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July 30, 2022

Via Email

South Valley Area Planning Commission
apcsouthvalley@lacity.org

More Song, City Planning Associate
More.Song@lacity.org

Re: CASE NO.: ZA-2021-8374-CU

PRINCE OF PEACE EPISCOPAL CHURCH – WEST VALLEY FOOD PANTRY RESPONSE TO APPEALS FROM LETTER OF DETERMINATION

Dear South Valley Area Planning Commissioners:

I am writing on behalf of the Prince of Peace Episcopal Church – West Valley Food Pantry (“WVFP”) regarding the above-referenced matter in anticipation of the appeal hearing on August 11, 2022. Our firm serves as counsel for the WVFP with respect to its application for a Conditional Use Permit (“CUP”) that was originally submitted on July 28, 2021, and which was approved after careful review through a May 19, 2022 determination letter by Associate Zoning Administrator Henry Chu (the “Determination Letter”). I am submitting this letter in response to the appeals of that Determination Letter by a few select residents (“Appellants”).

The WVFP has served the needs of the food insecure for over 45 years. Through a diverse coalition of religious organizations, the generosity of thousands of donors, as well as the tireless efforts of hundreds of volunteers from all walks of life, the WVFP has been able to provide charitable services and feed tens of thousands of needy San Fernando Valley residents. The WVFP has provided services to a needy community that quite literally no other organization could provide. This is especially true throughout the last two years during the COVID-19 pandemic when, despite an increase in need due to widespread financial hardship, other food pantries were unable or unwilling to continue operations.

Although the WVFP does not engage in any religious activity, it was started by a coalition of representatives from numerous different religions. Thus, the WVFP represents a rare philanthropic enterprise that anyone may participate in, and anyone may benefit from, regardless of their doctrine or demographic. The WVFP is supported by Congressman Brad Sherman,

Assemblyman Jesse Gabriel (who has personally volunteered at the WVFP) and Councilman Bob Blumenfeld.

Due to the COVID-19 pandemic, the need for WVFP's services increased, and WVFP's manner of operations shifted. Although the nature of the services remained the same, the WVFP transitioned from an in-person "walk-up" service to a process which allowed clients to receive groceries without ever getting out of their cars. In response to this increased need, and in order to more efficiently and effectively serve the needs of hungry residents in our neighborhoods, the WVFP applied for a CUP. The CUP allows the WVFP to build a state-of-the-art facility that will deliver groceries more efficiently within this new model. The building will be financed largely through a \$3,500,000 grant received from the California Department of Health and Human Services. The new building will be located in the Northeast quadrant of the campus, in an area distant from homes and with a substantially improved traffic flow than under current operations.

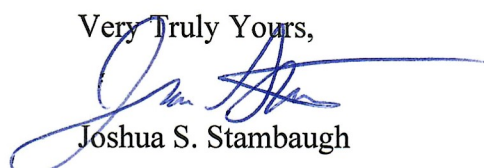
After careful review of the entire record, and a public hearing at which dozens of WVFP supporters spoke (in addition to over 600 supporter signatures and 100 letters of support from politicians, other nonprofits, local business, and other individuals that were submitted), Associate Zoning Administrator Henry Chu granted the CUP with numerous conditions. As the Commission can see from the detailed findings and conclusions in the Determination Letter, the CUP application complied with all applicable zoning laws and regulations. The WVFP accepted all of the operating conditions in the Determination Letter, without objection.

Regrettably, instead of cooperating with WVFP leaders, the Appellants continue to reiterate the same objections without considering the true facts and the applicable zoning guidelines. Indeed, this small group of Appellants are opposed to the WVFP's very existence in its current location -- *which is not even an issue under review by this Commission.*

Each and every one of the Appellants' objections, concerns and allegations related to the project are either: i) highly exaggerated or outright false; ii) based upon a misunderstanding of the facts or the law; and/or iii) have already been considered and addressed. *Indeed, many of the conditions imposed by the Zoning Administrator address the precise concerns raised by these few Appellants.* We have prepared the attached "Appendix A" which addresses each of the Appellants' concerns in more detail. The Appendix provides the Commission with WVFP's responses to the concerns and allegations, and also includes an explanation of how the concerns have already been addressed in the Determination Letter.

The WVFP board members, its representative Stacey Brenner, its countless supporters and the undersigned counsel all look forward to the opportunity to address any questions or concerns that the Commission may have, or that may be raised by others, at the hearing on August 11. On behalf of the WVFP and its countless supporters, thank you for your time and attention to this matter.

Very Truly Yours,



Joshua S. Stambaugh

APPENDIX “A”

CASE NO. ZA-2021-8374-CU

**PRINCE OF PEACE EPISCOPAL CHURCH - WEST VALLEY FOOD PANTRY (“WVFP”) SUBMISSION TO AREA
PLANNING COMMISSION IN RESPONSE TO APPEALS FROM GRANT OF CUP**

ALLEGED GROUNDS FOR APPEAL	WHICH APPELLANTS ASSERT THOSE GROUNDS AND WHERE FOUND IN APPELLANTS’ JUSTIFICATIONS	WVFP RESPONSE AND ACTUAL FINDINGS OF ZONING ADMINISTRATOR
1. Traffic Concerns	i. Nancy McLean (pg. 1) (claims that hundreds of cars queue around the streets every week). ii. Siena at Woodland Hills (pg. 2) (claims that operations cause too much traffic, and that traffic analysis is needed). iii. Aaron Poladian (pp. 1 and 3) (claims there are weekly semi-truck deliveries and long lines of cars slowly idling through the streets). iv. Deborah Thompson (pp. 1, 3, and 4) (claims semi-trucks blocking traffic, cars line up early each day causing traffic, traffic safety issues, and claims that pantry services should stop during	Appellant McLean’s statement implies that there are “hundreds of cars” queued up around the street at the same time, and this is a gross exaggeration. In contrast to Appellants’ claims, the new building project would <i>actually ease any potential traffic congestion in a significant manner.</i> A traffic assessment was conducted, which concluded that the project did <i>not meet the threshold to require a traffic study</i> for the proposed building. The determination letter issued by the Zoning Administrator on May 19, 2022 (“Determination Letter” or “DL”) granting the Conditional Use Permit (“CUP”) made <i>explicit factual findings</i> regarding the effects of traffic and traffic mediation efforts, which were taken into consideration when granting the CUP. The Determination Letter also imposed certain conditions related to traffic mediation:

