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ENCINO NEIGHBORHOOD COUNCIL PLANNING AND LAND USE (PLU) COMMITTEE MEETING NOTICE AND AGENDA

Date: TUESDAY, DECEMBER, 12 2017 Time: 7:00PM

**Location: Encino Community Center
4935 Balboa Blvd, Encino, CA 91316**

(or the Encino Women's Club next door 4924 Paso Robles Ave, Encino, CA 91316
if the Community Center is Closed For Renovations)

Residents and Stakeholders are invited to hear presentations from the presenters listed in the action items, below. These items may affect your neighborhood. These developers, projects or presenters are seeking advisory comment from the Encino Neighborhood Council. You may speak and provide oral or written comments for the record on the impacts this project will have on you or your neighbors.

MEMBERS OF THE PUBLIC WHO WISH TO ASK A QUESTION OR SPEAK UNDER PUBLIC COMMENTS ARE REQUESTED TO FILL OUT A SPEAKER CARD AND PROVIDE IT TO THE CHAIR. Any personal information can be released pursuant to the CA Public Records Act.

MOTION(S), DISCUSSION(S), AND A VOTE MAY BE TAKEN ON ALL ITEMS POSTED ON THE AGENDA At the discretion of the Chair this agenda may be modified as to time slots for agenda items or speakers to accommodate changes at that time

COMMITTEE MEMBERS ON THE ENC BOARD: ELIOT COHEN* (CHAIR), HENRY ESHELMAN*, CAROL LEVIN*, DR. GERALD SILVER*, SCOTT LINDEN *

STAKEHOLDER COMMITTEE MEMBERS: AL MASS, DIANA MENZER, JO-DEE BECKER and GREG ZEISLER, MPH
ALTERNATE COMMITTEE MEMBER(S): SHELLEY BILLIK**, LEE BLUMENFELD*

*indicates ENC Board Member, **indicates ENC Alternate Board Member, no more than 5 ENC Board members and/or Alternate Board Members may be seated at the same meeting at the same time.

1. Call to Order, Roll Call, Excused Absences, Determination of a Quorum, Sign-in Sheet, Public Speaker Cards, Code of Civility, Etc.

2. **Presentation by Maurina Cintron from the Institute for Public Strategies regarding** new reasonable conditions to be placed on new businesses that serve of sell alcohol in our Community.



2.1. Discussion and possible action to adopt the following language as a CIS in support of [CF-17-1343](#) (Koretz/ Bonin/Ryu) in regard to regulation of the sale and service of Alcohol in our neighborhood and in the city Via Conditional Use Beverage (CUB) Permits for Alcohol Authority of City Zoning Administrators to Impose Conditions of Approval to Mitigate Potential Land Use Impacts Arising from the Sale or Service of Alcoholic Beverages That Are Adverse to Public Health, Safety and Welfare . Below is their suggested motion and justifications:

MOTION: Whereas, the City of Los Angeles has imposed land use conditions in Conditional Use Beverage (CUB) permits for decades to protect public health, safety and welfare by mitigating potential impacts due to the sale or service of alcohol, as recommended by the LAPD, Council Offices, neighborhood councils, community councils, and local residents; and

Whereas, Zoning Administrators now unilaterally and without notice use the Plan Approval Process to remove previously-imposed conditions designed to avoid or mitigate actual or potential land use impacts adverse to public health, safety and welfare; and

Whereas, municipalities throughout the State of California have and continue to impose land use conditions to mitigate adverse impacts that may otherwise arise from the sale or service of alcohol, including the Cities of Santa Monica, West Hollywood, Palmdale, Lancaster, Huntington Park, Montebello, Orange, San Bernardino, Pinole, Ventura, San Buenaventura, Santa Cruz, Hayward, Walnut Creek, Watsonville, and the County of Los Angeles, among others; and

Whereas, the City's current practice undermines the ability of the City and local communities to protect against potential land use impacts that are adverse to public health, safety and welfare, including but not limited to potential nuisances, by restricting the imposition of conditions on, among other things, hours of sale of alcohol, happy hours, container sizes, types of alcohol sold, and other similar rules and regulations, despite the efficacy of such conditions in avoiding or mitigating potential adverse impacts arising from the sale or service of alcohol; and

Whereas, California courts have repeatedly affirmed that municipalities have broad police powers to impose land use conditions that protect against potentially adverse impacts on public health, safety and welfare arising from the sale or service of alcohol; and

Whereas, the California Department of Alcoholic Beverage Control (ABC) has not advised the City that the imposition of such land use conditions interferes with ABC's enforcement of State law; and

