

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

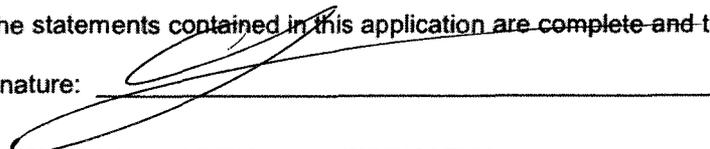
If Yes, list the condition number(s) here: ALL

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: September 2, 2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Tracy Williams</u>	Date: <u>9/2/2016</u>
Receipt No: <u>0202348277</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Application Documents
 Received 66 pages (T.W.)

TO: Los Angeles City Council Members

RE: 5261, 5263, 5303, 5305 Hermitage Ave., 12300, 12301, 12302 Weddington St.

CASE: **DIR-2015-2697-SPP** | **VTT 73704** | **ENV-2015-2618-MND**

Dear Los Angeles City Council Members / PLUM Committee,

The appellants file the enclosed appeal to the 3 case numbers above on the grounds that substantial evidence DOES exist demonstrating a fair argument the project will have a significant effect on the environment, the proposal is not in compliance with the general or specific plans, the proposal has grounds for denial pursuant to CGC **§66474.60.** and **§66474.61.**, the advisory agency or appeal board, **shall deny approval of a tentative map** if any one of the findings is made:

- (a) **That the proposed map is not consistent with applicable general and specific plans...**
- (b) **That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**
- (c) **That the site is not physically suitable for the type of development.**
- (d) **That the site is not physically suitable for the proposed density of development.**
- (e) **That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**
- (f) **That the design of the subdivision or the type of improvements is likely to cause serious public health problems.**
- (g) **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.**

Appellants and other members of the public have submitted substantial amounts of evidence and documentation since 2015, again at the initial public hearing, more evidence and testimony presented at the South Valley Area Planning Commission, again at the hearing for a Motion To Reconsider and herein again.

The public has vigorously requested the department consider and apply State law regarding any decision that would compromise an incredibly utilized public street. Letters, statements and photographs from residents who are forced to walk blocks from their residence due to lack of parking in the neighborhood contribute to a sea of negative impacts the public will be forced to suffer for no other reason than the approval of one project. Please **SEE EX 1a - 1e**

Additionally, the 2 members of the Area Planning Commission who **FAVORED THE APPEAL** were the only 2 that were **physically familiar with the site** and had therefore a true and correct understanding of why the proposal is inappropriate. Multiple requests have been made for the department to visit the site and meet with the community which have also, gone ignored.

Appellants have brought forth evidence that a fair argument exists that the proposal does have and will have a significant effect on the environment, also ignored.

The South Valley Planning Commission hearing revealed completely falsified information given to the Commission by City Council District 2 Chief of Land Use Karo Torossian when he was asked what exactly has he and his office had done in terms of working with community on the proposal. What has the applicant done to reach out to anyone living in the neighborhood to familiarize themselves with the type of neighborhood they intend to deface. Neither had answered those questions. Well into the final stages of this appeal and not one email has been returned, not one phone call from City Councilmember Krekorian's office, not one concern addressed. The community has expected nothing different as this is how our district elected official chooses to operate. However, alleging in front of the Area Planning Commission that they have somehow conducted

themselves otherwise is completely inaccurate and needs to be corrected. The appellants are active members in various projects all over district 2. Not one project has earned the support of council member

Kerkorian. On the contrary, the office has gone out of their way to support applicants while opposing a room filled with members of the community.

Appellants and the community having support from STATE ASSEMBLYMEMBER PATTY LOPEZ has allowed opportunity for proper consideration to be taken by personally requesting a meeting with the Commissioners to discuss the severity of damage the proposal intends to inflict on the community. State officials have been made aware of the communities struggle with the local lead agency in terms of following city and state regulations. Having the attention of the State Senate and AssemblyMembers in this case, also goes ignored by the department and Commissioner Janny Kim, Mark Dierking and President Steve Cochran. **SEE EX 3**

Let this provide another example of the blatant disregard for State Law by not taking advantage of an opportunity extended by a STATE REPRESENTATIVE who has shown GREAT CONCERN for constituents both IN her district AND OUTSIDE her district... Responding to a community after their own Assembly representative has also taken the silent position on all community matters and concerns. AssemblyMember Lopez has a great enough concern over this matter while The (3) Commissioners disregard her generous request for a meeting. We find this to be incredibly disrespectful and another verification that decisions are not being made for anyone's benefit other than the applicant.

The commissioners duty – to view the evidence in the record & hear testimony from the public. The public hearing held by the Area Planning Commission demonstrated evidence on the record was not carefully reviewed; if reviewed at all.

Substantial evidence review includes the duty to determine whether the agency committed errors of law in applying the facts before it. (*Berlinghieri v. Department of Motor Vehicles, supra, 33 Cal. 3d 392, 395; Apte v. Regents of the University of California (1988) 198 Cal. App. 3d 1084, 1092-1093 [244 Cal. Rptr. 312], mod. 199 Cal. App. 3d 1099c; San Marcos Mobilehome Park Owners' Assn. v. City of San Marcos (1987) 192 Cal. App. 3d 1492, 1499 [238 Cal. Rptr. 290].*)

In this case, the department has ignored all of the evidence supplied demonstrating specifically how the proposal fails to meet the guidelines and regulations of the General Plan, the Specific Plan and State Law.

The Public has proved to the Department the targeted site is not appropriately described alleging it is "underutilized" in any way shape or form. It is the most utilized corner in the neighborhood. What constitutes evidence other than photographs, testimony, statements, reports, documentation, letters, statements....It has all been provided and not acknowledged.

Small Lot Design Guidelines suggest "the Ordinance provides a smart-growth alternative to the suburban single-family home, generally reduces density" - The proposed removes public streets, demolished 3 parcels to make way for 28 3 story single family homes. This is the Departments definition of a reduced density? If so, the Department has neglected to produce the necessary findings proving this project somehow reduces density in the neighborhood. The only reducing visible are the reduced setbacks, reduced open space, reduced landscape, reduced parking, reduced tree canopy, reduced affordable housing and a reduction in the quality of life for the community.

- The design of the proposed development is not compatible with the existing neighborhood context
- The proposed development will not provide fee-simple ownership opportunities for people at a wider range of income levels.
- The proposed development will not create high-quality indoor and outdoor living environments for all residents

In addition to general notice issues, not one resident has been notified of any public hearing, nor has witnessed anything posted pertaining to the potential loss of Weddington St.

We are well aware there exists a council file after weeks of attempting to locate such information however the process was not followed and once again, there has been no enforcement on this matter. More than 9 emails were sent PRIOR to the public hearing yet nothing was submitted into the record.

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

Had the appellants been properly notified, had the residents in the area been witness to a posting for a public hearing pertaining to THEIR public street, rest assured there would have been a packed room. Nonetheless protocol was not followed and the council file remains void of any public comment that was submitted.

Please also find **EX 4** a letter submitted by a party having previous experience in dealing with these particular applicants and have been kind enough to share some of their experience. The Department has found this to be acceptable behavior and permitted for our communities to be forced to withstand. WE see this as an opportunity for the Council to find such business practice unacceptable. WE also see it as opportunity for Council to show its support to their voters; to show their commitment to respecting the bounds of city and state law; to show their commitment in approving projects that are found to be in compliance with the general plan, its policies goals and objectives. An opportunity for Council to do what it says it wants to do by preserving EXISTING AFFORDABLE HOUSING. Acknowledging that anything less would be compromising the city and the ones they depend on.

A wealth of documentation denoting the loss of affordable housing IN PLACE, evictions, permanent neighborhood destruction, environmental damage, parking issues for the entire neighborhood, increases in crime, theft, risk, traffic, noise, pollution - an overall degradation of the quality of life for the residents and the community at large. There are SUFFICIENT GROUNDS for denial one MORE THAN ONE ACCOUNT.

Please accept the video links marked as **EX 2a** and **EX 2b** as evidence into the record that show the July 14, 2016 South Valley Planning Commission public hearing for confirmation of references and quotes made in this document.

How can Commissioner Dierking "move to adopt staff recommendations" when he made the most obvious statement of asking if this case was even appealed? He had just HEARD the appeal - the entire hearing was based on the appeal - he voted to deny the appeal yet questioning if the case he heard was appealed.

Since 2003 The South Valley Planning Commission **HEARD approximately 635 cases.**
More than 437 of those cases were appealed. 432 of those appeals were DENIED.
13 years of the Commission hearing appeals and reviewing evidence and **not more than 5** appeals have been granted. **Not more than 5** times has the city admitted they have erred and abused its discretion.

The appellants respectfully request the City Council review the evidence in the entire record. That the City Council consider the findings made by the public who have submitted an excessive amount of documents to substantiate the appellants position.

Thank you.
Respectfully,

Valley Village Residents for Fair Government
Friends of Valley Village
HELP
San Fernando Valley Neighborhood Coalition
Valley Village Neighborhood Coalition

X 1a

Bureau of Engineering
Manual – Part D

LAND DEVELOPMENT
4-07 D 220

D 220 REASONS FOR SUBDIVISION MAPS

D 221 DIVISION OF LAND

A tract or parcel map shall be required to divide any parcel of land.

D 222 DIVISION OF LAND - FIVE OR MORE PARCELS

Tract maps are required when five or more parcels are being created, with some exceptions (See Section 66426 of the State Government Code).

D 223 FACILITATE STREET VACATION

A tract or parcel map may be required in connection with the City Council's approval of a request to vacate street, alley or walk easements if it is determined that a map would:

- a. Facilitate dedications and improvement of streets, alleys and other public rights of way.
- b. Provide a simple legal description to consolidate the vacated area with adjoining properties and to eliminate an existing difficult or complicated metes and bounds legal description.
- c. Assure legal access to applicants or owners of adjoining parcels, where vacation of a street would cause land locking, resulting in a need for a private street or subdivision approval.

D 224 REVERSION TO ACREAGE AND MERGER

Sections 66499.11 to 66499.20, inclusive, of the California Government Code, outline the procedures and requirements relating to reversion to acreage of subdivided lots and the abandonment of public easements not shown on the final map. Section 66499.20 1/2 of the California Government Code permits merging of subdivided lands and resubdivision to be accomplished by a single map. The process is termed "merger".

Although the merger procedure does not specifically require it, findings by the legislative body should be made in the same manner as prescribed in the Reversion to Acreage Sections 66499.15 and 66499.16 and proper notification

EX 1a

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4-07 D 225

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.

Reversion to acreage or merger shall be effective upon filing of the final map for record and shall also constitute abandonment of all streets and easements not shown on the map. The final map checker and district design office should exercise extreme care in reviewing final maps undergoing reversion to acreage or merger, to ensure that all needed public easements are shown on the map.

D 225 ZONE CHANGE, CONDITIONAL USE

In many instances when a zone change or conditional use is approved by the City, the requirement to file and record a Subdivision map is included in the conditions of approval. In some instances the development of the property would have normally required a subdivision map, such as a zone change to a single family zone to permit one larger parcel to be further subdivided. However, if a number of other situations exist which would make it desirable to have a subdivision over a particular parcel of land, a tract or parcel map will be required. Instances where a tract or parcel map would be required are:

- a. No sewers are available. Section 64.11.2 of the LAMC provides for offsite sewers under tract map applications.
- b. Extensive and complicated dedications and improvements of public streets are required.
- c. Extensive drainage facilities are needed.
- d. Restriction or control of vehicular access is required.
- e. The parcel is described by complicated metes and bounds descriptions and a simple description afforded by a new recorded map is deemed necessary.
- f. A survey is necessary to properly define the parcel.
- g. A proper tract layout study is needed to provide access to adjoining unsubdivided property.

X 1b

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D 726.2 OTHER COSTS

Conditions of the vacation approval may require that the applicant dedicate additional easements adjoining his/her ownership for public street or alley purposes and/or construct necessary improvements such as concrete curbs and gutters, sidewalks, sewer and/or storm drain facilities, street lights, street trees, etc. All costs incurred for the processing of any required dedications, the construction of required public works facilities and the relocation of any affected public utilities or any other facilities located within the vacation area are to be borne by the applicant.

D 726.3 GOVERNMENTAL AGENCIES EXEMPT FROM FEES

All governmental agencies shall be exempted from paying any deposit or fees for the investigation and processing of a vacation as prescribed in Section 7.46 LAAC.

D 727 MAP/LEGAL DESCRIPTION REQUIREMENT

Pursuant to Section 7.50 LAAC or Section 8335 CSHC, no street shall be vacated unless a legal description or a map to absorb the vacated area is prepared, executed and approved in the manner required by law for the preparation, execution and approval of maps and/or legal descriptions for subdivisions of tracts of land. If a subdivision map is not required to absorb the vacated area, a lot tie agreement condition should be imposed to tie the vacated area to the adjoining parcels to preclude the creation of substandard or land locked parcels.

D 730 VACATION INVESTIGATION AND ANALYSIS

The city is required under the Vacation Law to make a finding from all the evidence submitted that the area to be vacated is unnecessary for present or prospective public use prior to vacating the area. Such findings should adhere to Section 1094.5[©] of the California Code of Civil Procedure (CCCP) which requires that findings be supported by substantial evidence.

The case *Topanga Association for a Scenic Community vs. County of Los Angeles (1974)* determined that an administrative agency rendering a decision reviewable pursuant to Section 1094.5 CCCP shall express findings sufficient to reveal relevant sub-conclusions supportive of the ultimate decision, thus enabling a reviewing court to trace and examine the agency's mode of analysis. Absent requisite findings, the administrative decision must be overturned on judicial review.

The Bureau of Engineering is responsible for the investigation of a vacation to determine if such substantial evidence exists to make a finding that the street is

EX 1b

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unnecessary for present or prospective public use. The Vacation Investigation Analysis and Checklist form (Figure D 730) should aid in organizing the investigational data and proceeding with the analysis. The following sections outlined the procedure to be used in the investigation and analysis.

D 731 ENVIRONMENTAL CLEARANCE INVESTIGATION

The following procedure is used for the preliminary investigation of a vacation:

Environmental considerations under the City's CEQA Guidelines are investigated. Upon receipt of the completed Environmental Assessment Form, an evaluation must be made as to whether the applicant qualifies for a current Categorical Exemption or if a Negative Declaration or an Environmental Impact Report may be required. If not the BOE Environmental Section should be contacted to determine the appropriate environmental clearance.

Very often if the Vacation Application is in conjunction with a public agency project, an environmental document would have been prepared for such project. The City Council may rely on such a document to take action on the Vacation Application without a separate environmental clearance.

An environmental analysis may often require a field trip and other in-house investigation. The practice of the Bureau is not to collect separate fees for the environmental analysis and preparation of a Negative Declaration, but to charge a portion of this work to the assigned vacation work order for the project. For a detailed discussion of environmental considerations refer to D 740.

D 732 RECORD INVESTIGATION.

The following information, if possible, should be compiled from appropriate records:

- a. Council District.
- b. Classification of the street (local, collector, etc.).
- c. Zoning of surrounding property.
- d. Property ownership and metes and bounds parcels.
- e. Classification of streets adjoining involved properties.
- f. Street and Freeway Element of the General Plan.
- g. Community Plan.

X 1c

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D 754.4 SEWER AND DRAINAGE FACILITIES

Appropriate conditions should be imposed to protect existing City facilities within easement areas or require the applicant to relocate such facilities.

D 754.5 UTILITIES IN VACATION AREAS

BOE upon the receipt of Vacation Applications shall prepare and send out referrals to all known utility companies in the vacation area. If objections to the vacation are submitted by the utility agencies, The vacation approval should include conditions to require the petitioners to make arrangements and obtain approvals from said agency prior to finalizing the vacation.

D 754.51 FRANCHISE RIGHT CEASES WITH VACATION

Under a Federal District Court case, entitled General Telephone Company vs. United States, it was determined that the vacation of the street is an automatic termination of a franchise right.

D 754.52 RIGHTS UNDER FRANCHISE

The rights under franchise are granted subject to the continued existence of a street. When the public easement ceases to exist in a certain street, the right of use of that street by the franchise holder also ceases.

D 754.53 RELOCATION IMPLIED

In the absence of a provision to the contrary, it has generally been held that a public utility accepts franchise rights in public streets, subject to an implied obligation to relocate at its own expense when necessary to make for a proper governmental use of the street.

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 or with the development of the street for travel. Section 62.04 LAMC is base upon this principle.

EX 1d

**case law specifying that no road may be abandoned
without a finding that the road is
unnecessary for present or prospective public use.
We have already proven use exists.**

County of San Diego v. Cal. Water etc. Co. , 30 Cal.2d 817

[7] Here, however, we are directly concerned with strong considerations of policy.

