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6 Attorneys for Respondents  
7 CITY OF LOS ANGELES; CITY COUNCIL  
8 OF LOS ANGELES; and CITY OF  
9 LOS ANGELES DEPARTMENT OF PLANNING

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 LUCILLE SAUNDERS, an individual, and  
13 LA BREA-WILLOUGHBY COALITION, a  
14 California unincorporated association,  
15 LA MIRADA AVENUE NEIGHBORHOOD  
16 ASSOCIATION OF HOLLYWOOD, a  
17 California unincorporated association; SAN  
18 PEDRO PENINSULA HOMEOWNERS  
19 UNITED, INC., a California tax-exempt  
20 corporation; GRANADA HILLS ALLIANCE  
21 FOR SMART GROWTH, a California  
22 unincorporated association; HOLLYWOOD  
23 HERITAGE, INC., a California tax-exempt  
24 corporation; OLD GRANADA HILLS  
25 RESIDENTS' GROUP, a California tax-exempt  
26 corporation; Residents Against Cut-Thru Traffic  
27 (ReACT), a California unincorporated  
28 association; SAN PEDRO PENINSUAL  
HOMEOWNERS COALITION, a California  
unincorporated association; R  
NEIGHBORHOODS ARE 1, a California  
unincorporated association; WESTWOOD  
SOUTH OF SANTA MONICA BLVD.  
HOMEOWNERS ASSOCIATION, a California  
tax-exempt corporation;

Petitioners,

Case No.: BS 115435  
[Related to Case No. BS117832]

Assigned to the Honorable James C. Chalfant,  
Dept. 85

Action Filed: June 20, 2008

**DECLARATIONS OF JANE  
BLUMENFELD, S. GAIL GOLDBERG,  
AND CON HOWE IN SUPPORT OF  
RESPONDENTS' CITY OF LOS  
ANGELES, CITY COUNCIL OF LOS  
ANGELES, AND CITY OF LOS  
ANGELES DEPARTMENT OF  
PLANNING OPPOSITION TO OPENING  
BRIEF OF SAUNDERS, ET AL., AND FIX  
THE CITY**

Date: September 13, 2010  
Time: 9:30 a.m.  
Dept.: 85

Original Action Filed: June 20, 2008  
CEQA Claim Filed: October 9, 2009

1 v.

2 CITY OF LOS ANGELES; CITY COUNCIL  
3 OF LOS ANGELES; and CITY OF LOS  
4 ANGELES DEPARTMENT OF PLANNING;  
and DOES 1 through 10,

5 Respondents.

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6  
7 FIX THE CITY, an unincorporated association;

8 Petitioner,

9 v.

10 CITY OF LOS ANGELES,

11 Respondent,

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12  
13 DOES 1 to 10;

14 Real Parties in Interest.

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DECLARATION OF JANE BLUMENFELD

I, JANE BLUMENFELD, declare that I have personal knowledge of the following facts, and if called as a witness could, and would, testify as follows:

1. From September 2009 to my retirement from the City of Los Angeles in April 2010, I served as the Acting Deputy Director, Los Angeles Department of City Planning. As Acting Deputy Director, I directed the development of the New Community Plan Program; created the structure for the new Community Plans, regularly coordinated with all applicable City departments, including but not limited to, Department of Transportation, Department of Water and Power, Recreation and Parks, Public Works (all bureaus), Community Redevelopment Agency, Los Angeles World Airports, the Departments of Building and Safety, Disability, and Fire, LAPD, the Port Authority, Library, Environmental Affairs, Housing Authority, and Los Angeles Housing Department, regarding infrastructure inventories, needs and level of service standards; coordinated with technical consultants to prepare Community Plan Environmental Impact Reports (EIRs); developed grant proposals to augment Community Plan Program funding; oversaw Citywide Planning Division; and participated as part of the Planning Department's budget team.