Whereas, the City's current practice not only impairs the ability of the LAPD, Council Offices, and communities to protect public health, safety and welfare, but also interferes with the ability of CUB applicants to garner support for their projects by negotiating for the imposition of mutually agreed-upon conditions, which forces communities to oppose projects they could otherwise support with proper conditions:

Now, therefore, be it Resolved that the Encino Neighborhood Council calls upon the City Council to adopt a policy to: (1.) Authorize the imposition of land use conditions that protect public health, safety and welfare by mitigating potential adverse impacts from the sale or service of alcohol, consistent with the practice of other jurisdictions statewide; (2.) Maintain and enforce previously-imposed CUB conditions on the sale or service of alcohol; and (3.) Prohibit the removal of previously-imposed



conditions outside the public processes mandated under the City Charter and Zoning Code. In lieu of policy change, the Neighborhood Council calls upon the City Council to form an independent commission with appropriate membership to investigate recent case law regarding the authority of California municipalities to place alcohol-related conditions on the establishment of new alcohol licenses in their communities; also to review current practices of municipalities in imposing such conditions and report their findings to the council within six months.

3. Presentations, Letters and Proposed Motions from Lee Blumenfeld – PLU Alternate Member

3.1: Letter to City of Los Angeles Planning Department Regarding Development and Community Plan Updates

Dear Los Angeles Planning and Land Use Department,

As a result of the Encino Neighborhoods’ overwhelming concerns with development during the city-sanctioned community plan update, the ENC PLU hearings of the cases, and in accordance and compliance with Due Process Clause in the Government Ethics Ordinance requiring both reasonable notice and reasonable opportunity & access to be heard; The ENC is requesting the following concerning Planning and Land Use Cases 1) 17760 Ventura Blvd ZA-2017-4754-CU-SPPA-SPP & 2) 16161 Ventura Blvd CPC-2017-3172 & VTT-77140

- 1) Notification of each hearing date shall be communicated to both the Encino Neighborhood Council and the Encino PLU Committee via Info@ENC.org, ENC@empowerla.org, and pluchair@encinonc.org at the earliest established date.
- 2) Due to working hours, familial obligations, and expensive and time-consuming commute, that the hearings be held near the impacted area. Suggested venues are the Encino Community Center (1 mile away) or the Marvin Braude Building in Van Nuys, CA (5 miles away). Downtown locations are neither accessible, ADA nor senior friendly, nor reasonable to residents of affected areas.

We thank you for your hard work and dedication in making this city a world-class city.

Signed,
The Encino Neighborhood Council

Letters to be generated to LA City Planning by ENC Executives via CIS and sent with urgency. Confirmation is requested to be given to the PLU when items are sent and received.

Chief Zoning Administrator, Charlie Rausch 213 978-1306

Fax Numbers

Expediting, Room 721, CH 213 978-4656

Expediting, Room 721, CH 213 978-1343

Zoning Administrative Office, Room 763, CH..... 213 978-1334

For 17760 Ventura Blvd

Expedite Planner Jenna.Monterrosa@lacity.org

Jenna Monterrosa..... 213 978-1377

For 16161 Ventura Blvd

CC: Lucy Martinez; lucerito.martinez@lacity.org Valley Assistant Planner



3.2 Motion to Adopt Common-Sense Growth Model (Letters to be sent to: Councilmember Paul Koretz, Aviv Kleinman-Valley Planning Deputy for Councilman Koretz, City Planners: Director of Planning, Vince Bertoni, CITY PLANNING COMMISSION President-David H. Ambroz, Vice President-Renee Dake Wilson, Members: Caroline Choe Richard Katz, John W. Mack, Samantha Millman, Marc Mitchell, Veronica Padilla-Campos Dana M. Perlman, Elva O'Donnell, Sarah Molina-Pearson CITY PLANNERS Thomas Glick, Christine Saponara and Adrineh Melkonian.

The ENC strongly urges the city to adopt the Common-Sense Growth Model.

That if development above the current level is considered, the following factors must be addressed before an increase in Zoning or Rezoning, deviation from, or variance is given. This is not a new concept but is in current zoning code called "Q" Conditions. It's not a NO on development, but an urgent plea for reasoned and planned development

Therefore, we ask for these studies and conditions be met before new development be built.