The Legislature, for the protection of the public, has declared that a road may not be abandoned without notice, a hearing, and a finding that the road is unnecessary for present or prospective public use. Enforcement of a bare promise to abandon would not only mean a complete disregard of these salutary legislative requirements but would also be inconsistent with the additional policy against the making of contracts by a public body to exercise [30 Cal.2d 827] its discretionary governmental powers in a particular manner. By indirect enforcement of such a "contract" the needs of persons using the highway might be ignored, and a method would be afforded by which officials and persons dealing with the agency could evade the law. (Cf., Miller v. McKinnon, 20 Cal.2d 83, 88-90 [124 P.2d 34, 140 A.L.R. 570].)

Finally, the court stated that it was never contemplated that the city commission could thus "circumvent the statute and deprive the people of their right expressly granted by statute to approve or reject the proposed abandonment of a portion of the street which was in active use as a public thoroughfare." (156 F.2d at p. 712.) [30 Cal.2d 828]

In State v. Castle, supra, it was held that there could be no estoppel because "no law ... authorizes the supervisors ... to discontinue a highway by contract with the parties interested." (44 Wis., at p. 677.)

The court suggested that the contract amounted to a surrender of legislative discretion, adding that it was at least questionable whether the making of the contract would not have rendered the closing of the road void even if the procedure had otherwise been regular, on the ground that the supervisors may have been influenced by the performance on defendants' part rather than by a consideration of the public good with respect to the road.

X 1e

CALIFORNIA CONSTITUTION ARTICLE 16 PUBLIC FINANCE

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have 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; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation;

SEC. 5. (a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

EX 2a

SOUTH VALLEY PLANNING COMMISSIONERS

July 14, 2016

Steve Cochran, President Rebecca Beatty, Commissioner Lydia Drew Mather, Vice
President Mark Dierking, Commissioner Janny Kim, Commissioner

PART 1

<https://www.youtube.com/watch?v=ISBoLIEO41k>

(6:40)

City Planner Dan O'Donnell: My contribution here is to state that the Appellants rely heavily on policies goals and objectives either the general plan the community plan or the specific plan, especially in the case of the specific plan they're relying on the purpose statements. Purpose statements are not mandatory. They are not regulatory. They are statements of intent and statement of reasons why the regulations in that plan are there. They are justifications. They are not mandatory requirements. Um there are no policies. There are 8 policy statements in the Valley Village Specific Plan. 5 of those relate to protection of existing single family neighborhoods. The Purpose of that plan as stated in the whereas clauses up front and in 5 of the 8 purposes was to protect existing single family neighborhoods of commercial and multifamily developments. But just in, in stating that fact, the plan obviously anticipated that there would be development. The plan was not intended to be a moratorium on any development occurring in Valley Village nor was it to preserve all existing neighborhoods exactly as they have been for decades.

Um. A couple of other points. The project is demolishing 9 existing units on the site and replacing it with 26 single family homes. The the neighborhood is a mixture of multifamily apartments and condominiums. So the introduction of a for sale project in this neighborhood is not new. They exist. There's a 30-unit apartment building an 18 unit apartment building, the entire street on both sides is completely multifamily. Both for sale and for rent.

Um the appellant in this case uh attempted to get 2 of the buildings on these sites declared as historic cultural monuments, in 2015. The cultural heritage commission declined to nominate those as historical structures. They also attempted to get nominated 2 large camphor trees that are on site as historic cultural monuments. The commission declined also to nominate those. Um. There there's a total of 24 trees on the site none of which are protected trees um and as a result of all of these comments raised about the trees the applicant actually reduced

the project by two units it was originally twenty eight it was reduced to twenty six preserve the two camphor trees on site. You can see that on the landscape plan as part of your package. Um. Other than that I think I'll probably just wait to respond to to any questions or comments you have we do recommend that we deny the appeal and sustain the directors determination and approve the environmental mitigated declaration.

Commissioner Dierking: So I just have a question. If they weren't allowed to do the Small Lot Subdivision what would be the density that they could go to on this lot.

City Planner Dan O'Donnell: They could build one per twelve hundred square feet of lot area. Under the QR3 zone that it currently has

Commissioner Dierking: So what's the maximum number of units that could go in.

City Planner Dan O'Donnell: Thirty five.

Commissioner Dierking: Thirty five.

City Planner Dan O'Donnell: Thirty five and they are building twenty six.

Commissioner Dierking: So they could go to Building and Safety pull a permit. . .

City Planner Dan O'Donnell: Yes, it also does involve the vacation and merger of a stub portion of Weddington. Um but but even without, even without that vacation, you could still build thirty five units.

(10:52)

Commissioner Cochran: Very well thank you. Um we will hear from the Appellant um Rick Abrams.

(26:47)

Commissioner Cochran: Michael Feinstein. please.

(29:23)

Commissioner Cochran: Lisa Seidman.

(31:50)

Commissioner Cochran: Sean M.

(33:08)

Commissioner Cochran: Donna Gooley.

(34:40)

Commissioner Cochran: Sam Zeines.

(35:53)

Commissioner Cochran: Peter Cole.

(36:00)

Commissioner Cochran: David Hernandez.

(39:30)

Commissioner Cochran: Ilene Graves.

(41:56)

Commissioner Cochran: Karen Kaysing.

(42:04)

Commissioner Cochran: Janet Tscha.

(48:56)

Commissioner Cochran: Jerry.

(52:28)

Commissioner Cochran: Debora Roventini.

(55:09)

Commissioner Cochran: Mike McCracken.

(56:14)

Commissioner Cochran: Thomas Rolan.

(1:00:10)

Commissioner Cochran: Regine Rose.

(1:00:18)

Commissioner Cochran: Joanne Erikson.

(1:04:35)

Commissioner Cochran: Charles Fisher.

(1:07:01)

Commissioner Cochran: I have a couple of Commissioners that are asking for a comfort break. So we are gonna take a recess until um a couple of minutes after seven o'clock.

Uh thank you very much.

END OF PART 1

The appellants find Dan O'Donnell's interpretation of the Specific Plan not only inaccurate, but highly disturbing. He states the appellants rely "heavily on policies goals and objectives" and how he does not believe them to be "mandatory" or "regulatory". The General Plan Framework Elements SPECIFICALLY STATE what those *Overall Goals objectives and Policy include* are!

CGC 65030.1: Legislature has declared it policy that decisions which are made at the local level, should be guided by an effective planning process, including the local general plan, and should **proceed within the framework of officially approved statewide goals and policies**...

THE FRAMEWORK ELEMENT OF THE GENERAL PLAN; Chapter 1 The General Plan System

All principles, goals, objectives, policies, and plan proposals set forth in the general plan must be internally consistent.

EVERY ELEMENT OF THE GENERAL PLAN REQUIRES goals, objectives and policies to be consistent and for those to be met. When proposals such as the one in front of you fails to do so, it is then not complying with such plan.

EX 2b

SOUTH VALLEY PLANNING COMMISSIONERS

July 14, 2016

Steve Cochran, President Rebecca Beatty, Commissioner Lydia Drew Mather, Vice President
Mark Dierking, Commissioner Janny Kim, Commissioner

PART 2

<https://www.youtube.com/watch?v=rALkBgMvdWM>

(28:00)

Commissioner Mather: K I gotta I gotta real question here a question in terms of the process Kathy. There's a lot of papers here. And some legal, I don't know what their worth but I get through most of it.. I didn't see the part where they don't own all the property, I mean this is being done as a proposal as opposed to an actual by right property owner situation. I just want that clarified for me. From somebody from Planning, City Attorney or the Council Office, or the developer. Somebody say is that true.

City Attorney Rep Kathryn Phelan: Well let me give you the legal. . .

Commissioner Mather: Cuz there's a lot of misinformation thrown around here today. And there's a lot of stuff that's just out right, off the planet, thats silly. . . but this particular item I would like to know the answer to.

City Attorney Rep Kathryn Phelan: So. . you are hearing a lot of arguments. On this point, this is another argument that's been thrown into the mix for you, I would say I think what is really important is that you're hearing these items on appeal, you're authority is is given to you by the code, as to what you what do you look at when you get something on appeal.

What you look at is the findings. That's your decision. That's the scope of it. I could read the code sections to you, but it, it says when you get something on appeal what you're gonna look at is are the findings met for the tract map.. Are the tract map findings of this projects in compliance, is the project permit compliance findings, and in that environmental review you are the decision under CEQA on this project right now, um and you have to make the call whether or not there there the there has been a fair argument substantial evidence a fair argument that there will be significant impacts the project. You have to make that call. On this issue of who owns the property and whether or not that this application was properly processed because they don't have the right to apply for the entitlement, this is not a question that is before you. And if the city erred in processing this application because they don't own the property if that is an issue, which I'm not, I'm not even speaking to. . .

Commissioner Mather: For the public record I would like that defined.

City Attorney Rep Kathryn Phelan: Well let me finish...

Commissioner Mather: I think that's important.

City Attorney Rep Kathryn Phelan: Let me finish...

Commissioner Mather: It may not influence how I vote, but I...

City Attorney Rep Kathryn Phelan: And I do It think the applicants representative should speak to that, but, so you understand, if the city erred in that someone could challenge that but it would be challenging the decision of the department to process the entitlements. If there's an error there, they can challenge that but it's not in front of you to make a decision on.

Commissioner Mather: I understand that I just wanted it to be part of public record to verify that.

(48:37)

Commission Executive Ass: Are you gonna take it in 2 parts?

City Attorney Rep Kathryn Phelan: One Motion for each.

Commissioner Dierking: Well what's the procedure?

Commissioner Dierking: What's the procedure you have. We heard them together.

Commission Executive Ass: You heard them together but you separate the motion (if you agree..) (couldn't make this out)

Commissioner Dierking: One motion for each fair enough okay. In the matter of uh. I would like to make a motion in the matter of Vesting Tract 73704-SL-A1 with accompanying environmental 2015-2618-MND. I uh move that we uh uh deny the appeal and adopt the staff findings.

Commissioner Cochran: Do we have a second.

City Attorney Rep Kathryn Phelan: The finding on the environmental.

Commissioner Dierking: I said the environmental case. Right?

City Attorney Rep Kathryn Phelan: That, you didn't add that into the recommended actions. You added it denying the appeal.

Commissioner Dierking: Um I'm not understanding. What should I say.

City Attorney Rep Kathryn Phelan: You could say you can adopt move to adopt staff's recommendations.

Commissioner Dierking: I move to adopt staff recommendations. WAS THERE AN APPEAL ON THIS OR NO.

City Attorney Rep Kathryn Phelan: Yes, the recommendation is to deny the appeal.

Commissioner Cochran: Do we have a second?

Commissioner Kim: Second.

(51:05)

Commissioner Cochran: It is now 7:51 (*pm*) and we are adjourned.

EX 3

STATE CAPITOL
P.O. BOX 942649
SACRAMENTO, CA 94249-0339
(916) 319-2039
FAX (916) 319-2199

DISTRICT OFFICE
302 SOUTH BRAND BOULEVARD, SUITE 212
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Assembly
California Legislature



PATTY LÓPEZ
ASSEMBLYWOMAN, THIRTY-NINTH DISTRICT

COMMITTEES
AGING AND LONG-TERM CARE
HOUSING AND COMMUNITY
DEVELOPMENT
HUMAN SERVICES
PUBLIC SAFETY
RULES
WATER, PARKS AND WILDLIFE
SELECT COMMITTEE
FOSTER CARE

August 4, 2016

Department of City Planning
South Valley Area Planning Commissioners
Los Angeles City Council Members

RE: Case No's: VTT 73704-SL
DIR-2015-2697-SPP
ENV-2015-2618-MND

Dear City Planning Representatives:

It is with great concern that I write this letter based on what I have learned through my constituents in the 39th District. Housing is one of my top priorities and, as Los Angeles remains the homeless capital of our nation, it should be our *collective* priority. The preservation of housing costs and careful monitoring of land use should be at the forefront of our decision-making processes.

I have been informed of pending actions that, in certain regions, could potentially worsen the housing crisis. These actions will impact ADA-compliant housing and rent-controlled units, thereby creating a gentrification effect and displacing long-term residents as well as preventing new residents from securing affordable housing.

In order to develop a clearer understanding of the potential consequences of this project, I would like to respectfully request a meeting to discuss these concerns and relevant data that I have received from my constituents. I want to ensure that state legislation which provides some grounds for goals and policies regarding land use will not be endangered.

Until then, I wish to lend my support to constituents who are advocating for local conditions and circumstances to be taken into account when decisions about land use are being deliberated upon.

Many of my constituents have informed me of their strong opposition to projects which might jeopardize the integrity of their current environment. I urge you to work closely with these communities and to listen to the needs of its residents.

Sincerely,



Patty López
Assemblywoman
39th Assembly District

EX 4

Re: South Valley Planning Commissioners,
Randa Hanna, Commission Executive Assistant,
randa.hanna@lacity.org

June 24, 2016

Case NO: VTT 73704-SL / DIR-2015-2697-SPP / ENV-2015-2618-MN

To Whom It May Concern,

The company Urban Blox is not in the business of building houses as they claim. Their business model is to buy property, evict middle and working class families from affordable existing rental homes and then resell the land with entitlements to other developers. Their job is to bully tenants into leaving so they can sell unoccupied lots at an extremely high profit margin. They pay one of the top 5 lobbying companies to smooth their way at city hall who give big donations to city council members. The lots in their possession remain abandoned and uncared for, as they try to sell it for outrageous prices. Urban Blox properties become run down eyesores, with trash accumulating and squatters moving into abandoned homes. I urge you not to welcome these vulture developers into your community.

Urban Blox engages in dubious business practices. On a recent project Urban Blox submitted a proposal in which they took a solar report from another project and simply changed the front page heading- expecting no one at the DCP's Expediting Office to read this important state mandated and critical report- and no one at the office did. But community members did. They found that the solar report was falsified and actually pertained to a property 2 miles away on a completely different site. When this was brought to the attention of the DCP they ignored it and never addressed it. The Solar report was prepared by the firm DHS and Associates Inc operated by Steve Nazemi.

They also lied on notarized documents pertaining to the amount of rent current tenants were paying. Urban Blox claimed current tenants were paying in the area of \$1,200 a month. The next question asked whether current tenants could find "like rent" in the neighborhood and to this they answered "yes." If the current tenants were paying \$1,200 rent this would have been an honest answer, but they were not. They were paying half that. This is important because these two questions pertained to the demolition permit. The city is supposed to take into consideration whether existing structures can be demolished based on whether existing tenants can find "like rent" in the neighborhood. The tenants clearly could not find \$600 rents, so Urban Blox lied and claimed that they had paid \$1,200. Moreover, the family in question was struggling to care for a severely disabled child. Urban Blox lied in order to kick out a family with a severely disabled child while the DCP didn't even bother to check the paperwork. This is deeply disturbing and is why it is vital that you carefully consider whether you want this type of firm doing business in your neighborhood.

When pressed by the community on this issue, Urban Blox claimed that one of their contractors, Steve Nazemi for DHS and Associates had made an unimportant clerical mistake. It was then completely ignored by the DCP. What community members knew was that Steve Nazemi had nothing to do with the notarized document because he did not sign it. It was signed by Raffi Shirinian, a principal at Urban Blox. It should also be mentioned that Steve Nazemi has been in business for over 20 years and these are all standard forms that a person in this line of work would be extremely familiar with. Urban Blox persuaded Steve

Nazemi to lie about filling out a notarized document he did not sign. Again, the DCP ignored the fact that his signature was not on the document and treated the information as irrelevant. The entire reason the DCP requires documents to be notarized is to stop developers lying on applications. The DCP requires developers tell the truth about their projects on applications and they do this by requiring that documents be notarized.

This history may be important to you because it shows two things: the questionable business ethics of Urban Blox and the DCP's questionable capacity to correctly judge a project, or even look at it especially if the developer has paid extra to have the project "expedited." That is why it is so important that we have an independent review process to uphold community members appeals.

The community depends on the appeals process to look into whether the DCP correctly judged the merits and legality of a project for a given neighborhood. Unfortunately, there is a glaring defect in the process. If a community group appeals the determination of the DCP, there is an appeals hearing. At the hearing there is a panel of commissioners charged with judging whether to uphold or deny the appeal. The appellant appears with various members of the community. The DCP as defendant is represented by the City Attorney. The City Attorney also acts to advise the commission on legal questions. Therein lies the problem. The commission must ask legal advice from the lawyer of the defendant. Is it any wonder so few appeals are ever upheld?

