

Officers
President
Richard H. Close
Vice President
Matt Epstein
Vice President
Jules Feir
Treasurer
Chuck Betz
Secretary
John Isen

Founded in
1964



SHERMAN OAKS HOMEOWNERS ASSOCIATION

P.O. Box 5223
Sherman Oaks, California 91423
Information: (818) 377-4590
www.shermanoaks914.com

Board of Directors
Chuck Betz
Richard H. Close
Matt Epstein
Jules Feir
John Isen
Marshall Long
Ellen Vukovich

To: Los Angeles City Council
Planning and Land Use Management (PLUM) Committee
Room 350
200 North Spring Street
Los Angeles CA 09912

Date: July 20th, 2010

Sherman Oaks Homeowners Association Comments and Recommendations on Proposed Municipal Code Amendment Establishing New Single-Family Dwelling Development Regulations in Designated Hillside Areas (Baseline Hillside Ordinance)

File Number: 10-1001

The Sherman Oaks Homeowners Association (SOHA) represents more than 3,000 hillside homes and lots in Los Angeles to which the Baseline Hillside Ordinance (BHO) will apply. We have worked with and supported the Planning Department for more than two years in their development of the BHO. We concur with the basic purpose of the BHO – to preserve the look and feel of communities and reduce the detrimental impacts of overly large homes. We further feel that the BHO must achieve a reasonable compromise and present a well-balanced set of “baseline” provisions that protect neighborhood character and scale, including limitations on floor area, height, and grading. Unfortunately, the most recent version of the BHO does not include certain important protections that appeared in earlier BHO versions, as these were removed during reviews by the City Planning Commission. SOHA has worked with other homeowner groups and has developed the following recommendations for reinstating specific critical protections in the BHO. We thank the Planning and Land Use Management (PLUM) Committee for their consideration of our recommendations.

BASELINE HILLSIDE ORDINANCE REFERENCES – In our recommendations, the BHO paragraph and page references are to the latest version of the BHO from Exhibit A of the City Planning Commission June 8th 2010 report (CPC-2010-581-CA). Because this latest version does not include some language deleted from earlier versions, we have included that language in this memo, where necessary.

1. COUNT 75% OF EXEMPTED CUT/FILL AGAINST GRADING LIMITS – Modify the Hillside Development Standards paragraph 6.c (Grading Exceptions on pages 16-17) such that 75% of exempted cut and/or fill as defined in sub-paragraphs 6.c(1) and 6.c(2) is counted toward the maximum grading quantities in paragraph 6.a (on pages 15-16) and the import/expert limits in paragraph 6.b (on page 16). The current BHO version essentially exempts all cut and fill from the maximum grading quantity limits. Prior BHO versions exempted little cut and fill from these limits. The current provisions will allow massive grading, much to the detriment of neighbors, neighborhoods, stability, and safety. We strongly recommend that 75% of the cut and fill be reinstated against the maximum grading quantities and limits. This is a reasonable portion that would continue to encourage some “notching” into hillsides while not allowing massive grading in our limited hillside areas.

2. BUILDING PERMIT ISSUANCE BEFORE GRADING PERMIT ISSUANCE – Change paragraph 6 (Grading on page 15) to replace the word “approved” with “issued” and read: “No grading permits shall be issued until a building permit is issued.” Using “issued” rather than “approved” protects against the situation where the permit is approved but never paid for and issued. We understand that issuance of the building permit would require developers to pre-pay the required fees, but this is not a significant financial burden. Without the wording change, a property can be graded and the discarded or even sold. Having the building permit fees pre-paid at least forces builders and developers to demonstrate their commitment to an approved project.

