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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

June 23, 2020

TO: City Planning Commission

FROM: Tim Fargo, City Planner

TECHNICAL MODIFICATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NOS. DIR-2017-1708-SPP-1A / VTT-74891-1A; 20920 – 20970 W Warner Center Lane; 20935 – 21051 W Warner Center Lane; 20931 – 21041 W Burbank Boulevard

The following table contains recommendations for technical modifications regarding proposed revisions to the Letters of Determination in the Recommendation Report dated June 25, 2020, in response to the May 22, 2020 letter submitted to the City Planning Commission from Rosenheim and Associates. The table includes revisions included in the Recommendation Report for the sake of clarity, as well as conditions for which the Department of City Planning has identified no material change if the Commission grants Applicant-proposed condition language that is not reflected in the Recommendation Report.

<i>Appeal Points:</i>	<i>Condition Numbers:</i>	<i>Recommendation:</i>
A. The Conditions restrict the ability to practically implement the Project on a phase-by-phase , or Unit Map , basis: 1. Covenant 2. Concurrent Development of Phases 3. Other Department recommended language 4. Bonding for Improvements 5. Mobility Fee 6. Cultural Amenities Fee	1. VTT 34, 39, 40; SPP 2.e, 14.d., 14.e.ii, 15.n; Admin 5, Findings (pg. 63, 65, 66, 69, 71, and 82) 2. SPP 2.d 3. VTT 26, S-3(c) [Street Lighting], VTT S-1(a), S-2(a) [Sewer]; VTT C-2 [Rec and Parks]; various others [Pg. A-7, staff report] 4. VTT 1-15, 32, S-1, S-2, S-3; SPP 10.a-10.s 5. SPP 27 6. SPP 29	1. No change. 2. Partial Yes. Revise to strike last sentence of SPP Condition 2.d on concurrent development of phases. 3. Partial Yes. Revise only Street Lighting conditions. 4. No change. 5. Unnecessary, but will not result in material change to accept Applicant-proposed condition language. 6. Unnecessary, but will not result in material change to accept Applicant-proposed condition language, along with addition that substantial conformance or a Modification may be necessary for any on-site art that affects approved Project plans.

B. The Determination Letters omit technical requests included in the Applicant's original planning applications: 1. Warner Center Lane as frontage for Lot 1 2. WC parking standards for entire site	1. VTT Grant Clause and SPP 12 2. SPP 2.f	1. No change. 2. Unnecessary, but will not result in material change to accept Applicant-proposed condition language, along with requirement that parking counts be submitted for each affected phase.
C. The Conditions prohibit the ability to dedicate land and may preclude seeking credit to satisfy the park requirement.	VTT 27, C-2; SPP 16, PS-21	No change.
D. The DIR Determination should not require a future additional discretionary approval for changes to the sequencing of Project phases.	SPP 2.b; SPP 2.c	No change.
E. The Conditions pertaining to the relocation of existing street trees and the planting of new street trees are infeasible.	VTT 30-31, C-3; SPP 10.q	Partial Yes. Recommend striking portion of SPP Condition 10.q regarding replanting of street trees.
F. The level of specificity in the DIR Conditions is far too onerous for a Multi-Phased, Master-Planned Project of this scale: 1. Local-Serving Retail 2. Height and Parking requirements	1. SPP 14.a 2. SPP 9; SPP 18-19	1. Partial Yes. Revised condition 14.a.i to a minimum of 5 Local-Serving Retail. 2. Unnecessary, but will not result in material change to accept revision to SPP No. 9 (height) and partial revision to No. 18 (parking), allowing minimum and maximum parking limitations, but still providing specific parking requirements, deemed to be in substantial conformance within 10% change and still within minimum and maximum requirements, provided no changes to building structure.
G. The Conditions include errors, redundancies, oversights and inconsistencies that conflict with the WC 2035 Plan, other applicable Code requirements and/or the approved Project:		

1. Grading 2. Duplications, typos, omissions 3. TDM/TMO 4. Front setbacks 5. Mobility Fee 6. Cultural Amenities Fee	1. VTT 16 2. VTT 1-15.a-f, S-3(i); SPP 10.a-p, 10.r [duplications]; VTT 30-31 [street trees]; VTT 36, U-15; SPP 14.e.1 [typos]; DIR 2, 6 [square footage]; SPP 25.b.ii [vents] 3. SPP 2.g.iii, 28 4. SPP 12 5. SPP 27 6. SPP 29	1. Yes. 2. Partial Yes. Revised to strike some duplications of conditions, to correct typos and text omissions, to clarify conditions, to strike reference to outdated BOE report, and to correct minor changes to calculations of square footage breakdowns. 3. No change. 4. Partial Yes. Revised front setbacks from 12 to 15 feet, to 12 to 20 feet for De Soto Avenue and portions of Burbank Boulevard. Recommend striking front setback for Warner Center Lane. 5. Yes. 6. Unnecessary, but will not result in material change to accept Applicant-proposed condition language, along with specification of the process, including that it will be assessed through substantial conformance and may require a modification depending on changes to project plans.
H. Several Conditions necessitate clarification: 1. Designated remainders 2. Warner Center Lane width 3. Others	1. VTT 33 2. SPP 17.a.ii 3. Miscellaneous	1. No change. 2. Yes. 3. Partial Yes. Revised VTT Conditions 36 and U-15, and DIR Conditions 10.s, 14.e.1, 18.c, 25.a, AQ-1.
Other: 1. Add references to MMP 2. Deletion of Mitigation Monitor condition 3. Unit Map Section Preceding Conditions in VTT 4. PAOS total amount provided correction	1. Not in conditions 2. VTT 39 3. VTT 4. SPP 2.a; 14.b.i	1. Yes. 2. No change. 3. No change. 4. Yes.



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

June 18, 2020

TO: City Planning Commission

FROM: Roberto Luna, Planning Assistant

ADDITIONAL INFORMATION/TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2018-4660-CA; Citywide

The following technical modification is to be incorporated into the staff recommendation report to be considered at the Planning Commission meeting of June 25, 2020, related to Item No. 6 on the meeting agenda.

Exhibit A – Proposed Ordinance

[MODIFIED] 12.22A34(a)(7) All food and beverages are delivered to tables by employees, except for takeout or delivery orders.



Johnny Le <johnny.le@lacity.org>

1045 S. Olive/CPC-2017-3251-TDR/CPC 3-12 Hearing Submission

Ryan.Leaderman@hklaw.com <Ryan.Leaderman@hklaw.com>

Mon, Mar 9, 2020 at 5:49 PM

To: cpc@lacity.org, milena.zasadzien@lacity.org, johnny.le@lacity.org, EK@crescentheights.com, atartakovsky@crescentheights.com, ADewitt@crescentheights.com, alex@irvineassoc.com, tanner@irvineassoc.com
Cc: lisa.webber@lacity.org, eran@oda-architecture.com

Hi All –

Please see attached correspondence and corrected March 12, 2020 Drawings.

Ryan Leaderman | Holland & Knight

Partner

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2 attachments **2427_001.pdf**
869K **200305_City Planning Submission_Entitlement Set_revision (1).pdf**
30903K

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March 9, 2020

Via E-mail (cpc@lacity.org)
Honorable City Planning Commissioners
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012

Re: **1045 Olive Street/CPC-2017-3251-TDR-MCUP-SPR**

Dear Honorable Commissioners:

Holland & Knight LLP represents 1045 Olive, LLC (the “Applicant”) in relation to the proposed mixed-use residential tower containing 794 dwelling units and up to 12,504 square feet of ground floor commercial restaurant and retail space (the “Project”) located at 1045 S. Olive Street in the South Park neighborhood within the City of Los Angeles (the “City”). The Project promises to be an exciting addition to the immediate neighborhood and surrounding community by activating Olive and 11th Streets; supplying much needed housing;¹² providing millions of dollars in direct public benefits; delivering an Environmental Leadership Development Project (“ELDP”) already certified by the Governor of California with net-zero Greenhouse Gas (“GHG”) emissions; and providing a significant investment in the local economy.

This letter endeavors to guide the City Planning Commission as it considers this housing development project subject to the Housing Accountability Act by addressing: recent podium screening enhancements that include a biodiversity panel that will create butterfly habitat;

¹ The City recently acknowledged that the Southern California Association of Government’s draft Regional Housing Needs Assessment (“RHNA”) call for the City to produce 192,432 market rate housing units within the 6th Cycle, a more than five-fold increase in necessary market rate housing production in the City, as compared to RHNA’s 5th Cycle. See October 24, 2019 Housing and Community Investment Department Memo to the Planning and Land Use Management Committee of the City Council, Council File CF 19-0773 accessed March 7, 2019 at http://clkrep.lacity.org/online/docs/2019/19-0773_misc_10-25-2019.pdf.

² See *California needs more housing, but 97% of cities and counties are failing to issue enough RHNA permits*, <https://www.ocregister.com/2019/12/09/losing-the-rhna-battle-97-of-cities-counties-fail-to-meet-state-housing-goals/> accessed March 6, 2020.

technical corrections to the Project drawings; an updated TFAR recommendation request; and proposed changes to the staff report (“Staff Report”) and draft conditions of approval.

I. Background

After working with the City on this Project since 2016 on this housing development project, the Applicant is thrilled that the Zoning Administrator recently approved a Zoning Administrator’s Interpretation (“ZAI”) for the mid-tower open space areas (ZAI-2017-4745-ZAI) and certified the ELDP Environmental Impact Report (ENV-2016-4360-EIR) (the “Certified EIR”); and that the Advisory Agency approved the Vesting Tentative Tract Map (VTT-74531-CN (the “VTTM”). The Project, deemed complete on January 4, 2017, would provide a substantial amount of new housing to the City, in an architecturally noteworthy building, without seeking any discretionary incentives, bonuses, waivers, variances, or adjustments. The discretionary actions before the City Planning Commission, while necessary and critical for this housing development project, are in actuality very limited: Site Plan Review; a Master Conditional Use Permit for alcohol sales; and a required recommendation to the City Council on the request for a Transfer of Floor Area Ratio (“TFAR”) for greater than 50,000 square feet of floor area pursuant to Los Angeles Municipal Code (“LAMC”) Article 14.5.

II. Screening Enhancements

The Project includes liner dwelling units along all street facing facades in strict compliance with the Downtown Design Guide (“DDG”). In addition, the Project includes architectural screening, as well as other measures that integrate the parking podium seamlessly into the design of the tower. The Certified EIR also includes required Project Design Feature AES-PDF-2 (“*Parking Shielding: Podium parking will be shielded from adjacent areas with minimum 36-inch high baffling panels behind architectural screen meshing for aesthetic character as well as for light and sound attenuation*”). Additionally, in direct response to comments from Planning in late 2019, the Applicant retained Terreform One to integrate an art and biodiversity component into the Project’s plaza and podium façade areas.³

The Project’s art and biodiversity component improvements foster biodiversity and function as a way-station for regionally at-risk Monarch butterflies through its bio-receptive panels and nectar sources. The goal is to bring nature back into cities not as superficial greenery, but rather as an aid to species in the urban realm that have been affected by development. Furthermore, the biodiversity element includes plants such as pollution-eating moss that ameliorate urban air quality. The tectonics are calibrated to the feeding and perching needs of Monarch butterflies in order to boost their population numbers. Since the pedestrian-realm and podium have substantial public frontages, the Project aims to celebrate these techniques and visual patterns as a public art piece

³ Terraform One is a nonprofit architecture and urban design research-based consulting group. Its mission: “*We endeavor to combat the extinction of all planetary species through pioneering acts of design. Our projects aim to illuminate the environmental possibilities of habitats, cities and landscapes across the globe.*” See <http://www.terreform.org/about.html> accessed March 6, 2020.

that can educate pedestrians, bicyclists, and passing motorists on the opportunities for re-wilding cities.

III. Technical Corrections to the Drawings

As part of the biodiversity screening enhancements, the Project architect prepared drawings dated March 12, 2020 that added the biodiversity component and updated renderings; these were submitted to the City in late February 2020. In the rush to get the drawings to the City for distribution, we subsequently became aware that the changes were layered on an older set of drawings that did not reflect the current bike parking requirements⁴ and other iterative improvements made to the Project over time. As such, attached to this letter are updated and corrected drawings that reflect the biodiversity screening improvements, also dated March 12, 2020.

IV. Updated TFAR Request

A. Revised TFAR Plan

Even though the Project was deemed complete in 2017 and is in strict compliance with the DDG requirements, Planning in late 2019 requested additional enhancements to the podium. In recognition of the cost of the biodiversity and art component which were added to the Project in response to comments from Planning regarding the podium, the Applicant hereby seeks a revised Transfer Plan to directly provide 100 percent of the Public Benefit Payments ("PBP").⁵

Prior to Planning's request for additional enhancements to the podium screening, the Applicant requested a direct PBP of \$7,686,810.32, with \$7,686,810.33 proposed to be provided via cash to the City's TFAR PBP Trust Fund. With the additional public benefits provided by the Project and the Applicant's desire to provide gap financing that would further the creation of affordable housing,⁶ even though the Project has no legal obligation to provide any affordable housing,⁷ and

⁴ For instance, the Staff Report indicates that the Project would provide 80 short-term and 794 bike parking spaces which would be greatly in excess of current LAMC bike parking requirements. The corrected numbers are 32 short-term and 278 long-term bike parking spaces in compliance with current LAMC bike parking requirements.

⁵ See LAMC Section 14.5.9.B authorizing the City Council to approve directly provided PBP in excess of 50 percent.

⁶ The California Legislature has found and declared that a lack of housing "is a critical problem that threatens the economic, environmental, and social quality of life in California," and that "[t]he excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing." See Gov. Code § 65589.5(a).

⁷ See attached excerpted Transcript of City Planning Commission Thursday, September 13, 2018 for Items 8 and 9, pp. 138 to 141: "CHAIR MILLMAN: Okay. And, David, you have something? MR. AMBROZ: Yeah, I just have a point for clarification, [City Planner] Heather [Bleemers] and/or [City Attorney] Amy [Brothers]. **We have no nexus to require additional affordable housing.** Therefore, we cannot do that. Am I -- am I hearing you correctly? MS. BROTHERS: (Nods head.) MR. AMBROZ: Yeah, the City Attorney's shaking her head. Can you say that in your microphone Amy? MS. BROTHERS: Deputy City Attorney, Amy Brothers. There's not a nexus. MR.

the difficulty of providing affordable housing for a project being entitled with a VTTM, the Applicant hereby requests the entirety of the \$15,373,620.65 PBP to be directly provided as follows:

- \$7,000,000 City's Affordable Housing Trust Fund ("AHTF") for projects within three miles of the Project site
- \$3,000,000 CD 14 Public Benefits Trust Fund for affordable housing within three miles of the Project site
- \$200,000 for South Park Business Improvement District ("SPBID") for a dog run and parklets
- \$5,173,620.65 for the integrated biodiversity system/art component/plaza

The revision to the PBP to directly provide **\$10,000,000** to affordable housing would further City General Plan Housing Element Chapter 6 Objective 1.1 to "Produce an adequate supply of rental and ownership housing to meet current and projected needs," and Policy 17 which states in part: "Consider dedicating a portion of the Public Benefit Trust Fund payment to the Affordable Housing Trust Fund for projects that use the TFAR ordinance. The payment deposited into the AHTF will be used for affordable housing development in downtown or within three miles of the project receiving TFAR." The gap financing to the affordable housing trust funds would allow affordable housing providers -- who have the skill set and experience in affordable housing development and provision of resident services, particularly for special needs populations -- funding to be leveraged with other sources to provide even more affordable housing off-site than would be possible on-site in this costly Type 1 construction.

1. Biodiversity Screening

The biodiversity system designs the interface between the building and the environment in a way that not only helps humans but also provides for urban species. It involves a series of planted panels and concrete panels designed as habitats for butterflies. The planted panels are native species to Los Angeles that provide nectar and food for butterflies. Xeriscaping would be used to minimize water demand. The habitat would be optimized for Monarch butterflies, and it would also work for El Segundo Blue butterflies, an endangered species. The biodiversity system would include mosses chosen to purify air/cleanse auto exhaust fumes, and would help to cool hot air often present in Downtown, all while still allowing natural ventilation of the above grade parking component of the Project.

The biodiversity system provides public benefits and community benefits, including the following:

AMBROZ: Okay. So -- MS. BROTHERS: That anyone here has -- MR. AMBROZ: So to my colleagues, we have a major other projects and a major city-wide policy, and **we have no legal authority to do this.**" (Emphasis Added.)

- Remediation of urban air quality through plants
- Provision of waystation and feeding station for at-risk butterflies
- Tower becomes an "urban lung" for pollution eating moss to thrive
- Provides a beacon for biodiversity and prove through demonstration that architecture can restore habitats
- Reverses habitat destruction through proactive design
- Provides a vertical meadow for aesthetic pleasure of community

The biodiversity system also includes an educational component:

- Research, methods, and fabrication techniques will be available online
- School groups, in coordination with the Project's management would visit the building and learn about the façade and plaza

The public benefit component of the biodiversity and plaza component is emphasized by proposed entitlement condition C-1 which would require the plaza to "... be publically accessible between the hours of 6 a.m. and 10 p.m. Surely, if the City requires the plaza to be open such long hours to the public, there is an obvious and clear benefit to the public to which the Applicant must be able to receive PBP funds.⁸

The cost of the integrated biodiversity system/art component/plaza is significant. Each biodiversity panel size is 6'-6" x 16'-6"; the material is concrete approximately 6"-8" thick; and the biodiversity paneling would cover a surface area of approximately 18,850 square feet. The Terreform panels are approximately \$150 per square foot; the façade panels are approximately \$130 a square foot, keeping in mind both panels are part of the public art. This cost of \$280/square foot x 18,850 square feet plus the cost of the plantings, irrigation, and structural support for the biodiversity system, as well as the required full time maintenance for the life of the Project would cost well in excess of the PBP sought for this component of the Project.

B. Staff Report and Resulting Draft Conditions of Approval Incorrectly Calculate the Project's Lot Area Prior to Any Dedication

The Staff Report and accompanying conditions of approval incorrectly calculate the Project's PBP by using a net number for the lot area's square footage instead of a gross lot area number. LAMC Section 14.5.9C requires the PBP to be calculated based on "Lot Area (prior to any dedication)."

⁸ The plaza does not constitute a "required" element of the Project. No open space credit is sought or received for this area, nor is there any LAMC or DDG requirement for a ground floor plaza.

The Project's lot area prior to any dedication is 41,603 square feet as evidenced by Certified EIR, p. II-5:

“As depicted in the certified ALTA/ACSM Land Title Survey included in the Project's entitlement drawings as Sheets A-003 and A-004, **the Project Site constitutes 41,603 square feet in gross lot area**... [s]... The net Project site lot area, which subtracts out the ROW and easement areas, constitutes 38,097 square feet pursuant to the certified ALTA/ACSM Land title Survey included in the Project's entitlement drawings as Sheets A-003 and A-004.”

(Emphasis Added.)

The Project's ALTA/ACSM Land Title Survey and the Certified EIR both recognize that the Project's lot area prior to dedication for alley and right-of-way use is 41,603 square feet. The gross lot area is still lot area owned by the Applicant even if portions of the lot area are subject to easements and dedications. Because the LAMC calculates PBP based on lot area prior to **any** dedication, for purposes of the PBP and Transfer Payment, there is no condition on the timing of the dedication. Under the plain meaning of the LAMC, prior to any dedication means prior to any dedication, whether it has happened in the past or whether it will happen in the future. To this end, even the City's Zoning Code Manual and Commentary (4th Ed.) at p. 285-87 recognizes that under certain circumstances dedications that have already occurred may still be considered part of the lot area. To this end, the City is without legal authority to net out the dedications that burden the Project site as demonstrated in the legal description, title report, and grant deed.⁹ Using the City's newly proposed definition of lot area more than three years after the Project has been deemed complete, the City would cause the PBP to increase from \$15,373,620.65 to \$16,788,428, an increase of \$1,414,807.40.

C. The Housing Accountability Act Precludes the City from Using Its Net Lot Area Figure

Even if the City's redefinition of lot area prior to any dedication is correct, and it is not for the reasons cited above, the Housing Accountability Act, originally adopted in 1982, does not permit the City to impose a new definition and calculation of lot area prior to any dedication more than three years after the Project has been deemed complete. By redefining lot area prior to any dedication at the last minute, the City has failed to satisfy its legal obligation under Government Code § 65589.5(j)(2)(A) to:

“... provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:
... (ii) [w]ithin 60 days of the date that the application for the housing development

⁹ In DIR-2015-2976-TDR-SPR the City Planning Commission and the City Council similarly both approved a TFAR project that included already dedicated area within that project's lot area.

project is determined to be complete, if the housing development project contains more than 150 units.”¹⁰

The City determined that the Project’s application was complete in January 2017 and until the Staff Report came out last week, there has been no written documentation identifying the reason the City considers the Project’s calculation of lot area prior to any dedication to be inconsistent with “applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete.”¹¹¹² Calculation of lot area prior to any dedication is a fundamental type of applicable, objective general plan, zoning, and subdivision standard and criterion subject to the Housing Accountability Act’s strict timelines.

The remedy under state law is very clear:

“If the local agency fails to provide the required documentation pursuant to subparagraph (A), **the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement or other similar provision.**”

(Emphasis Added.) See Government Code § 65589.5(j)(2)(B).

Moreover, pursuant to AB 3194 (Daly) even if one could argue that the Project is not consistent, projects are eligible under the Housing Accountability Act if they comply with density permitted under the General Plan (notwithstanding the zoning). Government Code § 65589.5(j)(4) states:

“[f]or purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.”

The Project does not contain any General Plan inconsistencies. Had there been any inconsistencies, they presumably would have been identified in the approvals and findings that the City has already made in furtherance of the Project: (1) the adoption of the Certified EIR, (2) the ZAI approval; and the (3) VTTM approval.

To the extent there is any reasonable ambiguity about whether the Project complies with objective standards (and, as set forth *supra*, the Project complies with objective standards), any such ambiguity must be resolved in favor of the Applicant. Under the Housing Accountability Act, “a

¹⁰ This Section of the Housing Accountability Act predates SB 330 and is applicable to the Project.

¹¹ See Government Code § 65589.5(j).

¹² Planning has not provided any documentation whatsoever that the Project’s previous iteration of screening ran afoul applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete.

housing development project . . . shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project . . . is consistent, compliant, or in conformity.”¹³ Especially as the City Planning Commission and City Council have each already approved a similar TFAR project with the same lot area calculation methodology within the past few years, a reasonable person could conclude that the Project complies with the City’s objective standards.¹⁴ As such, the City cannot apply a new definition of lot area prior to dedications less than two weeks prior to the City Planning Commission hearing.

Since the Project satisfies “applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete,”¹⁵ the City cannot apply this new definition of lot area prior to dedication that results in an increase in the proposed PBP by more than \$1,400,000 less than two weeks prior to the City Planning Commission’s hearing. Please note that the Housing Accountability Act provides a robust set of legal remedies for applicants or housing organizations seeking to enforce the act.¹⁶

V. Requested Changes to the Staff Report and Conditions of Approval

The Staff Report is extremely thorough and thoughtful; there are only a handful of surgical modifications necessary, particularly around TFAR and the PBP. In light of this letter, the Applicant recommends the following modifications:

- Delete Recommended Action #5 regarding convening the Public Benefits Trust Fund Committee due to the Applicant’s request to directly-provide all PBP.
- Provide a technical correction to the bike parking required and provided (p. A-11).
- Correct Staff Report pp. A-13 to A-15 to reflect the lot area prior to any dedication as 41,603 square feet; correct the PBP to reflect the 41,603 square foot lot area prior to any dedication.
- Correct the misstatement on p. A-14 that the PBP for the plaza would be “precedent-setting.” The City granted the Wilshire Grand project, Case No. CPC-2009-3416-TDR-CUB-CU-CUW-ZV-SN-DA-ZAD-SPR-GB, **millions of dollars** for its elevated public plaza even though it is ringed by fortress-like stairs consuming much of the plaza area and often subject to uncomfortable glare from that project’s highly reflective curtain wall. The Emerald project, at 14th Street and Olive Street, also recently received directly-provided

¹³ Gov. Code § 65589.5(f)(4) (emphasis added).

¹⁴ See DIR-2015-2976-TDR-SPR.

¹⁵ See Gov. Code § 66589.5(j).

¹⁶ See, e.g., Gov. Code § 65589.5(k)-(m).

PBP for its on-site public plaza that is not “substantial” in size nor “connective” with “public access.” Substantial size and connective public access are not requirements of directly-provided PBP pursuant to Article 14.5 of the LAMC, nor are they elements of previous recipients of the directly-provided PBP.

- Modify condition 3a on p. C-1 to requests the \$15,373,620.65 PBP all be directly provided as follows: \$7,000,000 City’s Affordable Housing Trust Fund (“AHTF”) for projects within three miles of the Project site; \$3,000,000 CD 14 Public Benefits Trust Fund for affordable housing within three miles of the Project site; \$200,000 for South Park Business Improvement District (“SPBID”) for a dog run and parklets; \$5,173,620.65 for the integrated biodiversity system/art component/plaza.
- Modify condition 3c on p. C-1 to reflect 100 percent of the PBP as directly-provided.
- Ensure that the corrected March 12, 2020 drawings replace the existing Exhibit A (Condition C1 on p. C-5).
- Add the word “outdoor” prior to “common open space areas” to reduce any ambiguity regarding indoor and outdoor open space areas (Condition C5 on p. C-5) for the mid-level tower amenity areas.
- Tree Wells (Condition 8 on p. C-5) states: “**Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
 - a. Minimum depth for trees shall be 42 inches.
 - b. Minimum depth for shrubs shall be 30 inches.
 - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
 - d. Minimum depth for an extensive green roof shall be 3 inches.

When the design gets to the point of pulling a building permit, the Applicant, in conjunction with the landscape architect and structural engineer, would determine the appropriate soil depth for trees based on size, species, and environmental conditions, etc. As a result, requiring a minimum depth one footer greater than the minimum that LAMC Section 12.21G.2(a)(3) requires would take away flexibility to determine what is the best for trees and the structure at the Project site. As such, the Applicant requests modification of Condition 8a as follows: “Minimum depth for trees shall be 42 30 inches.”

- Delete condition C4 on p. C-7. In several respects, this condition relating to Cultural Resources conflicts with Certified EIR mitigation measure Cult-MM-2.
- Delete Condition E3 on p. C-8. A covenant is already required pursuant to Condition B-22 on p. C-4. Further, delete “Within 30 days of the effective date of this grant” and replace

with “Prior to building permit issuance,” in the first line of Condition B-22. Duplicate covenants recorded against title for the same purpose are unnecessary.

- Modify TFAR Finding c on p. F-9 to reflect the updated PBP Transfer Plan.

VI. Conclusion

The Applicant is very excited to bring this Project to fruition. It promises to build sorely needed housing while providing millions of dollars in substantial public benefits. Staff has been very thorough and diligent. With some small, but very important tweaks to the proposed conditions of approval, the City Planning Commission could help make this housing development project a landmark addition to our City.

Best regards,

HOLLAND & KNIGHT LLP



Ryan M. Leaderman

Attachments

cc: Milena Zasadzien
Elliott Kahn
Adam Tartakovsky
Andrew DeWitt
Alex Irvine

CITY PLANNING COMMISSION

Thursday, September 13, 2018

LOS ANGELES CITY COUNCIL CHAMBER, ROOM 340
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

Item No. (8) VTT-73568-1A
CEQA No. ENV-2015-2026-EIR; SCH No. 2015101073

Related Case: CPC-2015-2025-DB-MCUP-CU-SPR

Item No. (9) CPC-2015-2025-DB-MCUP-CU-SPR
CEQA No. ENV-2015-2026-EIR; SCH No. 2015101073

Related Case No. VTT-73568-1A

Samantha Millman, President
Vahid Khorsand, Vice President
David H. Ambroz, Commissioner
Caroline Choe, Commissioner
Renee Dake Wilson, AIA, Commissioner
Karen Mack, Commissioner
Marc Mitchell, Commissioner
Veronica Padilla-Campos, Commissioner
Dana Perlman, Commissioner
Vincent P. Bertoni, AICP, Director
Kevin J. Keller, AICP, Executive Officer
Lisa M. Webber, AICP, Deputy Director
James K. Williams, Commission Executive Assistant I

Applicant: Bill Myers, CRE-HAR Crossroads SPV, LLC
Representative: Kyndra J. Casper, DLA Piper, LLP

Reported by (audio portion): Kate McAvoy, CSR No. 13996,
Donna J. Rudolph, CSR No. 9652

1 CHAIR MILLMAN: And the right of return that they
2 have spelled out?

3 MS. PADILLA-CAMPOS: No, in addition. So it's 105
4 very low. In addition, the current RSO tenants get to
5 return with a private lease to have the 3 percent increase
6 every --

7 CHAIR MILLMAN: My only concern with that is that
8 they may choose to do -- the VLI housing may be more affordable
9 to them than their current rent. And so they may choose the
10 safety of having that -- covent of housing rather than
11 going through the alternative, which is to take their
12 current rent with the 3 percent increases. Because I feel
13 like --

14 MS. PADILLA-CAMPOS: Then that -- then that would
15 be their choice.

16 CHAIR MILLMAN: Right.

17 MS. PADILLA-CAMPOS: But that is where I stand.

18 MS. BLEEMERS: Heather Bleemers with the Department
19 of City Planning.

20 If I might just add, the city cannot enforce
21 private agreements. And there is no nexus to require
22 additional affordable housing units here unless the
23 developer agrees to that. We could recommend a condition
24 where the applicant will continue to work with the Council
25 District to determine the best way forward with regard to

1 returning of those current tenants.

2 CHAIR MILLMAN: Thank you.

3 Veronica, do you have anything else that you'd
4 like to add? Do you have any comments on the -- on the
5 signage? Traffic?

6 MS. PADILLA-CAMPOS: I don't have any comments on
7 the signage. Or I think the questions I had on the traffic
8 mitigation were answered.

9 CHAIR MILLMAN: Great.

10 MS. PADILLA-CAMPOS: And if the proper term is not
11 private lease agreement, because we are not allowed to do that,
12 then I would like to discuss further options on how to term that.
13 But the -- I'm staying with the position I had initially.

14 CHAIR MILLMAN: Thank you.

15 Karen?

16 MS. MACK: So, I mean one of the -- one of the
17 exciting things about this development is that it touches,
18 you know, from the homeless community to, you know, people
19 who are very well off in the city. And, you know, it's
20 really exciting. I think the challenge in general when we
21 think about the housing issue in Los Angeles is not just,
22 you know, these ten cities that we see all over and, you
23 know, that being the visible marker of the impact on the
24 most vulnerable. But really thinking about the middle
25 class.

1 You know, it's the middle class that really, I
2 think, provide the heartbeat of a city.

3 And when you talk about RSO units, that's who you're
4 talking about in this real estate market. And so I think
5 that's why we feel those units are so -- you know, we're --
6 and I -- I want to just say how much I appreciate what this
7 developer has done already, and I'm just wondering what they
8 might be willing to do in this regard so that we are
9 protecting these like priceless RSO units that are part of
10 our housing inventory in Los Angeles.

11 The very low income folks, that's great that
12 we're getting 105 for them, but we're losing 82 RSO units for
13 middle class people in Los Angeles. You know, it's -- it's
14 incredible how many people who I talked to who are, you
15 know, my colleagues, friends who are teachers, cultural
16 workers who can't -- who are having a hard time affording
17 living in the city.

18 So I think, you know, when we're -- and I -- I
19 want to be respectful of what -- you know, I hoping maybe that
20 the developer can respond and, you know, I don't want to
21 like, you know, try and twist the arm, but if there's
22 anything we can do to preserve those RSO units, I would
23 really, really appreciate it because I feel like, you know,
24 that it's -- it's very -- it pains me to think about these
25 RSO units coming off the market.

1 So I -- I think I'll stop there.

2 MS. MILLMAN: Question for developers. This is
3 Samantha Millman.

4 In the private agreement that you're making for
5 right of return, did I hear you right that the annual
6 increases are capped? Much like an RSO unit?

7 MS. CASPER: Correct. It will be virtually as if
8 they never left their RSO units.

9 CHAIR MILLMAN: Okay. And, David, you have
10 something?

11 MR. AMBROZ: Yeah, I just have a point for
12 clarification, Heather and/or Amy.

13 We have no nexus to require additional affordable
14 housing. Therefore, we cannot do that. Am I -- am I
15 hearing you correctly?

16 MS. BROTHERS: (Nods head.)

17 MR. AMBROZ: Yeah, the City Attorney's shaking her
18 head. Can you say that in your microphone Amy?

19 MS. BROTHERS: Deputy City Attorney, Amy Brothers.
20 There's not a nexus.

21 MR. AMBROZ: Okay. So --

22 MS. BROTHERS: That anyone here has --

23 MR. AMBROZ: So to my colleagues, we have a major
24 other projects and a major city-wide policy, and we have no
25 legal authority to do this. I appreciate the conversation,

Holland & Knight

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Ryan M. Leaderman
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April 30, 2020

Via E-mail (cpc@lacity.org)
Honorable City Planning Commissioners
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012

Re: **1045 Olive Street/CPC-2017-3251-TDR-MCUP-SPR**

Dear Honorable Commissioners:

Holland & Knight LLP represents 1045 Olive, LLC (the “Applicant”) in relation to the proposed mixed-use residential tower containing 794 dwelling units and up to 12,504 square feet of ground floor commercial restaurant and retail space (the “Project”) located at 1045 S. Olive Street in the South Park neighborhood within the City of Los Angeles (the “City”). The Applicant appreciates City Staff’s hard work over the last several years on the Project to make this 70-story mixed-use Environmental Leadership Development Project a reality. On behalf of the Applicant, we submit this letter in response to a few points identified in Staff’s Additional Information and Technical Modifications letter, dated March 10, 2020 (“Staff’s Technical Modification Letter”) and Staff’s Recommendation Report (“Staff Report”).

