



Protecting the Integrity of Our Community

WHHO

WOODLAND HILLS HOMEOWNERS ORGANIZATION

P.O. Box 6368, Woodland Hills CA 91365

President
Gordon Murley
Exec. VP
Herb Madsen
Exec. VP
John Walker
Treasurer
Silvia Anthony
Secretary
Bill Evans

Directors
Shirley Blessing
Kristie Blicharski
Dennis DiBiase
Jane Leisure
Martin Lipkin
Bian McDonald
Pat Patton
Robert Veeck

December 8, 2011

Elva Nuño-O'Donnell
City Planner
City of Los Angeles Planning Dept.
6262 Van Nuys Blvd. Suite 350
Van Nuys, CA 91401

Ms O'Donnell:

Date: 1/31/12
Submitted In: PLUM Committee
Council File No.: 11-1980, S1, S2
Item No.: 8, 9, 10
Deputy: Comm from Appellant

This our written response as an Appeal to City Planning Case No.
CPC-2011-382-SPP-CUB-CU-GB and CEQA: ENV-2007-3393-EIR

The reason for the Appeal is that numerous problems addressed in the EIR have not been adequately addressed and we feel that there are violations of various City Codes and Ordinances that have not been looked at in this Projects proposal. Therefore we will try to cover all as required under our Administrative Relief as required by Law.

We feel we are greatly aggrieved by the following below.

A. Entitlement Conditions

- 2. Kiosks: This gives no plan of where Kiosks may be. It allows plumbing on a open 50% of them and does not say what plumbing entails or why the need. It does not give Kiosks size to figure number actually allowed.
- 4. This is allowing an on the fly how parking and driveways will be built. Comments have been made all the way throughout of pedestrian, various vehicle conflicts.
- 6. We have comment about the numerous problems with proposed mitigations involving Caltrans and private property that would need to be acquired as an inappropriate mitigation as feasible.
- 12. The on the fly Site Access and Internal Circulation leaves the substantial conformity to submitted plans and subdivision invalid without what the public can measure as to how the changes conform to what they have been presented.
- 13. Landscaping/setback: The word "to the extend feasible" makes it possible to give very small set backs from what is presented as how it will be developed. This in essence negates what the CPC had recommended.
- 18: We find there are too many deciduous trees, some trees grow to too large a height and base fir the parkway size, and California Live Oak Trees in Owensmouth would be too hard to maintain and make shapely.

A California Nonprofit Corporation
4128 Morro Dr. Woodland Hills, CA 91364
(818)346-5842 email g.murley6530@att.net

19. Articulation of Building Facades: Leaving out Parking structures fly in the face of comments from the beginning with the DEIR. A. Not acceptable 1. Not acceptable. 2. Not acceptable.

20: Articulation of Building Facades of Parking Structures: This needs to be done in phase one not at full build out. The final design available before project approval. This is a cumulative effect. Numbers 1 & 2 undo the previous sentence,

25. The phasing of the project shows the Community/cultural to be in phase 2. This must be done completely as a 14,250 or larger project in phase 1 and on site, not off site.

32. This is not acceptable since the public has had no access to any of this.

41 B. We oppose even the COSCO sign on the canopy since they don't need to advertise a membership on the canopy. They have enough on the proposed building.

Conditional Use Permit (Alcohol) We oppose a Master alcohol permit. This should be treated as the 3rd Street Mall in Santa Monica has treated the issuance of Alcohol Licensees to applicants who lease space or occupy space in the "Village" project. This is not an enclosed area and the Police as well as the public should have input to those who seek alcohol permits and condition them as necessary.

46. We oppose the hours of operations since they are arbitrary and could limit the variety of business that would come to the Regional Center. c. The Canoga Park store hours are 9:00 a.m. This will create traffic that will increase noise to the residential adjacent. f. There is no decibel condition on the cleaning hours and they must not exceed 65 at the property line. g. Same is true for delivery hours. H. There is no limit to when deliveries can be mad between 9:00 p.m. and 7:00 a.m. nor limiting the to only Victory blvd. during those hours nor a decibel limit of 65 at the edge of the property.

