

jeffrey kaplan <jeffreykaplan@msn.com>

Sat, Jul 17, 2010 at 12:15 PM

To: patrice.lattimore@lacity.org, councilmember.krekorian@lacity.org, councilmember.reyes@lacity.org, councilmember.huizar@lacity.org, paul.koretz@lacity.org

Cc: "Erick Lopez (LA)" <erick.lopez@lacity.org>, jennifer.driver@lacity.org, shawn.bayliss@lacity.org

Dear Councilmembers, et al.:

I understand that the proposed BHO has just been scheduled to be heard in a PLUM Hearing for July 20, 2010. I am sending these comments to you since I will likely not be able to attend the Hearing due to such short notice, but I want to make sure my strong objections to the BHO are considered.

As a preliminary matter, I am not opposed to allowing communities to "opt-in" to have the BHO control their development, but I do oppose (for the reasons, among others, specified below) that the BHO be adopted as it is proposed on a blanket basis in which the only practical way out for communities is a 75% super-majority vote that creates such a high barrier as to be unattainable.

As you may know, I am an inactive lawyer and CPA, I am a member of the Board of Directors of the Bel-Air Homeowners Assn. and a founding member of the Coalition of Concerned L.A. Real Estate Industry and Hillside Homeowners and I live in Bel Air and all of the single family houses that I own are grandfathered-in for their construction. So, I have no properties that will be immediately affected by the BHO building restrictions; in fact, an argument could be made that my properties will increase in value if the BHO is enacted since while other houses will have severe building restrictions, mine will not.

Over the last year or so, I have communicated my group's concerns about the BHO to Councilmember Koretz's office and to City Staff, but unfortunately, the proposed BHO fails to properly address these concerns. Our concerns and objections to the BHO include the following matters (all of which have previously been raised with City Staff):

1. First and foremost, the BHO has not had adequate environmental review as indicated in my April 8, 2010 letter to Erick Lopez, a copy of which is attached to the Staff Report. Unfortunately, the response of Staff to the matters referred to in my letter are inadequate and the only way to address the significant environmental adverse impacts that will result from the BHO is for a full and complete EIR prepared and subject to review in compliance with CEQA.

2. I and others have had several communications with Staff (specifically Erick Lopez and Jennifer Driver) including at least one face to face meeting, and Staff seems to have refused to objectively consider the following issues:

- A. I asked Staff some questions about the basic logic to support the BHO. For example, I indicated that out of 130,000 hillside properties, there seems to currently exist very few "oversized mansions" (that is, oversized houses on relatively small lots)--I asked if the number was 1%-2%, etc. and Staff's response was "very few", which I interpreted to mean about 1% or less. I then asked, if a problem exists with 1% of 130,000 properties, why would the City burdened 99% of the remaining 130,000 properties by the BHO. To which Staff responded that only 13% of the homes will be affected by the FAR standards in the BHO since according to Staff's

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analysis only 13% of existing homes exceed the FAR standards which means 87% of homes will not be affected. So, I asked, what about the burden on these 87% that want to build/rebuild in the future with more sq. footage than currently exists or is permitted by the BHO?

Staff gave no answer as to why the blanket FAR, grading, height, etc. restrictions in the BHO are justified to burden 87% of 130,000 properties (or 113,000 properties) because "perhaps" 1,300 homes are "oversized mansions".

B. I and others asked Staff (and have received no reasonable response) as to why the City would devote so much time and energy on categorizing 130,000 properties as to size, topography, etc., but not take the simple steps of economic and jobs studies or send informative notices to the 130,000 property owners, particularly since there is already anecdotal evidence from some realtors that the flatlands ordinance enacted two years ago has adversely affected values and development.

C. I asked (and received no reasonable response) to the matter of major variances (which are known as "hardship variances") which can currently be used to build houses and walls, bigger, taller, etc. than allowed as a matter of right on the basis essentially that "all of the neighbors have bigger, taller, etc. houses and walls and so should I"; but that if the BHO is enacted, there will be no such hardship variances ever again since the provisions of the BHO by definition include all aspects of the neighborhood, topography, etc. (I understand the BHO does not eliminate the "procedure" for a hardship variance, but as a practical matter, no hardships will be granted or else, what would be the purpose of the BHO?)

D. I asked several times why Staff would not support the remedy of a simple majority "opt-in" procedure for adjacent properties comparable in size and topography. My recollection was that Staff's only response was along the lines of zoning consistency; but since the BHO allows a multitude of City overlays and an opt-out procedure and there are many other zoning matters in the City controlled by simple majority votes, the response is again not reasonable.