I. Public Benefit Payment

The Applicant requests that the City Planning Commission (“CPC”) recommend to the City Council direct provision of 100 percent of the Public Benefit Payment pursuant to Los Angeles Municipal Code (“LAMC”) Section 14.5.9.B which states:

“As approved by the City Council, a Public Benefit Payment may be provided by any combination of the payment of monies to the Transfer of Floor Area Rights Public Benefit Payment Trust Fund ("Public Benefit Payment Trust Fund") or by the direct provision of Public Benefits by the Applicant; **provided, however, that without City Council approval** at least 50% of the Public Benefit Payment must consist of cash payment by the Applicant to the Public Benefit Payment Trust fund.” (Emphasis Added.)

In the Staff Report, City Staff acknowledged this provision, stating:

“The Public Benefit Payment requires that at least 50 percent of the payment be provided as a cash payment by the Applicant to the Public Benefit Trust Fund, **unless otherwise approved by City Council**. The remaining 50 percent of the payment may be provided by the direct provision of Public Benefits by the Applicant.” (Page A-13 of Staff Report) (Emphasis Added.)

To this end, the Applicant has prepared and submitted a revised TFAR Transfer Plan consistent with City Staff’s calculation of a Public Benefit Payment of \$16,788,428. The Applicant respectfully requests that the CPC act pursuant to LAMC Section 14.5.6B(4) to recommend to the City Council that the Project directly provide the entirety of the Public Benefit Payment.

A. Updated Amounts of the Public Benefit Payment

The Applicant requests the CPC recommend to the City Council the following allocations of the Public Benefit Payment:

Recipient and Project Name	Amount	Percentage of Public Benefit
City’s Affordable Housing Trust Fund	\$8,414,807.35	50%
CD-14 Affordable Housing Fund	\$3,000,000.00	18%
Dog Run and Parklets in South Park (South Park BID)	\$200,000.00	1%
On-Site Integrated Biodiversity Habitat System, Public Art Component, and Public Plaza	\$5,173,620.65	31%

Under this Transfer Plan, the Project would include a combined total of \$11,414,807.35 (68%) of the total Public Benefit Payment toward affordable housing with the remaining \$5,373,620.65 (32%) toward enhancing the public realm; public art; and the surrounding environment within the vicinity of the Project site.

B. Justifications for the On-Site Direct Provision

Provision of open space is a high priority for the Project where far more open space will be provided than required. For example, all 794 dwelling units would have balconies. The LAMC only allows 50 square feet of open space credit for private balconies. Here, the LAMC only gives credit for 37,700 square feet of private open space for the balconies even though the private

balconies consist of 161,349 square feet in open space.¹ When combined with the 60,952 square feet of credited common open space, **the Project would provide 222,301 square feet of open space, over 5.1 acres of on-site usable open space on the less than one acre Project site!**

The ground floor plaza, which is not credited open space – and is not included in the square footage figures above -- would provide additional uncredited, but critical, open space with programmed art, landscaping, and amenities. The Project’s art and biodiversity component improvements foster biodiversity and function as a way-station for regionally at-risk Monarch butterflies through its bio-receptive panels and nectar sources.

The goal is to bring nature back into cities not as superficial greenery, but rather as an aid to species in the urban realm that have been affected by development. Furthermore, the biodiversity element includes plants such as pollution-eating moss that ameliorate urban air quality.

Since the pedestrian-realm and podium have substantial public frontages, the Project aims to celebrate these techniques and visual patterns as a public art piece that can educate pedestrians, bicyclists, and passing motorists on the opportunities for re-wilding cities.

The biodiversity system provides public benefits and community benefits, including: remediation of urban air quality through plants; provision of waystation and feeding station for at-risk butterflies; tower becomes an "urban lung" for pollution eating moss to thrive; provides a beacon for biodiversity; proves through demonstration that architecture can restore habitats; reverses habitat destruction through proactive design; and provides a vertical meadow for aesthetic pleasure of the community.

The biodiversity system also includes an educational component: research, methods, and fabrication techniques will be available online; and school groups, in coordination with the Project’s management would visit the building and learn about the façade and plaza.

For the life of the Project the cost of construction, maintenance, and security will all be borne by the Applicant thereby reducing demand and costs on the public for the provision of these public amenities.

II. Lot Area (Prior to Any Dedication)

LAMC Section 14.5.3 defines “Lot Area” as “the total horizontal area within the lot lines of a lot (prior to any dedication).”

In City Staff’s Technical Modification Letter, City Staff has interpreted “prior to any dedication” to refer to “any dedication which may also be required as a part of the project or entitlement

¹ ODA, Correspondence from Matthew Boker to Ryan Leaderman, April 28, 2020.

requests,” and not to the plain and unambiguous meaning of “prior to any dedication” -- which may have occurred prior to the Project or entitlement requests.

While there is no ambiguity with the plain meaning of the words “prior to any dedication,” and applicants should be able to rely on the presumption that the plain meaning of words control without the need for interpretation, in the interests of moving the Project forward, the Applicant has chosen to not dispute Staff’s interpretation. To this end, as indicated previously, the Applicant has already submitted a revised TFAR form using the City’s current application form for clarification in the case file.

The Project, with its abundant amount of open space, much of it entirely uncredited, would provide a transformative addition to the burgeoning South Park community with an array of public benefits. We look forward to partnering with the City to bring this world class Project to fruition despite these uncertain times.

Best regards,

HOLLAND & KNIGHT LLP



Ryan M. Leaderman

cc: Milena Zasadzien
Shawn Kuk
Elliott Kahn
Adam Tartakovsky
Andrew DeWitt
Alex Irvine



Planning CPC <cpc@lacity.org>

Submission for Plan. Com. Mtng 6/25/20

Alison O'Neill <ali.m.oneill@gmail.com>

Sun, Jun 21, 2020 at 9:34 PM

To: andrew.jorgensen@lacity.org, cpc@lacity.org

Please distribute the attached letter to Planning Commissioners (and staff) for Planning Comm. meeting 6/25/2020, Item 5a (CPC-2019-627-CU-ZAD-SPR)

Planning Commissioners (Re. Bleacher Expansion Project (CPC-2019-627);

The proposed Sierra Canyon bleacher expansion project adding 1,330 seats to the existing 300 seats (1630 new total) is a major project with possible traffic and parking consequences to the adjacent residences. The project provides only the minimum "code required" parking. As I look around Los Angeles, anyone can see that "code parking" is not enough. Therefore, I ask the following question:

"How will overflow parking be kept out of the residential neighborhoods south of Rinaldi St. as REQUIRED by the Conditional Use permit for the school? (CPC 2005-6118-VCU-SPR, Item 20f)" There was lots of discussion by school representatives re this in public meetings but nothing documented in the proposed Conditions of Approval. People will park wherever they want to unless there is a solid plan to alleviate this problem. Why can't this be solved now as promised

SECONDLY, since this is a major expansion, there should be a Compliance Hearing scheduled within 2 years to see if the project is complying with the stipulations of the CUP's. Community members desire this hearing to resolve issues early!

Thank you for your consideration in this matter,
Alison O'Neill

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June 22, 2020

BY EMAIL

Los Angeles City Planning Commission
Room 340
200 North Spring Street
Los Angeles, CA 90012

Edgar Khalatian

Partner

228053

T: 213.229.9548

ekhalatian@mayerbrown.com

Re: Sierra Canyon Bleacher Project (CPC-2019-627-
CU-ZAD-SPR)

Dear Honorable Members of the City Planning Commission:

We represent the Sierra Canyon School Foundation (the “**Applicant**” or “**Sierra Canyon**”), the Applicant for the above-referenced matter (the “**Project**”). The Applicant is proposing to construct 1,330 new bleacher seats at the Applicant’s existing athletic field in the City of Los Angeles (the “**City**”).

The Project is very simple. Sierra Canyon has an existing football field that is subject to a CUP that allows up to 300 bleacher seats. Sierra Canyon wants to expand the seating to allow up to 1,630 seats. Even with the expanded capacity in its bleachers, the impact of the Project will be minimal as Sierra Canyon will only be allowed to have a maximum of five football games each school year plus a maximum of two football playoff games—in other words, the bleachers will be used a maximum of *7 days out of a year* for football games. The parking for the increased capacity would be accommodated at Sierra Canyon’s existing campus, which is located across the street from the football field.

In our letter dated March 6, 2020 (the “**March 2020 Letter**”), which is attached hereto for your reference, we described the Project, the conditions of approval for which the Applicant has volunteered, and the Applicant’s response to public comments. In this letter, to assist in your deliberations, we address additional issues raised in the comment letters.

I. OVERVIEW

There are two types of challenges presented in the comments to the Project. One is an environmental challenge based on the City’s use of a categorical exemption for the Project. The other appears to be a challenge to the issuance of a conditional use permit (“**CUP**”) for the Project, on the grounds that the CUP request (1) is not appropriate, and (2) should not be approved without additional conditions of approval. The claims submitted fail to present any evidence which supports either a holding that a categorical exemption is not appropriate or that approval of the CUP and the Project would be arbitrary or capricious or an abuse of discretion.

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II. RESPONSE TO COMMENT REGARDING THE CATEGORICAL EXEMPTION

As to the CEQA claim, as thoroughly discussed in the March 2020 Letter, the Project meets the definition of a Class 14 Categorical Exemption because this exemption applies to projects that consist of minor additions to existing schools, within existing school grounds, where the addition does not increase the school's capacity by more than 25 percent. (CEQA Guidelines Section 15314.) This Project would only make minor improvements to an existing school facility that would not increase the school's capacity at all. The allegations in the comment letters that this exception does not apply to the Project because the Project does not constitute a school are not supported by the law or the facts. The Project seeks to add seating and a press box for a facility that is already part of the school's campus. The activities at the Athletic Field are both a school function and a normal school use of school property. The comments provide no facts to the contrary. Moreover, the claims fail to provide any evidence—let alone substantial evidence—that the Project would result in a significant environmental impact. In sum, the comment letters fail to provide any basis for the allegation that the categorical exemption is not valid, or for disapproval of the Project.

As to the non-CEQA comments, when Courts determine if approval of a project is inappropriate, their review is generally limited to determining whether the City's action was arbitrary or capricious, whether the act was entirely lacking in evidentiary support, or whether the City failed to follow the procedures required by law. (*SN Sands Corp. v. City and County of San Francisco* (2008) 167 CA 4th 185, 191.) The comment letters do not demonstrate that approval of the Project would be arbitrary or capricious, nor that approval would not be supported by the facts in the record, nor that the City is failing to follow procedures required by law. The comments do not present any facts supporting their contentions that the Project would not be appropriate as proposed—instead, the comment letters merely state the writers' unsubstantiated opinions, concerns or questions. As discussed briefly below, those concerns either are not well-founded, are addressed by the conditions of approval for which the Applicant has volunteered, or are already addressed by the conditions of the existing CUP for the Athletic Field or other regulatory measures. Accordingly, the comment letters fail to state any reason why the Project should not be approved.

III. RESPONSES TO COMMENTS REGARDING THE CUP

A. A request for a Conditional Use Permit for the Project is proper.

As discussed in the March 2020 Letter, one of the comment letters proposes that a CUP is not appropriate because the Project does not involve a school. Please note that this contention was also raised in opposition to the issuance of the existing CUP for the construction of the Athletic Field and was rejected by the City at that time (*see*, CPC-2008-3537). This contention is equally without merit as to this Project. Los Angeles Municipal Code (the "LAMC") Section 12.03 defines an accessory use as a "use, which is customarily incidental to" the main use of the land. Adding bleachers to the school's existing Athletic Field is clearly an accessory school use—akin to, for example, an addition to a school cafeteria, an enlargement of an auditorium, or a construction of

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any school athletic facility. All of these uses are school facilities that enhance the school's functions without expanding enrollment, and all are customary accessory uses to a school. The Project would provide similar customary accessory uses to an already-permitted school facility. The comment letter presents no facts to the contrary.

The commenter also argues that it is improper to request a new CUP rather than an amendment to the existing CUP for the Athletic Field. However, an existing conditional use permit can only be modified if the requested deviation is less than 20 percent. The Project would represent more than a 20 percent deviation from the amount of seating that was previously approved under the existing CUP. Thus, it would not be appropriate to seek a modification of the existing CUP. Neither the commenter's misinterpretation of the LAMC nor personal views on what constitutes a school use are facts that support the contention that the a request for a new CUP is improper. The Applicant is seeking the appropriate entitlement pursuant to the LAMC.

B. The Project's parking spaces meet City code requirements.

Two of the three letters submitted in opposition to the Project noted the commenters' belief that the City's minimum parking requirements for the Project are inadequate. But LAMC Section 12.21-A.4(e) states, in relevant part, that a school must provide one parking space for each five seats contained within a stadium or other similar place of assembly. The Athletic Field is similar to a stadium as a place of assembly for school sporting events. As such, the Applicant is required to provide 326 parking spaces for the Project's 1,630 seats. As demonstrated in the Shared Parking Study for the Sierra Canyon Athletic Field Project, dated March 2019 (the "**Shared Parking Study**"), the Project would provide 326 parking spaces between the Upper Campus parking lots and the Athletic Field parking lot—thereby complying with LAMC Section 12.21-A.4(e).

As stated in the March 2020 Letter, the Applicant has volunteered several conditions of approval, including the prohibition of any concurrent sporting activities or events at the Upper Campus or elsewhere on the Athletic Field when an Extended Friday football game is being played. This condition of approval would ensure that there are no overlapping activities that would place additional demands on the parking spaces available for the Extended Friday football game – which again, are limited by the exiting CUP to no more than seven games annually. And the Project's Shared Parking Study already analyzed the school's use of parking on Extended Friday dates, since football games create the largest crowds for school sporting events and are the most likely events to result in use of all or nearly all the seats. In other words, the Applicant has already considered the use scenario that would result in the greatest use of the school's parking facilities, and has already volunteered an appropriate condition of approval that addresses that scenario.

C. The existing CUP only requires parking in compliance with the LAMC.

One comment asserted that the Project should have the number of parking spaces required under the Athletic Field's existing CUP, and that the Project would not comply with those terms because it does not provide for a ratio of one parking space for every 3.33 seats. This comment is not

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supported by evidence that code-required parking would be inadequate, but rather is based on the commenters' disagreement with the City's parking requirements. Additionally, the implication that the existing CUP requires a parking space for every 3.33 seats is erroneous. The existing CUP contains no such restriction—instead, existing CUP Condition 1.h. states that “the parking shall be provided consistent with the provision of Section 12.21A of the LAMC.” As discussed above, LAMC 12.21A requires 326 parking spaces – exactly what the Applicant proposes. No evidence has been presented which would support a contention that code parking is inadequate for the Project.

D. Street parking adjacent to the Athletic Field is available.

Another comment raised the concern that if the code-required number of parking spaces proved to be inadequate, potential overflow parking would have to then be accommodated on neighboring public streets. But this concern is a non-sequitur – because the Project *already* provides the parking spaces required by code, it is not required to provide additional on-site parking. And there is nothing in City or State laws that precludes the public from using publically available off-site parking. In fact, street parking is provided by the City for just such a use. Nor would parking along Rinaldi Street create a hardship for the residents in the Project vicinity, as this street parking is in the vicinity of the Athletic Field. As noted in the Shared Parking Study (pages 6 and 15), a conservative estimate (that assumes less-than-optimal car spacing) indicates that 27 to 35 on-street parking spaces are available along the school frontage on Rinaldi Street. Therefore, even if there are more attendees than available seating at the Athletic Field, overflow parking could be accommodated through the use of street parking. It should be noted that no facts were presented to indicate that there would ever be a need for overflow parking.

E. There would be no overlapping activities requiring additional parking.

One of the comment letters expressed concern that parking needs would exceed the code-required parking when there are overlapping activities on campus. However, as stated in the March 2020 Letter, the Applicant has volunteered to submit to various conditions of approval including the prohibition of any concurrent sporting activities or events at the Upper Campus or elsewhere on the Athletic Field when an Extended Friday football game is being played. This condition of approval would ensure that there are no overlapping activities that would place additional demands on the parking spaces available for the Extended Friday football games.

F. There would be adequate handicapped access spaces.

One of the comment letters expressed concern with the availability of handicapped parking and access to the Athletic Field. As stated in the March 2020 Letter, the Applicant has volunteered to submit to various conditions of approval including providing golf cart-type shuttles, or other means, to assist attendees with limited mobility to travel from the Upper Campus to the Athletic Field. This shuttle service would be in addition to the handicapped spaces available at the Athletic Field and at the Upper Campus parking lot. Further, the Applicant has volunteered to provide a

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location for ride-share drop-off and pick-up which would include Uber, Lyft or other services that provide transportation to attendees, including those with limited mobility.

G. The Department of Transportation's traffic analysis did not understate the traffic impact of the Project.

One of the comment letters questioned the validity of the Department of Transportation (the "LADOT") traffic analysis by opining that the analysis did not account for all the trips generated by the Project. However, the LADOT correctly analyzed the traffic impacts of the Project in considering an additional 1,330 seats to the total fixed seats after Project completion. Here, the existing condition includes 300 seats, and the Project would raise the total seat count to 1,630—an increase of 1,320 seats over existing conditions. To determine the impact of the additional seating, only the new trips generated by the Project should be calculated. That is exactly what the LADOT did when it determined that the Project's new trips would not cause traffic impacts. (See, LADOT's Traffic Assessment For the Proposed Sierra Canyon School Athletic Field Expansion dated May 16, 2019.)

H. Cross walk safety will not be an issue.

Comments were submitted expressing concern regarding the safety to pedestrians, vehicular traffic and equestrians resulting from attendees parking in the Upper Campus parking lot using the intersection of Rinaldi and DeSoto to access the Athletic Field. As stated in the March 2020 Letter, the Applicant has volunteered to submit to various conditions of approval including providing crossing guards and traffic control officers at the Rinaldi/DeSoto intersection for the Athletic Field driveway and at the Upper Campus parking lot driveways from 6:00 p.m. to 7:30 p.m. and from 9:00 p.m. to 10:30 p.m. for all football games. No evidence was submitted to indicate that this condition of approval would fail to resolve any potential pedestrian/car and pedestrian/horse conflicts.

I. The Project would not create a hazard due to the existing sidewalk and driveway configuration.

Other comments expressed concern that the existing narrow and steep configuration of the sidewalk would constrain use of the sidewalk by pedestrians trying to access the Athletic Field by crossing Desoto Avenue, and instead require pedestrians to use the driveway or street for crossing access, potentially causing additional traffic backups. As stated by the Chatsworth Neighborhood Council in its comment letter of February 27, 2020—wherein the Neighborhood Council supported the Project—the concern expressed over the current width of the City sidewalk would be addressed by the Applicant, as guided by the City. In addition, traffic control officers can manage the number of pedestrians crossing as needed on game days. Sierra Canyon School will work with the City as necessary to best determine the approach to address this concern.

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J. The Project will not cause excessive noise.

As stated in the March 2020 Letter, the Applicant has volunteered to submit to various conditions of approval, including complying with the City's noise ordinance and prohibiting musical bands from playing during the Extended Friday athletic Events. Accordingly, the Project would not result in noise exceeding regulatory requirements.

Moreover, consistent with the exiting CUP Condition of Approval 2.a, the hours of operation for the Athletic Field are 8:00 a.m. to 6:00 p.m. Monday through Friday; 6:00 p.m. to 10:00 p.m. on a maximum of seven nights per calendar year (*i.e.*, on Extended Fridays that allow for five regular season football games and two official playoff games if needed); and 8:00 a.m. to 5:00 p.m. on Saturdays. (There are no games on Sundays.) Accordingly, in addition to the Project's compliance with the City's noise ordinance, activities at the Field will be limited to certain days and hours and, therefore, the Project will not cause excessive noise to residents in the Project vicinity.

Additionally, in response to a question in one of the comment letters asking whether a noise analysis was prepared for the Categorical Exemption, please see the attached response from Meridian Consultants. As stated in that letter, a noise assessment was conducted for the June 2008 Mitigated Negative Declaration (Case No. ENV-2008-1740-MND) and was adopted by the City for the Sierra Canyon School Athletic Field Project, showing that the noise from that project would be below the ambient noise level in the nearby sensitive noise uses—*i.e.*, the nearest residence. That analysis, based on the consultant's professional experience with other school stadiums of similar capacity seating, resulted in a determination that the intermittent noise generated during Extended Fridays (*i.e.*, during sensitive evening hours at the Athletic Field for a maximum of 7 days of the year) would still not exceed the ambient noise levels at the nearest residence.

K. The Project will comply with City lighting regulations.

A commenter expressed concern that the bleachers would add lighting that would impact the residents in the Project facility. However, the Project would comply with applicable LAMC requirements on lighting including LAMC Chapter 9, Article 3, Section 93.0117 and LAMC Chapter 1, Article 2, Section 12.21 A 5(k). The Applicant currently complies with the City's lighting ordinances and the existing CUP Condition 1.g (3), which sets limitations on permissible lighting and includes the requirement that lighting be downward facing and shielded. The Project would continue to comply with all applicable lighting regulations and prior CUP conditions. Accordingly, there will be no lighting impact to residents in the Project vicinity. No facts were presented to refute the Project's compliance with applicable regulations and conditions of approval.

CPC

June 22, 2020

Page 7

IV. CONCLUSION

For all the reasons set forth above and in the March 2020 Letter, we respectfully submit that approval of the CUP and the Project as proposed would not result in an arbitrary or capricious action or an abuse of discretion by the City, or in a finding that the City failed to follow regulatory procedures or that there was no evidentiary support for approval. We further submit that the comments present no substantial evidence indicating that this Project is not eligible for a categorical exemption pursuant to CEQA Guidelines Section 15314.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edgar Khalatian', with a long horizontal stroke extending to the right.

Edgar Khalatian
Partner

Atts.



Submission to Planning Com for 6/25/20 mtg

Peter M Slutzky <cloisman@sbcglobal.net>

Reply-To: Peter M Slutzky <cloisman@sbcglobal.net>

To: "cpc@lacity.org" <cpc@lacity.org>, "andrew.jorgensen@lacity.org" <andrew.jorgensen@lacity.org>

Please distribute attached letter to commissioners for Planning meeting 6/25/2020

AGENDA ITEM 5a ([CPC-2019-627-CU-ZAD-SPR](#))

Attachment letter:

Project: Sierra Canyon Bleacher Expansion (CPC-2019-627-CU-ZAD-SPR)

Dear Planning Commissioners;

A neighbor asked me to join in voicing concern about Sierra Canyon School's proposed project. If Sierra Canyon School proponents have neglected to provide information our community, please act in protection of our safety and community standards.

In public presentations by Sierra Canyon it was explained that the bleacher expansion was necessary to accommodate nighttime varsity football. Thus, the shared parking. Additionally, to provide enough "code required" parking, the school is not allowed to have any other events concurrently with the football games.

However, Approval Condition #4 only places restrictions on the seven evening athletic events and is silent about allowed uses for the added 1,330 bleacher seats at all other times/days, Approval Condition #4 should be **clarified** to include the following statement;

"The use of the added 1,330 bleacher seats is allowed only for the seven nighttime athletic events described in this condition #4. "

Thank you for reading and considering this matter,

Peter M. Slutzky
20648 Tulsa St.
Chatsworth, CA 91311
(818) 404-9216 - Cell

6/20/2020

Sierra Canyon High School (SCHS) bleacher project (CPC-2019-627-CU-ZAD-SPR)

Planning Commissioners;

1) The analysis for the bleacher expansion project was conducted for evening football games when the school has unused parking. Approval Condition #4 only discusses conditions for nighttime football events and does not give any clarifications as to what other times or events are allowed to use the bleacher expansion seating.

Condition #4 should be CLARIFIED to exclude all uses and times which don't match the "limited" analysis.

2) The CUP for SCHS (CPC 2005-6118, #20f) limits off site parking for school activities to Rinaldi St. and satellite parking areas. This was addressed by SCHS in public meetings and solutions were provided as to how they would direct vehicles to proper parking areas AND keep parking out of residential areas. **Why aren't these parking solutions provided by SCHS included in the Conditions of Approval?**

3) Finally, since this is a major expansion, there should be a compliance hearing re this project after two football seasons to see if SCHS is operating in compliance with the high school and athletic fields conditions of approval relating to this expansion project. **Please include a compliance hearing in the approval conditions.**

Thank you for your time in this matter, Scott Munson (Chatsworth resident)



Fwd: Sierra Cyn School Bleacher Addition

Andrew Jorgensen <andrew.jorgensen@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 18, 2020 at 12:04 PM

FYI - comments regarding CPC-2019-627 for 6/25 and my response.

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

From: **Andrew Jorgensen** <andrew.jorgensen@lacity.org>
Date: Thu, Jun 18, 2020 at 11:53 AM
Subject: Re: Sierra Cyn School Bleacher Addition
To: Scott Munson <scottjmunson@yahoo.com>
Cc: Claudia Rodriguez <claudia.rodriguez@lacity.org>

Hi Scott,

Thank you for your questions! I appreciate you reaching out and hope I can answer.

Recommended condition 4 is written such that it would limit the school's ability to host games on the field during evenings and restrict co-occurring events. This limitation, and other recommended conditions (such as a dedicated rideshare area) would serve to reduce (mitigate) the parking demand from other school uses that were captured in the existing demand observed in the parking study. Regarding parking in the neighborhood, as these are public rights-of-way, they are beyond the scope of this request and our authority and would best be addressed with the school directly in regards to their gameday traffic management practices.

Comments may be sent directly to me, but should also cc cpc@lacity.org to ensure timely receipt by the commission office.

Best,

Andrew

On Thu, Jun 18, 2020 at 11:06 AM Scott Munson <scottjmunson@yahoo.com> wrote:

Mr Jorgensen;

Good morning. I have quickly read the report and have a few questions;

1) In public meetings and in the letter to you from the school's attorney, Sierra Cyn reps all talk about using the bleacher expansion for the football games. However, the Approval Conditions #4 to put limits on the use for "athletic competitions" (evening football games). with no limits or restrictions on other evening or day events . Am I reading this correctly? (Note, the parking analysis is done only for evening time. not afternoon or daytime))

2) Are there any mitigation measures? F-8 #10 says Parking analysis is short for 1 hr but will be mitigated... What is the mitigation?

3) The High School CUP (item 20f, parking for special events)) requires the school not allow parking in the adjacent neighborhoods (School provided code parking). This requirement is not discussed or referred to in your conditions. (In public meetings, the school always said it will keep parking out of the adjacent neighborhoods by renting lots, etc as needed.) This is important and should be mentioned in the conditions.
Can you refer to this in the "conditions?"

The lower school also has restrictions re parking in the neighborhood.

4) Finally, how do residents send written comments to Commissions if they can not attend or call to the mtg?

Thanks , Scott Munson



LOS ANGELES
CITY PLANNING

Andrew Jorgensen, AICP
City Planner
Los Angeles City Planning

6262 Van Nuys Blvd
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-9904



LOS ANGELES
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Andrew Jorgensen, AICP
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Los Angeles City Planning

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Planning CPC <cpc@lacity.org>

Case #CPC-2019-4968-DB-SPR-WDI

Alesia Baione <alesiabaione@gmail.com>

Mon, Jun 22, 2020 at 8:13 PM

To: cpc@lacity.org

I hope this letter finds you well. I am a resident of Sherman oaks, California, a highly congested area like much of Los Angeles. I learned of a project that involves a six story building on Ventura Blvd. near the entrance to the 405 and 101. The project would be detrimental to the safety of all current residents.

There have been multiple pedestrian fatalities due to the amount of traffic and lack of space. If they allow a huge building with 33 units to move into this already congested area not only will I have to worry about getting run over by people rushing to the freeway, there will be an increase in petty crime like car theft or worse, robbery.

Progress cannot be stopped. A three story building would be a better fit in this community. More people but enough parking. The 49 spaces they plan for 33 units will not work.

Please do not change the laws to allow these developers to overbuild our great city.

Thank you for your consideration.

Mrs. Alesia Baione

Sherman Oaks Resident opposed to 6 story building on Ventura. 3 is the max for this zone.



Planning CPC <cpc@lacity.org>

Fwd: No to rezoning in Sherman Oaks

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 7:56 AM

re: Item# 6 for 6/25 CPC Meeting



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Ashlyn Bishop** <ashlynb8@yahoo.com>
Date: Mon, Jun 22, 2020 at 10:08 PM
Subject: No to rezoning in Sherman Oaks
To: marianne.king@lacity.org <marianne.king@lacity.org>

Ms. King,

I live in Sherman Oaks, and I am very against zoning changes on Ventura Blvd to allow a 6 story, multi-family building with 45 parking spots. There isn't enough parking in the surrounding neighborhoods to support this increase in people!!! Please stand up against greedy developers just trying to make money. The zoning limit is 3 stories. Everyday, we see laws made in wisdom getting rid of. Stop this!
Ashlyn Bishop



Planning CPC <cpc@lacity.org>

Fwd: 15027-15033 W Ventura Blvd

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Mon, Jun 22, 2020 at 3:03 PM

re: Item #6 for 6/25 CPC



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Erica Helwick** <erica.helwick@gmail.com>

Date: Mon, Jun 22, 2020 at 2:56 PM

Subject: 15027-15033 W Ventura Blvd

To: <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

My name is Erica Doyle and I'm a home owner at [15024 Moorpark St, Unit 7, Sherman Oaks, CA 91403](#). I'm writing to vehemently oppose the new 6 story construction at [15027-15033 W Ventura Blvd](#). Part of the reason we bought our property was for the great views of the mountains and all of the natural light - not to stare directly into another building. This will be an eyesore and will stick out of place amidst the other, much lower standing, buildings. I hope it will not be approved.

Thank you,

Erica Doyle



Planning CPC <cpc@lacity.org>

15027-15033 W Ventura Blvd

Joe Cappelletti <joecapvo@gmail.com>

Mon, Jun 22, 2020 at 10:38 PM

To: cpc@lacity.org, Brad Fingard <brad.fingard@lacity.org>, marianne.king@lacity.org, emma.howard@lacity.org

Hello All-

I am writing to you to express my opposition to the proposed project referenced above. It is far too large for the space and will negatively impact the neighborhood in many ways. As it is - it takes 20 minutes to get to the 405 from my home on at [4648 Lemona Ave](#) on a typical morning.

There is not enough parking for the building. Where are all the cars going to park? The answer: Lemona. That's not acceptable. Please engage in dialogue with me and my fellow neighbors before this plan moves even a step further. I am also a member of the Sherman Oaks neighborhood Council and was present when this plan was rejected by the board.

I encourage full transparency and fairness in your deliberations.

Please reply with any questions or point of discussion.

Thanks much.

My best regards,

Joe Cappelletti
310-867-4344

"Let the love you seek be the love you share..."



Planning CPC <cpc@lacity.org>

Fwd: Case CPC 2019-4968-DB-SPR-WDI

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Mon, Jun 22, 2020 at 9:11 PM

re: Item# 6 for 6/25 CPC.....

LOS ANGELES
CITY PLANNING

Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Jaime Carrera** <jaime.carrera@me.com>
Date: Mon, Jun 22, 2020 at 8:18 PM
Subject: Case CPC 2019-4968-DB-SPR-WDI
To: <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

Case # CPC 2019-4968-DB-SPR-WDI

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed project exceeds current city zoning standards and is detrimental to our neighborhood. The local residents are in opposition to this project.

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces.

Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading West from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings.

The planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

The project has been voted down by the Sherman Oaks Neighborhood Council. The developer is trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. I strongly oppose this project.

We don't need another 30 or 40 or 75 foot development on this area,, it is already crowded and very high on traffic. This is supposed to be a very residential area, family oriented neighborhood, please keep it that way.

6/23/2020

City of Los Angeles Mail - Fwd: Case CPC 2019-4968-DB-SPR-WDI

Jaime Carrera
4647 Lemona Ave.
Sherman Oaks
818-216 0824



Planning CPC <cpc@lacity.org>

15027-15033 W. Ventura Blvd.

Lisa Petrus <lcpetrus@gmail.com>

Mon, Jun 22, 2020 at 4:56 PM

To: Marianne King <marianne.king@lacity.org>, Emma Howard <emma.howard@lacity.org>, Brad Fingard <brad.fingard@lacity.org>, cd4.issues@lacity.org, cpc@lacity.org

Case # CPC-2019-4968-DB-SPR-WDI

The change of use from a 1 story to a six story building is too large for the area. There are also only 49 parking spaces for 33 units and a commercial space. Half a parking spot per apartment (.5) for parking doesn't make any sense! There are 40 bicycle spaces which is excessive. This neighborhood is already negatively impacted from restaurants and businesses that have no parking. Traffic is impossible. There have been multiple pedestrian fatalities within 500 ft of this project. The streets surrounding this building are already so full, residents cannot park on their own street. We support development but it must adhere to the current zoning. A 3 story building would work well.

If this passes it will be a terrible precedent for our neighborhood. There are no other buildings anywhere near that height or density.

Please DO NOT allow this to happen!

Best,
Lisa Petrus

The change of use from a 1 story to a six story building is too large for the area. There are also only 49 parking spaces for 33 units and a commercial space. Half a parking spot per apartment (.5) for parking doesn't make any sense! There are 40 bicycle spaces which is excessive. This neighborhood is already negatively impacted from restaurants and businesses that have no parking. Traffic is impossible. There have been multiple pedestrian fatalities within 500 ft of this project. The streets surrounding this building are already so full, residents cannot park on their own street. We support development but it must adhere to the current zoning. A 3 story building would work well.



