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SECONDARY SUBMISSIONS

ROSENHEIM & ASSOCIATES, INC.

21600 OXNARD STREET • SUITE 630 • WOODLAND HILLS, CA 91367-7104 • TEL 818-716-2689 • FAX 818-593-6184

May 26, 2020

SENT BY EMAIL

Los Angeles City, South Valley Area Planning Commission
City Hall
200 North Spring Street
Commission Office Room 272
Los Angeles, CA 90012

Attn: Mr. James Williams, Commission Executive Assistant

Re: 6400 Canoga Project
DIR-2018-3394-SPP-A1 and ENV-2019-2306-SE
Response to Appeal filed by Mr. Mitchell Tsai on behalf of the
Southwest Regional Council of Carpenters

Dear President Dierking and Honorable Commissioners:

On behalf 6400 Canoga Owner, LLC, the Applicant in the above-referenced matter, I am writing in response to the spurious appeal filed by Mr. Mitchell Tsai on behalf of the Southwest Regional Council of Carpenters (the “Appellant”) filed on January 17, 2020 (City Planning Case No. DIR-2018-3394-SPP-1A) regarding the 6400 Canoga Project (the “Project”), a high-quality, mixed-use, multiple-family residential Project proposed within the Downtown District of the Warner Center 2035 Plan (WC 2035 Plan). The Project was approved on January 2, 2020 by the Director of City Planning (“Director”) under City Planning Case No. DIR-2018-3394-SPP and is entirely consistent with the WC 2035 Plan which sets forth the vision for a mixed-use, transit and pedestrian oriented urban Regional Center in the west San Fernando Valley. We agree with the Planning Staff recommendation and respectfully request that you deny the appeal filed by Mr. Mitchell Tsai and uphold the Director’s approval of the Project. We further request that the Area Planning Commission support the requested changes as proposed by the Applicant as set forth in the supplemental letter dated May 26, 2020.

The Appellant appealed the Director’s decision on the grounds that the Project is inconsistent with the Warner Center 2035 Plan and therefore, does not facially qualify for the Statutory Exemption under California Public Resources Code (“CA PRC”) 21155.4 (under which the Project was approved). As described below, this appeal is baseless and should be denied.

Los Angeles Municipal Code (“LAMC”) Section 11.5.7 requires that the Director of City Planning, grant a Project Permit Compliance Review and find that the Project “substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan...”. The Appellant argues that the Project does not comply with the WC 2035 Plan on the grounds that it, 1) does not comply with the Warner Center 2035 Plan Cultural Amenities Trust Requirements set forth in Section 9 of the WC 2035 Plan and that 2) the Project should be stayed until the City implements City Council’s direction relative to additional labor standards, local hire,

prevailing wage, mobility fee, and affordable housing requirements. The Appellant also appealed the CEQA clearance, a Statutory Exemption under CA PRC 21155.4, which requires consistency of the Project with the WC 2035 Plan, on the grounds that the Project is inconsistent with the WC 2035 Plan for the reasons set forth in the Appellant's appeal.

As further described below, the Appellant's contentions are baseless. The Project complies with all applicable WC 2035 Plan standards erroneously raised by the Appellant, and therefore is eligible to utilize the identified Statutory Exemption.

I. The Project Complies with the Warner Center 2035 Plan Cultural Amenities Trust Fund Requirements

The Project complies with the Warner Center 2035 Plan Cultural Amenities Trust Fund requirements set forth in Section 9 of the WC 2035 Plan. Section 9 of the WC 2035 Plan requires that all projects in Warner Center with a building permit valuation of \$500,000 or more are assessed a fee at the same rate as the Citywide Arts Development Fee to be deposited into the Warner Center Cultural Amenities Trust Fund or provide on-site cultural amenities, or a combination therein, to equal the Cultural Amenities Trust Fund fee value for the Project. In compliance with this requirement, the Project has been conditioned (Condition of Approval No. 25 in the Letter of Determination), to pay the aforementioned Cultural Amenities Fee, paid at the time of building permit issuance. As further addressed in the Applicant's May 26 supplemental letter, the Project shall have the option, in compliance with Warner Center 2035 Plan Section 9.3(e) to provide on-site cultural amenities in lieu of payment of all or a portion of the fee. Regardless of whether the Applicant pays the fee, provides on-site art, or some combination thereof, the Project complies with Section 9 of the WC 2035 Plan relative to Project's cultural amenities obligation via Condition of Approval No. 25.