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	construction period due to added traffic and congestion).	- DL Pg. 19 (“Conditions addressing litter, traffic, safety, security, loitering, lighting, and other neighborhood concerns (see Finding No. 2) were imposed to address potential nuisances and promote compatibility with surrounding uses.”) - DL pp. 24-25 (“Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.”) - DL Pg. 3 (“The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.”) - DL Pg. 3 (“Any commercial truck delivery of items shall not be permitted before 8:30 a.m. and after 3 p.m.”) - DL Pg. 22 (“The Department of Transportation will also review the final parking and driveway plan as part of their review and sign-off.”)
2. Landscaping Concerns	i. Siena at Woodland Hills (pp. 3-5, 9-10) (claims that Church has not maintained landscaping and that adding solar panels will further deteriorate landscaping).	These concerns are exaggerated and inaccurate, and the evidence submitted does not support these claims. Moreover, the Determination Letter described in great detail the conditions imposed on WVFP which require

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	ii. Deborah Thompson (pp. 1-2) (claims that Church has failed to maintain its property resulting in dried mud covering sidewalks and dead trees and brush which constitute a fire hazard; claims that Church should include plants in landscaping and should take into consideration existing wildlife).	ongoing maintenance obligations of WVFP, <i>and the WVFP has agreed to comply with these conditions in full.</i> - DL Pg. 2 (“The condition of the lot or lots, including but not limited to parking areas, exterior walls, required lighting, and landscaped areas, shall at all times be maintained in a safe and sanitary condition and in a state of good repair. Exterior wall surfaces shall at all times be kept free from graffiti and any marks of vandalism . . . The lot or lots shall at all times be kept clear of weeds, rubbish, and all types of litter and combustible materials.”) - DL Pg. 3 (“All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.”) - DL Pg. 4 (“The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.”)

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3. Hours of Operation	i. Siena at Woodland Hills (pp. 6-8) (claims that the pantry will be operating from 7am to 11pm, that semi-trucks arrive before 7am, and that lines start to form at 6:30am) ii. Aaron Poladian (pg. 2) (claims that the operation and distribution hours are too long). iii. Deborah Thompson (pg. 1) (claims that there are garbage trucks every weekday before 7am, then again at around noon, and lines that form at around 7am; claims that hours of operations are listed from 7am to 11pm daily, and requests that operation hours be changed to end at 6pm).	The only hours of operation for distribution of groceries to clients are from 9:30 a.m. to 2:00 p.m. on Monday through Thursday, and from 9:30 a.m. to 12:30 p.m. on Friday. Deborah Thompson's statement about garbage trucks is inaccurate. Currently, all trash (including recyclables and yard waste) is picked up in the afternoons between 1:00-4:00 p.m. The Determination Letter makes clear that in the new building operation, "[a]ny commercial truck delivery of items shall not be permitted before 8:30 a.m. and after 3 p.m." (DL, Pg.3) - Deborah Thompson's concerns about semi-trucks and garbage trucks were also expressly taken into consideration and were not grounds to deny the CUP (See DL, Pg. 15, No. 17.)
4. Concerns about the homeless, mentally ill individuals, safety issues, or littering	i. Siena at Woodland Hills (pp. 7, 10, and 11) (claims that homeless and mentally ill individuals are squatting in the campus, that drug-related and break-in activity has increased in the area, and that intruders have climbed the hillside and entered backyards from church property).	These accusations are either exaggerated or inaccurate. The Appellants' own photographic "evidence" does not support these disingenuous claims. Indeed, individuals are required to register to receive groceries, and registration records indicate that fewer than 3% of WVFP's clients are individuals who are unhoused and walk up to receive their groceries.

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	ii. Nancy McLean (pg. 1) (claims that neighbors are concerned and scared by mentally ill people that have confronted them). iii. Deborah Thompson (pp. 1, 3, 4) (claims that garbage is left throughout the neighborhood by WVFP patrons; claims that entire property should be secured with an eight foot high wall and fences to prevent loitering).	The Determination Letter explicitly took these matters into consideration when crafting the CUP conditions: - DL Pg. 19 (“Conditions addressing litter, traffic, safety, security, loitering, lighting, and other neighborhood concerns (see Finding No. 2) were imposed to address potential nuisances and promote compatibility with surrounding uses.”) - DL Pg. 22 (“As conditioned, the proposed project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety and the development of the community.”) - DL Pg. 3 (“The parking lot shall be secured after hours to prevent loitering on the subject site.”) - DL Pg. 3 (“A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.”)

ALLEGED GROUNDS FOR APPEAL	WHICH APPELLANTS ASSERT THOSE GROUNDS AND WHERE FOUND IN APPELLANTS' JUSTIFICATIONS	WVFP RESPONSE AND ACTUAL FINDINGS OF ZONING ADMINISTRATOR
5. Noise/Sound Concerns	i. Siena at Woodland Hills (pg. 10) (claims that Church allows events at property that it does not control). ii. Nancy McLean (pg. 1) (claims there are “loud trash truck pickups multiple times a day”). iii. Deborah Thompson (pg. 1) (claims there are loud noises from garbage trucks and semi-trucks delivering food).	The Determination Letter expressly takes noise/sound concerns into account and addresses them through the CUP conditions imposed upon the WVFP. - DL Pg. 24 (“Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.”) - DL Pg. 3 (“Any commercial truck delivery of items shall not be permitted before 8:30 a.m. and after 3 p.m.”). - DL Pg. 4 (“Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.”)