3. ADD 10% LIMIT TO ZONING ADMINISTRATOR DETERMINATION – Modify the Zoning Administrator Determinations (12.24.x) paragraph 28.a(5) (Grading Zoning Administrator Authorities on page 23) and paragraph 28.b(5) (Grading Findings on page 25) such that the Zoning Administrator: (1) can only increase the maximum grading quantities [sub-paragraphs 28.a(5)(i) and 28.b(5)(i)] by a maximum of 10% above the limits provided in Hillside Development Standards paragraph 6.a; and (2) can only increase the import/export quantities [sub-paragraphs 28.a(5)(ii) and 28.b(5)(ii)] by a maximum of 10% above the limits provided in Hillside Development Standards paragraph 6.b. The current provisions allow the Zoning Administrator (ZA) to increase the maximum grading quantities much too significantly and will lead to over grading. The key question here is why bother to have any limits at all in the ordinance if they can be totally overturned by the ZA. This makes no sense and gives too much authority to the ZA for critical grading issues.

4. REINSTATE PROHIBITION AGAINST GRADING ON EXTREME SLOPES – The paragraph prohibiting grading on extreme slopes (shown in the box below) appeared in an earlier version of the BHO (April 22nd) but was eliminated from the current version (and no longer appears at all in Exhibit A to the CPC report). Eliminating this prohibition will have drastic impacts on the City of Los Angeles (possibility of lawsuits when failures on steep slopes eventually occur) and on local homeowners (possibility of damage and personal injury when failures on steep slopes eventually occur). We strongly recommend that the “Grading on Extreme Slopes” requirement be fully reinstated. The rationale for eliminating the requirement was that such slopes represent only 0.14% of the hillside area. However, this 0.14% still equates to 62 acres of what used to be called “junk lots” and which continue to be essentially unbuildable. In addition, because of the instability and difficulty of building on such junk lots, we recommend that Building and Safety (LADBS) increase the geotechnical analysis and reporting requirements to the most stringent level possible where slopes are greater than or equal to 100%.

d. **Grading on Extreme Slopes.** Grading, excepted as otherwise noted in this Paragraph, on slopes greater than or equal to 100% shall be done only when recommended by a full site Geotechnical Investigation Report and approved by the Department of Building & Safety Grading Division in order to mitigate previously existing unsafe conditions.

Except that grading activity exempted by Subparagraphs (1) and (2) of Paragraph g of this Subdivision shall not be prohibited as a result of this provision when the portions of a slope that are greater than or equal to 100% is no more than 100 square feet.

Furthermore, if PLUM does not consider it possible to reinstate the grading prohibition on slopes equal to or greater than 100%, then we alternately recommend implementation of all the following requirements:

- Require Building and Safety (LADBS) to increase the geotechnical analysis and reporting requirements to the most stringent level possible where slopes are greater than or equal to 100%; AND
- Require inspection by a Deputy Grading Inspector, paid by the applicant per LADBS P/BC 2002-34 which states that section 91.1701.1 of the Los Angeles Municipal Code requires the use of a Registered (Licensed) Deputy Inspector ... for certain grading or foundation earthwork in hillside areas; AND
- Require that LADBS not give Categorical Exemptions (CEs) to properties with slopes equal to or greater than 100%, since the issuance of a CE without some other form of mitigation eliminates the notification process to stakeholders, including neighbors, and this is an unfair situation.

5. INTRODUCE SELF-POLICING NEIGHBORHOOD NOTIFICATION – At the current time, it is difficult for the average Los Angeles homeowner to learn what a builder or developer might be building on a neighboring lot, and impossible to ensure that what is being built meets the Building Code. Now, with the inclusion of the Baseline Mansionization Ordinance (BMO for the flatlands) and the Baseline Hillside Ordinance (BHO for the hillsides), neighbors must also be concerned that any new building or remodeling meet and continue to meet the applicable BMO and BHO limits. The citizens of Los Angeles deserve the simple consideration of being reasonably notified when a neighboring or nearby property is being built or modified, and understanding that the building or modification meets the important requirements that PLUM has helped put in place.

One simple way to do this is giving neighboring homeowners and relevant homeowner associations (HOAs) the information they need to self-police any adjacent or nearby construction. This can be accomplished by requiring builders to provide (by certified letter) to the 12 nearest neighbors and the relevant HOAs a document summarizing what the property will look like (a rendering) and how the property meets the Code and the BMO or BHO, whichever is applicable. Neighboring homeowners and the HOAs can then self-monitor the construction and report any concerns to LADBS, e.g., where the construction seems to deviate from the approved building requirements as presented in the summary.