II. There Are No Pending Ordinances to Be Implemented By City Planning Amending the WC 2035 Plan Which Impact the Proposed Project

There have been no changes to the Warner Center 2035 Plan relative to labor standards, local hire, prevailing wage, or affordable housing requirements in the Council Files referenced by the Appellant (Council Files 13-0197-S9, 13-0197-S6). Additionally, as discussed below, Council File 13-0197-S4, did result in amendments to the WC 2035 Plan relative to the Mobility Fee, however, the Project remains consistent with the Mobility Fee requirements as revised and set forth in Section 7 of the WC 2035 Plan.

Relative to Council File 13-0197-S9, this Council File relates to a motion to instruct the Department of City Planning, in coordination with the Los Angeles Housing and Community Investment Department and the Los Angeles Department of Transportation to begin studying the potential for an affordable housing mandate specific to Projects located in Warner Center. The initial staff report on this motion is still pending and a draft ordinance has not been prepared. There has been no amendment to the WC 2035 Plan relative to affordable housing and no such requirement currently exists.

Relative to Council File 13-0197-S6, this Council File relates to the disbursement and prioritization of mobility fee funds for the implementation of the identified transportation mitigation measures listed in the WC 2035 Plan, Appendix C. The Los Angeles City Council adopted the most recent report on this matter on August 22, 2017, but no further action was taken and no changes were made to the WC 2035 Plan as a result of the Council Action taken.

Council File 13-0197-S4, the Mobility Fee, addressed in Section 7 of the WC 2035 Plan, was revised by the Los Angeles City Council on January 14, 2020 (Ordinance No. 186,498). However, pursuant to Section 7.3.1 of Ordinance No. 186,498, “those projects, including phased projects for which any application for discretionary approval has been submitted to the Department of City Planning and deemed complete prior to the effective date of this Ordinance (which is the first amendment to the Warner Center Specific Plan), shall be subject to the annually adjusted fee rates and credits pursuant to the multi-column table previously set forth in **Appendix D** and titled “Warner Center 2035 Plan- Mobility Fee Table”, which was in effect at the time the application was deemed complete.” The Project application was filed on June 13, 2018 and therefore de facto deemed complete on July 13, 2018 and as such is not subject to the revised Mobility Fee per Ordinance No. 186,498 and shall be subject to the annually adjusted fee rates and credits pursuant to the multi-column table previously set forth in **Appendix D**. Condition of Approval No. 23 conditions the Project to consistency with WC 2035 Plan Section 7, which was amended as discussed above. Therefore, the Project is consistent with Ordinance No. 186,498 (associated Council File 13-0197-S4).

The Applicant’s request that there be a moratorium on Project approvals until after the adoption of future regulations, as further described, is inappropriate and in contravention of state law. As demonstrated above, the Appellant has erroneously requested that the Project be stayed until the City implements Council direction to implement additional labor standards, local hire, prevailing wage, mobility fee, and affordable housing requirements. Such a delay is inappropriate and not within the statutory authority of the Area Planning Commission or the City Council.

