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Ref: 70911-0001

January 26, 2010

**VIA E-MAIL AND HAND-DELIVERY**

Planning and Land Use Management Committee  
Los Angeles City Council  
200 N. Spring Street  
City Hall, Room 395  
Los Angeles, CA 90012

Re: Council File 10-0017  
Opposition to Charter Section 245 Assertion of Jurisdiction  
11933 Magnolia Boulevard (the "Property")  
DIR-2008-1178-DB-SPP  
ENV-2008-1179-MND

Dear Chair Reyes and Honorable Members of the Planning and Land Use Management Committee:

As you know, this office represents the current owner of the Property, First Regional Bank ("First Regional"), in the matter of the approved entitlements referenced by the case numbers listed above. We appeared in opposition to the City Council's assertion of jurisdiction under City Charter Section 245 at the Planning and Land Use Management ("PLUM") committee meeting on behalf of First Regional on January 19, 2010. The matter was continued from that meeting to January 26, 2010 to allow the PLUM committee an opportunity to review the matter more closely and confer with the Office of the City Attorney.

The City Planning Director's action upheld on appeal to the City Planning Commission ("CPC") provides for a four-story over subterranean garage building having 146 dwelling units, 37 of which are density bonus units and 12 of which are set aside for Very Low Income households. The approval includes only one "on menu" incentive to allow an increase in height to 48' 7", in lieu of 36' 0".

As we mentioned at the January 19th hearing, the City Council's consideration in this matter (as it was before the CPC) is limited to whether the height incentive is needed to provide for the affordable units. At the January 19th PLUM hearing, testimony was offered in opposition to the project suggesting it may not be necessary to grant the height incentive in order to build the proposed building. Attached is a letter from Alan Boivin, the architect of record for the proposed building, explaining why the increased height is absolutely necessary.

Mr. Boivin explains that designing the building with less than nine-foot interior ceilings would result in an inferior building product. Lowered ceiling heights, although technically legal, would contribute to a substandard condition. The residents would be subjected to a cramped and closed-in living environment.

The impact of this condition would place the success of the development at significant and unnecessary risk. The City cannot force the developer to build substandard dwelling units where the developer has applied for and is willing to build affordable housing by its refusal to grant a reasonable height incentive. Accommodating all the dwelling units in the building as proposed is normal and customary in the Valley Village area and the City of Los Angeles at large.

It is precisely because cities historically have refused to grant similar adjustments to accommodate reasonable development that the California legislature passed SB 1818.<sup>1</sup> For the City Council to send a message to developers of affordable housing to not develop units of similar quality as market rate units is to implement anti-affordable housing policy.

For these reasons and those presented at the January 19th hearing as well as any additional reasons as may be presented at the January 26th public hearing, the PLUM committee should recommend City Council not disturb the CPC action of October 22, 2009.

Very truly yours,



KEVIN K. MCDONNELL of  
Jeffer, Mangels, Butler & Marmaro LLP

KKM:kkm  
Enclosure

cc: Honorable Council Member Paul Krekorian; attention Dale Thrush, via e-mail  
Timothy McWilliams, Esq., via e-mail  
Daniel Scott, via e-mail  
Robert Duenas, via e-mail  
Sevana Mailian, via e-mail

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<sup>1</sup> Senate Bill 1818 is codified as California Government Code Sections 65915-65918.

**ALAN S. BOIVIN, A.I.A.**

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January 22, 2010

Planning and Land Use Management Committee

Los Angeles City Council

200 N. Spring Street

City Hall, Room 395

Los Angeles, California 90012

RE: Council File 10-0017-S1 Opposition to Appeal of Mitigated Negative Declaration ("MND") for Project Located at 11933 Magnolia Boulevard (DIR-2008-1178-DB-SPP, ENV-2008-1179-MND)

Dear Chair Reyes and Honorable Members of the Committee,

Re: 11927-33 Magnolia Blvd., Valley Village, CA.

Proposed 146 unit apartment project

Dear Gary,

I have been asked to respond to the allegations that this project could be economically developed within the 36 foot height limit mandated by the Valley Village Specific Plan

Prudent development for a Class A apartment building in an upscale area such as Valley Village requires 9 foot interior ceilings. After installing the required furring and soffits for mechanical ducts and plumbing pipes a substantial portion of the unit will have 8 foot ceilings, which is the minimum desirable height. A project originally designed with 8 foot ceilings would have a large area of 7 foot height.

The typical floor/ceiling assembly between stacked units is approximately 15 inches. Therefore, the minimum height to the top of the roof joists of a 4 story building with 9 foot ceilings is approximately 41 feet. The height in item 1 would be to the top of a flat roof. In order to drain the roof and provide for an attractive architectural design at the main elevations requires an additional 3 feet in height

Furthermore, the height of the building is measured from the highest point of the building to the lowest point of the property. There is a 4 foot difference in elevation from the northwest corner of the project to the southeast corner. In order to provide drainage away from the northwest corner of the building the southeast corner will be approximately 4'-6" higher than the natural grade at the southeast corner.

The total of the heights of the three components above is 48'-6", just under the height provided by SB1818. It is important to remember that this height is just at the southeast corner, and the height at the northwest corner is 44 feet.

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The appellants had stated that the project could be constructed in three stories of living space. Each dwelling unit requires a minimum amount of lineal footage of exterior wall to provide the code required amount of light and ventilation for living rooms and bedrooms. Two bedroom units require a greater amount of lineal footage than one bedroom units. Our three story building footprint has 4,140 lf of exterior wall in a three story configuration. We need a minimum of 4,607 lf. It is therefore physically impossible to construct the market appropriate mix of one and two bedroom units that we have that we have designed to comply with the applicable building codes.

Please call me if you if you need any further discussion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Boivin', with a stylized flourish at the end.

Alan Boivin AIA