

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

APPEAL TO THE: Planning Commission

REGARDING CASE NO.: DIR 2008-1178-DB-SPP
and CEQA ENV-2008-1179-MND

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Anthony J. Braswell

Name Members of the Board of Neighborhood Council Valley Village

Mailing Address Po Box 4703
Valley Village CA Zip: _____

Work Phone: (310) 423 4472 Home Phone: (818) 759 8204

- a) Are you or do you represent the original applicant?
(Circle One) YES NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)
The Board of NCVV is filing this appeal on behalf of our stakeholders

REPRESENTATIVE

Name Anthony J. Braswell

Mailing Address P.O. Box 4703
Valley Village CA Zip _____

Work Phone: (same as above) Home Phone: () same as above

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: _____

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

Entire Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

- #5 ✓ Excessive Height/Bulk
- #8 ✓ Lack of Consultation with Neighborhood Council
- (2) ✓ Procedural Irregularities
- ✓ Failure to Adequately Address Traffic/Safety Impact
- (4) ✓ Failure to Require Mandated Down Zoning
- ✓ Precedent for Spot Zoning

ADDITIONAL INFORMATION

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. A copy of the determination/decision letter is required.
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- Seven copies and the original appeal are required.

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

Appellant Cathy Brewer for NCVV stakeholders

OFFICIAL USE ONLY

Receipt No. 278343 Amount \$102.00 Date 6/02/09

Application Received _____

Application Deemed Complete Terminator/Port

Copies provided: Determination Receipt (original applicant only)

Determination Authority Notified (if necessary)

June 1, 2009

DRAFT APPEAL LETTER REGARDING 11933 MAGNOLIA BLVD PROJECT.

RE: DIR 2008-1178-DB-SPP

The members of the Board of Neighborhood Council Valley Village (NCVV) hereby appeal the conditional approval ("Approval") of the Density Bonus Compliance Review and Project Permit Compliance Review for 11933 Magnolia Boulevard; the adoption of ENV-2008-1179-MND; the approval of a 35 percent density bonus; the approval of a height incentive of up to a 12 foot, 7 inch deviation from the height limit and the adoption of the Findings with regard to Case No. DIR-2008-1178-DB-SPP (location 11933 Magnolia Boulevard). This appeal is filed on multiple grounds, including the following:

1. Excessive Height/Bulk:

The proposed project is exceptionally out of scale with the surrounding community. The Valley Village Specific Plan mandates a maximum height of 36 feet. Development of this site does not reflect the prevailing character of the community, and will stand dramatically at odds with adjoining properties. The Approval purports to limit the building height to 48 feet 7 inches (already over 12 feet in excess of the maximum permitted under the Specific Plan), but also now provides that stair towers, elevator shafts and other roof projections may exceed 48 feet 7 inches. The total height will in many places be even farther in excess of the permissible standards under the Specific Plan. We believe that appropriate consideration was not given to encroachment on the privacy and sunlight of adjacent owners. We believe this decision also includes failure to require appropriate step backs and other measures to mitigate bulk of the project.

2. Lack of Consultation with Neighborhood Council Valley Village:

While there was initial discussion between the developer and Neighborhood Council, that communication has not continued. The developer presented the original condominium proposal to the Planning and Land Use Committee of NCVV. The scaled up version has not been presented to the Committee or to the Board. The failure of the Director to require review by NCVV prior to approval, and to consider the input of NCVV, demonstrates a disregard for the community, and is an inappropriate use of discretionary authority. We believe the Planning department should have required continued consultation with NCVV.

3. Procedural Irregularities:

The basis for approval of the DIR has shifted at the 11th hour from the City's now discredited Density Bonus Implementing Ordinance No.179681, to Govt. Code 65915. However, the applicant has not complied with the requirements of section 65915. For example, the applicant has not carried his burden of proving that the incentives are required in order to make the project financially feasible, and approval by the Director without the required showing is an inappropriate use of discretionary authority. Moreover, NCVV was given no notice of the change in basis for this project. Furthermore, the change in basis appears to have occurred after the Director had already determined to approve the Project, thus

the required analysis under section 65915 cannot have been performed in good faith. It is our opinion that the additional height that exceeds the Valley Village Specific Plan is not necessary in order for this project to provide affordable housing to the community.

4. Failure to Adequately Address Traffic /Safety impact:

The project will increase many times over the amount of cut-through traffic on Ben Avenue and Radford Avenue to the south of Magnolia Blvd., and cars will further congest the entirely single family neighborhood they transect.

The project will increase many times over the amount of cut-through traffic on Agnes and Ben Avenue to the north of Magnolia, dramatically raising the amount of cars in a very pedestrian area that includes the Ben, Weddington, Radford rectangle. The surrounding streets for the most part have no sidewalks or infrastructure to protect the bicyclists or pedestrians. Approval under these circumstances displays a disregard for the safety of our stakeholders, particularly residents and students of the two immediately affected schools, one within 500 feet and another within 1200 feet of the project. The director has failed to give adequate consideration to the health and safety impact of additional traffic, as well as the added parking burdens this project will cause.

Traffic counts are demonstrably inaccurate. Many of the intersections on Magnolia Blvd in the vicinity of this project are already at level LOS F and the mitigations implemented have not reduced this level of service at the intersections or on local streets.

The scale of this project also compromises the safety of neighborhood; the congestion it brings to the substandard surrounding streets will hamper efforts to safely evacuate the community in the event of natural disaster, and impede the ability of response in the event of emergency (fire, health/safety or crime) in for residents living in the immediate area.

5. Failure to Require Mandated Down-Zoning:

This property is over zoned; in our opinion the property was improperly allowed to escape down-zoning to RD 1.5 upon change of ownership as required by AB283. When appropriately regarded as an RD 1.5 property, the project does not qualify for the density bonuses approved by the Director, and it is our opinion this decision to approve density bonuses *on an ineligible property* is an inappropriate use of discretionary authority.

6. Precedent for Spot Zoning:

We have a specific concern that the excessive height and bulk of this project will in the future be improperly cited as a precedent for variances and exceptions to the Specific Plan, enabling opportunities for projects that are not presently entitled to density bonus.