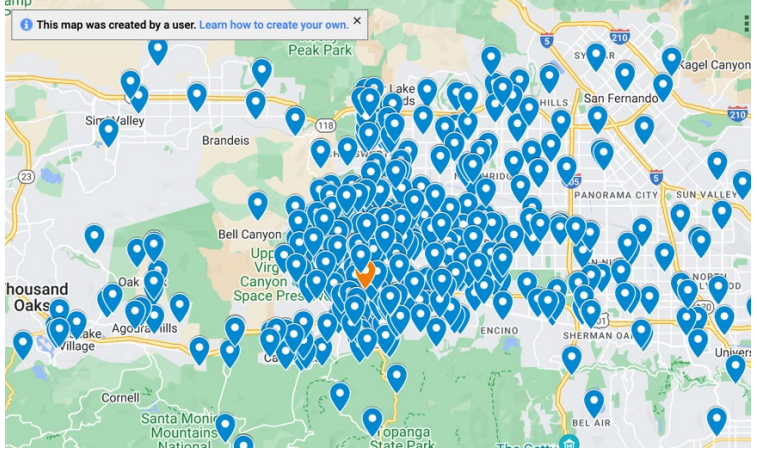
ALLEGED GROUNDS FOR APPEAL	WHICH APPELLANTS ASSERT THOSE GROUNDS AND WHERE FOUND IN APPELLANTS’ JUSTIFICATIONS	WVFP RESPONSE AND ACTUAL FINDINGS OF ZONING ADMINISTRATOR
6. Solar panels	i. Siena at Woodland Hills (pp. 3 and 10) (claims that solar panels should not be installed on the slope because they will cause discomfort due to glare and, thus, should be installed on roof of new structure).	The WVFP will defer to the solar installation experts and the applicable building codes to ensure proper location and orientation of the solar panels.
7. Church exceeded scope of 1963 project approval	i. Nancy McLean (pg. 1) (claims that church misinterpreted “other church-related activities” language in their approvals to start food distribution services). ii. Aaron Poladian (pg. 1) (claims that Church has exceeded scope of existing approvals allowing “other church related activities” by continually expanding the pantry operations).	In a 2018-2019 study, 48% of congregations named Food Assistance as one of their community outreach programs, making it the most cited program of any, outstripping Youth, Health, Elderly, Disaster Relief, and thirteen others. This is according to the National Congregations Study, an ongoing academic effort since 1998 with over 5,300 participants designed to reflect the entire religious spectrum in America. Clearly, food distribution is a “church-related activity.” The WVFP responded to the needs of the food insecure during the COVID-19 pandemic. It provided these services when every other food pantry was “shut down.” The process for providing these services changed due to COVID-19 restrictions, which led to a procedure in which clients could stay in the cars and receive groceries, rather than a “walk-up” service. However, other than the mode of operation, and the increase is clientele due to the financial strain of the

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		pandemic, the services provided remained the same as they were when the pantry first started in 1975. It has been legally operating under the church's 501(c) designation since that time. More importantly, the newly granted CUP for the construction of a new building will not "expand" operations (which already exist due to a growth in clientele during the pandemic). Rather, it will simply move the operation to a more convenient and efficient location on the property. It will improve the effectiveness of the operation and <i>decrease</i> traffic congestion concerns.
8. Procedural irregularity in approval process.	i. Nancy McLean (pgs. 2-3) (claims that on April 13, 2022, the Neighborhood Council included the Food Pantry as Item 8 on the agenda but that Joyce Fletcher (the Board President) announced that Item No. 8 was removed from the agenda by order of the City Attorney, which, in turn, made it impossible for concerned individuals to provide comments and, when individuals attempted to speak up, they were muted). ii. Aaron Poladian (pg. 2) (claims that residents' concerns were not taken into consideration and that PLUM committee's	The Determination Letter <i>did</i> take the Woodland Hills Neighborhood Council's PLUM Committee recommendations into consideration. Page 12 of the Determination Letter explicitly references and recognizes the PLUM Committee vote to partially support Phase 1 of the project only for the operation of the warehousing of groceries and not for on-site distribution of groceries. This recommendation followed three PLUM meetings (held on March 3, March 17 and April 7, 2022). The Determination Letter also notes that the full board of the Woodland Hills Neighborhood Council voted on this PLUM motion.

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	recommendations were also not taken into consideration). iii. Deborah Thompson (pgs. 2 and 4) (claims that PLUM committee's recommended solutions were not considered).	The WVFP had no involvement with any item being removed from the agenda at the April 13, 2022 Neighborhood Council meeting. According to the Chair of the Neighborhood Council, the decision to remove the item was the result of a directive of the City Attorney. More importantly, this procedural circumstance, even if unusual, has no impact on the substantive zoning and planning issues, nor does it affect any of the determinations or findings made by the Zoning Administrator.
9. Community liaison is not sufficient	i. Nancy McLean (pgs. 3-4) (claims that community liaison from Church is not enough because the Church has ignored the concerns of the neighbors and that there should be a process implemented so that complaints are received by the Neighborhood Council or some other City agency, rather than them going to the Church).	Appellant McLean mischaracterizes the nature of Condition No. 18 in the Determination Letter (pg. 3), which specifically requires that a telephone number and email address shall be provided for any complaints or concerns from the community. This information must be posted at various locations. In addition, the Determination Letter mandates that all complaints must be responded to within 24 hours, and WVFP must maintain a log of all calls and emails, detailing: 1) the date the complaint was received; 2) the nature of the complaint; and 3) the manner in which the complaint was resolved. In at least the past five months, the WVFP has not received any calls with complaints regarding trash, homeless "lingering" or noise.

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		In addition, it is not accurate to state that the WVFP has not responded to neighborhood concerns. Numerous community meetings were held at which potential concerns were received and addressed. Moreover, WVFP representatives had numerous impromptu meetings with concerned neighbors and had constructive dialogue. The WVFP has shown that it cooperates and has adapted its site plans in order to address these issues. Even as noted in Appellant Poladian's appeal letter (pp. 2-3), WVFP's representative Stacey Brenner met with the Poladians at their residence in order to listen to, and address, certain concerns. Appellant Poladian incorrectly states that the WVFP did not respond to her concern regarding the trash enclosure. As a direct response to Appellant Poladian's concerns, the plans were revised to move the trash enclosure to the other side of the parking lot, away from the backyard of the Poladian property.
10. Pantry should be moved to a commercial or industrial zone	i. Nancy McLean (pgs. 3-4) (claims that funds should be used to purchase a warehouse in a commercial/industrial zone, rather than in a single-family zoned area). ii. Aaron Poladian (pg. 2) (claims that operation should be moved to commercial or	These suggestions were noted and considered in the Determination Letter and appropriately rejected. (See DL at Pg. 14, No. 3, Pg. 14, No. 8, Pg. 16, No. 26.) The husband of Appellant Deborah Thompson presented eight purportedly suitable commercial sites to the Woodland Hills Homeowners Association on March 23, 2022. Of the eight, seven were within 500 feet of residential housing,

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	industrial zoned area so it does not impact homeowners).	so the impact of WVFP on residential neighbors would not be reduced, it would simply be given to other neighbors. The eighth site fronted on a busy thoroughfare (Sherman Way) and was too small to have the on-property nine car queuing that the new proposed church site building has. Moreover, for numerous reasons, these suggestions are impracticable and unreasonable, which WVFP representatives are happy to address in more detail at the August 11 hearing.
11. Project supporters are not individuals living near Church	i. Aaron Poladian (pg. 2) (claims that project supporters are not individuals living near Church and will not be impacted by the operations of the Pantry).	This accusation is irrelevant. The Determination Letter and grant of the CUP were made based upon the appropriate municipal codes and guidelines for the Office of Zoning Administration and Department of City Planning. In addition, this accusation is not true. Although there are supporters throughout the Valley, many are concentrated in the near vicinity of the WVFP as shown by the map below. This is an address mapping of residents who registered their support for the WVFP building project.