2. Prior to assuming my duties as Acting Deputy Director, from 2001 until September 2009, I was a Principal City Planner, Los Angeles Department of City Planning. As Principal City Planner, I oversaw the Citywide Planning Division where I was responsible for developing housing, transportation, and smart growth initiatives, Transit Oriented District (TOD) plans, Los Angeles River plans, a citywide Bicycle plan, climate change initiatives; routinely collaborated with numerous surrounding small cities and Los Angeles County and regional agencies on planning issues; monitored and developed City positions regarding state and federal planning legislation; developed numerous ordinances, including but not limited to the density bonus ordinance, the residential and accessory services zones ordinance, the transfer of floor area rights ordinance, the small lot subdivision ordinance, and the parking credit pilot ordinance; and worked with the City of Los Angeles Personnel Department to revamp the hiring process for planning assistants in the City Planning Department.

1 Between 1978 and 1988, I held positions in all facets of the Planning Department including community  
2 planning, zoning, subdivisions, environmental analysis, code studies, design review boards;  
3 department liaison to City Council members; wrote several specific plans, researched, developed,  
4 conducted public outreach and worked with elected officials to adopt numerous Zoning Code  
5 amendments; served as expert witness in planning litigation, coordinated on a regular basis with City  
6 departments, including but not limited to Building and Safety, the bureaus of the Department of Public  
7 Works, and Community Development Department and regional planning, environmental and  
8 transportation agencies (i.e. SCAG, AQMD, Metro, LAUSD).

9 3. From 2001 to 2005, I was the Director of School Facilities Planning under Mayor James  
10 Hahn. As Director of School Facilities Planning, I coordinated the physical development of new  
11 LAUSD schools with numerous City departments, developed joint use projects involving parks,  
12 recreation, and shared City/school facilities; secured City public improvements for new schools  
13 through negotiations with various City departments, architects, real estate acquisition staff, and school  
14 construction project managers; and created a streamlined entitlement process for the school  
15 construction program.

16 4. From 1995 to 2001, I was Chief of Staff for Los Angeles City Councilman Mike Feuer  
17 for Council District 5. As Councilmember Feuer's Chief of Staff, I developed, implemented and  
18 oversaw the Councilman's legislative agenda; oversaw Council District 5 planning and land use  
19 projects; advised the Councilman on Citywide planning and land use projects, strategies, policies and  
20 legislation; and also advised the Councilman (as chair of the city's Budget Committee) on the Los  
21 Angeles City Planning Department budget. In 2001, I was a faculty member in the Urban Planning  
22 Graduate Program, UCLA School of Public Policy and Social Research and taught "Introduction to  
23 Physical Planning" in the Urban Planning Masters Degree Program.

24 5. From 1994 to 1995, I was a principal and owner of JLB Associates, a land use and  
25 planning consulting firm, representing public and private clients seeking land use entitlements for  
26 major projects throughout Southern California. I also was a Land Use Planner and member of the  
27 Land Use Law practice for the law firm of Paul, Hastings, Janofsky, and Walker in 1993 to 1994,  
28 representing public and private clients involved in the development of major projects in Southern

1 California; and a planning advisor to Mayor Tom Bradley between 1988 and 1993, charged with  
2 development of the Citywide planning and transportation agenda for the Mayor; shaping major land  
3 use projects by working with developers and city staff; coordinating with City Council members,  
4 General Managers and key staff in all City technical departments involved in the built environment;  
5 working closely with the City Planning Commission, Planning Director, and Board of Zoning Appeals  
6 to advance the Mayor's planning agenda; and was responsible for researching, interviewing, and  
7 recommending selection of the Planning Director and all City Planning Commission and BZA  
8 appointments.