This puts the commission in a very unfortunate position. And it is also why the commission must resist the temptation to ask the City Attorney if they can legally uphold an appeal. It can be done. If you couldn't, there would be no appeals process. The lawyer for the DCP is going to deliver information that is best for his or her client- the DCP. Hopefully this process will be changed, but in the meantime we respectfully ask the commission to make up its own mind as to whether this is a good project for the neighborhoods you are all working so hard for. It takes courage for a commission to stand up to the City Attorney and the DCP and uphold an appeal. I urge you to do exactly this to keep Urban Blox out of the neighborhoods you represent.

Please uphold this appeal. The property in question does not even belong to the developers and this process should never have even started. Urban Blox has a reputation for bullying and cheating tenants and abandoning properties while they try to resell entitlements for huge profits. They are not in the business of building more much needed housing. They are in the business of driving up the price of real estate so average families can not afford homes. They are in the business of profiteering from homelessness and the housing crisis. The community researched this company and found out who they really are. Please help your community.

Thank you. Respectfully,

-William Hawxhurst Wheelock III

(exhibits referenced are in original file and previously submitted)

The Appellants have provided substantial evidence of the Project's incompatibility with the surrounding community that will dramatically alter the neighborhood character. The Proposed inflicts a complete removal of the neighborhoods identity conflicting with the objectives, goals and policies required by the General Plan; and its requirement in having consistency with Specific and any other applicable plans. Consequently, creating a significant environmental impact, one for which an MND is inappropriate. At minimum, an EIR is required.

I. A FAIR ARGUMENT EXISTS OF SIGNIFICANT ENVIRONMENTAL IMPACTS, MAKING USE OF A MITIGATED DECLARATION INAPPROPRIATE.

A. Legal Standard

A strong presumption in favor of requiring preparation of an Environmental Impact Report ("EIR") is built into the California Environmental Quality Act ("CEQA"). This presumption is reflected in what is known as the "Fair Argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment.

Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal. (1993) 6 Cal.4th 1112, 1123;

No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75.

Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 111-112.

An EIR must be prepared where there is substantial evidence that significant effects "may" occur.

League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App. 4th 86, 904-905.

A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 83, n. 16.*

If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).

Substantial evidence "includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." Pub. Res. Code § 21080(e)(1). It also includes "reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. ."

CEQA Guidelines § 15384(a).

The fair argument test is a "low threshold" test for requiring the preparation of an EIR. *No Oil, supra, 13 Cal.3d at 84.*

Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. *League for Protection, supra, 52 Cal.App.4th at 904-905.*

This standard reflects a preference for requiring an EIR to be prepared, and a preference for resolving doubts in favor of environmental review. *Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 332.*

"Under the fair argument approach, *any* substantial evidence supporting a fair argument that a project **may** have a significant environment effect would trigger the preparation of an EIR."

Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App4th 98, 113 (italics in original).

Communities for a Better Environment is also significant because it clarifies that agency "thresholds of significance" are not necessarily the threshold that may be used in determining the existence of a "significant" impact.

A significant impact may occur even if the particular impact does not trigger or exceed an agency's arbitrarily set threshold of significance.

Public Resources Code §21083(b)(3) states, in part, that the guidelines "...shall include criteria to follow in determining whether or not a proposed project may have a significant effect on the environment, including if the "environmental effects of a project will cause substantial effects on human beings, either directly or indirectly."

B. A Physical Change to the Environment (i.e., development of a project) IS The Cause of the Impact.

Maintaining the health and welfare of the people of the state, as declared to be the intent of CEQA, would necessitate consideration of the effects of adverse environmental conditions on people.

A project is defined as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” (PRC §21065); a project’s effects are defined as “...all the direct or indirect environmental effects of a project...” (PRC §21065.3); and a significant effect is defined as a “...substantial, or potentially substantial, adverse change in the environment” (PRC §21068).

Although the statute does not define indirect changes, the CEQA Guidelines do: “An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project.

If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. (Guidelines §15064[d][2]).

An indirect consequence caused by a project’s physical location that would result in changes to the “health and welfare of the people of the state” would meet this concept of an indirect environmental effect.

CEQA’s clear legislative intent for “maintenance of a quality environment for the people” of California and the requirement to address indirect impacts, which can include locating a project and people in harm’s way of adverse environmental conditions. To conclude otherwise, would run counter to the legislative intent that CEQA should “provide a high-quality environment that at all times is healthful and pleasing.”

Code of Civil Procedure 1094.5 CEQA includes specific legislative intent in PRC §§ 21000 and 21001 that addresses the relationship between the environment and people’s health and welfare. (**SEE EX 8**) This includes:

“The Legislature finds and declares as follows: The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

It is necessary to provide a high-quality environment that at all times is healthful and pleasing...

There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state...” (PRC §21000 [a-c])

“The Legislature further finds and declares that it is the **policy** (of California) to:

(b) **Take all action necessary** to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise. ...

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations. (PRC §21001 [b] and [e])

The Proposed project includes, removing the existing environmental conditions such as aesthetics, natural and scenic qualities, current economic and social conditions, historic and culturally significant qualities, removes existing public right of way and access, resulting in the degrading the quality of the environment.

The facts have demonstrated an existing community in a well established, well maintained, productive and harmonious environment.

The direct physical change caused by the Proposed in turn causes another change in the environment, which effects the health and welfare of the people as demonstrated by the overwhelming amount of comments submitted into the record by the public. Therein exists substantial evidence of testimony and statements proving how the proposed is a destructive instrument attempting to remove neighborhood identity and all of its inhabitants and to remove existing affordable housing stock.

By the Department approving the project and adopting the MND, the Department is thereby declaring that there is no substantial evidence in light of the whole record before them, that the project may have a significant effect on the environment.

Public comment has included technical studies, expert opinions, photographs, statistics, letters from residents and the general public and other facts; reasonable assumptions predicated upon facts, and expert opinion supported by facts.

It is the purpose of an EIR is **to identify the significant effects of a project on the environment**, not the significant effects of the environment on the project

(*City of Long Beach v. Los Angeles Unified School Dist.* [2009] 176 Cal.App.4th 889, 905 [*City of Long Beach*]).

Thus - causing adverse changes in the physical conditions of the environment.

Issues

- Scale, density and character of multiple dwelling housing adjacent to single-family homes.
- Impact on street parking from new high density apartments.
- Affects of residential development on commercial corridors.
- The need to preserve and rehabilitate historic areas with a sensitivity to the character of the established neighborhood.
- New development that complements significant historic structures.

RELATIONSHIP TO OTHER PLANS/PROGRAMS

- Since State law requires that the General Plan have internal consistency, the North Hollywood-Valley Village Community Plan (which is a portion of the City's Land Use Element) must be consistent with the other elements and components of the General Plan.

OBJECTIVES OF THE PLAN

- To encourage the preservation and enhancement of the of the varied and distinctive residential character of the community, and to preserve the stable single-family residential neighborhoods.
- To provide multiple- dwelling units for those who cannot afford or do not desire to own their own home, emphasizing the area surrounding the North Hollywood Business District.
- To encourage open space for recreational uses for the enjoyment of both local residents and persons throughout the Los Angeles region.
- To improve the visual environment of the community and, in particular, to strengthen and enhance its image and identity. To discourage the distasteful array of signs and billboards located along the major arteries of the community.

LAND USE RESIDENTIAL

Features

- The Plan proposes that the low-density residential character of North Hollywood-Valley Village should be preserved and that single-family residential neighborhoods be protected from encroachment by other types of uses. **(SEE EX 2)**

In *Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 929 (2004), the court held that “substantial evidence exists to support a fair argument for potential significant effects on the environment as to City land use policies and regulations (including City development standards) and aesthetic impacts” based in part on a petition signed by area residents regarding density, setbacks, traffic and overall design issues. The court stated “[r]elevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument...”

Here, the Department has neglected to include and consider over 114 separate documents submitted containing personal observations, stats, data, reports, photographs, letters, covering the proposed top to bottom; reflecting substantial evidence. The technical and non-technical submitted documentation demonstrates the contradicting nature of the Proposed and inconsistencies with the General and Specific Community Plans.

D. There are Potentially Significant Cumulative Impacts of the Project that must be Considered The Mitigated Negative Declaration Is Legally Deficient and Fails to Fully Evaluate Several Potential Significant Impacts

There has been a proliferation of Small Lot Subdivision (SLS) developments creeping there way into the valley. To view their effects only in isolation, especially when the addition of these projects to the neighborhood only begets more of them, is an incomplete analysis of the true environmental impact. "One of the most important environmental lessons evidence from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources often appear insignificant, assuming dimensions only when considered in light of the other sources with which they interact." *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1025 (1997). Thus, CEQA requires an investigation and disclosure of the potential for a smaller project to be the straw that breaks the camel's back. Guidelines § 15065(a)(3).

Over 2,000 individual homes were approved in more than 200 SLS developments between 2005 and November 2014. There are multiple effects of this Project that may not seem significant on their own but viewed in the context of a greater development pattern occurring in the neighborhood, need to be looked at further. These effects include the deviations from height, setback, overall design and mass compared to the prevailing neighborhood, inconsistency with the Specific and General Plans, lack of open space, increased noise, increased strain on infrastructure, massive parking problems, and ultimately traffic. Finally, the impact of high square footage sublots not only increases density out of character and scale of other multi-family units, it raises rents, decreases affordable housing stock, displaces residents and ultimately, cumulatively, will change the demographics of the Valley Village community as well as the physical environment

There is substantial evidence that these factors need to be looked at more closely, not in a vacuum, but with context. An EIR should be conducted to assess the cumulative impacts 26 Small Lot Homes causes. Please see (EX 3g - 3L)

CEQA §15355. CUMULATIVE IMPACTS "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21083(b), Public Resources Code; *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397, *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, Formerly Section 15023.5.

The Failure of the Agency to Support its Findings by Substantial Evidence Constitutes an Abuse of Discretion and a Failure to Proceed in a Manner Required by Law. The Appellants are aggrieved by the Agency failing to require a full Environmental Impact Report (EIR). Under CEQA, a significant effect on the environment is **defined as a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by a project** including effect on land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.

a. A "Fair Argument" exists that the Project will significantly affect the following:
Land Use; Air Quality; Utilities (water, solid waste); Geology and Soils (construction, seismic, flood control); Aesthetics (visual character, light); Biological Resources (tree removal); Greenhouse Gas Emissions; Hazards and Hazardous Materials; Noise (construction, operational); Public Services (fire protection, schools); Recreation; Traffic; Objects of Historic and aesthetic significance (16 buildings on block built between 1934 and 1972).

b. A "Fair Argument" exists that the Project will significantly affect Traffic/Transportation. The Agency has failed to provide findings or evidence that the proposed has no impact on traffic or parking despite removing an existing public street serving more than 16 cars in addition to being a regularly utilized resource for the public..

The Agency has failed to provide findings or evidence that the proposed has no impact on traffic or parking despite the introduction of **more than** 52 vehicles, 2 covered off street parking spaces and 7 guest spaces; disregarding the loss to the public and significantly reducing the amount of spaces available. The agency has failed to comprehend the parking needs of the direct community and neighborhood, despite evidence demonstrating the extremely vital role Weddington Street plays in this community for parking and use. Substantial evidence has been submitted into the record including photographs and letters by residents in the area who have testified to the current parking and already challenging traffic conditions on what is classified as a Public Local Street. **(SEE EX5d + letters)**

c. A "Fair Argument" exists that the Project will significantly affect historical and flora and fauna and objects of aesthetic significance.

The Agency has failed to apply the Conservation Element and the Open Space Element of the General Plan **(SEE EX11)**. General plan law (CGC §65400.). Since all adopted elements have equal status and no element may be made subordinate to another, these Elements must be considered as they both contain a single goal which applies to all topics. **Goal 1:** a city that preserves, protects and enhances its existing natural and related resources. Substantial evidence has been submitted into the record indicative of the areas last surviving example of its kind inclusive of landscape, open space and architecture style. The Agency consequently has erred and abused its discretion by not applying the specified Elements of the General Plan to the existing site under CEQA review, instructing the Department to identify and protect its cultural and historical heritage **(SEE EX11a)**. Staff has referenced, as predicted in previous submissions made by the public, reports favored by the applicants demonstrating another act of bias. Despite letters and reports having been submitted into the record from historians, LA Conservancy, organizations specifically identifying historic and/or cultural significance to one or more the existing properties; the department repeatedly downplays or deems their opinion sufficient in making such a determination - NEVER HAVING BEEN TO THE SITE OR CONSIDERING EVIDENCE BY ANY OTHER SOURCE OTHER THAN THE APPLICANT.

PRC §21084.1 - The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section. Since the Department is not qualified to make these determination and abused its discretion by failing to apply the evidence submitted from OBJECTIVE parties having no connection or personal interest in the applicant.

Approvals, guarantees, verification of consultants etc.. are submitted by employees of the applicants who are paid to produce results in their favor. They are hired to DISPROVE and REWRITE history as they see fit to satisfy their project. They hire consultants who will DISPROVE environmental factors that are completely false and have proven such. Signing an agreement under penalty of perjury with the Department has no bearing as there is no enforcement when those terms are violated. As we have seen. Therefore it is the lead agencies responsibility to review the ENTIRE RECORD to identify the reality that a fair argument indeed exists.

d. The applicants have failed to disclose existing trees and other landscape. Non-protected trees have nothing to do with what is in the best interest of the community when it comes to destroying healthy mature trees, that are staples of the area. All of the trees on site demonstrate that last green cluster in the area. Removing them to accommodate ONE project does not comply with the Specific Plan, General Plan or the Conservation Element of the General Plan. **CGC §65041.1 (b) To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, CGC §65561.** The Legislature finds and declares as follows: (a) That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources. (e) That for these

reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

CGC §65567. No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open-space plan.

Since our local open-space plan tells us the **preservation and conservation of open space is to serve the recreational, environmental, health and safety needs of the city**, and since this district specifically has fallen lower than the **minimum required of less than 1 acre open green space per 1,000 residents¹**, valuable open and green space such as the existing has no business being targeted. The applicants failure to disclose the correct and true amount of trees, landscape and natural resources on site is another indication of careless profiteering.

Furthermore, the realistic survival rate of relocating mature trees having an established root system of over 50 years and older is incredibly low (**SEE EX**). Again, there exists zero enforcement that will take place when the applicant carelessly removes the existing trees and when they have become stressed to the point of death.

This location is part of the original development to the area from early 1930's when more than half of these trees were first planted.

Their root system stretches beyond what the applicants have disclosed. A proper and forthcoming consult with any arboriculturist or arborist would have informed the dangers and hazards of building on top of such an established area of underground roots and ecosystems - another fact overlooked by the agency whereas an EIR would clarify.

If the applicants accounted for the well being of their project, the future impacts it promises to incur, and the likelihood of what they propose to build would somehow resist century old root systems, they may have been more careful in site selection. Unless the proposal includes toxins and chemicals being released into the underground that would seep and spread into the area putting more communities at risk, but the appellants are absolute in their belief the city would ever allow that to happen. Right?

Substantial evidence has been submitted into the record explaining the facts pertaining to mature trees versus juvenile trees, trees and how they affect the community, the benefits of mature trees vs juvenile and newly planted trees, etc. There has also been studies, reports and statistical information previously submitted into the record. Since proper relocation of any existing trees has no beneficial profit for the applicant, it is not likely the procedure will be handled efficiently.

e. A "Fair Argument" exists that the Project will significantly affect Land Use

The Agency has failed to conform to the General and the Community Plan "*The Plan proposes that the low-density residential character of North Hollywood-Valley Village should be preserved and that single-family residential neighborhoods be protected from encroachment by other types of uses.*" (p. III-1, NHVVCP),"To make provisions for housing as is required to satisfy the needs and desires of various age, income and ethnic groups of the community, maximizing the opportunity for individual choice." (p. II-5, NHVVCP)

The Agency consequently has erred and abused its discretion by increasing the availability of single-family homes at the expense of permanent removal of rent-control housing and reducing the availability of low-income housing against the evidence submitted proving the demographics of the area and needs of the community; thus affecting the overall mix of housing opportunities in the City of Los Angeles. **The Agency is thereby discriminating against and pushing out multiple family, low income and special needs residents**

¹ TheCityProject-ParksCommunities p.5

II. THE PROPOSED IS NOT CONSISTENT WITH THE GENERAL PLAN

A. All Adopted Elements Have Equal Status and No Element May Be Made Subordinate to Another

INTERNAL GENERAL PLAN CONSISTENCY

CGC §65300.5 states: "a general plan must be integrated and internally consistent, both among the elements and within each element. This requirement applies to any optional Elements adopted by the City as well as the mandatory elements.

