroy all local controls of multiple-unit construction.

The Board and Membership of the Valley Village Homeowners Association opposes SB1818 and the Los Angeles City Ordinance to implement SB1818. Therefore, we support the appeal (DIR-2008-1178-DB-SPP) regarding the SB1818 development located at 11933 Magnolia Boulevard, Valley Village.

The Valley Village Homeowners Association opposes developments that violate the character of our community, particularly those that are not in compliance with our Specific Plan.

Sincerely,

Peter Sanchez
President
Valley Village Homeowners Association

COASTAL
SAN PEDRO
NEIGHBORHOOD COUNCIL

1536 W. 25th St #223
San Pedro, CA 90732-4415
310-290-0049

GOVERNING BOARD

June Burlingame Smith
President

Dean Pentcheff
Vice President

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Jennifer Marquez

Pam Meisel

Maarcie Miller

Jennifer Radisic

Erin Strellich

Dawn Turner

Alexis Van Ulrich

Peter Warren

To: City Planning Commission, William Roschen, President;
c/o Commission Secretary James K. Williams
City Hall, Room 272
200 North Spring Street
Los Angeles, CA 90012

Reference: City Planning Commission, DIR-2008-1178-DB-SPP &
ENV-2008-1179-MND

At the regular meeting of August 17, 2009, the Coastal San Pedro Neighborhood Council passed the following motion:

Be it resolved that the Coastal San Pedro Neighborhood Council supports the position taken by the board member of the Valley Village Neighborhood Council and Valley Village residents Dale Liebowitz-Neglia, Jennifer Reed, Sandy Hubbard et al. in their appeals that oppose the Density Bonus (SN1818) development [DIR-2008-1178-SPP] located at 11933 Magnolia Boulevard, Valley Village.

As secretary I am notifying you that the Coastal San Pedro Neighborhood Council voted to support that motion by a vote of 17 for, 0 against. See item 10 of attached minutes.



Bruce Horton
Secretary
Coastal San Pedro Neighborhood Council



An official
neighborhood
council of the
City of Los Angeles

Certified December 11, 2001

BOARD MEMBERS

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VICE CHAIRPERSON
Anne Ziliak

Pat Casparian
Mary Ellen Crosby
Sue De Vandy
Naysa Frechette
Rafael Garcia
Sid Gold
Michael Greenwald
Gary Holmen
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Joshua Jordahl

Skip Leifer
Agnes Lewis
William Lillenberg
Scott Manatt
Ray Pollok
Eric Rosenberg
Steven Smith
Jan Subar
Joe Vitt

CITY OF LOS ANGELES CALIFORNIA



Granada Hills North Neighborhood Council Board Meeting Agenda Monday, July 27, 2009 6:30 p.m. Kennedy High School 11254 Gothic Ave

GRANADA HILLS NORTH NEIGHBORHOOD COUNCIL

11139 Woodley Ave.
Granada Hills, CA 91344
Telephone (818) 831-0578
www.ghnnc.org

The Agenda is posted for public review at GHNNC Office, 11139 Woodley Ave, HOWS Market located at 11900 Balboa Blvd., Sugar Suite located at 11858 Balboa Blvd., Bee Canyon Park Kiosks (2) – one located across from 17160 Van Gogh St and the other at the playground between Van Gogh and Sesnon Blvd. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Advocate at 818-374-9895 or e-mail amelia.herrera-robles@lacity.org

AGENDA

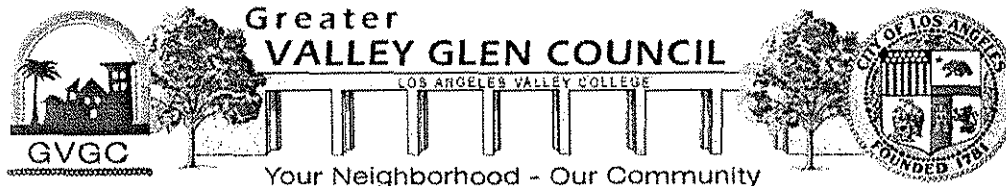
All agenda items are subject to discussion and possible committee action