54, There is no reference to how the proposed Costco trash and deliver pallets will be kept from view and handled. We know that others have very unsightly storage areas.

69. We think the sound needs to be better analyzed with the possibility of numerous high volume sound production with the proposed restaurants.

87. Conditional Permit. This project has been presented as a by right project. It cannot be if conditional use is required. No public hearing has been held that would allow the public to have input specifically of either the fueling station, the Tire store, or the Automotive uses. This files in the face of full public notification and not hidden in a vast volume document. D. This forms a discriminatory basis for favoritism that excludes others from the equal opportunity to do business under the same conditions granted to one.

89. This is something that needed to be resolved from the original application. This is not acceptable as a good planning practice to not put health and safety before approval of a project or CEQA.

92. The subdivision has been appeal and yet this document si granting without ability to cause a reduction to the number of lots. The cart keeps being placed wherever the planer decides to place it. There is supposed to be open and fair consistency.

93. Green building. The Staff had recommended Gold LEEDs for the whole project. Since he Costco proposed for here is the only Costco not in a light Mfg. or Industrial area it is inappropriate to give special privilege to and wholesaler posing as a retailer. Costco does not allow as other retailers to buy only one item or have smaller sizes. Their products are often packaged just for them is set number one has to buy and sizes that are often larger that what is considered retail sizes. We therefore find that to meet CEQA a GOLD LEEDs is the only viable standard that will insure the a Regional Center will be built.

Environmental Conditions

MM-5 We find that 24 inch box, 8 feet high and only a minimum of 2 inch trunk diameter to be an unacceptable tree to survive and do what is supposed to be able to accomplish over the life of the project. A larger trunk diameter is required.

MM-23 Dewatering, There should be onsite storage to use any dewater to wet down the grading rather than dumping it into the storm drains.

MM-41 85 Db is way to high at 50 feet. It should not exceed 75Db. Also there is a statement of a 10Db reduction from construction noise but no baseline of from what is the 10 Db reduced.

MM-74, MM-75, MM-76 They should never have been mitigation measures because it is highly unlikely that they would happen and the applicant is highly unlikely to offer to find other way to mitigate as required.

Findings

a. Zoning. We find that because of the conditional use permits required for certain proposed areas that the zoning does not give you right to certain portions of the proposed project.

In speaking of open space there is no clear indication that there is much useable open space or that there is a lot of contiguous useable open space.

5. Urban design requirements. We oppose the trellises on Owensmouth because the Service Station Violates the Owensmouth Parkway of the current Specific Plan. This would not be needed if it were Pedestrian Oriented. This is an attempt to hide a non pedestrian development that is strictly auto oriented. The entire Victory area is of the proposed Costco project is only auto oriented and offers nothing for pedestrians to want to go there.

10, Mixed-use projects. This violates the Community plan since Westfield removed housing from its original plan.

Land Use

Objective 3.4 This is not met because of the multifamily residential. There is no assurance that phase 2 will be built within a reasonable time.

3.1.3 The new open spaces are not large or contiguous that would serve the community. 3.1.4 This is not in the 1st phase developing high density. It is mostly one or two story at best. Therefore does not meet this policy. 3.2.3 The Proposed Costco and related fueling station and tire shop are totally non pedestrian oriented and block the ability on the east portion of the project to ever be pedestrian oriented. Objective 3.7. This is not met. Objective 5.9 This discourages pedestrian by encouraging auto uses, Policy 6.4.8 The open space is not necessarily useable by the public, so for the most part this does not meet the policy because it doesn't meet the needs of the public. Policy 2-2.2 This is not followed since all the auto uses require conditional use that have not had proper hearings for the public to individually comment on the uses. Open storage is a problem with the auto sales use. They should have to be inside the building, not parked in parking stalls. There has been no plan for the tire store or delivery pallet areas. Policy 2-2.4 This currently is violated with the Costco lot and the phased parking structure

