

# Hillside Federation Newsletter October, 2015



[www.hillsidefederation.org](http://www.hillsidefederation.org)

The Hillside Federation has a busy regular meeting scheduled for October, with a visit from Paul Edelman, SMMC Deputy Director and MRCA Chief of Natural Resources and Planning, to discuss the proposed Hidden Creeks subdivision project adjacent to more than 12,000 acres of open space in the Santa Susana foothills adjacent to Porter Ranch. As Edelman has stated in past news articles about the project, the site “is a critical component of the Santa Susana ecosystem. You couldn’t pick an ecologically worse place to plop down a big subdivision.”

Edelman will also update Federation members on the status of County ballot measures HH and MM, which provide conservation funding via parcel taxes. Both measures passed with overwhelming support from local voters in the November 2012 election.

In addition, the Hillside Federation will consider voicing its support for Councilmember Koretz’s pending council motion to protect, manage, and enhance the City’s unique biodiversity (CF 15-0499), Wendy-Sue Rosen will report on proposed CEQA Guideline updates, and we will have updates on six land use projects we have been tracking with the help of local community members.

We hope you will join us.

## Agenda

**October 7, 2015**

**7:00 pm**

Pinz Bowling Center, 2nd Floor  
12655 Ventura Blvd., Studio City

### I. Call to Order

Guests:

Paul Edelman – HH & MM update

Janet Turner – Congressman Lieu’s office

### II. Approval of minutes

### III. Officers’ Reports

A. President’s Report

B. Treasurer’s Report

### IV. New Business

A. Hidden Creeks project – Paul Edelman

B. Biodiversity Motion – John Given

C. CEQA update – Wendy-Sue Rosen

### V. Old Business

A. Harvard-Westlake – Sarah Boyd

B. 8150 Sunset Bl. – Adara Salim

C. 2251 Nichols Cyn. – Michael Peretzian

D. 10101 Angelo View Dr. – Aaron Green

E. Moraga Dr. – Bruce Kuyper

F. San Vicente Telecommunications Tower  
– Michael Leslie

Next meeting: Wednesday, Nov. 4, 2015

**Hillside Federation mission:** *To protect the property and the quality of life of the residents of the Santa Monica Mountains and other hillside areas of Los Angeles and its environs, and to encourage and promote those policies and programs which will best preserve the natural topography and wildlife of the mountains and hillsides for the benefit of all the people of Los Angeles.*

## ***La Mirada v City of Los Angeles*** **Affirmed on Appeal**

Attorney Robert P. Silverstein successfully defended the appeal of a Hollywood land use case on behalf of La Mirada Avenue Neighborhood Association against the City of Los Angeles and 5929 Sunset (Hollywood), LLC.

The crux of the case was that original developer Sunset & Gordon Investors, LLC, agreed to preserve and incorporate the façade of the original structure, the historically significant Old Spaghetti Factory building, built in 1924. Conditions of approval and findings showed that particular portions of the old building were “to be maintained and refurbished.” According to the court, however, the developer changed course and completely demolished the Old Spaghetti Factory building, including its historic façade. Preserving the façade was one of the “substantial community benefits” associated with project approval.

La Mirada sued to challenge approval of the project in August 2008, but lost. During that lawsuit, Sunset & Gordon argued that several challenged parking variances were justified by the condition requiring retention of the historic façade, because subterranean parking could not be built under the old building.

Construction was halted during the first trial and appeal, but continued in 2011. When construction re-commenced the developer’s architect and engineer determined that preservation was no longer feasible. The City (LADBS) improperly issued a demolition permit, in violation of the condition of approval to preserve the façade, which the developer put to immediate use, completely destroying the original building, including the protected structure.

La Mirada filed a second lawsuit in May, 2012. It sought an injunction to stop the project which was denied, but only because La Mirada had not exhausted its administrative remedies. During the subsequent administrative process the City determined that the demolition permit was issued in error, but the City nonetheless allowed the project to continue and issued additional permits. By September 2014, most of the project was completed, and the City issued temporary certificates of occupancy.

La Mirada re-filed its lawsuit following completion of the administrative process. The trial court in *La Mirada II* held that the Central Area Planning Commission had abused its discretion in determining that the demolition permit was void, but that other permits were valid. The trial court characterized this as “improper piecemealing.” The court voided all permits associated with the building, determining that the condition of approval requiring substantial conformance with the plot plan to preserve the historic façade was violated. Voided permits included the temporary occupancy certificates. Pending appeal by the developer’s successor in interest 5929 Sunset (Hollywood), LLC, the City issued an order to vacate. The appeals court stayed enforcement of the vacation pending appeal.