- 1) Call to Order, Roll Call, Pledge of Allegiance, Chair Comments
- 2) Approval of June 29, 2009 Board Meeting Minutes
- 3) Public Comment on non-agenda items
- 4) **Motion** (Frechette): That GHNNC sponsor an ad in Kennedy HS's Football program for \$125, subject to GHNNC's prior year's funds being released.
- 5) Committee Reports and possible action items:
 - Ad Hoc Nominating Committee* – **Motion**: That GHNNC accept the resignation of Natasha Vetlugin from the Board of Directors of GHNNC;
 - Motion**: That GHNNC appoint Bill Hopkins to the District 3 vacancy on the Board created by Natasha Vetlugin's resignation; **Motion**: That GHNNC appoint Ralph Kroy to be the Faith-Based Representative on the Board.
 - Citywide Issues* – Sid Gold: **Motion**: That GHNNC support the continuation of the ICO and further that no hardship exemptions be granted by City Council until an appropriate process is developed to evaluate all dispensary applications that would include input from all concerned parties and further that we send these recommendation to Councilman Greig Smith and to the City Attorney. **Motion**: That GHNNC support the Stakeholders of Valley Village's appeal [DIR-2008-1178-SPP] regarding the SB1818 Development located at 11933 Magnolia Boulevard, Valley Village and further that the GHNNC submit a letter of support for the appeal to the Los Angeles Planning Commission. **Motion**: That GHNNC oppose any ordinance that shifts costs for sidewalk repair from the city to an individual property owner and further that GHNNC submit a letter to Councilman Greig Smith stating our opposition to any cost shifting.
 - Outreach* – Sue DeVandry: **Motion**: That GHNNC support the Granada Hills Street Faire on October 3, 2009 in the amount of \$2500.00.
 - Motion**: That GHNNC purchase one carton (480 wipes), gloves/zip lock bags to give away at the Street Faire. Price not to exceed \$500.00.
 - Parks and Beautification* – Mary Ellen Crosby: Update
 - PLUM* – Anne Ziliak **Motion**: That the GHNNC write a letter of support for the operation of an adult day-care operation for up to 40 mentally disabled adults at 11451 Woodley Ave within an existing church and ask that a full public hearing be conducted, that security be provided to prevent the unsupervised exit from the property and that the number of clients not exceed the 40. **Motion**: That the GHNNC Board oppose the project as submitted to parcel 12130 Nugent Drive into 4 (SF) lots on a 71,857.2 sq. ft. lot. **Motion**: That the GHNNC write a letter of support for the Mountain Recreation and Conservation Authority application for Proposition K grant to acquire 100 acres of land that includes Elsmere Canyon for open space. To send letters of support for the land acquisition for public recreation and park purposes to LA county Supervisors, Santa Monica Mountain Conservancy and City of Santa Clarita. **Motion**: That the GHNNC Board oppose the placement of an Above Ground Facility sited for 282 ft north of Westbury (city reference#2009002520), which is within a pending Historic Preservation Overlay Zone (HPOZ). **Motion**: That the GHNNC send a letter to the City and all landfill regulatory agencies opposing the placement of any landfill related facilities or equipment within the buffer zone, which includes the oil/gas exploration area to the south of the landfill berm.
 - Policy and Rules* – Eric Rosenberg: **Motion**: That the GHNNC adopt the Policy & Rules Committee's proposal for updating our Policies & Guidelines (Standing Rules).
 - Public Safety* – Michael Greenwald: Update
- 6) Adjournment

Food and drinks available for ALL attendees!

Please be advised that the Bylaws of the Granada Hills North Neighborhood Council provide a process for reconsideration of actions as well as a grievance procedure. For your convenience, the Bylaws are available on our website: www.ghnnc.org In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at GHNNC.ORG or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact us at (818) 831-0578.

THIS MEETING IS NEITHER SPONSORED BY NOR IS IT IN ANY WAY CONNECTED WITH
THE LOS ANGELES UNIFIED SCHOOL DISTRICT



- Officers -

Terry Anderson
PRESIDENT
Christopher Ueland
VICE-PRESIDENT
Montie Mazo
SECRETARY
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TREASURER

CITY OF LOS ANGELES
Greater VALLEY GLEN COUNCIL
13659 Victory Blvd., #136
Valley Glen, California 91401
818) 772-GVGC WWW.GVGC.US

- Board Members -

Terry Anderson	Fernando Ayala
Douglas Breidenbach	Maria Denis
Carlos Ferreyra	William Fishman
Stanley Friedman	Ted Geldberg
Eli Kademian	Hafeed Kardouh
Charlotte Laws	Larry G. Jorgenson
Montie Mazo	Chris Mushyan
Gary Popenoe	Kathleen Schwartz
Bruce Thomas	Karo Torossian
Chris Ueland	Vic Viereck

September 15, 2009

City of Los Angeles
Planning Commission
William Roschen, President
c/o Commission Secretary James K. Williams
City Hall Room 272
200 North Spring Street
Los Angeles, CA 90012

RE: DIR-2008-1178-SPP and ENV-2008-1179-MND

Ladies and Gentlemen of the Planning Commission:

The Greater Valley Glen Council Board, at its September 14, 2009 Meeting approved the following motion:

The Greater Valley Glen Council strongly supports the Neighborhood Council Valley Village in regards to two appeals (DIR-2008-1178-SPP and ENV-2008-1179-MND) for the proposed development located at 11933 Magnolia Blvd. The appeals reflect opposition to the use of the City of Los Angeles's enabling ordinances with regard to SB 1818.

This motion passed by unanimous vote.

Please consider this additional opposition to the use of the City's SB 1818 enabling ordinance with regard to the referenced two appeals before the Planning Commission.

Thank you,

Terry Anderson

Terry Anderson
President

Sent by post and also by E-mail to: james.k.williams@lacity.org

Cc:

City Planners: Sevana Mailian: sevana.mailian@lacity.org

Bob Duenas: Bob.Duenas@lacity.org

Council Office CD2: Councildistrict2@lacity.org



September 9, 2009

LUCILLE SAUNDERS, President
La Brea-Willoughby Coalition
843 North Detroit Street
Los Angeles, California 90046

La Brea Willoughby Coalition
Save the neighborhood!

To: City Planning Commission
William Roschen, President
c/o Commission Secretary James K. Williams
james.k.williams@lacity.org
Cc: Sevana Mailian, sevana.mailian@lacity.org
Bob Duenas, Bob.Duenas@lacity.org
Council Office CD2, Councildistrict2@lacity.org

Re: City Planning Commission, DIR-2008-1178-DB-SPP & ENV-2008-1179-MND

The La Brea Willoughby Coalition adds our voices to appeal the density bonus in the above case as presented by appeal documents filed by the 11911 Magnolia Blvd. HOA and other residents on the 11933 Magnolia Blvd. project, and to the appeal filed by Tony Braswell for the Board Members of Valley Village Neighborhood Council. To support our position, we find:

1. Lack of consultation with Neighborhood Council Valley Village

The failure of the Director to require review by NCVV prior to approval and to consider the input of the Neighborhood Council demonstrates a disregard for the community and is an inappropriate use of Planning Department discretionary authority.

2. Not compatible with neighborhood character, General, Community and Specific Plans

The proposed development of this site does not reflect the prevailing character of the community and will stand dramatically at odds with adjoining properties. This is a failure of the Planning Department to uphold and negotiate vigorously to minimize transgressions of our General, Community and Specific Plans.

