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**NOTICE AND AGENDA:
 ENCINO NEIGHBORHOOD COUNCIL
 PLANNING and LAND USE COMMITTEE**

Date: TUESDAY, July 14TH, 2020

Time: 7:00PM

Via a Zoom Webinar:

Please use the link below to join the webinar:

<https://zoom.us/j/98255771888?pwd=b28yaHB0a08ydEs3bmpTQUIwZlRmQT09>

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Public Comment on Agenda Items:

Limited to TWO MINUTES (2) per speaker. Public is asked to use the raise your hand feature if viewing the webinar or if calling in, please dial “*9” on your phone to raise your hand. Public comment on agenda items will be heard when the item is up for discussion.

1. Call to Order: Roll Call, Determination of a Quorum, selection of voting PLU Committee Members, Selection of Secretary for this meeting.

Committee Members on the ENC Board:

Eliot Cohen* (Chair), Carol Levin*, Dr. Gerald Silver*, Lee Blumenfeld*

Stakeholder Committee Members:

Diana Menzer, Greg Zeisler MPH, Al Mass

*Indicates ENC Board Member, **indicates ENC Alternate Board Member, no more than a total of 5 Board Members and/or Alternates May vote on the same item during the course of a Committee Meeting.

2. Approval of Minutes of Prior Committee Meetings – Discussion and possible action to approve Draft PLU Committee Meeting Minutes: <https://www.encinonc.org/docs/34483380-5656.pdf>

3. Action Items (Votes may be taken on all Action Items):

3A – Regarding Neighborhood Concerns About Chick-Fil-A and calls for an immediate re-hearing of their Conditional Use Permit (CUP) to be pulled or modified. [Case no. ZA 2017-4754(CU) (SPPA)(SPP)] 17660 West Ventura Blvd

Encino – Tarzana Planning Area, CEQA: ENV-2017-4755-CE, Legal Description – PR. Lot 5; Block1; Tract 2955

The Neighbors of Chick-Fil-A in and around White Oak Ave. have submitted substantial evidence in the form of emails, photos reflecting overwhelming evidence of disruption and interference with the peaceful enjoyment of adjacent properties especially along White Oak Avenue, Royce Drive West, Royce Drive East, Palora (W), Palora (E), Corinthian Dr. (W) and Corinthian Dr. E as well as Lake Encino neighborhoods with regard to illegal U Turns, blocked driveways, accidents, crossing over the double line to access Ventura Boulevard, etc. The neighbors would like the ENC to make recommendations to the ZA regarding changes needed in conditions and the Drive Thru which of course never should have been approved in the first place.

3B. Discussion and possible action on L.A. City allowing waivers of City Dedication on Ventura Blvd. Should we allow it? Items to consider:

Not all lanes are full lanes. Some lanes share right of way with parking lanes. Meeting the ADA requirement for sidewalks requires the driveway approaches to be steeper. Active vs passive plan to get Ventura Blvd to 120' full width. (**Dedication**, in **property** law means donation of land or creation of an easement for public use. It may be expressed or implied. An express **dedication** of **property** to public use is made by a direct appropriation of it to such use.)

3C. The California Legislature has the lofty and right goal of increasing housing and affordability. Many of these Bills despite good intentions are a threat to the Encino Community. The PLU Committee will discuss these Bills and request Senator Stern, Assembly Member Gabriel Paul Koretz, and the City council take recommended action for or against these bills:

3C1. SB 1120: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1120

Requires local governments to magisterially permit one accessory dwelling unit and one junior accessory dwelling unit per single family parcel, subject to certain size limitations.

*Theoretically allows 4 market-rate homes where a single home now stands (theoretically it allows 8 units, if cities have local “granny flat” laws). Requires NO affordable units. Possibly opens California to speculation frenzy.**

3C2. SB 902 (by Scott Wiener):

http://www.leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB902

This bill would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. The bill would specify that an ordinance adopted under these provisions is not a project for purposes of the California Environmental Quality Act

Allows a majority on any city council to overturn voter-approved ballot measures that protect open space, shorelines and other lands — killing a 108-year-old California voter right. AND allows any city council to rezone “any parcel” to

*10-unit luxury apartments, overriding all other zoning including single-family, and inviting gentrification into older, diverse, multi-family areas. Requires NO affordable units. Clearly opens California to speculation frenzy.**

3C3. SB 995 (by Wiener and Atkins):

https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201920200SB995

This bill would additionally include housing projects meeting certain conditions as projects eligible for certification. The bill would extend the authority of the Governor to certify a project to January 1, 2024. The bill would revise and recast the labor-related requirements for projects undertaken by public agencies and for projects undertaken by private entities. The bill would instead specify that the time period for the final resolution of any judicial action is 270 business days after the filing of the record of proceedings with the court. The bill would provide that the certification expires and is no longer valid if the lead agency fails to approve a certified project before January 1, 2025. The bill would instead repeal the leadership act on January 1, 2025. Because the bill would extend the obligation of the lead agency to prepare concurrently the record of proceedings, this bill would impose a state-mandated local program.