Conditional Use. Alcoholic Beverages

We oppose a single CUB. For this project. We expect this to be treated like the 3rd street promenade in Santa Monica. That each establishment be required to apply individually for the permit. This makes it fairer to all than to have them controlled by one person or group. The Police and the Public must have the ability of oversight on alcoholic beverage licenses. There is nothing in the record to support the denying of the public and Police in having hearings for the conditions of the individual requests for each liquor license for this project.

Policy 2-2.1 There is nothing in the record to support that the proposed development will enhance and be compatible with adjacent development. The Costco, fueling station are incompatible with the surrounding businesses. They take away ambiance and create an industrial atmosphere not and urban walk able friendly feeling.

2-2.3 Preserving community character. There is nothing with the proposed Costco and fueling station that preserves the character, scale and architectural diversity unless making it look like it is an industrial park without a railroad running beside the 450 ft. Costco wall that was done along the 5 freeway with the large Egyptian Façade Tire plant.

5. he proposed use will not adversely affect the welfare of the pertinent community There is nothing in the record to support that Costco will not affect many small business that will now have to compete with a vendor who can undersell to defeat rivals in merchandise they sell in common.

Conditional use Automotive use finding

There is nothing in the record to show there as a fair public hearing for public input on the various CU' that are being given to a project that was and is being touted as a by-right project that meets all the conditions of the Specific plan, zoning and codes.

The hours requested are not acceptable. Costco at 6:00 am to 10:00 pm is greatly different than th Canoga Park store they are closing, Deliveries for tire is 9:00pm to 10:00 am and the fuel deliveries have no hours except prohibition during peak morning and afternoon hours

Findings

Here is nothing in the record to support that there is no down side to the adjacent residential with any of the hours proposed to the Costco project. There is nothing in the record to support giving a CU to expand the hours without public input in a separate hearing that gives ample notice and time for the public to be hear. Same is true of the auto sales and the tire sales. The decisions were all made as part of a very limited hearing with no opportunity to speak on any CU. To say the Auto Center components are desirable because of lower prices is not supported by any evidence that any of the residents are members. In fact they say 40% of those who drive by would take advantage of the fueling. No where is there any supporting evidence that this is so.

Land Uses

: There is nothing in the record to support that the member only auto uses, fuel, tires and auto sales will serve the area. I twill only serve the members including the ones that now shop Canoga Park which they say they will close.

Objective 3.16 There does not appear to be any supportive documentation for a screened fueling station that would enhance pedestrian activity when it is auto centric without any inviting conditions for pedestrians There is no evidence that there will be architecturally compatible . features between the Anchor retail and the rest of the projects buildings.

Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan

5. The Auto sales will not be conducted indoors since they want to park 6 cars outside in parking stalls.

Policy 2-2.2 There is nothing in the record to substantiate that there will be separate public hearings for the CUs that they talk about.

5. All but food services will be for members only and all are auto intensive. None are pedestrian Oriented.

CEQA Findings

Other CEQA Considerations 5. We find that the mitigations sopped at a predetermined dollar amount that then made them infeasible. So to the "extent feasible" are dollars and not capable decisions as to feasible. 12. We find that there are many questions that were left unanswered or glossed over so we question the statement "substantial evidence"

Statement of Overriding Consideration.

2. This information has been changed within the documents.

8. This is not guaranteed to be in the project area or how it will be phased.

11: The anchor retail will increase the greenhouse gas and encourages driving.

12. Staff proposed Gold LEEDs. This is giving preferential treatment to the Anchor and will push others to do higher LEEDs to make up for the low Carbon foot print of the Costco development.

16. The Fueling station and Costco will decrease or make very difficult pedestrian oriented on Owensmouth and Victory.