

To: North Valley Area Planning Commission  
From: Ali Akbar Mahdi & Nina Samsami  
RE: Case Number: ZA-2012-3329-ZV-ZAD-1A  
Date: July 7, 2014

We are owners of the property 6340-63-46 West Sister Elsie Drive, scheduled for an appeal hearing on Thursday, July 17, 2014. Aside from neighbors' opposition to specific elements of the determination which will be discussed in the hearing, we would like to bring to your attention a few facts playing in the background to this appeal.

On October 16, 2013, we wrote a letter to all neighbors and invited them for a meeting on our property for explaining our project and addressing their concerns. We met on late November on the site with some 15-18 neighbors. Overall, the meeting went well and we had a relatively positive conversation with implicit agreement that the neighbors were on the board with the project. Toward the end of the meeting, Ms. Paolina Milana, who is one of the most concerned neighbors and has been unofficially acting on behalf of the neighborhood, joined me in conversation and suddenly stated that "[Ali] Akbar [Mahdi] has agreed to include me and two other neighbors as a part of his insurance." She had previously made a similar suggestion to me by e-mail to which I had responded (see the communications pasted at the bottom of this e-mail). My response in front of the neighbors was: "Let us handle the challenges we have been put through so far, then we will deal with other issues in appropriate time."

Late in April, 2014, when the latest determination was issued, we received another e-mail from Ms. Milana in which she said: "In order to move forward, I need confirmation from you .... including the homes specifically at risk from the construction site up to the turn-around (my home and Kathy & Dyle's are most at risk) as part of your construction bonds under "additionally insured" on the general contractor/builders certificate of insurance. ... I need to know that you will be honoring this promise, and that this is, indeed, what you will be doing."

The above communication made it clear to me that if I did not insure two houses, which one is approximately 275 feet away from my lot corner and built in 1947, and the other approximately 150 feet away and built in 1948, and in many ways neither one is in compliance with current codes, she will be appealing the determination. That is exactly what she managed to do by having a Mr. Joe Barrett to appeal. Mr. Barrett does not live in Sister Elsie and has never been involved in the Neighborhood Council deliberations or City hearings before. These communications reveal that the real concern here are self-interests of two neighbors, not the size, height, and setbacks of my proposed building – which were approved in a previous determination.

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Communications between Ms. Paolina Milana and Ali Akbar Mahdi:

**Follow-up to our Oct. 26 meeting on the hill**

**Paolina Milana <gyral\_elsie@yahoo.com>** 10/31/13

to me, ApprovedPlans, paolinamilana8, Paolina

Hello & Happy Halloween:

Again, I thank you for meeting with us on the hill last Saturday. I also thank you for agreeing to add the properties/owners Dyle & Kathy along with my husband and myself to your general contractor/builder's certificate of insurance as "additionally insured." And if you would, please, email me the information we discussed on the hill, including the survey info?

Thanks in advance,

Paolina Milana-Edwards  
6259 Gyal Drive  
Tujunga, CA 91042

**Ali-Akbar Mahdi <aamahdi@owu.edu>** 10/31/13

to Paolina, bcc: Ensafi, bcc: Alfred

Happy Halloween to you and your family. I am glad that we were able to clarify the nature and layout of the project for the neighbors and put some fears of road damage away. As I explained, the City is A LOT more concerned about the SAFETY of that road that neighbors imagine. Hopefully, as we move forward in this long, arduous, and costly process, we will be able to bring it to fruition with the most effective and safe strategy.

Best,

Akbar

**Paolina Milana <gyral\_elsie@yahoo.com>** 10/25/13

to me

Hello Again - I wanted to send you a note just to let you know that due to class tomorrow, my husband Joe and I won't be able to meet you at the site until closer to 2:45/3 pm.

ALSO - I wanted to share a story and suggestion with you.

Last Saturday, on my way to class at UCLA, a truck driving in the lane near me spit up a rock and it smashed my windshield. State Farm insurance is sending someone this morning to fix it. But I have to pay nearly \$400. That's not fair or right.