The excessive height and density of this project will, in the future, be improperly cited as a precedent for variances and exceptions, which by its very outsized presence enable opportunities for projects not presently entitled to density bonus and further deteriorating the character of the neighborhood.

Planning Department Procedural Irregularities

There have been many procedural irregularities associated with this developer's application and with the Planning Department not acting in its mandated "oversight" role of the process. There appears to have been a bias within the Department to act as an abettor to forward the project's approval no matter under what code of law and no matter the lack of proper documentation.

There was a failure of the Planning Department to defend the community's General, Community and Specific Plans in extending numerous incentives not even requested. An example was the failure of the Planning Department to require mandated downzoning as called for by AB283.

The Planning Department did not require adequate documentation of economic feasibility or to use any standard to determine this feasibility. This impacts precisely on whether the proposed affordable units could be provided with far less density and with some different concessions that would not trample the General, Community or Specific Plans, and be acceptable to the Neighborhood Council.

Failure to Adequately Oversee and Address Traffic/Safety and other CEQA Impacts

The City lacks the process to adequately evaluate either the economic feasibility or the environmental (and health and safety) component. Therefore, the project cannot and should not be approved until such procedures, processes, and protocols are in place.

There was failure of the Planning Department to defend our General, Community and Specific Plans by accepting conflicting, outdated and improper documents from the developer at face value without any investigation as to their veracity or applicability to the current project.

The cumulative impacts of this project on the street, the infrastructure, traffic, and other CEQA concerns have not been adequately addressed or mitigated. A small 3-project inquiry cannot give an adequate picture to the extraordinary overbuilding in the area.

The project brings traffic congestion to the substandard surrounding and collector streets -- streets not even included in the "cumulative impact" investigations. Streets which for the most part have no sidewalks or infrastructure to protect the many bicyclists, children and pedestrians. Traffic mitigations are inadequate and imperil single family neighborhoods with DOT's noted reliance on additional cut thru traffic.

The current water drought concerns should deny additional units being built. A further strain on the infrastructure in the form of power outages, water shortages and rate heights should not be borne by the current residents of Los Angeles so developers can make tidy profits while the public shoulders the ultimate and continued burden.

As a Neighborhood Coalition, we share these grave concerns that affect all of us. We consider them unacceptable and support the appellants. Please consider this position when making a decision on this matter.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Lucille Saunders

T: 323.939.2754

F: 323 933.4575

E: labreacoalition@gmail.com

LA Neighbors United

October 9, 2009

James Williams
City Planning Commission
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

RE: DIR-2008-1178-DB-SPP-1A
ENV-2008-1179-MND
11933 Magnolia Boulevard, Valley Village

Dear Mr. Williams:

We urge members of the City Planning Commission to grant the appeal of the Planning Department decision in this case. The application in its current form is unacceptable; the project should be rescaled.

Our support for the appeal is grounded in the following concerns:

- 1- The negative impacts of the project, combined with two other projects already approved, are not sufficiently mitigated by conditions imposed by the City. In particular, the streets that connect these projects to the nearby Orange Line station have incomplete or nonexistent sidewalks, posing a safety risk for pedestrians to access the transit, and for kids who will have to dodge the cut-through traffic as they walk to four area schools. (The three new developments together will add nearly 1,000 daily car trips to the neighborhood, based on conservative estimates.)

Also, notably, the planned Magnolia Boulevard improvements are insufficient to accommodate the new traffic that will be generated by these projects.

Frankly, we find it remarkable that a full EIR was not conducted given the cumulative impact of the three new projects.

- 2- The City erroneously continues to contend that a rear yard portion of the site is a side yard, and thus is allowing a reduced setback. As a result, neighbors on both sides of the property line at the rear of the site will suffer from a lack of privacy and open space.
- 3- The density-bonus granted to the developer is excessive and unnecessary to provide 12 units of affordable housing. No pro forma was submitted to justify the award. Twelve units of affordable housing can be provided in an economically feasible manner without increasing overall project density to 146 units.
- 4- There is a significant net loss of affordable housing, counter to the intent of SB 1818. Fifty-one RSO units are being demolished to create 12 low-income units.

This project should be rescaled to respect the neighborhood. The fact that the property is adjacent to an RD1.5-1 site is a compelling reason to develop this site with sensitivity, not to overdevelop it as the current project plan would do.

Thank you for your consideration.

Sincerely,



Cary Brazeman

128 N. Swall Drive #304, Los Angeles CA 90048, 310 205 3592



**Mar Vista
Community Council**

P.O. Box 66871
Mar Vista, CA 90066

**Board of Directors
2009-2010**

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albert@marvista.org

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smcommins@marvista.org

2nd Vice Chair

Bill Koontz
billk@marvista.org

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Laura Bodensteiner
laura@marvista.org

Treasurer

Christopher McKinnon
chrism@marvista.org

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Babak Nahid

Zone 2

Bill Koontz

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Stephen Boskin

Zone 5

Christopher McKinnon

Zone 6

Marilyn Marble

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Laura Bodensteiner
Sharon Commins
Bob Fitzpatrick
Albert Olson
Bill Scheduling

Community Director

Rob Kadota



Certified Neighborhood Council
August 13, 2002

September 8, 2009

The Mar Vista Community Council Board of Directors, at its regular September 8th Board meeting, approved the following motion:

The Mar Vista Community Council (MVCC) supports the stakeholders of Valley Village in regard to their two appeals of [DIR-2008-1178-SPP] regarding the SB1818 development located at 11933 Magnolia Boulevard Valley Village: (1) Dale Neglia et al; (2) The membership of the Board of Neighborhood Council Valley Village.

The MVCC expresses its support for the concerns expressed by the Board of Valley Village Neighborhood Council and the apparent lack of transparency in regard to the project. We assert the need for the Planning Department to proactively engage Neighborhood Councils when evaluating these development projects.

