

OFFICIAL
CITY OF LOS ANGELES
North Valley Area Planning Commission Minutes
Thursday, July 19, 2007
Mt. Gleason Middle School
10965 Mt. Gleason Avenue, Multi-Purpose Room
Van Nuys, California 91401

ACTION MINUTES OF THE NORTH VALLEY AREA PLANNING COMMISSION. COMPLETE DETAILS RELATING TO EACH ITEM ARE CONTAINED IN THE HEARING TAPES FOR THIS MEETING. COPIES OF TAPES ARE AVAILABLE BY CONTACTING CENTRAL PUBLICATIONS, AT (213) 978-1255.

The meeting was called to order by Commission President Sampson at 4:51 p.m.

Commissioners present: Richard L. Corona, Melrita Evans Fortson, John Lett, Sr.,
J. Richard Leyner
Commissioner absent: None

1. **DEPARTMENTAL REPORT - ITEMS OF INTEREST**

None

2. **COMMISSION BUSINESS**

A. Advance Calendar

None

B. Commission Requests

None

B. Minutes of May 03, 2007 and June 07, 2007 Meetings

Minutes of May 03, 2007 and June 07, 2007 were approved and adopted unanimously.

3. **DIR-2006-9072-BSA-1A**

CEQA: Exempt **
Plan: Sunland-Tujunga-Lake View
Terrace-Shadow Hills-East La
Tuna Canyon

Council District: 2
Location: 8040 West Foothill Blvd.
Expiration Date: 06/10/07
Appeal Status: Not further
appealable to City Council

Continued from 06/07/07

PUBLIC HEARING

AN APPEAL, from the Zoning Administrator's decision, pursuant to the provisions of Section 12.26-K of the Los Angeles Municipal Code, that: **1)** the Department of Building and Safety did err and abuse its discretion in its determination (Report No. DBS-06001-DCP) that the construction work permitted by Building Permit No. 06016-10000-03354, for the conversion of an existing K-Mart into a Home Depot, is not a "Project" or a "Significant Project", as defined in the Foothill Boulevard Corridor Specific Plan, and therefore not subject to its regulation; **2)** the action of the Department of Building and Safety is herein reversed; **3)** the construction activity is herein determined to be a "Project" that shall be subject to Project Permit Compliance Review with the provisions of the Foothill Boulevard Corridor Specific Plan, pursuant to Section 11.5.7-C of the Los Angeles Municipal Code; and **4)** the construction activity cannot conclusively be determined to be a "Significant Project" until the Department of Building and Safety provides further justification for calculation of replacement value and total renovation costs..

PROTESTANT/APPLICANT: Abby Diamond, Sunland-Tujunga Alliance, Inc.

APPELLANT: Ann Jerhoff, Esq., Home Depot U.S.A., Inc.
Representative: Patricia Keane Tegart, Esq.,
Latham & Watkins, LLP

STAFF RECOMMENDED DENIAL OF APPEAL.
Michael LoGrande, (213) 978-1318

Councilmember Wendy Gruel testified in support of the community and Planning Department's determination and recommendation to deny the appeal. She agreed that jurisdiction of this case should remain with the North Valley Area Planning Commission. She further stated that Home Depot is a wrong project at the wrong place. She said that the key question is whether the significant remodeling/changes of the place constitutes a new project and is subject to Project Permit Compliance Review with the provisions of the Foothill Boulevard Corridor Specific Plan and environmental review.

Staff discussed the issue of Commission jurisdiction – whether should it be heard by the City Planning Commission or the North Valley Area Planning Commission. He stated that the nature of this case is unique and deals with the local specific plan and is not a city-wide application, the North Valley Area Planning Commission has the jurisdiction. He also explained why it is considered a new project.

He then proceeded to present the case and answered questions of the Commission.

At this point, the Deputy City Attorney recommended the Commission make its initial determination on the issue of jurisdiction before going to the substance of the case. He also suggested that the Commission hear from the appellant's representative opinion on the jurisdiction issue before making the determination.

The President then asked the representative of the appellant to speak regarding this issue.

A motion was made to retain jurisdiction of this case with the North Valley Area Planning Commission. It was moved by Commissioner Leyner and seconded by Commissioner Lett. Commissioners Corona, Fortson, and Sampson all voted yes.

The President opened the public hearing.

Appellant's representatives testified for the project.

Attorney for the "No Home Depot" community testified against the project.

Approximately fifteen speakers testified for the project and about 70 speakers testified against the project.

The Commission recessed at 6:35 p.m. and reconvened at 7:00 p.m.

Council District representative testified against the project and supported the Councilmember's previous statements.

Both parties rebutted.

A representative from Building and Safety was called to answer questions of the Commission.

The President closed the public hearing.

Commission deliberated. Lengthy discussion ensued regarding the specific changes/remodeling of the place.

Motion: Grant the appeal; overturn the Zoning Administrator's decision dated March 9, 2007; adopt modified findings.

Moved: Lett

Seconded: Fortson

Ayes: Leyner

Nays: Corona, Sampson

Vote: 3-2

4. **PUBLIC COMMENT PERIOD**

None

There being no further business to come before the North Valley Area Planning Commission, the meeting adjourned at 11:10 p.m.

(Sgd.)
Victor Sampson, Vice President

(Sgd.)
Fely C. Pingol, Commission Executive Assistant
North Valley Area Planning Commission

Date Adopted: 08/16/07