The internal consistency requirement also applies to the community plans which collectively comprise the City's Land Use Element. All principles, goals, objectives, policies, and plan proposals set forth in the general plan must be internally consistent.

All adopted elements have equal status and no element may be made subordinate to another."

Previously submitted documented "ThePublic.pdf" and "ThePublic-Exhibits.pdf" included 142 pages of substantial evidence, a large portion breaking down the General Plan and all 7 of Elements; Land Use, Conservation, Open Space, Housing, Transportation, Noise, and Safety, which point to specific conditions demonstrating non-compliance between each individual Element and the Proposed. This is excluding public comments, letters or other information submitted. **(See EX 6b)**

Chapter 4 of the General Plan's Framework: INTRODUCTION AND SUMMARY OF ISSUES:
"Affordability is particularly a problem to families with very low- and low-incomes..The City must strive to meet the housing needs of the population in a manner that contributes to stable, safe, and liveable neighborhoods, reduces conditions of overcrowding, maintains a sense of community by conserving and improving existing housing stock, Conserve scale and character of residential neighborhoods.."

Local conditions and circumstances have been distinctly pronounced in proving the Proposed not being suitable for the site location, or satisfying the Elements of the General Plan as required. Here are a couple more examples:

1. Housing Element of the General Plan A. Housing Needs Assessment (Chapter 1)

In 2013 the draft Housing Element Update was made available for the public to help the Department identify the needs of their communities. The major issues raised by the public were summarized in detail in the Staff Report which identified the 2 most concerns provided by the public; preservation of existing affordable housing and the protection of neighborhood character.

Approximately 275,000 Angelenos are paying half their income for rent, a level considered by the federal Department of Housing and Urban Development, to be unsustainable for most families.

The project before you causes evictions of low-income & disabled residents occupying existing affordable housing - thus demonstrating inconsistency with the General Plan which requires consistency and implementation of Housing Goals, Objectives, Policies and Programs. One of the plan's goals, to preserve existing affordable housing.

(See EX. 3a, 3b)

Housing Element Chapter 1 states "*there were 76,327 fewer units (1,337,706), which represents an increase of 5.7% over ten years. The percent increase in housing units is more than twice the increase in total population over the same period (2.7%), which would normally indicate a slackening of demand and therefore lower housing costs. However, this has not been the case in Los Angeles. Part of the reason for this is that much of the increase in housing units occurred in vacant units (44% of the total). The result is that occupied housing units increased by only 3.4% since 2000.*" **(See EX. 3b)** This is an example of the city having more empty units than people. Valley Village is by no means experiencing a shortage of housing **(See EX. 3f)**.

Furthermore, **EX. 3e** provides substantial evidence as to the mass of existing vacancies and "for lease" signs in the specific area. Sufficient affordable housing exists. Chapter 1 specifies objectives and policies as preserving existing affordable housing. Approving the proposed would be a direct conflict of this policy.

Per State law, the City's inventory is comprised of undeveloped and under-developed sites upon which the required number of housing units can be built without the need for any discretionary zoning action by the City, while keeping established neighborhoods in tact. Hence; the General Plan.

Chapter 1 The General Plan System

INTERNAL GENERAL PLAN CONSISTENCY

According to CGC §65300.5, a general plan must be integrated and internally consistent, both among the elements and within each element. This requirement applies to any optional Elements adopted by the City as well as the mandatory elements.

The internal consistency requirement also applies to the community plans which collectively comprise the City's Land Use Element. All principles, goals, objectives, policies, and plan proposals set forth in the general plan must be internally consistent.

All adopted elements have equal status and no element may be made subordinate to another.

1. The General Plan Framework Element and Its Relationship to the General Plan

The Framework Element is a special purpose element of the City of Los Angeles General Plan that establishes the vision for the future of the City of Los Angeles and the direction by which the citywide elements and the community plans shall be comprehensively updated in harmony with that vision. The Framework Element establishes development policy at a citywide level and within a citywide context, so that both the benefits and challenges of growth are shared.

Given the size and complexity of the City, the process of updating the community plans and the citywide elements takes time. The Framework Element's Long-Range Land Use Diagram and associated land use policies take effect incrementally, as each comprehensive community plan update is adopted.

The Framework Element replaces *Concept Los Angeles* and the *Citywide Plan*. This element enables a citywide perspective, to determine the most effective distribution of growth in relationship to environmental and economic goals, to enhance the environment and protect the quality of life, and to determine citywide policies and standards that can be implemented at the local level through a community planning process.

The citywide elements address functional topics that cut across community boundaries, such as transportation or public services. The citywide elements address these topics in more detail than is appropriate in the Framework Element, which is the "umbrella document" that provides the direction and vision necessary to bring cohesion to the City's overall general plan.

The community plans are oriented towards specific geographic areas of the City, defining locally the more general citywide policies and programs set forth in the Framework Element and the citywide elements with more specificity than is appropriate at the citywide level. This differentiation is necessary because of Los Angeles' varied topography, development patterns, diverse cultural and ethnic communities, and other variations which require that policies, standards, and programs developed at the citywide level be tailored to meet community and neighborhood needs.

2. The General Plan Framework Element and Its Relationship to Other Elements

The Citywide General Plan Framework Element establishes the standards, goals, policies, objectives, programs, terms, definitions, and direction to guide the update of citywide elements and the community plans.

While the Long-Range Land Use Diagram in the Framework Element generally describes the centers, districts, and mixed-use boulevards to give a citywide perspective, the community plans will contain specific land use designations, intensities, and standards.

III. THE PROPOSED IS NOT CONSISTENT WITH THE SPECIFIC / COMMUNITY PLANS

A. North Hollywood - Valley Village Community Plan

“Preservation and enhancement of the positive characteristics of existing residential neighborhoods.” (p.I-3, NHVCP)

“Issues

- Cumulative effects if development exceeds infrastructure capacity.
- Need for more affordable housing.
- Lack of open space in apartment projects.
- Complement any unique existing developments/uses.” (p.I-3, NHVCP)

“NEIGHBORHOOD CHARACTER

“Preserve and enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance. (p.I-6, NHVCP)

Issues

- Impact on street parking from new high density apartments.
- The need to preserve and rehabilitate historic areas with a sensitivity to the character of the established neighborhood.
- New development that complements significant historic structures.” (p.I-6, NHVCP)

“ROLE OF THE COMMUNITY PLAN

Decisions by the City with regard to the use of land; design and character of buildings and open space, conservation of existing housing and provision for new housing; provisions for the continued updating of the infrastructure; protection of environmental resources; protection of residents from natural and man-made hazards; and allocation of fiscal resources are guided by the Plan.” (p.II-1, II-2 NHVCP)

“PURPOSE OF THE COMMUNITY PLAN

Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing.” (p II-2 NHVCP)

“RELATIONSHIP TO OTHER PLANS/PROGRAMS

The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. **Since State law requires that the General Plan have internal consistency, the North Hollywood-Valley Village Community Plan (which is a portion of the City's Land Use Element) must be consistent with the other elements and components of the General Plan.**” (p.II-3 NHVCP)

As described, the Proposed is not consistent with these priorities and the relevant policies in the Plan designed to advance those priorities, nor does it aim to solve the “Issues” specified in the plan. Substantial evidence does not exist to make findings to the contrary.

Here, the appellants raise the question - How specifically does the proposed comply with the standards of a plan, whose SOLE purpose and reason for existence is based entirely on the prevention of such proposals?

The Department can see the issues described therein the North Hollywood-Valley Village Plan are in direct conflict with the Proposed.

It requires an EIR as the City has to evaluate what the Specific Plan area was like when the Plan was written, study how the area has changed and then look at the plans which it knows are in the works which is simply not possible through an MND.

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. The lead agency's determination that the project satisfies the performance standards shall be supported with substantial evidence.

IV. SUBSTANTIAL EVIDENCE DOES NOT EXIST TO SUPPORT THE FINDINGS NECESSARY TO APPROVE THE VESTING TENTATIVE TRACT MAP

A. SubDivision Map Act

66412.3. In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

Here, the Department has neglected to consider and apply the evidence previously submitted by the public demonstrating the local housing and public service needs of the residents in the targeted area. (SEE EX 3f)

66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

Here, the Department has neglected to provide substantial evidence indicating the proposed is consistent with the General and Specific Plans.

EX 3a - 3L have provided substantial evidence proving inconsistency with the Housing Element.

EX 4a has provided substantial evidence proving inconsistency with the VV Specific Plan in addition to the local housing conditions both past and present that indicate a consistent pattern of non-transience and long term residency, with a vacancy rate of between 20% and 50% (**EX 3f**). There is a reason the Housing Element does not include Valley Village in their inventory of sites for housing. As proven, we are maxed out.

Pursuant to CGC **§66474.60.** and **§66474.61.**, the advisory agency or appeal board, **shall deny approval of a tentative map** if any one of the findings is made:

- (a) That the proposed map is not consistent with applicable general and specific plans...
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

Here, the Department has neglected to provide any substantial evidence to prove the proposed DOES support their findings; in addition to neglecting the significant amount of evidence submitted proving where and how the proposed does NOT satisfy the necessary requirements for consideration. As we have seen in pages 13-18, the proposed map is not consistent with the applicable general and specific plans.

LAMC 17.06

4. Appeal to Council.

The subdivider, the Mayor, any member of the City Council, the Advisory Agency, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Appeal Board with respect to the tentative map or the kinds, nature or extent of the improvements required by the Appeal Board to the City Council.

Appeals to the City Council shall be filed in duplicate, in a public office of the Department of City Planning on the forms provided for that purpose within ten days of the date of mailing of the written decision of the Appeal Board and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form and file shall then immediately be transmitted to the City Clerk for a public hearing before the City Council.

The City Council shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board and the Advisory Agency. At the time established for the hearing, the Council or its Committee shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The City Council may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the City Council may desire to inquire.

The entire Council 2 District has an Average Annual Wage of \$42,446. It is in the bottom 3 of having the lowest Annual Wage out of all 15 Council Districts.

	AVERAGE ANNUAL WAGE (\$)	COMMUTERS USING PUBLIC TRANSIT (%)	EMPLOYED WORKERS BY OCCUPATION (%)	POPULATION (#)
Council District	-	-	-	-
Council District 1	43,176	10.2	20.5 24 11.8 35	253,432
Council District 2	42,446	9.5		
Council District 3	44,642	10.2		
Council District 4	47,543	11.2		
Council District 5	49,576	12.5		
Council District 6	44,901	11.7		
Council District 7	41,117	11.7		
Council District 8	42,080	11.9		
Council District 9	44,724	12.5		
Council District 10	43,014	11.7		
Council District 11	46,150	12.4		
Council District 12	43,941	12.7		
Council District 13	44,714	12.7		
Council District 14	45,419	12.7		
Council District 15	44,183	12.8		

Building 28 Small Lot Subdivision homes would be contrary to the General and Specific Plan policies, both stating the need to make land use decisions based on local circumstances. i.e. Housing Element Chapter 3: *"In order to be effective, we need to reflect local circumstances and the particular character of each neighborhood."*

Government Code §65300.7 - *"The Legislature finds that the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances."*

§66412.3. - *"In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources."*

The General Plan Framework Element and its Relationship to Community Plans”
"The community plans are tailored to local conditions and needs."

The VV Specific Plan was enacted in 1993 for one reason; to curtail adverse impacts. Specifically, those impacts include excessive traffic, crowded parking on adjoining resident streets and out of scale incompatible development. (EX1a) in the supplemental appeal packet.

The CEQA Guidelines Section 15382 sets forth the following definition for significant effect:

“Significant effect on the environment”

means:

a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

SEE:

ENVIRONMENT AND CRIME IN THE INNER CITY, FRANCES E. KUO, WILLIAM C. SULLIVAN
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

THE EFFECTS OF URBAN TREES ON AIR QUALITY, DAVID J. NOWAK
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

ASSESSING CANOPY COVER OVER STREETS AND SIDEWALKS IN STREET TREE POPULATIONS, SCOTT E. MACO AND E. GREGORY MCPHERSON
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

ENVIRONMENTAL POLLUTION THE TREE BVOC INDEX, J.R. SIMPSON*, E.G. MCPHERSON
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

LANDSCAPE AND URBAN PLANNING A NEW APPROACH TO QUANTIFY AND MAP CARBON STORED, SEQUESTERED AND EMISSIONS AVOIDED BY URBAN FORESTS E. GREGORY MCPHERSON, QINGFU XIAO, ELENA AGUARON
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

URBAN FORESTRY & URBAN GREENING LIFE CYCLE ASSESSMENT OF CARBON DIOXIDE FOR DIFFERENT ARBORICULTURAL PRACTICES IN LOS ANGELES, CA E. GREGORY MCPHERSON, ALISSA KENDALL, SHANNON ALBERS
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

URBAN FORESTRY & URBAN GREENING TREE AND IMPERVIOUS COVER CHANGE IN U.S. CITIES, DAVID J. NOWAK, ERIC J. GREENFIELD
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

EFFECTS OF STREET TREE SHADE ON ASPHALT CONCRETE PAVEMENT PERFORMANCE, E. GREGORY MCPHERSON AND JULES MUCHNICK
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

THE FUTURE OF LARGE OLD TREES IN URBAN LANDSCAPES DARREN S. LE ROUX*, KAREN IKIN, DAVID B. LINDENMAYER, ADRIAN D. MANNING, PHILIP GIBBONS
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

LANDSCAPE AND URBAN PLANNING MILLION TREES LOS ANGELES CANOPY COVER AND BENEFIT ASSESSMENT E. GREGORY MCPHERSON, JAMES R. SIMPSON, QINGFU XIAO, CHUNXIA UWB
(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

SEE:

URBAN FORESTRY & URBAN GREENING FACTORS AFFECTING LONG-TERM MORTALITY OF RESIDENTIAL SHADE TREES: EVIDENCE FROM SACRAMENTO, CALIFORNIA, YEKANG KO, JUN-HAK LEE, E. GREGORY MCPHERSON, LARA A. ROMAND

(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 2, 2016)

QUANTIFYING THE ROLE OF URBAN FORESTS IN REMOVING ATMOSPHERIC CARBON DIOXIDE, ROWAN A. ROWNTREE AND DAVID J. NOWAK

(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 3, 2016)

NO QUICK FIX FOR REPLACING THE BENEFITS OF MATURE TREES, ACTREES

(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 3, 2016)

ENVIRONMENT AND BEHAVIOR, FRANCES E. KUO AND WILLIAM C. SULLIVAN

(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 4, 2016)

AT THE ROOT OF IT, SUSAN D. DAY, P. ERIC WISEMAN

(SUBMITTED INTO THE ADMINISTRATIVE RECORD MARCH 4, 2016)

STAFF HAS NEGLECTED TO APPLY THESE STUDIES AND FACTUAL DATA TO THE PROJECT, NEGLECTING TO MAKE THE ASSOCIATIONS WHICH HAVE DEMONSTRATED HOW MORE THAN A 'FAIR ARGUMENT' EXISTS.

IN THE INTEREST OF AVOIDING DUPLICATES AND FUTURE DIFFICULTY IN SORTING THROUGH THE ADMINISTRATIVE RECORD, THE APPELLANTS WILL NOT BE ATTACHING THE AFORESAID TO THIS APPEAL; AS THEY HAVE BEEN CONFIRMED AS BEING RECEIVED AND SUBMITTED INTO THE RECORD BY THE DEPARTMENT.

HOWEVER, PLEASE SEE EMAIL THREADS (SUBSEQUENT TO THIS PAGE) INDICATING STAFF DOES NOT ALWAYS READ WHAT THE PUBLIC SUBMITS; WHICH CORRESPONDS, WITH THE APPELLANTS POSITION THAT THE PROPOSED HAS BEEN REVIEWED IN A BIAS MANNER. WHEREAS, THE DEPARTMENT HAS SELECTED ONLY WHAT THEY CHOOSE, WHICH HAS RESULTED IN THE ERRONEOUS DECISION OF APPROVAL.

CONSIDERING DOCUMENTATION SUBMITTED ONLY BY THE APPLICANT, THE APPLICANTS STAFF OR THEIR HIRED ANALYST IS NOT AN IMPARTIAL OR NEUTRAL POSITION - WHICH IS SUPPOSED TO BE TAKEN WHEN MATTERS OF THE PUBLIC ARE CONCERNED. CGC § 65033.

PLEASE ALSO **SEE EX 14**. AN ARTICLE AND NOTICE OF ENTRY JUDGEMENT IN A RECENT CASE WHERE HONORABLE JUDGE CHALFANT FAVORED THE PETITIONERS, WHOSE COMMUNITY WHO WAS FORCED TO SUE DUE TO THE CITIES UNWARRANTABLE APPROVAL FOR A SMALL LOT SUBDIVISION PROJECT.