1. Required Utility Demand and usage study to include but not limited to the availability, life remaining, and capacity of, but limited to, water, Storm Drains, Sewers, power distribution including peak demand for gas and electricity, and parking.
2. Accessibility and availability of commercial districts within a given neighborhood, with the requirement of a minimum of one.
3. Density Bonuses cannot be combined with any other municipality, state, county or federal bonus laws.
4. An independent regional (defined as county border or 15-mile Radius) traffic study be conducted to ensure outside NC or Commercial corridors do not get overwhelmed causing congestion and traffic pollution, and overspill into Non-Primary and Arterial Streets.
5. An independent Non-Arterial / Residential traffic study to account for traffic that has diverted from major thoroughfares onto feeder or residential streets. This addresses not only Vision Zero but solving the original problem the city tried to address in the "superblock" layout resulting from the National Highway Traffic Safety Administration, "Motor vehicle crashes are the leading cause of death for children from 3 to 14 years old." study of 2009 (the reason for keeping residential streets for residents/local access only)
6. An area report of capacity for Schools (k-12), Emergency response times for EMS, Hospital capacity for health, Open Space requirement per capital. The City must generate a current state of affairs, encased in the community plan borders, allowing developers to accurately reflect the true effect of projects. A Scale of Excellent, Good, Fair, underperforming, and Critical with numerical values must be applied.
7. Special Funds, such as Quimby, arts, and Developer Fees generated by development must be identified and available for public viewing in an easily understood format, and only used to cure current needs or future needs created by the development in the Community Plan borders. No movement of funds outside of the affected area. Details should include, but not limited to, Amount generated by the project, amount of funds used, where used, how much used, reason for use, and approval signature of ZA with input from NCs. This is a Public Records Act Request.
8. Any Variances, CPC hearings, ZA Hearings, Planning and Development meetings about properties, community plans, studies, must be held in and around the affected area, and during non-business hours. To ensure compliance with the Due Process Clause from the Governmental Ethics Ordinance. Affected areas are to be given notice of a minimum of 1000' AND the local NC per the "reasonable notice" and "reasonable opportunity to be heard" provisions.



9. A weighted consideration of localities CIS, and input formulation of plans. (Due to the State, County, and City not having sufficient knowledge of the ongoing, needs, and problems of neighborhoods nor the funding to do so).

3.3 Proposed letter to State Senator Henry Stern (27th Senate District) and Senate President Pro Tempore de León (24th Senate District) Regarding State Density Bonus Laws.

Dear Senator Stern, President Pro Tempore de León,
This letter is to reiterate concerns in regards to the state density bonus law.

The Encino Neighborhood Council represents 48,000 constituents. The well-intended State Density bonus laws are creating unintended consequences regarding our ability to plan rational buildings and solutions in Encino along the Ventura Corridor. These density bonuses override local control and common sense. They allow oversized buildings to be built that are not needed in our area that cause additional traffic nightmares and more pollution, and inconvenience all persons traveling on Ventura Blvd. Specifically, in Encino where there are areas of high-density traffic, buildings are being planned over the allowable heights of 4 stories and adding to an already gridlock situation for traffic and creating a scarcity of parking, infrastructure strain, school overcrowding, a lack of open space, and required setbacks. On average, a 2-mile commute down Ventura Blvd. takes 35 minutes, leading to additional pollution, delays and frayed nerves. Additionally, the smaller residential feeder streets are being used as short-cuts causing additional noise and safety hazards, particularly near schools. During our meetings, unfortunately, neither the ENC nor the City Councilman Paul Koretz or the L.A Department of Planning can offer any real solution due to the state law overriding local ordinances. We owe our constituents better in both service and answers. We understand the need for the density bonus, but the area must first be able to handle the additional burdens coming from such proposed developments. Which is why top-down planning does not work.

What we propose is quite simple and filled with common sense. In the city of Los Angeles under the existing zoning laws, a "T" condition exists before a building can go to the next level in zoning or rezoning. Once outside factors, such as installing mass transit that does not compete with ground level traffic (such as above or below grade mass transit) is completed, the "T" condition disappears and allows further development. Our aging infrastructure such as our electric grid, water, sewer, and storm drain systems built in the 1960s or earlier, was never meant to handle such an ambitious increase in population. Our infrastructure simply cannot support it. The L.A. Times recently reported that if we have a severe cold snap there will not be enough natural gas to heat our homes. Why do we have to meet out mass punishment to our already existing residents to add a few dozen additional housing units that enrich the developer and hurt our quality of life or actually endanger our life? Furthermore, our schools, open space, and emergency services have not kept up with current demand (police response for non-life-threatening crimes is about 2.5 hours if they show up). In addition, the lowering of the parking threshold does not alleviate the transportation nightmare; what it is in reality doing is causing additional traffic and parking congestion on feeder streets and adding to the competition for access with the inadequate bus system competing for those same streets. Commuting to the business districts takes about 1.5 hours between the hours if 6-9. Due to our inability to expand streets or purchase additional infrastructure upgrades we need to slow down development before adding more demand on our already overstressed ability to adequately serve our