Planning CPC <cpc@lacity.org>

Fwd: Case#CPC-2019-4968-DB-SRP-WDI

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 8:07 AM

re:Item# 6, CPC-2019-4968-DB-SPP-WDI



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

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

From: **nurit galam** <nuritdanmorlea@yahoo.com>
Date: Tue, Jun 23, 2020 at 7:30 AM
Subject: Case#CPC-2019-4968-DB-SRP-WDI
To: <marianne.king@lacity.org>

Hello, we as a resident on [4636 Lemona Ave sherman oaks](#) do not want proposed project at [15027-15033 w. Ventura Blvd](#) . Thank you

Sent from Yahoo Mail for iPhone



Case # CPC-2019-4968-DB-SPR-WDI

Narine Galstian <ngalstian818@gmail.com>

Mon, Jun 22, 2020 at 8:44 PM

To: cpc@lacity.org

Hello Cecilia,

>> I moved into the Sherman Oaks community just last year due to the family oriented neighborhood. However, it quickly became apparent the traffic from Ventura Blvd trickled into the neighborhood streets increasing traffic and taking up all the street parking. We can't have this ruin our neighborhood! The change of use required to convert this one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-feet tall, six-story mixed use building must not happen. The proposed project exceeds current city zoning standards and is detrimental to our neighborhood. The local residents and I are in opposition to this project.

>

>> The current zoning limits structures to a height of 30 feet. The planned development is a 75-feet tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

>

>> The traffic on Ventura Boulevard is so busy most weekdays that heading West from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings.

>> The planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many. Not in this neighborhood! It will also affect the home pricing market, not acceptable!

>> The project has been voted down by the Sherman Oaks Neighborhood Council. The developer is trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. I strongly oppose this project.

>>

>> Narine Galstian

>> 4642 Lemona Ave, Sherman Oaks 91403

>> June 22, 2020



Planning CPC <cpc@lacity.org>

Fwd: 6-story multifamily building on Ventura Blvd (between Topsy Cow and Blu Jam Cafe) in Sherman Oaks

Marianne King <marianne.king@lacity.org>

Tue, Jun 23, 2020 at 9:01 AM

To: Planning CPC <cpc@lacity.org>

re: Item# 6 , CPC-2019-4968-DB-SPP-WDI

**Marianne King**
City Planning Associate
Los Angeles City Planning6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059**E-NEWS**

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

From: **Nili Ludmir** <ejje1234@gmail.com>

Date: Tue, Jun 23, 2020 at 8:45 AM

Subject: 6-story multifamily building on Ventura Blvd (between Topsy Cow and Blu Jam Cafe) in Sherman Oaks

To: <David.Ryu@lacity.org>, <Brad.Fingard@lacity.org>, <Emma.Howard@lacity.org>, <Marianne.King@lacity.org>

I have lived in Sherman Oaks for a long time. The current zoning limit is 30ft-3stories. Don't allow greed to ruin our neighborhood. Thanks.



Planning CPC <cpc@lacity.org>

Fwd: Vote NO on zoning variance for 15027-15030 Ventura Blvd

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 7:58 AM

re: Item# 6 for 6/25 CPC Meeting, CPC-2019-4968-DB-SPP-WDI



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
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E-NEWS

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

From: **Nancy B** <nancy4436@gmail.com>

Date: Mon, Jun 22, 2020 at 10:29 PM

Subject: Vote NO on zoning variance for [15027-15030 Ventura Blvd](#)To: <[David.Ryu@lacity.org](#)>, <[Brad.Fingard@lacity.org](#)>, <[Emma.Howard@lacity.org](#)>, <[Marianne.King@lacity.org](#)>

I am opposed, as is the Sherman Oaks Neighborhood Council, to a zoning variance to allow a 6 story mixed-used property at [15027-15030 Ventura Blvd](#).

The 33 multi-family unit plus restaurant does not conform with the Sherman Oaks Community plan. The location is already impacted with traffic making it difficult to traverse the Ventura Blvd during most hours of the day and especially during rush hour. The proposed unit doesn't provide adequate parking spaces for residence and a restaurant. This will impact the surrounding residential streets. There is no guarantee that any of the units will be affordable for working families or house our growing homeless population.

Sherman Oaks doesn't want to look like Encino which is why we have a Sherman Oaks Community Plan; we don't need more high-end housing that working families can't afford and we certainly don't need a development that doesn't provide adequate parking.

I am a Registered Nurse. If I hadn't bought my house 37 years ago I wouldn't be able to live in the San Fernando Valley. Where are hospital workers, teachers, office workers suppose to live? These high-end developments have to be stopped.

Approving zoning variances for contractors who line the pockets of Councilman and don't show concern for the neighborhoods close to Ventura Blvd is exactly why Major Garcetti and many of the Council people aren't trusted. (Councilman Ryu this comment isn't directed at you).

6/23/2020

City of Los Angeles Mail - Fwd: Vote NO on zoning variance for 15027-15030 Ventura Blvd

Nancy Blaustein, RN
[4436 Calhoun Avenue,](#)
[Sherman Oaks 91423](#)

DATE: June 22, 2020

TO: Cecilia Lamas, Commission Executive Assistant cpc@lacity.org

FROM: Ralph Consola
Homeowner, 4614 Lemona Avenue, Sherman Oaks, CA 91403

RE: Case # CPC 2019-4968-DB-SPR-WDI

Overdevelopment of 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

I am one of many local residents in opposition to this project.

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood.

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse!

The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. **We strongly oppose this project!**

DATE: June 19, 2020

TO: Councilman David Ryu

Case Manager, Brad Fingard: brad.fingard@lacity.org

Director of Planning, Emma Howard: emma.howard@lacity.org

City Planning, Marianne King: marianne.king@lacity.org

FROM: Ralph Consola

Homeowner, 4614 Lemona Avenue, Sherman Oaks, CA 91403

RE: Case # CPC 2019-4968-DB-SPR-WDI

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Planning CPC <cpc@lacity.org>

Case # CPC 2019-4968-DB-SPR-WDI

SARAH COLONNA <sarahcoconuts@sbcglobal.net>
To: "cpc@lacity.org" <cpc@lacity.org>

Mon, Jun 22, 2020 at 2:05 PM

Hello-

Re: Case # CPC 2019-4968-DB-SPR-WDI

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-feet tall, six-story mixed use building must not happen. The proposed project exceeds current city zoning standards and is detrimental to our neighborhood. The local residents are in opposition to this project.

The current zoning limits structures to a height of 30 feet. The planned development is a 75-feet tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading West from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings.

The planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

The project has been voted down by the Sherman Oaks Neighborhood Council. The developer is trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. I strongly oppose this project.

Sarah Colonna Ryan and Jon Ryan
[4641 Lemona Ave](#)
[Sherman Oaks](#)
6/22/20



Planning CPC <cpc@lacity.org>

CPC 2019-4968-DB-SPR-WDI

safia day <safiaday@att.net>

Tue, Jun 23, 2020 at 9:02 AM

To: cpc@lacity.org

Cecilia Lamas:

Case # CPC 2019-4968-DB-SPR-WDI

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed project exceeds current city zoning standards and is detrimental to our neighborhood. The local residents are in opposition to this project. The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

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Safia Day
4758 Lemona Avenue
Sherman Oaks Ca 91403



Planning CPC <cpc@lacity.org>

Fwd: Case # CPC 2019-4968-DB-SPR-WDI

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Sat, Jun 20, 2020 at 9:29 AM

FYI- re: Item#6 on 6/25 agenda

Marianne

LOS ANGELES
CITY PLANNING

Marianne King
City Planning Associate
Los Angeles City Planning

6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Sean Moaref** <smoaref@hotmail.com>
Date: Fri, Jun 19, 2020 at 10:09 PM
Subject: Case # CPC 2019-4968-DB-SPR-WDI
To: brad.fingard@lacity.org <brad.fingard@lacity.org>
Cc: emma.howard@lacity.org <emma.howard@lacity.org>, marianne.king@lacity.org <marianne.king@lacity.org>

Overdevelopment of [15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403](#)

Case # CPC 2019-4968-DB-SPR-WDI

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed project exceeds current city zoning standards and is detrimental to our neighborhood. The local residents are in opposition to this project. The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

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Regards;
06/19/2020

6/23/2020

City of Los Angeles Mail - Fwd: Case # CPC 2019-4968-DB-SPR-WDI

Shahrokh Moaref-Nia
[4632 Lemona Ave.](#)
Sherman Oaks, CA 91403



Planning CPC <cpc@lacity.org>

Fwd: 6 story building in Sherman Oaks

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 8:06 AM

re: Item# 6, CPC-2019-4968-DB-SPP-WDI



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Veronica Rooney** <veronica@rooneycasting.com>

Date: Mon, Jun 22, 2020 at 10:58 PM

Subject: 6 story building in Sherman Oaks

To: <David.Ryu@lacity.org>, <Brad.Fingard@lacity.org>, <Emma.Howard@lacity.org>, <Marianne.King@lacity.org>

Good evening,

I am emailing to oppose the six story building that is being discussed between Topsy Cow and Blue Jam. Currently, it is not zoned for that large a building and we'd like to keep it that way. I live on Lemona and parking is already difficult.

Please let me know who else I should be reaching out to or if I need to start an official petition for this.

Thank you,
Veronica Rooney

Sent from my iPad

Holland & Knight

400 South Hope Street, 8th Floor | Los Angeles, CA 90071 | T 213.896.2400 | F 213.896.2450
Holland & Knight LLP | www.hklaw.com

Ryan M. Leaderman
+1 213-896-2405
Ryan.Leamerman@hklaw.com

June 23, 2020

Via E-mail (cpc@lacity.org)
Chair Millman and Commissioners
City of Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, California 90012

Re: **1045 Olive Street/CPC-2017-3251-TDR-MCUP-SPR**

Dear Chairwoman Millman and Commissioners:

Holland & Knight LLP represents 1045 Olive, LLC (the “Applicant”) in relation to the 1045 Olive project (the “Project”), a state-certified Environmental Leadership Development Project (“ELDP”) containing 794 dwelling units and ground floor commercial restaurant and retail space located at 1045 S. Olive Street in the South Park neighborhood within the City of Los Angeles (the “City”).¹ The architecturally-forward Project, with individually accessible open space for every dwelling unit, would be a landmark addition to South Park and the City’s skyline.

The Applicant has worked extensively for years with the Department of City Planning (“DCP”) on this ELDP housing development project. In fact, no less than nine known DCP staffers (Sergio Ibarra, Sarah Molina Pearson, Alejandro Huerta, Jason McCrea, Johnny Le, Luci Ibarra, Debbie Lawrence, Heather Bleemers, and Milena Zasadzien) processed the Project’s entitlements and Environmental Impact Report (“EIR”). The last-minute Supplemental Responses Memo dated June 15, 2020 (“Staff Supplemental”) raises new issues several years after the Project has been deemed complete. As such, the Applicant respectfully requests modification of proposed conditions of approval and findings in light of necessary corrections.

I. DCP Must Follow the Plain Meaning of the Words in the TFAR Ordinance

The Staff Supplemental and draft conditions of approval do not address the plain meaning of Floor Area Rights or Buildable Area for Transit Area Mixed Use Projects, thereby violating basic statutory interpretation canons to effectively charge the Applicant millions of dollars in unjustified fees. The Public Benefit Payment (“PBP”) pursuant to Los Angeles Municipal Code (“LAMC”)

¹ Pursuant to the ELDP certification, the Project will have all of these components: 1. Net zero greenhouse gas emissions; 2. Prevailing wages for all Project employment; 3. Extensive landscaping and canopy trees to provide shading and capture carbon dioxide; 4. Provisions for electrical vehicle charging; 5. Project invests over \$100 million in California; 6. On-site recycling; and 7. Will qualify for LEED Gold certification upon completion.

Section 14.5.3 requires either the sales price or appraised value of a project site, as applicable, to be “divided by the lot area (prior to any dedication).” The plain meaning of “lot area (prior to any dedication)” means exactly what it says, “lot area (prior to any dedication).” The draft conditions of approval and Staff Supplemental attempt to impose conditions on the “lot area (prior to any dedication),” reading in qualifications and limitations that are not within the plain language of Ordinance 181,574 (the “TFAR Ordinance”), effective March 27, 2011.

A. *Statutory Language of the TFAR Ordinance is Clear and Unambiguous*

The rules of statutory construction apply to the interpretation of local ordinances.² If there is no ambiguity in statutory language, one must presume lawmakers meant what they said and the plain meaning of an ordinance governs.³ Courts give the words of an ordinance their plain, commonsense meaning, unless doing so would lead to absurd results.⁴

Days ago, the United States Supreme Court issued a landmark decision protecting gay, lesbian, and transgender people from work place discrimination under Title VII of the Civil Rights Act of 1964.⁵ The United States Supreme Court stated: **“This Court has explained many times over many years that, when the meaning of the statute’s terms is plain, our job is at an end. The people are entitled to rely on the law as written, without fearing that courts might disregard its plain terms based on some extratextual consideration.”**⁶

Here, the definitions of Floor Area Rights and Buildable Area are clear and unambiguous. The Staff Supplemental fails to look at the plain meaning of the words in the TFAR Ordinance and invents interpretations that are contrary to the plain meaning of the ordinance’s words. Therefore, it is unnecessary to even look at the legislative purpose or the public policy considerations. But even if there were an examination of the legislative purpose or public policy, incentivizing larger mixed-use projects close to high-quality transit in the Central City clearly demonstrate the justification and bonus intent for Transit Area Mixed Use Projects.

B. *City Must Give Meaning to the Clear and Plain Terms of the TFAR Ordinance*

For a Transit Area Mixed Use Project, multiplying the Buildable Area by a floor area ratio (“FAR”) of six calculates the maximum amount of Floor Area that can go up to 13:1 FAR with a Transfer Plan. Per the definition of Buildable Area for a Transit Area Mixed Use Project, this includes the area between the exterior lot lines and the centerline of any abutting public right-of-way. Therefore, the Project’s maximum allowable Floor Area with a Transfer Plan per the definition of Floor Area Rights in the TFAR Ordinance is 57,829 square feet x 6:1 FAR = 346,974 square feet.

² *Zubarau v. City of Palmdale* (2011) 192 Cal.App.4th 289, 305.

³ *Diamond Multimedia Systems, Inc. v. Superior Court* (1999) 19 Cal.4th 1036, 1047.

⁴ *Id.*; see also, *McPherson v. City of Manhattan Beach* (2000) 78 Cal.App.4th 1252, 1261–1262 (Court refusing to read into [municipal] code section an interpretation in contravention of its plain meaning, particularly when doing so would create a conflict with other code sections.)

⁵ *Bostock v. Clayton County, Georgia*, --- U.S. --- (Jun. 15, 2020) (“*Bostock*”)

⁶ *Id.*, Slip. Op. at 24 (emphasis added).

The maximum FAR allowed is 13:1, permitting the maximum Floor Area of 57,829 square feet x 13 = 751,777 square feet. Therefore, the amount of the Floor Area Rights to be transferred is 751,777 square feet – 346,974 square feet = 404,803 square feet. The transfer calculation is separate and apart from the PBP; it is a function of the Buildable Area definition for Transit Area Mixed Use Projects effectuated through a Transfer Plan.

1. Supporting TFAR Ordinance Definitions (LAMC Section 14.5.3)

“Buildable Area means the same as Lot Area, with the following exception: for the purposes of computing the maximum Floor Area Rights available through the approval of a Transfer Plan for a Transit Area Mixed Use Project, as defined herein, the buildable area shall include the lot area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way.”

The LAMC makes two clear points: 1) that for purposes of computing Floor Area Rights that can be transferred for a Transit Area Mixed Use Project, Lot Area and Buildable Area are not the same thing, and 2) Buildable Area includes the Lot Area plus the area between the exterior lot lines and the centerline of any abutting right-of-way.

“Floor Area Rights means the ability to construct additional Floor Area within a project, pursuant to an approved Transfer Plan, in excess of the amount of Floor Area that Project would be allowed based on its Lot Area, or, in the case of a Transit Area Mixed Use Project, the Buildable Area.”

The LAMC makes clear that in the case of a Transit Area Mixed Use Project, the amount of Floor Area that a project would be allowed before a transfer is based on its Buildable Area, not the Lot Area. For the Project, this means the amount of Floor Area that would be allowed before a transfer is 57,829 square feet x 6 = 346,974 square feet. Therefore, the amount of Floor Area Rights to be transferred is the Floor Area in excess of 346,974 square feet, up to the maximum permitted Floor Area of 751,777 square feet. This value is 404,803 square feet.

“Transfer Plan means a plan that identifies and describes the Donor Site(s), Receiver Site(s), the amount of Floor Area Rights to be transferred and the Public Benefit Payment.”

Thus, for a Transit Area Mixed Use Project, Floor Area Rights means the ability to construct additional Floor Area based upon the Buildable Area through the approval of a Transfer Plan. Here, **the plain language of the TFAR Ordinance mandates that Floor Area Rights consist of a multiple of the 57,829 square foot Buildable Area for determining the amount of floor area to be transferred.**

2. Distinctions in the Staff Supplemental are Not Based on the Law

DCP appears to assume that with a Transfer Plan, not all of the area within the Buildable Area is in fact Buildable Area by which there is a legal right to develop without paying a PBP or Transfer Payment. The Staff Supplemental at p. 7 creates a distinction between “base” and “non-base area rights” to determine Floor Area Rights. This is a faulty distinction as the LAMC does not

recognize a distinction between “base” area rights and “non-base area rights.” In fact, “base” and “non-base area rights” are imaginary terms not found anywhere within the LAMC, inclusive of the TFAR Ordinance. The Staff Supplemental references no statutory authority in making such a distinction. By creating this imaginary distinction, DCP staff is arbitrarily and capriciously eviscerating the definition of Buildable Area for a Transit Area Mixed Use Project. In DCP’s June 25, 2020 Staff Presentation, Slide 25, DCP staff appears to conflate the determination of the transfer of Floor Area with calculation of the amount of PBP when it says pejoratively: “Applicant Requesting Floor Area for Free.” On the contrary, the Applicant requests that a transfer of Floor Area Rights be based on the unique Transit Area Mixed Use project definitions in LAMC Sec. 14.5.3. The calculation of Floor Area Rights (i.e., a function of Buildable Area for a Transit Area Mixed Use Project) is separate from the calculation of the PBP which relies on the input of several factors, including the Lot Area and the amount of Floor Area to be transferred.

DCP’s arbitrary reading of the TFAR Ordinance runs counter to common sense: it asserts that LAMC Section 14.5.3 allows projects to calculate maximum available Floor Area Rights based on Buildable Area, but then states that there are no Floor Area Rights for a significant portion of the area forming the basis of the maximum available Floor Area Rights. DCP’s strained interpretation is not supported by the plain words in the TFAR Ordinance. The LAMC 14.5.3 definition of Floor Area Rights unambiguously declares that the Floor Area Rights of a Transit Area Mixed Use Project include the full Buildable Area.

DCP’s argument seems to rely on the invention of a new term “base floor area ratio” (also “base area rights to floor area”) that does not exist anywhere in the LAMC. The closest defined term is “Base floor area rights” which exists in LAMC Sections 12.21C.10(b)(3)(i), 12.07C.5, and 12.07.01C.5 only in relation to RA, RE, and RS Zones and Residential Floor Area Bonus program for these zones; these zones and references are wholly inapplicable here.

Since the Buildable Area is 57,829 square feet, the Floor Area Rights of the Project based on the Transit Area Mixed Use Project definition is 346,974 square feet. As such, the number of square feet of Floor Area Rights to be transferred to the Project site is 404,803 square feet, and not DCP staff’s 523,195 square foot figure that is based on Lot Area and **which was never requested by the Applicant**. DCP staff confirmed the transfer amount of 404,803 square feet in a conference call in February 2020, and until June 2020, DCP staff was consistent in this approach as it relates to the Project; all prior DCP correspondence until the Staff Supplemental agreed with this approach. The Staff Supplemental does not take into account LAMC’s plain and unambiguous Buildable Area and Floor Area Rights definitions for Transit Area Mixed Use Projects.

Further, if one takes DCP’s misguided interpretation to its logical conclusion, there would be no TFAR for Transit Area Mixed Use Projects: if Buildable Area means only computing the maximum Floor Area Rights, how is it possible to have Floor Area Rights as defined by LAMC Section 14.5.3 “... in excess of the amount of Floor Area that Project would be allowed based on its ... Buildable Area”? There would never be such a situation since there would never be any available excess above the maximum available to transfer. Simply put, the term Floor Area Rights means the ability to construct in excess of the Buildable Area pursuant to an approved Transfer

Plan. If Buildable Area is the maximum, then there would be no excess to transfer and there would be no Transfer Plan.

3. *Plain Meaning of Lot Area (Prior to Any Dedication) Means What it Says*

Under the plain meaning of LAMC Section 14.5.9C, the PBP is determined, in part, by “the Lot Area (prior to *any* dedications) of the Receiver Site.” This means exactly what it says: to measure Lot Area prior to *any* (i.e., “all”) dedications. City staff is engaging in exactly the type of speculation and supplementation that would contravene the plain meaning of the LAMC. City staff *cannot* lawfully substitute its own personal interpretations for the plain meaning of statutory text, as it has flagrantly done throughout the Staff Supplemental. For example, staff states that “The portion of the definition referring to ‘prior to dedication’ *does not refer to the area prior to any dedication* which may have occurred in the past, but *refers to any dedication which may also be required as part of the project or entitlement requests.*”⁷

Respectfully, if our City Council had wished for this approach, it could and would have added “any dedication as required as part of the project or its entitlements.” But LAMC Section 14.5.9C does not say that, it simply states: “prior to *any* dedication.” The deemed complete Project application used the plain meaning of Lot Area prior to *any* dedication, i.e., 41,603 square feet in gross lot area, as shown in the survey and the Project drawings. Staff’s interpretation is wrong, and if challenged, a court would view it as an unlawful supplementation of statutory text leading to absurd results for a particular applicant — chiefly, in excess of over \$1,000,000 in new fees.

II. The TFAR Form was Not an Official Unmodifiable Publicly Available Form

DCP’s alleges that the Applicant’s TFAR application form was erroneous. This appears to be based on a City assumption that the Project’s TFAR application form was an un-modifiable City-created form. However, when the Project’s TFAR application form was filed in August 2017, the City lacked a publicly accessible City-created TFAR official application form.⁸

Pursuant to LAMC Section 14.5.6B.1 “[a]n Applicant seeking a Transfer shall file a request for approval of a Transfer with the Agency on a form prescribed jointly by the Director of Planning and the Administrator.”⁹ Although the “TFAR Ordinance became effective March 27, 2011, DCP did not create a proper TFAR application form for the Central City area on City letterhead until August 31, 2018 (ref CP-3531). Prior to this date, applicants used a non-standardized form in an editable MS Word format which did not have standardized City letterhead; it did not even address Transit Area Mixed Use Projects which were expressly and newly created as a result of the TFAR

⁷ Staff Supplemental at 8 (emphasis added).

⁸ The only publicly accessible TFAR application form on the DCP website available for the public at the time of the TFAR application’s submission was for the Cornfield Arroyo Specific Plan TFAR which was governed by different LAMC provisions and is not relevant to TFAR applications in the Central City.

⁹ This August 31, 2018 application form is devoid of any reference to the Community Redevelopment Agency of the City of Los Angeles or its successor agency (“CRA/LA”) despite the explicit requirement to be jointly prescribed by DCP and CRA/LA.

Ordinance; and it did not have any identifying DCP form number.

Prior to the enactment of the TFAR Ordinance, the previous TFAR application form did not even have DCP's name on the cover page and only had CRA/LA's name on it.¹⁰ After the adoption of the TFAR Ordinance in 2012, an applicant for a previous FAR project assisted with the editing of endnotes and other components of the old CRA/LA form to harmonize the old CRA/LA TFAR application form with the then new TFAR Ordinance. Instead of a City form containing a CP reference number/id, most subsequent TFAR projects' applications were stamped with the client matter number and document numbers from the first two new post-TFAR Ordinance projects. This underscores that if the TFAR application form originated with the City, subsequent TFAR projects following those first two post-TFAR Ordinance projects would not have unrelated client matter numbers and document numbers on their wholly unrelated applications.

Apparently, DCP may be unaware of the provenance of the TFAR application form or the developer input to create the updated form that came into use as a result of the 2012 TFAR projects. Since the editable MS Word form was based on modifications to a prior CRA/LA TFAR form, it is not as if it were some immutable form. For example, the 2012 Onyx TFAR form, i.e., the first new TFAR project post-TFAR Ordinance adoption, and the Applicant's TFAR form that was widely in use at the time included this language which is not found in the corresponding TFAR ordinance:

“Applicant elects that if the direct provision of Public Benefits proposed by this Application is disapproved by any reviewing governmental body, the Applicant's proposed provision of Public Benefits will automatically convert to the payment of cash to the Public Benefit Payment Trust Fund in the amount of the required Public Benefit Payment.”

This protection language that was added to the TFAR application form in 2012 to protect against potential arbitrary and capricious actions, and is not based on any actual LAMC requirement.

That 2012 form did not address Transit Area Mixed Use Projects; was in fact silent in all respects regarding Transit Area Mixed Use Projects; and the City failed to create its own TFAR application form until more than a year *after* the Applicant filed an application for TFAR. The City's TFAR application form (CP-3531) was introduced in 2018, seven years after the TFAR Ordinance's effective date, and to this date fails to address the different rules the TFAR Ordinance provides for Transit Area Mixed Use Projects. Consequently, modification of the editable MS Word form was necessary to reflect the proposed Transit Area Mixed Use Project.

A. The *Applicant Clearly Identified Proposed Transfer Plan and PBP*

Since the time of the TFAR Ordinance adoption, there has been a dearth of Transit Area Mixed Use Projects compared to non-Transit Area Mixed Use Projects, so it is understandable that there

¹⁰ See the Park Fifth TFAR application from 2008 approved by the City Council.

is a lack of general recognition among DCP staff as to how these are different from standard TFAR projects. But even if the Project's submitted TFAR form was a City form, a review of the application and supporting materials by any of the nine DCP planners working on the Project over the years would show the Applicant's proposed Transfer Plan, including the mechanics of the PBP calculation.

First, the DCP Staff Supplemental inexplicably omits from "Background," the Project's June 16, 2017 Project Team Meeting with City. Attendees included DCP (including the Urban Design Studio), Mayor's Office, Department of Building and Safety, and the Applicant's team in person (with the architect on teleconference). At the meeting, the Applicant specifically discussed how it would use the Transit Area Mixed Use Project's special rules for TFAR to calculate the PBP, including going out to the centerline of surrounding streets.

Second, consistent with the Applicant and counsel's presentation at the Project Team Meeting with the City, the TFAR application submitted in August 2017 clearly identified all aspects of the TFAR components of the Project. There was no disinformation or misrepresentation regarding the Applicant's proposal for TFAR: (1) Page 1, Section 1.2 of the application clearly states "Note: Project qualifies a Transit Area Mixed Use Project.^[3]"; (2) Note 3 on page 11 of the application provides the definition of a Transit Area Mixed Use Project; (3) Page 1 includes note 4. Page 11, note 4 describes the alternative definition of Buildable Area for Transit Area Mixed Use Projects; (4) Page 1 includes note 5; (5) Page 11, note 5 describes Floor Area Rights. It includes the definition that Floor Area Rights are different for Transit Area Mixed Use Projects; and (6) Page 6, Section 8 modified "Lot Area" and replaced it with "Buildable Area" to reflect the calculation of the PBP to be a multiple of Buildable Area.

The TFAR application clearly disclosed on the first page that this was a Transit Area Mixed Use Project which according to the LAMC has a different definition of Buildable Area pursuant to the LAMC. The blank TFAR form did not address Transit Area Mixed Use Projects, so the "modification" to reflect the Transit Area Mixed Use Projects was explicit and clear. Further, DCP staff was notified of the proposed methodology at the in-person meeting one month **before** the filing of the TFAR application and DCP presumptively reviewed the TFAR application's explicit words and supporting materials before deeming the application complete. At the time the application was prepared and also deemed complete by operation of law, the Applicant firmly believed that due to the alternative definition of Buildable Area for Transit Area Mixed Use Projects, whereby LAMC Section 14.5.3 states that Buildable Area is the same as Lot Area except for Transit Area Mixed Use Projects, that Buildable Area and Lot Area were interchangeable for purposes of the PBP calculation. As staff knows, the Applicant has unequivocally dropped the interpretation that Buildable Area and Lot Area are interchangeable for purposes of the PBP calculation. This change has already resulted in the increase of over \$5M in fees.

Third, the Project drawings submitted with the August 15, 2017 entitlement application clearly list the Lot Area, Buildable Area, and proposed transfer. The Project Data Sheet clearly states that the "Transit Area Mixed Use Buildable Area = Gross Lot Area (to Centerline)." This figure is 57,829 square feet. The difference between the pre-dedicated Lot Area and the Buildable Area are clearly

delineated and called out. Similarly, the Project's updated November 16, 2018 drawings which included design updates also used the same terminology regarding Lot Area, Buildable Area, and TFAR request. There is no daylight between the August 15, 2017 drawings and the TFAR application, nor is there any daylight between the November 16, 2018 drawings and the TFAR application.

Fourth, there is no daylight between the submitted Attachment A to the Project's entitlement application and the TFAR application. The Attachment A provides a project description, explanation of the Project, as well as draft findings for the City's consideration. Page 3 of the Attachment A clearly lists the Lot Area and Buildable Area.

Fifth, the certified EIR clearly lists and describes the rationale for the Lot Area and Buildable Area of the Project site that directly affects the TFAR request. Page II-5 of the Draft EIR states:

“As depicted in the certified ALTA/ACSM Land Title Survey included in the Project's entitlement drawings as Sheets A-003 and A-004, the Project Site constitutes 41,603 square feet in gross lot area. ... The size of the Project Site for calculating FAR is based on LAMC Section 14.5.3, which provides regulations that are applicable to Transit Area Mixed Use Projects, such as the Project, which implement Transfer of Floor Area (TFAR) provisions. **Under these provisions of the LAMC, the lot area for calculating the FAR extends to the centerline of Olive Street, 11th Street and the alley, inclusive of dedications or easements that would be provided in the alley and public right of way. Based on this criterion, the lot area for calculating FAR is 57,829 square feet in size.**”
(Emphasis Added.)

The City spent several years preparing the EIR and reviewing Project materials. The plain language in DCP's certified EIR clearly identify that different rules apply to this Transit Area Mixed Use Project.

Taken together, the TFAR application form cannot be viewed in isolation; the comments in the Staff Supplemental regarding misrepresentations are not supported by the facts. The submitted TFAR application called out the methodology and formula used. At the time of filing of the TFAR application, the Applicant held the sincere belief that Buildable Area and Lot Area were interchangeable for purposes of calculating the PBP; to this end all of the submitted documents were consistent. The TFAR plan was discussed with several different City departments prior to filing the TFAR application in an Project Team Meeting with the City; the TFAR application, which did not originate with the City, but instead was based on an old CRA/LA form that was modified over time, lists the Buildable Area that was used to calculate the PBP; the Project's drawings and entitlement application list the Lot Area and Buildable Area; the City's first Staff Report and Technical Modification letter use the TFAR numbers consistent with the Applicant's request; and the City's own certified EIR clearly lists the Lot Area, Buildable Area, and explanation for calculation of floor area and TFAR for this Transit Area Mixed Use Project. There is no daylight between the submitted TFAR application and all other aspects of the Project that

was under review by the City. Ample information regarding the Applicant's TFAR proposal, the Lot Area, and Buildable Area were in multiple documents under review by the City prior to the time that the TFAR application was deemed complete.

B. City Had Many Opportunities to Review the Proposed Transfer Plan and PBP

Important milestones in the previous three years where DCP had ample opportunity to review the Project's TFAR proposal included:

(1) 6/16/17 TFAR Project Team Meeting with City with the Applicant and City officials, including DCP staff, Department of Building and Safety, and Mayor's office. The Applicant's proposed method for calculation of the PBP was specifically discussed at this meeting; (2) 8/15/17 Filing of Project's TFAR application, using the same methodology discussed in the June 16, 2017 Project Team Meeting with City, and filing of other Project entitlement application. The PBP listed in the TFAR application is \$11,060,000, with a Transfer Payment of \$2,024,015; (3) 9/14/17 Presumptive deemed complete for all entitlements other than the VTTM that had been determined complete on 1/4/17 (see letter from Sergio Ibarra) and the TFAR application (which was subsequently deemed complete per operation of law, as described below); (4) 12/21/17 TFAR application deemed complete pursuant to LAMC Section 14.5.6B.3 ("For purposes of this subdivision, a request to file an application shall be deemed to be complete when the Agency has received sufficient information with which to assess the environmental impacts of the proposed Project."). The Initial Study was publicly circulated on December 21, 2017. Thereby, pursuant to operation of law the TFAR application was deemed complete on December 21, 2017; (5) 8/15/19 Applicant provided proposed allocations of PBP; (6) 9/26/19 to 11/12/19 Circulation of the Project's EIR; (7) 12/3/19 Meeting with DCP executive team regarding Project. PBP amounts and allocations specifically discussed; (8) 12/4/19 DCP, CD-14, Chief Legislative Analyst, Mayor's Office held TFAR Consultation Meeting; (9) 1/15/20 Joint Advisory Agency/Zoning Administrator's Hearing; (10) 2/7/20 Advisory Agency certification of the Final EIR (ENV-2016-4630-EIR) and approval of VTT-74531; and Zoning Administrator approval of ZA-2017-4745-ZAI. There was no appeal of any of these approvals or of the certification of the EIR; (11) 2/18/20 and 2/21/20 Teleconferences with DCP and the Project team where DCP confirmed the City's position that: (a) transferred floor area is based on Buildable Area; (b) the transfer amount of floor area is 404,083 square feet; and (c) for purposes of the PBP calculation, Lot Area equals Lot Area. This teleconference with the City resulted in the City increasing the PBP from \$11,060,000 to \$15,373,620.65; (12) 3/3/20 DCP Staff Report publicly available that identifies a transfer of floor area of 404,803 square feet; (13) 3/9/20 Applicant's submission of correspondence that DCP is misinterpreting Lot Area (prior to any dedication); (14) 3/10/20 DCP issues Technical Modification to Staff Report representing Staff's interpretation of Lot Area and Applicant's revised Architectural Plans identifying the calculation of TFAR on Sheet A-001.1; (15) 3/12/20 CPC hearing for the remaining entitlements continued at DCP's request to May 14, 2020; (16) 4/27/20 DCP staff said that it would continue the Project's hearing unless a revised TFAR application form was submitted with DCP's interpretation of Lot Area; (17) 4/30/20 Applicant submits an updated TFAR application form pursuant to DCP staff request. Assuming this was the last open issue from DCP staff, the Applicant conceded to DCP's staff's demand regarding how

to calculate Lot Area (prior to any dedications), which resulted in a PBP increase from \$15,373,620.65 to \$16,788,428; (18) 5/5/20 DCP call with Applicant's team. DCP stated that it would continue the hearing for review of the PBP; (19) 5/14/20 CPC hearing continued again at DCP request; and (20) 6/8/20 DCP informs the Applicant for the first time that it has a new PBP calculation that would result in a PBP of \$21,698,509 and Transfer Payment of \$2,615,976. Collectively, DCP's new demands result in an increase in excess of \$11,000,000.