EMAILS WITH THE DEPARTMENT

Sent: Tuesday, March 22, 2016 at 4:49 PM
From: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>, jose@lacity.org
Subject: Re: NOTICE REQUEST

Ok.
I believe the Deputy Advisory Agency for your case is Jose Carlos Romero-Navarro. His e-mail is jose.romero-navarro@gmail.com. Marc Woersching cannot hear the case because he is on the Valley Village Neighborhood Council and he resides in Valley Village. So he has to excuse himself and not be a part of this particular project. That is why Jose should be the Advisory Agency hearing the case next Tuesday.

*I understand what you are saying, so I will continue to try and help you as best I can.
Take care,*

Sent: Wednesday, March 30, 2016 at 3:19 PM
From: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
Subject: Re:

There is a lot of evidence to process. There is no way I could read all of it because I haven't been given the time to do so. Remember the case was taken under advisement. That way it gives me time to review all of it. I am not the only person reviewing it. Jose Carlos and Dan will have to review it as well before they can render a final decision. Please have faith in the process. There is a process we all have to follow and this will take some time to sort through.

Now I have to get back to staff reports for April 12th. It wouldn't be fair to just focus on Weddington when there are other cases in the pipeline that also need attention.

Sent: Thursday, April 14, 2016 at 4:08 PM
From: "~~@greenmail.net~~"
To: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
Subject: Re: PROPERTY ISSUES

Just out of curiosity Mr. Rodriguez, does anything actually get read before it enters the 'case file?'

Sent: Thursday, April 14, 2016 at 4:31 PM
From: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
To: "~~@greenmail.net~~"
Subject: Re: PROPERTY ISSUES

Well, let me think about this one.

If the staff has time to read it at the moment they receive it, it gets read. If the staff cannot read it due to workload, then a copy is made and the content is placed in the case file. This is so the content isn't lost and so the staff can go back to review and read all of the contents received for the case file when they have more available time to read it.

Sent: Tuesday, May 03, 2016 at 4:00 PM
From: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
Subject: Re: Determination?

We are close to finalizing the LOD. This case was placed under advisement so it stops the clock. It was necessary to place it under advisement and not render a decision because of the overwhelming amount of information staff has to sort through, organize and review before make a final decision.

The 39 days of filing to render a final decision is incorrect since staff is given 30 days from filing to deem the project complete. From there, we have 40 days for all City Agencies to comment the Map.

We are close to rendering a final decision. Thank you for your continued patience.

Sent: Friday, May 13, 2016 at 10:18 AM
From: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
Subject: Re: Determination?

The Valley Village SPP got mailed out. The Tract Map has not gone out yet. We should have the Tract Map out by Monday. Tract didn't go out because I need to make sure the ENV measures and responses for the Valley Village SP are the same as the Tract Map letter.

Valley Village SP has a 15 day appeal whereas Tract is only 10 days. If I can clean the above up today and get it to Mary Monday for mail out, both cases can get appealed and be heard only once to SVAPC.

My hunch is that these cases will get appealed by the chain of e-mails I've received by your organization and others in the neighborhood.

The applicant will most likely extend the time to hear both cases since Valley Village SP has 75 days to act whereas Tracts only has 30 days to act before losing jurisdiction.

If I don't respond to your e-mails anymore today, its only because I have counter duty today and trying to finish the Tract so you can appeal it if you want, or don't want.

Take care

Sent: Friday, May 13, 2016 at 12:37 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Nelson Rodriguez" <nelson.rodriguez@lacity.org>
Subject: Re: Determination?

As of today, we have not received any letter that yo claim was mailed out. I have asked 4 of the other residents who had signed the pink sheet if they had received this and they have not.

You said the ENV was already mailed out.

Sent: Tuesday, May 17, 2016 at 5:10 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Mary Crowell" <mary.crowell@lacity.org>
Subject: Re: NOTICE

So now you are stating the determination letter WAS NOT sent out? Is this correct? If that is the case, why did Dan O'Donnell send it out via email? I have attached a copy of what was received from O'Donnell on Friday, May 13, 2016 at 1:46pm.

Sent: Wednesday, May 18, 2016 at 7:52 AM
From: "Mary Crowell" <mary.crowell@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
Subject: Re: NOTICE

He sent out the related case. The tract case (VTT-73704-SL) has not been sent out.

*Mary Crowell
Senior Admin Clerk
Planning Department*

Sent: Friday, May 20, 2016 at 7:20 PM
From: onecivil@engineer.com
To: "Dan O'Donnell" <dan.odonnell@lacity.org>
Subject: Re: 12300 Weddington Street

*Sorry to be redundant, but I am here to tell you NO ONE who signed the pink sheet has received ANY NOTICE.
As of today, Friday May 20.*

If we did, we would be happy to share this.

Sent: Monday, May 23, 2016 at 6:09 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Mary Crowell" <mary.crowell@lacity.org>
Subject: Re: NOTICE

Can you please send us a list of the addresses you said you mailed out the letters to? Today is May 23, 2016 and no one has received any type of notice or letter from your department.

*This cuts in to our appeal time doesn't it. Lack of timely notice is grounds for a request to extend the appeal dates.
The deadline appears to fall on Memorial Day - when your office is closed.*

Thank you.

Sent: Thursday, June 02, 2016 at 9:19 AM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: randa.hanna@lacity.org, apcsouthvalley@lacity.org
Subject: FWD: NOTICE OF PENDENCY ACTION

RE CASE NUMBERS: VTT-73704-SL, DIR-2015-2697-SPP, ENV-2015-2618-MND

*TO: Commission Executive Assistant, Randa Hanna,
President, South Valley Area Planning Commission,*

Please find the attached letter of representation and notice of Pendency Of Action RE 12301 WEDDINGTON ST. and 5303 HERMITAGE AVE. VALLEY VILLAGE, CA 91607.

Pursuant to California Government Code 66499.16

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and (1) All owners of an interest in the real property within the subdivision have consented."

Consent has NOT BEEN GRANTED by a party having an interest in the property.

Approvals of the proposed at this time are incredibly premature and have no grounds.

The City was advised of the Pendency Action on March 3, 2016 and has chosen to proceed regardless.

Furthermore, "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. fn. 4 (Sts. & Hy. Code, § 959; Heist v. County of Colusa (1984) 163 Cal.App.3d 841, 848-849 [213 Cal.Rptr. 278].)

*We would appreciate confirmation of this email as having been received and filed.
Thank you so much.*

*Erin K.
FVV representative
ATTACHMENT Rep.Ltr.03-03-16.pdf*

Sent: Tuesday, June 28, 2016 at 6:25 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Randa Hanna" <randa.hanna@lacity.org>
Subject: Re: Fw: Re: Hermitage / Weddington Comments for the Administrative Record

Miss Hanna,

*Page 2 of the notice of public hearing states: **All written communications** are given to the Commissioners for consideration.*

When we asked about email communications, again, we were instructed to have them emailed to you, or APCsouthvalley@lacity.org and assured they are given to the Commissioner's.

Never has there been mention of needing 12 copies of every single email communication sent to your office; let alone 4 days before the deadline, which you supplied to us this morning.

Sent: Tuesday, June 28, 2016 at 12:45 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Randa Hanna" <randa.hanna@lacity.org>
Subject: Fw: Re: Hermitage / Weddington Comments for the Administrative Record

Hello.

If all of the documentation we and others have been sending you all this time never was going to make it to the Commissioners, why are the responses "Well received for submission. Thank you!"

Where exactly are public letters and emails being submitted to if they are not being distributed to the South Valley Commissioners.

Sent: Tuesday, June 28, 2016 at 2:18 PM
From: "Randa Hanna" <randa.hanna@lacity.org>
To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
Subject: Re: Fw: Re: Hermitage / Weddington Comments for the Administrative Record

The documents that were sent via email have been saved in our shared drive, forwarded to our Planners handling these this project, and copies made for the case files.

Sent: Tuesday, June 28, 2016 at 6:25 PM
From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>
To: "Randa Hanna" <randa.hanna@lacity.org>
Subject: Re: Fw: Re: Hermitage / Weddington Comments for the Administrative Record

Miss Hanna,

*Page 2 of the notice of public hearing states: **All written communications** are given to the Commissioners for consideration.*

When we asked about email communications, again, we were instructed to have them emailed to you, or APCsouthvalley@lacity.org and assured they are given to the Commissioner's.

Never has there been mention of needing 12 copies of every single email communication sent to your office; let alone 4 days before the deadline, which you supplied to us this morning.

On Wed, Jun 29, 2016 at 8:39 AM, Friends Of Valley Village <friendsofvalleyvillage@mail.com> wrote:

Good morning Miss Hanna.

I am trying to schedule someone to come to your office and hand deliver to you copies of the document that was dropped off to you the other day.

Can you please let me know if 5 additional copies would be sufficient. One for each commissioner and the one you already have.

Please try and understand this news came very late to us and we have been told something entirely different regarding the submission process. We have been following the instructions we were given. We are out of time. The most important issue is these documents getting in the hands of the commissioners.

We are also unclear about all of the letters that have already been sent to your office by the public. Again, we were told those would go directly to the Commissioners.

Thank you for your patience with this.

Sent: Wednesday, June 29, 2016 at 2:22 PM

From: "Randa Hanna" <randa.hanna@lacity.org>

To: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>

Subject: Re: Fw: Re: Hermitage / Weddington Comments for the Administrative Record

Good afternoon,

Please note that your previous emails were forwarded to the commissioners as well as submitted into the case file for the project and will be made a part of the administrative record for the project, but will not be included in the commission packet in its entirety. Our office as a courtesy has a practice of accepting emails (of a few pages or less - not other documents and attachments) submitted to the city and printed out copies for the commissioners packets. For the present project, based on the size and quantity of emails, with and without attachments, we do not have the resources to provide this courtesy, regardless of the size of an email. The case file located in the City Planning department is available for the commissioners, as well as the public. If you want any emails or any documents included in the commission packets to go to the South Valley Area Planning Commissioners, you will need to comply with the rules provided. Also, we still need 12 copies to be submitted to our office. Untimely submissions will not be considered by the Commission, but will be added to the permanent file. Your cooperation is greatly appreciated. Thank you!

Regards,

Randa

Sent: Friday, July 01, 2016 at 5:11 PM

From: "Dan O'Donnell" <dan.odonnell@lacity.org>

To: arroyoseco@hotmail.com, babettelw@aol.com, chair@sfvts.com, dogStar@greenmail.net, friendsofstudiocity@greenmail.net, info@coalitionofsqueakywheels.com, info@savevalleyvillage.com, info@shermanoakspreservationgroup.com, j.salzmann@torontomail.com, ldicterow@farmsanctuary.org, Melanie.Parsons@teachers.org, mfine5715@hotmail.com, onecivil@engineer.com, urbantrees@sanfranmail.com, valleyvillagecoalition@mail.com, vvresidentsforfairgovernment@mail.com, "Carol Cetrone" <perpetua33@gmail.com>, "Debra McCormick" <debra.mccormick@hotmail.com>, "Donna Gooley" <donnagooley@hotmail.com>, "Ellen Wilhelm" <ewilheim@me.com>, "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>, "J. Getz" <historysoul@earthlink.net>, "Jake Starow" <never_landjake@yahoo.com>, "Jed Fuchs" <jedfuchs@gmail.com>, jengranger <jengranger@earthlink.net>, "Jerry Baruck" <Jerry@morellanest.com>, "Karo Torossian" <karo.torossian@lacity.org>, "Robert Perry" <rcperryasla@gmail.com>, "Shahiedah Palmer" <spalmer@glaserweil.com>, "Universe "" <christinekantner@mac.com>

Subject: Weddington and Hermitage Appeal to the South Valley Area Planning Commission

Attached please find the Planning Department Appeal Staff Reports to the SVAPC for the appeal filed against the initial approval of a small lot subdivision and Project Permit Compliance for the project proposed at the above-referenced location, to be considered by the SVAPC on Thursday, July 14, 2016, at the City building at 6262 Van Nuys Boulevard, First Floor Meeting Room, after 4:30 p.m.

*Dan O'Donnell
City Planner*

Sent: Friday, July 01, 2016 at 5:22 PM

From: ValleyVillageCoalition <ValleyVillageCoalition@mail.com>

To: "Dan O'Donnell" <dan.odonnell@lacity.org>

Subject: Re: Weddington and Hermitage Appeal to the South Valley Area Planning Commission

Mr. O'Donnell,

How is it possible to have an appeal staff report when supplemental documentation continues to be submitted to the Commissioners office and to the Department.

Sent: Friday, July 01, 2016 at 6:14 PM

From: HollywoodLaw@alumni.com

To: "Dan O'Donnell" <dan.odonnell@lacity.org>

Subject: Re: Weddington and Hermitage Appeal to the South Valley Area Planning Commission

Mr. Dan O'Donnell,

The law requires the lead agency to make a determination on the basis of substantial evidence in the light of the whole record. Please explain how a staff report is possible when you have not done so.

Sent: Friday, July 01, 2016 at 6:59 PM

From: "Friends Of Valley Village" <friendsofvalleyvillage@mail.com>

To: "Dan O'Donnell" <dan.odonnell@lacity.org>

Subject: Re: Weddington and Hermitage Appeal to the South Valley Area Planning Commission

300 + pages of documentation were dropped off to City Hall as early as this morning. Planning was able to review all of this documentation and find time to generate a staff report based on such evidence? Please confirm whether or not you were able to obtain the documentation that was personally dropped off at downtown City Hall this morning, to then review all of it, to then finalize a staff report based on such evidence into the record.

FVV

Sent: Friday, July 01, 2016 at 5:11 PM
From: "Dan O'Donnell" <dan.odonnell@lacity.org>
To:
Subject: Weddington and Hermitage Appeal to the South Valley Area Planning Commission

----- Forwarded message -----

From: Randa Hanna <randa.hanna@lacity.org>
Date: Saturday, July 9, 2016
Subject: Out of the Office Re: CASE NUMBERS: VTT-73704-SL, DIR-2015-2697-SPP, ENV-2015-2618-MND
To: janet.tscha@gmail.com

I have promoted out of the Planning Department and will no longer use this email address. If you need immediate assistance, please call the Commission Office at (213) 978-1300.

Thank you!

Randa

--

*Randa Hanna
Commission Executive Assistant
Ethics Liaison
Department of City Planning
Phone # (213) 978-1300*

Sent: Monday, July 11, 2016 at 9:34 AM
From: VVResidentsforFairGovernment@mail.com
To: "Dan O'Donnell" <dan.odonnell@lacity.org>
Subject: FWD: FWD: RE: Submissions

Dear Mr. O'Donnell,

We received dozens of emails over the weekend from people who had received and forwarded an automated message they received from the Commissions Executive Assistant after attempting to submit their documentation. I have pasted a copy of the automated email below in green.

*Not only have noticing requirements been neglected, but the issue as to documentation reaching the Commissioners which has been difficult from the beginning along with unclear instructions and contradicting information, we are now faced with this challenge.
Please advise.*

I have promoted out of the Planning Department and will no longer use this email address. If you need immediate assistance, please call the Commission Office at (213) 978-1300.

Thank you!

Randa

--

*Randa Hanna
Commission Executive Assistant
Ethics Liaison
Department of City Planning
Phone # (213) 978-1300*

Sent: Monday, July 18, 2016 at 11:52 AM
From: LACityCommittee@clerk.com
To: janny.kim@sce.com
Cc: DitchDierking@email.com
Subject: LAMC CHAPTER 1 and following the LAWS!

The AREA PLANNING COMMISSION holds public hearings **to hear evidence that forms the basis of its decisions.**

As quasi-judicial bodies, APCs have the responsibility to hear appeals on local land use matters and may exercise other powers granted to them by ordinance.

LOS ANGELES: STRUCTURE OF A CITY GOVERNMENT

As a quasi-judicial body is **obliged to objectively determine facts and draw conclusions from those facts as the basis of an official action.** Decisions of a quasi-judicial body are often legally enforceable under the laws of a jurisdiction; they can be challenged in a court of law which is the final decisive authority.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc.

Sent: Saturday, July 16, 2016 at 6:33 PM
From: ValleyVillageCoalition <ValleyVillageCoalition@mail.com>
To: ldmthree@pacbell.net
Subject: Commissioner Mather:

Hello.

We do not know each other. I just finished watching over 2 hours of the public hearing that was held the other night on Thursday July 14.

I watched this recording with about 6 or 7 others who all agree sending you an email is an absolute must. There is so much information that the Commissioners do not know and as a result of this, the constituents continue to suffer. It is simply just not fair.