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		 More importantly, Appellants refuse to acknowledge that a substantial number of WVFP clients live near the WVFP. <i>Indeed, approximately 85% of the clients who utilize WVFP's services live within seven miles.</i> Thus, the current location is ideally suited to serve the needs of this community.
12. LAUSD property concerns	i. Aaron Poladian (pg. 3) (claims that the approval did not take into consideration the vacant lot that is currently owned by LAUSD and the impact this approval will have once the lot has been developed).	This argument is a red herring. WVFP does not control LAUSD and has no input into how the vacant land will be developed. The fact that LAUSD has delayed making a decision regarding the use of this vacant lot, and has chosen to keep it vacant for an unspecified period (which has the possibility to attract the unhoused) is not related to the

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	ii. Deborah Thompson (pg. 2) (claims that LAUSD has not weighed in on project or its impact on their property's future use and development).	WVFP's mission and services, nor the findings and conclusions in the Determination Letter. The Determination Letter acknowledged and recognized that the WVFP is near the now-vacant lot where the Collins Street Elementary School was demolished (DL, Pg. 24.) Claims that the WVFP has not reached out to LAUSD are untrue. In early April 2022, a WVFP representative spoke with Mr. Al Graziolo, head of LAUSD asset management. Mr. Graziolo stated unequivocally that no part of its Collins property could be made available for use by the WVFP.
13. Parking	i. Deborah Thompson (pgs. 3 and 4) (claims that parking calculations need to comply with City Code 12.21A.4 and LADBS document P/ZC2020-11; claims that plans currently do not include enough parking spaces for the size of the building nor the number of people who will be working and/or volunteering at the Pantry).	The WVFP agrees that all parking requirements should be met, and indeed, the Determination Letter expressly requires such compliance: - DL Pg. 9 ("The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.") - DL Pg. 11 ("Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of LAMC Sections 12.21 A.4(g) and 12.26 E.1 (b). No variance from the parking requirements has been granted herein.")

ALLEGED GROUNDS FOR APPEAL	WHICH APPELLANTS ASSERT THOSE GROUNDS AND WHERE FOUND IN APPELLANTS' JUSTIFICATIONS	WVFP RESPONSE AND ACTUAL FINDINGS OF ZONING ADMINISTRATOR
		- DL Pg. 20 (conditional use finding: “Parking will increase from 101 parking stalls to 135 stalls (119 required with new building) and vehicular queuing for three cars, with a canopy for pick-up and drop-off of the food distribution services.”)
14. Alleged violation of Establishment Clause	i. Aaron Poladian (pg. 2) (claims that providing funds to the Church for operation of the Pantry violates the Establishment Clause because the Church is the one applying for the CUP and the funds will be used to “benefit” the Church).	This objection stems from a fundamental misunderstanding of both the facts and the law on this subject. First, the WVFP does not engage in any religious activity. There is no proselytizing, religious instruction, religious requirement to become a client, or any other nonsecular activity that takes place at the WVFP. Indeed, the WVFP is operated by a coalition of numerous different religions. Second, Appellant has essentially turned the law on its head with respect to how religious institutions are treated when seeking approvals and grant funds that are generally available public benefits. Appellate Poladian has raised the argument that providing funds for the WVFP and approving the project somehow “is a direct conflict of the separation of church and state.” In essence, Appellate Poladian is asking the City to exclude the Church from receiving approvals and grant funds simply because it is a religious institution. Courts across the country, including the United States Supreme Court, have

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		made clear that this position is in direct violation of the United States Constitution. As recently noted by the United States Supreme Court in <i>Carson as next friend of O. C. v. Makin</i> (U.S., June 21, 2022, No. 20-1088) 2022 WL 2203333, at *5, “we have repeatedly held that a State violates the Free Exercise Clause when it excludes religious observers from otherwise available public benefits.” In <i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i> (2017) 137 S.Ct. 2012 (“<i>Trinity</i>”), the Missouri Department of Natural Resources barred a religious school from obtaining a state funding grant for the school’s playground. By contrast, Missouri had allowed secular private schools to obtain state funding grants for their schools’ playgrounds. The United States Supreme Court held that Missouri’s law was unconstitutional, stating that the Constitution “protects religious observers against unequal treatment.” <i>Id.</i> at 2019 (alterations omitted). In the <i>Trinity</i> Court’s description, Missouri’s law reflected an unconstitutional policy of “[n]o churches need apply.” <i>Id.</i> at 2024. The <i>Trinity</i> Court concluded that “the exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution all the same, and cannot stand.” <i>Id.</i> at 2025.

ALLEGED GROUNDS FOR APPEAL	WHICH APPELLANTS ASSERT THOSE GROUNDS AND WHERE FOUND IN APPELLANTS' JUSTIFICATIONS	WVFP RESPONSE AND ACTUAL FINDINGS OF ZONING ADMINISTRATOR
		Here, Appellate Poladian asks the City to exclude the Church from receiving approvals and funds simply because it is a religious institution. As made clear by the United States Supreme Court, this “[n]o churches need apply” mindset “is odious to our Constitution.” <i>Id.</i> 2024-25.