Finally, the Appellant erroneously challenges the California Environmental Quality Act (CEQA) clearance for the proposed Project. The Appellant states that the Project is not eligible for the Statutory Exemptions set forth in California Government Code Section 65457 and California Public Resources Code Section 21155.4 on the grounds that the Project does not comply with the Warner Center 2035 Plan, a pre-requisite for the utilization of both exemptions. As discussed in the Applicant’s May 26 supplemental letter, the Project is exempt from CEQA under California Public Resources Code Section 21155.4 and the reference to California Government Code Section 65457 in the Letter of Determination was included in error. Under Public Resources Code Section 21155.4, a mixed-use development project is exempt from CEQA requirements if it is within a transit priority area, implements and is consistent with the applicable specific plan for which an environmental impact report has been certified, and is consistent with a Sustainable Communities

Strategy.¹ The Project meets all of the pre-requisites associated with the Statutory Exemption as determined in the Director's decision letter, the discussion above and in the Applicant's supplemental letter dated May 26.

In conclusion, contrary to the Appellant's unfounded assertions, as discussed above, the Project is consistent with the WC 2035 Plan and therefore, the Appellant's claim is erroneous, and the appeal cannot be granted. Thank you very much for your consideration of our response to the Appellants appeal of the 6400 Canoga Project. A Project that will not only provide much needed housing in the west San Fernando Valley, but one that will be a catalyst to further Warner Center's role as a true Regional Center. On behalf of our client, 6400 Canoga Owner, LLC, I respectfully request that you deny the Appellants appeal and uphold the Director's Determination as amended per the Applicant's appeal.

Sincerely,

Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.

Cc: Tim Fargo, Los Angeles Department of City Planning, Elizabeth Ene, Council District 3

¹ The mixed-use Project is located near existing development within a transit priority area, as defined in subdivision (a) of Section 21099 of the Public Resources Code. The Project is located less than one-half mile of the existing Metro Orange Line Canoga Station.

In addition, the Project is consistent with the Warner Center 2035 Plan. An Environmental Impact Report for this Specific Plan was prepared and certified on or about October 23, 2013. The Project implements and is consistent with all applicable requirements set forth in the Specific Plan. Lastly, the Project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Southern California Association of Governments (SCAG) adopted the RTP/SCS, and the State Air Resources Board has accepted SCAG's determination that the 2016 RTP/SCS would achieve the required greenhouse gas emission reduction targets (Air Resources Board Executive Order G-16-066).

This Project is consistent all applicable policies in the RTP/SCS, specifically for compactly developed communities, connected by public transit options, with sufficient housing for the growing population, that reduce vehicle miles traveled and GHG emissions. The mixed-use development will achieve these goals set forth by the RTP/SCS. The Project will comply with the requirements of the City of Los Angeles Green Building Ordinance that reduce GHG emissions. It is sited near existing development to increase density and promote walkable communities.

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May 26, 2020

SENT BY EMAIL

Los Angeles City, South Valley Area Planning Commission
City Hall
200 North Spring Street
Commission Office Room 272
Los Angeles, CA 90012

Attn: Mr. James Williams, Commission Executive Assistant

Re: 6400 Canoga Project
DIR-2018-3394-SPP-A1 and ENV-2019-2306-SE
Appeal Filed on Behalf of the Applicant

Dear President Dierking and Honorable Commissioners:

The Warner Center 2035 Plan (“WC 2035 Plan”) sets forth a blueprint for the development of Warner Center as a true Regional Center, providing opportunities to live, work, and play within a transit oriented, pedestrian friendly, urban environment. The 6400 Canoga Project epitomizes this vision and is entirely consistent with the requirements of the WC 2035 Plan. The 6400 Canoga Project is a high quality mixed-use development, including an addition to an existing 1980’s era office building that brings the building to the sidewalk creating a pedestrian friendly street frontage, as well as the construction of a high-rise mixed-use tower inclusive of 650 dwelling units, a restaurant, boutique hotel, and community based membership club. This Project, replete with iconic architecture, an activated street frontage, and high quality publicly accessible open space, will be transformative for Warner Center.