Thank You,

Albert Olson
Chair
Mar Vista Community Council
Board of Directors

To: City Planning Commission
William Roschen, President
c/o Commission Secretary James K. Williams
City Hall Room 272
200 North Spring Street
Los Angeles, CA 90012

FAX: 213-978-1029

E-mail:

Cc: City Planners Sevana Mailian,
Bob Duenas,
Council Office CD2,

Reference: City Planning Commission, DIR-2008-1178-DB-SPP & ENV-2008-117

At its regular meeting of September 16, 2009, the Northridge East Neighborhood passed the following motion:

MOTION The Board of the Northridge East Neighborhood Council supports the s Valley Village in regard to their two appeals of [DIR-2008-1178-SPP] regarding th development located at 11933 Magnolia Boulevard Valley Village: (1) Dale Neglia membership of the Board of Neighborhood Council Valley Village.

We agree:

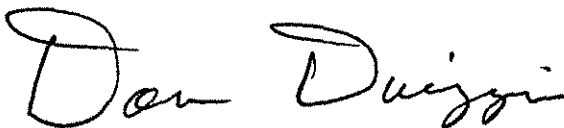
- 1) That the failure of the Director to require review by NCVV prior to approval consider the input of their Neighborhood Council, demonstrates a disregard for the community, and is an inappropriate use of Planning Department discretion.
- 2) That development of this site does not reflect the prevailing character of the neighborhood and will stand dramatically at odds with Magnolia Blvd and its many 2-story homes. This is a failure of the Planning department to uphold and negotiate vigorously to minimize transgressions of our General, Community and Specific Plans.
- 3) That the Planning Department did nothing to require adequate documentation of economic feasibility or to use any standard by which to determine this feasibility impacts precisely on whether the proposed affordable units could be provided at less density and with some other different concessions that would not transgress our General, Community or Specific Plans, and be acceptable to the Neighborhood Council.

- 6) That there appears to have been a bias within the Department to get this project approved no matter under what code of law and no matter the lack of proper documentation.
- 7) That there have been many procedural irregularities associated with this Developer's application with the Planning Department as an abettor to forward the approval.
- 8) That the project brings traffic congestion to the substandard surrounding and collector streets -- streets not even included in the "cumulative impact" investigations. Streets which for the most part that have no sidewalks or infrastructure to protect the many bicyclists, children and pedestrians. Traffic mitigations are inadequate and imperil single family neighborhoods with DOT's noted reliance on additional cut thru traffic.
- 9) That there was a failure of the Planning Department to defend our General, Community and Specific Plans in extending numerous incentives not even requested.
- 10) That there was failure of the Planning Department to defend our General, Community and Specific Plans by accepting conflicting, outdated and improper documents from the Developer at face value without any investigation as to their veracity or applicability to the current project.
- 11) That there was failure of the Planning Department in approving a project that invades neighbors rights to privacy, to the future use and enjoyment of their open space property and common areas.
- 12) That there was failure of the Planning Department to require mandated downzoning as was called for by AB283 and thereby defend our General, Community and Specific Plans.
- 13) That the cumulative impacts of this project on the street, the infrastructure, traffic, and other CEQA concerns have not been adequately addressed or mitigated. That a small 3-project inquiry cannot give an adequate picture to the extraordinary overbuilding in the area.

As a Neighborhood Council, we share these grave concerns. They are matters that affect all of us. We consider them unacceptable and support the appellants. Please take this position into consideration when making a decision on this matter.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in black ink, reading "Don Dwiggins". The signature is fluid and cursive, with the first name "Don" and last name "Dwiggins" clearly distinguishable.

Don Dwiggins, 1st Vice President and Land Use chair,

for Steve Patel, President, Northridge East Neighborhood Council



October 26, 2004

Northridge West Neighborhood Council
9401 Reseda Boulevard, Suite 200 • Northridge, CA 91324
www.northridgewest.org



RESOLUTION OF THE NORTHBRIDGE WEST NEIGHBORHOOD COUNCIL

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Glen Wilson
VP Administration
Jerry Bloom
VP Communication
Neil Perl
Treasurer
Pam Kramer
Secretary

Beverley Adler
Meg Augello
Rosanne Dwyer
Ken Futernick
Daniyel Gordon
Tom Johnson
Craig Michayluk
JoAnn Phillips

www.northridgewest.org
(818) 671-1960

Serving the neighbors of
the Northridge West area:

South of the 118 Freeway
West of Reseda Blvd.
North of Nordhoff Ave.
East of Corbin Ave.

Advising the Mayor and
City Council of Los Angeles

The following resolution, having been duly agendized, came before the NORTHBRIDGE WEST NEIGHBORHOOD COUNCIL (the "NWNC") for presentation, discussion, and action at its regular meeting of January 12, 2010. Following discussion on all sides of the issue and review of the resolution, the NWNC by consensus of a majority of the 9 members present, (Number of votes: Yea-9, No-0, Abstain-0) has adopted the following resolution in accordance with the Neighborhood Council bylaws and within the guidelines set forth by the City of Los Angeles and the Department of Neighborhood Empowerment.

Whereas the Planning Department did not require a review by Neighborhood Council Valley Village (NCVV) nor did it consider NCVV's input prior to approval, an action that demonstrates a disregard for the community, and is an inappropriate use of Planning Department discretionary authority.

And whereas the development of this project is not consistent with the prevailing character of community and is dramatically at odds with adjoining properties -- a failure of the Planning Department to uphold and negotiate vigorously to minimize transgressions of our General, Community and Specific Plans and to properly meld the city's planning obligations under the California Government Code,

And whereas the excessive height and density of this project will, in the future, be improperly cited as a precedent for variances and exceptions; which by its very outsized presence enable opportunities for projects that are not presently entitled to density bonus and further deteriorating the character of the neighborhood,

And whereas the current concerns of water drought should deny additional units being built. Thus imposing a further strain on the infrastructure in the form of power outages; water shortages and rate heights should not be borne by the current residents of Los Angeles so that Developers can make tidy profits while the public shoulders the ultimate and continued burden.