SECONDARY SUBMISSIONS



Planning APC South Valley <apcsouthvalley@lacity.org>

Fwd: Case No. ZA-2021-8321-CU Prince of Peace Church, Request to denial appeal

1 message

maureen tamuri <mtamuri@yahoo.com>

Tue, Aug 9, 2022 at 2:09 PM

To: Valley Planning Commission <apcsouthvalley@lacity.org>

Cc: gmichitsch@yahoo.com

Honorable South Valley Planning Commission Members and Mr. Song,

We are local homeowners of 20 years, and are submitting to you this public correspondence and testimony in support of denial to the appeal of the 5/19/2022 Determination Letter supporting this application. We are in support of this project, which continues the Church's decades long religious mission to feed the poor in our community. Please consider the following:

1) Prince of Peace Church and their food delivery mission is protected under Federal Law (RLUIPA), and reasonable accommodation of this program (aligning with longstanding religious instruction to "feed the poor") is required by the statute. As such, the approval, and required mitigations identified in the 5/19/2022 City of Los Angeles Decision Letter, were properly issued, and must be upheld. **In this case, supplying food to disadvantaged persons is a reasonable use within the typical scope of religious institutions.**

https://www.justice.gov/crt/about/hce/housing_rluipa2.php

2) The appellants overstate traffic concerns and noise generation. We both walk and drive directly by the Church and side streets one to three times a day, and have for many years. We have never heard excessive noise from food recipients waiting in their cars, nor from the operation of the volunteer supported program on the church site. The operation is efficient and orderly, and does not create any unusual noise or disturbances. **Patrons quietly wait their turn in their cars which are directed to remain out of travel lanes by the volunteers.** The church site and surrounding streets used for access to the distribution point are clean, secured after hours, and we have noted no patrons lingering after hours as alleged by the appellants.

3) Appellants position that the food distribution increases neighborhood crime surrounding 5700 Rudnick is unsupported by crime statistics and mapping tools.

<https://www.crimemapping.com/map/ca/losangeles>

4) Adjoining neighbors filing the appeal cannot assert land planning rights which supersede those of the Church. Property owners filing the appeal knowingly purchased property in a neighborhood of public and institutional uses consisting of 3 churches, two private and one public school site, a large City Parks and Recreation Center and tennis courts, as well as a large condominium property (Siena HOA). As such, the suggestion that they are entitled to exclusive enjoyment of a residential community in this setting is not supported by local zoning **or the existing land use pattern.** The allowed uses permitted on those sites, including daytime and nighttime athletic field activities, summer camps, weddings, weekend community center events and religious holiday/Sunday church services cannot be disregarded when considering this community setting.

<https://ladcp.maps.arcgis.com/apps/View/index.html?appid=bb34a3ae0beb4574aa6051c928899e01>

8/9/22, 2:19 PM

City of Los Angeles Mail - Fwd: Case No. ZA-2021-8321-CU Prince of Peace Church, Request to denial appeal

In closing we again reiterate our support of this project, and urge rejection of the appeal for the grounds stated above. Thank you for your consideration.

Sincerely,

Glenn Michitsch and Maureen Tamuri

[22112 Califa Street](#)

[Woodland Hills, 91367](#)

DAY OF HEARING SUBMISSIONS



Planning APC South Valley <apcsouthvalley@lacity.org>

#2--Items of interest, Karadjian CONFLICTS OF INTEREST

1 message

Goat Puppet Developer <inslos@aol.com>

Thu, Aug 11, 2022 at 3:06 PM

Reply-To: Goat Puppet Developer <inslos@aol.com>

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

BAAAAAH, BAAAAH, IT HAS COME TO THE ATTENTION OF SNITCHES AND INFORMANTS THAT COMMISSIONER LISA KARADJIAN has RESIGNED FROM THE STUDIO CITY NEIGHBORHOOD COUNCIL LAST NIGHT AND HER POSITION AS CHAIR OF THE ALL POWERFUL STUDIO CITY PLANNING COMMITTEE.

On the Agenda, baaah, baaaah, there are a list of projects Commissioner Karadjian has apparently been involved with, vetted, or considered. THE FOLLOWING PROJECTS SHOULD MERIT RECUSALS:

A. RESIDENCES AT SPORTSMEN'S LODGE [12085 W Ventura Blvd. Studio City, CA 91604](#) SCNC Ad Hoc Committee <https://www.studiocitync.org/committees/viewCommittee/ad-hoc-residences-at-sportsman's> LA City Planning Doc <https://www.studiocitync.org/committees/viewCommittee/ad-hoc-harvard-westlake-river-project>. Draft EIR <https://planning.lacity.org/development-services/eir/harvard-westlake-river-park-project-0> LA City Planning Docs 3/5/2020.

B. HARVARD WESTLAKE RIVER PROJECT 4047, 4141, and [4155 N. Whitsett Avenue](#); 12506, 12600, and [12630 W. Valley Spring Lane, Studio City, CA 91604](#)

C. SUNSWEPT MIXED USE PROJECT [12544 W Ventura Blvd. Studio City, CA 91604](#)

D. . ELDERCARE FACILITY PROJECT [11611-11695 W Ventura Boulevard](#) and 4000-4028 Colfax Ave. Studio City, CA 91604

E. THE CRESCENT APARTMENTS C2-1VL-RIO [4260 N. Arch Dr. Studio City, CA 91604](#) SCNC Land Use Committee meeting presentation by applicant. 5/11/22

F. RAFFI BUILDING 4021 RADFORD Studio City, CA 91604 at Hoffman St. A new 6 story, 50,979 ft.² mixed-use building with ground floor commercial and 58 residential units on levels 2 - 6, 2 levels of subterranean parking, demolition of the existing structures.

G. [11265 VENTURA BLVD Studio City, CA 91604](#) at Eureka Dr Per the Developer, the Project site is being re-examined and reconsidered for new future development possibilities. The Supermarket is no longer an option for development at this site.

H. PINZ BOWLING ALLEY PROPERTY - No real tangible application submitted (Former home of Jerry's Deli next door.)

I. Presentation, Discussion, and possible Motion - Q and A to follow Presentation - Proposed Wildlife District Ordinance - Representative: Conni Pallini-Tipton Senior City Planner and Colleagues 30 - 45 minutes <https://planning.lacity.org/plans-policies/wildlife-pilot-study> https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revise_d_Draft_Wildlife_Ordinance_Public_Release.pdf

J. Proposed Project: THE CRESCENT APARTMENTS C2-1VL-RIO Project Address: [4260 N. Arch Drive](#) CPC-2017-3759-DB-SPP-SPR ENV-2017-3760-EAFA 129 Unit, Five Story, 114,004 SF total floor area Apartment Building, maximum height of 76 feet to the highest point, Density Bonus Apartment Building

ALSO A MEMBER OF THIS GROUP AND SHOULD RECUSE HERSELF THERE AS WELL:

K. Ventura-Cahuenga Boulevard Corridor Specific Plan <https://planning.lacity.org/plans-policies/ventura-specific-plan> j. The Plan To House LA - Housing Element Update 2021 - 2029



Planning APC South Valley <apcsouthvalley@lacity.org>

#4 GENERAL PUBLIC COMMENT

1 message

Goat Puppet Developer <inslos@aol.com>
 Reply-To: Goat Puppet Developer <inslos@aol.com>
 To: "apcsouthvalley@lacity.org" <apcsouthvalley@lacity.org>

Thu, Aug 11, 2022 at 3:24 PM

Lisa Karadjian has been allowed to serve on this commission

1/ WHILE ALSO HOLDING OUT AS A NON-PROFIT SEEKING FUNDS FROM COUNCILMAN PAUL "THE GOAT" KREKORIAN;

2/ MEMBER OF THE VENTURA-CAHUANGA SPECIFIC PLAN BOARD,

3/ MEMBER OF THE STUDIO CITY NEIGHBORHOOD COUNCIL

AND

4/ CHAIRPERSON OF THE POWERFUL STUDIO CITY N.C. PLANNING COMMITTEE.