6. PREVENT CUMULATIVE SLIGHT MODIFICATIONS – We are concerned that builders and developers may attempt to circumvent the requirements in the Baseline Mansionization Ordinance (BMO) and Baseline Hillside Ordinance (BHO) by requesting multiple small modifications which cumulatively result in significant changes that exceed BMO and BHO requirements. We recommend that the impact of slight modifications be eliminated by providing Building and Safety (LADBS) the authority to grant modifications only when the cumulative impact of any and all modifications does not increase the total residential floor area by more than 5% or 1,000 square feet, whichever is less. All further modifications would then require re-application for, re-approval of, and re-issuance of the building permit.

In addition, should the self-policing neighborhood enforcement method (noted in the prior recommendation) be used, the following would also apply. When the cumulative impact of any and all modifications increases the total residential floor area by more than 5% or 1,000 square feet, whichever is less, require builders to provide (by certified letter) to the 12 nearest neighbors and the HOA an updated document summarizing the modifications, what the modified property will look like (rendering), how the property will continue to meet the Code and the BMO or BHO, and if the builder will be seeking re-approval and re-issuance of the building permit.

7. REINSTATE LANDFORM GRADING REQUIREMENT – The following paragraph on landform grading appeared in an earlier version of the BHO (April 22nd) but was eliminated from the latest version (and no longer appears as deleted in Exhibit A of the CPC report). We recommend that the landform grading requirement be reinstated. However, if that cannot be accomplished, we recommend that Zoning Administrator Determinations paragraph 28.a(5) (grading on page 23) be modified to require grading in conformance with the Department of City Planning – Planning Guidelines Landform Grading Manual whenever the Zoning Authority approves increased maximum grading quantities [per sub-paragraph 28.a(5)(i) on page 23] or approves increased import and/or export quantities [per sub-paragraph 28.a(5)(ii) on page 23]. Note that Landform Grading is already provided in sub-paragraph 28.b(5)(i) on Zoning Administrator Findings.

e. **Landform Grading Requirement.** For any project, including remedial grading, involving 1,000 cubic yards or more of grading, landform grading, as outlined in the Department of City Planning – Planning Guidelines Landform Grading Manual, shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

8. ADD “FREESTANDING RETAINING WALL” DEFINITION – Add a definition for “freestanding retaining wall” (into BHO definitions section 12.03) as the term is used in the Hillside Development Standards paragraph 6.c(1) (grading exceptions on pages 16-17). The definition of this term is somewhat, but not fully clarified in LADBS P/ZC 2002-016. We are therefore concerned that the term could be misconstrued by various parties and this could lead to implementation problems for the BHO.

9. ADD “NOTCHING” DEFINITION – Add a definition for “notching” homes into hillsides (into BHO definitions section 12.03) to carefully clarify the exact meaning of this term. The Planning Department and Building and Safety Department (LADBS) have constructed many of the BHO provisions to encourage notching into hillsides, but have not clarified the meaning of this concept. Again, such lack of clarification could lead to later confusion to the detriment of the ordinance.

Thank you very much for your consideration.

Sherman Oaks Homeowners Association

By Marshall Long
Member, Board of Directors

By Bob Anderson
Chairman, Hillside Committee

BRENTWOOD RESIDENTS COALITION

August 3, 2010

Los Angeles City Council Members
200 N. Spring Street
Los Angeles, CA 90012
Sent Via Email

RECEIVED
CITY CLERK'S OFFICE
2010 AUG -3 PM 2:56
CITY CLERK
BY _____ DEPUTY

**Re: File Number: 10-1001
Brentwood Residents Coalition Support for Baseline Hillside Ordinance**

Dear Councilmembers:

The Brentwood Residents Coalition (BRC)¹ strongly supports passage of the Baseline Hillside Ordinance, with the restored protection measures provided in the letters previously submitted by Councilmember Paul Koretz and the Sherman Oaks Homeowners Association.