9         6.       I received the American Planning Association "Distinguished Leadership  
10 Award for a Professional Urban Planner in Los Angeles" in 2005; have been a member of the  
11 American Planning Association from 1980-Present and a member of the Westside Urban Forum  
12 (President, 1991) from 1988-Present; an Officer, Board of Directors, LA SHARES from  
13 1993-Present; a member of the Harvard University 'Innovations in American Government Awards',  
14 Selection panel in 2008; and a member of Mayor Riordan's transition team (to advise the Mayor-elect  
15 in 1993 regarding restructuring the Department of City Planning). In addition, I have been a  
16 Contributing Editor of The Planning Report from 1999-Present and a Lecturer at UCLA and USC  
17 Graduate Schools (Planning) from 1980 - 2010, and at numerous LA County Bar Association CLE  
18 courses and programs from 1980 - 2010.

19         7.       In all of my roles as a planner in the Department of City Planning, I have been  
20 responsible for implementing the General Plan Framework. In my role as a Principal City Planner in  
21 charge of the Citywide Planning Division, I was specifically responsible for overseeing the elements of  
22 the General Plan, including the Framework Element. I oversaw the adoption of two Housing Elements  
23 and coordinated the housing policies therein with the policies of the Framework Element. I oversaw  
24 the development of a draft Bicycle Plan, (not yet adopted) which is a component of the Transportation  
25 Element. I was responsible for assuring that it too, is founded on and based upon the policies of the  
26 Framework Element. On an ongoing basis, I oversaw the demographics staff, who secured, analyzed,  
27 and produced reports regarding demographics and building activity to assure that neither deviated from  
28 the Framework Element. I and my staff met frequently with the Southern California Association of

1 Governments (SCAG) regarding population projections and estimates for the region and for the City of  
2 Los Angeles specifically. I was responsible for coordinating SCAG's population modeling with our  
3 Framework policies, so that the portion of regional growth projected by SCAG for Los Angeles was  
4 allocated pursuant to Los Angeles' growth policies, as set forth in the Framework Element.

5 8. I have reviewed the report prepared by Tom Merrell, attached to the Appendix filed on  
6 behalf of Petitioners Lucille Saunders, et al., in the above-referenced case and disagree with the  
7 report's analysis and conclusions. As a preliminary matter, Mr. Merrell's report indicates a lack of  
8 familiarity with the City of Los Angeles' zoning and planning regulations, Planning and other City  
9 Department functions, including how these regulations and functions relate to the City's General Plan  
10 Framework Element, a discretionary element of the City's General Plan, and its Program  
11 Implementation. The purpose of the monitoring program is not, as Mr. Merrell states to be "obvious"  
12 to "keep track of developments that could burden infrastructure." Los Angeles, unlike the small cities  
13 Mr. Merrell has worked for, is a large city with entire departments established by either Charter or  
14 ordinance with a specific mission, set of authorities, and responsibilities for specific operations of the  
15 City. In the small cities I have worked with in my various duties for the City Planning Department,  
16 including cities similar to the small cities Mr. Merrell identified as his places of employment, these  
17 responsibilities are typically under the jurisdiction of a single department. In the small cities I have  
18 worked with in my various duties for the City Planning Department, a single department (usually  
19 called Development Services or Community Development Department), can and does monitor  
20 frequently negligible growth and development, and a miniscule number of projects filed and  
21 infrastructure projects being developed. In stark contrast, in Los Angeles, the 14 services listed by Mr.  
22 Merrell are overseen by 11 separate departments. Each of these departments, which I have worked  
23 with in my capacity as a Planning Department employee and in implementing the General Plan  
24 Framework Element, is staffed with numerous technical experts who monitor, track, issue bonds,  
25 prioritize, repair, maintain and construct new infrastructure for the City. This is one of the main  
26 differences I have observed throughout my Planning career between small cities and large cities.

