

>>> "nicki fowler" <[nickifowler@sbcglobal.net](mailto:nickifowler@sbcglobal.net)> 1/28/2010 12:25 PM >>>  
Ms. Lattimore;

I would like to add my name to the objections voiced by my neighbors regarding the project moving forward at 11933 Magnolia Blvd., Valley Village.

Realizing that there are issues that need to be addressed before any approval should be forthcoming, I urge you and your colleagues to re-examine the various and serious errors and omissions that have not been resolved.

Just the question of a corrected Traffic Study needed, incorrect zoning and site plan along the Planning Department failing to follow its own protocol is serious enough for a reevaluation to be done, not to mention the Shade and Shadow affecting the neighbors. (The impact of which is of major concern for me as the proposed construction will completely obliterate my privacy and light as every window in my unit will be looking directly into the adjoining building right next to me). The Shade and Shadow study by the developer was refuted by the communities' own expert's report.

There are enough incorrect and flawed aspects in this file that raises a "red" flag that we respectfully ask for an investigation.

Nicki Fowler, homeowner  
11911 Magnolia Blvd. #32  
Valley Village, CA. 91607

>>> Sandy Hubbard <[sandy\\_hubbard@sbcglobal.net](mailto:sandy_hubbard@sbcglobal.net)> 1/28/2010 2:21 PM >>>  
Dear Ms. Lattimore,

Please add the following to the public file 10-0017 and 10-0017S1, DIR-2008-1178-DB-SPP, ENV-2008-1179-MND.

Thank you for your assistance!

Sandy Hubbard  
(323) 965-3785  
[sandy\\_hubbard@sbcglobal.net](mailto:sandy_hubbard@sbcglobal.net)  
11911 Magnolia Blvd., Unit 10, Valley Village, CA 91607

----- Forwarded Message -----

From: Sandy Hubbard <[sandy\\_hubbard@sbcglobal.net](mailto:sandy_hubbard@sbcglobal.net)>  
To: [councilman.rosendahl@lacity.org](mailto:councilman.rosendahl@lacity.org); [councilmember.alarcon@lacity.org](mailto:councilmember.alarcon@lacity.org); [councilmember.cardenas@lacity.org](mailto:councilmember.cardenas@lacity.org); [councilmember.garcetti@lacity.org](mailto:councilmember.garcetti@lacity.org); [councilmember.koretz@lacity.org](mailto:councilmember.koretz@lacity.org); [councilmember.wesson@lacity.org](mailto:councilmember.wesson@lacity.org); [councilmember.zine@lacity.org](mailto:councilmember.zine@lacity.org); Councilman Greig Smith <[councilmember.smith@lacity.org](mailto:councilmember.smith@lacity.org)>; Jan.Perry@lacity.org; [councilmember.hahn@lacity.org](mailto:councilmember.hahn@lacity.org); [councilmember.huizar@lacity.org](mailto:councilmember.huizar@lacity.org); [councilmember.parks@lacity.org](mailto:councilmember.parks@lacity.org); [councilmember.Labonge@lacity.org](mailto:councilmember.Labonge@lacity.org)  
Cc: [councilmember.Krekorian@lacity.org](mailto:councilmember.Krekorian@lacity.org); [councilmember.reyes@lacity.org](mailto:councilmember.reyes@lacity.org)  
Sent: Thu, January 28, 2010 2:17:29 PM  
Subject: Friday's agenda, items 4 and 5, Council File 10-0017 and 10-0017S1, DIR-2008-1178-DB-SPP, ENV-2008-1179-MND

Esteemed Council Members,

Once again we will appear before you with an appeal of the 11933 Magnolia project in Valley Village. Two years ago, the Honorable Council Members determined that the developer of this parcel should pay additional tenant relocation fees to those evicted that were elderly or disabled. (To this date, the developer has not paid that \$40,000 to those were displaced by the project he ultimately chose not to develop.)

With this new project there are serious issues that require re-evaluation, some of which we list below. They include an invalid traffic study coupled with safety concerns, a net loss of affordable housing, lack of an economic feasibility study, inconsistency of policy implementation & procedural protocols, an improper waiver to the Site Plan Review, and incorrect zoning (an AB283 miss).

On Friday's agenda items 4 and 5, Council File 10-0017 and 10-0017S1, we would ask that you support Council Members Reyes' and Krekorian' PLUM motion; grant us our appeal and the CEQA appeal; deny the project on all grounds; and reject the Director's Determination on all grounds, as there are many outstanding issues raised with the Site Plan Review, Zoning and other relevant but as of yet unaddressed items.

Thanking you in advance for your consideration and your time.

Respectfully,  
Sandy Hubbard  
[sandy\\_hubbard@sbcglobal.net](mailto:sandy_hubbard@sbcglobal.net)  
323/965-3785 (day) and 818/631-4471 (cell)

11933 Magnolia Appeal Pertinent Fact Sheet

1. Cumulative Traffic Impacts An impartial professional was commissioned to evaluate the traffic study submitted by Hirsch & Green. His findings: The city's traffic study significantly understates project trip generation by 67% (1,596 v. 955) and finds that the city's mitigation measures are likely insufficient at 4 of the intersections.

2. This project violates the CEQA Thresholds Guide for Shade and Shadow The City of LA CEQA Thresholds Guide states that "a project impact would normally be considered significant if shadow sensitive uses would be shaded by the project for more than 3 hours between 9 a.m.-3 p.m. from late October to early April, or for more than 4 hours between 9 a.m.-5 p.m. from early April to late October," and that the importance of this is to check the impact of routinely useable outdoor spaces of neighboring land uses, such as pools, balconies and common open space. A community-commissioned Shade/Shadow Study performed by a professional in this field showed that the City had NOT met these findings, however, her report wasn't considered at the hearing.