The BRC, in supporting immediate passage of the Baseline Hillside Ordinance, joins the following supporters: State Senator Fran Pavley; Assemblymember Julia Brownley; Assemblymember Mike Feuer; County Supervisor Zev Yaroslavsky; Councilmember Tom LaBonge; Councilmember Paul Koretz; Councilmember Bill Rosendahl; Santa Monica Mountains Conservancy; American Institute of Architects; Bel-Air Association; Bel Air Beverly Crest Neighborhood Council Planning and Land Use Committee; Bel Air Skycrest Property Owners Association; Brentwood Hills Homeowners Association; Brentwood Homeowners Association; Cheviot Hills Homeowners Association; Save Elephant Hills; Encino Neighborhood Council; Federation of Hillside and Canyon Associations, Inc.; Hollywoodland Homeowners Association; Laurel Canyon Association; Lookout Mountain Alliance; Montecito Heights Improvement Association; Mount

¹ The BRC is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

BRENTWOOD RESIDENTS COALITION

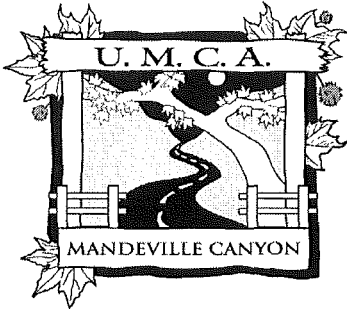
Washington Homeowners Alliance; Mulholland Scenic Parkway Design Review Board; Nichols Canyon Neighborhood Association; Pacific Palisades Residents Association; Palisades Preservation Association; Residents of Beverly Glen, Inc.; Santa Monica Canyon Civic Association; Shadow Hills Property Owners Association; Sherman Oaks Homeowners Association; Tarzana Property Owners Association; Upper Mandeville Canyon Property Owners' Association; and Westwood South of Santa Monica Blvd. Homeowners Association.

We support prompt passage of the Baseline Hillside Ordinance, which is critical to protection of hillside environments throughout the City of Los Angeles.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Rosen', written in a cursive style.

Wendy-Sue Rosen, President
Brentwood Residents Coalition



UMCA
Upper Mandeville Canyon Property Owners' Association
P. O. BOX 49845
Los Angeles, California 90049
www.uppermandeville.org

Board of Directors

Eric Badener
John Binder
Tom Freeman
Dan Fried

Louise Gonzalez
Jillian Kleiner
Tom Laycook
Desmond McDonald

Nancy Miller
James Provenzano
Wendy-Sue Rosen
JoAnn Schoemann

Jamie Schwartzman
Mary Spain
Julia Weinstein
Jim Wright

August 3, 2010

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Sent Via Email

Re: File Number: 10-1001
Upper Mandeville Canyon Association
Support for Baseline Hillside Ordinance

Dear City Council Members:

The Upper Mandeville Canyon Property Owners' Association ("UMCA"), formed in 1956, represents the approximately 300 families residing in the upper section of Mandeville Canyon. The UMCA strongly supports the Baseline Hillside Ordinance ("BHO") *as initially proposed*, which would implement an essential layer of protection for hillside areas. The UMCA therefore supports reinstatement of protections initially contained in the BHO, with the restored protection measures provided in the letters submitted by Councilmember Paul Koretz and the Sherman Oaks Homeowners Association. Through the imposition of such review protocols and limitations, the BHO can significantly aid in preserving the natural beauty of hillside environments, prevent erosion and other predicates of hillside instability, and reduce emergency response times to remote hillside residential areas like Mandeville Canyon.

The Upper Mandeville Canyon area has a long history of floods, mudslides, hillside instability, fires, property damage and death. Several years ago, at the height of the development boon, several hillside lots previously considered undevelopable were purchased by spec developers who constructed large mansions cut into the side of the canyon, requiring massive retaining walls and caissons, with septic systems located in Mandeville Canyon Creek.

