

WESTWOOD NEIGHBORHOOD COUNCIL

April 13, 2016

Agenda Item #9

MOTION REGARDING THE 611 SOUTH GAYLEY AVENUE PROJECT

Whereas, on July 23, 2015 the Zoning Administrator of the Department of City Planning conducted a “public hearing” on a proposed Fraternity House at 611 South Gayley Avenue, to consider multiple discretionary actions including a requested Conditional Use Permit (CUP) to construct and operate a new Fraternity House in the North Westwood Village Specific Plan area which does not otherwise allow “boarding house” uses, a Zoning Administrator’s Adjustment, Project Permit Adjustment, Project Permit Compliance, and Design Review Board approval, with NO NOTICE sent by U.S. mail to the Westwood Neighborhood Council or to other interested Westwood community members; and

Whereas, this failure to send a copy of the official notice via U.S. Mail to the Neighborhood Council is a blatant, significant, and direct violation of city policy and long established practice, which, according to the Empower LA website states that it is Planning Department Policy that: *“The Planning Department requires that an official notice be sent by U.S. mail to the appropriate Certified Neighborhood Council for each public hearing on a case. In order to ensure that your Certified Neighborhood Council receives a mailed notice, please make sure that your Neighborhood Council provides DONE with the one contact name and address that should receive the Planning Department official notices”*; and

Whereas, the official notice of the July 23rd hearing also was never sent to the nearly 20 members of the public who attended meetings of the Westwood Design Review Board about this project, who filled out speaker cards (including name, address, and telephone number) with the Planning Department, and who testified on this project, and therefore, not a single member of the public (other than the Applicant and his representatives and supporters) attended the July 23rd public hearing and were able to testify; and

Whereas, on more than six occasions the Westwood Neighborhood Council Land Use and Planning Committee and full Board met with the Applicant, Dr. Stephen Copen, and/or his attorney Kevin McDonnell of the firm Jeffer Mangels Butler & Mitchell and architect Dale Yonken of Nadel Architects to review and discuss this project in great detail, and to adopt proposed conditions for their requested CUP as well as their proposed design for the new Fraternity House; and

Whereas, the Westwood Neighborhood Council voted to conditionally support a CUP for the proposed project with 58 conditions, based on nearly identical existing CUP conditions for a neighboring fraternity house located at 613 South Gayley Avenue, as well as the proposed design for 611 South Gayley Avenue, subject to certain design conditions, and the Chair of the Land Use Committee drafted a letter which was never sent to the Zoning Administrator's Office due to the failure to notify the Neighborhood Council of the date and time of the hearing, as well as the name and address of the ZA handling this case; and

Whereas, Mr. McDonnell advised the members of the Neighborhood Council Land Use and Planning Committee that because the Applicant's environmental documents needed to be redrafted and recirculated, the hearing date was not yet determined, further confusing and obfuscating the date, time, and location of the public hearing for this matter; and

Whereas, Mr. Kevin McDonnell, after he learned of the date, time, and location of the public hearing, never informed anyone on the Westwood Neighborhood Council, Westwood Community Council, or any other Westwood stakeholders of the date and time of the hearing, despite the fact that he had been in regular and repeated communication with the committee chairs and other leaders in these organizations on numerous occasions for more than one year regarding this project; and

Whereas, the first notice that the Westwood Neighborhood Council and other members of the public received that the public hearing had already taken place was when the final Determination Letter, dated February 19, 2016, was mailed out to members of the public, nearly seven months after the hearing was conducted; and

Whereas, as a direct result of the failure of the Planning Department to send out the legally required official hearing notice via U.S. Mail to the Westwood Neighborhood Council (an officially Certified Neighborhood Council recognized by the City of Los Angeles), as well the failure by the Office of Zoning Administration to follow standard Planning Department procedure to also mail the official hearing notice to all members of the public who dutifully filled out Speaker Cards (containing their name and mailing address) and testified before the Westwood Design Review Board, which Speaker Cards were contained in the Case File, and which should have guaranteed that those Public Commenters received notice of the Zoning hearing (and all of whom did receive a mailed copy of the written Determination Letter seven months after the public hearing – proof that the City had their correct name and mailing address!) not a single member of the Westwood Neighborhood Council nor a single member from the general public attended the public hearing to speak in opposition to any aspect of the Applicant's requests, due to this fatal flaw in the hearing notice, which constitutes a highly significant error or abuse of discretion; and

Whereas, an appeal has been filed due to this outrageous denial of due process, and to challenge the Zoning Administrator's decision to grant a discretionary Conditional Use Permit, without including ALL 58 of the Conditions of Approval adopted by the Westwood Neighborhood Council:

Now, therefore, be it resolved, that the Westwood Neighborhood Council urges the West Los Angeles Area Planning Commission to grant the appeal filed in Case No. ZA 2014-1095(CU)(ZAA)(DRB)(SPPA)(SPP); CEQA No. ENV 2014-1094-MND and to rescind the erroneous granting of the requested Conditional Use Permit and other discretionary actions; and

Be it further resolved, that the Westwood Neighborhood Council calls on the Area Planning Commission to determine that the Decision Maker in this case (Zoning Administrator in the Department of City Planning) erred or abused their discretion in failing to follow established policy and practice that the Planning Department is REQUIRED to send via U.S. Mail the official notice of ALL public hearings within the Neighborhood Council boundaries; and

Be it further resolved, that the Westwood Neighborhood Council calls upon Councilmember Paul Koretz to support the appeal in this case and to STAND UP FOR DUE PROCESS, to ensure that the Westwood Neighborhood Council and all of its stakeholders are treated fairly and evenly; and

Be it finally resolved, that the Westwood Neighborhood Council insists that the public hearing for this matter be rescheduled, properly noticed, reheard, and that the official notice of the hearing be sent via U.S. Mail to the Westwood Neighborhood Council and to all members of the public who submitted speaker cards to the DCP on this matter and which cards (containing names and mailing addresses) are contained within the Case File.