

**Hillside Federation
Minutes
September 4, 2013**

I. Call to Order

President Marian Dodge called the meeting to order at 7:15 pm. Members and guests introduced themselves. After introductions, Daniel Tamm, Mayor Garcetti's Westside Area representative, introduced himself and sat in on the meeting.

Presentation: 360 N. Stone Canyon Road

Victor Marmon, attorney for a neighbor, and Shawn Bayliss, CD-5 Planning Deputy, spoke on a variance application for a 50-foot high single-family dwelling at 360 N. Stone Canyon Road, which is 14 feet higher than the 36-foot limit under the Municipal Code. Mr. Marmon gave the history of the dispute. The Zoning Administrator initially denied the request for a variance on the grounds that none of the five mandated findings required for obtaining a variance could be made. The West Los Angeles Area Planning Commission (APC) denied the property owner's appeal and upheld the ZA's findings. Councilmember Koretz, however, assumed jurisdiction of the matter under Charter Section 245, overturning the APC ruling, and the City Council then returned the matter to the APC for reconsideration. The APC reconsidered the matter and again upheld the ZA's denial of the variance, ruling that the mandated variance findings could not be made. Councilmember Koretz again assumed jurisdiction under Charter Section 245 and the matter is scheduled to be heard by the PLUM Committee of the City Council on September 10, with the City Council scheduled to hear it the next day. Mr. Marmon argued that granting the requested variance, without an adequate factual basis for doing so, would set a bad precedent. He explained that the same applicant has another property in the area and is requesting a variance for 53 feet. He asked for the Federation's support in opposing the variance.

Shawn Bayliss, CD-5 Planning Deputy, explained that there was a previous discretionary approval to protect a stream on the property, which Koretz supported. The conditions imposed, according to Bayliss, included a 10-foot buffer zone, which he characterized as a unique condition that reduced the developable space on the lot. This is the hardship that Koretz believes was created and it is the basis for his support for a variance allowing an over-in-height structure.

Charley Mims questioned the asserted justification for a variance, observing that hillside residents often have physical aspects of their properties that limit the extent to which their properties can be developed—that is not a hardship and it does not justify a variance.

Wendy Rosen said that the documents for the case state that the applicant had originally applied for a structure within the height limit and then changed the application to seek a variance. Additionally, she said that if the applicant believed the stream restrictions were too stringent, he should have appealed that decision, not applied for an unrelated variance. Steve Twining also expressed concern about the dangerous precedent that a variance would set.

Carol Sidlow noted that Councilmember Koretz has now imposed his authority under Charter Section 245 on at least five occasions during the past four years to overturn Planning denials. A court had recently overturned development rights granted due to Mr. Koretz's use of Charter Section 245 on a project on Stearns Drive. There was discussion about the frequent invocation of Charter Section 245 being a misuse of this authority.

MOTION: Steve Twining moved that the Federation support the twice-made decision by the APC and the decision by the ZA to deny a zone variance to permit a 50-foot structure because the Charter-mandated findings cannot be made and further that the Federation does not support Councilmember Koretz's actions to invoke twice Charter Section 245 to overturn the APC/ZA decisions. The motion passed unanimously. Members were encouraged to attend the PLUM hearing scheduled for Sept. 10th at City Hall.

II. Approval of July minutes - The July minutes were approved as written.

III. Officers Reports

A. President's Report - Marian Dodge

Marian provided an update on the City Mural Ordinance, which has lifted the ban on public murals but contains controls to prevent advertising. The Federation had submitted a letter that would have clarified the definition of commercial advertising, but the recommended language was not adopted. A working group is being established by the City to address issues of implementation. The ordinance provides that residential areas may "opt in" to authorize murals in their neighborhoods, which provides more protection than an "opt out" system, which had been considered.

SB 31, a state statute allowing billboards along freeways outside stadiums, was passed without debate on the consent calendar, despite strong opposition from local community groups. The statute overrides local zoning regulations restricting billboards.

Marian, Wendy-Sue Rosen, Mark Stratton and Lois Becker attended meetings concerning the proposed consolidation of Planning and Building and Safety, which is being referred to as the "Development Services Department." Attendance was relatively sparse in these "by invitation" meetings and comprised predominantly of development interests, with few community members. The lack of community outreach has been criticized, resulting in assurances that more meetings with broader community outreach will occur. The consensus of the Federation is that there is a long way to go and we will keep an eye on the process.

In the Hastain Trail litigation the judge recently ordered the defendant developer to pay the attorneys' fees incurred by plaintiffs' attorney Stephen Jones for his successful efforts to maintain open public access to the trail. The decision in that case is being appealed, so he will not receive the money until the appeal is resolved. Although the plaintiffs' successful efforts were supported by the MRCA and its retained legal counsel, the MRCA is not eligible for an attorneys' fees award because it is a public agency.

