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## HOMEOWNERS OF ENCINO

"Serving the Homeowners of Encino since 1983"  
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Comment close June 26, 2017

Hearing July 13, 2017

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Subject: Value Capture Ordinance CPC-2017-2022-CA, ENV-2017-2023-ND

Homeowners of Encino (HOME) has had an opportunity to review your Proposed Value Capture Ordinance CPC-2017-2022-CA, ENV-2017-2023-ND and would like to make the comments below part of the official administrative record.

**Proposed Ordinance.** An ordinance amending Sections 12.22, 12.24, 14.00, and 14.3.1 of the Los Angeles Municipal Code to align affordability requirements across the range of zoning entitlements that allow for increased density or floor area ratio beyond what is allowed by zoning. The ordinance claims to ensure the creation of affordable housing through certain conditional use permits and public benefit projects. Currently all residential Zone Change, Height District Change and General Plan Amendment projects with more than ten units are subject to Measure JJJ's affordable housing requirements. There remain additional entitlement pathways to achieve significant density increases that are not subject to the provisions of Measure JJJ. These alternate entitlement pathways are the focus of the draft ordinance.

**Entitlements.** The following entitlements are proposed in the ordinance:

1. LAMC Section 12.24 U.26 - Conditional Use Permit for a Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A.
2. LAMC Section 14.00 A.2 - Public Benefits Project for Density increase for a Housing Development Project to provide for additional density in excess of that permitted in Section 12.22 A.25.
3. LAMC Section 12.24 V - Conditional Use Permit for Mixed Commercial/Residential Use Developments (to obtain additional Floor Area Ratio)
4. LAMC Section 12.24 F - Conditional Use Permit Allowing Height and Area Changes
5. LAMC 14.3.1 - Eldercare Facilities that do not meet the use, area, or height provisions of the respective zone

**Negative Impacts.** In our opinion while the regulations are intended to align affordability requirements they will have huge impacts by permitting increased density and floor area ratio (FAR). Homeowners of Encino opposes this ordinance because it will result in increased density for new projects along Ventura Blvd. Encino is already under siege of massive traffic due to lack

of roadway capacity. The proposed code changes are already being used to undermine the Ventura-Cahuange Blvd. Specific Plan controls. Example -- a new eight story, 133 mixed-use apartment project is proposed at 16161 Ventura Blvd. Under the current Specific Plan rules it could never be approved. Now the developer is seeking to replace a two-story building with community serving tenants with a massive, unjustified and unsustainable structure using a skillfully crafted set of density bonus exceptions.

The fault with the housing proposal is it encourages new housing and development as unconnected and antagonistic fragments rather than as a systemic and integrated whole. In simple terms, the Value Added Ordinance encourages new housing without integration or linkage to necessary infrastructure such as water, sewage, solid waste disposal, public service, air quality and other elements. It is flawed because it promotes housing in an unsustainable environment.

**An EIR is Required, Not an ND.** On May 22, 2017 the Planning Dept. filed the following application ENV-2017-2023-ND for a Negative Declaration (ND):

“Requested Entitlement An ordinance amending sections 12.22, 12.24, 14.00, and 14.3.1 of the Los Angeles Municipal Code to clarify existing regulations and align affordability requirements across the range of zoning entitlements that allow for increased density or floor area ratio beyond what is allowed by zoning. The ordinance will ensure the creation of affordable housing through certain conditional use permits and public benefit projects.”

In our opinion, a Negative Declaration (ND) is an improper CEQA tool to address all of the potential negative impacts of population growth that is contemplated. The ND request states: “The ordinance will ensure the creation of affordable housing through certain conditional use permits and public benefit projects.” The proposed project will have significant impacts on the environment that must be fully mitigated in an Environmental Impact Report (EIR). Mitigation measures are totally absent that address the environmental issues as required by CEQA. The Planning Dept. should not issue a Negative Declaration (ND) because mitigation measures are not in place to reduce any potential significant adverse impacts to a level of insignificance. Further a Statement of Overriding Considerations should not be issued to justify additional population growth where inadequate infrastructure is in place. If on the other hand, the ordinance will have no benefits or physical impacts then the ordinance is simply ministerial, and thus should request a Categorical Exemption (CE) from CEQA. The Planning Dept. cannot have it both ways.

Further we oppose to the use of deceiving, glossy marketing jargon such as “Value Capture Ordinance, to hide what is really intended. Perhaps the ordinance should be re-labeled -- “More Housing Density and More Traffic Ordinance.”

Cordially yours,



Gerald A. Silver,  
President  
Cc: City Clerk, Council Members



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