*Slashes the number of affordable units' developers must build to qualify for large "fast-track" apartment complexes that get around the environmental protection law, CEQA. Currently, a "fast-track" building can ignore CEQA only if a developer offers 49% of units as affordable. SB 995 slashes the 49% to just 15%, allowing huge buildings but SEVERELY CUTTING the legislature's commitment to affordable housing.**

3C4. SB 1085 (by Nancy Skinner):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1085

This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based.

This bill would require a city or county to grant a density bonus and certain incentives or concessions if the developer agrees to construct a housing development that will contain a specified percentage of units for households of low or moderate incomes and for which the rent is 30% below the market rate for that city or county. The bill would require a city or county to grant one incentive or concession for a project that will contain a specified percentage of units for lower income students in a student housing development. The bill would make various changes to the above-referenced formula, including, among others, increasing the percentage density bonus to 40% for housing developments that have 11% of its units for very low-income households.

*Currently, developers are rewarded a 35% increase in apartment building size — a "Density Bonus" — if 40% of the units in the building are affordable to moderate-income households. SB 1085 slashes to just 20% the required moderate-income units, allowing huge buildings but CUTTING IN HALF the legislature's commitment to affordable housing.**

3C5. AB 725: (by Buffy Wicks and Scott Wiener)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB725

The Planning and Zoning Law requires a city or county to adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. That law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for

housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need determined pursuant to specified law.

This bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. *The bill would require that at least*

25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. The bill would exclude unincorporated areas from this prohibition and would include related legislative findings. By imposing additional requirements on the manner in which a city or county may satisfy its regional housing need, this bill would impose a state-mandated local program.

*A severe threat to more than 300 cities who have not attracted enough housing to hit state-ordered growth targets known as "RHNA." AB 725 (Regional Housing Needs Allocation) would bring density and upheaval to single-family, duplex, and multi-family areas, whose residents have never even heard of "RHNA." "RHNA" was once a helpful growth-forecasting tool, but is now used as a state weapon to force excessive density on communities. **

3C6. AB 1279 (by Richard Bloom):

http://www.leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1279

This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 12022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee. The bill would authorize a city or county to appeal the designation of an area within its jurisdiction as a high-opportunity area, as provided. In any area designated as high-opportunity area, the bill would require that a residential development project be a use by right, upon the request of a developer the project meets specified requirements, including specified affordability requirements. For certain residential development projects where the initial sales price or initial rent exceeds the affordable housing cost or affordable rent to households with incomes equal to or less than specified percentages of the area median income, the bill would require the applicant to agree to pay a fee in an amount that would vary based on the size of the project and whether the units are ownership or rental units, as provided. The bill would require the city or county to deposit the fee into a separate fund reserved for the construction or preservation of housing with an affordable housing cost or affordable rent to households with a household income less than 50% of the area median income. The bill would provide that approval as a use by right of certain residential development projects under these provisions would expire after 2 years, unless the project receives a one-time, one-year extension, as provided.

This bill would require that the applicant agree to, and the city and county ensure, the continued affordability of rental units affordable to lower income and very low-income households for . 55 years and that the affordability of ownership units to the initial occupant of those units, as provided. The bill would provide that a residential development project is ineligible as a use by right under these provisions if, among other things, it is proposed to be located on a site that has rental housing that is currently occupied by tenants, or had rental housing occupied by tenants within the past 10 years, or is located in certain areas. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*If this radical bill became law, an obscure state committee would ONLY THEN identify neighborhoods as "Opportunity Zones" where 50-unit to 120-unit apartment buildings could be built, ignoring local zoning as long as affordable units are included. For developers who don't want to provide affordable units, the bill lets them pay a woefully insufficient "in lieu" fee — then build profitable 10-unit luxury apartments. All without a single hearing. **

3C7. AB 2345 (by Lorena Gonzalez and David Chiu)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

(2) Existing law, known as the Density Bonus Law, requires a city or county *city, county, or city and county* to provide a developer that proposes a housing development within the jurisdictional boundaries of that *city, county, or city and county* with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents and meets other requirements. Existing law provides for the calculation of the amount of density bonus for each type of housing development that qualifies under these provisions. Existing law specifies the number of incentives or concessions that an applicant can receive. Existing law *requires* that an applicant ~~shall~~ receive 3 incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low-income households, or at least 30% for persons or families of moderate income in a common interest development. Existing law ~~specifies~~ *requires* that an applicant ~~shall~~ receive 4 incentives or concessions for projects in which 100% of the total units are for lower income households, as specified.