On behalf of the Applicant, 6400 Canoga Owner, LLC, I thank the Department of City Planning for their work on this Project and for the thorough Appeal Recommendation Report. While we very much appreciate the conclusion reached by the Director in granting approval of this Project, as well as the conclusions of the Appeal Recommendation, there are four Conditions of Approval, as recommended for revision in the Appeal Recommendation Report that, as demonstrated below, require further clarification. Please note, in order to simplify our comments we have prepared the following edits in which we are showing text to be deleted as ~~strikethrough~~ and where it is requested that text be added it is shown as underlined. In each instance we also provide a brief comment as to why the change is being requested.

Conditions of Approval – As Recommended for Modification

1) Amend Modified Condition of Approval No. 10.n as follows:

10.n “The Project shall include the areas labeled “Open Spaces 1, 2, and 3” and “Pedestrian Pathways 2 and 3” as indicated in the plans presented on page 10 of Exhibit “A” ”

Comments: The Applicant requests this revision to clarify the requirements for the PAOS. The Project plans show multiple areas marked as “Pedestrian Pathway” and “Open Space,” each being identified. In order to meet the intent of the Applicant and remain consistent with the provisions of the Plan it is necessary to further delineate which Pedestrian Pathway and Open Space areas are intended to serve as through pedestrian pathways to the eastern property line. To that end, the Applicant requests this revision to make explicit that this Condition applies to the two southernmost

east-west pedestrian pathways proposed adjacent to the north and south sides of the Atrium Building and labeled Open Spaces 1, 2, and 3, and Pedestrian Pathways 2 and 3.

2) Amend Modified Condition of Approval 16 as follows:

Street Trees. The Project shall install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Pursuant to WC 2035 Plan Section 6.2.6.2.8 and Appendix F, Section 3, Guideline A.7, new street trees shall be of the species indicated on Figure 2 in the WC 2035 Plan. Prior to the issuance of a permit for the Project, satisfactory arrangements shall be made with the Urban Forestry Division of the Bureau of Street Services for the construction of tree wells and planting of street trees along Canoga Avenue to meet WC 2035 Plan standards. The Project shall plant a row of *Pistacia chinensis* (Chinese Pistache) and/or *Fraxinus uhdei* (Evergreen Ash) within the parkway along Canoga Avenue, in compliance with the street tree requirements in Figure 2 of the WC 2035 Plan. Note: if existing, healthy street trees are to be removed, per Appendix F, Section 7, Guideline 6, they shall be relocated in the following locations in order of preference: nearby streets, public open space and or other private project sites. All trees should be planted within the boundaries of the WC 2035 Plan, if feasible. (BSS/DCP)

a. Replacement. Any existing street trees shall be replaced at a ratio of 2:1. Replacement trees on Canoga Avenue are to be taken from Figure 2 of the WC 2035 Plan. The street tree replacement is subject to further review and approval from the Division of Urban Forestry, which may supersede this condition. A copy of any Tree Removal Permit from the Division of Urban Forestry shall be submitted to the subject case file prior to final signoff. Final landscape plans shall show these required replacement trees.

b. ~~Non-Protected Trees.~~ Permit Issuance. Prior to issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing street trees ~~on the site and~~ within the adjacent public right(s)-of-way. Should the applicant need the removal or planting of any tree in the public right-of-way, approval is required from the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

c. Bonding (Tree Survival). The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of street trees required to be maintained, replaced, or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new street ~~protected~~ tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's street ~~protected~~ tree bond may be exonerated.

The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the street ~~protected~~ trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

Comments: Condition of Approval No. 16 is intended to address Street Trees only, however, the Condition as drafted includes confusing and contradictory reference to “site” and “protected” trees. The above recommendations are to clarify the applicability of the above conditions to street trees and not to all trees on site. It is of note that there are no existing street trees in the Right-of-Way adjacent to the Project Site, as demonstrated on the tree survey, Sheet L1.5 of Exhibit A.