WHY????????????

WHAT THE HELL IS THE CITY ATTORNEY DOING TO VET THIS? CONFLICTS OF INTEREST OR APPEARANCE OF SUCH ARE VERY SERIOUS ISSUES IN THE ONGOING F.B.I. PROBE OF DEVELOPERS, PROJECTS, AND OTHERS WHO BUILD, AND BUILD, AND BUILD NON STOP.

HERE IS SHOCKING STATEMENT FROM SOMONE WHO MUST BE FREE AND CLEAR OF ALL APPARENT CONFLICTS:

FROM AN INFORMANT, YOUR COMMISSIONER AT THE SCNC Special Budget Committee Meeting DATED February 15, 2018. .

Lisa Karadjian:

"The advantage of me doing this is that I am a board member. Yeah.

And honored to be so, which I can get the Neighborhood Council involved in this section as well. Uh, by shedding the light that it needs, as well as being a plan review board member. So I can go to, uh, Krekorian's office and initiate change through his office. Have him match funds, as well as get the planned review board to push matters along. "

"I already, uh, opened up the bank account with \$500, of my own money." in some reference to seed money for a non profit?

"I can, I can have, I can put together a dinner and fundraise and bring in \$100,000. And contribute those funds to do, to help like let's say."

So what is this? A board member of the Ventura-Cahuenga Specific plan Board who is also a SCNC Board member asks for money for HER start up non profit as "seed money" as she can apparently go then to Councilman Krekorian, the SCNC Board, and the Ventura-Specific plan people to get City Funds to aggregate so as to make HER area of Studio City better?

The City Attorney NEEDS TO INVESTIGATE IF ANY OF THIS IS TRUE OR WHAT HAS BEEN HAPPENING with these apparent Conflicts.

The City Council failed to heed warnings at the PLUM when the seated this Commissioner at her "sham" hearing. That Committee violates the Brown Act repeatedly, as does this Commission.

The Corruption in this City is so rampant, it is no wonder that we have such aggressive movers who seek to go "up the food chain."

Baah, Baah.



Planning APC South Valley <apcsouthvalley@lacity.org>

item #6 CONTINUE ITEM

1 message

Goat Puppet Developer <inslos@aol.com>
Reply-To: Goat Puppet Developer <inslos@aol.com>
To: "apcsouthvalley@lacity.org" <apcsouthvalley@lacity.org>

Thu, Aug 11, 2022 at 3:37 PM

1/ THERE ARE NOT 5 COMMISSIONERS SEATED ACCORDING TO THE AGENDA.

2/ COMMISSIONER KARADJIAN HAS SOME VERY SERIOUS ISSUES TO ADDRESS AND IT IS ADVISABLE SHE RECUSE HERSELF FROM THESE PROJECTS UNTIL SUCH ALLEGATIONS AND ISSUES ARE RESOLVED.

3/ PROCEDURAL FRAUD BY THE COMMISSION: "Any action by the Commission requires the vote in the affirmative of 3 or more Commissioners." The appellant MUST by a MAJORITY of the COMMISSION win their appeal, or the decision of the Administrator (last decision) is retained as the final decision. Thus, When this CORRUPT Commission, baah baah, has only 3 Commissioners, they routinely proceed. Thus, the appellant has to WIN A UNANIMOUS COMMISSION VOTE to prevail (3-0.) A 2-1 vote for an appeal (despite being a "majority") STILL FAILS TO WIN BECAUSE OF THE CHARTER'S RULE OF 3. If there are only 4 Commissioners present, then the appellant need to win BY 3/4 VOTE OF THE COMMISSION, OR 75% OF THE COMMISSION! That again is FAR MORE THAN THE BURDEN OF PROOF IN THE PROCEDURAL RULES. That is why 5 Commissioners MUST BE PRESENT.

This week, the East Los Angeles P.C. took the unusual step (they only have 3 Commisioners) TO POSTPONE THEIR PROJECT UNTIL 5 MEMBERS OF THE PANEL ARE PRESENT! They seem to understand the problem.

This CORRUPT COMMISSION denies public comment to a lousy 1 fucking minute and mutes the mic the second before 60 seconds is reached, yet gives unlimited time to STAFFERS OF COUNCILMEMBERS, COMMISSIONERS, AND DEVELOPERS!

Baaaah, baaah. Cease and Decist the practices above.

I have a great solution to this problem. IF any property owner within 500 feet of any of your bullshit projects wants to move, let the City be forced to buy the property at 200% of Fair Market Value. Then you can illegally grant all the permits you want. People would be free to simply leave if it isn't to their liking.

The following is the transcribed audio from Jason England's interview of Edgar from Critter Busters on Tuesday 8/9/2022, 11:11AM. This was an impromptu interview on the border between Siena at Woodland Hills and the Prince of Peace Episcopal Church.

• 0:00 - 0:01 - Edgar
Um, every single day.

The interview starts here:

• 0:01 - 0:06 – Jason (some over lapping audio)
Um, okay, so I'm recording. So yeah, of course. I see. Okay. So you're with,.

• 0:06 - 0:07 - Edgar
Uh, I'm with Critter Busters.

• 0:07 - 0:09 - Jason
Critter Busters, and you're here. Uh

• 0:09 - 0:27 – Edgar (some over lapping audio)
So right now we're doing, um, we're just doing, uh, a coyote trappings for two weeks. Uh, we'll be out here Monday through Friday. Okay. Um, so when we do the trappings, we're only here Monday through Friday, uh, Fridays, we actually take down the traps cuz we don't want to catch anything and not be able to, you know, rescue them and take'em out the next day. Right. Um, yeah.