And whereas the Northridge West Neighborhood Council shares these grave concerns because they are matters that affect all of us and we consider them unacceptable.

Therefore be it hereby resolved that Northridge West Neighborhood Council supports the two appeals of the Valley Village stakeholders



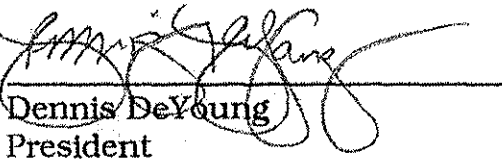
Certified by the Department of Neighborhood Empowerment, City of Los Angeles

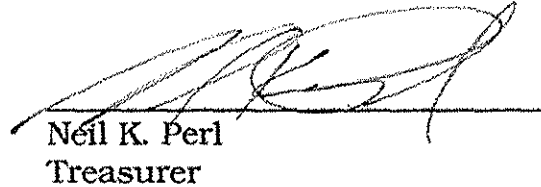
Northridge West Neighborhood Council

regarding the SB1818 development located at 11933 Magnolia Boulevard Valley Village, California [DIR-2008-1178-SPP]

Be it further resolved that the Northridge West Neighborhood Council requests a revision of the SB 1818 Implementation Ordinance to incorporate one simple provision which requires the developer to share its economic pro-formas with the LA City Planning Department and with the Community as to why a given concession or incentive is needed to make a project

Certified by:


Dennis DeYoung
President


Neil K. Perl
Treasurer



Northwest San Pedro Neighborhood Council

"Your Community Voice"

August 10, 2009

William Roschen, President
Los Angeles City Planning Commission
c/o James K. Williams, Commission Secretary
City Hall Room 272,
200 North Spring Street
Los Angeles, CA 90012

Dan Dixon
President

John Mavar
Vice President

Craig Goldfarb
Treasurer

Diana Nave
Secretary

Re: City Planning Commission, DIR-2008-1178-DB-SPP & ENV-2008-1179-MND

Dear Commissioner Roschen,

At its regular meeting on August 10, 2009, the Northwest San Pedro Neighborhood Council unanimously passed the following motion:

The Board of the Northwest San Pedro Neighborhood Council supports the two appeals of the Valley Village stakeholders regarding the SB1818 development located at 11933 Magnolia Boulevard Valley Village [DIR-2008-1178-SPP] for the following reasons:

1) The Planning Department did not require a review by Neighborhood Council Valley Village nor consider its input prior to approval. This does not comply with charter sections 907 and 910. As part of its discretionary authority, the Planning Department should incorporate reviews by the affected Neighborhood Council of all SB1818 applications.

2) The development of this project is not consistent with the prevailing character of the community and is dramatically at odds with adjoining properties. The Planning Department should uphold and negotiate vigorously to minimize transgressions of our General, Community and Specific Plans and properly meld the City's planning obligations under the California Government Code.

3) The City lacks the legally required quantifiable standards to adequately evaluate either the economic feasibility or the environmental (and health and safety) component of SB1818 projects. SB1818 projects should not be approved until such procedures, processes, and protocols are in place. The Planning Department should investigate whether the proposed affordable units could be provided with far less density and/or with different concessions that would not trample on the General, Community or Specific Plans and which would be acceptable to the Neighborhood Council.

5) The City has not complied with its obligation to update, annually, the capacity of its infrastructure so as to properly evaluate the impacts of projects brought before it. Approval of this and other developments creates a further strain on the infrastructure in the form of potential power outages, water rationing and rate hikes which must be borne by the current residents of Los Angeles at no risk to developers' profits.

6) The Planning Department failed to downzone the property as mandated by AB283.

7) The cumulative impacts of this project on the street, the infrastructure, traffic, and other CEQA concerns have not been adequately addressed or mitigated. For example, the project brings traffic congestion to the substandard surrounding and collector streets -- streets not even included in the "cumulative impact" investigations. Most of these streets do not have sidewalks or other infrastructure to protect the many bicyclists, children and pedestrians that use them. In fact, there are five schools within four blocks of the proposed development. Traffic mitigations are inadequate.

8) The excessive height and density of this project will, in the future, be improperly cited as a precedent for variances and exceptions, which by its very outsized presence enable opportunities for projects that are not presently entitled to density bonus and further deteriorating the character of the neighborhood. The City has completely failed to evaluate this growth inducing impact.

These are matters that affect all of us. Please take these points into consideration when making a decision on this matter.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Dan Dixon, President

Cc: Council Offices: CD 2, CD 15

City Planners: Sevana Mailian, Dan O'Donnell, Lynn Harper
Valley Villiage Neighborhood Council

SCNC BOARD

Barbara Monahan Burke
Ezra Dweck
Victor Helo
Remy Kessler
Michael McCue
Ben Neumann
Richard Niederberg
Todd Royal
Lisa Sarkin
Jeremy Schwarz
Gail Steinberg
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Rita C. Villa
John T. Walker



CBS Studios Center
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Edit. Bldg. 2, Suite 6
Studio City, CA 91604
Phone: (818) 655-5400
Email: office@scnc.info
Web: www.scnc.info

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VICE PRESIDENT
John T. Walker
TREASURER
Remy Kessler
SECRETARY
Gail Steinberg
CORRESPONDING SECRETARY
Lisa Sarkin

June 22, 2009

Jennifer Read, et al

Sent by Email

Re: 11933 Magnolia Blvd., Valley Village

To Whom It May Concern:

At its regular meeting June 17, 2009, the Studio City Neighborhood Council passed the following motion:

MOTION 2009.06.17.14d: The Board of the Studio City Neighborhood Council supports the stakeholders of Valley Village's appeal [DIR-2008-1178-SPP] regarding the SB1818 development located at 11933 Magnolia Boulevard, Valley Village.