27 9. In Los Angeles, the Planning Department has always monitored growth and development  
28 and worked with the 11 technical departments to track infrastructure. The Department monitors the

1 population growth in the city and the tracks development (as a proxy for growth) in each of the  
2 communities in the city. I directly oversaw and participated in these monitoring and tracking  
3 functions. Development approvals in the City of Los Angeles are based on the General Plan by  
4 Charter and by ordinance. Most development permits are allowed and issued "by right" in Los  
5 Angeles, unlike developments in smaller cities, which are more frequently approved through  
6 discretionary actions. Additionally, for each of the small percentage of discretionary permits issued in  
7 Los Angeles (those in which the Planning Department plays a role) findings must be made that these  
8 projects comply with the General Plan. The Framework Plan, the Growth and Infrastructure Plan, the  
9 monitoring plan in Los Angeles are all large scale efforts. None of these were ever intended to have a  
10 parcel by parcel focus, as they would likely have in a small city. No such plan in a 464 square mile  
11 area ever intended to show, for example, that there might be an increase in housing units or population  
12 on a single parcel or in a block that might indicate overcrowding, as Mr. Merrell suggests.

13 10. Contrary to Mr. Merrell's assertion, the demographic and building data on the  
14 Department of City Planning website, are what the Planning Department needs to monitor. The  
15 Department, including under my direction during my tenure with the City, then works closely on a  
16 regular basis with the 11 other departments (including one which is not even under the jurisdiction of  
17 the City at all—the LAUSD) to make sure that growth and projected development continue to be in  
18 sync with the Framework and to apprise them of changes in projected growth and/or changes to the  
19 general plan (i.e. where different densities of development are permitted). Until this lawsuit was filed,  
20 in all the time that I worked with these 11 other departments, not a single individual or member of the  
21 public asked me for an annual report on growth and infrastructure.

22 11. The General Plan establishes where different kinds of uses are permitted to occur.  
23 Various commercial and industrial zones permit retail, office, and industrial uses. The Department  
24 also tracks where these uses are, how many square feet are added each quarter, and what parts of the  
25 city permits have been issued for each type of use. This information is provided and available to all  
26 applicable City departments. This information is what is required for the water planners, the police  
27 planners, the fire planners, the park planners, transportation planners and other infrastructure planners  
28 to determine the infrastructure necessary to serve the population in all parts of the city.

1           12. Mr. Merrell opines that the Planning Department's monitoring and growth analysis is  
2 fragmented and somehow not useful. This is incorrect. This is a large city and data is always broken  
3 down by areas of responsibility. The population and General Plan land use data is used by each  
4 technical department to assess the specific infrastructure situation for which it is responsible. For  
5 example, DWP has several thousand employees whose job is to track every single pipe, its age, need  
6 for maintenance, and its life span. DWP employees then figure out how to establish water rates that  
7 will provide adequate funding to maintain, repair and replace those parts of the water delivery system  
8 that are necessary to serve the population as laid out in the General Plan. In a city with several  
9 thousand miles of pipes, more than 6,000 miles of streets, the government must have specialists to deal  
10 with these urban issues. The data is easily accessible; it is simply handled by different departments.

11           13. The Community Plan update process is based entirely on the General Plan Framework.  
12 The Framework remains the guiding document and each Community Plan complies with it by carrying  
13 out its policies on a more localized level. While the complete update of all 35 Community Plans will  
14 take 10 years or more, there is simply not a faster way to accomplish this task (including all of the  
15 outreach that is necessary) in a large, complex city like Los Angeles. Each Community Plan area is  
16 larger than most surrounding cities and larger than many cities in the country. The new Community  
17 Plans include a comprehensive look at the infrastructure within each given community. Specifically,  
18 each new Community Plan will incorporate an assessment of the infrastructure in place, identify the  
19 condition of such infrastructure, and what is needed in order for each type of infrastructure to  
20 adequately serve the population of the new, revised Community Plan. Contrary to Mr. Merrell's  
21 personal opinion, the Planning Department, as the planning experts for the City of Los Angeles and as  
22 the planners most familiar with City, in contrast to Mr. Merrell, has determined that the community  
23 plan update is the most meaningful way to analyze growth and infrastructure impacts at a community-  
24 wide level.