citizens' basic needs. We are asking for a slight modification in state bonus density law to allow the localities, such as the neighborhood council or municipality (who best know what overdevelopment looks like) to be able to modify the size of invasive buildings. What we are seeing now is the cart before the horse and a recipe for expensive catch-up projects later on. We need some futuristic thinking. For example, before a building is torn down, that's the time to put and plan for a subterranean or aerial monorail station. If Elon Musk's Boring Company is going to be greenlighted we now should be planning on how to provide easy access to his underground solution to our pressing traffic problems.

We urge you with all deliberate speed to address our citizens needs immediately, so our fine city can grow and maintain its status as a world-class city.

Addressed to:

State Senator Henry Stern
Calabasas District Office
5016 N. Parkway Calabasas
Suite 22
Calabasas, CA 91302
&
State Capital Room 3070
Sacramento, CA 95814

State Senator Kevin de León
State Capitol, Room 205
Sacramento, CA 95814
&
1808 W. Sunset Blvd.
Los Angeles, CA 90026

Signed the ENC & ENC-PLU

4: Discussion and Possible Action on Permanent Supportive Housing (PSH) Ordinance CPC-2017-3136-CA

The ENC understands the urgent need to help the homeless. The ENC urges the Los Angeles Dept. of Planning and the City Council to remove and reject several provisions of the PSH Ordinance. In order to streamline the approval process, the PSH plan overrides or gives "relief" from requirements for zoning, parking, free space, height, and setbacks. This effectively negates all the time and money spent on Zoning, Community and Specific Plans. It abolishes the need for Environmental Impact Studies and Traffic Studies must be done to access impacts. Adequate parking must be required in all PSH developments. Housing for the Homeless must not be too close to schools, parks, and other sensitive locations. PSH developers should be subject to the same requirements as all other developers, including notification and approval from the Neighborhood Councils. We fear that a dual standard for normal and another standard for PSH will create chaos and undermine the authority of the Planning Department, hurt Public Safety and create density where it might be most undesirable.

The ENC additionally believes, mandatory testing for drugs and alcohol should be a requirement to have placement into a PSH facility. Rehabilitation and becoming a productive citizen of Los Angeles should be a requirement for placement and residence in these facilities. Creating a list of priority clients such as families with children, veterans or the disabled, is a must.

5. Public Comment on Items NOT on the Agenda within the Encino Neighborhood Council's Jurisdiction.

6. Committee Member Comment

7. Adjournment (9:00PM)



The Encino Neighborhood Council (ENC), is a Certified Neighborhood Council of the City of Los Angeles which ADVISES City, other Governmental Officials and the Community on issues or concerns that are affecting the community of ENCINO. The ENC is made up of volunteers who are ELECTED by the community who live, work or otherwise are involved in the community of ENCINO. The ENC also makes appropriations of City Funds for Community Projects and needs as requested and approved by various committees and the General Board.

PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS – The public is requested to fill out a “Speaker Card” to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board’s jurisdiction will be heard during the General Public Comment period.

Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is limited to 2 minutes per speaker per item, unless adjusted by the presiding officer of the Board or Committee.

PUBLIC POSTING OF AGENDAS - ENC agendas are posted for public review as follows: Glass case outside the Encino Chamber of Commerce office at 4933 Balboa Blvd, Encino, Encino-Tarzana Branch Library, and Encino Community Center www.encinonc.org You can also receive our agendas via email by subscribing to L.A. City’s Early Notification System <http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.htm>

THE AMERICAN WITH DISABILITIES ACT - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services, may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting Debra George, Board President, at (818) 971-6996 or email via enc@socal.rr.com **PUBLIC ACCESS OF RECORDS** – In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website: encinonc.org or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Debra George, Board President, at (818) 971-6996 or email via enc@socal.rr.com.

RECONSIDERATION AND GRIEVANCE PROCESS

For information on the ENC’s process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the ENC Bylaws. The Bylaws are available at our Board Meetings and our website <http://www.encinonc.org/bylaws.ph>

SERVICIOS DE TRADUCCION Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte a Debra George, Presidente de la Mesa Directiva, al (818) 971-6996 o por correo electrónico enc@socal.rr.com para avisar al Concejo Vecina