3) Amend Modified Condition of Approval 23 as follows:

“23. Mobility Fee and Existing Use Credit. Pursuant to Section 7 and Appendix D of WC2035, the final determination to pay a Mobility Fee will be calculated using the Appendix D Mobility Fee Table in effect at building permit issuance. In accordance with Section 7.3.2.1 the Project is entitled to a credit against the Mobility Fee for the previous use that existed on the site on January 1, 2008. The final Mobility Fee, including these credits, will be calculated by DCP after final square footage totals for the Project uses are determined through the Plan Check process by Building and Safety. Based on the Preliminary Mobility Fee estimate, it is anticipated that the Project will incur a Mobility Fee of approximately \$919,646.

Comments: The requested revision to this Condition is proposed to avoid confusion when the Project’s final Mobility Fee is calculated at building permit issuance. Since the release of the January 2 Letter of Determination, the Los Angeles City Council passed Ordinance No. 186, 498 which changed the structure of the Mobility Fee, revising both Appendix D, Mobility Fee Table and WC 2035 Plan Section 7 which sets forth the Mobility Fee. As set forth in the recently adopted Section 7 of the WC 2035 Plan, Projects that were deemed complete in advance of the effective date of the Ordinance, March 10, 2020, are exempted from those changes. In light of the Section 7 revised language, the Mobility Fee for the Project will not be calculated using the Appendix D Mobility Fee table in effect at building permit issuance, but rather will be calculated pursuant to the multi-column Mobility Fee Table previously set forth in Appendix D. Therefore, the Applicant requests that the above clarification be made to the Condition of Approval to avoid confusion relative to the applicable Appendix D Mobility Fee Table to be used in calculating this Project’s Mobility Fee obligation.

4) Amend Modified Condition of Approval 25 as follows:

“25. Warner Center Cultural Amenities Development Fee. Pursuant to WC 2035 Section 9, if the valuation of the Project’s building permit for any land use is \$500,000 or more, the applicant shall be assessed a Warner Center Cultural Amenities Development Fee at the same rate as the Citywide Arts Development Fee. All fees collected from the Applicant shall be conveyed by the Department of Building and Safety to the Treasurer for deposit into the Warner Center Cultural Amenities Trust Fund, pursuant to Ordinance No. 184,838, which is to be administered by the Warner Center Cultural Amenities Committee per WC 2035 Section 9.5. A record of such conveyance shall be provided by the applicant to the Department of City Planning following the issuance of building permit(s) and the payment of the fee. Prior to the issuance of building permits, should the project wish to provide on-site cultural amenities in-lieu of the fee, the cultural amenities proposed at that time shall be consistent with the Warner Center Cultural Affairs Master Plan, and be provided at a value equal to or greater than the amount of the Warner Center Cultural Amenities Development Fee. The cultural amenity or amenities consistency with the Master Plan shall be

consistent with all applicable requirements set forth within the WC 2035 Plan, as determined by the Director of Planning and approved by the Department of Cultural Affairs. If at that time there is no Master Plan with which to determine consistency with the proposed on-site cultural amenities, the Project shall pay the set fee."

Comments: The proposed revisions bring the Condition into conformance with the letter of the WC 2035 Plan as well as the intent relative to the provision of on-site art and the purpose of the Warner Center Cultural Affairs Master Plan.

The Warner Center 2035 Plan, Section 9.3.e exempts from the Warner Center Cultural Amenities Development Fee, Projects that provide "on-site cultural amenities, provided that (i) the cost of providing such on-site cultural amenities shall be equal to or greater than the amount of the Warner Center Cultural Amenities Development Fee that would otherwise be required of the Project and (ii) the proposed on-site cultural amenities shall be consistent with all applicable requirements set forth in this **Plan**, as determined by the Director, and shall be approved by the Department of Cultural Affairs". The use of the word "Plan" in this section is in reference to the WC 2035 Plan, Section 3, which defines "Plan" as "the Warner Center 2035 Plan, which is sometimes referred to herein as the WC 2035 Plan." Therefore, where Section 9.3.e states that "on-site cultural amenities shall be consistent with all applicable requirements set forth in this Plan," it is referring to the WC 2035 Plan itself, not the Warner Center Cultural Amenities Master Plan.