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2 14. Mr. Merrell also ignores the finding of the former Director of Planning, Con Howe,  
3 who explained that because it took nearly one year to prepare each of the three Annual Reports, the  
4 information contained in the Reports by the time of publication was outdated and that providing the  
5 regularly updated demographic information on line was more useful.  
6

7 I declare under the laws of the State of California that the foregoing is true and correct.  
8 Executed this 6<sup>th</sup> day of August, 2010 at Los Angeles, California.  
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11 JANE BLUMENFELD  
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1           3.       It is my understanding that petitioners and plaintiffs in the above litigation have  
2 requested an order from the Los Angeles Superior Court that would enjoin and prohibit the City "from  
3 approving any further zoning ordinances, specific plan amendments, general plan amendments,  
4 development agreements, or tentative subdivision maps, unless and until the City complies with its  
5 General Plan mandatory duties in establishing a monitoring program and a transportation database, and  
6 preparing updated Annual Reports on Growth and Infrastructure (for years 1999 through 2008), in  
7 accordance with the General Plan Framework Element." An order of this nature would cause undue  
8 adverse impacts related to the public health, safety and welfare, as follows:  
9

10           4.       If new development is stopped, older, obsolete, unsafe buildings will not be replaced.  
11 New commercial and industrial projects that provide jobs and a significant portion of the City's tax  
12 base will not occur. An increase in the City's tax base will help fund necessary infrastructure  
13 improvements. Badly needed housing will not be built, and the remaining housing stock will become  
14 even more expensive as it supplies an increasing demand. The City typically adds between 6,000 and  
15 12,000 new housing units each year (depending on the economy), which is far below that needed to  
16 house our population. Most of these units require zoning actions by the City, which have time limits  
17 regarding their use. Many entitlements would lapse if the city was unable to approve developments for  
18 one year. Additionally, if no zoning actions were permitted for one year, the development we are  
19 trying to encourage at our soon-to-be-opened light rail stations, in particular would be unable to be  
20 entitled just as the economic recovery is expected to begin. The City is depending on linking new  
21 infill development with transit and has spent several years and several million dollars creating new  
22 plans, zoning, design guidelines and other tools that will soon be ready for adoption. If these actions  
23 cannot occur for the one year it would take to Planning employees to prepare an Annual Growth and  
24 Infrastructure Report in the same manner and format as previously prepared, the City of L.A. will have  
25 permanently missed the opportunity to maximize transit-oriented, small growth development.  
26

27           5.       Zoning ordinances fix codes that have become problematic. Many zoning ordinances  
28 have little to do with the development of buildings on parcels of land. They are, rather, enabling

1 ordinances that create processes and procedures (i.e., new conditional use categories, creation of  
2 parking district possibilities, ways for people with disabilities who need ramps to live in their houses,  
3 etc.), new tools for decision makers to use in appropriate situation (overlay zones, historic preservation  
4 district rules, pedestrian district rules, etc.) Enjoining the city from approving any further zoning  
5 ordinances will preclude the creation of helpful, problem solving new tools in communities throughout  
6 the City.

7  
8 6. The City is required to respond to a number of State mandates that necessitate zoning  
9 and other development actions. For example, the City is required to provide 112,876 units of housing  
10 between 2006 and 2014. Meeting this obligation requires hundreds of new housing projects  
11 throughout the city; it also requires that we meet the needs of people in all economic segments of our  
12 city and people with all types of needs (including people with disabilities, homeless people, large  
13 families, female-headed households, etc.).

14  
15 7. While the State requires that cities adopt General Plans, it does not require State  
16 approval of any Plan elements with one exception. The State requires that all cities amend their  
17 General Plans every 5 years by adopting a new Housing Element. And these Housing Elements must  
18 be deemed compliant by the State Department of Housing and Community and Economic  
19 Development. The injunction proposed by petitioners and plaintiffs would preclude the City from  
20 complying with this State requirement. If we cannot amend our General Plan for one year, depending  
21 on when the one year begins, we will be in violation of State law. We are currently scheduled to begin  
22 work on the next required Housing Element in 2010.

