



Sharon Dickinson <sharon.dickinson@lacity.org>

Fwd: PUBLIC COMMENT ENCLOSED

1 message

San Fernando Valley Neighborhood Coalition <info@sfvnc.com>
To: Sharon Dickinson <sharon.dickinson@lacity.org>

Fri, Nov 4, 2016 at 3:45 PM

Dear Ms Dickinson,
please enter this email into the council file.
thanks.

Begin forwarded message:

From: info@sfvnc.com <info@sfvnc.com>
Date: July 27, 2016 12:51:12 PM PDT
To: brian.walters@lacity.org
Subject: **Fwd: PUBLIC COMMENT ENCLOSED**

Please confirm this was properly entered into the record.
thank you

Begin forwarded message:

From: "info@sfvnc.com" <info@sfvnc.com>
Date: July 25, 2016 6:20:11 PM PDT
To: brian.walters@lacity.org
Subject: **Fwd: PUBLIC COMMENT ENCLOSED**

Begin forwarded message:

Begin forwarded message:

From: "info@sfvnc.com" <info@sfvnc.com>
Date: July 25, 2016 5:44:38 PM PDT
To: ruben.flamenco@lacity.org
Bcc: kevin.keller@lacity.org
Subject: **Fwd: PUBLIC COMMENT ENCLOSED**

To whom it may concern,

**This will be the fourth attempt at sending public comment
regarding the enclosed case.
Please confirm submission has been received and entered
into the administrative record.**

Begin forwarded message:

Begin forwarded message:

From: info@sfvnc.com
Date: June 18, 2016 11:56:14 AM PDT
To: ruben.flamenco@lacity.org
Subject: PUBLIC COMMENT ENCLOSED

Please find the attached with respect to the document posted here:

http://clkrep.lacity.org/onlinedocs/2016/16-0512_rpt_BSL_05-04-2016.pdf

Thank you

2 attachments

 **BOE-HermitageWeddington.pdf**
51K

 **Public Streets-.pdf**
109K



June 20, 2016

DEPARTMENT OF PUBLIC WORKS BUREAU OF STREET LIGHTING,
Council File: [16-0512](#)

On May 4, 2016 your department recommended that Council adopt the Ordinance of Intention for the corner of Hermitage and Weddington which was initiated at the request of an applicant who has plans for a private development in the area. Plans which have yet to be approved and plans the entire block and surrounding communities have strongly opposed.

As your recommendation report states, the proposed is for a PRIVATE DEVELOPMENT. One that serves the applicant. The community of Hermitage Ave. has greatly suffered the last several years by the department neglecting to consider comment, concern and facts from the public. As a result, they have been victims of illegal demolitions, exposure to toxins, increase in crimes and theft, a lack of parking and an overall decrease in quality of life that never existed prior.

After failing at gaining assistance from the Councilmember in the area, that lack of support combined with his commitment to developers and special interest has left the community to fend for themselves.

The San Fernando Valley Neighborhood Coalition finds this incredibly disturbing and unsatisfactory.

While an ordinance can be whipped up and put in place for developers, where is the ordinance that protects the community and its embers?

Because developers currently own 2 out of the 3 properties they intend to raze the neighborhood looks terrible as they have let it completely degrade.

Your department is not under obligation to approve every proposal that appears on your desk. The public feels these approvals are hasty and completely endorsed with absolutely no grounds, no regard for community and certainly no consideration of the best interest in the community.

The San Fernando Valley Neighborhood Coalition opposes this recommendation and requests the department investigate further and familiarize themselves with what type of community is actually inhabiting the area. The history of the area. This is a non transient well established community who has no intentions of being victim to another developer take over. Furthermore, the public interest and convenience was never considered therein your report and should therefore not state so on the ordinance. The public interest cannot be determined by a department not familiar with the public and its needs.

Thank you for your consideration,

SFVNC

* Public Streets Belong To The State And To The People

The streets of a City, even though paid for out of City funds or by local developers under a Tract action, and even though fee title is in the City, do not belong to the City. Rather, they belong to all the people of the State. This is the general rule throughout the United States. It is also the long established rule in California. "It is settled that the public streets of a municipality belong to the people of the State" (*Keller vs. City of Oakland*). Because of these judicial rulings, the City of Los Angeles must adhere to the vacation laws of the State as codified in the California Streets and Highways Code. (Bureau of Engineering LAND DEVELOPMENT Manual - Part D)

Vacating the street, essentially privatizing a public street is not a decision to be made by the City; as it **it is not theirs to privatize**. It is also not consistent with the Valley Village Specific Plan, the North Hollywood-Valley Village Community Plan and is inconsistent with the goals and policies of the General Plan. Substantial evidence does exist demonstrating the overly congested area at the site resulting in challenging and sometimes impossible options for parking.

