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South Valley Area Planning Commission
200 North Spring Street, Room 272
Los Angeles, California 90012

June 30, 2014

Re: **Support for SMMC Appeal 8145 W. Willow Glen Road
ZA-2013-0664-ZZA-1A, ENV-2013-665-CE**

Dear Commissioners:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and residents associations spanning the Santa Monica Mountains, from Pacific Palisades to Mt. Washington. The Federation's mission is to protect the property and quality of life of its over 200,000 constituents and to conserve the natural habitat and appearance of the hillside and mountain areas in which they live.

The Federation voted unanimously at its June 2014 meeting to support the Santa Monica Mountains Conservancy's appeal of the Zoning Administrator's April 23, 2014 determination in the 8145 Willow Glen Road matter. The City, in selling surplus property to a private developer within the Santa Monica Mountains without offering the Conservancy the right of first refusal, would be violating a state law intended to protect the natural integrity of the Santa Monica Mountains. But even apart from that legal obligation, the City would be guilty of extraordinarily poor judgment if it sells the surplus property to facilitate private development that would jeopardize a critical wildlife habitat and corridor and also degrade public use and enjoyment of the Santa Monica Mountains.

California Public Resources Code Section 33207(b) unambiguously directs municipalities to offer the Conservancy the first opportunity to acquire surplus land within the Santa Monica Mountains. The City's specific statutory obligation to offer the Conservancy a right of first refusal for surplus property within the Santa Monica Mountains is not subject to an exception based on the size of the property. The City's reliance on Government Code Section 54222 is misplaced because that statute applies *generally* to the disposition of surplus property, but not *specifically* to surplus property within the Santa Monica Mountains. Resources Code Section 33207(b) specifically governs the disposition of such property within the Santa Monica Mountains, without regard to the requirements of or exceptions from the statute applicable to the disposition of surplus property outside the Santa Monica Mountains. The law of statutory construction recognizes that "a general statute must bow to a more specific statute addressing the same subject." *De Anza Santa Cruz Mobile Estates HOA v. De Anza Santa Cruz Mobile Estates*, 94 Cal.App.4th 890, 911 (2001). Here, Resources Code Section 33207(b) *specifically* applies to surplus property within the Santa Monica Mountains, without regard to requirements for the disposition of surplus property under other statutes authorizing the disposition of such property outside the Santa Monica Mountains. For that reason alone, the appeal must be granted.

Beachwood Canyon Neighborhood
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Bel Air Ridge Association
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
CASM-SFV
Crests Neighborhood Assn.
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland Homeowners
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
Lookout Mountain Alliance
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
Outpost Estates Homeowners
Pacific Palisades Residents Assn.
Residents of Beverly Glen
Roscomare Valley Assn.
Save Sunset Blvd.
Shadow Hills Property Owners
Sherman Oaks HO Assn.
Studio City Residents Assn.
Sunset Hills Homeowners Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Upper Nichols Canyon NA
Upper Riviera Homeowners Assn.
Whitley Heights Civic Assn.

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The Conservancy has clearly expressed its intent to exercise its right of first refusal. On May 8, 2013, the Conservancy sent the City written notice of its objection to the sale of surplus property at 8145 Willow Glen Road. Then, in a February 25, 2014 letter, the Conservancy formally notified the City of its intent to exercise its statutory right of first refusal under Public Resources Code Section 33207(b). (A copy of the February 25, 2014 letter is attached to the appeal papers.)

There is a second, independently compelling reason that the sale (and any project dependent upon that sale) must be rejected. As the old adage goes, “Just because you *can* do something doesn’t mean you *should*.” Here, even if the City could sell the surplus property without offering the Conservancy the right of first refusal (which it cannot), the City should not sell the property to private interests as a matter of public policy. Citizens of the State and local residents paying assessments have contributed generously to the protection of the Santa Monica Mountains for decades. The discretionary sale of surplus municipal property in a manner that would degrade the natural environment and impair precious wildlife corridors and habitats would undermine those public expenditures. The Conservancy has submitted substantial evidence demonstrating that the sale of this surplus property would enable development that would significantly degrade the hillside environment and wildlife corridors and habitats. It would be remarkably unwise and shortsighted of the City to facilitate the degradation of the natural hillside environment. For that reason too the project must be denied.

Finally, the Conservancy has submitted evidence that clearly demonstrates that the project cannot be approved without an EIR. There is far more than a “fair argument” that the project will have potentially significant impacts on the environment. There is also more than sufficient evidence that the project will have growth inducing impacts that will likewise significantly impact the environment. Thus, at the very least, the project must be put on hold while an EIR is prepared.

For all of these reasons, the Federation urges the Commission to grant the Conservancy’s appeal.

Sincerely,

Marian Dodge

Marian Dodge

cc: Councilmember Tom LaBonge
SMMC Paul Edelman
MRCA Jeff Maloney