23  
24 8. Housing, particularly affordable housing, has reached crisis proportions in Los Angeles.  
25 Meeting this need requires the recycling of the City's older housing stock so that it can be replaced  
26 with modern, safe, and sanitary housing. Since approximately 90% of all multi-family residential  
27 buildings built in Los Angeles typically contain less than 30 units, several thousand new buildings  
28 must be built in this time period. And, since there is virtually no vacant land, meeting this obligation

1 requires new infill development. No new development for one year will likely compound the current  
2 foreclosure problem and increase the already high median rent and housing price so that additional Los  
3 Angeles residents will be priced out of housing.  
4

5 9. Charter schools are one of the solutions to the city's education problem. Like housing,  
6 new charter schools typically require zoning and development actions by the city. Charter schools  
7 require zoning actions that typically take 6-9 months to complete and must be coordinated with the  
8 opening of the school year. If no such actions can occur for one year, parents and students depending  
9 on the opening of new schools will need to scramble to find appropriate school placements.  
10

11 10. In November 2008, voters approved Measure R by a two-thirds majority, committing a  
12 projected \$40 billion to traffic relief and transportation upgrades throughout the county over the next  
13 30 years. Measure R will help fund dozens of critical transit and highway projects, create more than  
14 210,000 new construction jobs and infuse an estimated \$32 billion into the local economy. Measure R  
15 will provide the matching funds for the Expo light rail line on the Westside, a light rail connector in  
16 Downtown Los Angeles, a Crenshaw corridor transit project, extension of the Metro Gold Line, the  
17 Foothill Extension of the Metro Gold Line, a rail connection to LAX, a Green Line Extension to the  
18 South Bay, a San Fernando Valley I-405 Corridor transit project, North-South Corridor transit project  
19 in the San Fernando Valley, and numerous highway capacity and operations improvements. Measure  
20 R does not fully fund all projects. A projected \$4.5 billion must come from federal and state sources.  
21 However, other cities are competing for these same sources, and in order for the City to compete  
22 successfully for these funds, the City must assure that there are supportive land uses and projects  
23 within ½ mile of each station stop that will increase transit ridership. These actions are what will  
24 convince federal lawmakers to invest in L.A. Without the ability to change land use where appropriate  
25 and fix necessary codes, the city will not be able to build transit, reduce automobile dependency, and  
26 control urban sprawl. The City must take visible, effective land use actions within the next year in  
27 order to have any chance of competing for federal transportation dollars. City staff has been working  
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1 closely with Metro staff to prepare applications for funding, committing to such actions, as laid out in  
2 the City's General Plan.

3  
4 11. Los Angeles just experienced extensive wildfires, which are a part of the City's  
5 ecology. Earthquakes are similarly a part of Los Angeles' geology. The City needs to be able to  
6 rebuild when people's homes and business are destroyed by natural disasters.

7  
8 12. The City has developed ordinances that create affordable home ownership opportunities  
9 for working families. However, such opportunities require the subdivision of lots into airspace. No  
10 entry level home ownership is possible without the ability to approve subdivision maps.

11  
12 13. The City has a Housing Trust Fund that facilitates the construction of several hundred  
13 units of affordable housing each year. The Trust Fund money typically represents one of many sources  
14 of funding for affordable housing. Most of these projects require zoning actions, which if not  
15 permitted, would preclude the construction of such projects.

16  
17 14. The City is about to consider a new Bicycle Plan, which has cost nearly \$500,000 and  
18 taken more than a year of development and public outreach. A comprehensive, new bicycle plan is  
19 another important step toward providing transportation options for residents, improving our air quality,  
20 and addressing the national obesity and public health problem. The proposed action would preclude  
21 the adoption of this amendment to the General Plan.