Based upon the substantially consistent TFAR and project materials in front of the City starting in 2017, it seems incomprehensible that in June 2020, years after deeming the application complete, DCP would first inform the Applicant that it had new reservations regarding the Project's TFAR Plan that would threaten the feasibility of this housing development project.

III. Conditions of Approval and Draft Findings Require Modification

Giving meaning to the plain and unambiguous words of the TFAR Ordinance, we respectfully request modification of the conditions of approval and findings to reflect a transfer of 404,803 square feet, consistent with the allocations in our March 9, 2020 correspondence: \$15,373,620.65 PBP directly provided as follows: \$7,000,000 City's Affordable Housing Trust Fund ("AHTF") for projects within three miles of the Project site; \$3,000,000 CD 14 Public Benefits Trust Fund for affordable housing within three miles of the Project site; \$200,000 for South Park Business Improvement District ("SPBID") for a dog run and parklets; \$5,173,620.65 for the integrated biodiversity system/art component/plaza. The Transfer Payment would be \$2,024,015 based on the transfer of 404,803 square feet.

The last minute and serial DCP requests for more money of the Applicant prior to each CPC hearing, several years after the Project's TFAR application was deemed complete, unjustly and unfairly exploits project applicants, in contravention of the plain and unambiguous meaning of City ordinances, as well as state law that protects housing development projects from late and arbitrary reinterpretations of its codes. We urge the CPC to revise the draft conditions of approval and findings so as to adjust the PBP, Transfer Payment, and Transfer Plan and to approve the Project in a manner that reflects the plain and unambiguous words of the TFAR Ordinance.

Best regards,

HOLLAND & KNIGHT LLP



Ryan M. Leaderman

cc: Vince Bertoni, Lisa Webber, Kevin Keller, Luci Ibarra, Shawn Kuk, Elliott Kahn, Adam Tartakovsky, Andrew DeWitt, Alex Irvine, Kevin Ashe

May 15, 2020

Honorable Miembro del Consejo Municipal de Los Angeles
Departamento de Planeación de Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Programa Bebidas en Restaurantes Caso # 2018-4660-CA

Departamento de Planeación de la Ciudad de Los Angeles
Y Miembro del Concejo Municipal Blumenfield

Mi nombre es Alicia Godínez, y soy residente de Boyle Heights. El interés por el bienestar y seguridad de mi comunidad es bastante razonable ya que es mi comunidad y la de mis hijos. Por lo tanto y después de haber asistido a la sesión informativa del día 6 de mayo, 2020, en referencia a la propuesta de ordenanza Programa de Bebidas en Restaurantes, le envié esta carta con mi completa oposición a esta ordenanza, también para agradecerle la información tan preocupante compartida ese día.

Ciertamente, los negocios se han visto afectados económicamente, pero la comunidad y sus residentes también estamos sufriendo los estragos del coronavirus. El interés de ustedes representantes de la ciudad de ayudarles es comprensible y aplaudible, pero no a costa de la seguridad de nuestras comunidades pobres, especialmente contando que ya tenemos un número inmenso de negocios que venden alcohol. Ahora con esta supuesta ayuda para sobrevivir la crisis actual, también se les está dando la oportunidad a nuevos negocios para vender alcohol, algunos de los cuales pudieran ser aquellos a los que nos hemos opuesto por no ser de beneficio a nuestra comunidad. Ahora podrán aplicar y en un par de semanas se reirán en nuestras caras con su gran apertura. Oponernos a nuevas licencias de alcohol en Boyle Heights, ha sido un trabajo de años y dedicación, de tiempo asistiendo a las audiencias públicas, para asegurarnos que no se dieran nuevas licencias de alcohol aquí en Boyle Heights, por el bien de nosotros y nuestros hijos.

Nuestra oposición se basa en los siguientes puntos:

En nuestra comunidad de Boyle Heights tenemos un gran número de expendios de alcohol NO queremos más. Queremos que se disciplinen los existentes, que nos causan muchos problemas de seguridad.

El bienestar de una comunidad no se debe basar en venta de alcohol, trabajen en encontrar otros medios de ayuda. El alcoholismo no es problema de un restaurante es problema de la cantidad de restaurantes irresponsables que solo piensan en hacer dinero sin importarles que cuando salgan de ahí manejen ebrios exponiendo a los transeúntes.

La crisis viviente nos está afectando a todos, no tenemos trabajo, podemos perder nuestra vivienda y muchos desafortunadamente calman sus frustraciones bebiendo alcohol. Ahora todo nuestro esfuerzo en eliminar los problemas de alcohol va a ser más difícil con el apoyo de ustedes en no considerar la seguridad de la comunidad y depender de un "sticker" como dijeron en la reunión pegado a una ventana cuando estamos limitados a salir de nuestras casas solo en caso de ser necesario.

Las personas de la tercera edad y menores de edad van a estar expuestos a riesgos relacionados con la inseguridad que ocasiona el consumo de alcohol, en gran parte responsabilidad de propuestas como la suya. Yo no le estoy dando datos ni estadísticas de estudios, yo le estoy diciendo los problemas a los que ya nos estamos enfrentando y los cuales aumentarán con el poder que les darán a los vendedores de licor con comida mejor conocidos como restaurantes.

Yo como residente expuesto a los problemas que ocasiona el consumo de alcohol, le pido encarecidamente que considere los costos de seguridad y salud que ocasionara la reducción de costos y tiempo que se les ofrece a los restaurantes y si no es mucho pedirle considere mi oposición. Si desea comunicarse conmigo puede hacerlo por este medio a mi correo electrónico.

Atentamente,
Alicia Godínez

May 15, 2020

Honorable Member of the Los Angeles City Council
Department of City Planning
200 N. Springs Street
Los Angeles, CA 90012

Re: Restaurant Beverage Program Case # 2018-4660-CA

Department of City Planning
And Councilmember Blumenfield

My name is Alicia Godínez, and I am a resident of Boyle Heights. My interest for the well-being and safety of my community is more than reasonable as it is my community and of my children. For this reason and after attending the information session on May 6, 2020 regarding the proposed Restaurant Beverage Program ordinance, I send you this letter with my complete opposition of this ordinance, and I thank you for the worrying information shared on that day.

Certainly, businesses have been financially impacted, but the community and its residents have also suffered from the havoc of the coronavirus. The interest of you as representatives of the City to help them is understandable and applaudable, but not at the cost of the safety of low-income communities, especially considering that we already have an immense amount of businesses that sell alcohol. Now with this supposed help to survive the current crisis, it will also give new businesses the opportunity to sell alcohol, some of which could be ones that we have opposed for not being of benefit to our community. Now, they would be able to apply, and in a few weeks they would laugh in our faces with their grand opening. We have spent years and dedication opposing new alcohol licenses in Boyle Heights, and time assisting public hearings, to ensure that no new alcohol licenses are issued here in Boyle Heights for the good of us and our children.

Our opposition is based on the following points:

In our community of Boyle Heights, we have a great number of businesses that sell alcohol and we do not want more. We want existing businesses to show discipline and to not cause a lot of safety problems.

The well-being of a community should not be based on the sale of alcohol, you should work to find other methods of assistance. Alcoholism is not a restaurant's problem. It is a problem when irresponsible restaurants only think about making money without caring whether patrons leave and drive drunk, exposing pedestrians.

The current crisis is affecting us all, we do not have work, we can lose our home, and a lot of people unfortunately calm their frustrations with alcohol. Now all of our efforts to eliminate the problems of alcohol will be more difficult because you did not consider the safety of the community. We cannot rely on a "sticker" posted on a window, like you mentioned in the information session, as we currently can only leave our homes when it is necessary.

Older people and underage people will be exposed to the safety risks associated with the consumption of alcohol, in great part caused by proposals like yours. I am not providing data or statistics, I am talking about the problems that we face and which would rise with the power that you will give to businesses that sell alcohol with food, better known as restaurants.

I, as a resident exposed to the problems associated with the consumption of alcohol, strongly ask you to consider how safety and health will be affected due to the reduction of costs and time that you would offer to restaurants and to consider my opposition. If you wish to communicate with me you can do so through email.

Attentively,
Alicia Godínez



Planning CPC <cpc@lacity.org>

Fwd: case no. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:54 AM

Below is communication regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Emily Fiffer** <emily@botanicarestaurant.com>
Date: Tue, Jun 16, 2020 at 11:58 AM
Subject: case no. CPC-2018-4660-CA
To: <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own/operate a restaurant called Botanica, at [1620 Silver Lake Blvd., Los Angeles, 90026](#).

I am writing today in support of the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

Thank you for your time,

emily fiffer

--

follow us on [instagram](#) + [facebook](#)!
stay tuned: [botanicamag.com](#) & [botanicarestaurant.com](#)

CITY OF LOS ANGELES

General Board Members

Sarah Williams
Frank Mendoza
Elsa Palomino
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Melani Petrushkin
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Vincent Montalvo
Alejandro Palomino

ELYSIAN VALLEY RIVERSIDE

NEIGHBORHOOD COUNCIL

Frankm.evrnc@gmail.com

www.myevrnc.com



June 1, 2020

The Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012
Attention: Robert Luna

Dear Planning Commissioners:

Our Neighborhood Council is very familiar with this issue and strongly opposes any reduction in oversight or input from the public on alcohol sales. Removing the conditional use permit requirement will make it difficult for our community to have input at the pre-project phase therefore, **we oppose CF 17-0981**.

Background

In last six months of 2019, the Elysian Valley Riverside Neighborhood Council received and reviewed (5) five alcohol permit applications for on- and off-site sales. Our area's community plan was minimally updated without an infrastructure analyses, parking study, or design guidelines separating commercial uses from adjacent residents and sensitive uses (i.e. schools, parks, open spaces), in 2015.

Concerns raised by our community include: over-concentration of alcohol establishments; noise after midnight; unpermitted "rave" parties in buildings that serve booze to drunk adults who drive and walk through the neighborhood making lewd comments; lack of buffer zones between bars and restaurants that serve alcohol, and residences; lack of parking; humans urinating, smoking, drinking and using recreational drugs in street, front yards, driveways, alleys and bike path.

Community Impact Statement

Due to negative health effects of alcohol and the lack of enforcement of zoning and building codes and the lack of police patrols in Northeast Los Angeles, The Elysian Valley Riverside neighborhood council passed the following resolution regarding Council File: 17-0981 on May 29, 2020 by a vote of 8 in favor, none against (with 4 absent) opposing the new ordinance because it eliminates the public hearing portion of the conditional use permit, currently required by on-site sellers of alcohol.

Whereas, the Board of the Elysian Valley Riverside Neighborhood Council finds it troubling that:

A. Alcohol use contributes to a public health epidemic of rising rates of alcoholism, obesity, smoking, domestic violence and traffic accidents. Liquor sales are not beneficial to local stakeholders due to inadequate police and public health resources, increased levels of drug and alcohol use, violence and crime.

B. Neighborhoods like Elysian Valley Riverside are targets for investors looking for commercial opportunities without having to provide parking, off-site improvements, or contribute to upgrading municipal infrastructure, or paying for enforcement.

C. Elysian Valley has not had any traffic, parking, or infrastructure studies completed recently, in the past five years, yet all motorists are being impacted by narrow streets. We have infrastructure construction, commercial construction, housing construction and commercial delivery vehicles on all our small residential streets. How will ambulances and fire trucks get through in the case of emergency? We feel this puts the health, safety and welfare of our residents at high risk over the false benefits of a Restaurant Beverage Program

Therefore, the EVRNC Board recommends:

1. Opposing the sale and provision of alcohol at restaurants, eligible for the proposed Restaurant Beverage Program, before 12 pm and after 12 PM without a conditional use permit
2. Commercial/industrial venues within 500 feet of residential uses, are not eligible for this program.
3. Venues within 500 feet of residences, must maintain “quiet hours” after 6 pm and close by 7:30 pm Sunday, Monday, Tuesday, Wednesday and Thursday to buffer adjacent residents. Elysian Valley is a working-class community; a majority of its residents work more than two jobs.
4. No administrative permit application shall be accepted for a site that is in an area of over-concentration of bars, liquor stores and or restaurants that sell alcohol, as determined by the State Dept. of ABC.
5. The Restaurant Beverage Program shall be enforced by the Department of City Planning and the City Attorney in conjunction with State Department of Alcohol and Beverage Control as a team.
6. Parking requirements shall be developed for new businesses under this program.
7. A revocable Permit shall be required (with a public hearing, and notice) for outdoor dining abutting sidewalks, shared paths and other publicly owned space w/in 500 feet.
8. Restaurant Beverage Permits be available only in areas whose community plan has been updated.
9. City Planning shall provide monthly Monitoring Inspection Program reports for all CUP’s, CUB’s and administrative permits granted under the Restaurant Beverage Program, to Neighborhood Council Environmental and Land Use Committees.

We, further move that a community impact statement be submitted against CF 17-0981.

Respectfully,

Frank Mendoza, President
Elysian Valley Riverside Neighborhood Council Board

Cc: Councilman Mitch O’Farrell
City Planning, General Manager Vincent Bertoni
Office of the Mayor, Barbara Romero



Planning CPC <cpc@lacity.org>

Fwd: Our concerns regarding The Restaurant Beverage Program (Council File #17-0981)

Roberto Luna <roberto.luna@lacity.org>

Wed, Jun 17, 2020 at 10:51 AM

To: Planning CPC <cpc@lacity.org>

Below is communication regarding case CPC-2018-4660-CA.

LOS ANGELES
CITY PLANNING**Roberto Luna**

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 705

Los Angeles, CA 90012

Planning4LA.org

T: (213) 473-9701 | F: (213) 000-0000



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

From: **Henriette** <info@lapovertydept.org>

Date: Thu, Jun 4, 2020 at 2:25 PM

Subject: Our concerns regarding The Restaurant Beverage Program (Council File #17-0981)

To: <roberto.luna@lacity.org>

Dear Roberto,

Los Angeles Poverty Department would like to share our concerns regarding an expedited permitting process proposed by the City of Los Angeles on May 27. The Restaurant Beverage Program (Council File #17-0981) would “streamline” alcohol permitting through “standardization”.

Such a broad approach to the issuance of alcohol permits introduces a litany of issues related to sensitive uses and developing communities. This approach ignores the notion that varying neighborhoods in Los Angeles have needs that vastly differ from locale to locale, and many neighborhoods have been saturated with an over-concentration of alcohol outlets for a number of years.

We challenge the belief that restaurants selling alcohol are benign uses, as alcohol availability and consumption contribute to myriad community problems including crime, violence/domestic violence, and DUI's. High alcohol outlet concentrations also exacerbate addiction and threaten those recovering from addiction. Skid Row is surrounded by hundreds of alcohol uses, and community members have been advocating that alcohol prohibitions be included in the Downtown Los Angeles Community Plan (DTLA 2040), to ensure added protections for our recovery community. Our experience has also taught us that restaurants frequently usher in gentrification, bringing uses that do not serve the needs of long-time community members.

The Restaurant Beverage Program would bar the ability of community members and stakeholders to voice the above-mentioned concerns, take measures to ensure that uses are responsive to community needs, and/or to oppose proposed uses. There are a standard set of operational conditions proposed to mitigate potential problems, but they cannot replace the power of community input and vigilance. Current changes to CA State guidelines for selling alcohol have created additional concerns, as all on-site alcohol uses (such as restaurants) can now sell off-site (to go). This policy changes the spirit of the proposed City program, which was envisioned for select sit-down family restaurants, and is an additional reason to challenge it. We will keep you posted regarding additional advocacy opportunities related to this matter.

Sincerely,

Henriette Brouwers

6/23/2020

City of Los Angeles Mail - Fwd: Our concerns regarding The Restaurant Beverage Program (Council File #17-0981)

Los Angeles Poverty Department

lapovertydept.org

cell: 310-227.6071



June 20, 2020

Roberto Luna
Planning Assistant
200 N Spring St
Los Angeles City Hall
Los Angeles, CA 90012

Re: Draft of Amendment to City Code Subdivision 10 of Subsection A of Section 12.21 of the Los Angeles Municipal Code

The Hollywood Hills West Neighborhood Council (HHWNC) is one of the certified neighborhood councils in the City of Los Angeles.

At a meeting of HHWNC's Board on May 20, 2020, in which City Planning's draft of an amendment to City Code Subdivision 10 of Subsection A of Section 12.21 of the Los Angeles Municipal Code in a virtual Zoom meeting, at which both board and stakeholders' comments were considered, HHWNC's Board discussed and voted on the following motion:

Motion: The Board of HHWNC supports the Restaurant Beverage Program.

The motion passed unanimously, 16 yes to 0 no.

On behalf of HHWNC, the above information is respectfully submitted.

Very truly yours,

Anastasia Mann
President
Hollywood Hills West Neighborhood Council

cc: David Ryu, Council person, CD 4
Madelyn Taras, Field Deputy, CD 4
Emma Howard, Director of Planning
Mitch O'Farrell, Council person, CD 13
Craig Bullock, Planning Director, CD 13
Sean Starkey, Field Deputy, CD 13
Brian White, Los Angeles Police Department, Hollywood Division



Planning CPC <cpc@lacity.org>

Fwd: Restaurant Beverage Program Support

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:49 AM

Below is communication regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Jennifer Febre Boase** <jennifer@macleodale.com>
Date: Mon, Jun 1, 2020 at 1:54 PM
Subject: Restaurant Beverage Program Support
To: <roberto.luna@lacity.org>

Dear Roberto and Los Angeles City Planning Commission,

I would like to express my absolute 100% support for this program. Small restaurants need this process in order to start, grow and thrive. When my husband and I started the permitting process for our brewery, we didn't know that it would take 14 months and tens of thousands of dollars in fees and rent. We were almost bankrupt before we could even open our doors. It was very hard to recover from that, but we are still here 6 years later. We plan to open a 2nd and 3rd location as satellite tasting room/restaurants, and this program will be imperative for us to do that.

Our hearts go out to all the entrepreneurs who have a dream, a few dollars in their pocket and want to bring their wonderful food to the people of Los Angeles. Please help them, and not hurt them. They and we need this program.

Thank you,

Jennifer Febre

MacLeod Ale Brewing Co.
14741 Calvert Street
Van Nuys, CA 91411

www.macleodale.com
www.facebook.com/macleodale
www.instagram.com/macleodale
www.twitter.com/macleodale



Planning CPC <cpc@lacity.org>

Fwd: My support for the Restaurant beverage program

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:54 AM

Below is communication regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Karen Hatfield** <karenhatfield123@gmail.com>
Date: Sat, Jun 13, 2020 at 5:54 PM
Subject: My support for the Restaurant beverage program
To: <roberto.luna@lacity.org>

Good afternoon,

I own the Sycamore Kitchen and have owned many other LA restaurants over the years. I wanted to pass along my full support of the Restaurant beverage program. It has the potential to be such a wonderful gift to our industry in a time we could really use a helping hand. I have had to get a few CUP's over the years and the cost and over all struggle is almost too much to bear. This proposal could really ease some of the red tape and promote small business growth. I just hope that the provisions are not so restrictive that it leaves out the very restaurants it was designed to help.

There are two main points I hope can be modified so that this fantastic bill can be truly meaningful.

-reasonable ambient music should be allowed outside. I can not think of a restaurant of this sort that would not have some sort of music.

Maybe that restriction would be better under no 5 of the development standards and operations.

I know noise is one of the biggest issues and this makes perfect sense if your patio faces residential. But if you face Wilshire, sunset, La brea or any of the other major streets in LA it seems silly.

-the other is there should be less restriction on indoor to outdoor dining ratio. In the time of Covid we are encouraging our guests to sit outside and slow the spread.

I know this again comes down to a noise issue. Maybe it could also be relocated to no 5 under the development standards and operations or at least be equal to the indoor dining.

Sycamore kitchen is the poster child for who this should benefit. Family owned mom and pop neighborhood restaurant. Not open late at all. Patio on a major BLVD. All we want is to serve a Mimosa at brunch and a beer during the lunch hour. Very low risk for trouble, but the way this is written now we would have trouble qualifying. I just had to reach out and say my piece. I know y'all are working extra hard these days. We really appreciate you!

Many thanks,

--

Karen Hatfield



Planning CPC <cpc@lacity.org>

Fwd: CPC-2018-4660-CA -- IN SUPPORT

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Sun, Jun 21, 2020 at 5:29 PM

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

From: **Lien Ta** <lien@alldaybabyla.com>
Date: Sun, Jun 21, 2020 at 5:10 PM
Subject: CPC-2018-4660-CA -- IN SUPPORT
To: <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own/operate two Los Angeles restaurants: Here's Looking At You located at [3901 W 6th St](#) and All Day Baby located at [3200 W Sunset Blvd](#).

I am writing today in support of (CPC-2018-4660-CA) the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

Thank you so much,
Lien Ta
323-788-0400

--

Lien Ta
[All Day Baby](#)
[3200 W Sunset Blvd, LA, CA 90026](#)
[Silver Lake @alldaybabyla](#)

--



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
[Planning4LA.org](#)
T: (213) 473-9701 | F: (213) 000-0000





Planning CPC <cpc@lacity.org>

Fwd: CPC-2018-4660-CA.

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 11:02 AM

See communication below regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Matt Hermer** <matt@mhermer.com>
Date: Tue, Jun 16, 2020 at 1:22 PM
Subject: CPC-2018-4660-CA.
To: roberto.luna@lacity.org <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own and operate a restaurant called The Draycott located at [15255 Palisades Village Ln, Pacific Palisades, CA 90272](#).

I am writing today in support of the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

Thank you in advance.

Kind regards

Matt Hermer



Planning CPC <cpc@lacity.org>

Fwd: case no. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 11:01 AM

See communication below regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: <info@rodeomexicangrill.com>
Date: Tue, Jun 16, 2020 at 1:11 PM
Subject: case no. CPC-2018-4660-CA
To: <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own/operate a restaurant called Rodeo Mexican Grill located at [1721 w. Sunset Blvd. Los Angeles, CA 90026](#).

I am writing today in support of the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

Sincerely,

Marilyn Pelayo for Happy Rodeo Inc.



Planning CPC <cpc@lacity.org>

Fwd: Comment for CPC-2018-4660-CA.

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:49 AM

Below is communication regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Michael Phillips** <mphilips91@gmail.com>
Date: Mon, Jun 1, 2020 at 11:06 AM
Subject: Comment for CPC-2018-4660-CA.
To: <roberto.luna@lacity.org>

I support CPC-2018-4660-CA.



Planning CPC <cpc@lacity.org>

Fwd: Follow-up question re: Restaurant Beverage Program requirements

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 11:57 AM

See communication below regarding case CPC-2018-4660-CA.



Roberto Luna
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----- Forwarded message -----

From: **Nik** <Nik@epgla.com>
Date: Tue, Jun 16, 2020 at 6:03 PM
Subject: Follow-up question re: Restaurant Beverage Program requirements
To: Niall Huffman <niall.huffman@lacity.org>

Good evening Niall,

As EPG has been informing our clients about the Restaurant Beverage Program a question has come up. Is a restaurant that has an existing patio area across from a residential zone completely ineligible to participate in the program? In reading the ordinance it would seem as if the restaurant would need to abandon the outdoor patio area in order to be eligible for this program. Alternately, would it be possible to exclude the outdoor patio from having alcohol service while still reaping the RBP's great benefits? We've all seen plenty of "No Alcohol Service Beyond This Point" signs.

Your insights and thoughts are appreciated!

Best,

Nik

Nikola Hlady

Planning Director

400 S. Main Street #808, Los Angeles, CA 90013

213.620.1904 | cell: 801.706.5908 | nik@epgla.com | epgla.com



Elizabeth Peterson Group, Inc.

--



LOS ANGELES
CITY PLANNING

Niall Huffman

City Planning Associate

Los Angeles City Planning

200 N Spring St, Room 701

Los Angeles, CA 90012

Planning4LA.org

Office (213) 978-3405

Temporary Mobile (213) 820-4243

niall.huffman@lacity.org



Pronouns: he/him

Please be advised that I am off work on alternating Fridays.



Planning CPC <cpc@lacity.org>

Fwd: Regarding case no. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:55 AM

Below is communication regarding case CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Robert Fleming** <robert@icecoldhospitality.com>
Date: Tue, Jun 16, 2020 at 1:00 PM
Subject: Regarding case no. CPC-2018-4660-CA
To: <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own a restaurant called Capri Club located at [4604 Eagle Rock Blvd, LA, CA 90041](#).

I am writing today in support of the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

(In reference to case no. CPC-2018-4660-CA)

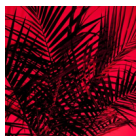
Thank you very much!

*Robert Fleming
Ice Cold Hospitality
robert@icecoldhospitality.com
[4604 Eagle Rock Blvd](#)
[Los Angeles, CA 90041](#)*

Robert Fleming
ICE COLD HOSPITALITY
707-337-0170 | robert@icecoldhospitality.com
LOS ANGELES, CA

6/23/2020

City of Los Angeles Mail - Fwd: Regarding case no. CPC-2018-4660-CA





Planning CPC <cpc@lacity.org>

Fwd: No MORE liquor licenses!

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 17, 2020 at 10:48 AM

Below is communication regarding CPC-2018-4660-CA.



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Yvonne Autry** <6976bellemichelle96@gmail.com>
Date: Wed, May 20, 2020 at 11:06 AM
Subject: No MORE liquor licenses!
To: <roberto.luna@lacity.org>

I OPPOSE any and ALL increase in alcohol permits in the SKID ROW vicinity and surrounding areas! I do stand BOLDLY AGAINST, I OPPOSE, any and ALL proliferation of & ALL liquor licensed facilities! I do oppose any & ALL measures and motions enabling the immediate & expeditious ACCESS & CONSUMPTION of alcohol, drugs etc! ESPECIALLY NOW during this CONTRIVED OVER PROPAGANDIZED PANDEMIC!

I oppose & stand against drug dispensaries, stores & markets further licensed to sell alcohol!

I do believe that there are enough liquor licensed facilities in my community! The City has traditionally exploited Black Communities & colored neighborhoods (where the majority of the constituents / residents are Black & COLOR) Now as well! ESPECIALLY at this MOST critical time!

THIS IS ALL BY DESIGN! This is a boon to the city- alcohol Industry; raising revenue for the City etc! However! As usual; at the detriment of the community, Black people, people of color, indigent people, poor people etc!

As is and as has been this tradition, practice! Maintenance of status quo; the norm, etc! Black people traditionally suffer; People of color as well; becoming increasingly dysfunctional, dependent, indigent, compromised, addicted, dehumanized, transient, disadvantaged etc!

Drug & alcohol addiction is yet another form of SLAVERY, ENSLAVEMENT, bondage etc! Maintenance of sub human standard of living, ill health, dependency & inevitable death! This MOST often if not ALWAYS leading to sclerosis of the liver, kidney failure, other physical disabilities, long term drug alcohol addiction - as gate way drug etc = increased revenue, increased SALES, MORE MONEY for the City! ALL BY DESIGN! Maintenance of Design = maintenance of status quo etc!

Especially NOW! At this TIME! As people should be PRAYING without ceasing! They should be more piously & devoutly seeking the presence, the pardon, protection, absolution, salvation & deliverance of THE MOST HIGH! Instead! Many are FEARFUL! They are TERRIFIED! They are BINGING uncontrollably; indulging in , losing themselves mindlessly, saturating themselves in drug & alcohol use, addiction, over consumption of alcohol, recreational drugs, street drugs, prescription drugs, psych meds etc!

I demand an end to!



Additional licensed liquor stores!



No MORE alcohol licensed facilities!
There are ENOUGH!



No expeditious acquisition of liquor licenses etc!

Sincerely!

All the very best!

Yvonne Michelle Autry



Planning CPC <cpc@lacity.org>

Fwd: CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 18, 2020 at 6:10 PM

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

From: **Zach Pollack** <zach@alimentola.com>
Date: Thu, Jun 18, 2020 at 6:08 PM
Subject: CPC-2018-4660-CA
To: <roberto.luna@lacity.org>

Dear Planning Commission Members,

I own and operate restaurants Alimento and Cosa Buona in Silver Lake and Echo Park, respectfully.

I am writing you today in support of the proposed Restaurant Beverage Program (RBP). As restaurants navigate the impacts of COVID-19 on our economy, the RBP is one way to help restaurants recover and remove unnecessary hurdles that disproportionately impact independent business owners. We are asking for your support today to help independent restaurants in Los Angeles thrive.

Thank you for your time.

Sincerely,
Zach Pollack
--



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org

T: (213) 473-9701 | F: (213) 000-0000



Gina K. Thornburg, PhD
Executive Director
Coalition for Valley Neighborhoods
5146 Comercio Avenue
Woodland Hills, CA 91364
(818) 451-3977
GinaT.cfvn@gmail.com

June 23, 2020

City Planning Commission, Valley Office
Marvin Braude Building
6262 Van Nuys Blvd., Ste. 251
Van Nuys, CA 91401

City Planning Commission Members
ATTN: Cecelia Lamas
cpc@lacity.org

RE: Secondary Submission on VTT-74891-1A; DIR-2017-1708-SPP-1A; ENV-2017-1706-MND (De Soto/Burbank Master Plan)

Dear City Planning Commission and LADCP Director Bertoni:

On behalf of the Coalition for Valley Neighborhoods, I submit this Secondary Submission to the LADCP Recommendation Report dated June 4, 2020, and our prior appeals and request that the above-referenced Project be stayed for the following reasons.

In spite of statements by the Applicant's representative to the contrary, the community was not fully involved in the conversations leading up to the LADCP's Project approval. The California Environmental Quality Act aims to inform the public about potential significant environmental effects of a project [(14 California Code of Regulations § 15002(a)(1)]. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564, noted, "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" However, the public was not informed before the decision to approve this project was made. Both the LA Department of City Planning and the Office of Council District 3, Bob Blumenfield, have deprived the public of their due process rights to become fully informed about this more than 2 million-square-foot project, which would have

irrevocable and unmitigable adverse environmental, social, and economic impacts on Woodland Hills.

Conversations between the Applicant and one board member of the Woodland Hills-Warner Center Neighborhood Council and a non-board member, who together formed a secret and improper ad-hoc committee on the De Soto/Burbank Master Plan, do not constitute “copious amounts of outreach to the community” as stated by Councilmember Bob Blumenfield in a November 19, 2019, letter to Mr. Bertoni, nor does the one joint board and committee meeting of the Planning, Land Use, and Mobility Committee of the WHWCNC. Committee meetings are not widely advertised and are held in very small interior spaces. If the Applicant, Councilmember Blumenfield, and the PLUM had truly wanted to conduct outreach to the community, they would have held a series of large dedicated public meetings focused on the Project, as were done for other mega-development in Warner Center, Promenade 2035. The improperly formed ad-hoc committee of two persons, because it contained a non-board member stakeholder of the WHWCNC, violated the Brown Act. This ad-hoc committee did not hold any public meetings, and its activities were performed in secret, out of the public view. It even produced two reports which were never disseminated to the public, a further violation of the Brown Act. For this reason alone, the Project should be stayed. August Steurer is not a member of the board of the WHWCNC. Therefore, the ad-hoc committee’s activities should have been conducted in full view of the public. Its meetings with the ad hoc should have been publicly noticed, but they were not.

One of the documents produced by this improperly formed and Brown-Act-violating ad-hoc committee is embedded here (I had shrank the type and deleted some blank line spacings to conform to the page limit in this Secondary Submission):



Planning,

Land Use and

Mobility Committee

Adler Realty Investments, Inc.

Richard Gable-(818) 480-5502—rgable@adler-realty.com

Representatives: Rosenheim & Associates, Inc.

Brad Rosenheim: brad@raa-inc.com

Jessica Pakdaman: jessica@raa-inc.com

Ad-hoc Committee: August Steurer-PLUM Committee, Marty Lipkin-PLUM Committee

Situation / Issue:

The proposed 24.4 acre development located on the tract between Burbank Blvd, and De Soto Blvd in the Commerce District of the Warner Center (WC) 2035 Specific Plan faces a serious issue that has the potential to negate the entire applied-for Master Plan, and cause the investment partners to split up the tract into its currently existing 12 tracts and sell off and develop each one separately with no unifying master plan.

The Applicant has set aside 5+ acres of the Master Planned tract as Publically Accessible Open Space (PAOS) throughout the development which provides for large, open plaza areas, parklets, pedestrian corridors and community enhancement features like large dog parks and children's playgrounds. The 5+ acres of PAOS far exceeds the minimum of approximately 1.2 acres of PAOS required for this Project under the WC 2035 Specific Plan.

However part of the WC 2035 Specific Plan provides guidelines requiring park land dedication by the developer and/or a park fee.