These over-sized structures are grossly out of character with our hillside community, with massive, out-of-scale retaining walls towering over the natural hillside environment. They also destabilized the hillsides during construction, and have created environmental hazards,

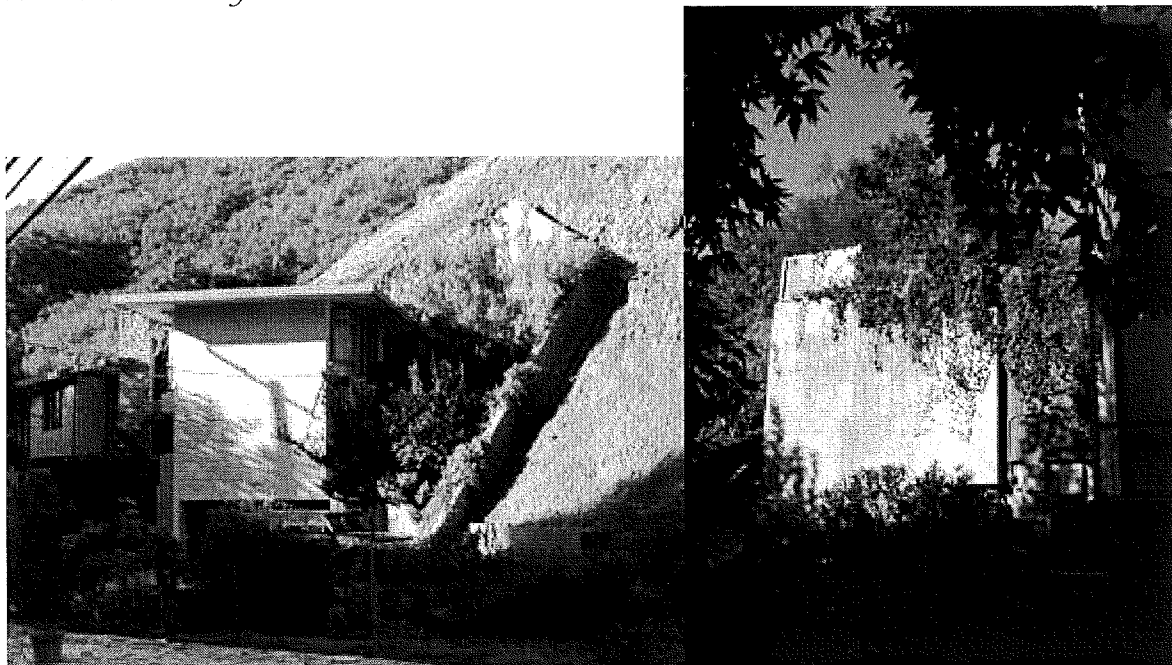
including water pollution, erosion, risk of flooding, and loss of wildlife corridors. In an unprecedented action, the Los Angeles Regional Water Quality Control Board stepped in to address the environmental water-quality hazards and require that the City implement the necessary best management practices.

Mandeville Canyon Road is a narrow, substandard street, with inherent emergency-response delays. Construction with unlimited grading activity and over-development of the hillsides have greatly strained the roadway, caused delays, and, through the storm drains, carried pollution and construction debris into the Santa Monica Bay.

Unfortunately, Upper Mandeville Canyon now has several over-developed lots that illustrate the need for the BHO:



3565 Mandeville Canyon Road



3685 Mandeville Canyon Road



3715 Mandeville Canyon Road



3715 Mandeville Canyon Road

The BHO, as initially proposed, is a necessary *first step* to implement a comprehensive set of reasonable hillside safety and environmental regulations to protect hillside areas. While the BHO does not *directly* regulate the use of retaining and structural walls, the FAR and other baseline development limitations would have triggered a public review process that might have prevented the type of over-built structures depicted in these photographs.

