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LA Panel Greenlights \$218M Mixed-Use Development

By **Natalie Rodriguez**

Law360, New York (August 13, 2013, 8:20 PM ET) -- A Los Angeles panel on Tuesday pushed forward a contentious \$218 million apartment and retail project, certifying its environmental impact report and denying a trio of appeals that had been lobbed against the proposal.

The planning and land use management committee approved zoning changes, as well as a project permit and conditional use permit, for the project being spearheaded by M. David Paul & Associates. It also accepted environmental review findings and denied appeals that homeowners associations and community activist groups had lodged after a previous approval by the Los Angeles Planning Commission.

The Sherman Oaks Homeowners Association, Homeowners of Encino and Sherman Oaks Residents for a Safe Environment have argued that the project violates the Ventura Boulevard Specific Plan, which lays out zoning for the area, and that the traffic and environmental issues that would come with the mixed-use complex would be detrimental to the neighborhood.

City planning staff, however, had recommended that the city officials approve variances, or exceptions, to allow the long-delayed project to move forward.

"The zoning is outdated ... a rezoning is appropriate and the city planning commission has confirmed that," David Goldberg, a land use partner with Armbruster Goldsmith & Delvac LLP who represents the developer, told the committee.

M. David Paul has already significantly cut down its original proposal, which called for 500 residential units and more than 60,000 square feet of retail space on a 4.5-acre plot of land. As proposed, the project will now entail 325 apartments and about 52,000 square feet of retail.

"In the end we feel this overall reduction would reduce transit impact ... while still retaining the amenities proposed as part of the overall project," Nicholas Hendricks, city planning staff, said.

These amenities include a 13,000-square-foot plaza, as well as environmental mitigation plans, he noted.

Opponents to the project, however, **have been fighting** the project for years due to the impact it would have on the already congested neighborhood. The project site, which M. David Paul has owned for more than 34 years, sits about 500 feet from a major freeway.

"It's clearly a challenging site for a developer," Marshall Long of the Sherman Oaks Homeowners Association said.

Long contended that even the reduced project would bring 2 million more daily traffic trips, and that residents of the future building would be wrongly exposed to air quality and noise hazards that exceed current recommendations.

"You shouldn't be granting exceptions, variances to the specific plan, to build apartments this close to the freeway," Bradly S. Torgan of Sherman Oaks Residents for a Safe Environment said.

While the EIR notes that some aspects of the project will cause impacts that cannot be mitigated, M. David Paul has agreed to several conditions, including air quality mitigation and a transportation demand management program, planning staff and counsel for the developer contended.

"The city planning commission approved this project because it has one of the most aggressive air quality mitigation programs this city has ever seen," R.J. Comer, another Armbruster land use partner representing the developer, said.

Comer also argued that the increase in daily trips from the project would be more along the lines of 4,600. Among the details M. David Paul has agreed to provide are an on-site transportation coordinator, preferential parking for carpools and semi-annual events to promote ride-sharing, according to a planning commission report. On the air quality side, it will install air filters with a high efficiency rating.

Land use and planning committee members, however, asked planning staff and the developer to consider establishing clearer enforcement protocols for these measures before the project goes before the city council for final approval.

The developer is represented by David Goldberg and R.J. Comer of Armbruster Goldsmith & Delvac LLP.

--Editing by Andrew Park.

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