

CITY OF LOS ANGELES

SYLMAR NEIGHBORHOOD COUNCIL

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13109 Borden Ave.
Sylmar, CA 91342

EXECUTIVE OFFICERS

PRESIDENT: Quyen Vo-Ramirez
VICE-PRESIDENTS: Tammy Flores and
Rick Donnelly
TREASURER: Randall Kelly
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Minutes of the
SYLMAR NEIGHBORHOOD COUNCIL (SNC)
SPECIAL BOARD MEETING
Thursday, July 23, 2009

at Palacio Torres, 12341 San Fernando Road, Sylmar, CA 91342

Call to Order and Pledge of Allegiance

Vice-President of Administration Tammy Flores called the meeting to order at 8:27 p.m. [This Special Board Meeting was held immediately following the General Board Meeting.]

[The only Item on this Agenda was as follows:]

Discussion and possible action to support the following recommendation from the Land Use Committee: A changed and modified project at 12415 San Fernando Rd., Sylmar, zone variance with density bonus, for a five story mixed-use development containing 149 units of senior citizen (55 years and older) housing, 25,000 sq. ft. plus medical offices on a 58,000 sq. ft. lot.

Board Members present: Ricardo Benitez, Hiral Bhakta, Cheri Blose, Hector Cabrera, Rick Donnelly, Tammy Flores, Saul Gonzales, Randall Kelly, Martin Laufer, Rudy Lopez, Liz Meher, George Ortega, Guillermo Reyes, Jeanne Rowe, and Jim Schopper.

Board Members absent: Erlin Arellano (excused), Fabian Garcia (excused), Nick Krall (excused), Jan Sandstrom (excused), and Quyen Vo-Ramirez (excused).

Fifteen of the 20 Board Members were present at the beginning of the Meeting, which is a quorum, and the business of the Council could be conducted. Also attending were approximately 28 Stakeholders and Guests.

Ms. Flores introduced the issue. Ms. Blose explained that the project was brought back to the SNC Land Use Committee. Owner representative Kurken Alyanakian, President, DDCM, Inc., appreciates Mr. Kelly and Mr. Benitez extending themselves to research the project. He addressed the following issues:

- 1) Traffic. A study was received; copies are available. The Hubbard St. and Astoria St. intersections were studied and transportation engineers said that the “traffic impact will be insignificant.”
- 2) Security. Cameras “would monitor San Fernando Road” adjacent to the project.
- 3) Building height. The nearby Auto Museum is 75 feet high. “The project height is part of what makes it feasible . . . [because] it’s a difficult height to develop.”
- 4) Original General Plan: It had no restrictions. The City Planning Department revised Plan is not soon available; there’ll be a community workshop. He distributed and reviewed a “Sylmar New Community Plan Program” printout that shows community concerns that the project would address.

Mr. Alyanakian continued that the project was presented to the SNC Land Use Committee. He reviewed project features and community benefits, including efforts to ensure that benefits go to the Sylmar community and residents. The project “will give the highest priority to Sylmar residents.” Earthquake safety codes are adhered to and the project will create construction jobs. A “state of the art Community Room” will be available for meetings. The San Fernando Road storefront “will be a transparent storefront” with “double-tinted glass,” not a wall.

Ms. Blöse voiced that the project “is exactly in line” with what the Community Plan wants. Major retailers have “been contacted” and have been reluctant to locate facilities in Sylmar. She believed that “this is an excellent program for this particular area.” Ms. Flores stated that “this project needed to be brought back [to the SNC] with significant changes.” Mr. Alyanakian elaborated that the estimated development cost is \$43 million and it will take 18 months to build. Stakeholder Jesus Barajas [who spoke during the “Public Comments” section of the earlier General Board Meeting], believed that the project will bring jobs and money into Sylmar. Stakeholder Ely Vega encouraged the Board to support the project. Stakeholder David Glasberg distributed a supportive letter and said that he represented nearby business owners who support the project. Stakeholder Joaquin Medrano, a property manager, supports the project. Stakeholder Debbie Garcia described illegal activities at the project location and “really hopes that it can be built.” Stakeholder Barry Sylvan expressed that “this is an absolutely amazing project . . . [that] we need.”

Mr. Kelly supports the project; “the issue is, we have a procedural problem, and that is, according to the [SNC] Bylaws, Article IV, Section 1) d) 1), this really is a reconsideration of an Agenda Item . . . The Board has the opportunity to reconsider or amend its action if [the Board] does it immediately after that Item, or at the next General Board Meeting, which would’ve been last month.”