As the Bureau of Engineering Manual points out, "findings by the legislative body [re: the merger procedure] should be made in the same manner as prescribed in the Reversion to Acreage Sections 66499.15 and 66499.16 and proper notification must be given by the Advisory Agency on the tentative map hearing. **The Council's findings are necessary for the final map because public rights to easements are being relinquished. For a subdivision project in which the subdivision or the proposed street merger is an issue of controversy, the Bureau of Engineering should recommend the Advisory Agency not approve the merger** and accept the street vacation be processed for the City Council's approval." See Bureau of Engineering Manual, Part D - Land Development, section D224. **(SEE EX 5a)**

Furthermore, D 730 VACATION INVESTIGATION AND ANALYSIS requires substantial evidence to prove the Proposed vacated street is necessary; whereas evidence has been submitted proving it is currently in use as well as necessary. **(SEE EX 5a)**

D 754.54 USE OF STREETS: ...Streets exist primarily for purposes of travel and their use for conveyance of persons and property thereon is the paramount use. All other uses are secondary. Secondary uses must give way where they interfere with the primary use of the street. **(SEE EX 5a)**

The Department has not provided substantial evidence to support findings that warrant the public's loss of Weddington Street, how it serves the communities best interest and how it complies with the General, Specific and Community Plan.

On the contrary, letters, testimony and statements continue to be made and submitted to the department proving the use and values of Weddington street to which it serves. The public street is as much ours as it is anyone else's. If anything, the residents and neighbors in the area have more rights to this street than an outsider who has his own ideas involving personal gain to be made by privatizing it. The Department has neglected to provide any findings proving justification for the public to be forced to suffer the loss of Weddington Street; for the City to suffer this loss. An entire community has come forth proving the use, desire and needs of this street. Not considering these facts and evidence is counter to the Legislative intent of both CEQA and counter to the General Plan Framework. It is an abuse in discretion and again, serves no one's interest besides one applicant. CEQA §21168.5
In short, privatizing a public street for a project intended to profit is not consistent with the General or Specific Community Plans; as proven in the Exhibits.

* Unconstitutional Gift of Public Land to Private Party

The proposed merger/vacation of Weddington Street suggests a gift of public lands expressly prohibited by the California Constitution, Article 16, section 6. "**The Legislature shall have no power to . . . make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever.**" California Constitution, Article 16, section 6. **(SEE EX 5b)**

Here, there is no countervailing public benefit that is being conferred, that would make this transfer something other than a naked gift. Since the proposed is a private project intended to generate private profit, nothing here is a benefit to the public, and is simply not consideration for the gift of public land.

*** There is No Basis for a Finding of “UNDERUTILIZED” or Future Use or that Abandonment is in the Public Interest**

In *Citizens Against Gated Enclaves v. Whitley Heights Civic Assn.*, 23 Cal.App.4th 812, 28 Cal.Rptr.2d 451 (1994), a private community attempted to gate off public streets for private use, where they owned the land underlying the streets in fee simple based on subdivisions in 1903, but the streets had been dedicated to public use in the 1920s. The Court stated:

The City was well advised not to call the withdrawal order a vacation or abandonment. **"A street may not be vacated for exclusive private use."** (*Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282 [204 P.2d 922].) **To abandon a public road, the City must find that it is no longer necessary, i.e., there is no present or future use for the road, and that the abandonment is in the public interest.** (Sts. & Hy. Code, § 959; *Heist v. County of Colusa* (1984) 163 Cal.App.3d 841, 848-849 [213 Cal.Rptr. 278].)

Abandonment of a street must be accomplished in the manner provided by statute since **streets are in law the property of all of the people of the state. A road may not be abandoned without a finding that the road is unnecessary for present or prospective public use.** (See *County of San Diego v. Cal. Water etc. Co.*, 30 Cal. 2d 817, 823 [186 P.2d 124, 175 A.L.R. 747]; *People v. County of Marin*, 103 Cal. 223 [37 P. 203].) **(SEE EX 6a)**

Hence, CGC §66499.16 requires a finding by the legislative body that “Dedications or offers of dedication to be vacated or abandoned ... are unnecessary for present or prospective public purposes.” **(SEE EX 8c)**

Here, it appears that the Bureau of Engineering and the Department simply made an unsupported conclusion that there is no present or future public purpose for the land, with no investigation, no analysis and no regard or consideration of the evidence submitted by the public, proving use. The Department neglects to have knowledge of the existing community at the site, the residents and neighbors surrounding the site, and has no insight as to the inner workings of this community and how much Weddington Street is utilized and depended on. There is a substantial amount of evidence entered into the record PROVING CURRENT USE and a history of existing use by the public since the 1930's.

There exists no evidence proving there is to be no future use of Weddington Street. The evidence that *has been* submitted, again, can be found in the EXHIBITS section of this document in addition to the stack of letters submitted by the public, with photos included, proving daily use.

Furthermore, the residents of the parcels have their own private parking driveway and do not utilize the street, which the Department would have known if they reviewed the evidence submitted. **THE STREET IS UTILIZED BY THE PUBLIC AND RESIDENTS OF THE ENTIRE NEIGHBORHOOD DUE TO THE EXISTING CONGESTION AND LACK OF AVAILABLE PARKING.** **(SEE EX 5d)**

In addition, Government Code section 66499.16 requires “(1) All owners of an interest in the real property within the subdivision have consented to reversion; or...”

As previously stated, the property known as 5303 Hermitage Ave. (APN 2347025010) has not been sold to the applicant- and they do not have the consent of all the interests in the real property.

There currently exists, as it has since February 24, 2016 a lis pendens due to current litigation which does involve title to this property.

Any approval of a merger/vacation/removal/alteration of any kind to Weddington Street affects the parties at interest in the property, and is highly opposed. The applicants have acted completely presumptuous choosing to proceed full speed ahead as though they already own all the parcels in question. The Department has abused its discretion in approving the proposed without considering all of the facts submitted. **(SEE EX 8c)**