

MOTION

At its meeting on July 19, 2007, the North Valley Area Planning Commission (NVAPC) granted Home Depot's appeal in case number DIR-2006-9072-BSA-1A, overturning the action by the Director of City Planning.

In her action in this case, the Director of City Planning found that the "tenant improvements" proposed by Home Depot constituted a "Project" as defined in the Foothill Blvd. Corridor Specific Plan and that the Department of Building and Safety (LADBS) erred and abused its discretion in issuing various building permits. The sole issue on appeal, therefore, was whether the remodeling work was a "Project," a fact that was acknowledged during the testimony of an LADBS representative.

The public hearing on the Home Depot appeal was attended by more than 1,000 people and lasted nearly seven hours. At the end of that hearing, the NVAPC voted 3-2 to grant the appeal. Although it was difficult to understand the NVAPC's findings, it appears that a majority of the Commissioners believed that Home Depot was delayed by the appeal process and, therefore, they should be allowed to go forward with their remodeling work.

However, this was not the issue before the Commission. The decision before them was whether or not the Home Depot remodeling work constituted a "Project." The "Project" designation meant that the City could require environmental review, traffic mitigation, regulation of deliveries and hours of operation, etc. One of the three commissioners who supported the Home Depot appeal said – after the vote – that she "was not sure that this is not a "Project." Had she voted based on that belief, the vote would have been 3-2 to **deny** the appeal.

I believe the evidence is compelling that the Home Depot remodeling work is a "Project" and that the NVAPC erred and abused its discretion in granting the appeal. Accordingly, I am submitting this motion under section 245 of the City Charter in an effort to reverse the NVAPC's action and to require that this case be subjected to a Specific Plan review, including a review of its environmental impacts.

I THEREFORE MOVE that, pursuant to Section 245 of the Los Angeles City Charter, the City Council assert jurisdiction over the July 19, 2007 oral action taken by the North Valley Area Planning Commission in case number DIR-2006-9072-BSA-1A.

I FURTHER MOVE that, upon the assertion of jurisdiction, a full and complete public hearing on this matter be held by the Planning and Land Use Committee at its meeting on August 7, 2007 and that, following such hearing, the City Council make an appropriate decision after consideration of all additional materials presented at the hearing.

PRESENTED BY: _____
Wendy Greuel
Councilmember, 2nd District

SECONDED BY: _____