[Note: following is the SNC Bylaws Section that Mr. Kelly was referring to:

“RECONSIDERATION OF AGENDA ITEMS: The Board may reconsider and amend its action on items listed on the agenda if that reconsideration takes place immediately following the original action or at the next regular meeting. The Board, on either of these two days, shall (1) make a Motion for Reconsideration and, if approved, (2) hear the matter and Take an Action. If the motion to reconsider an action is to be scheduled at the next meeting following the original action, then two items shall be placed on the agenda for that meeting: (1) A Motion for Reconsideration on the described matter and (2) a [Proposed] Action should the motion to reconsider be approved. For a Board member to submit a motion for reconsideration the Board member must have previously voted on the prevailing side of the original action taken. If a motion for reconsideration is not made on the date the action was taken, then the board member on the prevailing side of the action must submit a memorandum to the Secretary identifying the matter to be reconsidered and a brief description of the reason(s) for requesting reconsideration at the next regular meeting. The aforesaid shall all be in compliance with the Brown Act.”]

Mr. Kelly continued: “Neither one of those actions took place. One of the things we discussed is that if you go back to [the] Land Use [Committee], and there are significant changes to the project, you could bring it back as a whole different Item, but . . . I don’t see that, yet. You haven’t addressed some of the questions that some of the Board Members have.” He recommended “getting legal council from DONE [the L.A. Dept. of Neighborhood Empowerment] on how to proceed with this “according to [the SNC] Bylaws and it has to be procedurally correct.” Ms. Flores agrees “so that [the project] gets a good recommendation and make it legal. What signifies “significant changes” is one of the things we’re going to have to address with the City Attorney’s Office to make sure that this Board is doing the right thing.” She “would like to take it to the City Attorney.” Mr. Kelly believed that “certain issues . . . need to be worked out as a Board.” He described the procedure that needs to be followed and continued, “it’s incumbent upon us as Board Members” “to do [our] responsibilities” and have a chance to review the information. “[The Board reviewing project information] is something that didn’t happen [at the May 28, 2009 General Board Meeting] and didn’t happen again [at this Meeting].” Ms. Flores and Mr. Kelly would support voting on a “contingency” basis, pending City Attorney approval.

MOTION (by Mr. Kelly, seconded by Mr. Donnelly): for the Sylmar Neighborhood Council to support the project at 12415 San Fernando Rd., Sylmar (zone variance with density bonus, for a five story mixed-use development containing 149 units of senior citizen (55 years and older) housing, 25,000 sq. ft. plus medical offices on a 58,000 sq. ft. lot), contingent upon information from DONE and the City Attorney regarding whether [considering the project at this time] is a violation of the SNC Bylaws.

DISCUSSION: Stakeholder Bonnie Bernard indicated that the SNC Land Use already approved the project and believed that there’s no need [for the Board of Directors] to vote on it. Dan Rosales, Jr., Planning Deputy for L.A. City District Seven Councilman Richard Alarcon, related that the developer did contact the City Council Office. Ms.

Flores suggested that the Board could use the Land Use Committee recommendation or vote on the Motion. Mr. Alyanakian stated that he can say which are the major changes made to the project [since the SNC considered the project at its May 28, 2009 General Board Meeting]. Mr. Reyes would like to move forward now with the project. Mr. Ortega is “for the project, but I also want to stick with precedent . . . and . . . the [SNC] Bylaws. There’s nothing in [the SNC] Bylaws that empowered the Land Use Committee to be the sole arbitrator of land use . . . decisions . . . That’s the policy [as the Committee Chair] that I’ve been doing for a year and I don’t want to undermine that.”

Mr. Benitez is in favor of the project. Ms. Flores clarified that the discussion is regarding the procedure followed in this issue, not about whether the Board favors the project. Ms. Blose said that the Land Use Committee did not meet in June; since then, there were significant changes [to the project]. Mr. Gonzalez wanted the Board to vote now; it would “respect” the developer. Mr. Laufer pointed out that the Board is not obligated to approve a Committee recommendation; he hadn’t seen a Land Use Committee report and didn’t know who attended the Committee Meeting; and that the SNC takes its responsibilities seriously.

Ms. Flores asked for the Board to have a five minute closed session. [The Board went into another room. No Stakeholders in the audience joined them.] In the closed session, Mr. Kelly expressed concern regarding whether addressing this Item at this time was in conformance with the SNC Bylaws, and regarding Committees speaking for the full Board. He noted that most Board Members are not opposed to the project; the concern is procedural. He believed that significant changes have not been made to the project, despite Mr. Alyanakian’s presentation. He recommended that he’d withdraw his Motion because he doesn’t want to create other issues. Mr. Kelly also believed that the City Attorney would say that the SNC is in violation regarding reconsideration rules if it votes on this Item [now]. There was extensive discussion regarding whether to vote on the Motion. The closed session ended and all Board Members returned to the Meeting room.

Mr. Alyanakian wanted the SNC to write support letters for the project.

MOTION PASSED with Mr. Laufer opposed.

Ms. Flores stated that she would present the Motion to the City Attorney for an opinion and that she would reply to Mr. Alyanakian.

Ms. Flores declared the Meeting **ADJOURNED** at 9:30 p.m.

Minutes written by DL.