• 0:28 - 0:30 - Jason
So you put out traps when?

• 0:30 - 0:34 - Edgar
Yes. So we put out snare traps. Uh, we'll put them out Monday whenever we come out.

• 0:34 - 0:36 - Jason
So you came, you put them yesterday and you've already caught one.

• 0:36 - 0:48 - Edgar
And we've already caught one the next day. Yes. Wow. So they work efficiently. Um, like I said, uh, right now we put 12 because we found, you know, we'd look for their, their routes and we pick out the best, um, spots to put them in.

• 0:48 - 0:50 - Jason
Well, Did a good job on that one? (pointing at the trapped coyote)

• 0:50 - 0:56 - Edgar
Yes so yeah, we'll put the best, best spots. Um, and then, like I said, we'll come out each day and then we'll continue to re-put them back up.

• 0:56 - 0:59 - Jason
And then, um, you relocate them. Where do you, where do you take them to?

- 0:59 - 1:11 – Edgar (some over lapping audio)

Um, so far away. Yeah, we'll put, 'em using a forest or something. Um, so like right now I'll take 'em to Castaic (Lake area). Oh, okay. Cause that's the best place to put 'em gives them water, gives them the food, but gives them their wilderness as well. Excellent. Um, so yeah,.

- 1:11 - 1:17 – Jason & Edgar (some over lapping audio)

So you're thinking they're, they're in this area because of all of the overgrown bushes.

- 1:17 - 1:27 - Edgar

Here. Yeah, exactly. All the overgrown bushes. And like I said, there is wildlife out here. Sure. You can. Uh, but mostly cuz of the overgrown bushes. Yeah. So where it's an easy space for them to hide and live.

- 1:27 - 1:34 - Jason

So, Basically, if they were to trim the bottoms of all of these bushes and they didn't have a place to nest, then there'd be.

- 1:34 - 1:35 - Edgar

A lot better.

- 1:35 - 1:41 - Edgar

Yes. It would be less likely to have coyotes in this area and, and wildlife in general.

- 1:41 - 1:42

Yeah. Wildlife in general,.

- 1:42 - 1:45

You wouldn't have a lot of rabbits nesting because exactly.

- 1:45 - 1:45

Yeah.

- 1:45 - 1:50 - Jason

Mm-Hmm all well, that's good to know. Mm-hmm all right. Thank you. And what was your name?
Edgar

- 1:51 - 1:52 - Edgar

Nice to meet you, Jason. Well,.

- 1:52 - 1:53 - Jason

Let's do that. Yeah, there. (fist bump)

South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

President Kierking and Members of the South Valley Area Planning Commission,

I am writing in support of the variance application for an auto repair use and spray booth at 14728 West Calvert Street. The street is zoned industrial (M2), and includes virtually all auto repair and auto sales related uses. The Zoning Administrator approved the auto repair use, but the property needs a spray booth to be a viable repair business. Most of the surrounding properties with auto repair uses have spray booths.

The owner, Sean Rastegar, is very responsible and well respected in our neighborhood, and his property is well maintained. There has been a fully enclosed spray booth inside a building on the property for decades, and there is no odor, fumes, or any evidence that the spray booth is on the property. The spray booth has always been certified by SCAQMD for environmental compliance. Based on this, the spray booth does not cause any harm to the public or workers on site.

We request that the South Valley Area Planning Commission approve the spray booth for auto use. Thank you for your consideration.

Name:
Address:

Legend Autobody
Alexandre Petrosyan
14717 Calvert St.
Van Nuys CA 91411

South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name:
Address:

BEST PRICE CARS, INC
6144 KESTER AVE
VAN NUYS CA 91411

BEST PRICE CARS INC.
Quality Pre- Owned Cars & Trucks

Jose H. López
Service Manager



6144 Kester Ave.
Van Nuys, CA 91411
bpc818@gmail.com

Tel: (818) 908-3069
Cell: (818) 482-6380
Fax: (818) 908-3021

511
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apesouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

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Name:
Address:

CarZone auto
14762 Calvert ST
Van Nuys CA 91411

2
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

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Name:
Address:


Irwin Tessler
14713 Calvert St
Van Nuys, CA 91411

South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@citycity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
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Name:
Address:

Jennifer Febre 818 523 0828
Macleod Ale Brewing Co.
14741 Calvert St.



3
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

President Kierking and Members of the South Valley Area Planning Commission,

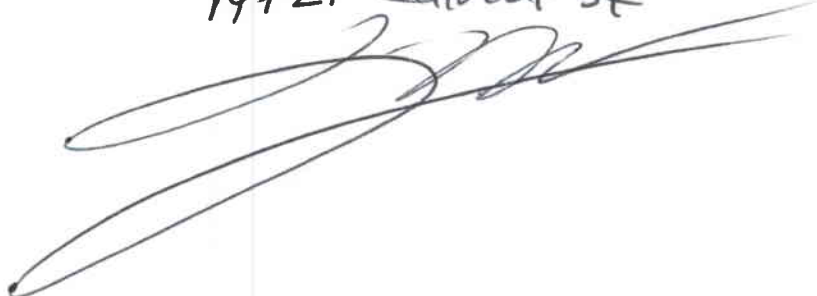
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Name:
Address:

MRC
DOES MARTINEZ
818 370-1137
14721 Calvert St



14
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name:
Address:

MARATHON
JACOB YANCO
14763 CALVERT ST,

8

South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name:

Address:

MUSTANGS ETC.
[Signature]
14843 BESSEMER ST
VAN NUYS, CA 91411

South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name:
Address:

Mayra Isidro
818-912-4339
14737 Calvert St
MC Van Nuys CA 91411

19
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name:
Address:

Pioneer Fire Professionals
DREW Masey
14819 Calvert St
Van Nuys

6/1
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

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Name: Quality Auto Clinic
Address: 14725 Bessemer St
Van Nuys CA 91411
(818) 786-1666

QUALITY AUTO CLINIC



**FOREIGN and DOMESTIC
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qualityautoclinic@sbcglobal.net

14725 Bessemer St., Van Nuys, CA. 91411

10
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

President Kierking and Members of the South Valley Area Planning Commission,

I am writing in support of the variance application for an auto repair use and spray booth at 14728 West Calvert Street. The street is zoned industrial (M2), and includes virtually all auto repair and auto sales related uses. The Zoning Administrator approved the auto repair use, but the property needs a spray booth to be a viable repair business. Most of the surrounding properties with auto repair uses have spray booths.

