



Executive Officers

DEBRA GEORGE  
President

VICTORIA MILLER  
Vice President

MARK LEVINSON  
Secretary

PATRICIA BATES  
Treasurer

GLENN BAILEY  
Sergeant at Arms

## ENCINO NEIGHBORHOOD COUNCIL PLANNING AND LAND USE (PLU) COMMITTEE MEETING APPROVED MINUTES

**Date: TUESDAY, DECEMBER, 12 2017**

**Time: 7:00PM**

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

**Present:**

Eliot Cohen (Chair)\*, Lee Blumenfeld\*, Gerry Silver\*, Al Mass, Jo-Dee Becker, Greg Zeisler(Secretary) \*Indicates ENC Board Member/Alternate

**1. Call to Order 7:02 P.M., Roll Call, Determination of a Quorum,**

**A. The minutes from the 9/12/17 PLU Meeting were reviewed (they were not available for review in October, and there was not a PLU meeting in November).**

The following addendum to the minutes was suggested to topic 3C Planning Appeal fees:

- Per an article in the August 29,2017 Los Angeles Times, budget officials recommended hiking the current fee of \$89 to \$13,538, an increase of over 15,000%

**Motion** (Gerry Silver): The Encino PLU amends and approves the amended 9/12/17 minutes.

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent (6-0). Minutes are approved as amended.**

**B. The minutes from the 10/10/17 PLU Meeting were reviewed (there was not a PLU meeting in November).**

The following addendum to the minutes was suggested to topic 4C Planning Appeal fees:

- Per an article in the August 29, 2017 Los Angeles Times, budget officials recommended hiking the current fee of \$89 to \$13,538, an increase of over 15,000%

**Motion** (Gerry Silver): The Encino PLU amends and approves the amended 10/10/17 minutes.

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent (6-0). Minutes are approved as amended.**

## 2. Discussion Items:

### A. Presentation from the Institute of Public Strategies (Maurina Cintron, Sarah Blanch)

The Institute of Public Strategies proposes the ENC adopt a motion regarding further regulation of the sale and service of Alcohol in our neighborhood and in the city. The motion centers around the continued ability for local neighborhood councils to negotiate with businesses and impose regulations on the sale of alcohol along with the curtailing of the ability of city officials to strip existing conditions without local neighborhood consent. Below is their suggested motion and justifications:

*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 drafted a motion urging the Dept. of Planning and City Council not to adopt Permanent Supportive Housing Ordinance CPC-2017-3136-CA. while asking for an immediate moratorium to be instituted until the Planning Community finalizes the specific Community Plans for their neighborhood.*

**Committee Comment:** The committee asked if support of this motion bind the committee to imposing restrictions on businesses. Cintron responded that the motion to discuss this at the local level helps businesses by easing approval through local zoning and community wishes.

**Motion** (Eliot Cohen): The ENC PLU advises that the Institute of Public Strategies add the following statement to their motion: "Allow neighborhood councils to negotiate and impose prudent restriction on the sale of alcoholic beverages." (Which will be added to the above motion.

Second (Al Mass)

**Public Comment:** None

**Motion passes with consent (6-0).**

**Motion** (Eliot Cohen): Motion to vote on the amended motion.

Second (Carol Levin)

**Motion passes with consent (6-0).**

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

- A.** Lee Blumenfeld discussed the following proposed letter to be sent by the ENC to the City of Los Angeles Planning and Land Use Department as it relates to notification and location of public hearings:

*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 be communicated to both the Encino Neighborhood Council and the Encino PLU 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*

**Committee Comment:** The committee thanked Lee for his work and agrees that access to public hearings is paramount in accordance to legislative ethics.

**Motion** (Eliot Cohen): The ENC PLU accepts the letter advises that letter be amended to replace "1 mile away" with "preferred", to delete the reference to "5 miles away", and do add that meeting times should start after 7:00 pm.

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent (6-0).**

**Motion** (Eliot Cohen): Motion to vote on the amended motion.

Second (Greg Zeisler)

**Motion passes with consent (6-0).**

- B.** Lee Blumenfeld discussed the following proposed letter to be sent by the ENC as it relates to the adoption of a common-sense growth model: (Letters to be sent to: COUNCILMAN 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 be 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 "super block" 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, under-performing, 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 affected area. Details should include, but not limited to, Amount generated by 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 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 on goings, needs, and problems of neighborhoods nor the funding to do so).*

**Committee Comment:** The committee thanked Lee for his work and affirms that the Encino PLU supports prudent development.

**Motion** (Eliot Cohen): The ENC PLU approves the letter as written along with the proposed distribution list.

Second (Al Mass)

**Public Comment:** None

**Motion passes with consent (6-0).**

**Distribution List:** 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](mailto:Monterrosa@lacity.org)

Jenna Monterrosa..... 213 978-1377

For 16161 Ventura Blvd

CC: Lucy Martinez; [lucerto.martinez@lacity.org](mailto:lucerto.martinez@lacity.org) Valley Assistant Planner

- C. Lee Blumenfeld discussed the following proposed letter to be sent by the ENC as it relates to the state density bonus law and the ability for local municipalities to regulate their own growth: (Letter to be sent to: ASSEMBLYMAN Matt Dabebneh with a copy to SENATOR Henry STERN)

*This letter is to reiterate concerns brought up to you and your staff during your Town Hall event in regard 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 commonsense. They allow oversized building to be built that are not needed in our area that cause additional traffic nightmares and more pollution, and inconvenience all persons travelling 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 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 over riding local ordinances. We owe our constituents better in both service and answers. We understand the need for 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 filed 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 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 of 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.

**Committee Comment:** Lee Blumenfeld will investigate whether the letter should state "T" condition or "q" condition and revise if necessary.

**Motion** (Gerald Silverman): The ENC PLU requests that the letter be amended to read "structure development" as opposed to "slow down development."

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent. (6-0).**

**Motion** (Gerry Silver): The ENC PLU Committee should approve the letter as amended.

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent (6-0)**

**Motion (Eliot Cohen):** The ENC PLU requests a copy to be sent to Councilman Koretz.

Second (Greg Zeisler)

**Motion passes with consent (6-0)**

#### **4. Permanent Supportive Housing (PSH) Ordinance CPC-2017-3136-CA**

The committee discussed the following submission to the ENC as it relates to modifying the PSH ordinance:

*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 **which** 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 living in these facilities. Create a list of priority clients such as families with children, veterans or the disabled, is a must.*

**Motion** (Eliot Cohen): Motion to add the word “*which* must be done” to line 6.

Second (Greg Zeisler)

**Public Comment:** None

**Motion passes with consent. (6-0).**

**Motion** (Gerry Silver): The ENC PLU Committee moves to approve the motion as amended.

Second (Lee Blumenfeld)

**Public Comment:** None

**Motion passes (5-0-1) (Becker abstains)**

**4.A: Committee agrees to table Mr. Blumenfeld’s more extensive motion on PSH as to give the Committee more time to study his motion.**

**5. General Public Comments – None**

**6. General Board Comments –** The Chairman of the Committee Gerry Silver and Lee Blumenfeld expressed frustration that motions were not being filed or partially filed. Planning Appeals Fees and the Interim Control Ordinance for Encino on Ventura Blvd were current examples of the ENC President failure to execute in a timely and fair fashion motions that have passed the PLU and ENC. Various remedies were discussed about how to deal with this situation.

**7. Meeting Adjournment – 9:02**

The Above Minutes were...

Respectfully Submitted by: Greg Zeisler

Formatted by: Jason Ackerman

And Approved by the PLU Committee on 01/09/2018