The Warner Center Cultural Amenities Master Plan is addressed in Section 9.6 of the WC 2035 Plan, an entirely different subsection from Section 9.3 as discussed above. Section 9.6 of the WC 2035 Plan defines and sets forth the provisions related to the Warner Center Cultural Amenities Master Plan which is explicitly intended to guide the expenditure of Warner Center Cultural Amenities Trust Fund dollars¹. Section 9.6 has no provisions related to and is in no way intended to address on-site cultural amenities.

Furthermore, on-site cultural amenities are regulated by the WC 2035 Plan. The WC 2035 Plan Urban Design Guidelines Section 11 sets forth goals, general guidelines, and guidelines for contributing to neighborhood identity and an urban trail for the provision of cultural amenities, including on-site cultural amenities. Where Section 9.3 states that on-site cultural amenities provided shall be consistent with all applicable requirements, it is in reference to the requirements of Section 11 of the Urban Design Guidelines, not the Warner Center Cultural Amenities Master Plan, which, as discussed above does not relate to the provision of on-site art but rather the expenditure of Warner Center Cultural Amenities Trust Fund dollars.

In conclusion, for the reasons stated above, the Warner Center Cultural Amenities Master Plan is not intended to govern the provision of on-site cultural amenities, but rather Sections 9 and 11 of the WC 2035 Plan and Warner Center Urban Design Guidelines, respectively, govern the provision of on-site cultural amenities. The Applicant requests that the Modified Condition of Approval be

¹ WC 2035 Plan Section 9.6 "Warner Center Cultural Amenities Master Plan. No monies collected into Department in coordination with the Warner Center Cultural Affairs Committee. The master plan shall be approved by the City Planning Commission pursuant to all applicable requirements for notice and hearing set forth in the LAMC. All subsequent revisions to the Master Plan may be done by the Director pursuant to the same LAMC requirements for notice and hearing. Any cultural and artistic facilities, services, and community amenities shall comply with the principals and standards set forth in the Warner Center Cultural Amenities Master Plan."the Warner Center Cultural Amenities Trust Fund shall be spent until after the City adopts a Warner Center Cultural Amenities Master Plan as an implementation guide with principals and standards. Such master plan shall be developed by the

amended to reflect the right of the Applicant to provide on-site cultural amenities, notwithstanding the creation, or lack thereof, of the Warner Center Cultural Amenities Master Plan, pursuant to the applicable provisions of the WC 2035 Plan and the Warner Center Urban Design Guidelines.

Honorable commission members, thank you very much for your consideration of the relatively subtle but important revisions requested above. The 6400 Canoga Project represents an exciting next step for Warner Center as the first high-rise, mixed-use building proposed under the WC 2035 Plan. Not only will the Project generate long- and short-term employment opportunities and 650 much needed homes, but it will also permanently enhance the Canoga Avenue streetscape south of Victory Boulevard through the dramatic changes proposed to the existing Atrium office building. On behalf of 6400 Canoga Owner, LLC, thank you for your consideration and I respectfully request that you approve the revisions as presented to allow this important Project to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad M. Rosenheim". The signature is fluid and cursive, with a large initial "B" and a stylized "R".

Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.

