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January 17, 2007

Mr. Gary Booher  
Associate Zoning Administrator  
200 North Spring Street, 7<sup>th</sup> Floor  
Los Angeles, CA 90012

**Re: Sunland Home Depot Store, 8040 Foothill Blvd.  
DIR 2006-9072 BSA**

Dear Mr. Booher:

Together with the Sunland-Tujunga community, I have been fighting the Home Depot project for more than two years. I will be attending the Home Depot building permit appeal on January 19, 2006, but I wanted to give you a preview of my thoughts as well as a little history of this case before the hearing.

The threshold issue is whether a Home Depot store on this site is consistent with good land use policy. I have been opposed to this Home Depot store since I first learned about it in October, 2004, because I believe we can make much better use of the site. For example, the Sunland-Tujunga community has a real need for a general merchandise store such as a Target or a Kohl's. Currently, Sunland-Tujunga residents must drive many miles to purchase basic clothing and house wares. On the other hand, Sunland-Tujunga already has more than enough hardware and building supply stores to meet its needs. Thus, to the extent this is a policy discussion, I would argue that a Home Depot store is not an appropriate use for this site and that every effort should be made to locate a general merchandise store on it.

Early on, I was informed by the Planning Department that if Home Depot chose to move into the existing K-Mart building without making significant changes to it, the Sunland-Tujunga community and I would have no voice in the matter (I understand that similar remodeling permits were issued yesterday for the former K-Mart store in Glassell Park). However, if Home Depot made significant changes to the building, it could be deemed a "Project" under the Foothill Blvd. Corridor Specific Plan (the Plan), and we would be entitled to an environmental review on issues such as traffic, air quality and noise before building permits were issued. The key question in this appeal, therefore, is whether the

COMMITTEE ASSIGNMENTS  
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MEMBER: ENERGY AND THE ENVIRONMENT COMMITTEE



remodeling work proposed by Home Depot meets the definition of a “Project” as set forth in the Plan:

**“The construction, erection, structural alteration of, or addition to, any building or structure, including architectural projections attached to exterior walls or roof structures, which requires the issuance of a building permit or a change of use permit on a lot located in whole or in part within the Specific Plan area. A Project does not include interior remodeling of a building which does not increase the floor area, or single-family dwellings.”** (Foothill Blvd. Corridor Specific Plan, Section 4, p. 4)

I strongly believe that the appeal documents before you demonstrate that the remodeling work is a Project. I urge you to adopt that conclusion and grant the appeal. To date, the process followed in this appeal has not contributed to public confidence in its results. The original appeal document was about 30 pages in length and contained voluminous detail as to why the remodeling work meets the definition of a Project. Unfortunately, LADBS’s response consisted of three pages and virtually no detail. All the more frustrating is the fact that permits continue to be issued while this appeal is pending.

Over the course of this process, I have sent several letters outlining my position to the Director of City Planning, LADBS, the City Attorney and Home Depot. I am attaching the following letters for your review:

- February 15, 2005 letter to Home Depot stating my strong opposition to their new building proposal.
- July 19, 2005 letter to Con Howe, former Director of City Planning, inquiring as to what Home Depot can do “by-right” on the site.
- January 20, 2006 letter to the City Attorney requesting advice as to whether strategies used in a Wal-Mart case may apply to the Sunland Home Depot case.
- March 7, 2006 letter to Gail Goldberg and Andrew Adelman stating that I believe the remodeling work is a Project and requesting that they coordinate the efforts of their departments to reach a joint conclusion on that issue.
- July 24, 2006 letter to the City Attorney requesting a review of the determination by the Planning Department and LADBS that the Home Depot remodeling work is not a Project.
- October 30, 2006 letter to Gail Goldberg requesting that she address each and every issue raised in the Home Depot in detail.
- November 8, 2006 letter to Gail Goldberg requesting that she consider several specific issues that were raised at the November 6 community meeting.

On November 6, 2006, there was a community meeting at my Sunland-Tujunga field office that was attended by more than 300 people. For five hours, community members and I spoke about our concerns with the project. During the meeting, the following claims were made about the project, and I believe these claims must be considered when you decide the appeal:

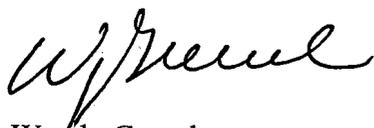
- The auto-repair area is being converted to retail use without the necessary Change of Use permit. As you know, a change of use creates a Project and triggers a Specific Plan review.
- Some of Home Depot's sales are wholesale which may affect LADBS's conclusion that Home Depot's use category is "retail" and may be a basis for a Specific Plan review.
- The original appeal to LADBS was based on a set of plans that was changed before the issuance of building permits. Accordingly, appellants should be allowed to submit additional materials which address the final plans.
- The fact that the new floor slab is physically connected to structural walls requires that structural calculation be done for the entire building in order to determine if the proposed tenant improvements included "structural alterations" that would trigger a Specific Plan review.
- The relocation and re-compaction of the flood control easement on the property was not documented sufficiently to establish that "structural alterations" have not occurred in the new floor slab.
- The cost of the remodeling work exceeds 50% of the building's replacement cost, thereby creating a "Significant Project" and requiring a Specific Plan review.

The final issue relates to reports from community observers that construction activities at the site raise additional concerns about whether the remodeling work is a Project:

- Customer entrance doors appear to have been enlarged, creating the possibility that "structural alterations" have occurred.
- Temporary stabilizers were attached to the outside of the building, lending support to the theory that interior alterations are structural and not merely tenant improvements.
- Large holes have been observed in the roof, suggesting that "structural alterations" have been made.
- The outside wall to the south of the loading docks appears to have been lowered by several feet. Such exterior work may well fit the Specific Plan's definition of a "Project" and require a Specific Plan review.

I ask you to pay particular attention to the testimony on these issues and to find in our favor that a Specific Plan review is absolutely required in this case.

Very truly yours,



Wendy Greuel  
Councilmember, 2<sup>nd</sup> District  
Los Angeles City Council