

Tarzana Property Owners Association, Inc.

August 15, 2016

Vincent P. Bertoni
Director, Department of City Planning
Los Angeles City Hall

**Subject: Ventura/Canoga Boulevard Corridor Specific Plan Director's Interpretation
Case DIR-2016-1896-DI**

The Board of Directors of the Tarzana Property Owners Association takes issue with the above cited Director's Interpretation. While we are in favor of eliminating expensive and time consuming processes, the concern here is that this is a determination, rather than the formal hearing process proscribed by the Municipal Code. We are reminded of the recent court action that overturned a similar informal process, the ZA Memo 120 concerning second dwellings. We have two objections to the proposed elimination of the normal Municipal Code procedure regarding change of use parking requirements when it appears that sufficient parking would be available on site:

1. There would be no notice of any kind to people and organizations of interest and no way to verify that the required action takes place and continues to be observed. In fact, we would not even know about it.
2. There would be no way to follow up and verify that any agreement was implemented and continued to be observed. A good example of lack of follow-up occurred as a result of the change of use decision from retail to restaurant (yogurt store) at 19100 Ventura Boulevard. Bicycle racks were installed to make up for insufficient automobile parking spaces due to the change of use. However, those racks were removed within a very short time and no follow-up action was taken by the City.

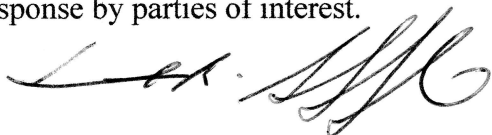
The Director has exceeded his authority by calling a legislative act an interpretation. The changes sought to be made by the Director, a member of the executive branch of city government should be addressed by the legislative branch, the City Council. The Director has attempted to disguise a fundamental change to the Ventura-Canoga Blvd. Corridor Specific Plan (Plan) as a mere interpretation. Through this process the Director has changed the meaning of a portion of the Plan, deprived citizens of notice and has abrogated the right of appeal of those citizens.

Los Angeles Municipal Code (LAMC) Section 11.5.7 H states "The Director shall have authority to interpret specific plans *when there is a lack of clarity* in the meaning of their regulations."
(Emphasis added)

On page 2 of the notice the Director cites the Plan's definition of a "Project." He goes on to note that "the Plan clearly states when a change of use increases parking pursuant to the Specific Plan, then the definition of a Project comes into effect, triggering the Project Permit Compliance case processing." The Director does claim that this portion of the Plan is ambiguous or lacks clarity. The lack of clarity is a prerequisite to the Director's authority to offer an interpretation of the Plan. Instead the Director claims the "intent" of the Plan overrides its specific and unambiguous meaning allowing him to say a project as defined by the Plan is not a project.

The Director cites changes in ordinances and the enactment of ordinances that came after the last Plan amendment in 2001. He also cites current and possible future changes in modes of transportation throughout the city. These new ordinances and different modes of transportation are his justification for being able to change the Plan's definition of a project. He states that the new definition of what is a project will have no effect on how projects are developed, only the process for approval. He fails to justify doing away with the public's right to notice and to participate in the process.

For the reasons addressed above, the Directors Interpretation should be reversed. This type of change should be reserved for the City Council. Change of use parking determination should follow the normal legislative process, starting with a Zoning Administrator hearing, and allowing response by parties of interest.

A handwritten signature in black ink, appearing to read "David R. Garfinkle". The signature is fluid and cursive, with a large, stylized initial "D" and "G".

David R. Garfinkle
President, Tarzana Property Owners Association