Please take this position into consideration when making a decision on this matter.

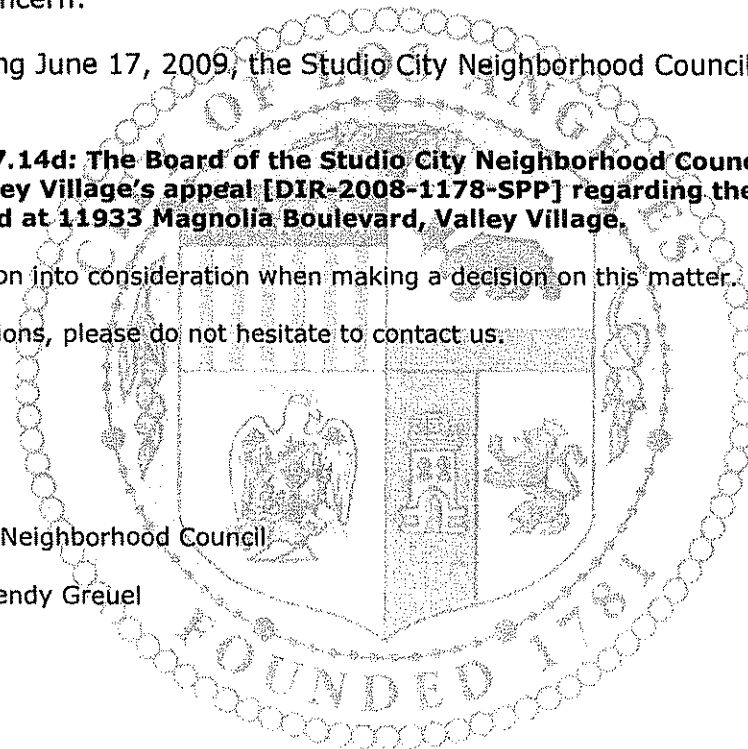
If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Ben R. Neumann
President, Studio City Neighborhood Council

Cc: Councilwoman Wendy Greuel

BRN/ls



Sunland-Tujunga Neighborhood Council

IMPROVING THE QUALITY OF LIFE IN SUNLAND TUJUNGA

7747 Foothill Blvd., Tujunga, CA 91042 • www.stnc.org • 818-951-7411 • FAX 818-951-7412



August 12, 2009

To: City Planning Commission
William Roschen, President
c/o Commission Secretary James K. Williams
City Hall Room 272
200 North Spring Street
Los Angeles, CA 90012

FAX: 213-978-1029

E-mail: james.k.williams@lacity.org

Cc: City Planners Sevana Mailian, sevana.mailian@lacity.org
Dan O'Donnell, dan.odonnell@lacity.org
Lynn Harper, lynn.harper@lacity.org
Council District CD2

Reference: City Planning Commission, DIR-2008-1178-DB-SPP & ENV-2008-1179-MND

As recommended by the Land Use Committee, the Sunland-Tujunga Neighborhood Council hereby passed the following motion:

That the Board of the Sunland-Tujunga Neighborhood Council supports the stakeholders of Valley Village in regard to their two appeals of [DIR-2008-1178-SPP] regarding the SB1818 development located at 11933 Magnolia Boulevard Valley Village: (1) Dale Neglia et al. ; (2) The membership of the Board of Neighborhood Council Valley Village.

We agree:

1) That the failure of the Director to require review by Neighborhood Council Valley Village prior to approval, and to consider the input of their Neighborhood Council, demonstrates a disregard for the community, and is an inappropriate use of Planning Department discretionary authority.

2) That development of this site does not reflect the prevailing character of the community, and will stand dramatically at odds with adjoining properties. This is a failure of the Planning department to uphold and negotiate vigorously to minimize transgressions of our General, Community and Specific Plans.

3) That the excessive height and density of this project will, in the future, be improperly cited as a precedent for variances and exceptions, which by its very outsized presence enable opportunities for projects that are not presently entitled to density bonus and further deteriorating the character of the neighborhood.

4) That the current concerns of water drought should deny additional units being built. A further strain on the infrastructure in the form of power outages, water shortages and rate heights should not be borne by the current residents of Los Angeles so that Developers can make tidy profits while the public shoulders the ultimate and continued burden.

As a Neighborhood Council, we share these grave concerns. They are matters that affect all of us. We consider them unacceptable and support the appellants. Please take this position into consideration when making a decision on this matter.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Sunland-Tujunga Neighborhood Council

A handwritten signature in black ink, appearing to read "Dan McManus", with a long horizontal flourish extending to the right.

Dan McManus
President



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



October 21, 2009

Re: Proposed Project at 11933 Magnolia Blvd. Valley Village, CPC DIR-2008-1178-DB-SPP and ENV-2008-1179-MND

To Whom It May Concern:

The Valley Village Neighborhood Council (VVNC), Stakeholders and Appellants for the above captioned case numbers: CPC DIR-2008-1178-DB-SPP and ENV-2008-1179-MND, appeared before the Venice Neighborhood Council (VNC) Board of Officers on the October 15, 2009. The VVNC asked the VNC to pass a motion against the use of SB1818 for the project located at 11933 Magnolia Blvd. North Hollywood (Proposed Project) as well as a letter which outlined their appeal of the Mitigated Negative Declaration (MND) for the Proposed Project.