Chris Spitz is continuing to work with the City Attorney Office on revisions to the Above Ground Facilities (AGF) Ordinance regarding wind load and structural strength.

B. Treasurer's Report - given by Marian in Don's absence.

The Federation has 41 paid members. All bills have been paid.

The Holiday Party is set for Thursday, December 12, 2013.

IV. New Business

A. CEQA Legislation - Wendy-Sue Rosen

The proposed CEQA legislation is changing so quickly and frequently that we have no assurance what is and what is not included in the latest draft. There is concern that CEQA protections for aesthetics, parking and traffic are in jeopardy, at least in so-called "infill areas," which is also problematic because the term "infill" has not been clearly defined. Tim Pershing, of Assemblymember Bloom's Office, said that the Las Virgenes Homeowners Federation had expressed similar concerns in a recent letter. Wendy Rosen moved that the Hillside Federation support the Las Virgenes Homeowners Federations' position and the Board voted unanimously to do so and asked Tim to take that message back to Assemblymember Bloom.

B. Laurel Canyon Landslide Remediation - Carol Sidlow

Carol, Steven Poster, Cassandra Barrère and other Federation members attended a meeting conducted by CD 4's Jonathan Brand regarding the remediation of the slope failure along the 1800 block of Laurel Canyon Blvd. since 2005. Many left the meeting with more questions than answers. The City has given this slope remediation, which will involve the excavation of over 50,000 cubic yards of earth, a Categorical Exemption because, per the City Attorney, Michael Kaplan, this is an emergency. There was a consensus of concern expressed at the meeting that without proper mitigations in place, the negative public safety impacts to this major North/South ingress/egress area used by over 40,000 commuters in this High Fire Severity Zone must have thorough mitigations before the project begins as this is not a project that will be conducted by the City. Cassandra discussed the need for this project to be completed, but mitigations are necessary to accomplish this. Construction is unlikely to begin before March. George Stone, a property owner who lives under the slide, spoke to the issues of public safety due to the K-rails which have been in place since 2006 and his desire to have this landslide dealt with as soon as possible. Community members will work on mitigations with CD 4 prior to the haul route hearing which is TBA.

C. Ban of Rodenticides - Marian Dodge

The California Department of Pesticide Regulation closed its public comment period for its draft regulation banning second generation anticoagulant rodenticides (SGARs). There was much discussion of the dangerous effects of pesticides on wildlife.

MOTION: Wendy-Sue Rosen moved to encourage and support a City of Los Angeles effort to ban rodenticides. It was further moved to support a similar County ban on rodenticides. The motion passed unanimously.

V. Old Business:

A. Curtis School - Mark Stratton

Curtis School has withdrawn their previous application and submitted a new Plan Approval application based on their original CUP, thereby eliminating the variance process, Design Review Board review, etc. There will be a hearing on 9/26 in Van Nuys before the City Planning Commission regarding this project.

B. Millennium Hollywood - George Abrahams

Lawsuits have been filed by community members and the W Hotel, and there is a possibility that Caltrans will also file suit. There are many due process violations. There appear to be ethics violations as well. Tim Pershing of Assemblymember Bloom's office contacted the state geological department to get them involved.

C. 8866-72 Wonderland Avenue - Steven Poster

Steven had a meeting with the Planning Department and LADBS regarding the proposed small lot subdivision with three properties (1100 square feet each). Recently, the applicant sent Steven a notice of removal of trees, although no building permit has been issued. Steven will follow up and keep HF informed.

VI. Adjournment

The meeting adjourned at 9:25 pm.

Carol Sidlow,
Recording Secretary

Members Present:

Beachwood Canyon	George Abrahams
Bel Air Skycrest	Mark Stratton
	Lois Becker
Brentwood Hills HA	Eric Edmunds
Brentwood Res. Coal.	Don Keller
	Tom Freeman
Cahuenga Pass POA	Patricia Weber
Canyon Back Allian.	Wendy-Sue Rosen
Franklin Hills Res.	Charley Mims
Hollywoodland	Lucy Gonzalez
Kagel Canyon	Kit Paull
Laurel Canyon Assn.	Cass Berrère
	Tony Tucci
Lookout Mountain	Steven Poster
	Carol Sidlow
Los Feliz Impvmt.	Marian Dodge
Resid. of Beverly Glen	Stephen Benson
Roscomare Valley	Steve Twining
	Shirley Cohen
Sherman Oaks HOA	Elke Heitmeyer

Studio City Res.
Upper Mandeville

Claudia Freedle
Elodie Lorenz

Guests Present:

Assembly Dist. 50
Office of the Mayor
CD 5
Marmon Law Office
Laurel Canyon

Timothy Pershing
Daniel Tamm
Shawn Bayliss
Victor Marmon
Michelette Barrère
George Stone