3. 2 studies commissioned by the community provided evidence that a smaller project would also have been economically feasible, yet still provide 12 VLI units Planning did not ask the developer to supply economic feasibility information in order to

provide financial justification for the height incentive request. A specialist in this field was commissioned to create a sample pro forma of this project and estimated costs for building this project in 4 different ways, showing that the height incentive was not needed to achieve affordable housing. The city can still make findings that refute the assertion that the incentives requested were required to make the project economically feasible.

4. Project Created Net Loss of 39 Affordable Housing Units The proposed project of 146 units displaced 51 units of affordable housing in order to replace it with only 12 VLIs. This is a net loss to the City of 39 units, or 76% of the on-the-ground affordable housing units.

5. The Zoning on this property is incorrect, and should have been down zoned to RD1.5 as part of the AB 283 Zoning/Community Plan Consistency Program This is relevant for modification, because it's wrong, and going forward would change the base number of units applicable to any Project, and is therefore critical to the calculation of the density bonus as mandated by the statute and/or the City's Implementing Ordinance.

6. Planning failed to follow its own protocol, and the law in effect at the time, when evaluating the materials presented by the developer (a) Project notification was sent 3 different times to the community, with major errors in each of the notifications, necessitating new mailings. (b) The Developer's application was NOT deemed complete until March of 2009, so we disagree with Planning Department's statement that the City's DB Ordinance does not apply to this project. (c) 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 a Department memo must be followed, yet Planning failed to implement its own protocol.

7. Reinstatement of Conditions previously granted 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, including the relocation monies for previous tenants, public notification of construction progress impacts, posted no-left turn signs in underground garage, etc. Since these conditions were approved by City Council previously, and accepted by the community and the developer as appropriate, they should all be reinstated to this project with the same level of validity.

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.

Over 15 Neighborhood Councils and Homeowner Associations have submitted letters of support to this appeal, and there have been many Community Impact Statements submitted as well.

We therefore respectfully request that City Council:

- 1) Grant us our appeal and the CEQA appeal; deny the project; reject the Director's Determination;
- 2) Require that the property be downzoned in accordance with AB 283;
- 3) Require that all non project-specific conditions reached in accordance with the developer on VTT 67012 be added to all future project mitigations, so that the displaced tenants finally

>>> "Jennifer Reed" <jenhar@earthlink.net> 1/28/2010 5:52 PM >>>  
Dear Ms. Lattimore,

Please add the following to the Council Files 10-0017 and and 10-0017S1, re: DIR-2008-1178-DB-SPP, ENV-2008-1179-MND.

Thank you for your assistance,

Jennifer Reed

January 28, 2010

Dear Honorable Council Members,

Please support Council Members Reyes' and Krekorian' PLUM motion and the APPEAL of Friday, January 29th, 2010's City Council agenda items 4 and 5, (Council File 10-0017 and 10-0017-S1) If you have any hesitations, you may want to look up the Council Files to see the MANY testimonials and Neighborhood Councils letters of support and CIS statements.

The community has enormous reason to object to this 11933 Magnolia Project - and we do on many, many issues.

Planning and the Developer's representatives to this day will still not specifically identify the specific Government Code under which this project has been approved because they used a little of this and a little of that to skirt the requirements of either alone. They have chosen to mix and match between the State GC 65915 and the LA Enabling Ordinance illegally. As Ben Resnick for JBMB testified at the PLUM hearing on January 19th, 2010:

QUESTION: So is it your position now that this project was approved or should have been approved under the City's ordinance or under SB1818 without the benefit of the menu list in the ordinance?

BEN RESNICK: I'm not taking a position on that issue. I'm not here to debate which way it goes because whether you do it under the implementing ordinance or you do it under the City's ordinance, SB1818 dominates. It is the preemptive ordinance. And this request falls within the SB1818 guidelines. The, I leave it as to whether or not you think it's the, or the ordinance applies or the interim.

The traffic report prepared for this project was flawed and did not investigate properly the effects of this mammoth project land-locked on Magnolia Blvd, a substandard secondary highway (one lane of traffic both ways). Only last night, a homeowner in the adjacent single family neighborhood come forward at the Neighborhood Council meeting to inform them that he had collected a petition of 50 homeowners who are already threatened by the amount of CUT THRU TRAFFIC as cars try to avoid the Magnolia Blvd tie-ups. He told of increasing life threatening accidents on these side streets which are unimproved with no sidewalks or medians, with children and dogs and strollers and people walking in the streets. Cars are trying to avoid the intersections at Laurel Canyon and Magnolia, cutting thru, speeding and even running the stop signs. You can't densify an area that doesn't have the infrastructure to support it.

Even though the community pointed out time and again to Planning that the two parcels fronting on Magnolia had been an AB-283 miss and were subject to downzoning per those guidelines, Planning pursued a course of informing the City Planning Commission that they should "not to consider this".

Please vote to grant us our appeal and the CEQA appeal; deny the project on all grounds; and reject the Director's Determination on all grounds, as there are many outstanding issues raised with the Site Plan Review, Zoning and other relevant but as of yet unaddressed items.

Thank you for your time and attention.

Respectfully,

Jennifer Reed

Valley Village

If you haven't received it before, here is a fact sheet.

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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.

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1) Grant us our appeal and the CEQA appeal; deny the project; reject the Director's Determination;

2) Require that the property be downzoned in accordance with AB 283;

3) Require that all non project-specific conditions reached in accordance with the developer on VTT 67012 be added to all future project mitigations, so that the displaced tenants finally receive their relocation funds as originally mandated by City Council.