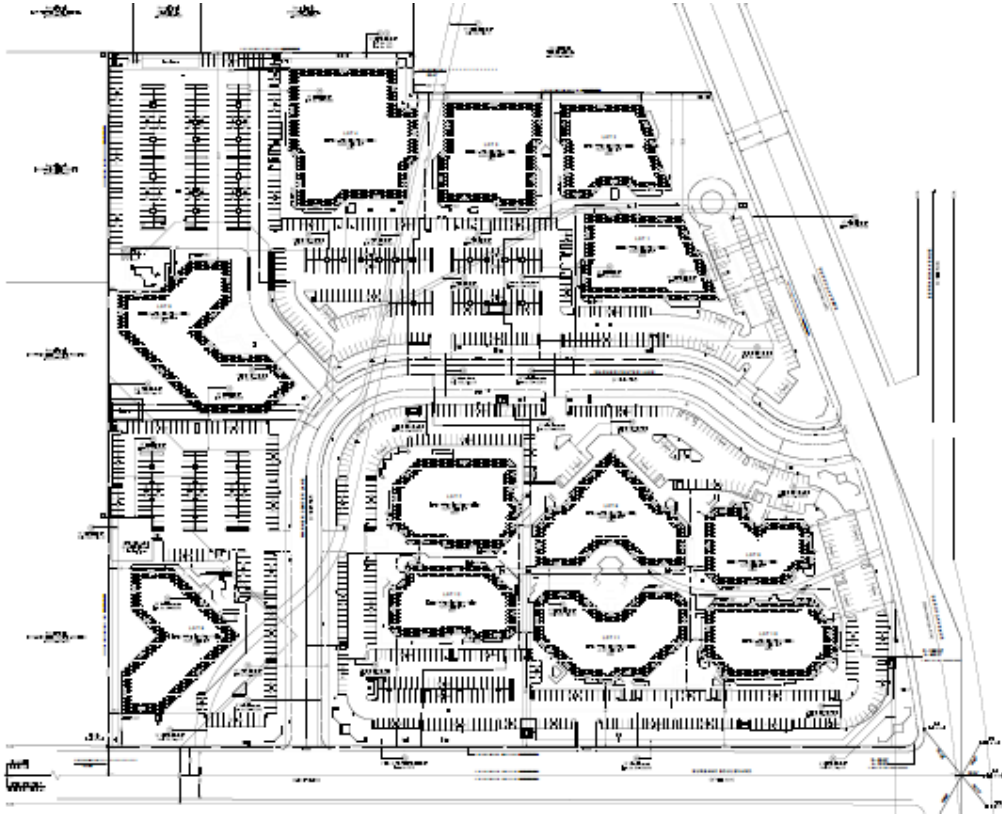
The Applicant is working with the Department of Parks and Recreation and the Planning Department to try and resolve this issue, but has not yet achieved success. Parks & Recreation is asking that the areas outside of the required PAOS under the WC 2035 Specific Plan (which has an aggregate amount far less than the 5+ acres being proposed in the Master Planned Tract) be condensed and deeded to the City under the auspices and care of Parks and Recreation.

By doing so, the entire Master Planned project would have to be scrapped and a completely new plan re-developed—a very expensive process.

The Applicant has stated that he believes that if forced to follow that edict, the Master Planned project would be abandoned by the current partners and the entire tract (which is already legally subdivided), would be sold off in up to 12 pieces and developed by individual entities without the context of having a single, unified master development.

Requested Action by Applicant:

The Applicant, his representatives and a number of community stakeholders have asked the Ad-hoc Committee to present a motion to the PLUM Committee and on to the WHWCNC Board of Directors to consider asking the Woodland Hills-Warner Center Neighborhood Council to SUPPORT his efforts in working with the Planning Department and the Department of Recreation and Parks to maintain the submitted Master Planned project and the additional PAOS it will provide, without turning the land over to the City. He is proposing to dedicate land by easement and pay fees. (*See Motion*)



The existing configuration of the Adler Business Park site showing 12 buildings and the 12 legal lots that can be sold off individually.

POTENTIAL CONSEQUENCES:

There are many negative consequences for Warner Center, for the 2035 Specific Plan and for the entire Woodland Hills community if the Adler De Soto/Burbank Master Plan Project is abandoned and the land is sold off and developed separately.

- There can be no “conglomerated” park area that Recreation and Parks is seeking since each property would have individual property rights and the open space requirements would be vastly diminished. Open Space would be limited to that individual lot, unless more than one lot was purchased.

- If the Master Planned project is abandoned, each individual developer would be required to construct a mixed-use project that would entail having both commercial and residential on his lot. Based on the current trend, developers would probably build large residential Phase I projects, leaving virtually no lot space for the construction of a usable Phase II commercial building. This would increase the residential aspect of Warner Center dramatically and possibly sound a death knell to attracting a balancing amount of commercial employment.
- All of the additional “improvements” that the PLUM Committee, the Community and others have work for—and had the Master Planned Project developer agree to—would be completely lost. That would include the connectivity to Variel, and the Community-serving facility (Building #4A) that the Applicant has included in his Master Plan.
- There would be no sense of “community,” as 12 individual developers build 12 different projects that have no real relationship to each other and do not work to create a sense of a true “neighborhood” with restaurants and retail since the majority of the lots are situated on a secondary, private street with little traffic.
- Streets would remain virtually unchanged—not widened and improved as in the Master Planned Project.
- There would be less “green space,” less community art, and a major decrease in connectivity than is provided in the Master Planned Project.
- If there was the possibility of “conglomerating” open space into a single, larger area that Recreation and Parks is pushing for, there would be no guarantee that the Department would have the money, manpower or oversight to maintain the property and keep it safe for anyone using it.

AD-hoc Committee Analysis and Evaluation:

The Ad-hoc Committee for the proposed De Soto/Burbank Master Planned Project has looked at the situation and believes that the WHWCNC PLUM Committee should evaluate this requested motion by the Applicant. After discussion—if the PLUM Committee agrees—present the Motion to the Board of the Woodland Hills-Warner Center Neighborhood Council for discussion and possible vote of support on March 13, 2019.

The following Motion is prepared in support of the De Soto/Burbank Master Plan Project (Project), for which entitlement applications were filed by LLJ Adler WCCI, LLC & LLJ Adler WCCII, LLC (the Applicant) under City Planning Case Nos. VTT-74891 and DIR-2017-1708-SPP, and is intended to support the efforts of the Applicant in working with the City of Los Angeles Department of Recreation and Parks and the Department of City Planning in satisfying the park land dedication/park fee requirement.

PLUM MOTION

Park Land Dedication / Park Fee Requirement

De Soto/Burbank Master Plan Project (“Adler Project”)

DIR-2017-1708-SPP; ENV-2017-1706-EAF; VTT-74891

20920-21051 Warner Center Lane & 20931-29071 Burbank Blvd., Woodland Hills

As pertaining to Cases DIR-2017-1708-SPP; ENV-2017-1706-EAF; VTT-74891 at

20920- 21051 Warner Center Lane & 20931-29071 Burbank Blvd., Woodland Hills, 91367, the following Motion is in support of the efforts of the Applicant in working with the City of Los Angeles Department of Recreation and Parks and the Department of City Planning in satisfying the park land dedication/park fee requirement. After holding

one public presentation and discussions about the park land dedication/ park fee requirement of the De Soto/Burbank Master Plan Project, the Planning, Land Use and Mobility (“PLUM”) Committee hereby finds that:

WHEREAS, the project site is approximately 24 acres in size and is currently improved with 12 buildings on 12 different lots; and

WHEREAS, all of these lots can be sold off individually for continued office use or individual redevelopment; and

WHEREAS, the Applicant is proposing a multi-phase, master planned development with 10 buildings on 8 lots to coordinate all aspects of the redevelopment of the 24 acres, including design, access, streetscape and an extensive system of Publicly Accessible Open Space (PAOS); and

WHEREAS, the Applicant has been attempting to work with the City of Los Angeles Department of Recreation and Parks and the Department of City Planning to allow a fair and reasonable system to satisfy the Project's park and recreation requirements, which include the payment of the park fees and credits, together with a park land dedication by easement;

THEREFORE, IT IS HEREBY RESOLVED that the Planning, Land Use and Mobility Committee, for the findings stated herein recommends that the Board of the Woodland Hills – Warner Center Neighborhood Council support the master planning of this Project and, in order to accomplish this, strongly urge:

1. That the City of Los Angeles Department of Recreation and Parks and the Department of City Planning permit full credit for the on-site PAOS and private (non-publicly accessible) open space in excess of that required by the Warner Center 2035 Plan and Los Angeles Municipal Code against the park land dedication and park fee payment requirements for the entire Project; and
2. That all areas designated for public park purposes be dedicated by public easement for said purposes and not be required to be dedicated in fee title; and
3. That a system for the payment of the park fees and park land dedication be established pursuant to which the Applicant pays a park fee for each Project phase and is subsequently reimbursed based on the value of land in subsequent Project phases that is dedicated by easement for public park use.

The PLUM Committee recommends that the City of Los Angeles Department of Recreation and Parks, Department of City Planning and Council District 3 (Councilman Bob Blumenfield) be notified by the Woodland Hills – Warner Center Neighborhood Council of its findings and subsequent recommendations to approve this proposal and the Project application as presented on March 13, 2019.

Motion: Marty Lipkin / August Steurer

Seconded:

VOTE: AYE NAY ABSTAIN

_____ End of inserted secret report from the improperly formed ad-hoc committee

There are also links between board member Marty Lipkin and the architect on the Project, Dennis DiBiase. Both serve on the board of the Woodland Hills Homeowners Organization, and Mr. DiBiase is a former board member of the WHWCNC. The WHHO came out in favor of the large entertainment and sports center proposed by Unibail-Rodamco-Westfield for its Promenade 2035 project. URW, in turn, has publicly supported the De Soto/Burbank Master Plan, both orally at the February 2020 Deputy Advisory Agency meeting and in writing. However, many members of the Woodland Hills community oppose the Promenade project, and the community remains in the dark about the De Soto/Burbank Master Plan.

The City, the CD3 Office, and the LADCP have failed to fulfill the CEQA requirement that the public be informed before decisions are made such huge projects. Councilmember Blumenfield's letter and the LADCP's LODs on this project deprive the public of due process.

The Project should also be stayed until it is forced to include at least 15% affordable units. In the context of the overdue recognition that urban-planning processes have led to deepening inequalities in our nation's cities, which have led to devastating consequences for communities of color, and in light of the fact that the De Soto/Burbank Master Plan offers no affordable housing and fails to comply with the Affirmatively Further Fair Housing rule of the US Department of Housing and Urban Development, this project should be stayed. The Council District 3 office, for all its efforts to shamefully "implore" Mr. Bertoni to fast-track this devastating Project, should also devote equivalent effort to ensuring that the project includes affordable units for Very Low, Low, and Median income levels as defined by the LA HCID.

Sincerely,

Gina K. Thornburg, PhD

Executive Director

Coalition for Valley Neighborhoods

ROSENHEIM & ASSOCIATES, INC.

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

June 18, 2020

SENT BY E-MAIL

The Honorable Los Angeles City Planning Commission
City of Los Angeles
200 North Spring Street, Room 272
Los Angeles, CA 90012
E-Mail: cpc@lacity.org

Re: RESPONSE TO RECOMMENDATION REPORT
20920-21051 Warner Center Lane & 20931-21041 Burbank Boulevard
Case Nos.: VTT-74891-1A & DIR-2017-1708-SPP-1A
City Planning Commission Hearing Date: June 25, 2020; Agenda Items 8 & 9

Dear President Millman and Honorable Commissioners,

On behalf of our client and the applicant/appellant in the above-referenced matter, LLJ Adler WCCI, LLC and LLJ Adler WCCII, LLC (the "Applicant"), this letter responds to the Department of City Planning ("City Planning") Recommendation Report, dated June 25, 2020 ("Staff Report") for the above-referenced cases ("VTT Determination" and "DIR Determination", respectively, and together, the "Determination Letters").

We appreciate that Planning Staff ("Staff") has recommended modifications to some of the Conditions of Approval ("Conditions") in response to the Applicant Appeals, and we accept their reasoning as to why certain Conditions should not be modified. However, Staff has declined to recommend most of the Applicant's requested revisions, most of which are simply intended to clarify how the Conditions will apply to the phased Project and/or provide consistency with the Warner Center 2035 Plan ("WC 2035 Plan") or the Project plans.

This letter highlights the Applicant's continuing and reasonable concerns and why the City Planning Commission (the "Commission") should adopt these revisions. Alternatively, the hearing should be continued and the Commission should instruct Staff to work with the Applicant to modify the Conditions in a manner consistent with the Applicant's proposed requests.

OVERVIEW

Warner Center Corporate Park, which includes 12 lots that are improved with 12 one-three-story office buildings, currently operates on the above-reference site (the "Project Site"). The Applicant purchased the property in 2013 and shortly thereafter began evaluating whether to master plan the entire 24 acres, or to sell or individually redevelop each lot (or combination of lots) without being subject to the Master-Planned, Multi-Phased Project requirements in the WC 2035 Plan. The Applicant chose to design a project consistent with the letter and intent of the WC 2035 Plan, and to seek approval for a Master-Planned, Multi-Phased Project Permit Compliance, along with a related Subdivision request.

The comments in the Staff Report lead us to believe that the Applicant and Staff are actually in agreement as to the intent of many of the Conditions, but the Applicant strongly believes that the Condition language must be clarified in order for the Conditions to be implemented. We have requested word-for-word revisions to correct this deficiency. It is important for the Commissioners to know that most of the Applicant's requests are intended to clarify the Conditions to avoid the need for needless future corrections, clarifications or discretionary modifications that would require additional Staff time and, at best, significantly delay the issuance of building permits for the project phases. Without these revisions, the Master-Planned, Multi-Phased Project is effectively infeasible to implement and will likely result in the piecemeal redevelopment of the Project Site.

With that said, there appear to be two issues on which Staff and the Applicant disagree. The first relates to the manner in which onsite and offsite street improvements are to be guaranteed and the second relates to the city's ability to regulate the sequencing of the phases of development. In this letter and our previous May 22, 2020 letter to the Commission (the "May 22 Letter"), the Applicant provides justification for their position on these two issues. There are also two important requests that were included in the initial planning applications (as further described below), but which Staff ignored.

Here is a summary of the revisions to the Conditions and approval language that the Applicant has requested, which are addressed in detail in the following pages:

1. Add consistent phasing language throughout the Conditions;
2. Permit public and private street improvements to be guaranteed (or bonded for) on a phased (unit map) basis;
3. Allow the Applicant to change the sequencing of development phases in response to market conditions without further discretionary review;
4. Approve the Applicant's requests (a) to designate Warner Center Lane as the front setback/front yard for Lot 1 and (b) for the parking requirements for the remaining existing buildings to be based on the parking requirements in the WC 2035 Plan;
5. Approve revisions to certain Conditions to clarify that the Applicant's rights under the WC 2035 Plan or LAMC are not improperly limited; and
6. Approve the Applicant's requested revisions to Conditions for consistency with the WC 2035 Plan and Project plans.

Please note that, while these are the most important issue areas for the Applicant, they are not intended to supersede the comprehensive requested ~~strikethrough~~ and underlined language in "Attachment A" and "Attachment B" to the May 22 Letter (all such references below are to the May 22 attachments), but rather generally summarize them. Additionally, we respectfully request that any revisions to Conditions approved by the Commission be applied consistently throughout the Determination Letters and Findings, also as reflected in Attachments A and B. Absent the requested changes, the Master-Planned, Multi-Phased Project is effectively infeasible to implement resulting in the likely piecemeal redevelopment of the Project Site.

CONSIDERATION FOR REQUESTS TO THE CITY PLANNING COMMISSION

The Applicant agrees with the Staff Report that, consistent with WC 2035 Plan Section 5.3.3.2.3, covenant and agreements must be recorded over the entire Project Site and therefore cannot be recorded in phases as requested in our May 22 Letter. Therefore, the Applicant no longer requests revisions to the following Conditions to allow the recordation of covenants in phases: **VTT Conditions 34 and 40 and DIR Conditions 2.e, 14.d, 14.e.ii, and Administrative Condition 5.** The Applicant also agrees to and appreciates Staff's recommended deletion of duplicative environmental mitigation measures in the DIR Determination and the modifications to the following Conditions for added clarity or to apply corrections: **VTT Conditions 16, 26, 30, 36, 40.U-15 and S-3(c) and DIR Conditions 2.a, 6, 10.r, 14.a.i, 14.e.i 17.a.ii, 18.c, 25.a, 28 and AQ-1.** In addition, in light of modified VTT Condition 30, the Applicant no longer requests the deletion of **VTT Condition C-3.**

However, numerous other Conditions require clarification or further refinement, as discussed in detail below.

1. Add Consistent Phasing Language Throughout The Conditions.

The phasing issue remains the most important and prevalent request for revision as set forth in our May 22 Letter. We emphasize that **the Applicant and Staff generally agree that the Project is a Multiple Phased development and (with one notable exception discussed below) the Conditions should be applied on a phased basis.** Indeed, many of the Conditions already include such phasing language. For example, the following Conditions included in the VTT Determination Letter include phasing/unit map language: VTT Condition 16 (grading), VTT Condition 17, under "Notes" (zoning), VTT Conditions 20 and 21, (transportation), VTT Condition 22.v (fire), VTT Conditions 23 and 24 (water and power), and VTT Conditions 26 and S-3(c)(street lighting). In addition, all of the relevant environmental mitigation measures in the Determination Letters (which are part of the Conditions) include phasing language and Staff approved that language. Furthermore, Staff included phasing language in its own planning conditions, such as the Department of Recreation and Parks Conditions (VTT Condition 27 and DIR Condition 16), VTT Condition 32 relating to improvements within the public right-of-way and private street, and several other Conditions in the DIR Determination, including DIR Conditions 21.b, 21.c, 21.d, 23 and 24. The Staff Report also states that building permit issuance and "review and approval of any plans would take place on a phased basis, as the project develops"¹. Inexplicably, however, Staff has resisted adding appropriate phasing language in numerous other Conditions, including planning conditions and conditions recommended by other Departments, for clarity and accuracy.

In certain instances, Staff implicitly claims that it has no authority to modify recommended conditions from other Departments to account for the phased nature of the Project. The Applicant is caught in a "Catch-22" because most of those Departments advised us that, while it had no concerns with phasing language, it was up to City Planning to add the phasing language, while Staff continues to suggest that it lacks authority to modify the recommended Conditions. The Applicant vigorously contends, however, that it is City Planning's responsibility to refine **recommended** Conditions to take account of a project's unique attributes, in this case that the Project consists of eight phases. Here, City Planning has failed to consistently do so.

¹ Page A-8 of Staff Report, fourth paragraph

What is the consequence of leaving the Conditions as currently written? Without the requested changes, the Project will be infeasible to develop. This is particularly applicable to several Conditions that require satisfaction of Project-wide Conditions prior to the issuance of building permits for Phase 1. For example, VTT Condition S-1 through S-3 require that the sewerage facilities charge be paid and improvements within public streets and private streets be improved or guaranteed prior to the recordation of the final map (referring to the first phase of development). It is inequitable and economically infeasible for the developer of the first phase of an eight-phase project to be required to sustain those costs for the entire Project. Another example is DIR Condition 25.b.i, which reads that “[p]rior to final signoff, the Project shall submit revised plans showing...[t]he location on the exterior of all mechanical equipment including the roof, with screens shielding it from public view or placed entirely underground.” Without clarifying language, this Condition would likely be construed by an LADBS plan checker to require that the mechanical equipment plans for the entire Project be developed and submitted with the Phase 1 building permit application. The language we seek related to the phasing of this multi-phase Project does not eliminate these requirements, but simply clarifies that they will be satisfied on a phased/unit map basis.

As such, we respectfully request the Commission’s approval of our requested revisions to the following Conditions, as reflected in Attachments A and B: **VTT Conditions 1-6, 11-13, 16, 17, 22.v, 23.b, 24, 31, 32, 35, 40, C-1.1, S-1, S-2, S-3, and the “Notes” at the end of the VTT Conditions and DIR Conditions 2, 8, 10 (including 10.a-10.f and 10.k-10.o), 14.d, 15, 17, 20, 21, 25.b, 25.c, 26 and 28.**

2. Permit Public And Private Street Improvements To Be Guaranteed (Or Bonded For) On A Phased (Unit Map) Basis.

VTT Conditions 32, 15 and S-3.i and DIR Condition 10.o all require the developer of the first phase of development to bond for all public and private street improvements for the entire Project. This requirement alone will kill the Project as the Phase 1 developer (which may very well not be the owner of the other lots) will not agree to assume the financial burden of all such improvements over the 15-year phased buildout period. The Staff Report justifies this Condition as a means of ensuring that all of the improvements will be built. This rationale is unpersuasive for numerous reasons.

First, the Project Site is not undeveloped land, but rather is already developed and served by adjoining public streets and a private street (Warner Center Lane). As phased redevelopment of the Project Site proceeds, the existing public/private street system will remain in place and provide access to both new and existing buildings. The alignment of Warner Center Lane will be modified on a phased basis. Second, the developer of each phase will still have to bond for the street improvement associated with that phase as a condition to the recordation of the applicable unit map, consistent with the intent of the WC 2035 Plan. Third, even if the Phase I developer guaranteed the street improvements for the entire Project, it is exceedingly improbable that the City would ever foreclose on the bond and attempt to construct the balance of the street improvements relating to unbuilt project phases. To start with, the City would have no public road easement(s) to construct those remaining improvements since unit maps with the required dedications would not be recorded for the unbuilt phases. Therefore, the City would have to condemn the required land. In addition, to construct the improvements, the City would have to remove improvements, including parking areas associated with the existing buildings. Moreover, this would be a needless exercise because the public/private street system is already in place and the phased street modifications would only be necessary to accommodate the more intense development associated with remaining project phases.

The City never does any of these things, and it would border on the nonsensical for it to do so under these circumstances.

Staff's position is particularly surprising since the City has recognized the efficacy of phasing street improvements for prior multi-phase projects. We have provided to Staff several examples of project approvals in the City in which the guarantees for public and private street improvements were properly required on a unit map basis as conditions of approval in tentative tract maps, including Case Nos. VTT-71289 (Southwestern Law School), VTT-63480 (Block 8), VTT-49104 (Playa Vista), VTT-71886 (Ponte Vista), and TT-72692 (NBC Universal).

Under these circumstances, placing the financial burden and responsibility for guaranteeing street improvements on the Phase 1 developer is simply unnecessary, unjustifiable and financially infeasible. Therefore, the Applicant respectfully requests that the following Conditions be revised, as requested and reflected in Attachments A and B to the May 22 Letter: **VTT Conditions 15, 32 and S-3(i) and DIR Condition 10.o.**

3. Allow The Applicant To Change The Sequencing Of Development Phases In Response to Market Conditions Without Further Discretionary Review.

As discussed in the May 22 Letter, the WC 2035 Plan is intended to be market responsive. From the onset of this Project, the Applicant has been clear, as stated in the Phasing Diagrams in the approved Project plans ("Exhibit A"), that the Applicant would change the sequencing of the Project phases if warranted by market demand.

The Staff Report points to WC 2035 Plan, Appendix B, Footnote 6, to justify why any change to the sequencing of the Project phases should be subject to a Modification of the Project Permit Compliance, as set forth in DIR Condition 2.c. Footnote 6 states:

Multi-phased projects may reserve floor area for the required non-residential component in a future phase on-site. Such future phases must be fully entitled and designed at the same time as the initial phase, to the satisfaction of the Director of Planning. Any change in phasing plans or phasing design shall require written approval from the Director of Planning.

Staff goes on to reference WC 2035 Plan Section 5.3.3.2.2, which states:

Any changes to any phase of development which are not substantially compliant with approved plans, including changes to elevations, site plan, orientation, and other design features to a Multiple-Phase Project, shall require a modification to a Project Permit Compliance pursuant to the requirements of LAMC Section 11.5.7-D.

The Applicant does not take issue with the first part of DIR Condition 2.c, which states that if a change to a Project phase is not substantially compliant with the approved project plans in "Exhibit A", then a modification of Project Permit Compliance shall be required. However, the Applicant does not believe there is any justification to require such a modification just to change the sequencing of Project phases, regardless of whether any substantial changes are proposed to the approved plans for the relevant Project phase, as also set forth in DIR Condition 2.c.

Staff provides no rationale for this requirement, but instead relies on Footnote 6. However, it is apparent that the intent of Footnote 6 is to reiterate Section 5.3.3.2.2 of the WC 2035 Plan, so that substantial changes to the **physical plans** for any Project phase, not the mere **sequencing** of the

phases, require review by the Director of Planning. This interpretation is substantiated by the fact that the WC 2035 Plan includes no objective standards by which the Director would determine where a change in the phasing sequence was acceptable. We also note that this condition was not imposed on the phased Westfield Promenade project (Case No. ZA-2016-3908-MCUP-DI-SPP, Condition 56.c).

Therefore, the Applicant respectfully requests that the Commission approve the revisions requested to **DIR Condition 2.c**, as set forth in Attachment B to the May 22 Letter. As relatedly shown on Attachment B, we also request deletion of **the last sentence in DIR Conditions 2.a.i-2.a.viii**, which dictates the precise year each phase must be completed.

4. Approve The Applicant's Requests (A) To Designate Warner Center Lane As The Front Setback/Front Yard For Lot 1 And (B) For The Parking Requirements For The Remaining Existing Buildings To Be Based On The Parking Requirements In The WC 2035 Plan.

The Staff Report acknowledges that the Applicant included these requests in the planning applications and again in a letter submitted at the Deputy Advisory Agency (DAA) hearing on February 11. The Staff Report nonetheless claims they did not consider these issues because the Applicant did not raise them at the DAA hearing (see Appeal Points 2.A and 2.B). That is inaccurate. As the Project representative, I repeated both requests in my presentation at the DAA Hearing.

Regarding the **front setback/front yard determination** request, Staff for the first time justifies its inaction with the claim that Warner Center Lane should not be the front yard "since it results in a more inward-oriented development" (see Appeal Point 2.A). This is not well-taken. Lot 1/Building 1 was designed from the outset, in consultation with Staff, to meet the front setback on Warner Center Lane. For this reason, the approved setback on De Soto Avenue does not meet the requisite for a front setback/front yard in the WC 2035 Plan. The setback on Warner Center Lane for Building 1 is designed to meet the requisite setback, and was designed this way to integrate with the adjacent PAOS and Warner Center Lane, which functions as a public street and the de facto building frontage. This is good design and good planning and the Applicant respectfully requests that the Commission approve Warner Center Lane as the front setback/front yard of Lot 1, as follows: Add the language requested for insertion in the approval clause, as shown in Attachment A at the top of page 2, as a **new Condition**; and add the similarly proposed language to **DIR Condition 12**, as shown in Attachment B.

With respect to the second request regarding the **parking requirements for the remaining existing buildings**, this request followed express guidance from LADBS Case Management. Prior to the submittal of the planning applications, the Applicant determined that there is significant overlap between the parking required for each existing building, as reflected in the Certificates of Occupancy ("C of O"). LADBS Case Management Staff advised that the parking can be corrected through revised C of Os, and can be based on the current parking requirements in the WC 2035 Plan, as long as City Planning included a condition in the relevant determination letter to that effect. Despite that guidance and the detailed discussion of this issue in the Project Permit Compliance Application Findings, the DAA instructed us at the very end of the DAA Hearing (without an opportunity to respond) to research if LADBS would allow the C of Os to be revised per the WC 2035 Plan. We did as requested and subsequently submitted a detailed email to Staff on February 25, 2020, confirming how the Applicant's request can be achieved. However, City Planning proceeded to issue

the DIR Determination without this request being addressed and the Staff Report provided the non-response that enforcement of parking standards falls with the jurisdiction of LADBS. Therefore, the Applicant respectfully requests that the Commission approve the requested revisions to **DIR Condition 2.f.iii**, as reflected in Attachment B to the May 22 Letter.

5. Approve Revisions To Certain Conditions To Clarify That The Applicant's Rights Under The WC 2035 Plan Or LAMC Are Not Improperly Limited.

Several of the requested revisions relate the Conditions that, on their face, narrow or eliminate the Applicant's development options under the WC 2035 Plan. In response, Staff implicitly acknowledges this, but states that because the omitted rights are in the WC 2035 Plan or the LAMC, the Condition would not preclude the omitted options. However, it is a fact that, in the plan check process, LADBS bases its review on conditions of approval, not the WC 2035 Plan or the LAMC. It appears that Staff and the Applicant are in agreement as to the intent of these Conditions, so for clarity and to avoid protracted disputes that will inevitably occur in the plan check process, the Applicant respectfully requests that the Commission approve the proposed revisions discussed below.

First, the Staff Report states that, based on input from the **Department of Recreation and Parks**, VTT Condition 27 and DIR Condition 16 would not preclude the Applicant from utilizing any and all options in LAMC Section 12.33 to pay park fees, dedicate land and/or to seek credit for onsite improvements equivalent in value to park fees (see Appeal Point 3.A). However, VTT Condition 27 and DIR Condition 16 expressly state that the "requirements of LAMC 12.33 be fulfilled through the payment of in-lieu fees." It therefore precludes the other options in Section 12.33. For this reason, the Applicant respectfully requests that the Commission approve the proposed revisions to **VTT Conditions 27 and C-2 and DIR Condition 16**, as reflected in Attachments A and B.

Similarly, with respect to the **Warner Center Cultural Amenities Development Fee** in DIR Condition 29, the Staff Report states there is nothing in the phrasing of the condition that precludes the ability to utilize the exemptions specified in WC 2035 Plan Section 9.3 to provide onsite art in lieu of paying the fee (see Appeal Point 5.S). However, DIR Condition 29 states that "...the applicant shall be assessed a Warner Center Cultural Amenities Development Fee..." so that it effectively eliminates the ability to provide onsite art. Staff appears to agree that this is not the intent of the Condition, so why not clarify the language to assure that the Applicant's options are not improperly limited.

The Staff Report also states that it is not possible to approve an exemption that is not proposed, and that any onsite cultural amenities proposed at a future date may warrant a "Modification" to the original condition language. If Condition 29 does not preclude utilization of the exemptions in Section 9 (such as onsite art), then the Applicant wonders why a Modification to the original condition may be warranted should the Applicant choose to provide onsite art. This statement in the Staff Report supports the need to clarify DIR Condition 29. Moreover, an Applicant cannot seek an exemption at the time of project application, as any onsite cultural amenities would need to be commissioned to an artist and approved by the Department of Cultural Affairs, a process that does not occur until after entitlements are approved. Furthermore, the Project Permit Compliance application does not require any information as to the applicants' intent related to paying the Cultural Amenities Development Fee or providing onsite art, further demonstrating that this is an issue addressed under the normal course of seeking a building permit, as is the case Citywide. In any

event, since Staff agrees that the exemptions are not precluded by this case, we respectfully request that the Commission approves the revisions requested to **DIR Condition 29**, as reflected in Attachment B.

Finally, regarding the specified maximum building **heights set forth in** reflected in DIR Condition 9, the Staff Report indicates that any additional height for roof structures and equipment allowed by LAMC Section 12.21.1.B.3 is not prohibited under the WC 2035 Plan and thus no revision is needed (see Appeal Point 4.D). However, LADBS will look solely at the language of DIR Condition 9 and, unless modified, the height of the buildings in their entirety will be limited to the height limit stated in the Condition. For clarity, we request that **DIR Condition 9** be revised, as proposed in Attachment B.

6. Approve The Applicant's Requested Revisions To Conditions For Consistency With The WC 2035 Plan And Project Plans.

Several other Conditions, as currently written, continue to be of concern, as they are written with very specific language that conflicts with the letter or intent of the WC 2035 Plan and, in turn, with the Project plans that were developed to be consistent with the WC 2035 Plan. Without the clarifying revisions proposed by the Applicant, these Conditions directly conflict with the approved Project plans.

For example, with regard to required **Publicly Accessible Open Space (PAOS)**, the second-to-last sentence in each of DIR Conditions 2.a.i-2.a.viii requires 11% of each lot's net site area to be developed as PAOS. Because the Proposed Project is Master Planned and Multi-Phased, the PAOS requirement applies to the Project as a whole and is not allocated evenly among the project phases. However, consistent with WC 2035 Plan Section 6.2.2.1 and DIR Condition 14.b, PAOS should be calculated based on the net site area of the entire Project Site. Therefore, we respectfully request that the Commission **delete the second-to-last sentence in DIR Conditions 2.a.i-2.a.viii**, as shown in Attachment B.

Relatedly, DIR Condition 14.b.i incorrectly states that the Project provides 231,445 square feet of PAOS, when 121,683 square feet of PAOS is provided (or approximately 11% of the entire Project Site net area), with the remaining 109,762 square feet provided as open space but not PAOS. Conditioning the excess open space as PAOS would preclude the Applicant from seeking credit towards the park requirements in LAMC Section 12.33. Therefore, the Applicant requests the Commission's approval of the revised language shown for **DIR Condition 14.b.i** in Attachment B. Moreover, **DIR Condition 15.n** includes a sentence that requires a covenant and agreement demonstrating the required and provided PAOS to "include information regarding the ongoing maintenance and operation of the open space areas and on-going public access through easement." This is not a requirement of the WC 2035 Plan and cannot be required as a Condition of the DIR Determination; we therefore request **the deletion of the second-to-last sentence in DIR Condition 15.n**, as shown in "Attachment B".

As another example, while we appreciate and agree with Staff's modification to DIR Condition 12 to correct the front setback requirement that applies to the Project Site, we do not agree with the recommended **front setback requirement for Adler Drive**. Based on several past discussions between Staff and the Applicant, it was agreed that the Variel Avenue extension discussed in the WC 2035 Plan, and shown as Adler Drive in the Project plans, would remain a private driveway that could be utilized as public-through access in the future to connect to Variel Avenue to the north. At a meeting held on August 10, 2018, Staff agreed that Adler Drive would not

be treated as a New Street, and therefore would not be required to meet the Active Street Frontage requirements. Despite this agreement, the Staff Report requires that Adler Drive be treated as an Active Street Frontage and therefore be subject to a setback requirement of a minimum of 12 feet and a maximum of 15 feet. This setback requirement would impact the approved design of Building 4, which has a minimum setback of 5 feet, 11 inches along Adler Drive. In keeping with the previous direction of Staff, the Applicant requests that the Commission approve the requested revisions with respect to Adler Drive in **DIR Condition 12**, as shown in Attachment B.