This bill, instead, would authorize an applicant to receive 3 incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 12% of the total units for very low-income households, or at least 30% for persons or families of moderate income in a common interest development. The bill would also authorize an applicant to receive 4 and 5 incentives or concessions, as applicable, for projects in which greater percentages of the total units are for lower income households, very low income households, or for persons or families of moderate income in a common interest development, as specified. The bill would also authorize an applicant to receive 6 incentives or concessions for projects in which 100% of the total units are for lower income households, as specified.

*Allows developers to add 50% in “Density Bonus” size to a building if they agree to provide more affordable housing units than are now required under “Density Bonus.” To create huge buildings, developers would be allowed to ignore most well-planned city controls on height, open space such as courtyards, parking, design review, building setbacks, side yards, trees, sustainable materials and other local standards. **

3C8. AB 3040 (by David Chiu):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3040

This bill would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county has permitted, or is proposing to permit, to contain 4 dwelling units as a use by right. The bill would require these sites to be identified to satisfy either the moderate or the above-moderate income regional housing need income level. The bill would require a city or county identifying a site pursuant to these provisions to include in its housing element a description of the development standards that enable the identified sites to be redeveloped at a higher density, as specified. The bill would authorize a city or county, instead of listing sites individually in its inventory of land suitable for residential development, to include a summary of the credits received if the list of sites is included elsewhere in the housing element.

This bill would make void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of up to 4 primary dwelling units on a lot zoned for at least 4 dwelling units, as specified.

It’s a “Sophie’s Choice”: Cities can choose to comply with AB 3040 by sacrificing single-family homes older than 15 years — think South L.A., East L.A., and diverse older suburbs — to satisfy state growth dictates known as “RHNA.” (Regional Housing Needs Allocation) OR cities can refuse to comply with AB 3040 and try to meet the growth dictates by relying on the state Density Bonus program. Unfortunately, the Density Bonus program is a FAIL, preventing cities

*from approving even close to the number of affordable units required by “RHNA.” 300 cities won’t make the “RHNA” deadlines. When cities fail, a divisive and punitive law by Scott Wiener, SB 35, will let developers ignore many local zoning rules to build as they wish. **

3C9. AB 3107 (by Richard Bloom and Phil Ting):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3107

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill, notwithstanding any inconsistent provision of a city’s or county’s general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any element of the general plan for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria. The bill would require the city or county to apply certain height, density, and floor area ratio standards to a housing development that meets these criteria. The bill would require a jurisdiction to comply with these requirements only until it has completed the rezoning, required as described above, for the 6th revision of its housing element. The bill would repeal these provisions as of January 1, 2030.

*Wreaks height havoc by allowing tall apartments where cafés, shops or businesses now stand, even if adjacent to homes. The new apartments would contain 20% affordable units. Each city faces a different fate — the bill arbitrarily up-zones to the tallest height now allowed in commercial or residential areas ½ mile away. In L.A. it means 9-story apartments citywide. It wipes out a citywide residential 30-foot height limit in Manhattan Beach to allow 99 feet. We predict chaos. **

3C10. SB 1299 (by Anthony Portantino)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB1299

This bill, upon appropriation by the Legislature, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing. The bill would define various terms for these purposes. In order to be eligible for a grant, the bill would require a local government, among other things, to apply to the department for an allocation of grant funds and provide documentation that it has met specified requirements. The bill would make the allocation of these grants subject to appropriation by the Legislature. The bill would require the department to issue a Notice of Funding Availability for each calendar year in which funds are made available for these purposes. The bill would require that the amount of grant awarded to each eligible local government be equal to the average amount of annual sales and use tax revenue generated by each idle site identified in the local government’s application over the 7 years immediately preceding the date of the local government’s application, subject to certain modifications, and that the local government receive this amount for each of the 7 years following the date of the local government’s application.

*The only housing bill with a serious plan to fund housing and acknowledge the pandemic, and treat cities as partners not as enemies, SB 1299 rewards cities who choose to repurpose big box stores and other idled commercial buildings, and then rebuild them as housing. **

4. Public Comment on Issues NOT on this Agenda – Public Comments on Non-Agenda Items is limited to TWO MINUTES (2) per speaker; total time for all public comment is limited to 10 minutes. Time may be adjusted at the Chair’s discretion. To speak, if viewing the webinar, please use the raise your hand feature. If calling in on a phone, please dial “*9” on your phone to raise your hand.

5. Committee Member Comment on Items NOT on this Agenda

6. Adjournment (9:00 PM)

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, in the Encino Woman’s Club (4924 Paso Robles Ave, Encino, 91316) and at www.encinonc.org You can also receive our agendas via email by subscribing to L.A. City’s Early Notification System at <http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.htm>

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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 Alex Garay, Board President, at (818) 971-6996 or email via president@encinonc.org

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>

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