The Court of Appeal affirmed, finding that 1) the second writ petition was not moot simply because the project was mostly completed and the protected façade already demolished, and 2) the Central Area Planning Commission abused its discretion by not proceeding in the manner required by law. The appeals court held that when the ZA determined that the demolition permit did not conform to the plot plan condition, the ZA could not logically have found that later permits were properly issued. The Central APC had affirmed the Zoning Administrator determination.

The appeals court noted that the City is afforded deference in interpreting its municipal codes, but it found the relevant municipal code language unambiguous. “Once the City determined complete demolition of the [Old Spaghetti Factory] did not substantially conform [to conditions of approval], it had no discretion to leave subsequently issued permits untouched.”

“Beyond the loss of our history and waste of millions of taxpayer dollars, what so infuriates the public is City Hall’s culture of secrecy and rule breaking,” said Robert P. Silverstein, La Mirada Avenue Neighborhood Association’s attorney.

**Welcome New Member:**  
**Bel-Air Association**

## Short Term Rental Issue Heating Up

As previously reported, the City Council is considering an ordinance to regulate short term rentals in the City of Los Angeles (see CF 14-1635-S2, at <http://tinyurl.com/qfjvlvz>). Since short term rentals are generally not permitted in the City, such regulation would necessarily create a process by which at least some short term rentals would become legal.

The Department of Planning held a series of public listening sessions to hear ideas and concerns from members of the public. In addition, Planning has created an online survey to collect comments from the public, which is available at: <http://tinyurl.com/o4mv2pt>. Planning is also considering actions that other cities have taken to regulate short-term rentals.

### **Save the Date**

**Regular Meeting: November 4**

**Holiday Party: December 10**

### **Hillside Federation**

**September 2, 2015**

### **Draft Minutes**

#### **I. Call to Order**

President Marian Dodge called the meeting to order at 7:15 pm. Members and guests introduced themselves.

#### **Guest Speakers:**

**Rachel Zaiden**, for Supervisor Sheila Kuehl  
Supervisor Kuehl will be opening a Westside office shortly. Members asked Rachel about better co-ordination with the City of West Hollywood; Barham off ramp issue; current status of San Vicente Peak with LA-RICS (Los Angeles Regional Interoperable Communications System telecommunications tower).

**Cathy Schoonmaker** – National Park Service  
The Nature Neighbor program has been established to bring community awareness to our wildlife neighbors in the Santa Monica Mountains. Recently two coyotes were collared—one near downtown Los Angeles and the other in

the Valley—to better track the movements of our coyotes in an urban environment. In order to keep our mountains pristine, we need to protect the wildlife as well.

The National Park Service has been studying mountain lions and bobcats for over ten years looking at urban association, movement, diet, and causes of mortality. Vehicle collisions and exposure to rodenticides are increasing the mortality of mountain lions, and bobcats. In the case of mountain lions, causes of deaths are: 1) killed by vehicles, 2) fighting with other mountain lions, and 3) exposure to anti-coagulant rodenticide poison. Many of the animals being studied have had exposure to anticoagulant rodenticide poisons in their diet: 83% of the coyotes, 95% of bobcats, and 91% of mountain lions tested were exposed to rodenticides.

Several cities have passed resolutions asking homeowners and businesses to stop using rodenticides, but Los Angeles is not one of those cities. However, the Department of Recreation and Parks has agreed to stop using second generation rodenticides in their parks. Alternatives to rodenticides for removal of rats and rodents are snap traps, and zapper traps among other solutions.

**Daniel Tamm** – Rep. for Mayor Garcetti

Los Angeles has launched a bid for the 2024 Summer Olympic Games. More information can be found at [LA24.org](http://LA24.org). The Mayor's strategy for ending homelessness is focused on veterans. The Housing Community Investment Development is partnering with Homes for Heroes, a United Way effort and is encouraging a partnering with landlords in helping our homeless veterans. LADWP is having a Customer Service Saturday in West Los Angeles at 1394 S. Sepulveda. More information can be found at [www.ladwp.com/Saturdays](http://www.ladwp.com/Saturdays).

**Angie Aramayo** – for Asm. Adrin Nazarian

Assemblyman Nazarian will be holding a Family Disaster Preparedness Education seminar on Saturday, September 12, 11:00-1:00 pm at 15226 Parthenia in North Hills. Walgreens will be offering free flu shots at the event.

**Pacoima Surface Mine** – Sakaida and Sons

Michael Carpenter, a consultant retained by Sakaida & Sons for the Foothill Aggregate Reclamation Project, and Dan Sakaida, of Sakaida and Sons, presented a strip mine project proposal for a 73-acre site north of the 210 Freeway and adjacent to the Pacoima Dam in the foothills above Sylmar. The company is proposing to

operate a surface mine in the area to excavate 3 million cubic yards of aggregate material, decomposed granite, over a 5 to 10 year period on 23 acres of the property. At the end of that period the mining area may become open space or perhaps an equestrian area, according to Sakaida.