Cc: Tim Fargo, Los Angeles Department of City Planning
Elizabeth Ene, Council District 3

DAY OF HEARING SUBMISSIONS

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155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA E-MAIL

May 28, 2020

City of Los Angeles
South Valley Area Planning Commission
6262 Van Nuys Boulevard, Room 430
Van Nuys, CA 91401
Attn: Alycia Witzling, Planning Assistant

E-mail Delivery to: apcsouthvalley@lacity.org
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**RE: Appeal of Case No. DIR-2018-3394-SPP-1A, Project Site 6366-6410
Canoga Avenue**

Dear President Dierking, Honorable Commissioners, Ms. Witzling, Ms. Wolcott, Mr. Bertoni, Ms. Levy and Mr. Fargo,

Specifically, these comments summarizes the points made in a previous letter submitted on May 27, 2020 to your Commission:

Commenters request that the Area Planning Commission grant its appeal and deny the Applicant's appeal as:

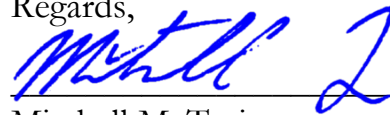
1. The Project does not comply with the Warner Center 2035 Cultural Amenities Trust Fund requirements, as the Project's Conditions of Approval merely reference the conditional requirements and neither calculate the amount required nor require the Project to pay into the Warner Center Cultural Amenities Trust Fund. (Determination Letter p. 11.)
2. The Staff Recommendation, which would grant Applicant's Appeal in Part, does not comply with the Warner Center 2035 Plan's Publicly

Accessible Open Space Requirements as Project's original Condition of Approval had required that the PAOS on the Project Site "remain ungated." (Determination, p. 6.) However, upon appeal by the Applicant, the City allowed the Project to deviate from complying with Section 6.2.2.2.4 of the Warner Center 2035 Plan.

3. The Project violates recent City Council's Direction to Implement Additional Labor Standards, Local Hire, Prevailing Wage, Mobility Fee and Affordable Housing Requirements. Specifically, the City admits that the City Council voted on January 27, 2020 to approve a Mobility Fee Update (Ordinance No. 186, 498), with the effective date of March 10, 2020. (5/28/2020 Staff Report, A-3.) However, the Staff Report concludes, without analysis or legal support, that the Mobility Fee Update will not apply to this Project because the Determination was issued on January 2, 2020 and the Mobility Fee Update's effective date is March 10, 2020. Therefore, as of the date of this comment letter, May 26, 2020, the Project is subject to the Mobility Fee Update.
4. Finally, the Project violates the California Environmental Quality Act. According to California Government Code Section 65457 and Cal. Public Resources Code section 21155.4 (mistakenly cited as California Government Code in the Project's Determination Letter), the Project must be consistent with the Warner Center 2035 Plan to be exempt from CEQA. Cal. Public Resources Code section 21155.4 specifically requires that "[t]he project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified." (PRC § 21155.4(a)(2).)

For the aforementioned reasons, Commenter requests that the Area Planning Commission grant the appeal.

Regards,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of
Carpenters



Planning APC South Valley <apcsouthvalley@lacity.org>

Agenda Item Nos. 5 and 6/ DIR-2018-322-DRB-SPP-MSP-1A and DIR-2018-328-DRB-SPP-MSP-1A

2 messages

Watson, Elizabeth <ewatson@greenbergglusker.com>
To: "apcsouthvalley@lacity.org" <apcsouthvalley@lacity.org>

Thu, May 28, 2020 at 5:32 PM

Honorable Commissioners:

I represent Peter Copses, a neighbor to the Bowmont property, residing at [2345 Kimridge Road](#). He objects to the presentation of any consideration of the Lot 3 residence, which was withdrawn by the applicant and for which there was no notice of any kind. Today's hearing is solely to address the residences on Lot 1 and 2.

I would also ask to be added to the mailing list for this property.

Respectfully submitted,

Elizabeth Watson

Attorney at Law

[Biography](#)

LEED Accredited Professional

310.201.7439

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Planning APC South Valley <apcsouthvalley@lacity.org>
To: "Watson, Elizabeth" <ewatson@greenbergglusker.com>

Thu, May 28, 2020 at 5:35 PM

Thank you.

[Quoted text hidden]

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**Vacant, Commission Executive
Assistant**

Department of City Planning

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