The owner, Sean Rastegar, is very responsible and well respected in our neighborhood, and his property is well maintained. There has been a fully enclosed spray booth inside a building on the property for decades, and there is no odor, fumes, or any evidence that the spray booth is on the property. The spray booth has always been certified by SCAQMD for environmental compliance. Based on this, the spray booth does not cause any harm to the public or workers on site.

We request that the South Valley Area Planning Commission approve the spray booth for auto use. Thank you for your consideration.

Name:
Address:

TURBO PERFORMANCE
Robert SERRA
14735 Oxnard St
Van Nuys, Ca, 91411

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Name:
Address:

Rich & Famous Auto Body
14741 Bessemer St Van Nuys
[Signature]



17
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Name:
Address:

SO. Cal. Craftmen
14857 Bessemer St
Van Nuys CA 91411
(818) 837-1616

SO. CAL. CRAFTSMEN
Professional Furniture
Refinishing & Upholstery



14857 Bessemer St
Van Nuys, CA 91411
(818) 837-1616
werepairit@yahoo.com
Manuel Torres

16
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Name:
Address:

THE HAUS
14850 CALVERT ST.
SHERMAN OAKS CA 91411

STEPHEN ADAMS

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Santa Monica, CA 90405

Sherman Oaks

(855) 572-6464 (MINI)
14850 Calvert Street
Sherman Oaks, CA 91411



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We request that the South Valley Area Planning Commission approve the spray booth for auto use. Thank you for your consideration.

Name: Vahan Sirakanyan
Address: 6100 Kestler Ave
Van Nuys CA 91411

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E-Mail: apcsouthvalley@lacity.org

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Name:
Address:

VAN NYS HB CPS
14743 OXNARD ST.
VAN NYS HB CPS CA.
91411

Sheri L. Bonstelle
sbonstelle@jmbm.com

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(310) 203-8080 (310) 203-0567 Fax
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August 9, 2022

BY EMAIL

President Kierking and Members of the
South Valley Area Planning Commission
Attn: Alice Inawat, Commission Exec. Assistant
E-Mail: apcsouthvalley@lacity.org

Re: 14728 West Calvert Street (ZA-2020-3053-ZV-1A)
Hearing: August 11, 2022, Item No. 7

Dear President Kierking and Members of the South Valley Area Planning Commission:

Our firm represents Sean Rastegar, the owner and Applicant of the property located at 14728 West Calvert Street (the "Property"), in the M2 industrial zone in the San Fernando Valley. On May 25, 2022, AZA Jonathan Hershey issued approval for a variance on the Property to permit auto repair uses and a CEQA exemption. However, his approval does not include a spray booth for auto uses. We request that the South Valley Area Planning Commission ("SVAPC") consider and approve a variance that includes a fully enclosed existing spray booth at the rear of the building that has been certified by SCAQMD (and its predecessor) since the early 1960s.

The Los Angeles Municipal Code ("LAMC") permits an auto repair use in the M2 zone by-right if it complies with certain conditions. However, in 2007, the City Council adopted Ordinance 178382, which states that if the project is within 500 feet of a residential zone, an auto repair use requires a conditional use permit, but a spray booth for auto uses requires a variance. As a result, all of the existing auto uses with spray booths on Calvert Street in the M2 zone became legal non-conforming. At the time, the Property was used as a woodworking and millwork shop with a spray booth, which is still permitted. (C of O, dated 1964) Now, the Applicant requests to change the existing permitted spray booth for millwork to a spray booth for auto repair uses, so it can be used with the auto repair use on the Property. The spray booth use meets all of the findings for a variance, as summarized below, and described in detail in the appeal application.

The code results in **practical difficulties and unnecessary hardships** inconsistent with its intent, because (i) auto repair uses often require on-site painting, and (ii) the Applicant will be required to use a competitor's auto spray booth. This will unnecessarily create more traffic on Calvert Street to transfer vehicles between properties, and will unfairly result in a loss of revenue.

There are **special circumstances** that do not apply to other property in the **same zone and vicinity** because (i) in 2007, the Applicant's spray booth was used for millwork, while (ii) dozens

of spray booths on other Calvert Street properties in the industrial zone were used for auto repair, and so were grandfathered as legal non-conforming within 500 feet of residential. Calvert Street and adjacent streets are known as a developed auto repair and auto use industrial area.¹ The millwork business is no longer profitable and so requires the change of use to remain commercially viable.

The variance is necessary for the **preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity**, because (i) dozens of other properties on surrounding streets in the industrial zone were grandfathered for auto spray paint booths in 2007, but (ii) the Property had a millwork spray booth at the time and so was not grandfathered. As a result, the Applicant will be required to use its competitor's spray booths at a loss or lose the auto repair clients.

The variance will not be **materially detrimental to the public welfare**, because (i) the spray booth is fully enclosed in the rear of the building, (ii) is located the furthest from the residential zone, (iii) currently has SCAQMD certification for auto use, (iv) is an updated state-of-the-art spray booth by RGI, and (v) has had air quality certification annually since 1964 (VN59282 /64) to ensure environmental compliance to protect the workers and residential neighbors. The spray booth creates no harm, and is not even visible or known to the public. Also, there is no prohibition on a spray booth use for millwork, and so the spray booth could remain for other uses.

The variance will not **adversely affect any element of the General Plan**, because the Property has a land use designation of Light Manufacturing, and the General Plan finds that Industrial land uses are instrumental to a foundation of employment and economic development. The General Plan states that efforts must preserve the fragile industrial base in the Valley.

In summary, basic ethical standards of fairness and equity, in addition to the variance findings above, support approving the variance for conversion of a spray booth for millwork to a spray booth for auto uses. This is needed for a viable auto repair use on the Property in an Industrial zone known primarily for long standing auto repair and auto related uses.

Very truly yours,



SHERI L. BONSTELLE for
Jeffer Mangels Butler & Mitchell LLP

SLB

¹ Eg. Body Shop Custom Paint (14721 Calvert Ave), Legend Auto Repair (14717 Calvert Ave), Arrow Auto Sales (14717 Calvert Ave.), Envy Auto Network (14701 Calvert Ave.), Ikar Collision (14732 Calvert Ave.), Bessemer Industrial (14725 West Bessemer Street, Auto Repair, ZA-2019-5135-CU), 14710 Calvert (Auto Impound), 14732 Calvert (Auto Repair/Storage), 14737 Calvert (Auto Body Repair)