It seems clear that Staff is unwilling to be fair or logical about the issues and for what can only be characterized as for the benefit of a handful of activists, Staff is willing to recommend that the City punish construction workers and real estate professionals and 87% or 100,000 hillside property owners by lowering their property values, reduce the usage of their properties and displace families, and punish all other City taxpayers by lowering tax and other revenues applicable to hillside properties.

For all of these reasons, we strongly urge PLUM either to reject the BHO or to require Staff to give proper notices (with full and accurate information including value impact) to all affected homeowners and to conduct studies required to properly address the foregoing issues and/or amend the BHO to make the BHO reasonable and fair to all concerned.

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Chris Hameetman <chrish@carealty.net>

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councilmember.reyes@lacity.org, councilmember.huizar@lacity.org, paul.koretz@lacity.org,
councilmember.garcetti@lacity.org
Cc: erick.lopez@lacity.org, jennifer.driver@lacity.org, shawn.bayliss@lacity.org

Honorable Los Angeles City Councilmembers:

I write in reference to the Baseline Hillside Ordinance (BHO) that is scheduled to be heard in PLUM Committee tomorrow, July 20, 2010.

I also reference the *below included* EMAIL from Jeffrey Kaplan – in opposition to the BHO.

I join Mr. Kaplan in his very well reasoned objections to the BHO, and to the extent you have not read his statement, I urge you to do so.

The arguments made are both fair and logical – and highly persuasive in exposing the unjustified (as well as disturbingly unverified and uninvestigated) rationale behind the BHO.

In addition to those arguments made by Mr. Kaplan, I bring to your attention the following specific unfairness of the BHO shared by myself and other like situated homeowners on major traffic arteries such as Sunset Blvd.

The Baseline Hillside Ordinance (BHO) was drafted for the *specific purpose* of addressing the issues and concerns of *hillside development* in the City of LA (versus the flatlands).

Homes that abut major traffic arteries such as Sunset Blvd. - practically by definition - do not share in many or all of the concerns related to *hillside development*.

Without going into a voluminous analysis of hillside concerns vs. major traffic artery distinctions, suffice it to say that some of the major hillside concerns focus on overly narrow winding streets (i.e., Construction Truck and Fire & Life Safety Vehicle difficulties thereon) and the preservation of natural hillsides while discouraging precarious cliff-side or overhanging developments.

Yet major traffic arteries like Sunset Blvd. – that are a fully developed first-class 4+ lane thoroughfares with storm drains, street & traffic lights, fire hydrants, etc. – suffers none of the same concerns as a narrow winding street, and very few Sunset Blvd. abutting properties could reasonably be characterized as virgin hillside or a

candidate for a cliff-side home.

Therefore, it is not reasonable or logical that such homes be subject to the *specifically tailored hillside* BHO regulations.

Imposition of the Baseline Hillside Ordinance on such properties (1) serves no significant purpose in advancing the goals of the BHO, and (2) unfairly and negatively impacts such non-hillside-*featured*, but hillside-area-*defined*, properties – especially when compared to homes literally on the other side of the street that are not regulated by the BHO (as is the case with many homes on the North vs. South side of Sunset Blvd.)

For all such reasons, I urge the PLUM Committee to reject the BHO, or alternatively, to exclude homes from the BHO that abut major traffic arteries such as Sunset Blvd.

Moreover, at a minimum before any further advancement of the BHO is considered, I urge PLUM to direct Staff to conduct studies to properly address the issues raised above and by Mr. Kaplan in his email below (by BHO amendment or otherwise), and provide proper notice - with full and accurate information including value impact - to all affected homeowners.

Thank you for your attention to this very important matter.

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EMAIL FROM JEFFREY KAPLAN

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Christina Kitchen <cr@ucla.edu>

To: councilmember.Krekorian@lacity.org, councilmember.reyes@lacity.org,
councilmember.huizar@lacity.org, Patrice.lattimore@lacity.org

Dear Council Members Krekorian, Reyes, Huizara and Ms Lattimore,

I am writing to urge you to support the Hillside Ordinance restrictions for new construction. As a resident of the hillsides, I believe it is vitally important to preserve the ridgelines, enforce strict grading regulation and enact stronger safeguards for preserving protected and iconic trees. Also I believe that there should be strict scrutiny for any new development on plots of land where there have been previous landslides.

Sincerely,

Christina Kitchen

Christina M. Ramirez Kitchen