The Notice of Preparation was completed and released to the public. The operation would generate 230 truck trips per day down Hubbard Street. Discussion included: impacts to the surrounding community, truck routes, height and width of surface-mined "benches," possible benefits to the impacted communities, amount of grading, and proximity to Rim of the Valley. A site hike is scheduled for Saturday, October 24, 2015 at 8:00 a.m. Meet at El Cariso Park.

## **II. Approval of Minutes**

The July minutes were approved as submitted.

## **III. Officers' Reports**

### **A. Presidents Report** - Marian Dodge

AB 57, which takes away local control over the placement of cell towers, passed the State Senate and Assembly. It will go to Governor Brown for his signature.

The presentation from the Re:code LA team which was made to the Hillside Federation at the special July 21 meeting is linked on the Hillside Federation website. Carol Sidlow reported that feedback from the consultants and Planning Department was very positive and a lot of good information was passed to the consultants as they move forward with the residential hillside portion of the Re:code LA project. Everyone was encouraged to read the minutes which details the presentation.

Friends of Runyon Canyon are hosting two community outreach events conducted by Mia Lehrer & Associates, an international landscape architecture firm. The events will be: Saturday, September 12, 2015 from 8:00-11:00 am at the Fuller entrance of Runyon Canyon Wilderness Park near the Friends of Runyon Canyon banner and Thursday, September 17, 2015 from 6:30 -8:30 pm, International Cinematographers Guild, 7755 Sunset Blvd. with parking in the rear of the building. More information can be found at [www.friendsofrunyoncanyon.org](http://www.friendsofrunyoncanyon.org).

### **B. Treasurer's Report** - Marian Dodge

Marian updated Hillside Federation members on behalf of Treasurer Don Andres. The Holiday Party will be Thursday, December 10, from 6:30

-9:00 p.m. at the Mulholland Tennis Club. All are encouraged to attend.

## **IV. New Business**

### **A. 8904 West Crescent Drive** - Steven Poster

Steven described the proposed demolition of an existing house and the construction of a new house at 8904 Crescent. The applicant is seeking an exemption from the Baseline Hillside Ordinance to avoid improving the roadway to 20 feet and an adjustment to reduce the required rear yard setback. Crescent is one of the most substandard hillside streets in Laurel Canyon, with no curbs, berms, gutters, lights, or guardrails, and only eight feet of width in some places. In 2008, the City paid out \$1.75M in a lawsuit where the survivors claimed a 'dangerous condition' at this location. The potential for roadway failure is of great concern especially as it relates to the properties below on Wonderland Avenue.

A Zoning Administrator hearing was held in August and Planning Deputy Renee Weitzer of Councilman Ryu's office spoke strongly about the need to uphold the Baseline Hillside Ordinance and to deny these exemptions. The Hillside Federation has frequently opposed deviations from code in similar circumstances, and has written three letters previously regarding roadway improvements and impacts to public safety on Crescent Drive projects.

**MOTION:** Wendy-Sue Rosen moved that the Hillside Federation oppose the applicant's request for waiver from the Baseline Hillside Ordinance requirement to widen the roadway to 20 feet or to allow the adjustment to reduce the rear yard setback. The motion passed unanimously.

### **B. 2251 Nichols Canyon** - Michael Peretzian, Nichols Canyon Association

There is a proposed development of a 9,800 sq. ft. house on a very steep lot in Nichols Canyon. The Hillside Federation discussed the impact of the stream on the buildable square footage of the lot, the application of the Baseline Hillside Ordinance, steepness of the slope, and impacts to the neighborhood. Michael was asked to do further research about the proposed project and return next month to give an up-date on the status of the stream among other issues.

### **C. Mosaic Church Historic-Cultural Monument Designation** - Janet Carper, Save Residential Hollywood

The lot at the corner of La Brea and Hollywood Blvd. (7107-7129 Hollywood Blvd.) is the site of the historic Fifth Church of Christ

Scientist, currently the Mosaic Church. A developer is seeking to demolish the church, which will negatively impact the quality of life of residents including those residing in the hills above Franklin Avenue. An application has been submitted to the Cultural Heritage Commission, which will be meeting on September 17, 2015, to have the current structure declared a Historic-Cultural Monument. The 1959 church is an example of mid-century modern architecture by local architect George Elwell. The HCM designation is supported by numerous organizations and individuals, including the Franklin/Hollywood West Residents Association, Outpost Estates HOA, Hollywood Hills West Neighborhood Council, Los Angeles Conservancy, and Councilmember David Ryu.

**MOTION:** Steve Twining moved that the Federation support the designation of the Fifth Church of Christ Scientist as a Historic-Cultural Monument. The motion passed unanimously.