In an effort to collaborate with and support the VVNC Stakeholders, the VNC Board of Officers directed this issue to the VNC Land Use and Planning (LUPC) Committee to analyze. Many of the criticisms and/or claims in the Motion and Support Letter which was presented by the VVNC Stakeholders dealt with issues that are outside of the scope of the LUPC and/or the Board of Officers to evaluate, as they deal with policies, a specific plan, and a geographical area that LUPC is not familiar with. However, the VNC LUPC reviewed the project materials, the Directors Interpretation, and the MND for the Project as if it were a project being proposed within the VNC jurisdiction. After a review of the project materials, the Planning Directors Interpretation, as well as the MND for the Proposed Project, the VNC LUPC made several findings regarding the Proposed Project.

The VNC passed a motion based on those findings at its regular Board meeting on October 20, 2009. Specifically, the VNC supported the appeal of the Mitigated Negative Declaration (MND) for the Proposed Project as presented given the discrepancies in the land use designations and zoning. The discrepancies related to zoning merit a full Environmental Impact Report (EIR) and analysis of the project impacts and alternatives. The discrepancies also allow the project to exceed the limits of the land use designation therefore affording the development greater density, height, setbacks and traffic impacts which exceed the local Specific Plan.

Although SB 1818 is being applied to this project, the net result is a loss of 39 affordable units. The incorporation of SB1818 is allowing density and height bonuses without following the intent to create affordable housing.



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



This SB 1818 recommendation is consistent with the Venice Neighborhood Council (VNC) Community Impact Statement dated May 20, 2009.

Sincerely,

Mike Newhouse, President
Venice Neighborhood Council

CC: City Planning Commission
secretary@venicenc.org



**13659 Victory Boulevard, PMB 283
Valley Glen, CA 91401**

July 30, 2009

Sent by Email

**Re: 11933 Magnolia Boulevard, Valley Village
DIR-2008-1178-DB-SPP & ENV-2008-1179-MND**

To Whom It May Concern:

At its regular meeting July 28, 2009, the Executive Board of the Valley Glen Neighborhood Association (VGNA) unanimously passed a motion to support the stakeholders of Valley Village's appeal (DIR-2008-1178-DB-SPP) regarding the SB1818 development located at 11933 Magnolia Boulevard, Valley Village. We also endorse the Neighborhood Council Valley Village appeal letter dated June 1, 2009.

The VGNA opposes developments that violate the character of the community particularly those that are not in compliance with the General Plan, the Community Plans and the Specific Plans. A major reason people choose to live in a particular neighborhood is because of its character and zoning protections. When this is shoved aside, irreparable damage is done to a neighborhood.

Thank you for consideration of our position on this matter.

Sincerely,

**Judy Price
President
Valley Glen Neighborhood Association**

LUCILLE SAUNDERS, President
La Brea-Willoughby Coalition
843 North Detroit Street
Los Angeles, California 90046

La Brea Willoughby Coalition
Save the neighborhood!

**RE: ENV-2008-1179-MND and CPC-DIR-2008-1178-DB-SPP-1A
11933 Magnolia Boulevard in Valley Village**

The La Brea Willoughby Coalition joins the LA Neighbors United and others to urge denial of the approval of the above cited Mitigated Negative Declaration (MND) and the entire "Magnolia Boulevard" project.

In its role as lead agency in this CEQA process, the City must address the multiple grounds set forth in the LA Neighbors United appeal. It must note the proposed project is not neighborhood compatible and not supported by infrastructure.

Critical facts to refute the MND and traffic study include:

- There would be a net loss of 39 affordable units.
- The applicant failed to provide full tenant relocation assistance to former building occupants.
- Inadequate infrastructure and public services to support the project, including complete sidewalk and nonexistent crosswalks, jeopardize public health and safety.
- The traffic study is seriously flawed:
 - Daily trips are understated by 67%;
 - Magnolia and Laurel Canyon impacts are understated and will require mitigation,
- and • Proposed mitigation measures at Magnolia and Ben and Magnolia and Colfax are questionably sufficient.

These and other issues raise citizen actions in this flawed planning process. Your oversight and attention to rectify these concerns are appreciated.

Lucille Saunders

T: 323.939.2754
F: 323 933.4575
E: labreacoalition@gmail.com

**'Notice of Trustee's Sale' Dated September 30,
2009, and recorded October 5, 2009**

This page is part of your document - DO NOT DISCARD



20091506279



Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

10/05/09 AT 08:00AM

FEES:	15.00
TAXES:	0.00
OTHER:	0.00
PAID:	15.00



LEADSHEET



200910050170001

00001297106



002341296

SEQ:
26

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T19

RECORDING REQUESTED BY:
Stewart Default Services

AND WHEN RECORDED TO:
FIRST REGIONAL BANK

1801 Century Park East, Suite 800
Century City, CA 90067
Cecile Gabriel
Forward Tax Statements to
the address given above



SPACE ABOVE LINE FOR RECORDER'S USE

TS #: 09-00288
Loan #: 9750133

Order #: 3206-179070

TRUSTEE'S DEED UPON SALE

A.P.N.: 2348-009-026 & 2348-009-031

Transfer Tax: \$0.00

THIS TRANSACTION IS EXEMPT FROM THE REQUIREMENTS OF THE REVENUE AND TAXATION CODE,
SECTION 480.3

The Grantee Herein was the Foreclosing Beneficiary.

The Amount of the Unpaid Debt was \$7,367,690.37

The Amount Paid by the Grantee was \$6,000,000.00

Said Property is in the City of Los Angeles, County of Los Angeles

Stewart Default Services, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY to

First Regional Bank

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of Los Angeles, State of California, described as follows:

More fully described on Exhibit "A" Attached hereto and made a part hereof.