Similarly, the placement of septic systems too close to the stream is a result of over-development on the lots. The initially proposed limitations would require spec developers, like those who built the pictured structures, to participate in a public process instead of unilaterally taking up entire hillside properties with out-of-scale buildings, preventing septic systems from being situated at a safe distance from streams and other tributaries. The BHO as initially

proposed would thereby provide significant protection against over-development of hillside properties by requiring meaningful public scrutiny. In sum, the BHO as initially proposed would preserve more of the hillsides, promote development and grading consistent with the hillsides' natural contours, and serve to limit the traffic-producing and emergency-response delaying impacts of hauling through grading and fill limitations.

The BHO will prevent the transformation of steep, open space hillside properties *from this:*



3663 Mandeville Canyon Road

To this:

Architectural rendering of a house on a hillside. The top part shows a perspective view of a modern house with a large, flat roof and a prominent chimney, built into a hillside. Below this are two smaller perspective views: one showing a side view of the house and another showing a different angle of the same house, highlighting its integration with the terrain.

3663 Mandeville Canyon Road, Brentwood
Potentially Sub Dividable Lush Mandeville Canyon Site!

Approximately 3/4 on an acre with broad front frontage on the West side of Mandeville bordering the Santa Monica Conservancy. Includes plans and renderings for two exciting architectural homes. South house, a "Green Module" design, is approximately 3400 square feet in design development and the North house a Steve Earlich and Jim Schmidt design ,is approximately 4500 square feet, permit ready!

The UMCA strongly supports prompt passage of the BHO as initially drafted, with the restored protection measures provided in the letters previously submitted by Councilmember Paul Koretz and the Sherman Oaks Homeowners Association. We also support the adoption of further protective ordinances including stream protection, viewshed protection, and limits on retaining walls. The BHO as initially drafted, however, must be passed now, to prevent the types of excessive development that continues to plague the hillside areas and to protect the quality of our hillside neighborhoods.

Very Truly Yours,

A handwritten signature in black ink that reads "Tom Freeman". The signature is written in a cursive style with a long, sweeping underline.

Tom Freeman, President
Upper Mandeville Canyon Association

P.O. Box 27404
Los Angeles, CA 90027
323-663-1031
president@hillsidefederation.org
www.hillsidefederation.org



PRESIDENT
Marian Dodge
CHAIRMAN
Joan Luchs
VICE PRESIDENT
Charley Mims
Cassandra Barrère
SECRETARY
Donna Messinger
TREASURER
Dan Palmer

Los Angeles City Council

August 3, 2010

Honorable Councilmembers:

The Federation of Hillside and Canyon Associations which represents 32 associations from the Ventura County line to Mt. Washington supports the Baseline Hillside Ordinance as presented in the Staff Report to the Planning Commission on April 22. The purpose of the Baseline Hillside Ordinance is to help neighborhoods like ours maintain their unique and charming character while still providing for appropriate development. The proposed ordinance is a good step in the right direction to support community plans.

However the Federation opposes the granting of additional bonuses for substandard lots. There are many lots under 5,000 square feet in our hillsides. Additional bonuses could result in FAR of 75% which would overwhelm these small lots, change the character of the neighborhood, and essentially eliminate any wildlife corridors.

The Federation is concerned about the disappearance of the grading restrictions from the proposed ordinance. Those restrictions would have prevented inappropriate, massive changes to the natural slopes of the land. They should be reinstated.

The overall plan of the April 22 Staff Report will do much to protect the character and environment of our hillside neighborhoods which contribute greatly to the ambiance of this great city.

Sincerely yours,

Marian Dodge

Marian Dodge, President

Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Bel Air Ridge Association
Benedict Canyon Association
Cahuenga Pass Neighborhood
Crests Neighborhood Assn.
Encino Property Owners Assn.
Forrest Hills Homeowners 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.
La Tuna Canyon Community Assn.
Laurel Canyon Assn.
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Outpost Estates Homeowners
Residents of Beverly Glen
Roscomare Valley Assn.
Shadow Hills Property Owners
Sherman Oaks H O Assn.
Studio City Residents Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Whitley Heights Civic Assn.