As a further example, regarding the level of specificity in the Conditions pertaining to required **automobile and bicycle parking spaces**, the Staff Report states that the Letter of Determination is issued for a specific project and therefore reflects the approval of parking based on the detailed Project plans. The Staff Report also states compliance is assessed using the substantial compliance/conformance process during condition clearance. While these are fair statements, the Conditions are still far too specific for a project of this scale and, once development plans are completed, will undoubtedly require further modification. Rather than prescribing the exact number, size and type of parking spaces that must be provided for the total Project, the Conditions should require compliance with the applicable parking requirements in the WC 2035 Plan. This would allow for the typical deviations that result during final project design and accommodate decreases or increases in parking counts (within the prescribed minimums and maximums of the WC 2035 Plan) based on demand. Note that the requested revisions are similar to the parking condition imposed on the Westfield Promenade project (Case No. ZA-2016-3908-MCUP-DI-SPP; Condition 60). We respectfully request the Commission's approval of the revisions requested to **DIR Conditions 18.a, 18.b, 19.a and 19.b**, as shown in Attachment B.

With respect to Conditions pertaining to the removal and planting of **street trees**, although Staff recommends, and the Applicant appreciates, the modification to VTT Condition 30, we feel the requested revisions to the other Conditions (VTT Condition 31 and DIR Condition 10.q.) provide needed clarity that the standards of the WC 2035 Plan prevail in the event of a conflict with the Urban Forestry Division's Citywide standards. In addition, the requested revisions to DIR Condition 10.q reflect the infeasibility of relocating existing street trees. We respectfully request that the Commission approve the requested revisions to **VTT Condition 31 and DIR Condition 10.q**, as shown in Attachments A and B.

There are numerous other Conditions that should be approved as requested in Attachments A and B for consistency with the WC 2035 Plan or the approved Project plans. These include, but are not limited to, **VTT Conditions 22.o and 39, and DIR Conditions 1, 2.b, 3, 11, 13, 18.d, 24, 25.b.i-25.b.iv and 27**.

CONCLUSION

On behalf of the Applicant, we thank you for your time and consideration of these very important issues. We know that many of the requested changes to the Conditions are complicated and in some cases confusing, but the requests are made with the best of intentions so that at the end of this seven-year design and entitlement process, a viable Master-Planned, Multi-Phased Project that is fully consistent with the WC 2035 Plan can actually be implemented. The Applicant, in spite of the time and cost to get through this process, remains committed to the development of a wonderfully integrated Project. However, this cannot be accomplished unless your Commission supports the proposed changes to the Determination Letters as requested. The likely alternative, if these changes are not approved, is the individual sale of the 12 lots and the piecemeal redevelopment of the 24-acre

campus, as permitted by the WC 2035 Plan. The Applicant does not believe this is in the best interest of the City or the community, and respectfully requests your support for the proposed revisions.

Once again, thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad M. Rosenheim". The signature is fluid and cursive, with the first name "Brad" being the most prominent.

Brad M. Rosenheim
ROSENHEIM & ASSOCIATES, INC.

cc: Ms. Lisa Webber, Department of City Planning
Ms. Blake Lamb, Department of City Planning
Ms. Michelle Levy, Department of City Planning
Mr. Tim Fargo, Department of City Planning
Ms. Elizabeth Ene, Office of Councilmember Bob Blumenfield
Mr. Richard S. Gable, Adler Realty Investments, Inc.
Jack H. Rubens, Esq., Sheppard Mullin

DAY OF HEARING SUBMISSIONS



Planning CPC <cpc@lacity.org>

Letter for City planning mtg 6/25/20

JIM RAHM <jlrahm@sbcglobal.net>
To: "cpc@lacity.org" <cpc@lacity.org>

Tue, Jun 23, 2020 at 11:52 AM

Please provide my letter below to the Planning commissioners for the 6/25/20 mtg.
(Agenda item 5a)

Dear Planning Commissioners;

Re:Sierra Canyon School bleacher project
(CPC-2019-627-CU-ZAD-SPR)

My comments re this project are:

**Condition #4 should be modified to include ONLY night varsity football games.
The current wording allows any use, any time. (Studies were done for night only!)**

**A compliance hearing re this project after a few years to see if all requirements
and rules are being complied with properly. This IS a major project and
needs proper feedback!**

Thank you,

James L Rahm
20618 Tulsa St.
Chatsworth, CA 91311



Planning CPC <cpc@lacity.org>

Oversized project in Sherman Oaks

Ana Maria Bahiana <ambahiana@gmail.com>

Wed, Jun 24, 2020 at 3:47 PM

To: CPC@lacity.org

Dear madam and sir,

the project to allow a 75-feet tall, six-story mixed-use building on Ventura Blvd between Lemona and Noble must not happen. The proposed oversized project exceeds current city zoning standards and is severely detrimental to our quiet neighborhood. Current zoning limits buildings to a height of 30 feet. The planned development would be a 75 feet tall building, with 33 apartment units and a restaurant, with a mere 45 parking spaces and 40 bicycle spaces.

The already congested area will see an increase in traffic, noise, and air pollution. It is already near impossible for local residents to park on their own streets.

The access traffic to the 405 is already a nightmare - it takes between 30 and 40 minutes between Kester and Sepulveda.

The proposed development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures along Ventura.

The project has been voted down by the Sherman Oaks Neighborhood Council.

Please don't allow this monstrosity to go on.

Sincerely,

--

Ana Maria Bahiana
4622 Norwich Avenue
Sherman Oaks CA 91403

--

Ana Maria Bahiana
SuperContent
(323) 360 1457
skype: ambahiana



Planning CPC <cpc@lacity.org>

Case # CPC 2019-4968-DB-SPR-WDI

Ashlyn Bishop <ashlynb8@yahoo.com>

Wed, Jun 24, 2020 at 10:54 AM

To: cpc@lacity.org

I am a resident at [14315 Moorpark Street](#) in an apartment building, and I am opposed to the overdevelopment of [15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403](#). The zoning for this area is a 3 story building, and the proposed development is 6 stories. It's against the zoning limits, and therefore, case closed. The Sherman Oaks Neighborhood Council voted against it, therefore, case closed. The proposed building is only offering 40 parking spots, which is not sufficient enough. Parking in this area is an atrocity. I have had to drive around for 20 minutes to find a parking spot when visiting friends in the neighborhood behind. Also, the traffic in this area is already clogged. Have you ever seen how many commuters take Ventura Blvd to get to the 405 in the mornings? We don't need more congestion. In case you hadn't heard, lots of people are leaving CA and Los Angeles because of losing their jobs and aren't able to afford to live here. There is no housing shortage. I strongly oppose this development.

Ashlyn Bishop



Planning CPC <cpc@lacity.org>

Fwd: Six-story bldg on Ventura noncompliant with Specific Plan

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 11:58 AM

re: Item# 6 for 6/25 CPC Meeting

LOS ANGELES
CITY PLANNING

Marianne King
City Planning Associate
Los Angeles City Planning

6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Craig Faustus Buck** <craig@craigfaustusbuck.com>

Date: Tue, Jun 23, 2020 at 11:28 AM

Subject: Six-story bldg on Ventura noncompliant with Specific Plan

To: <David.Ryu@lacity.org>, <Brad.Fingard@lacity.org>, <Emma.Howard@lacity.org>, <Marianne.King@lacity.org>

Dear LA City,

I understand a plan is under consideration on Ventura Blvd. in Sherman Oaks to build a six-story development in violation of the area's Specific Plan. As a former member of the Specific Plan Advisory Board, the Sherman Oaks Neighborhood Council, and SONC's Land Use Committee, I strenuously oppose any exceptions to the Plan on the Corridor. The Sherman Oaks Hills are already under assault by the FAA's new flight corridor, we don't need new assaults of our views (property values) and long-standing traffic struggles.

Thank you,

Craig Buck
91403



Planning CPC <cpc@lacity.org>

RE: Case # CPC 2019-4968-DB-SPR-WDI

caryn burgh <cdburgh12@gmail.com>

Tue, Jun 23, 2020 at 6:56 PM

To: cpc@lacity.org

RE: Case # CPC 2019-4968-DB-SPR-WDI

FROM: Caryn Burgh [14463 Greenleaf Street, Sherman Oaks 91423](#)

Overdevelopment of 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

I am one of many local residents in opposition to this project.

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-feet tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood. The current zoning limits structures to a height of 30 feet. The planned development is a 75-feet tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle?

The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day: Kester, Saloma, Lemona, Norwich, Noble, Moorepark, Burnet, and Columbus. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse!

The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. We strongly oppose this project!



Planning CPC <cpc@lacity.org>

Fwd: Concern Regarding CASE# CPC 2019-4968-DB-SPR-WDI

Cecilia Lamas <cecilia.lamas@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 24, 2020 at 10:17 AM



Cecilia Lamas
Commission Executive Assistant
Los Angeles City Planning
200 N. Spring St., Room 272
Los Angeles, CA. 90012
Planning4LA.org
T: (213) 978-1299 | (213) 978-1300



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

From: <colleenoc@nym.hush.com>
Date: Wed, Jun 24, 2020 at 10:11 AM
Subject: Concern Regarding CASE# CPC 2019-4968-DB-SPR-WDI
To: <renee.weitzer@lacity.org>, <cecilia.lamas@lacity.org>, <david.ryu@lacity.org>
Cc: <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

Dear Renee, David, and Cecilia,

We have never met and in truth before yesterday, this may be the first time I have ever written city officials although I was born and raised in Sherman Oaks and have seen the transition from a sleepy "Valley" suburb with gas stations on every corner, open-air Fashion Square (which ironically used to look like the beautiful "new" outdoor malls today!), Westward Ho Market, and pet shops to the strong attempt to imitate the Westside it has turned into. Family friends whose children attend school in the SFV, but live in Bel Air now tell us that Sherman Oaks is "so close" for shopping, social, and dining, in large part because the Westside is even MORE crowded now vs. 30 -40 years ago! I am a third-generation LA native and my entire extended family lives along the south end of the Valley. Progress and growth are helpful in some ways to all of the sunny cities of California but we have an expectation of responsibility from our officials.

The Sherman Oaks neighbors are VERY worried and have a good reason for concern. Lack of parking is a HUGE issue here - unlike Beverly Hills or Westwood where LARGE, low priced parking lots are on every corner, open to guests, employees, and customers or in San Francisco where city dwellers in high-density rentals lease long term parking spots, Sherman Oaks is increasingly difficult to navigate as a resident (**renter or owner**) or to patronize our businesses or just drive our children to school.

Maybe someone should turn this project into an affordably priced city lot like many Westside communities have which would increase revenue for LA, Ventura Blvd. businesses, and ease the local parking problems! (Free for 1- 2 hours and just a few dollars for time beyond that - like Beverly Hills or Santa Monica?) *****My family has NO**

personal interest in the business side of Sherman Oaks except for ease of shopping, parking, and driving time. I work on the Westside and my husband works in Downtown LA.* Our home has a driveway long enough to park 8-10 cars if needed, so street parking for us also isn't my sole reason for this note, except that it IS very crowded in front of my home and now my parent's house 3-4 blocks away. We are not alone in this perspective.**

My husband and I rarely get involved in these neighborhood issues - My siblings and I grew up here during the construction of the original Galleria, attended pre-school on Noble Ave and walked to movie theatres (The Sherman was one) which was across the street from this proposed building. We have seen growth for better (restaurants and amenities) or worse (traffic, more urban and less suburban environment) as our own children have grown up here too.

-----> This project is different and what is most worrisome is that we understand has been "slid" under or behind the legal fence of the zoning committee to override reasonable growth and height laws. **It is unclear if anything illegal has occurred, but we understand that someone involved was allegedly just brought up on fraud charges??** The vote of the Sherman Oaks Council denied the project apparently, but it is still going on..... **The architect and/or construction firm is pushing it through for personal gain from what we've been told. It sounds like significant self-interest from multiple parties and it is your duty and responsibility of trust to citizens look into this and not just sweep it along.** Perhaps this time the local news needs to be notified to help sort it all out?

Six stories is too high for this area without proper parking for the residents or restaurant patrons and bike spots are not a substitute for proper parking for apt. dwellers. It isn't fair to the prospective renters or to us as homeowners.

Thank you for listening. Please, please enforce the current zoning laws and do not allow an exception!
Colleen Consola.

Sent using Hushmail



Planning CPC <cpc@lacity.org>

Fwd: Opposition to CASE Project #CPC 2019 -4968-DB-SPR-WDI

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 11:57 AM

re: Item# 6 for 6/25 CPC Meeting



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: <colleenoc@nym.hush.com>

Date: Tue, Jun 23, 2020 at 11:24 AM

Subject: Opposition to CASE Project #CPC 2019 -4968-DB-SPR-WDI

To: <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

Dear Mr. Finard, Ms. Howard, Ms. King,

This is a follow up to my phone calls and voicemails.

I have lived in the affected area for over 50 years - on Noble Avenue and on Lemona Avenue in Sherman Oaks. I am one of many local residents in opposition to this project and am not usually one to get involved in local politics, but in this situation, there has been a lack of oversight that could seriously harm the neighborhood.

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed oversized project exceeds the current city zoning standards and is detrimental to our neighborhood.

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do you actually believe 40 people will commute via bicycle?

The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is

increasingly difficult. This development would make it much worse!

The planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard.

This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain.

We strongly oppose this project!

Thank you for your consideration and assistance.

Sincerely,

Colleen Consola - 6/23/2020

[4614 Lemona Ave. Sherman Oaks, CA 91403](#)

"Always pray and never give up" Luke 18:1

Sent using Hushmail



Planning CPC <cpc@lacity.org>

Fwd: Ventura Blvd Sherman Oaks Opposition

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 11:50 AM

re:Item #6 for 6/25 CPC Meeting



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **CHARLES WILLSON** <CWILLSONJR@msn.com>
Date: Tue, Jun 23, 2020 at 9:15 AM
Subject: Ventura Blvd Sherman Oaks Opposition
To: marianne.king@lacity.org <marianne.king@lacity.org>

Ms. King,

This is Charles Willson and I live on Cody Road in Sherman Oaks and my PO Box - LA postal is next to this project. Please do not change the zoning height law for this new project next to Blue Jam on Ventura. The parking spots are not adequate for the use of the property! Let's be reasonable.

Regards,
Charles

Charles Willson CPA
(310) 444-2000
FAX (818) 990-2201
[15021 Ventura Blvd., Ste 890](mailto:cwillsonjr@msn.com)
Sherman Oaks, CA 91403
cwillsonjr@msn.com

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Planning CPC <cpc@lacity.org>

Sherman Oaks Apartment Proposal

Christine Zahka <christinezahka@gmail.com>
To: cpc@lacity.org

Wed, Jun 24, 2020 at 9:13 AM

Hi,

I want to express concern regarding what I've heard to be a Six story multi family building on Ventura Blvd in Sherman Oaks. I believe a structure of this size, with inadequate parking for the number of units, may be against the Ventura-Cahuenga Corridor Specific Plan. Anyway, hope this is looked into before approved. Congestion is increasing in the area as it is, and I am greatly concerned about this proposal.

Thank you,

Christine



Planning CPC <cpc@lacity.org>

Please oppose proposal to overdevelop 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

Dan Kaufman <in@quazyx.com>

Wed, Jun 24, 2020 at 3:33 PM

To: David.Ryu@lacity.org, cpc@lacity.org, Brad.Fingard@lacity.org, Emma.Howard@lacity.org, Marianne.King@lacity.org

RE: Case # CPC 2019-4968-DB-SPR-WDI

Overdevelopment of 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

I'm a resident of this neighborhood, live a few blocks from this location, and strongly oppose this project. This is a very congested area with severe parking and traffic issues.

The nearby 101 and 405 freeway interchange is the busiest in the country. Every weekday morning driving the 0.5 miles on Ventura Blvd from Kester Ave to Sepulveda Blvd takes at least half an hour and this project is on Ventura Blvd nearly in the middle of this severely congested route. Many of the surrounding streets become clogged every weekday morning with overflow traffic.

Parking is always severely limited in the area and spills out onto the surrounding residential streets, making parking already extremely problematic for residents.

The proposed building does not conform to the zoning limits set for this area and does not adhere to the already established Ventura-Cahuenga Corridor Specific Plan:

https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces. This is not remotely enough parking for a building of that size. The plan is for access to the property to be gained through a poorly maintained and narrow alley. This planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. There are plenty of places in the Valley that are not nearly as congested and will provide significantly more affordable housing than anything built on Ventura Blvd in this area.

This project has been voted down by the Sherman Oaks Neighborhood Council, so the developer, architect and other advisors are trying to go around the Sherman Oaks Neighborhood Council. The negative impact of this project on both the surrounding neighborhood and the flow of traffic from many areas to reach the 101 and the 405 will be substantial and is unacceptable.

I urge you to oppose this project and ensure that the property be developed in a more reasonable and rational way.

Thank you.

Dan Kaufman
4725 Saloma Ave
Sherman Oaks, CA 91403
in@quazyx.com



Planning CPC <cpc@lacity.org>

15027-15033 W Ventura Blvd

Erica Helwick <erica.helwick@gmail.com>

Tue, Jun 23, 2020 at 8:22 PM

To: cpc@lacity.org

My name is Erica Doyle and I'm a home owner at [15024 Moorpark St, Unit 7, Sherman Oaks, CA 91403](#). I'm writing to vehemently oppose the new 6 story construction at [15027-15033 W Ventura Blvd](#). Part of the reason we bought our property was for the great views of the mountains and all of the natural light - not to stare directly into another building. This will be an eyesore and will stick out of place amidst the other, much lower standing, buildings. I hope it will not be approved.

Thank you,

Erica Doyle



Planning CPC <cpc@lacity.org>

Fwd: Opposition to Zoning Change for Ventura Boulevard

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 12:52 PM

re: Item #6, CPC-2019-4968-DB-SPP-WDI



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Janis G. Abrams** <jgabramsesq@gmail.com>

Date: Tue, Jun 23, 2020 at 12:49 PM

Subject: Opposition to Zoning Change for Ventura Boulevard

To: <david.rye@lacity.org>, <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

As a local resident ([14159 Dickens Street, Sherman Oaks](#)), I oppose the zoning change proposed tonight for the development of a 6-story building proposed for Ventura Boulevard to permit a building housing 33 multifamily housing units plus a restaurant. There is insufficient parking for existing businesses, forcing customers to pay for valet parking 100% of the time. Residents on the adjacent streets won't be able to park on their own streets, or have guests visit. Parking in my area (Stansbury/Dickens) is impossible... guests have no place to park. The additional traffic on Ventura will be untenable.

I oppose reducing LAPD's budget, especially when officers will be diverted to deal with untenable traffic in the areas. I'm a life-long Californian, and resident of Los Angeles since I was a small child. I graduated from LAUSD and UC Berkeley.

I'm 65 and will be leaving California within the next five years..

Janis G. Abrams, Esq.

818.461.0268

jgabramsesq@gmail.com

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WE HAVE AGREED TO DO SO IN WRITING.**



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Please oppose proposal to overdevelop 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

K Kaufman <kenyettakauffman@gmail.com>

Wed, Jun 24, 2020 at 7:47 PM

To: David.Ryu@lacity.org, cpc@lacity.org, Brad.Fingard@lacity.org, Emma.Howard@lacity.org, Marianne.King@lacity.org

RE: Case # CPC 2019-4968-DB-SPR-WDI

Overdevelopment of 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

I'm a resident of this neighborhood, live a few blocks from this location, and strongly oppose this project. This is a very congested area with severe parking and traffic issues.

The nearby 101 and 405 freeway interchange is the busiest in the country. Every weekday morning driving the 0.5 miles on Ventura Blvd from Kester Ave to Sepulveda Blvd takes at least half an hour and this project is on Ventura Blvd nearly in the middle of this severely congested route. Many of the surrounding streets become clogged every weekday morning with overflow traffic.

Parking is always severely limited in the area and spills out onto the surrounding residential streets, making parking already extremely problematic for residents.

The proposed building does not conform to the zoning limits set for this area and does not adhere to the already established Ventura-Cahuenga Corridor Specific Plan:

https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces. This is not remotely enough parking for a building of that size. The plan is for access to the property to be gained through a poorly maintained and narrow alley. This planned development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. There are plenty of places in the Valley that are not nearly as congested and will provide significantly more affordable housing than anything built on Ventura Blvd in this area.

This project has been voted down by the Sherman Oaks Neighborhood Council, so the developer, architect and other advisors are trying to go around the Sherman Oaks Neighborhood Council. The negative impact of this project on both the surrounding neighborhood and the flow of traffic from many areas to reach the 101 and the 405 will be substantial and is unacceptable.

I urge you to oppose this project and ensure that the property be developed in a more reasonable and rational way.

Thank you.

Kenyetta Kaufman
[4725 Saloma Ave](#)
Sherman Oaks, CA 91403
KenyettaKaufman@gmail.com



Planning CPC <cpc@lacity.org>

Case #CPC-2019-4968-DB-SPR-WDI

Lisa Cappelletti <drlisacap@gmail.com>

Tue, Jun 23, 2020 at 8:09 PM

To: cpc@lacity.org

June 22, 2020

Re.: Case #CPC-2019-4968-DB-SPR-WDI

Dear Ms. Lamas,

The planned change of use of this property presents a few problematic issues:

1. A six story building is simply too large for that space. A three story structure could work, but beyond that the size and the consequent volume of people and activity would overwhelm the neighborhood.
2. There are only 49 parking spaces allocated for the 33 units and commercial space. That is unacceptable. The 40 bicycle spaces are excessive and do not correct for the lack of car parking spaces. As it stands now, there is not sufficient parking on Ventura Blvd. to meet the needs of local restaurant and business patrons.
3. This would further burden the problematic traffic issues of our neighborhood. The overwhelming congestion plus the concomitant danger (there have been multiple pedestrian fatalities within 500 feet of this construction project) make this an undesirable choice.

For these reasons I believe a redesign addressing these issues is imperative. To ignore these concerns would be to neglect the consideration of the residents of the surrounding area, plus those who drive or use transportation on Ventura Blvd.

Thank you for your service and commitment to our community, and for your attention to this grievous matter.

Sincerely,

Lisa Cappelletti
18-year Sherman Oaks resident and Lemona Ave. homeowner



Planning CPC <cpc@lacity.org>

RE: Case # CPC 2019-4968-DB-SPR-WDI Over development of 15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403

Lisa Morlas <lisamarie14@sbcglobal.net>

Tue, Jun 23, 2020 at 3:28 PM

To: "David.Ryu@lacity.org" <David.Ryu@lacity.org>

Cc: "cpc@lacity.org" <cpc@lacity.org>, "Brad.Fingard@lacity.org" <Brad.Fingard@lacity.org>, "Emma.Howard@lacity.org" <Emma.Howard@lacity.org>, "Marianne.King@lacity.org" <Marianne.King@lacity.org>

I am one of many local residents in opposition to this project. The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood. The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant, but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day: Kester, Saloma, Lemona, Norwich, Noble, Moorpark, Burnet and Columbus. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for us residents to park on our own street or to have family and friends park on our streets when they visit. The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse! The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many. This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. We strongly oppose this project!

Thank you for your time in this matter.

Sincerely,

Lisa Morlas (residential homeowner)

[14651 Huston St](#)

Sherman Oaks, CA 91403



Planning CPC <cpc@lacity.org>

Fwd: Against building 15027-15034 Ventura Boulevard

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 2:28 PM

re: Item# 6 for CPC-2019-4968



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **mindnever2000** <mindnever2000@aol.com>
Date: Tue, Jun 23, 2020 at 1:33 PM
Subject: Against building 15027-15034 Ventura Boulevard
To: <brad.fingard@lacity.org>, <emma.howard@lacity.org>, <marianne.king@lacity.org>

Good afternoon,

I'm writing to voice my disappointment regarding the overdevelopment at [15027 - 15034 Ventura Boulevard](#). I attended a council meeting last year in which I voiced my opposition to this building as well. As this topic comes up again for discussion, I strongly oppose the development. My concern is that not only will the traffic be worse which is already horrible. But just the construction alone will most likely cause damage to our building at [15024 Moorpark Street](#). I do not know what kind of protection the developer will provide to us.

Currently the alley traffic is already extremely busy with delivery trucks and fast cars causing the road ways to fall apart with several potholes. We recently went through a development of eight family home complex next door to us as well. From a health perspective, I am also concerned about whatever elements may be brought into our homes. Why do we need more buildings when there is already so many vacancies along Ventura Blvd?

Please reconsider this development.

Thank you,
Lorie Paset
818-903-3663



Planning CPC <cpc@lacity.org>

Fwd: Proposed 75 food building on Ventura Blvd

Marianne King <marianne.king@lacity.org>
To: Planning CPC <cpc@lacity.org>

Tue, Jun 23, 2020 at 11:48 AM

re: Item # 6 for 6/25 CPC Meeting



Marianne King
City Planning Associate
Los Angeles City Planning
6262 Van Nuys Blvd., Room 430
Van Nuys, CA 91401
Planning4LA.org
T: (818) 374-5059

E-NEWS

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

From: **Linda** <llmero@aol.com>
Date: Tue, Jun 23, 2020 at 10:37 AM
Subject: Proposed 75 food building on Ventura Blvd
To: <Marianne.King@lacity.org>

Please do NOT approve the proposed 75 ft, 6-story multifamily building on Ventura Blvd between the Topsy Cow and Blu Jam Cafe in Sherman Oaks. The current zoning limit is 30 feet, less than half the proposed project. This is far too high for our neighborhood and will provide far more congestion than we can stand.

Linda Mero



Proposed 6-Story Building on Ventura Blvd in Sherman Oaks

Mardrie Mullen <mardrie@sbcglobal.net>

Tue, Jun 23, 2020 at 8:42 PM

Reply-To: Mardrie Mullen <mardrie@sbcglobal.net>

To: "cpc@lacity.org" <cpc@lacity.org>

The proposed 75ft, 6-story multifamily building on Ventura Blvd (between Topsy Cow and Blu Jam Cafe) in Sherman Oaks is too large for our neighborhood. The current zoning limit is 30ft - 3 stories. The developer and his architect, are pushing the city to change the zoning on the property. 45 parking spaces for 33 multifamily units plus a restaurant is a ridiculous request. Kester, Saloma, Lemona, Norwich, Noble, Moorpark: all of these streets will be overrun with overflow parking every day! Driving on Ventura Blvd will be even worse- hard to believe!

A three-story building with adequate parking (2 spaces per unit plus an additional 12 spaces for the restaurant) would be both within city code and a reasonable solution to provide additional housing to an already congested neighborhood.

This proposed development on Ventura is in violation of the Ventura-Cahuenga Corridor Specific Plan.

Ventura Blvd in Sherman Oaks is turning into a mini New York. Breaks my heart to see the small businesses disappear and mega building replacing them. Sherman Oaks is losing its charm and has become more corrupt with crime and a homeless population. The small apartment buildings being torn down and replaced with gigantic apartment complexes are congesting the streets and leaving little parking for residents who live here. Can we stop being greedy and think about the needs of the neighborhood?

Mardrie Mullen

Mardrie@sbcglobal.net



Planning CPC <cpc@lacity.org>

Case # CPC 2019-4968-DB-SPR-WDI

Michele <32yksnus@gmail.com>

Tue, Jun 23, 2020 at 7:23 PM

To: David.Ryu@lacity.org, cpc@lacity.org, brad.fingard@lacity.org, emma.howard@lacity.org, marianne.king@lacity.org

DATE: June 23, 2020

TO: Councilman David Ryu,
Cecilia Lamas, Brad Fingard, Emma Howard, Marianne King

From: Michele Ramirez

[15304 ALBERS ST APT 13](#)[Sherman Oaks, CA 91411](#)

RE: Case # CPC 2019-4968-DB-SPR-WDI

Overdevelopment of [15027-15033](#) W. Ventura Blvd. Sherman Oaks, CA 91403

I am one of many local residents in opposition to this project.

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood.

The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle?

The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day: Kester, Saloma, Lemona, Norwich, Noble, Moorepark, Burnet, and Columbus. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse!

The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. We strongly oppose this project!

Sincerely,

Michele Ramirez



Case# CPC 2019-4968-DB-SPR-WDI

marie m <mariemarsico1@yahoo.com>
To: david.ryu@lacity.org
Cc: cpc@lacity.org, brad.fingard@lacity.org

Wed, Jun 24, 2020 at 5:34 PM

Marie Marsico
Property owner - [14945 Dickens Street, Sherman Oaks 91403](#)
Re: Overdevelopment of [15027-15033 Ventura Blvd](#) 91403

Dear David Ryu, Cecilia Lamas, and Brad Fingard:

Please stop this Sherman Oaks project which will continue to destroy our neighborhood! Traffic, noise, density along with vagrancy are diminishing the quality of life in this community.

I am one of many local residents in opposition to this project.

The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-feet tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood. The current zoning limits structures to a height of 30 feet. The planned development is a 75-feet tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle?

The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day: Kester, Saloma, Lemona, Norwich, Noble, Moorepark, Burnet, and Columbus. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit.

The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse!

The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many.

This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. We strongly oppose this project!



Planning CPC <cpc@lacity.org>

Proposed development at 15027-15033 W Ventura Blvd

Todd Cohen <mrcohen@gmail.com>

Wed, Jun 24, 2020 at 2:24 PM

To: CPC@lacity.org, brad.fingard@lacity.org, emma.howard@lacity.org, marianne.king@lacity.org

Case # CPC 2019-4968-DB-SPR-WDI

I am a homeowner and resident of nearly 15 years on Norwich Avenue between Moorpark and Camarillo Streets, effectively located directly behind this proposed new development, and I am writing to strongly protest it's approval. My understanding is that it exceeds zoning standards already so I am unclear why it is even being considered? Having done extensive permitted remodeling on my own residence I am well aware of how difficult and stringent the building codes in Los Angeles and California are, and yet commercial builders seem to continue to end run the rules, end run local jurisdictions (the Sherman Oaks Neighborhood Council already voted this development down), overpromise on the benefit of their projects and then under deliver. However, by the time they fail to deliver they've long since made their profit and moved on, leaving neighborhoods overcrowded and unsafe.

Approval of this building at its proposed height is absolutely unacceptable. Approval of this project with the current parking plan is absolutely unacceptable. Approval of this project altogether, given its illegal planning and its attempt to disregard the democratically determined ruling of its local residents, is entirely unacceptable. Our neighborhood is already terribly congested with traffic and is becoming increasingly overwhelmed by the city's ballooning homeless problem. This proposed development will only worsen the situation.

Thank you,

Todd Cohen



Fwd: No to Zoning changes in Sherman Oaks on Ventura Blvd.

Tami Kurian <tamikur@gmail.com>
To: cpc@lacity.org

Wed, Jun 24, 2020 at 8:05 PM

NO TO ZONING CHANGES - KEEP THE CURRENT ZONING TO 30 FEET - 3 STORIES

FROM: TAMI KURIAN - VALLEYHEART AND WILLIS
RE: Case # CPC 2019-4968-DB-SPR-WDI
Overdevelopment of [15027-15033 W. Ventura Blvd. Sherman Oaks, CA 91403](#)

I am one of many local residents in opposition to this project. The change of use required to convert the one (1)-story retail properties on Ventura Boulevard between Lemona and Noble into a six (6)-story, 75-foot tall, six-story mixed use building must not happen. The proposed oversized project exceeds current city zoning standards and is detrimental to our neighborhood. The current zoning limits structures to a height of 30 feet. The planned development is a 75-foot tall building with 33 apartment units and a restaurant but only 45 parking spaces and 40 bicycle parking spaces. Do they actually believe 40 people will commute via bicycle? The plan is for access to the property to be gained through the poorly maintained alley. Daytime and evening parking will spill out to every surrounding street every day: Kester, Saloma, Lemona, Norwich, Noble, Moorepark, Burnet, and Columbus. The neighborhood is already crowded with parking from the existing multifamily units, restaurants and local retailers. It is currently near impossible for we residents to park on our own street or to have family and friends park on our streets when they visit. The traffic on Ventura Boulevard is so busy most weekdays that heading west from Kester to Sepulveda in the mornings can take upwards of 30 minutes. Southbound traffic on Kester, Noble and Sepulveda is also horrible in the mornings. This development would make it much worse!

I am sure that the new Pavillions will be causing more traffic - and it is already a nightmare to cross Ventura to get over the hill most mornings - (pre covid) with this new building there will be more cars making turns from the middle turn lane to get on the blvd. The less the better - the fact that there are 4 Starbucks in a mile radius of this property proves there is a lot of traffic in the area.

The planned monstrous development is taller than any other building east of the intersection of Sepulveda and Ventura and it will set a dangerous precedent for similar oversized structures on Ventura Boulevard. We must keep this project from being developed or it will be the first of many. This project has been voted down by the Sherman Oaks Neighborhood Council. The developer, architect and other advisors are trying to go around OUR Sherman Oaks Neighborhood Council by having the city notify us of a hearing and hoping, expecting that we will not complain. We strongly oppose this project!

On Tue, Jun 23, 2020 at 4:35 PM Tami Kurian <tamikur@gmail.com> wrote:

| NO TO ZONING CHANGES - KEEP THE CURRENT ZONING TO 30 FEET - 3 STORIES

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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DEPUTY DIRECTOR

June 25, 2020

Honorable Commissioners,

Re: Representative Letter dated June 23, 2020 – 1045 Olive (CPC-2017-3251).

On June 23, 2020, the Applicant representative (“representative”) for the 1045 Olive Project (“Project”) submitted correspondence to the City Planning Commission challenging Planning Staff’s Supplemental Report. The representative raises many falsehoods, and our intent with this letter is to simply clarify the misrepresentations and misguided assertions that have been raised.