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by 11933 Magnolia Ventures LLC, a California Limited Liability Company as Trustor, dated 4/4/2006 of the Official Records in the office of the Recorder of Los Angeles, California under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on 4/11/2006, instrument number 06 0786675, of official records. Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

3

TRUSTEE'S DEED UPON SALE

TS #: 09-00288
Loan #: 9750133
Order #: 3206-179070

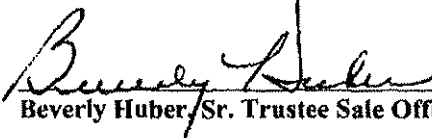
All requirements per California Statutes regarding the mailing, personal delivery and publication of copies of Notice of Default and Election to Sell under Deed of Trust and Notice of Trustee's Sale, and the posting of copies of Notice of Trustee's Sale have been complied with. Trustee, in compliance with said Notice of Trustee's sale and in exercise of its powers under said Deed of Trust sold said real property at public auction on 9/29/2009. Grantee, being the highest bidder at said sale became the purchaser of said property for the amount bid, being \$6,000,000.00, in lawful money of the United States, in pro per, receipt thereof is hereby acknowledged in full/partial satisfaction of the debt secured by said Deed of Trust.

In witness thereof, Stewart Default Services, as Trustee, has this day, caused its name to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws.

Date: 9/30/2009

Stewart Default Services

By:


Beverly Huber, Sr. Trustee Sale Officer

STATE OF California
COUNTY OF San Diego

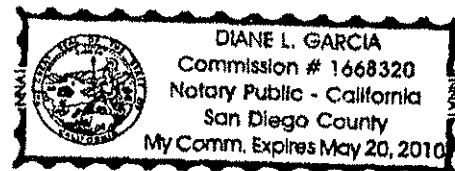
On 9/30/2009 before me, Diane L. Garcia Notary Public personally appeared, Beverly Huber who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Diane L. Garcia

(Seal)



4

EXHIBIT A

PARCEL 1:

LOT 1 OF TRACT 9571, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 186, PAGES 8 AND 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

THE SOUTH 25 FEET OF LOT 6, TRACT 9571, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 186, PAGES 8 AND 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

THE EAST 3 FEET OF THE SOUTH 25 FEET OF LOT 3, OF TRACT 10891, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 191, PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

LOT 4 OF TRACT NO. 10891, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 191 PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**Summary of Errors in the Original
NOT SIGNED as DEEMED COMPLETE
3-25-08 City Planning Application
For
“Magnolia Apartments”
(DIR-2008-1178-DB-SPP-SPR)**

THE ORIGINAL
3-25-08 CITY PLANNING APPLICATION FOR
"Magnolia Apartments" (DIR 2008-1178-DB-SPP-SPR)

You'll notice (despite the light copies) that were made at the Planning Counter from the Community File available to the public for viewing on this 11933 Magnolia Apartments Application: these were the Typed and handwritten combined documents handed in to the counter and signed off on by T. Rath. He did not "deem it complete".

3-25-08 Master Land Use Permit Application pg 1, 2, 3,4,5,6

Pg 1 states it is for the 146 unit residential apartment project with parking of 277 spaces using concessions of 4:1 FAR and Height (36' to 48 ½ ') (see attached calculations due to R3 and R4) – no calculations were attached. (Later Nalani Wong e-mail confirmed that they did NOT want the concession of FAR)

Pg 2 shows the signature of Gary Schaffel (the Owner/Developer) and date and the SUBMISSION DATE of 3-25-08 with a fee charged and REVIEWED AND ACCEPTED by T. Rath (Planner). The space "deemed complete" WAS NOT signed.

Pg 6 shows the attached ZIMAS MAP with INCORRECT ZONING of the Magnolia Tree Condo property abutting next door as R3-R4 Mixed zoning.

-----ENVIRONMENTAL ASSESSMENT FORM APPLICATION-----

3-25-08 Environmental Assessment Form as part of this Master Land use Permit Application, Pgs 1,2,3,4,5

Pg 1 states incorrectly that the MAJOR CROSS STREETS are BETWEEN LAUREL CANYON AND WHITSETT STREET and 2 BLOCKS north of the VENTURA FREEWAY. This is also signed by T. Rath on 3-25-08 to signify that it was RECEIVED by Planning (not deemed complete).

Pg 2 Description Of he Project states that it is for:

- 148 unit 3-story residential condominium with ___sparking spaces/unit.
The application includes a request for Site Plan Review for over 50 units.

- A separate request is being made for an administrative approval for a Specific Plan Adjustment for less than a 10% increase in height, a Project Permit Compliance and.....

ENVIRONMENTAL ASSESSMENT FORM APPLICATION (cont'd)

EXISTING CONDITIONS say:

- It states the Project Site Area is 62,575 SF
- States The Existing General Plan Designation is MEDIUM RESIDENTIAL AND VERY LOW RESIDENTIAL
- States The Requested General Plan Designation Is: MEDIUM RESIDENTIAL AND VERY LOW RESIDENTIAL

RESIDENTIAL PROJECT:

states it is for 146 apartments, 4 stories Height of 36 to 39.5 feet

-----SITE PLAN REVIEW SUPPLEMENTAL APPLICATION-----

3-25-08 Application for a SITE PLAN REVIEW Supplemental pgs 1,2,3

Pg 2 of 3 asserts that there are 146 total Units and they are ALL LESS THAN 3 HABITABLE ROOMS

And the TRANSPORTATION ANALYSIS SECTION requirement is for:

- to be accompanied by: A COMPLETE MASTER LAND USE APPLICATION

Pg 3 of 3 includes copy of Miscellaneous attachments of ONE of the TWO LADBS Certificate of Occupancy of existing buildings on the two parcels – this one is the 20 unit building at 11933 Magnolia. (Missing is the 11925-27 Magnolia 31 (or 32 or 33 or 34) units C of O).

A NEW APPLICATION WAS REQUIRED FROM THIS DEVELOPER ON THIS PROPERTY. IT IS DATED 3/3/2009. A new FEE was charged on 10/30/08 when the request was processed.