22  
23 15. The City of Los Angeles has applied for \$1.85 billion in job creation and infrastructure  
24 investment projects through President Obama's American Recovery and Reinvestment Act. To date,  
25 the City has been awarded nearly \$800 million. Much of this money has been allocated for job  
26 training and creation of thousands of permanent and temporary employment opportunities, particularly  
27 jobs in construction. These construction jobs depend on the development of new residential,  
28 commercial, and industrial buildings. If development were to halt, there would be a dearth of jobs for

1 newly trained individuals who need employment and the stimulus money would not be stimulating the  
2 economy as intended. Also, there are strict deadlines associated with expending stimulus dollars  
3 awarded to the City. Any delay would mean (1) foregoing the already allocated funds and (2)  
4 jeopardizing the City's eligibility and ability to compete for additional rounds of stimulus funding that  
5 are expected in the next few years.

6  
7 16. In addition, the City is required to take many other mandatory actions pursuant to the  
8 California Government Code, including, but not limited to, compliance with the Permit Streamlining  
9 Act, the Subdivision Map Act, and the State Density Bonus Law, actions that would be jeopardized if  
10 petitioners and plaintiffs' request for injunctive relief is granted.

11  
12 17. Every development application for a project as defined in the California Environmental  
13 Quality Act (CEQA) goes through an environmental analysis to determine whether the project will  
14 have a significant adverse impact on the environment, including the project's potential impact on  
15 infrastructure. If a project is determined to have an impact on infrastructure, among other things,  
16 environmental conditions are imposed to mitigate the impacts to a level of insignificance. These  
17 projects are either approved with an Environmental Impact Report (EIR) or a Mitigated Negative  
18 Declaration (MND). If the project impacts cannot be mitigated to a level of insignificance, the  
19 decisionmaking body either denies the project or adopts it subject to a Statement of Overriding  
20 Considerations.

21  
22 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
23 true and correct. Executed this 16<sup>th</sup> day of July, 2010, at Los Angeles, California.

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27 S. GAIL GOLDBERG  
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1           4.       The main purpose of the growth monitoring program was to ascertain, on a  
2 continuing basis, if growth was occurring faster than or in significantly different ways than that  
3 predicted and analyzed in the GPF and its accompanying EIR. As part of that program, I  
4 oversaw the preparation of three published versions of what was entitled "Annual Report on  
5 Growth and Infrastructure." Those documents reported on the recent population and  
6 employment figures and development activity. They also included a geographic breakdown  
7 (by Community Plan area) of existing public community facilities, and scheduled  
8 improvements from the City's Capital Program. That information was already publically  
9 available, but appeared in the published documents in a graphically clear and readable  
10 format.

11           5.       My direct experience in the preparation of those published reports led me to  
12 have concerns on their format, and utility. First and foremost was that the lag time needed to  
13 graphically lay out the document, have it printed and mailed out meant that by the time the  
14 published documents were in people's hands, much of the data, especially that on  
15 development activity, was out-of-date. Other information, such as community facilities (e.g.,  
16 number and location of library branches and police and fire stations) was static from year to  
17 year, and did not need to be repeated annually.

18           6.       At the same time as I had these concerns on the lag time, the Department was  
19 taking advantage of new technology and significantly expanding the information it made  
20 available to the public on its website ([www.lacity.org.pln](http://www.lacity.org.pln)). The biggest investment was  
21 digitizing all of the City's zoning maps, and making that information available on the website  
22 for every parcel in the City.

23           7.       As part of growth monitoring, I directed staff to collect building permit data and  
24 to report it on the website on a quarterly and annual basis, and by different geographies  
25 (Community Plan areas, Area Planning Commission areas). Population and employment data  
26 and estimates, although not as dynamic, were also presented by different geographies and  
27 posted on the website. My transmittal letter for the third published version of the Annual  
28

1 Report on Growth and Infrastructure dated April 20, 2000 announced to all recipients that this  
2 information would now be available on the Internet.