Among the many faulty claims, the representative states surprise at the contents of Planning Staff’s Supplemental Report despite a phone call and a follow up email to the representative on June 8, 2020 with the correct calculations Planning Staff would present to CPC; affirms his arbitrary and erroneous interpretation of the City’s TFAR ordinance; falsely claims that the City’s worksheet was unofficial; and requests that the Planning Department’s request for an accurate accounting of correctly calculated transfer area, Transfer Payment, and Public Benefit Payment be disregarded. Moreover, since the filing of the original application for the Project, the representative has continually modified and re-calculated the Public Benefit and Transfer Payments, with each version resulting in different numbers from the last, and in every instance undercutting the full value of what is due to the City. This demonstrates that the representative’s actions appear disingenuous. If the representative was firm in his argument that the LAMC is clear and unambiguous, he would stand by his original calculation. Instead, he has modified his calculations no fewer than three times with the same intent to undermine the City’s TFAR process. Attached to this letter is a summary of the various calculations the representative has presented over the course of the City’s processing of this case, and which further demonstrates that the representative is misguided and deliberate in his attempt to shortchange the City.

While the representative conceded the LAMC interpretation of “Lot Area” is correct in his April 30, 2020 letter, and no longer disputes the definition, he is attempting to create confusion as to the meaning and application of when the definition of Lot Area and Buildable Area is utilized in calculating the Maximum Allowable Floor Area, Transfer Payment, and Public Benefit Payment. Staff maintains that definitions have been consistently applied, and Lot Area, Buildable Area, and Floor Area Rights are consistent with the Municipal Code and the Department’s historical interpretation of these definitions.

Representative: Statutory Language of the TFAR Ordinance is Clear and Unambiguous

Staff Response:

The representative misleadingly argues that the Supreme Court's recent interpretation of Title VII of the Civil Rights Act was based on the reasonable meaning of that federal statute while City staff's interpretation of the TFAR ordinance is not. This is completely untrue. The City's interpretation of the TFAR ordinance is clear and unambiguous. ***Only the representative is confused about the plain meaning of the LAMC as it relates to the calculation of Maximum Allowable Floor Area, Transfer Payment, and Public Benefit Payment.*** The representative continues to arbitrarily and favorably parse the definitions contained in the Municipal Code to benefit their Project. The Department's current and historic implementation are consistent in interpreting definitions in LAMC Section 14.5.3, for the following:

Buildable Area: **means the same as Lot Area, with the following exception: for the purposes of computing the maximum Floor Area Rights available** through the approval of a Transfer Plan for a Transit area Mixed Use Project, as defined herein, the buildable area shall include the lot area plus the area between the exterior lot lines and the centerline of any abutting public right-of-way.

Floor Area Rights: means the ability to construct additional Floor Area within a project, pursuant to an approved Transfer Plan, **in excess** of the amount of Floor Area that the Project would be allowed based on the Lot Area, or, in the case of a Transit Area Mixed Use Project, Buildable Area.

As outlined in the Supplemental Staff Report for the Project, calculating the requested floor area involves determining the by-right floor area and maximum Floor Area Rights. The Supplemental Staff Report provided a step-by-step explanation of the calculations implicitly applying the definitions above, and explicitly detailing the process. Per the Buildable Area definition above, Buildable Area can be used in place of Lot Area, but **only when calculating maximum Floor Area rights**. Therefore, when calculating the base floor area, or by-right floor area, **Buildable Area means the same as Lot Area**. When determining the maximum Floor Area allowed, pursuant to the D Limitation on site, the maximum FAR would be 13:1 with TFAR, and the TFAR ordinance allows for the use of the additional public right of way in determining this **maximum Floor Area Rights but reverts to Lot Area for other calculations**. The representative is re-interpreting LAMC definitions for the Applicant's own financial benefit, and to the direct detriment to the City, in an attempt to gain additional transferred floor area at no cost. The TFAR ordinance has not supplied a new definition for Lot Area, **nor does the ordinance supersede the standard process for determining by-right Floor Area, as outlined in LAMC Section 12.03**, but rather its own definitions reinforce the process for by-right calculations.

Representative: City Must Give Meaning to the Clear and Plain Terms of the TFAR Ordinance

Staff Response:

As described above, and consistent with the Municipal Code, the City has made clear the process for determining the terms of the TFAR ordinance and implementing the processes. The representative, misinterprets the definitions in a way which results in a miscalculation and results in a financial advantage for the Project. As stated on page 2 of the last paragraph of the representative's June 23, 2020 letter:

"For a Transit Area Mixed Use Project, multiplying the Buildable Area by a floor area ratio ("FAR") of six calculates the maximum amount of Floor Area that can go up to 13:1 FAR with a Transfer Plan."

This is not only in conflict with the plan language of the LAMC, but also does not accurately describe the process for determining by-right floor area. In fact, if the applicant had not requested a Transfer of Floor Area Rights, the by-right floor area for this project would have been calculated without any need to use the TFAR ordinance. The TFAR ordinance does not afford the Applicant floor area from the public right-of-way within their by-right FAR. The public-right-of-way belongs to the public, not the Applicant. The Applicant is not permitted to take, nor would the City agree to give the Applicant, credit for floor area rights Applicant does not own. As a benefit for participating in the TFAR process, the City does permit the Applicant the ability to purchase additional Floor Area which considers Buildable Area, inclusive of public street areas, but does not to allow the Applicant to use Buildable Area to calculate their by-right floor area. The calculations outlined by the representative in his June 23, 2020 letter credits a private developer with floor area from the public right-of-way. The calculations and Transfer Plan in the Staff Report and Supplemental Report prepared for the Project are correct, and apply the TFAR ordinance consistent with a plain reading of the ordinance.

Representative: Supporting TFAR Ordinance Definitions (LAMC Section 14.5.3)

Staff Response:

As discussed above, the representative continues to apply a misguided interpretation of the LAMC definition, and contradicts the Buildable Area definition they cite on page 3. The plain language of the TFAR ordinance provides for Buildable Area to be used for determining maximum Floor Area Rights, or the maximum amount of area allowed above the by-right FAR, where in calculating by-right floor area, Buildable Area means the same as Lot Area.

Representative: Distinctions in the Staff Supplemental are Not Based on the Law

Staff Response:

The representative cites the Supplemental Staff Report to make an assertion on behalf of the City. This assertion is, in fact correct, that Buildable Area includes areas which the Applicant does not have the legal right to develop without a Transfer Plan. This is correct and is the basis of the TFAR ordinance and process; the requested floor area in excess of the base or by-right area is being purchased from City property. Further, this is expressly stated in the definition for Floor Area Rights listed above, which requires a Transfer Plan to grant Floor Area Rights (area greater than by-right floor area) of any kind. Further, the Buildable Area definition seeks to provide more *transferable floor area* to transit projects, not subsidize transit adjacent projects with, effectively, a shortfall in public benefit dollars by crediting those projects with floor area from areas in the public right-of-way. The representative continues to contend, without merit and in contravention of the express intent and purpose of the TFAR ordinance, that Buildable Area includes areas which the applicant is entitled to build despite being owned by the public. The representative attempts to make this point by conflating a layperson explanation of by-right or “base” floor area. The Supplemental Staff Report for the Project does use the expression “base floor area” a total of four times, but clearly describes what by-right floor area means, without using the expression. A reasonable reading of the report would conclude the term and expression are related or synonymous.

Additionally, the representative again misapplies the meaning of Buildable Area, in the bold and underlined text on page 4. Independent of the misapplication by the representative, as described above, and in the definition of Buildable Area, outside of determining the maximum floor area a Transit Mixed Use Project can build, Buildable Area is the same as Lot Area. So the contention

that there are “no Floor Area Rights for a significant portion of the area forming the basis of the maximum available Floor Area Rights” is correct in that no private developer has the right to build in the public right-of-way. In effect, and as illustrated in the Supplemental Staff Report, Buildable Area allows the developer to purchase the floor area starting at their property line and continuing to the centerline of the adjacent street, which may then be developed on their *private property*, but at no point grants a developer rights to develop the public right-of-way, nor assigns development potential to that area. The representative poses a question at the end of page 4 which posits a situation in which the City’s plain language interpretation of the Buildable Area definition precludes development in whole. This is a logical fallacy. Again, as discussed here Buildable Area is the same as Lot Area, **except** for the purposes of determining the maximum floor area in excess or taken as a difference from the by-right floor area. By-right floor area is not the maximum floor area, and therefore, Buildable Area per its definition is the same as Lot Area.

Representative: Plain Meaning of Lot Area (Prior to Any Dedication) Means What it Says

Staff Response:

As discussed above, the representative has previously conceded that Lot Area for the purposes of TFAR means the horizontal area within the lot lines prior to dedications required as part of the proposal. The representative argues in bad faith that the intent of the LAMC and City Council is to maximize the Lot Area of the Applicant’s site. As previously discussed in the Staff Report and Supplemental Staff Report, dedications made from prior actions are not eligible for inclusion in Lot Area. Further the Council has enacted similar provisions which allow for use of dedicated area, such as the 2007 Greater Downtown Housing Incentive Area, which includes no specific language as the applicant has suggested, but rather includes similar tenses and wording as the TFAR ordinance.

Representative: The TFAR Form was Not an Official Unmodifiable Publicly Available Form

Staff Response:

The representative states that the City did not have an official standard TFAR form and claims that the representative’s modifications of the form were necessary since the form did not adequately address Transit Area Mixed Use Projects. As noted by the representative, the Community Redevelopment Agency (CRA) had previously used a TFAR form in their own review of TFAR projects. This form was updated in 2012 after the City’s TFAR ordinance went into effect in order to incorporate the standards of the City’s TFAR ordinance. This updated CRA form was subsequently used widely by applicants for TFAR requests to the City.

While the City did not have its own separate TFAR form until after the dissolution of the CRA, each TFAR case processed by the City was required to submit the updated CRA application form. As evidenced in all TFAR case filings with the City, the TFAR form was consistently provided as part of the application package and filled out by applicants without being blatantly altered as was done by the representative. Applicants were able to directly input information into the blank spaces of the form by inserting project specific information such as appraisal value, lot area, the amount of floor area requested for transfer, and calculations for Public Benefit Payments and Transfer Payments.

However, rather than simply inputting information into the blank areas of the form, the representative modified the text of the form and the payment formulas, as they did not agree with

the calculations provided on the form. The representative falsely contends that the form was deficient since it did not address the Transit Area Mixed Use Project portion of the TFAR ordinance. However, this is not the case. Several other Transit Area Mixed Use Projects have utilized the CRA TFAR form without modifying the text and payment formulas. Transit Area Mixed Use Projects are only different from standard TFAR projects in that the maximum floor area permitted through a TFAR request is calculated based on Buildable Area rather than Lot Area. As this particular calculation is not shown on the TFAR form, there is no need to modify the form. This is clearly evidenced by the fact that several other Transit Area Mixed Use Projects were able to submit the form without modification to the payment formulas.

Rather than disclosing to the City that the form had been modified, or providing a supplemental attachment with the representative's own calculations for a Transit Area Mixed Use Project, the representative instead altered the payment formula, at a substantial financial benefit to the Applicant and which would have resulted in a loss to the City of over \$11 million dollars. Whether or not the application form had an "official" City form number is irrelevant to the fact that the representative submitted a standardized form used in common practice with the City, that the Applicant signed under penalty of perjury, and then misrepresented their request for floor area and modified the form's formula for their own benefit and to the detriment of the City.

The representative also fails to disclose that he was notified by Planning Staff regarding our awareness of the modified form in a phone call on February 21, 2020, and later admitted in a phone call with Planning Staff on April 27, 2010, that a representative for the Applicant deliberately altered the form, undercutting the full value of the floor area proposed to be purchased and intentionally shortchanging the City of the full value of public benefits intended to be generated for the City's residents.

Representative: The Applicant Clearly Identified Proposed Transfer Plan and Public Benefit Payments

Staff Response:

The representative states that there is a lack of general recognition among City staff regarding the mechanics of processing a Transit Area Mixed Use Project and that the Applicant had been transparent in their proposed Transfer Plan and Public Benefit Payment calculations. The representative references a meeting with the City in 2017, the Applicant's 2017 entitlement package (TFAR application, building plans, project description, and findings), and the Draft EIR as evidence that the Transfer Plan and Public Benefit Calculations were clearly provided to the City.

The representative points to documents that state that the project is a Transit Area Mixed Use Project and that these types of projects may utilize Buildable Area, rather than Lot Area, in determining maximum Floor Area Rights under TFAR. Many of these documents cite or directly repeat the language of the Municipal Code. The City does not dispute these facts and relies on these facts in determining the TFAR floor area to be transferred and payment calculations. These facts fail to support the representative's claim that by-right floor area should be based on Buildable Area. There is no evidence in any of the documents referenced by the representative or in the Municipal Code that it is appropriate to use Buildable Area (to the center-line of the street) in determining by-right floor area rights.

The representative is correct that a number of their submitted documents included several errors. For example, the 2017 entitlement package cites an incorrect and inflated Lot Area in each document. In addition, the representative's incorrect assertion that Buildable Area should be utilized in calculating by-right floor area is demonstrated in two places within these documents - on the cover page calculations of the submitted building plans and on page 17 of the Applicant's submitted findings. The result of this calculation error was also included in other documents. Nonetheless, this does not provide justification that the City should continue to determine by-right floor area rights or benefit calculations based on incorrect information provided by the Applicant.

The representative also references the portion of the updated CRA TFAR form where the representative modified and replaced the words "Lot Area" with "Buildable Area" in the Public Benefit Calculation, and also acknowledges that the representative has unequivocally dropped the interpretation that Buildable Area and Lot Area are interchangeable for purposes of the calculation.

Representative: City Had Many Opportunities to Review the Proposed Transfer Plan and Public Benefit Payments

Staff Response:

The representative provides a listing of various meetings between the Applicant team and City staff, as well as milestone dates for release of environmental documents, the public hearing, and scheduled City Planning Commission dates, and claims that the City has had sufficient opportunity to review the transfer plan and public benefit payment.

The representative curiously also omits several details regarding the City's correspondence with the Applicant team:

On August 15, 2017, an entitlement package for Case No. CPC-2017-3251-TDR-MCUP-SPR was filed with the Department of City Planning. The package included a TFAR application. The TFAR application included a calculation for the required Public Benefit Payment, but did not provide information regarding proposed allocations of the Public Benefit Payment. As the original application form was deficient in those details, the Department of City Planning requested that a completed and revised application be submitted.

On November 26, 2019, the Applicant provided an updated form with proposed allocations of the Public Benefit Payments. Following, on December 4, 2019, the City conducted the TFAR Early Consultation Session to discuss the Applicant's initial proposed allocation for the Public Benefit Payment.

On February 20, 2020, Department of City Planning staff found discrepancies in the Project's TFAR application with regards to the lot area square footage used to calculate the Public Benefit Payment amount and informed the Applicant. Specifically, staff discovered that the Applicant had intentionally altered the City's TFAR application form and replaced Lot Area with Buildable Area in three locations, significantly reducing the Applicant's TFAR payments to their advantage.

On February 21, 2020, Department of City Planning staff discussed the incorrect calculations based on the alterations made to the City's TFAR Form.

On April 27, 2020, Planning Staff spoke with representatives of the Applicant where the representative admitted that someone altered the form on behalf of the Applicant. Planning staff requested the submittal of a corrected TFAR form.

On April 30, 2020, the Applicant submitted a revised TFAR application form, with the correct Lot Area of 38,907 square feet identified in the application. However, City staff discovered an error in the revised TFAR form regarding the Applicant's assumptions about the by-right floor area, resulting in an undercount in the amount of floor area to be transferred.

On May 14, 2020, the City Planning Commission continued the item to June 25, 2020 at the request of City staff, to allow for staff to fully address arguments from the Applicant in the two respective March 9, 2020 and April 30, 2020 letters, and for further investigation of the TFAR calculations.

On June 8, 2020, City staff contacted the Applicant's representative regarding the second error used to calculate the amount of floor area to be transferred and notified the Applicant's representative that City staff's recommendation to CPC would represent an accurate calculation consistent with the LAMC.

As such, the City has demonstrated a good faith effort in communicating with the representative in attempts to remedy errors in the Applicant's application and calculations. Nonetheless, the representative continues to refuse to correct the errors and to comply with the objective requirements of the Municipal Code.

Representative: Conditions of Approval and Draft Findings Require Modification

Staff Response:

As outlined above, in the Staff Report and Supplemental Staff Report prepared for the Project, the Conditions, Findings, calculations, interpretations and definitions are consistent with the LAMC. The representative, if they wish to build to the maximum 13:1 FAR for the Project Site, would be requesting a transfer of 523,195 square feet, which would correspond to a \$21,698,509 Public Benefit Payment, and a Transfer Payment of \$2,615,976. The Findings and Conditions reflect the proper calculations. Further, Planning Staff's recommended Transfer Plan is consistent with the recommendations of the TFAR Committee, and does not include the changes requested by the Applicant. The identification of the issues with the TFAR proposal was complicated by the misrepresentation of the Project by the Applicant. However, as described above, the City has made a good faith effort in communicating the issues to the representative. The timing would not constitute "late and arbitrary" reinterpretation of the code, and no state law protects any project proponent, or places a restriction on the timing of the identification of alterations made to a local agency form by an applicant, or misrepresentation of facts provided to a local agency. Despite these issues, the City has demonstrated a good faith effort to verify the appropriateness of all applications and aspects of the project prior to making a recommendation to the Commission on the Project. Planning Staff stands by its Conditions of Approval, Findings, and Recommendations to the Commission.

Table 1: TFAR Payments

	Public Benefit Payment	Transfer Payment
City of Los Angeles Calculation	\$21,698,509	\$2,615,975
Applicant's Submittal, dated 8/15/17	\$11,060,000 <i>(shortfall: \$10,638,509)</i>	\$2,204,015 <i>(shortfall: \$411,960)</i>
Applicant's Submittal, dated 3/9/20	\$15,373,620 <i>(shortfall: \$6,324,889)</i>	\$2,204,015 <i>(shortfall: \$411,960)</i>
Applicant's Submittal, dated 4/30/20	\$16,788,428 <i>(shortfall: \$4,910,081)</i>	\$2,204,015 <i>(shortfall: \$411,960)</i>

Date: June 23, 2020

To: City Planning Commission, LA City Hall, 200 N. Spring St., LA, CA 90012

From: Casey Maddren, 2141 Cahuenga Blvd., Apt. 17, Los Angeles, CA 90068

Re: De Soto/Burbank Master Plan Project, VTT-74891-1A, DIR-2017-1708-SPP-1A
SUPPORT APPEALS

I am writing to support the appeals filed by the Coalition for Valley Neighborhoods and the Southwest Regional Council of Carpenters. There are serious flaws with the proposed project. The CPC should support the appeals and overturn approval of the project. My specific comments are below.

DE SOTO/BURBANK MASTER PLAN PROJECT

COMMENTS

WARNER CENTER 2035 PLAN IS OUTDATED, DOES NOT ADEQUATELY ASSESS IMPACTS

The MND argues that many of the impacts of the proposed project have already been addressed in the Warner Center 2035 Plan, but the WC 2035 Plan was adopted in 2013, and the area's context has changed considerably in the interim. The WC 2035 Plan's analysis does not adequately address the current context with regard to traffic/transit, fire protection, police protection, utilities and solid waste. The De Soto/Burbank Master Plan Project requires a new, expanded environmental assessment to address these issues.

INADEQUATE AFFORDABLE HOUSING

The Project's residential uses consist of approximately 1,009 multi-family units, including 841 apartment units (53 work-live) and 168 condominium units (15 work-live). This does not begin to address the need for affordable housing in the area. If this Project were unique, and the City was producing ample housing for Medium and Low Income households, there would be no need to argue against it. But in fact, according to the 2018 Housing Element Annual Progress Report submitted by the City of Los Angeles to the State of California, within the past five years the City of LA's annual production of Very Low, Low and Middle Income housing COMBINED has never been more than 12% of the total units permitted and has been as little as 7% of the total units permitted. In other words, from 2014 through 2018 approximately 90% of units permitted by the City of LA have been for Above Moderate Income households (120% or more of median income). The City has produced a ridiculous excess number of units for the affluent, while it has failed to produce anywhere near enough housing to serve the households most in need.

This Project is one more example of the City's egregious and ongoing failure to meet the first goal of its 2013 Housing Element:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs. [Emphasis added.]

By failing to produce adequate amounts of housing for citizens of all income levels, the Project is in conflict with the Housing Element of the General Plan.

NO EVIDENCE TO SUPPORT ASSUMPTIONS RE DENSITY AND TRIP GENERATION

Like all environmental assessments produced by the City in recent years, the WC 2035 Plan EIR and the De Soto Burbank MND assume a reduction in vehicle trips as a result of the construction of high density residential structures, i.e. Transit-Oriented Development (TOD). Unfortunately, the City fails to produce a shred of data to support this assumption. The City has been claiming for years that its so-called TOD strategies would reduce traffic and result in increased transit ridership, but ridership stats for both the LA County Metro system and the City of LA's DASH system have been declining for years. At the same time, per capita car ownership in LA has been skyrocketing.

[*Falling Transit Ridership, UCLA's Institute for Transportation Studies, 2018*](#)

The City continues to assume that approving high-density development will reduce traffic and increase transit ridership, even though a look at Downtown LA's recent history shows the exact opposite. Over the past 20 years, numerous high-density projects have been approved and built in the 90012 zip code, which covers a large part of Downtown. US Census data shows that the population in this zip code increased from 30,029 in 2014 to 33,783 in 2017, over a 10% increase. However, a random sampling of Metro lines serving this area, including Lines 33, 45, 910 (Silver Line), 18, 53, 720, 770 and the Red Line, shows that all lines but the Silver Line have seen a decrease in ridership, with most of them experiencing a decrease in the range of 10% to 20%. This seems to clearly indicate that the City's assumption that increased population density results in increased transit ridership is not supported by data.

PROJECT DOES NOT COMPLY WITH STATE LAW REGARDING RECYCLING

The MND refers to the WC2035 Plan EIR, saying that in 2008 the City achieved a 65 percent diversion rate of solid waste from landfills. Since then, there have been significant changes with regard to the City's handling of solid waste and its recycling programs. These changes are not addressed in the MND. Under AB 939, the State requires that all California cities achieve a 50% diversion rate of solid waste to recycling. Unfortunately, due to the fact that China now refuses to accept most types of solid waste for recycling, the City of LA faces a major challenge in complying with AB 939. The De Soto Burbank Project will be served by RecycLA. Initially the RecycLA program set a goal of 45% diversion to recycling by 2023, but because of the change in China's policy, the City has had to revise that goal down to 35% by 2023. This means that the De Soto Burbank Project is therefore nowhere near complying the AB 939.



VTT-74891-1A, DIR-2017-1708-SPP-1A, ENV-2017-1706-MND; De Soto/Burbank Master Plan comment

Jeff Bornstein <powcp@aol.com>

Thu, Jun 25, 2020 at 5:30 AM

Reply-To: Jeff Bornstein <powcp@aol.com>

To: "cpc@lacity.org" <cpc@lacity.org>, "elizabeth.ene@lacity.org" <elizabeth.ene@lacity.org>, "@lacity.org Andrew.pennington @lacity.org" <Andrew.pennington>, "councilmember.blumenfield@lacity.org" <councilmember.blumenfield@lacity.org>

Re : VTT-74891-1A, DIR-2017-1708-SPP-1A, ENV-2017-1706-MND; De Soto/Burbank Master Plan

Dear Sirs and Madams,

Profit oriented land use is what we derive from capitalism. Just as prescription drugs and the science of medicine are vehicles of profit, land and our communities are a source of profit for land developers. It is legal. It is the law of the land. But also part of the equation are the three branches of government. On the federal level, the state level and in this case the municipal level the executive, legislative and judicial branches of government oversee this process in the name of community and the common good. Unfortunately money is the only thing that fuels and manipulates, tilting the scales of justice. The mayor and city council are elected and election costs a lot of money. Early in election cycles candidates are commonly rated on how much money they raised. Money tilts the process. Money is influence and that is before the FBI saw cause to raid Los Angeles City Officials offices and homes. Money is needed to participate on a judicial level as well. To participate judicially one has to spend their own money with no fiscal reward at the end of the process unlike developer interests. The cost of participating judicially is tens of thousands of dollars just for attorney's fees alone. The average resident has no say in how their community is developed. Holding public meetings and taking comments has little to no effect on the process. Developers build what they want because they have the money to not just build, but build a political campaign, either for "You or Your Opponent". Elected officials are going to naturally migrate towards money. The undue influence of money is undeniable in Warner Center 2035. Warner Center developers have the vested interest to spend what ever money they need to spend to get their projects approved by the Los Angeles City Council.

That should change and the existing community should have a real say in the process. One that is not manipulated and controlled by money, power and our bastardized electoral system.

The Warner Center 2035 Plan allows for too many residences and building that are too large for the existing community. Plans for housing and employment for a combined 120,000 new participants in Warner Center, combining new residences and new jobs as the plan states.

Warner Center 2035 Specific Plan. Chapter 3 Community Vision(CommunityVision) Statement WC2035SP Warner Center 2035 Specific Plan reads as,

"Increase jobs in Warner Center from the existing approximately 40,000 to 80,000 by 2035, including Research/Development, Professional/Technical and other "creative class" jobs.

- Create an environment to attract jobs, provide quality residential neighborhoods with amenities, including open space, a community shopping center, neighborhood-serving retail, entertainment and walk-able streets, add 20,000 new residential units of various types and sizes by the year 2035."

Beyond the overall detriment the Warner Center 2035 there are many problems with the Warner Center 2035 Plan.

Phasing , set-backs, defining commercial space, insufficient tree replacement and services such as a Police Station and affordable housing are not properly addressed in Warner Center 2035.

Planning new residence and employment for large numbers as the plan allows will not be viable without concurrent plans for already overwhelmed services.

Developers need to be responsible for costs for additional services to avoid such costs

burdening the the less prosperous neighbors. Developers are prosperous, not only prosperous, but also benefit from Government Aid in the form of tax breaks. Included in those tax breaks recipients is Westfield Village which is in Warner Center and adjacent to the proposed Adler project. The Tax breaks were found by Los Angeles City Controller to be not favorable to the taxpayer. Los Angeles City Controller Ron Galperin has concluded that the city needs to improve on evaluating and negotiating such deals in which the city awards tax breaks and incentives.

In a 29-page report released in August 2018, Galperin called for more transparency, noting that since the mid-2000s, the city had approved such projects without exercising a broader and more comprehensive economic development strategy.

"We need a clear road map to ensure consistency, fairness and value for those we serve," Galperin said.

The city will negotiate tax incentive deals when developers face a funding or feasibility gap that could curtail progress on a development deemed valuable to the city's long-term economic benefit. However, citing a failure by the city to negotiate the best possible deal in these cases, Galperin's report concludes that the city should bring in an expert on salary or a consultant who can help determine if a project needs financial assistance from the city. This project should have no tax breaks and no mobility fee breaks in order for these rich developers to pay their fair share. Undue influence and manipulation have put an undue tax burden on the citizen taxpayers of the City of Los Angeles. No tax breaks or mobility fee breaks should be included in this developers proposal.

Phasing

No phasing of projects should be allowed. Projects should be built all at once. Phasing does not give the community a full picture of projects. Developments of this size and scope need to be planned and built all at once to ease the disruption to the surrounding area and community. A 8 phase project takes upwards of 12 to 15 years to complete. One phase projects take three to four years. We owe it to the existing community to be as diligent as possible in avoiding disturbances and disruption to the adjoining areas especially those directly next to the projects. Developments should be built all at once with time limits to respect the surrounding homeowners and businesses. Adler has proposed a project in eight phases. That should be prohibited for the betterment of the existing community, Quality of Life Counts.

Setbacks

Setbacks are extremely important when you have skyscrapers. Tall buildings give a lot of square footage with a smaller footprint. That is basically their definition. Setbacks are a necessary offset to the density of multi story buildings. The taller the buildings the more setbacks are not only appropriate but necessary for live-able/workable spaces. Setbacks must be 40 feet on all sides of multi story buildings. Forty feet from the edge of the building to any street or driveway. Not only providing open space, but also providing a safety buffer for that occasional but ever increasing car that drives into ground floors of buildings. Warner Center 2035 allows for unlimited number of stories and size to new residences and work spaces adding many more car trips. 40 feet gives some relief from car pollutants for those who want to enjoy the outside. These spaces should be no smoking with the exception of one singular area furthest from the building and no bigger than 5 feet by 5 feet. A 5' x 5' area clearly marked as the only smoking area, a specialized smoking area or smoking bench. Set backs should be forty feet of grass, greenery or drought tolerant plants that are a necessity to offset the height and density Warner Center 2035 plan currently allows.

Defining a Commercial Unit

A residence is a residence. Calling a project half residential and half commercial does not make it half commercial. What makes a building 1/2 commercial is utilization of half the space of the building for commercial or business enterprises. There has to be a definition that can not be manipulated. Documentation of a space's utilization needs to be a tenant of an updated Warner Center 2035. Any definition of commercial space must also include overseen policies that outline the manner in which commercial space claims are verified. Language needs to be tight with no loop holes.

Live/work units need to be defined with more detail as to not count what is really a residence as a work unit. Developers manipulate numbers and information for their profit. The CPC has to protect the communities interest and avoid the temptation to be romanced by money and bobbles, And instead work for the community as a whole.

Insufficient Information on Tree Removal Tree Replacement

None of the phases states any tree removal and replacement. As stated the project states no removal of trees, It is hard to believe that an 8 phase project does not remove any trees. All the existing trees remain? Tree removal and replacement needs to be outlined and detailed if any trees are to be removed. Not specifying trees to be removed and replaced needs to be rectified so the project specifies any trees to be removed so the ramifications of said removal are thoroughly outlined and detailed for all to see and know. Specificity is important. And it is totally lacking in terms of the transparency when details of trees to be removed are not written into the proposal.

Removing enormous amount of mature trees and not replanting those same trees as part of the property is one of the worst aspect of this plan. Replacing large mature trees with smaller trees in an era of Global Warming makes no sense. Studies need to be done to document the oxygen output differential. Two small trees do not equal the out put of the large existing trees in Warner Center. Oxygen output is an environmental concern. Denying the importance of Oxygen output would be wrong and cause concerns about Developer intent when it comes to the community.

CEQA has not been followed for this project. CEQA needs to be respected. This project has not been properly vetted under CEQA. This project needs to be re done with CEQA guidelines being followed.

LA City Tree Preservation Ordinance No. 177.404

LA City Tree Preservation Ordinance No. 177.404, an ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code signed into law March 2006 does not include oxygenation as a concern when protecting and replacing trees. It only protects trees not people. A super majority of Scientists see Human-Induced Climate Change, also known as Global warming as real. This ordinance needs to be updated to take health issues into account regarding trees and the protection of life giving oxygen-output trees provide. Trees are desperately needed to offset Greenhouse gases such as carbon dioxide and methane raise the Earth's temperatures by trapping the suns energy in the Earth's atmosphere and surface. Energy that would otherwise radiate into space. Human-induced climate change must be a priority and ignoring the important natural addition of oxygen needs to be addressed. Replacing the amount of Oxygen should be a priority when trees are removed and replaced for any property.. Oxygen-output is measurable and it is not proper for a governmental entity such as The Municipality of Los Angeles to ignore. University of Maryland's Center for Environmental Science study just released warns that warming comes with serious environmental consequences. The University of Maryland's Center for Environmental Science established in 1925 recently published a report predicting the temperature levels for cities and their comparable counterpart in 2080. Los Angeles is predicted to have the weather of Cabo San Lucas. "From a beach-day perspective, warmer might be better, but it is not better for our food production and in some areas it could lead to more pests, invasive species and disease," said study leader Matthew Fitzpatrick, a biogeographer at the University of Maryland's Center for Environmental Science. The study reports Aedes mosquitoes, which transmit Zika, dengue and other deadly viruses, prefer warmer weather and may be able to spread into new areas of the U.S. as temperatures climb, scientists said in the University of Maryland's Center for Environmental Science. On the West Coast, warmer temperatures are associated with more smog, which can be dangerous to people with asthma, emphysema, Chronic Obstructive Pulmonary Disease aka COPD and allergies. A recent NASA report found that last year's average global surface temperature was 1.49 degrees Fahrenheit above a baseline period between 1951 and 1980. As well Alex Hall, who directs the Center for Climate Science at UCLA stated that there is more to climate change than shifts in average temperature and precipitation. "Changes in extremes, which we also expect, matter a lot, especially here in California," he said. "

This ordinance is a basis for tree replacement in Warner Center for proposed developments specified in Warner Center 2035 Plan.

Not taking into account important health issues is an obsolete approach. An incomplete, outdated and obsolete approach to trees and tree replacement when it comes to the environment, it's effect on people and Climate Change. Methodology and ideology have changed since 2006 when Rocky Delgadillo signed ordinance 177.404. An ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code into law. This ordinance is 13 years old.

Environmental concerns are not the same now as in 2006. This ordinance, No. 177.404, and/or Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code needs be revisited as they

are a basis for actions approved in 2019, but implementation planned for well beyond for the Warner Center 2035 Plan.

If we do not concern ourselves with the environment and life sustaining assets such as oxygen the City of Los Angeles is doomed to be part of the problem of human-induced climate change aka Global Warming. Not the solution.

Revisiting these Articles, Chapters and Ordinance is a must for urban sustainability as we add a lot more people who need Oxygen to an already crowded urban dwelling. As planned Warner Center will be extremely dense. Only further evidence that environmental need to be addressed better than they are currently in No. 177.404, and/or Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code. In the current climate taking environmental concerns into account as we build toward the future is a must. Not taking environmental concerns and oxygenation levels is great cause for health concerns as we go forward. When trees are removed oxygen-output levels need to be equal of the oxygen-output levels from the previous trees, now known as existing trees.