I will do my absolute best to keep it brief and whether you choose to read it of course is up to you. But the reality is the Commissioners do not ever speak to the people experiencing the brunt of all these projects approved which is not right. As Commissioner Beatty said; These are peoples lives. It is clear in this recording the only two people that seemed to have some kind of grasp on this fact was her, and you.

1. Do the Commissioners really think these appellants make this stuff up?

In this case specifically, there are several groups who have come together to weigh in on this due to the years of investment people have put into the property and corner on Hermitage and Weddington. However, one or two people have dedicated the last 2 years specifically to learning the laws, doing constant research and have completely given up their lives to do so. The 277 page document that was sitting under a pile of papers on your table took her 5 months to prepare. Every single sentence was based on fact and backed up with some form of evidence proving so. You have no idea what she went through to make that, to copy it, print it..then dropping it off at city hall they demanded 12 more copies than what they first asked for. After she returned to deliver 12 more copies that cost her hundreds of dollars to print, they asked where the thirteen the copy was. That nothing would be sent to the Commissioners unless they received 15 hard copies of EVERYTHING. Do you have an idea how much the public has written to you guys about this?

She is fighting for her life. As a result, she is sick, depressed, the animals she takes care of have lost time and energy they are used to getting. She has no more friends, she does not leave the house and works on this case from 6am until 7 or 8pm 7 days a week. Unless I go over there and let myself in, I do not see her. I drop off food about once a week to make sure she is eating and help water her plants. Needless to say, every piece of evidence in the appeal is a fact. Not ONE Commissioner referenced one single piece of it.

2. The Commissioners have absolutely ZERO idea about the Neighborhood Council

I am sure I dont have to tell you about Neighborhood Councils as you were one of the founding members of your own...BUT - do you have any idea what Valley Village Neighborhood Council is really about? All of us, like most, assumed it was what anyone would assume. That this would be the place to go to connect with your neighbors on issues, for some help, to stay informed on whats going on, etc. We learned very quickly how the NC works and although remained incredibly naive for a long time, it is exactly everything we did not ever think it could be.

NCVV is NOT on the communities side. So when Commissioners ask the public or the applicant what the NC had to say about their project, the answer the Commissioner's get is based on what the NC BOARD thinks of the project. The Board could care absolutely LESS about how the people in the room feel. Our board consists of Marc Worshing (spelling?), who works as a city planner and has opposed the community on every appeal filed. The rest are realtors, lawyers, have partners in construction or similar areas of business. Decisions are based on what that project is going to do for THEM personally. Period. There is NO community input, no community consideration, no dialogue, no support and worst of all - no problem with any of that. So it is very difficult to hear the Commissioner's care so much about what the NC 's position is on projects when they will NEVER REFLECT the opinions of the people who reside in the are or the general public. NEVER. We have put a lot of time and energy into trying to get answers to our questions with the NC. We went to EMPOWER, the Mayors office. Believe me. There is not an office we have not been about these issues and this case. Needless to say, if the Commissioners are asking that

question because they want to know the position of the community, that is not the correct place to go. However if the Commissioner's are asking that question because they want to know the NC BOARD'S

position on the project, then yes - you will get the Boards position which has nothing to do with anyone but themselves. I really hope this makes sense because this is super important. It is also why there have been so many outside groups formed. There existed not one neighborhood group that actually consisted of - neighbors. We all support each other and help on whatever projects need helping. As a group of actual residents with no stake in anything other than our community. Imagine that!

You cant imagine how stupid we all felt when we went to city hall last year for an appeal we all filed. We get there and see Marc Worshing and thought " omg that is so cool of him to show up and support us!" 5 minutes later he is at the podium reading the staff report which of course, denies another appeal. We literally did not understand. It took more than a minute.

I am tempted to write to you about the issues with the Council office but it is simply not possible to make it brief. All I will say is Karo Torossian lied to your face in the video. Mor than once. The Commissioner's cared nothing about it even when he was called out on it. You have no idea what that Council office has done to us. They are married and committed to developers. Not one community member has ever received a response from their office. Not one has recieved help. The more you ask for help the more you are targeted and he will make your life hell. You don't have to believe me. I have no reason to tell you this if I didnt experience it myself. Maybe you can reach out to the petitioners who filed for his recall. I know every person they got signatures form had the same exact story. Are we all lying? Does it serve us to not tell you the truth about him and Karo? Karo specifically emailed one of my friends telling her to stop trying to get his help. That she will fail. This is in writing in an email.

3. MISINFORMATION OR JUST NOT INTERESTED

We can not tell if there is simply a lack of knowledge with some of the Commissioner's or a simple disregard. Example: Dierking is under the impression that an EIR is somehow only "triggered" on projects that are 52 units or more?? Where in the world did he get this from and why is no one correcting him? Like I dont know - the city attorney?? CEQA has no limits on dwelling units, on trees, on birds. The ONLY THING that is needed for an EIR to be prepared is EVIDENCE EXISTING IN THE RECORD THAT INDICATES A FAIR ARGUMENT CAN BE MADE that the project MAY result in having a significant impact on the environment. Period. Easy. CEQA 2016 is available everywhere to read and it is right there in black and white. How can a Commission be making determinations on these cases and not know this?! In this specific case, they want to remove an entire street. Demolish several buildings. Dozens of trees which they did not even disclose all of them to you...Removing every single inch of open space and concluding it as not having an impact? I need this explained to me. Dierking also works for Metro. He made a small mistake, or maybe he did not know he was on camera, but now the appellants lawyer is filing something (i dont know what its called) because Dierking was smart enough to say "as a metro guy" he believes people need to be taking public transit. What does this have to do with the case? What grounds is that to deny the case before you?????? I know you stepped in and weighed in on that and we appreciate that. But he had absolutely NO GROUNDS to use that for denying this case! How can the stack of documentation be sitting there and none of the Commissioner's found ONE SINGLE PIECE of evidence substantial enough to use ?? ONE finding of the project not being appropriate for the site is enough for denial! We are flabbergasted by this. We are flabbergasted by Cochran asking the appellant to choose between the project before you or some project that does not even exist! Again NOT GROUNDS FOR DENIAL!

The Commissioners do not realize that all these approvals are ARE delaying these projects much longer than you think. Much longer than it would take to DO an EIR. This is because people are forced to sue! People are spending their life savings to hire lawyers to sue because these cases are approved like candy. Essentially, by denying all these appeals you have admitted to not any of them having any impact on the environment! THIS IS SIMPLY NOT POSSIBLE!

I could keep going. And maybe there will be a part 2 of this I do not know.

The appellants recently forwarded me this case: [http://resources.ca.gov/ceqa/cases/2002/Ariv v South Valley Planning.html](http://resources.ca.gov/ceqa/cases/2002/Ariv_v_South_Valley_Planning.html)

ADMINISTRATIVE RECORD: DIR-2015-2697-SPP | VTT 73704 | ENV-2015-2618-MND
APPEAL - CITY COUNCIL

It's a good reference because it covers a 21 small lot subdivision that was required to do an EIR. It also covers the South Valley Planning Commission reversing their decision.

The Commission made an enormous mistake the other night. You have no idea what these specific developers have done to their people in the previous communities. They are inhumane. Many of them lie

to your face to tell you exactly what you want to hear and for some reason you guys buy it. Against the truth, against the public, against all state laws that state how we are supposed to come first and foremost. The fact that you said you were familiar with the area. That you knew the exact location of the site. That obviously made a difference. The appellants BEGGED the department to go to the site - to meet with the community and take a tour. Let them show them around and tell the stories of the neighborhood they all love to share. They ignored all those requests.

Miss Mather, the decisions you guys make in that little room are much bigger and affect real people. I don't think everyone on your panel realizes this.

The cases before you have nothing to do with property rights. They have nothing to do with metro or by right. They have everything to do with what has been submitted into the record. They are supposed to look at the findings that the public or appellants have submitted that prove where the planners screwed up. Where they erred. Where they ignored all the evidence. Do you realize according to the department they have never made an error? That these planners are exempt from all and any mistakes or wrong doing in over a decade! How many businesses or companies do you know where that is the case? The Commissioners are supposed to simply review everything sent to them to see everything the department left out. Everything they did not want you to see.

I am telling you all of this because I got the impression you have the ability to grasp these concepts. That they are reasonable and somewhat the ABC's of the process. I am telling you this because I get the feeling no one else has.

The Commissioners are not bound by the Brown act or anything funny that would prevent you from talking to the people. Or to the appellants.

If you are open to it I would respectfully ask you to get in touch with them, specifically Jen.

She has turned that property into the most amazing educational community center for the whole neighborhood to enjoy. They have classes over there where kids make honey and hang out with rescued chickens and animals. She was incredibly close to the original owner who built the property herself in 1934. She was the only one she trusted to take care of it. She was also very close with her children who she is now in court with over title. It is awful what is happening to her and these developers have made it a million times worse.

Maybe you can do something different here. This time. There is never going to be another case like this with these kinds of people and this kind of place.

She has no idea I am sending this to you but she is easy enough to get a hold of should you choose to. I promise you it is worth it. She goes out on a limb for every person she meets. Even strangers. No one has gone out on one for her. Try it.

Sent: Tuesday, July 19, 2016 at 2:01 PM
From: Melanie.Parsons@teachers.org
To: ldmthree@pacbell.net
Subject: July 14, 2016

To Area Planning Commissioner Lydia Drew Mathers,

Unfortunately I could not get off work in time for the hearing last week where the Hermitage and Weddington item was scheduled and heard.

However, after watching the video in its entirety it is simply intolerable to accept the conduct of two of your fellow Commissioners.

The Commission has a responsibility when it comes to any items that may be controversial; such as the case herein. No proposal has any grounds for approval when it was so obvious the documentation was simply not read. Furthermore, Mard Dirking has no business attempting to please his boss with land-use decisions he makes. How do you think it would go if Metro made all of our land-use decisions. The reasons are not even important at this time because they completely lack relevance to this case! Dirking's vote needs to be tossed out and the Board needs to reconsider this matter after they read the record in its entirety. If O'Donnell and Rodriguez paid actually read it themselves and did their job efficiently this case would have never reached you to begin with. But we are here. Everyone was forced to submit so much evidence due to the preposterous proposal.

I personally thank you for stepping up and doing the right thing in this case. It is appreciated, greatly. It is clear you may be the only voice of reason on that board so I ask you to please talk some sense into the others. Our community has invested decades into this specific area and it has taken that long to build our community. Renters should not be looked down upon as being less important of a community than R-1 areas. These are peoples homes and lives. I beg of you to please not let this matter go ignored.

Warm Regards,
Melanie P,

PREVIOUSLY SUBMITTED:

(titles as how they were sent)

- ENV-2015-2618-MND-article/CAFishWildlifeCode.pdf (2 pages) (evidence)
- ENV-2015-2618-MND-benefits_trees.pdf (2 pages) (evidence)
- ENV-2015-2618-MND-SoilCompactionAndTrees-TheLargeTreeArgument.pdf (37 pages) (evidence)
- ENV-2015-2618-MND-TEAnimals.pdf (14 pages) (evidence)
- ENV-2015-2618-MND-TheLargeTreeArgument.pdf (8 pages) (evidence)
- ENV-2015-2618-MND-EnvironmentAndCrime-printed.pdf (25 pages) (evidence)
- ENV-2015-2618-MND-NRS News Release (2 pages) (evidence)
- ENV-2015-2618-MND-rb_nrs47.pdf (35 pages) (evidence)
- ENV-2015-2618-MND-srep11610.pdf (14 pages) (evidence)
- ENV-2015-2618-MND-Tree_Air_Qual-Stud-printed.pdf (4 pages) (evidence)
- ENV-2015-2618-MND-psw_2002_mcpherson001_maco-printed.pdf (7 pages) (evidence)
- ENV-2015-2618-MND-psw_2011_mcpherson006.pdf (6 pages) (evidence)
- ENV-2015-2618-MND-psw_2013_mcpherson005.pdf (15 pages) (evidence)
- ENV-2015-2618-MND-psw_2015_mcpherson003-printed.pdf (10 pages) (evidence)
- ENV-2015-2618-MND-Tree_and_Impervious_Cover_change_in_US_Cities_Nowak_Greenfield.pdf (10 pages)
- Increasingly_Fragmented_Habitats.pdf (2 pages) (evidence)
- ENV-2015-2618-MND-cufr639mcpherson-JOA-pavingsshade-printed.pdf (8 pages) (evidence)
- ENV-2015-2618-MND-psw_2008_mcpherson001.pdf (12 pages) (evidence)
- ENV-2015-2618-MND-EnvironmentAndCrime.pdf (25 pages) (evidence)
- ENV-2015-2618-MND-pone.0099403.pdf (11 pages) (evidence)
- ENV-2015-2618-MND-psw_2011_mcpherson001.pdf (11 pages) (evidence)
- ENV-2015-2618-MND-psw_2015_mcpherson004_ko.pdf (8 pages) (evidence)
- cufr_48.pdf (106 pages) (evidence)
- ne_1991_rowntree_001.pdf (7 pages) (evidence)
- nrs_2013_nowak_002.pdf (8 pages) (evidence)
- OpenSpacePlan.pdf (27 pages) (evidence)
- RFF-REPORT-Open Spaces.pdf (82 pages) (evidence)
- ACT.pdf (2 pages) (evidence)
- Aerial-1.jpg (evidence)
- Camphors-1.pdf (17 pages) (evidence)
- Camphors-2.pdf (28 pages) (evidence)
- JanScow.pdf (9 pages) (evidence)
- 1-4 copy-mp.pdf (4 pages) (evidence)
- CaliforniaNaturalResourcesAgency (dragged) 1.pdf (2 pages) (evidence)
- ConservationElement-CityPlan-2001 (dragged)-mp.pdf (1 page) (evidence)
- ConservationElement-CityPlan-2001-mp.pdf (85 pages) (evidence)
- HCIDLA-Housing Committee Presentation 8-27-2014 FC (dragged).pdf (1 page) (evidence)
- HousingNeedsAssessment-Ch1 (dragged).pdf (1 page) (evidence)
- TheCityProject-ParksCommunities (dragged).pdf (5 pages) (evidence)
- KuoSullivanenvironmentandcrime.pdf (26 pages) (evidence)
- Neighbors & Nature (1).pdf (1 page) (evidence)
- UN_STUDY.pdf (4 pages) (evidence)
- educ_Portal_RootGrowth_AN.pdf (3 pages) (evidence)
- EPA-Analysis of Impacts.pdf (239 pages) (evidence)

PREVIOUSLY SUBMITTED:

(titles as how they were sent)

- CouncilFile-95-0830.png (1 page) (evidence)
- AdminRecord-Case-DIR-2015-2697-SPP-VTT73704.pdf (2 pages)
- City Hall Density Hawks.pdf (12 pages) (evidence)
- CouncilFile-07-0136.pdf (1 page) (evidence)
- CouncilFile-14-0930-Motion.pdf (1 page) (evidence)
- CouncilFile-95-0830.pdf (2 pages) (evidence)
- HousingGoals-Chap6.pdf (1 pages) (evidence)
- Kotkin-What-is-a-City-For-.pdf (29 pages) (evidence)
- Motions.pdf (3 pages) (evidence)
- SuppStaffReport_06-17-14FINAL.pdf (2 pages) (evidence)
- WhatDensityDoesntTellUsAboutSprawl.compressed.pdf (44 pages) (evidence)
- StudyofStreetTraffic-ConditionsInTheCityOfLA.pdf (153 pages) (evidence)
- CASE NUMBER- ENV-2015-2618-vc-min.pdf(15 pages) (evidence)
- Valley_PlanningDept-ds-printed.pdf (11 pages) (evidence)
- DLab-2016_CEQA_Statutes-ut-prntd.pdf (8 pages) (evidence)
- PLANNING-SouthValley-DIR-VTT.pdf (11 pages) (evidence)
- CharlieFisher-gbc.pdf (1 page) (evidence)
- Letter- CharlieFisher.pdf (2 pages) (evidence)
- ENV-2015-2618-ENV-LETTER_FOR_RECORD-nlj.pdf (6 pages) (evidence)
- ENV-2015-2618-MND-Case No DIR-2015-2697-SPP-gbc.pdf (1 page) (evidence)
- ENV-Wedd-gbc.pdf (1 page) (evidence)
- LA Conservancy comments-gbc.pdf (1 page) (evidence)
- SFVMuseum (1 page) (evidence)
- Valley Village Camphors-RobertPerry-gbc.pdf (1 page) (evidence)
- ENV_jsalzmman-fvv.pdf (1 page) (constituent)
- ENV-2015-2618-MND-HermWedLetter-planning-jf-ds-.pdf (1 page) (evidence)
- ENV-2015-2618-MND-Letters-csw.pdf (2 pages) (evidence)
- ENV-2015-2618-MND-Mar8-jg-vc-.pdf (1 page) (evidence)
- ENV-2015-2618-MND-SilverlakeHeritageTrust.pdf (1 page) (evidence)
- ENV-2015-2618-MND-stevenson-d.s..pdf (1 page) (evidence)
- ENV-2015-2618-MND-Strathern-ds.pdf (1 page) (evidence)
- ENV-2015-2618-MND-svv-.pdf (3 pages) (evidence)
- ENV-2015-2618-MND-HermitageWeddington-dg.pdf (1 page) (evidence)
- ENVletter-pr.pdf (1 page) (evidence)
- ENVletter-sa.pdf (1 page) (evidence)
- doc-vc-printed.pdf (1 page) (evidence)
- env_svpc-ds-prntd.pdf (1 page) (evidence)

BETH CONE KRAMER | 22 AUGUST 2016

Save Valley Village: 'Councilman Krekorian Only Represents Those Who Agree With Him'

THIS IS WHAT I KNOW--The rumble between pro-development interests and those who support neighborhood integrity takes a possible new turn with members of the Coalition to Preserve LA stating although they have enough signatures to qualify for the March 2017 ballot, they'd be willing to withdraw the initiative if Mayor Garcetti would agree to an alternative plan. As written, the measure would place a temporary ban on projects outside the existing zoning and land use rules for the area. If Garcetti does not agree with the group's terms, it's All Systems Go for the petition, per Jill Stewart, the Coalition's campaign director.