**V. Old Business**

A. 11767 Bellagio Rd. - Steve Twining

The developer is proposing a Small Lot Subdivision although there are deed restrictions on the tract. He has filed a lawsuit against all 27 other property owners in the tract.

Announcements:

George Abrahams alerted the Federation to two Council motions, one regarding proposed modification of the site plan review process (Council File 15-1003), and another to permit the development of micro residential units (Council File 15-1004).

**VI. Adjournment**

The meeting was adjourned at 9:20 pm.  
Carol Sidlow, Recording Secretary

**Members Present:**

- |                         |                  |
|-------------------------|------------------|
| Beachwood Canyon        | George Abrahams  |
| Bel Air Skycrest        | Barbara Dohrmann |
| Brentwood Hills         | Eric Edmunds     |
| Brentwood Residents     | Wendy-Sue Rosen  |
| Cahuenga Pass POA       | Krista Michaels  |
| Canyon Back Alliance    | John Given       |
| CASM-SFV                | Dan Feinberg     |
|                         | Craig Smith      |
| Franklin Hills Res.     | Charley Mims     |
| Hollywood Dell          | Mary Ledding     |
| Kagel Canyon            | Kit Paull        |
| Laurel Canyon Assn.     | Alison Simard    |
| Lookout Mountain        | Steven Poster    |
|                         | Carol Sidlow     |
| Los Feliz Impvmt.       | Marian Dodge     |
| N. Beverly/Franklin Cyn | Robert Levy      |
| Nichols Canyon          | Chris Brown      |
| Roscomare Valley        | Steve Twining    |
| Sherman Oaks            | Elke Heitmeyer   |
| Studio City Res.        | Claudia Freedle  |
| Upper Nichols Canyon    | Cyd Zeigler      |

**Guests:**

- |                       |                   |
|-----------------------|-------------------|
| Nat'l Park Serv/MRT   | Cathy Schoonmaker |
| Asmb. Nazarian        | Angie Aramayo     |
| Supervisor Kuehl      | Rachel Zaiden     |
| Mayor's Office        | Daniel Tamm       |
| HHWNC                 | Grant Wallensky   |
| Nichols Canyon        | Michael Peretzian |
| N. Beverly/Franklin   | Connie Levy       |
| Save Residential Hlwd | Janet Carper      |
| Sakaida & Sons        | Don Sakaida       |
|                       | Mike Carpenter    |

The Federation of Hillside and Canyon Associations, Inc. P.O. Box 27404 Los Angeles, CA 90027 <a href="mailto:president@hillsidefederation.org">president@hillsidefederation.org</a> <a href="http://www.hillsidefederation.org">www.hillsidefederation.org</a>	<b>ORGANIZATIONS</b> Beachwood Canyon Bel-Air Association Bel Air Knolls Property Owners Bel Air Ridge Association Bel Air Skycrest POA Benedict Canyon Association Brentwood Hills Homeowners Brentwood Residents Coalition Cahuenga Pass Property Owner Canyon Back Alliance CASM-SFV Crests Neighborhood Assn. Franklin Ave./Hollywood Bl. W. Franklin Hills Residents Assn. Highlands Owners Assn. Hollywood Dell Civic Assn. Hollywood Heights Assn. Hollywoodland Homeowners Holmby Hills HOA Kagel Canyon Civic Assn.	Kagel Canyon Civic Assn. Lake Hollywood HOA Laurel Canyon Assn. Lookout Mountain Assn. Los Feliz Improvement Assn. Mt. Olympus Property Owners Mt. Washington Homeowners Nichols Canyon Assn. N. Beverly Dr/Franklin Canyon Oak Forest Canyon Assn. Oaks Homeowners Assn. Outpost Estates Homeowners Rancho Verdugo Estates HOA Residents of Beverly Glen Roscomare Valley Assn. Save Coldwater Canyon! Save Sunset Blvd. Shadow Hills Property Owners Sherman Oaks HOA Silver Lake Heritage Trust	Studio City Residents Assn. Sunset Hills HOA Tarzana Property Owners Assn. Torreyson Flynn Assn. Upper Mandeville Canyon Upper Nichols Canyon Whitley Heights Civic Assn.  <b>CHAIRPERSONS EMERITUS</b> Shirley Cohen Jerome C. Daniel Patricia Bell Hearst Alan Kishbaugh Gordon Murley Steve Twining  <b>CHAIRPERSONS IN MEMORIAM</b> Brian Moore Polly Ward
<b>PRESIDENT</b> Marian Dodge			
<b>CHAIRMAN</b> Charley Mims			
<b>VICE PRESIDENTS</b> Mark Stratton Wendy-Sue Rosen			
<b>SECRETARY</b> Carol Sidlow			
<b>TREASURER</b> Don Andres			
<b>EXECUTIVE SECRETARY</b> John Given			