3 8. This change in the format of reporting on growth allowed frequently changing  
4 data to be available on a more timely basis, avoided repetition of static data, and made this  
5 information available on a constant basis to anyone with a computer. In the absence of any  
6 feedback from the City Council, City Planning Commission or Mayor on the previous  
7 published documents, I determined that this was a more accessible and time and cost  
8 effective way to report, particularly in light of the available new technology and increase in  
9 Planning Department work programs at the same time as staff reductions. As then-Director of  
10 Planning charged with overseeing the Planning Department's role with respect to the GPF,  
11 this change in format was consistent with GPF program implementation set forth in Chapter  
12 10 of the GPF, which states, in pertinent part, "Program implementation is contingent on the  
13 availability of adequate funding, which is likely to change over time due to economic  
14 conditions, the priorities of Federal and regional governments and funding agencies, and  
15 other conditions. The programs should be reviewed periodically and prioritized, where  
16 necessary, to reflect funding limitations and the City's objectives. In addition, amounts and  
17 sources of funding, initiation dates, responsible agencies and the detailed work scope of  
18 programs may be changed without requesting amendments to the General Plan Framework  
19 Element."

20 9. The annual reports were not meant to be adopted as mandatory enforceable  
21 CEQA mitigation but rather were adopted as a program subject to the discretionary  
22 implementation described in Chapter 10. The mitigation, as I understood it, was the  
23 monitoring of data and using it to make any appropriate future changes, not the actual form of  
24 a document.

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10. In summary, during my tenure as Director of Planning, and to my knowledge, since my retirement, the Department has implemented the policies and recommendations of the GPF, consistent with the GPF and, in particular, its Chapter 10 – Implementation Programs. It has continuously monitored growth (population, employment, housing), reported on them in the most effective format, and utilized both GPF estimates, actual growth data, and newer, available estimates in all aspects of its planning and zoning duties.

I declare under penalty of perjury under the laws of the State of California that the following is true and correct.

Executed this 6th day of August, 2010, at Los Angeles, California.

  
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CON HOWE

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**PROOF OF SERVICE**

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 701 City Hall East, 200 North Main Street, Los Angeles, California 90012.

On August 12, 2010, I served the foregoing documents described as **DECLARATIONS OF JANE BLUMENFELD, S. GAIL GOLDBERG, AND CON HOWE IN SUPPORT OF RESPONDENTS' CITY OF LOS ANGELES, CITY COUNCIL OF LOS ANGELES, AND CITY OF LOS ANGELES DEPARTMENT OF PLANNING OPPOSITION TO OPENING BRIEF OF SAUNDERS, ET AL., AND FIX THE CITY** on all interested parties in this action by placing copies thereof enclosed in a sealed envelope addressed as follows:

Sabrina Venskus Esq.  
Emilee Moeller, Esq.  
Venskus & Associates, APC  
21 S. California Street, Suite 204  
Ventura, California 93001

- BY MAIL -I deposited such envelope in the mail at Los Angeles, California, with First class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit; and/or
- BY PERSONAL SERVICE - ( ) I delivered by hand, or ( ) I caused to be delivered via Los Angeles City Attorney Document Services Division, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.
- BY FACSIMILE TRANSMISSION - I caused the document to be transmitted to the offices of the addressee via facsimile machine at telephone number \_\_\_\_\_ on the date and time specified on the Transmission Report.
- BY ELECTRONIC TRANSMISSION - I caused the document to be transmitted to the offices of the addressee via E-mail address to [venskus@lawsy.com](mailto:venskus@lawsy.com) prior to 5:00 p.m. on the date specified above.
- BY OVERNIGHT COURIER - I deposited such envelope in a regularly maintained overnight courier parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was guaranteed by the next business day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 12, 2010, at Los Angeles, California.

  
\_\_\_\_\_  
PAULETTE JONES