Most of you probably know the scenario; developers who often have a cozy relationship with City Council members typically plead their case for general plan amendments from the city to move these mammoth projects forward.

"That's a wake-up call for the City Council," Stewart told reporters. "No more mischief, no more backroom meetings with developers during a two-year period. Take all that wasted time you've spent creating a luxury housing glut in Los Angeles and instead, do your job, create a plan for LA that involves the public."

The Coalition sent a letter to Garcetti, signed by several dozen reps of grassroots groups, businesses, HOA's, and celebs including Leonardo DiCaprio, Kirsten Dunst, Chris Pine, Joaquin Phoenix, Chloe Sevigny, and Garrett Hedlund. The new proposal in front of Garcetti would ban "ex parte" meetings between council members and developers, would make the process of updating the General Plan move more transparent and would reduce "spot zoning," now standard practice. Developers and lobbyists would also be banned from hand-selecting the consultants responsible for Environmental Impact Reports (EIR's.)

Arguments in favor of streamlining development point to "affordable housing" but more typically, the projects maximize profits for developers, setting aside the minimal required affordable units. Existing tenants are often tossed aside to make room for shiny new development projects and that include small lot subdivisions in areas throughout the city.

••

One area particularly hit by the rush to develop has been in Council District 2, represented by Council Member Paul Krekorian. The activists of Save Valley Village are frustrated with Krekorian who they say consistently ignores their interests.

Case in point, a duplex on Tujunga that houses section 8 and HUD tenants --developer Apik Minnossian is seeking approval of eight units in three-story terraced buildings, along with 16 parking spaces. Neighbors say the building does not fit the criteria for a "small lot subdivision and is not in keeping with the integrity of the neighborhood."

"We're seeing a disturbing trend of deep complicity from Councilman Krekorian's office and his Planning and Land Use Commissioner Karo Torossian who signed off on it in direct opposition to the Neighborhood Council's Land Use Commission recommendations," said an activist.

I've been in talks with the Save Valley Village activists and other concerned with development in their neighborhood for several months, sitting in on living room meetings and engaging in phone conversations. Hearing the personal stories of those impacted by the takeover of their streets has been compelling, taking the issue to a new level. →

The proposed Tujunga project would impact the tenants of the existing building. The aunt of an existing tenant wrote this email:

“My nephew lives in the triplex at 4531 Tujunga. He is on social security disability income. If these triplexes get demolished there is nothing comparable in the whole LA County for him to go. There is no affordable housing available. I have been researching and I don’t see any affordable housing available. I am very much afraid my nephew will be homeless not to mention the other tenants.

The city keeps letting the developers demolish all the affordable housing without replacing comparable units. It’s creating our homeless epidemic. I don’t know where my nephew will live. HUD and Housing nonprofits have 4 year waiting lists. It’s insane. Please, please reconsider and not allow more people to become homeless.”

Activists say they want Krekorian to put a “Q” provision on the Tujunga block that would limit buildings to 31 feet and to match the architectural integrity or look of the neighborhood. “General and community plans are very specific about new construction conforming to height, aesthetics, and density of the neighborhoods,” said a spokesperson for the neighborhood, which is 95 percent single-story. Instead of serving the interests of developers, the group is asking Krekorian to take into account property values, privacy, environmental impact, and other issues that impact neighbors.

It’s easy to forget at the end of the day that the surge in development and the City Council’s rather lax approval process affects people’s lives, whether those displaced from affordable housing or neighbors who wish to maintain their property values and quality of life. Under the current conditions, development is not adding affordable housing as much as lining the already deep pockets of developers who may continue their cozy, symbiotic relationship with council members without some oversight. →

<http://www.citywatchla.com/index.php/the-la-beat/11678-save-valley-village-councilman-krekorian-only-represents-those-who-agree-with-him>

7 Comments CityWatch Los Angeles

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savevalleyvillage.com • 10 days ago

Another great and truthful article from Beth. Thank you Beth! The Tujunga proposal is yet another great concern for our residents. CouncilMembers who support developers very well knowing how it throws disabled people on the streets. You reach a certain point where these "officials" move into another category that is no longer considered human. What they are doing and continue to do is beyond criminal ; but inhumane.

5 ^ v • Reply • Share



Justus? → savevalleyvillage.com • 10 days ago

It is inhumane because these are foreigners and this type of treatment is acceptable in their country. So not only do they come here and invade our neighborhoods but with them brings their culture and traditions which continues to be shoved down our throats. You need a license to drive a car, but any immigrant can build anywhere and whatever he wants.

2 ^ v • Reply • Share



Melanie • 10 days ago

Krekorian has a lot more to do than put a Q condition on this. This community needs to understand a Q-condition is not going to save them from the wrath of Krekorian. The only thing that will save their neighborhoods is a new Council Member who actually works for the ones who voted him in office. Krekorian and Karo and criminals.

5 ^ v • Reply • Share



Armen • 10 days ago

I may be the only Armenian in Los Angeles who will speak of Paul Krekorian's truth. He has turned his back on the people this we know. He has managed to destroy street after street, neighborhood after neighborhood with no consequence. His plan has always been to stay in whatever position he needs to long enough to get to a higher one should it come around. His sights are on City Attorney to make room for Nazarian in the Council, until we have a full panel of Armenian officials lining City Hall. I would have stayed in my country if I wanted my government to be run by Armenians.

3 ^ v • Reply • Share

→



LACityCommittee@clerk.com · 10 days ago

When you have citizens constantly saying the same exact thing over and over and over and over again - having the same problem over and over and over again - all with the same person - when the only people not complaining are his relatives or outside interests - what else is it you need to know.

13-1478

MOTION

PLANNING & LAND USE MANAGEMENT

The Small Lot Subdivision Ordinance was enacted by the City of Los Angeles in 2004. The Small Lot Subdivision Ordinance is an innovative zoning tool that allows development of townhouse style homes on urban infill lots with commercial or multi-family residential zoning. In most cases, the density of a Small Lot Subdivision is much less than what an apartment or condominium developer could build.

Despite its advantages, over the last nine years, problems in the implementation of the Small Lot Subdivision Ordinance have come to light. In many cases, Small Lot Subdivisions have disrupted the character of existing neighborhoods. They are not compatible with nearby buildings and do not relate well to the street.

To solve this problem, the Director of Planning should update and improve the Small Lot Subdivision Guidelines. They are out of date and must be amended to reflect the reality of the Small Lot Subdivisions being built today. In addition, the Small Lot Subdivision Ordinance should be evaluated and amended if necessary to see if it contains provisions that make it difficult for Small Lot Subdivisions to fit in with existing neighborhoods.

I THEREFORE MOVE that the Department of Planning be instructed to update and improve the Small Lot Subdivision Guidelines.

I FURTHER MOVE that the Department of City Planning, with the assistance of the City Attorney, be instructed to evaluate the Small Lot Subdivision Ordinance and prepare any changes to the Ordinance that are necessary to ensure that future Small Lot Subdivisions are compatible with the neighborhood.

PRESENTED BY:

Tom LaDange
Councilmember, 4th District

SECONDED BY:

2 ^ | v · Reply · Share ·



The City Erred??? · 9 days ago

The city is now using the SMALL LOT ORDINANCE AMENDMENT to try and REMOVE CEQA for ALL SMALL LOT SUBDIVISIONS. What makes them think they can just shove a little thing called State Law under the rug?

The final hearing is scheduled for AUGUST 25, 2016 at 8:30am in Van Nuys. This new information was released by the city AFTER PUBLIC COMMENT period.

Now is a good time to put your Council Member in the hot seat.

1 ^ | v · Reply · Share ·



RICHARD LEE ABRAMS / 22 AUGUST 2016

LA Politics: Mother to All Kinds of Crime and Corruption

CORRUPTION WATCH-The word "crime" is one of those terms which we use all the time without taking the time to think about it too deeply. According to Merriam-Webster, crime means: (1) a gross violation of law, (2) a grave offense especially against morality, (3) something reprehensible, foolish, or disgraceful.

The Los Angeles City Council's behavior satisfies all definitions of a crime. It operates in violation of Penal Code 86 which forbids vote trading among members of a city council. Its actions are morality offensive especially when it comes to the theft of billions of tax dollars and the destruction of poor people's homes. Finally, its behavior is reprehensible, foolish and disgraceful.

Yet, these words fail to convey the great harm which the 'criminal' Los Angeles City Council has brought upon us. Let's take a deeper look at how a city council which is a criminal enterprise destroys a great city – one injustice at a time.

Case in point is one tiny section of Valley Village, a place so small and so out of the way, that the vast majority of Angelenos do not even know that it exists. Zooming in closer, we see a most remarkable intersection at Hermitage and Weddington – or, at least, what is left of it. On the southeast corner once sat a modest home (demolition photo above) where Marilyn Monroe lived during the end of WW II.

Rather than allowing the modest structure be moved, Mayor Eric Garcetti and Councilman Paul Krekorian wanted the home destroyed. So a couple days before a Cultural Heritage Commission hearing, Marilyn's home was demolished (just as Garcetti demolished the facade of the Spaghetti Factory in Hollywood in defiance of a court order.)

From a neighborhood standpoint, the properties on the westside of Hermitage across from Marilyn's home were significant in their own right. Directly opposite from Marilyn's home was a beautiful Spanish-style apartment and to the north of Weddington was one of Valley Village's most unique properties.

Because Valley Village was a mixture of these unique low density places in an area where mega-apartments were encroaching, the Valley Village Specific Plan was enacted in order to preserve the character.

The fascinating aspect of these Valley Village properties at 5621 to 5303 Hermitage is that they had an extra measure of protection from being destroyed. Weddington Avenue runs ½ block westward between the beautiful Spanish style apartment home at 5621 Hermitage and unique grouping of cottages at 5303 Hermitage.

With the state owned street separating the two parcels, neither parcel was large enough to attract attention of developers who increasingly want to construct larger projects. In a city run by criminals, however, laws are impotent. Councilmember Krekorian and Mayor Garcetti see nothing wrong with giving the street to the developer so that Urban Box will have an extra-large area on which to construct its project – after destroying all the rent-controlled units and throwing the elderly and disabled on the streets. →



Criminals, however, do not care who owns property. It can be you, it can be me, or it can even be the State of California. When a criminal syndicate operates with the force of law, they take whatever they need. And, everyone else better shut up or else.

This Is the Evil of Criminality

In Los Angeles, greed rules and decency is in exile. If a developer wants to destroy your home, no law will stop him. Los Angeles City Council is a criminal enterprise where every unlawful demolition, where every unlawful gift

of public property, where every corrupt commission decision always receives unanimous approval.

We need to be very clear about this: in Los Angeles, the law counts for nothing, for zero, por nada. The criminal vote trading pact requires that each councilmember give unanimous approval without any regard to lies, deception, physical intimidation, vandalism or theft of public funds. There is no crime significant enough for a councilmember to refuse to go along. The criminal regime at City Hall is strict: not even allowing a single protest vote against the destruction of Marilyn Monroe's home.

Yet, the District Attorney finds nothing nefarious is afoot when all projects unanimously receive "Yes" votes. The odds of flipping a coin 100 times and getting 100 heads is $1/1.2676506 \times 10^{30}$. Okay, so you don't even know how to name that number because it is so large. We are talking about 15 coins being simultaneously flipped and getting all heads. Oh yeah, we're supposed to believe that number, whatever it may be, is not the product of a vote trading agreement.

The Rise of the Garcetti Goons

After some goons tried to intimidate an attorney who had come to the property at 5303 Hermitage prior to the August 11, 2016 South Valley Area Planning Commission meeting, the attorney complained to the Commission. He wrote to Councilmember Krekorian and to Mayor Garcetti that the intimidation had to stop. Neither of them bothered to reply.

Silence in the face of an accusation is an adopted admission. There is a rule of law that says when someone is accused of bad behavior and they say nothing, their silence is a sign that the charge is true.

Dear Councilmember Krekorian and Mayor Garcetti:

The intimation and threats in connection with your desire to demolish the rent controlled units at 5303 Hermitage in Valley Village must cease and desist immediately. Brandishing firearms, tampering with the gas lines and having thugs try to intimidate the tenant's attorney has brought the City's "war" on poor people's homes to a new low. As I told the South Valley Area Planning Commission yesterday, this criminal behavior has to stop. Furthermore, no police officer should ever tell a person who has been assaulted with a fire arm that he will arrest her if she calls 911 for protection. We expect this criminal behavior to cease and desist forthwith.-- Richard MacNaughton, Attorney at Law, State Bar 77258.

When the city council becomes a criminal enterprise, we all live in a lawless society. And when white collar criminality at City Council becomes physical intimidation, it threatens of intolerable violence at the home owner level. →

Let's remember that this Valley Village instance is not the first situation involving Garcetti, development and criminals. Garcetti's fundraiser, Juri Ripinsky, spent two years incarcerated in Federal prison at Leavenworth for real estate and bank fraud. Yet, Garcetti got unanimous approval from the City Council for Ripinsky to have the lucrative Paseo Project at the old Sears site in Hollywood. Two years at Leavenworth and he gets a multi-million dollar real estate project!

Just like the poor people who are desperately trying to save Valley Village, all Angelenos face a criminal enterprise. When criminals with absolute immunity want something, they just take it. And, people wonder why employers and the middle class are leaving Los Angeles.

12 Comments

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Melanie • 5 days ago

Ah yes! Another RAFFI SHIRINIAN lawsuit in the making. DAVID DUEL, REBECCA DUEL and STEVE NAZEMI. Getting sued left and right. They can't seem to do anything right anywhere. Raffi's greed is catching up with him.

3 ^ v • Reply • Share



Armen • 5 days ago

As to the Planning Commission - Janny Kim works for social edison. Dierking works for Metro. Cochran is an attorney. Mayor appointed Mr. Abrams. What do you expect.

1 ^ v • Reply • Share



Justus? • 5 days ago

LAFH has announced there is no more housing. They cannot help anyone who has been evicted. For every demolition there is an eviction. For every eviction the odds are they will end up homeless. Way to go Krekorian. You have created your legacy.

1 ^ v • Reply • Share



Jo • 3 days ago

All the wrecked, corrupt cities are run by liberals: Detroit, Chicago, Baltimore. How's that working out for you voters? I supported conservatives that were running against my councilman and they didn't have a chance due to most LA City and CA residents being liberal Dems. Stop voting for same ole same ole and maybe you'll get a change. Check out <http://transparentcalifornia.c...> to see the outrageous pensions that are wrecking the city and state. Pensions + retiree benefits were 3% of the City's budget 10 years ago and now they are 20 % and rising fast as the boomers are retiring. These CC and mayor politicians gave away lavish pensions in exchange for unions' campaign donations. I wonder why you are not outraged by lavish pensions? I beg you to look at that pension website. Also read articles on pensionsunami.com

^ v • Reply • Share





jo → SZwartz • 3 days ago

You know they all vote (actions) unanimously for just about everything; they are all corrupt. I don't care what you call them, I call them all corrupt liberals because they gave away lavish unsustainable pensions + retiree benefits to the unions who supported their campaigns. Pensions are what wrecked Detroit, San Bernardino etc., and that line item is now wrecking Chicago and LA. Check out <http://transparentcalifornia.c...> to see just how lavish the pensions are in CA; if you are not outraged, you should be. Lavish pensions and extremely high taxes are what wrecked Greece. Also, read about pensions wrecking cities across the country at pensionsunami.com

^ v • Reply • Share ›



The City Erred??? → jo • 4 days ago

We are more scared of the city being run my Armenian mafia than Democrats right now.

