

-----Tuesday, January 26, 2010

Planning and Land Use Management Committee
Los Angeles City Hall
200 North Spring Street, Los Angeles, CA 90012
Members: Council Member Ed P. Reyes, Council Member Jose Huizar and Council
Member Paul Krekorian
Legislative Assistant: Patrice Y. Lattimore, Legislative Assistant, 213-978-1074

RE: COMMUNICATION FROM THE PUBLIC for the 11933 Magnolia Project, Council File
No. 10-0017, 10-0017-S1 DIR-2008-1178-DB-SPP, ENV-2008-1179-MND

Date: 1-26-10

Joan & William Skilbeck
P.O. Box 9182
Canoga Park, CA 91309

Submitted in PLUM Committee

Council File No: 10-0017 + 10-0017-S1

Item No.: 12 + 13

Deputy: submitted by Public

Dear Chair and Council Members of the PLUM Committee,

As shown by the site plan of the project, the Developer, Gary Schaffel, has designed this 11933 Magnolia Building project with the intent to eliminate the required rear yard setback of 15 feet that would as a matter of course be the code setback for the south end of our property at 11936 Weddington Street. Mr. Shaffel's oversized 4-story building that busts the height limits of the Valley Village Specific Plan spanning the 11927 and 11933 Magnolia lots will tower over our building only 7 feet away. The configuration of his two purchased lots of 11927 and 11933 Magnolia Boulevard is irregular and he planned to tie them together in a *Lot Tie* in order to build this project – but not by doing it the correct way – with a public hearing prior to the project approval. The CPC did not address this matter and the City Planning Department steered them away from addressing it. Mr. Shaffel will be able to call the rear boundary of the 11933 parcel (that abuts on our boundary) a "SIDE YARD" instead of a "REAR YARD" when the lots are tied together. The requirement for a side yard setback is only 7 feet. This is what is pictured in his site plan and the Director who made the Determination – did not follow the rules or guidelines by setting a public hearing on this Zoning Variance, which they, by default, gave to the Developer "before the fact". Holding a public hearing AFTER this SB1818 project was approved would taint the Zoning Administrator's objectivity in weighing the effects and lead to a denial of our claim.

We wish to halt any zoning variance on these properties, in progress or contemplated or completed, and ask that you do so now. We are directly impacted. It is a discretionary matter. There are no proposed mitigations that you can suggest that will make a 45' 7" building (or more) standing 7 feet next to our lot line go away.

We dispute the need for this outsized project which is entirely inappropriate to this neighborhood. The building, when fully occupied by the families in it's 146 units will add enormously to the traffic of our collector neighborhood streets which has few outlets and no traffic lights. Weddington and Ben and Radford are being targeted as a new way to handle the increase load on the substandard secondary highway of Magnolia Blvd.

Our little local street of Weddington does not have any sidewalks and the residents in our multi-family building will be dodging the evermore increasing traffic. We also have lots of school children walking on this street back and forth thru the back entrance of North Hollywood High School. We also have the Country School at the end of Weddington across Laurel Canyon with even younger children. Your own Department of Traffic, transportation engineer, Sergio Valdez, footnoted his "CLARIFICATION OF TRAFFIC ASSESSMENT LETTER OF MARCH 5TH, 2009,"

saying that "**he had revised his trip distribution to reflect a greater utilization of local streets during the peak hour periods.**" Of course it won't just be the peak hours that are impacted. Cut thru traffic is already a big problem for us.

Additionally there have been more and more tract maps and subdivisions and buildings in this area that haven't even been taken into account. The supposed "cumulative traffic" study only took into account three projects. We expect a full EIR to fully investigate ALL the contributing projects in this area to be done before approving such a massive project. We ask you, the Planning Commission, to DISAPPROVE this project and go back to the table to ask him to design something within the scale of Valley Village. Or sell the property to someone who will. Our Valley Village height limit is 36 feet. We all spoke together to get this in place. The spirit of the State Law is not to SPOT ZONE all the neighborhood of the state willy nilly. No 12 affordable units that this project is offering the City of Los Angeles will outweigh the impacts this 11933 project will have on this surrounding neighborhood and the Valley Village character. Especially after he evicted the 51 units in the two buildings that were VERY affordable.

Truly,

Joan and William Skilbeck
Owners of abutting property
11936 Weddington
Valley Village, CA 91607

http://www.ladbs.org/zoning/zoning_manual.pdf

A - Article 1.5 of the Subdivision Map Act, titled: "Merger of Parcels" provides the sole and exclusive authority for local agencies to establish, by ordinance, a procedure for merging of contiguous parcels merged on or after January 1984. This article prescribes the procedures that local agencies must follow for the implementation of such ordinance. As part of these procedures, local agencies must provide prior written notice to the property owner of their intention to merger and must also afford owners the opportunity for a hearing.

For parcels merged prior to January 1, 1984, article 1.5 specifies in part: "After January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded prior to January 1, 1986." The City of Los Angeles does not have a currently valid merger ordinance as mandated by State Act and therefore cannot prevent a property owner from unmerging two or more contiguous parcels even if they do not comply to minimum area and/or width requirements.