New Services- A Full Size Police Station is Needed

A Police Station and other additional services will be needed.

With additional residences of a planned 80,000 and 40,000 new jobs safety will be a key to a successful neighborhood.

These new residents and jobs will stretch are already thinly stretched public services.

We need to dedicate land and start planning a full size, totally functioning Police Station.

Affordable Housing

It is a sad example that Adler plans no affordable housing at the planned 8 phase project at the corner of Burbank Blvd, and De Soto Ave..

Evidence that the developer has only profit for it's interest, not the community interest

Building affordable housing has to be a goal for Warner Center 2035.

Building affordable housing is a goal for the City of Los Angeles.

Warner Center 2035 Validity Concerns

Currently the FBI is investigating past City of Los Angeles Planning activity. With this in doubt it makes no sense to move forward until we know how valid previous plans and approvals are. We need to know if this currently announced federal investigation will taint the process that approved Warner Center 2035 or any other projects or developments in the Warner Center defined area.

If approved by Los Angeles City Planning Committee, the project needs to be verified as not tainted by corruption, bribery or any other malfeasance. Being transparent and not allowing developers to contribute to Los Angeles City candidates for elected office is needed. Needed as a start on the path to a better community with fairness and more omnipresence benefiting the community development process.

Adler is a racist company with racist hiring practices. These are not white supremacist racist, but rather hiring and promoting racists. Just look at their upper management positions. And who fills those positions, These hiring practices need to be examined and the City of Los Angeles should not approve projects that involve companies with racially challenged hiring and promotion practices. Just look at the numbers. Numbers do not lie.

6/25/2020

City of Los Angeles Mail - VTT-74891-1A, DIR-2017-1708-SPP-1A, ENV-2017-1706-MND; De Soto/Burbank Master Plan comment

Sincerely,
Jeff Bornstein
[7507 Winnetka Ave.](#)
[Canoga Park, Ca 91306](#)

June 24, 2020

File Number: 23CF-205868

BY EMAIL

Los Angeles City Planning Commission
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012
Email: cpc@lacity.org

Re: Response to Appeals of Case Nos. DIR-2017-1708-SPP
and VTT-74891 for De Soto-Burbank Master Plan Project

Honorable President and Commissioners:

This firm represents LLJ Adler WCCI, LLC and LLJ Adler WCCII, LLC (the "Applicant") regarding the De Soto-Burbank Master Plan Project (the "Project") in Warner Center.

This letter relates to one subject – whether the City can require the Applicant to bond for the right-of-way and other offsite improvements (the "Improvements") for the **entire** Project as a condition to the recordation of the **first** unit map for Phase 1 of the Project (which is first of eight project phases). In his June 18, 2020 letter to you (the "June 18 Rosenheim Letter"), Brad Rosenheim has explained why, for several reasons, the Commission should require bonding on a phase-by-phase (unit map) basis. In this letter, we briefly explain why the City must do so as a matter of law.

The key fact here is that, as set forth in VTT Condition 32, the Applicant is required to construct the Improvements on a unit map basis. In other words, the Applicant is required to construct a **portion** of the Improvements as part of each project phase. The specific Improvements for each project phase and unit map are shown on the three sheets of Phasing Diagrams in the approved plan set (MP-24, MP-25 and MP-26). The Improvements for a phase primarily relate to the realignment or widening of the portions of Warner Center Lane, De Soto Avenue and/or Burbank Boulevard adjacent to the phase lot.

Therefore, consistent with the City's longstanding practice, the Improvements required for each phase, including Phase 1, will be set forth in an improvement agreement (an "Improvement Agreement") that will be executed by the City and the developer of that phase prior to the issuance of a "B" permit to construct the Improvements for that phase.

With that background in mind, we now turn to the applicable law in the California Subdivision Map Act (the "Map Act") in California Government Code Sections 66410 et seq. To start with,

the Map Act allows the recordation of multiple final maps on one tentative map.¹ Cal. Gov't Code § 66456.1. In the event that Improvements related to a final map have not been completed at the time a final map is approved, the local agency can require as a condition to approval that the subdivider enter into an Improvement Agreement to complete the required Improvements. § 66462(a)(1). As previously discussed, this is standard City practice.

The Map Act allows the City to require the subdivider to provide bonds to secure the obligations under an Improvement Agreement. § 66462(c). However, the bond amount must be **commensurate** with the work to be performed under the Improvement Agreement. §§ 66499(a), (b). Specifically, the Map Act states that the security amount cannot be "**more than 100 percent of the total estimated cost of the improvement or the performance of the required act**" in the Improvement Agreement. §§ 66499.3(a), (b) (emphasis added). The language that the Map Act requires be included in performance bonds and labor and material bonds further reflects this. For example, a performance bond must substantially state that the bond "principal is required under the terms of the agreement to furnish a bond for the faithful performance of said agreement." Cal. Gov't Code § 66499.1; see also § 66499.2. These provisions all reflect that a city cannot impose a bond requirement that exceeds the cost of the improvements actually required in an improvement agreement.

Therefore, the bonding that the City requires here with respect to an Improvement Agreement for a project phase cannot exceed 100% of the cost of the specified Improvements in that agreement. As a result, given that the Improvement Agreement for Phase 1 will only include a portion of the overall Improvements (as shown on Phasing Diagrams – Sheet 1 [MP-24]), the City cannot require that the bonding for Phase 1 secure completion of **all** of the Project Improvements. Rather, the bonding for Phase 1 cannot exceed 100% of the cost of the Improvements specifically required in the Phase 1 Improvement Agreement.

This is why, as the Applicant has previously demonstrated (see, e.g., June 18 Rosenheim Letter, top of page 5), the City has allowed phased bonding for prior, large multi-phase projects.

For this reason, and the many others in the June 18 Rosenheim Letter, we ask that the Commission modify VTT Conditions 32, 15 and S-3.i and DIR Condition 10.o to allow bonding for the Improvements on a unit map basis.

Very truly yours,



Jack H. Rubens
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4831-0767-5073.2

¹ As set forth in Footnote 19 in VTT 74891, the City has always known that "[t]he subdivider intends to file multiple final (i.e., unit) maps for the Vesting Tentative Map."



Planning CPC <cpc@lacity.org>

Fwd: CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 1:11 PM



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
Planning4LA.org
T: (213) 473-9701 | F: (213) 000-0000



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

From: **Brenda Villanueva** <villanueva@pys.org>
Date: Thu, Jun 25, 2020 at 1:11 PM
Subject: CPC-2018-4660-CA
To: <Roberto.luna@lacity.org>

My name is Brenda Villanueva. I am Co-Chair of LA DAPA. Councilmember Krekorian's proposed ordinance makes it easy, cheap and fast for new alcohol businesses to open. Our neighborhoods are already flooded with businesses that sell alcohol. Alcohol not only causes noise and public disturbances, it causes more serious problems like drunk driving, injuries and crime.

LA DAPA opposes Councilmember Krekorian's ordinance in its current form because it's weak on alcohol. It would allow happy hours, drink specials, minimum drink requirements, alcohol advertising – all of which research shows contribute greatly to alcohol problems.

This ordinance isn't equitable. It proposes to supposedly help streamline for small businesses, but in reality this will only help larger corporate funded restaurants that will further contribute to disparities between affluent and low-income communities of color throughout Los Angeles.

This ordinance will have a dramatic impact on our neighborhoods. There will be more drunk driving. There will be more injuries. There will be more crime. There will be more public disturbances. We hope Councilmember Krekorian takes this seriously by including stronger alcohol conditions. This ordinance needs to be good for communities, not just good for businesses.

Please put public health and safety at the forefront. Please listen to the community and prioritize building up communities over profit.

Best regards,

Brenda Villanueva

Pueblo Y Salud, Inc

Program Director

1024 N Maclay Ave., Ste M13

San Fernando, CA 91340

P: (818) 837-2272

F: (818) 837-2271

villanueva@pys.org

Case No. CA-2018-4660-CA Public Comment

Hello, my name is Cassandra Meraz. I am a member of the Los Angeles Drug and Alcohol Policy Alliance (LA DAPA). I'm here to ask the Planning Commission to reconsider moving forward Case No. CA-2018-4660-CA, otherwise known as the Restaurant Beverage Program. As many of you know, LA has trouble with the overconcentration of alcohol licenses, and this program will only increase this issue. Although the Restaurant Beverage Program is only subjected to restaurants, the accelerated process will allow restaurants to enter an already crowded city consumed by alcohol licenses. As an alliance, we are concerned that with this program's accelerated process, it is taking away the much needed community input. Community input on where these alcohol licenses are placed is extremely important and taking that away allows for the communities to be overrun with alcohol licenses. Not only does this increase the presence of alcohol, it also increases the presence of public health and safety dangers. Therefore, we are asking that the City Planning Commission reconsider moving forward the Restaurant Beverage Program.



Planning CPC <cpc@lacity.org>

Fwd: Public comment re case no. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 12:10 PM



Roberto Luna
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 705
Los Angeles, CA 90012
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T: (213) 473-9701 | F: (213) 000-0000



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

From: **Dina Cruz** <dinascq@gmail.com>
Date: Thu, Jun 25, 2020 at 12:09 PM
Subject: Public comment re case no. CPC-2018-4660-CA
To: <roberto.luna@lacity.org>

Hello,

RE: case no. CPC-2018-4660-CA

It is counterproductive and dangerous to create an administrative process to expedite alcohol permits to restaurants under the guise to stimulate economic development. Sending a letter to Council Districts and Neighborhood Councils notifying them of a request that they have no say over is disrespectful. The community and decision makers need to approve what is allowed in their neighborhoods. One size does not fit all, communities should have the right to opt-out because Boyle Heights does not need more restaurants that sell alcohol. **No amount of conditions** will protect vulnerable poor communities of color who need diversity in uses and not tied to alcohol. This is a bad policy and that is just bad public health. The enforcement and process is not enough.

Also, CD14 lacks a council member to represent us and I ask that policies that impact our district are not taken since we do not have proper presentation.

Thank you,

Dina Cruz

Boyle Heights resident (CD14)

CITY OF LOS ANGELES

General Board Members

Sarah Williams
Frank Mendoza
Elsa Palomino
Marka Lara
Linda Sofia Alvaro
Juan Gallegos
Carlos Acevedo
Melani Petrushkin
Mark Ramsey
Carrie Sutkin
Shawn Aminirad
Vincent Montalvo
Alejandro Palomino

ELYSIAN VALLEY RIVERSIDE
NEIGHBORHOOD COUNCIL
Frankm.evrnc@gmail.com
www.myevrnc.com



June 1, 2020

The Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012
Attention: Robert Luna

Dear Planning Commissioners:

Our Neighborhood Council is very familiar with this issue and strongly opposes any reduction in oversight or input from the public on alcohol sales. Removing the conditional use permit requirement will make it difficult for our community to have input at the pre-project phase therefore, **we oppose CF 17-0981**.

Background

In last six months of 2019, the Elysian Valley Riverside Neighborhood Council received and reviewed (5) five alcohol permit applications for on- and off-site sales. Our area's community plan was minimally updated without an infrastructure analyses, parking study, or design guidelines separating commercial uses from adjacent residents and sensitive uses (i.e. schools, parks, open spaces), in 2015.

Concerns raised by our community include: over-concentration of alcohol establishments; noise after midnight; unpermitted "rave" parties in buildings that serve booze to drunk adults who drive and walk through the neighborhood making lewd comments; lack of buffer zones between bars and restaurants that serve alcohol, and residences; lack of parking; humans urinating, smoking, drinking and using recreational drugs in street, front yards, driveways, alleys and bike path.

Community Impact Statement

Due to negative health effects of alcohol and the lack of enforcement of zoning and building codes and the lack of police patrols in Northeast Los Angeles, The Elysian Valley Riverside neighborhood council passed the following resolution regarding Council File: 17-0981 on May 29, 2020 by a vote of 8 in favor, none against (with 4 absent) opposing the new ordinance because it eliminates the public hearing portion of the conditional use permit, currently required by on-site sellers of alcohol.

Whereas, the Board of the Elysian Valley Riverside Neighborhood Council finds it troubling that:

A. Alcohol use contributes to a public health epidemic of rising rates of alcoholism, obesity, smoking, domestic violence and traffic accidents. Liquor sales are not beneficial to local stakeholders due to inadequate police and public health resources, increased levels of drug and alcohol use, violence and crime.

B. Neighborhoods like Elysian Valley Riverside are targets for investors looking for commercial opportunities without having to provide parking, off-site improvements, or contribute to upgrading municipal infrastructure, or paying for enforcement.

C. Elysian Valley has not had any traffic, parking, or infrastructure studies completed recently, in the past five years, yet all motorists are being impacted by narrow streets. We have infrastructure construction, commercial construction, housing construction and commercial delivery vehicles on all our small residential streets. How will ambulances and fire trucks get through in the case of emergency? We feel this puts the health, safety and welfare of our residents at high risk over the false benefits of a Restaurant Beverage Program

Therefore, the EVRNC Board recommends:

1. Opposing the sale and provision of alcohol at restaurants, eligible for the proposed Restaurant Beverage Program, before 12 pm and after 12 PM without a conditional use permit

2. Commercial/industrial venues within 500 feet of residential uses, are not eligible for this program.

3. Venues within 500 feet of residences, must maintain "quiet hours" after 6 pm and close by 7:30 pm Sunday, Monday, Tuesday, Wednesday and Thursday to buffer adjacent residents. Elysian Valley is a working-class community; a majority of its residents work more than two jobs.

4. No administrative permit application shall be accepted for a site that is in an area of over-concentration of bars, liquor stores and or restaurants that sell alcohol, as determined by the State Dept. of ABC.

5. The Restaurant Beverage Program shall be enforced by the Department of City Planning and the City Attorney in conjunction with State Department of Alcohol and Beverage Control as a team.

6. Parking requirements shall be developed for new businesses under this program.

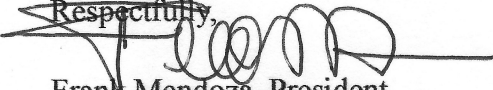
7. A revocable Permit shall be required (with a public hearing, and notice) for outdoor dining abutting sidewalks, shared paths and other publicly owned space w/in 500 feet.

8. Restaurant Beverage Permits be available only in areas whose community plan has been updated.

9. City Planning shall provide monthly Monitoring Inspection Program reports for all CUP's, CUB's and administrative permits granted under the Restaurant Beverage Program, to Neighborhood Council Environmental and Land Use Committees.

We, further move that a community impact statement be submitted against CF 17-0981.

Respectfully,


Frank Mendoza, President

Elysian Valley Riverside Neighborhood Council Board

Cc: Councilman Mitch O'Farrell
City Planning, General Manager Vincent Bertoni
Office of the Mayor, Barbara Romero



Planning CPC <cpc@lacity.org>

FW: Community Impact Statement - City Planning Commission

Jean Frost <indiejean@att.net>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 12:46 AM

CIS from NANDC (Empowerment Congress North Area Neighborhood Council) regarding item 10 on the June 25 CPC Agenda

From: Clerk.CIS@lacity.org [mailto:Clerk.CIS@lacity.org]
Sent: Wednesday, June 24, 2020 4:21 PM
To: cpc@planning.lacity.org
Cc: indiejean@att.net
Subject: Community Impact Statement - City Planning Commission

Your Community Impact Statement has been successfully submitted to City Planning Commission.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: Empowerment Congress North Area NDC

Name: Jean Frost

Phone Number: (213) 840-5998

Email: indiejean@att.net

The Board approved this CIS by a vote of: Yea(14) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 06/04/2020

Type of NC Board Action: Against unless Amended

Impact Information

Date: 06/24/2020

Update to a Previous Input: No

Directed To: City Planning Commission

Council File Number:

Agenda Date: 06/25/2020

Item Number: 10

Summary: The City's Proposed Restaurant Beverage Program (RBP) would create an administrative clearance process for alcohol service at sit-down restaurants. While it has specific criteria for granting, it makes the granting ministerial and removes discretionary public review process. We ask that the Ordinance be amended to allow for discretionary review given the long history of liquor license issues in South Los Angeles. NANDC recommends that the proposed Ordinance be amended to allow for review which considers the baseline of liquor outlets in a given neighborhood, include a means of public notice prior to granting and a method of creating a discretionary process if the public response to notice indicates further review is required, and, after granting, a method to hold license holders accountable. NANDC Board action was taken on June 4, 2020. Prior to that meeting representatives from City Planning met with the NANDC Board and gave presentations. The Board and community expressed its desire to have public notice requirements so the specifics of a particular application could be reviewed in the context of the proliferation of such licenses in the area and the possible adjacent sensitive health, safety and environmental issues. This Ordinance fails to provide analysis on the ministerial granting of Conditional Use Permit (CUP) applications so that onsite consumption will not result in an undue concentration of establishments dispensing onsite sales; fails to provide analysis to ensure the streamline granting of ministerial approvals for CUP for onsite alcohol consumption will not detrimentally affect nearby residentially zoned communities in the area with attention to the distance of the proposed use from the following sensitive uses: churches,

6/25/2020

City of Los Angeles Mail - FW: Community Impact Statement - City Planning Commission

schools and daycare facilities, parks and other similar uses. (As requested on 8/14/2018, CF 17-0981, amendment moved by Councilmember Harris-Dawson to the City Council action regarding licenses.)



Planning CPC <cpc@lacity.org>

Fwd: "Ref# CPC-2018-4660-CA." - Do not Approve

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 8:33 AM

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

From: **Joanne Russell** <joannemr2@gmail.com>
Date: Thu, Jun 25, 2020 at 12:11 AM
Subject: "Ref# CPC-2018-4660-CA." - Do not Approve
To: <roberto.luna@lacity.org>
CC: joannemr2 <joannemr2@gmail.com>

To: City Planning Commission

From: Joanne Russell

I ask the Commission *not to support* the Restaurant Beverage Program until there are more protections built in to inform and safeguard the City residents and communities where the requesting restaurants are located.

Again, in the South Los Angeles communities we fought hard to reduce access to alcohol for the health and safety of its residents. The Commission would be acting irresponsibly-- ignoring the dangers of alcohol while disregarding the long term negative effects of using the widespread sale of alcohol through restaurants under the pretext of stimulating business and employment opportunities.

The benefits do not outweigh the risks. Driving under the influence, belligerent behavior of inebriated persons walking home or confrontations on public transportation, all are very likely scenarios because anyone with \$4,000 can have a permit Restaurants --from very small (20 ppl) to larger (150 ppl)--have operational limits, but no one cares that people drink at the restaurant then get in their cars and drives through our communities. There is no limit to how many licenses the City will issue. This Program is supposed to help restaurants to compete---but it does not safeguard nor are they required to consult with the communities and the residents which will allow the City to grant alcohol licenses to restaurants next door to a school orii church--no one checks.

Please required that the proposers address these corrective measures, then the Commission reconsider RBP at a later date.

Respectfully Submitted,

--

 **Joanne Russell** 1st Aide / Let's Make It Happen



"Life without God is like an unsharpened pencil - it has no point."

"We need ethical, heroic people trying to do the right thing to help others and to improve life on this planet and in the universe...." — Leonard Nimoy

"The world will not be destroyed by those who do evil, but by those who watch them without doing anything." - Albert Einstein

--



Roberto Luna

Planning Assistant

Los Angeles City Planning

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Planning CPC <cpc@lacity.org>

Fwd: Case No. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 12:22 PM



Roberto Luna
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From: **LA DAPA** <losangeles.dapa@gmail.com>
Date: Thu, Jun 25, 2020 at 12:22 PM
Subject: Case No. CPC-2018-4660-CA
To: <Roberto.luna@lacity.org>

Good afternoon,

My name is Maurina Cintron. I am a member of the Los Angeles Drug and Alcohol Policy Alliance (LA DAPA).

I'm asking the Planning Commission to reconsider moving forward Council File 17-0981, otherwise known as the Restaurant Beverage Program. The program which seeks to fast track alcohol licensing in the City of LA poses many public health dangers to the neighborhoods throughout the city. Research has shown that over-concentrated areas tend to experience higher crime rates and more public health concerns such as public nuisance and petty crimes. Although the program is primarily focused on restaurants, bringing in additional alcohol licenses into an already over-concentrated city doesn't allow for the communities' well-being to better itself. Therefore, we are asking that you reconsider moving forward with the Restaurant Beverage Program.

--

Respectfully,
Los Angeles Drug and Alcohol Policy Alliance



24 Belvedere St. San Rafael, CA 94901
415/257.2488 office



**Melrose Arts District
BID Board of Directors:**

Deny Weintraub
President

Sylvia Weintraub
Corporate Secretary

Julian Chicha
Treasurer

Pierson Blaetz
Greenway Arts Alliance/
Melrose Trading Post

Isack Fadlon
Sportie LA

Daniel Farasat
Tiger West Capital

David Hay
Spacegrab.com

Fred Rosenthal
Ametron Audio/Visual

Donald R. Duckworth
Executive Director

**1934 Wilson Avenue
Arcadia CA 91006
323.525.0840**

**melroseartsdistrict.com
FB: melroseartsdistrict
Tw: @melroseartsdist
Inst: @melroseartsdistrict**

June 24, 2020

City Planning Commission
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

[Via Email cpc@lacity.org]

RE: CPC-2018-4660-CA
Restaurant Beverage Program
Letter of Support

Honorable Commissioners:

The Melrose Arts District is managed by the Melrose Avenue Business Improvement District "BID", a five-year property based district formed by a vote of the commercial property owners that assess themselves for its cost of operation. Some 186 properties are included.

The Melrose BID proactively works to revitalize and enhance the commercial vitality of Melrose Avenue between Highland and Fairfax Avenues through the following improvements and activities: ambassador, security, and parking services; landscape, sanitation, and beautification services; marketing and promotions; new business attraction; and policy advocacy on behalf of its stakeholders.

On June 12, 2020, the Melrose BID Board voted unanimously to submit a letter in support of CPC 2018-4660-CA to create the Restaurant Beverage Program "RBP" administrative approval process for qualifying sit-down restaurants.

There are challenges impacting vacancy rates and viability along Melrose Boulevard that would be mitigated by regulatory streamlining in alcohol sales permits issued by the City of Los Angeles Planning Department. Our Boulevard is characterized by smaller sized tenant spaces and operators that are unique, independent and alternative. As such, they are more impacted by the long delays and significant costs associated with the current Conditional Use Permit discretionary approval process.

The COVID-19 pandemic emergency as well as the civic protests and vandalism following the death of George Floyd exacerbated challenges in our neighborhood right when our businesses were starting to reopen.

As stated, the Melrose BID property owners are actively engaged in safety, security and beautification. We also work closely with area stakeholders including Neighborhood Councils and residents. As each

individual Conditional Use Permit currently requires a public hearing and applicants have engaged in outreach, both the Zoning Administrator and Neighborhood Councils have developed standardized conditions of approval that mitigate and prevent known potential impacts of restaurant alcohol sales. We see these conditions reflected in the staff report recommendations.

The RBP also provides mechanisms to ensure restaurant operators are aware of conditions of operation, provide documentation of compliance, will receive inspections and are subject to further discretionary review with public hearings should impacts occur. We see these provisions as effective safeguards to the community and balance the critical need for streamlining.

We also recommend two 12.22 A 34 code language modifications:

Eligibility Condition (a) (3) – MODIFY

Replace: "Restaurant having between a minimum of 20 patron seats and a maximum of 150 patron seats, including any outdoor seating."

With: "Restaurant having between a minimum of 20 patron seats and a maximum of 199 patron seats, including any outdoor seating."

- **WHY:** A restaurant under 200 seats requesting alcohol sales threshold has been a long established standard for small restaurants as not having a history of significant impacts on the community. The reduction to 150 seats is arbitrary and impactful to small restaurants exceeding 150 seats.

Development Standards and Operations Condition (b) (13) - MODIFY

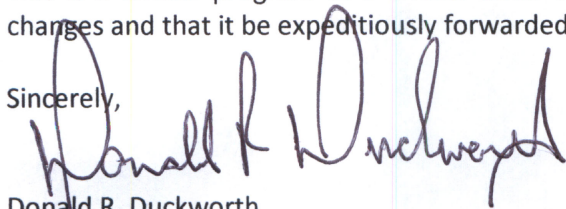
Replace: "No more than 50% of the entire restaurant may be closed to the public for private events."

With: "The restaurant may be closed to the public for private events, but the use of outside promoters is prohibited."

- **WHY:** Our restaurants are critical points of connection for the community and are relatively small. A 50% threshold unfairly impacts revenue prospects for smaller restaurants when potential impacts are already addressed by other conditions and a restriction against outside promoters.

This is a critical program at a critical time. We respectfully you approve this item with the 2 minor changes and that it be expeditiously forwarded to the City Council for adoption.

Sincerely,



Donald R. Duckworth
Executive Director



Planning CPC <cpc@lacity.org>

Fwd: Restaurant Beverage Program Ordinance (CPC-2018-4660-CA)

Roberto Luna <roberto.luna@lacity.org>

Wed, Jun 24, 2020 at 4:38 PM

To: Planning CPC <cpc@lacity.org>

I just received this email regarding case CPC-2018-4660-CA. Can this be a "Day of Submission"?

**Roberto Luna**

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 705

Los Angeles, CA 90012

Planning4LA.org

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From: **Nick Weinstein** <nick@jonandvinnys.com>

Date: Wed, Jun 24, 2020 at 4:32 PM

Subject: Restaurant Beverage Program Ordinance (CPC-2018-4660-CA)

To: <roberto.luna@lacity.org>

Roberto,

I work for a restaurant group in Los Angeles and we are in favor of the proposed Restaurant Business Program. This program streamlines the CUP process for a very specific, narrow range of restaurant types that represent the simplest of cases, reducing not only the costs and uncertainty that operators face, but also the burden placed on the city to review the high number of applications every year. This will then allow the city to focus on the more difficult and complex cases.

The program will allow restaurants to open their doors faster in order to serve the community as well as raise the employment rate in Los Angeles by hiring workers and putting them to work faster, rather than waiting on CUP approval when the restaurant is otherwise ready to open. This will, in turn, boost the local economy of each neighborhood in Los Angeles and help speed the recovery from the current pandemic.

Thank you,
Nick Weinstein



June 25, 2020

L.A. City Planning Commission
L.A. City Hall
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

Re: Letter of Support item: CPC-2018-4660-CA

The North Hollywood Business Improvement District (NoHo BID) is submitting this letter to voice support for the proposed Restaurant Beverage program. The NoHo BID has been in place since 2007 and represents over 150 property owners in the NoHo Arts District.

During this unprecedented time, small businesses are struggling on a daily basis and this new program will be a vital resource for them. Many of the small businesses in the NoHo BID consist of sit-down restaurants that would greatly benefit from this program and we support its creation.

This proposed program specifically removes both the financial and duration hurdles that these restaurants face by cutting the permit cost down and significantly reducing the time required to get a permit. Both these items are critical to helping sit-down restaurants survive and stay in business.

We look forward to your support on this important item. And we hope to see additional programs and incentives in the near future to help keep small businesses afloat during the pandemic.

Sincerely,

Aaron Aulenta
Managing Director
NoHo BID

5026 Lankershim Blvd., North Hollywood, CA 91601
Phone: 818-761-8230
NOHOBID.COM

June 22, 2020

Honorable Member of the Los Angeles City Council
Los Angeles Planning Department
200 N. Spring Street
Los Angeles, CA 90012

Re: Restaurant Beverage Program Case No. 2018-4660-CA

Los Angeles City Planning Department
Council Member Blumenfield

On behalf of the Pico Gardens/Las Casitas Resident Advisory Council (RAC), we are submitting this letter to express our strong opposition to *Restaurant Beverage Program Case # 2018-4660-CA*. We are residents of Boyle Heights, but we also have the honor of serving as RAC's Board Steering Committee, which represents 296 families.

As an executive committee we recognize that businesses have been financially affected, but the community and its residents are also suffering from the coronavirus. Your interest to help businesses is understandable, but not at the expense of the safety of poor communities like Boyle Heights. We already have an immense number of businesses selling alcohol. The proposed RBP aimed to help aim to help with the current crisis, new businesses will receive the opportunity to sell alcohol, some of which our community worked hard to ensure they don't sell alcohol because they do not benefit to our community. With the RBP they will be able to apply and in a couple of weeks, this is an insult to our community and our work to keep alcohol sales away. Opposing new alcohol licenses in Boyle Heights has been a job of years and dedication, time dedicated to attending public hearings, to make sure no new alcohol licenses were given in Boyle Heights, for the sake of us and our children. With the RBP, their grand openings will be like them laughing at our faces.

Our opposition is based on the following points:

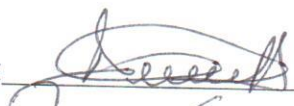
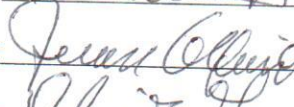
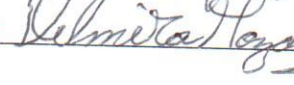
In the Boyle Heights a community of 6.2 square miles, we have near to 200 alcohol outlets, we DO NOT want any more. We want the existing ones to be regulated, since they cause us many safety issues.

The well-being of a community should not be based on the sale of alcohol, we urge you to work on finding other ways to help. Alcoholism is not a restaurant problem, it is a problem of the number of irresponsible restaurants that only think about making money, they did not care if after consuming alcohol on their locations they will be driving under the influence.

Seniors and minors will be exposed to safety-related issues due to alcohol consumption, this will be your responsibility for not considering the community before alcohol permits are approved. We are not giving you data or statistics, we are telling you the problems we're already facing--which will increase with the power you will give to sales of alcohol even if it is going to be serve with food.

Parents have been struggling for years to reduce the amount of alcohol sales in our community to prevent children from following the cycle of alcoholism. For this reason, we demand that you do not expedite the administrative process and to reduce the amount of alcohol licenses for restaurants. If you wish to contact us, you can do so by reply this email.

Kind regards
Pico Gardens/Las Casitas Resident Advisory Council

NAME	<u>Ana Hernández</u>	SIGNATURE		POSITION	<u>President</u>
NAME	<u>JOAN AGUIRRE</u>	SIGNATURE		POSITION	<u>Vice-president</u>
NAME	<u>Delmira Gonzalez</u>	SIGNATURE		POSITION	<u>Tesorera</u>



Planning CPC <cpc@lacity.org>

Fwd: No. CPC-2018-4660-CA

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Thu, Jun 25, 2020 at 12:02 PM



Roberto Luna
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From: **LA DAPA** <losangeles.dapa@gmail.com>
Date: Thu, Jun 25, 2020 at 11:59 AM
Subject: No. CPC-2018-4660-CA
To: <Roberto.luna@lacity.org>

Good Afternoon,

As a member of the Los Angeles Drug and Alcohol Policy Alliance, I would like to ask the Commission to reconsider moving forward Council File 17-0981, the *RBP* program. The ordinance in its current language fails to acknowledge the role and value the "community" has in its ability to speak on behalf of its own interests. It removes the statute of public input, from the process of approval. Bypassing "the community" is tantamount to the practice of the systemic racism the City of Los Angeles is currently trying to resolve. Placing "private Interests" above the people, and denying accessibility, is not the direction that this Commission should be endorsing and or supporting.

Raul Verdugo

Respectfully,
Los Angeles Drug and Alcohol Policy Alliance Secretary



24 Belvedere St. San Rafael, CA 94901
415/257.2488 office



Planning CPC <cpc@lacity.org>

Fwd: CASE NO. CPC-2018-4660-CA, Public Comment

Roberto Luna <roberto.luna@lacity.org>
To: Planning CPC <cpc@lacity.org>

Wed, Jun 24, 2020 at 5:33 PM



Roberto Luna
Planning Assistant
Los Angeles City Planning
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From: **Sean Mykal Sweeney** <SeanS@socialmodel.com>
Date: Wed, Jun 24, 2020 at 5:17 PM
Subject: CASE NO. CPC-2018-4660-CA, Public Comment
To: roberto.luna@lacity.org <roberto.luna@lacity.org>

IN REFERENCE TO CASE NO. CPC-2018-4660-CA

To whom it may concern,

My name is Sean Sweeney, Community Engagement Specialist with United Coalition East Prevention Project (a program of Social Model Recovery Systems). Our organization seeks to prevent alcohol and other drug related problems in Skid Row, and I submit these concerns on behalf of our coalition members. The Restaurant Beverage Program's aim to expedite the process for issuing alcohol permits for eligible restaurants, regardless of existing sensitive uses and consideration of neighborhood character, is troubling. This approach ignores the notion that varying neighborhoods in Los Angeles have unique needs that vastly differ from locale to locale – and many have long been saturated with an overconcentration of alcohol outlets. The implementation of this program would increase alcohol availability and consumption, which correlates to increases in crime, violence/domestic violence, and DUI incidents.

High levels of alcohol concentration also serve to intensify and exacerbate the battle against addiction and threaten public health. Skid Row is already surrounded by several hundred establishments that sell alcohol, causing community members to advocate for alcohol prohibitive measures to be included in the downtown community plan (DTLA 2040) as a safeguard. The Restaurant Beverage Program restricts community input, limiting the ability of community members and stakeholders to voice concerns regarding community needs and proposed uses.

While the Restaurant Beverage Program does provide for a standard set of operational conditions proposed to mitigate potential problems, this pales in comparison to the power of community input and vigilance. We also believe that the implementation of the Restaurant Beverage Program sets forth a dangerous precedent for future alcohol-related legislation in Los Angeles -- current changes to CA State guidelines for selling alcohol have already created additional concerns, as all on-site alcohol uses (i.e. restaurants) can now sell off-site (i.e. to go). This policy changes the spirit of the proposed City program, which was envisioned for select sit-down family restaurants.

Sean Sweeney

Community Engagement Specialist

United Coalition East Prevention Project

seans@socialmodel.com

213.622.1621



Please visit our website : www.socialmodel.com

Social Model Recovery Systems is a multi-faceted human services organization.

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