^ v • Reply • Share ›



jo → The City Erred??? • 3 days ago

Common denominator is Democrat, not Armenian. Lavish give-aways to unions: <http://transparentcalifornia.c...> and pensionsunami.com

^ v • Reply • Share ›



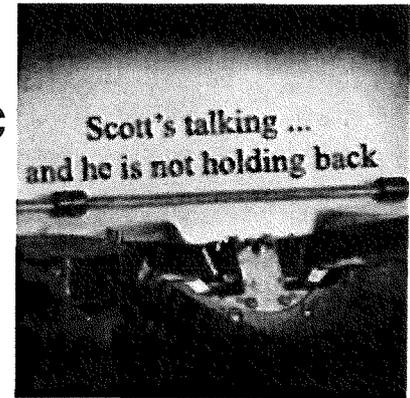
SZwartz → The City Erred??? • 4 days ago

Labels mean nothing and can be very harmful to people. Should we pretend that the Italians are behind this mob rule at City Hall because Garcetti's great grand father came from Italy? Such labels do not help. If you want to be an American, then follow the Declaration of Independence and treat each man independently based on his/her actions.

^ v • Reply • Share ›

Zwartz Talk

Garcetti Appointee Tells The Public The Type Evidence to Submit



The Edict is Issued

The Garcetti Administration has issued a new edict directing the public as to the type of testimony they may and may not give public hearings. The Garcetti Administration only wants to hear people testify about how much they love to walk to mass transit. The Administration does not want to see any complaints about the lack of parking or traffic congestion.

Area Planning Commissioner Mark Dierking, who is employed by Metro, told the public that he did not want to see any testimony about parking and traffic congestion. Rather the public should confine their comments to support walking and taking buses. Commissioner Dierking, who is a Garcetti appointee, said:

... [A]s a METRO Employee this is a block and a half away from the orange line station and I want to see people talking less about parking and cars and more about walking to the bus and I think we need to create trans-oriented development route projects. I'd love to see the 48-unit project. [bold added]
Mark Dierking, July 14, 2016 South Valley Area Planning Commission

So, we have the official word — the public should not complain about lack of parking and traffic congestion, but instead they should support using buses. Never mind that many people are elderly and disabled, Commissioner Dierking does not want to see those people appearing in front of him with their complaints. The financial needs of Metro are more important. Dierking only wants Boosterism for Buses.

L.A.'s Down With the Poor Philosophy

This edict came after a long hearing at the July 14, 2016 of the South Valley Area Planning Commission about the on-going destruction of of rent controlled units in Valley Village so that developers could construct expensive luxury units. At least nine (9) rent controlled units will be demolished as part of Mayor Garcetti's on going campaign to destroy rent controlled apartments. Meanwhile, Garcetti pretends to champion the dispossessed by proposing that Angelenos give \$1.2 BILLION to the developers who just tore down the homes of the poor. →

There is something immoral about tearing down people's homes and then posturing as their savior. If Garcetti cared about the elderly, the disabled and the poor, he would stop tearing down their homes.



With this project Garcetti is particularly aggressive — he is eliminating a street so that the developer will have more land on which to build. Presently, Weddington Avenue dead-ends about 300 feet west of Hermitage. That distance makes Weddington much more than a cul de sac. Vacating a street is a big step. Vacating a public street and giving it to one developer for a private project is a gift of public property to a friend of the mayor. In some places, elected officials giving away public property is called corruption.

It is bad enough that Garcetti gives away billions of our tax dollars to his developer buddies, but now he is actually giving away a city street so that more dense apartments can be constructed.

The Real Estate Shell Game

Here we need to delve into the newest real estate shell game. Wall Street has become reluctant to finance any more luxury apartments in Los Angeles due to our glut of recently constructed apartments. Los Angeles has a 12% vacancy rate in higher end apartments constructed in the last decade. In 2013, the city constructed 150% of what could be rented or sold. Thus, a new scam has arisen. Developers construct a string of garages over which they added 2 or 3 stories of apartments, but there's a twist. Every two garage spaces are separate from the adjoining ones by about 6 to 12 inches. Then, the developer calls each separate two space garage with an apartment on top "a single family home."

So why do developers go to this trouble to build an apartment complex and then divide it into "single family homes"? Answer: Sales. While Wall Street does not want to finance more apartments, there is believed to be a significant market of millionaire investors who need tax shelters. By calling the apartments "single family homes," the developer can sell each unit as individual tax shelter. →

The investors don't care whether they pay over-market since they are looking for write offs against other qualifying income. While someone who owned the entire project could not financially survive as a landlord, these individual investors actually want properties to reduce their taxes. They expect that after they have sheltered 10 or 15 years of income, the value of these units will somehow have risen so that overall, they will make money.

While we can see why developers favor this financial ploy, the question Angelenos should ask, Why does the City support the destruction of neighborhoods in order to make a few developers and real estate investor wealthier? There are two answers:

(1) campaign contributions — now and in the future.

Like most millionaires & billionaires, real estate developers know that they make the most money when they own our elected representatives — in the city councils, in the state assembly, and in the US Congress.

(2) Los Angeles is infected with the virus

which leads many people to believe that we should be Manhattanized. The number one proponent of the Manhattanization of Los Angeles is Eric Garcetti. In real life, Garcetti is not the dapper politico you see on TV, but people who know him report that he's a vicious and vindictive Napoleon who knows the wisdom of wiping out his enemies while demanding absolute loyalty to himself.



He is very effective and has reportedly already raised over \$2 Million for his re-election campaign. Don't worry, if he needs more, there is more.

Ours is not to Question Why, But to Do or Die

So Angelenos you have been given your marching orders — no more complaints about parking and traffic.

Instead, everyone is to sing in unison the praises of mass transit and Eric Garcetti's Manhattanization. So direct Commissioner Dierking.

Los Angeles Times

Planner Accused of Vote Conflict

Lawsuit: Citing the commissioner's other role as head of a residents group, a developer claims he improperly opposed a housing project

October 03, 2001 | PATRICK MCGREEVY | TIMES STAFF WRITER

A Los Angeles planning commissioner who also heads the Studio City Residents Assn. has been sued for allegedly mixing the two roles in an improper way in his opposition to the construction of mansions in the hills.

The \$3-million lawsuit contends that South Valley Area Planning Commissioner Tony Lucente, who is also president of the residents association, improperly voted against a project to build five large houses. The vote came after his association hosted an opponent of the project at a meeting and published a newsletter article in opposition to the development.

"A judge would have recused himself," said Robert Glushon, an attorney for the development firm NASHA LLC, which filed the lawsuit. "At the very least, he should have asked the city attorney for an opinion. He did neither."

Lucente said there was no conflict of interest nor were there communications between him and the project opponents outside the formal hearings on the matter. The lawsuit does not accuse him or the residents association of having any financial stake in the outcome of the debate.

"I know there are no merits to this case," Lucente said of the suit, which also names the city and seeks to set aside the commission vote rejecting the project.

In addition to the legal issues it raises, the case pits two well-known community leaders on opposite sides of a charged planning matter.

Glushon, former president of the Encino Property Owners Assn., served two years ago on the city's elected Charter Reform Commission, which proposed creation of the area planning commissions as a way to involve more people from the community in local decisions.

Lucente serves on two city commissions, the planning board and the city Board of Neighborhood Commissioners. Glushon, an Encino resident, was an appointee of former Mayor Richard Riordan to the Board of Neighborhood Commissioners until recently, when Mayor James K. Hahn replaced him.

The lawsuit, filed Wednesday in Los Angeles Superior Court, stems from a proposal by developer Mikhail Cheban, and his firm, NASHA LLC, to build five large houses on lots of up to 46,000 square feet on Multiview Drive overlooking the Cahuenga Pass.

The city planning director had approved the project, but appeals were filed by the Santa Monica Mountains Conservancy and resident Mark Hennesey, arguing that the project would hinder wildlife movement in the hills and that the proposed houses were incompatible with the terrain and natural setting.

On June 28, the South Valley Area Planning Commission voted 3 to 1, with Lucente in the majority, to overturn the planning director and grant the appeals against the project.

Lucente's vote was crucial because three votes are required to overturn the director. →

The lawsuit alleges that two weeks before the commission vote, and while the appeals were pending, Lucente, in his capacity as head of the residents association, "introduced appellant Hennesey, and allowed him to speak against the project and in support of his appeal, at a meeting of the Studio City Residents Assn."

Lucente said he introduced Hennesey but did not participate in the discussion among the residents group members.

"I presided over the meeting, but as soon as he was introduced I left the room," Lucente said. "There was no ex parte communications."

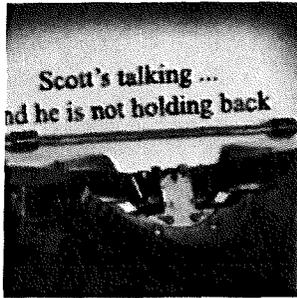
The association newsletter article named in the suit argued that the project threatened the wildlife corridor.

Lucente's actions "while the appeals were pending before Lucente, as a judge and final decision-maker, reflects, at a minimum, a reasonable appearance of bias which required his recusal from voting on the appeal," the lawsuit said.

Lucente said he did not write the article, but he agreed to put it in the newsletter because he routinely allows association members to write articles on issues of local importance.

The city attorney's office is reviewing the allegations, spokesman Frank Mateljan said.

<http://articles.latimes.com/2001/oct/03/local/me-52767>



Zwartz Talk

Garcetti Goons Attack Valley Village

by Scott Swartz August 13, 2016

Below is video of a guy we caught in the act of being himself, a Garcetti Goon. This is just a snippet how Garcetti manufactures homelessness for his photo-ops

As Garcetti's Commissioner Dierking told everyone in July 2016 at the South Valley Area Planning Commission, Garcetti wants to tear down as many rent controlled units near bus lines in order to create much higher residential projects. The purpose is to make Metro buses more profitable.

Notice how the goon has already broken into the apartment to the left and has removed the screen door and he has some pliers in his left hand. He's eyeing the video camera and looks right into it. This Garcetti Goon is a candidate for world's dumbest thief. He knows he's staring into the video camera and he has to realize that it is recording him.

Garcetti's continuing to destroy poor people's homes is inconsistent with Garcetti's claims that he wants to help poor people secure decent housing. If Garcetti wants to help poor people, the appearance of Garcetti Goons to intimidate poor people, to vandalize their property, to threaten them with guns and to harass people who visit them is a strange type of help.

The Goon is destroying the video camera so that he can later burglarize the place. This can be anyone's backyard when they're not home. If you've got a camera showing construction of an unlawful McMansion, don't be surprised when a Garcetti goon comes over your back fence and rips out your video equipment. Maybe Garcetti Goons freelance on the side. There are a lot of nice homes in the Valley and as long as goons roam free, it's doubtful anyone else is safe. This one arrested on July 26th but with \$35,000.00 bail, he was back on the street. So where does a goon like this get \$35,000.00 bail or was it waived? He brags of friends in high places.

Do you feel the name "Garcetti Goon" is too pejorative? When the resident called the police, the police said it was a civil matter. Really? Someone's tearing down your security camera is a "civil matter." Then, the guy comes around and tells the residents he got friends in high places. Well, at least he's a truthful goon.

But, in reality, that's just more intimidation to make residents feel helpless. That's how Garcetti works. It is classic developer intimidation to force poor people out of their homes.

Let's remember, billions of dollars are at stake. Garcetti needs as many people to be homeless as possible in order to con voters into voting for his \$1.2 BILLION bond for building affordable housing on the November ballot. We know the money will actually go for the luxury units in Hollywood just as Garcetti stole all the Promise Zone money from the minorities communities and gave it to his developer buddies in Hollywood. Now, you see some of the Garcetti Goons behind the destruction of affordable housing.

We just found this snippet on another video camera. He is wiggling through a window. You cannot see the window itself, you can tell what he's doing. It's nice to know that Garcetti's got your home "protected" while you're picking up the girls from dance class.

Let's see what the goon looks like a closer closer.

All rent controlled homes are not blighted. Some are very nice places where often the elderly on fixed income live or people on disability. They keep their apartments clean and neat and hope to live out their years in decent surroundings — until Garcetti wants their modest apartment complex.

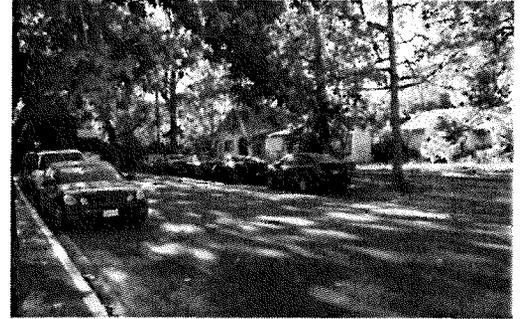
Why do these lovely places have to be destroyed? This is one of the places that Garcetti is destroying in Valley Village. Why? Is there no decency left at City Hall?

<https://zwartztalk.wordpress.com/2016/08/13/garcetti-goons-attack-valley-village/>



In the San Fernando Valley, in a middle-class enclave known as Valley Village, residents are under siege by developers who destroy affordable housing units in order to build small-lot subdivision condominiums and other luxury housing — a troubling pattern that's happening across Los Angeles in both working- and middle-class neighborhoods.

When one visits Valley Village, which sits east of Sherman Oaks, the vacant lots of torn down residential buildings look eerily similar to Venice, where developers are also sending in demolition crews to make way for luxury projects at an extraordinary rate.



Whether it's Valley Village or Venice, the same result takes place — working- and middle-class residents are shoved out of their affordable units and often find themselves forced away from their longtime neighborhoods. At the same time, developers make millions in profits.

The most recent example is a Valley Village block at Hermitage Avenue and Weddington Street, which is represented by L.A. City Councilman Paul Krekorian of District 2. The intersection became a major news story when a developer demolished the former home of Marilyn Monroe days before the city of L.A. was set to decide upon its historical status.

Now only a cyclone fence stands at the property. Another cyclone fence surrounds a large empty lot where residential units once stood down the street.

Then there's Urban-Blox, a development firm based in L.A. It wants to demolish a number of affordable residential buildings across the street from the former home of Marilyn Monroe. It's where longtime Valley Village resident Jen Getz lives.

"All it takes is one project," says Getz, "and there goes the neighborhood. It's a domino effect."

She adds, "We feel we're completely under siege. Valley Village is under attack."

Urban-Blox wants to replace the affordable dwellings with 26 small-lot subdivision condominiums, which will go for at least \$600,000 each. That's too much money for Getz and her neighbors, but the developer may end up with a minimum of \$15.6 million in condo sales.

Urban-Blox also wants the city of L.A. to hand over a public street so the developer can link two properties and build the 26 condos — and make huge bucks off the project. It's a crazy transaction made worse since street parking is limited in the neighborhood, and, so far, it appears city officials are not seeking any form of compensation for the street.

"It's criminal what's going on," says Getz, who's been fighting the project with the help of community activist Rick Abrams and others.

"The city is no longer an independent arbiter," says Abrams, who's undertaken land-use battles in Hollywood. "They lie and deceive on the behalf of the developer."

The South Valley Area Planning Commission recently approved Urban-Blox's project, including giving the public street to the developer. Now it'll work its way through L.A. City Hall — Krekorian officially supports the project.

"There are people's lives at stake," says Getz. "We're not little dots on a map."

Office: Van Nuys
 Applicant Copy
 Application Invoice No: 31852

City of Los Angeles
 Department of City Planning



LA Department of Building and Safety
 VN ESTE 202098160 9/2/2016 12:31:01 PM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

Receipt #: 0202348277

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord it your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: FUCHS, JED (B:818-2594290)
Representative:
Project Address: 12301 W WEDDINGTON ST, 91607

NOTES: APPELLANTS: VALLEY VILLAGE RESIDENTS FOR FAIR GOVERNMENT, FRIENDS OF VALLEY VILLAGE (FVV), HELP, SAN FERNANDO VALLEY NEIGHBORHOOD COALITION (SFVNC), VALLEY VILLAGE NEIGHBORHOOD COALITION (VVNC)

VTT-73704-SL-2A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$106.80
Total Invoice	\$106.80
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$106.80

LA Department of Building and Safety
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Council District: 2
 Plan Area: North Hollywood - Valley Village
 Processed by WILLIAMS, TRACY on 09/02/2016

Signature: _____