I told my brother this story. He is in construction. He made an analogy to what may happen with your build, and he suggested that I contact you.

My brother said that all the time, to ensure safety and minimize risk to people and property, that he and other builders add names/surrounding property owners to the general contractor/builder certificate of insurance. I checked with the LA Municipal Building Code and the engineer on the Land Use Committee and they agreed that they do this, too, and that the code also outlines instructions for this.

My concerns are many with this build, as you know, however your letter outlines your challenges as well, and I'd like to not only get clarity on everything related to this build, but also find mutually beneficial solutions. Sister Elsie is a substandard deteriorating road, and I fear its ability to be able to withstand the heavy, heavy equipment required to build your home will destroy it. In addition to the road leading up to and in front of your site, your trucks have no choice but to travel beyond the site point, traversing my property and Kathy & Dyle's to the turnabout to be able to do their work. I fear for the safety of our properties, the road, the retaining walls, etc., given the impact of this equipment and potential damage. And it is not fair or right if damage is done without accountability. I would feel that we might be minimizing some of that risk if our names are listed under "additionally insured" on the general contractor/builder's certificate of insurance, with insurance bonds provided for full replacement of whatever may be damaged as a result of the build. This offers some protection not only to us but to you as well.

Let me know your thoughts.

Thank you,

Paolina Milana-Edwards  
6259 Gyal Drive  
Tujunga, CA 91042

**Paolina Milana <gyral\_elsie@yahoo.com>** Apr 15

to me, Ensafi

Hello:

Hope you are well.

As I'm sure you are aware, we have received the Determination Letter. We are reviewing it, as I'm sure you are, too.

In order to move forward, I need confirmation from you on something. In November, when you came to the hill to meet (I believe you even recorded the conversations), you had agreed to including the homes specifically at risk from the construction site up to the turn-around (my home and Kathy & Dyle's are most at risk) as part of your construction bonds under "additionally insured" on the general contractor/builders certificate of insurance. In order for me to fully digest

this Determination Letter, I need to know that you will be honoring this promise, and that this is, indeed, what you will be doing. Please advise.

Thank you,

Paolina Milana-Edwards  
6259 Gyal Drive  
Tujunga, CA 91042

**Ali-Akbar Mahdi** <aamahdi@owu.edu> Apr 21

to Paolina, Ensafi, Alfred, bcc: Nina

Dear Ms. Milana-Edwards,

Sorry for delay in response. Unfortunately, even though I am the applicant who paid close to \$12,000.00 application fee for this determination, I have not received it through mail yet! I got a gist of it on the phone from my representative last Thursday. I had to go to the city today to get a copy for inspection.

Though not all conditions set for me in this determination are advantageous to me, I have no choice but to abide by them because they are established by the City Codes and Rules.

With regard to your demand, based on my consultation with the City, my representative, lawyer, and engineers, whatever is going to happen in the public way and my premises will be guided, supervised, and controlled by the City Engineering and Public Work standards through B-Permit processing and required bond to guarantee the quality and safety of the improvement, the existing road, and surroundings.

Best,

Akbar

Good afternoon – my name is Ali Akbar Mahdi, and I am the owner of the property at 6340-6346 West Sister Elsie Drive.

We bought this property in 2005, and applied for building permits and planning approvals for our retirement house in June 2009. Because of the shape of the property, and its access from a substandard street, we asked for minor adjustments to the City's setback and street improvement requirements. We went before the Neighborhood Council to explain the project, and realized that a few individuals opposed any development on our property.

In May 2011, after a public hearing at which these individuals argued against the project, the Zoning Administrator approved our house with reduced setbacks and access from the hillside street, but dismissed our request for relief from the City's street improvement requirements. At the time, we were informed by the City that we would be able to construct the necessary street improvements. Several neighbors appealed the approval, but the Area Planning Commission denied their appeal and approved the house, subject to 11 detailed conditions of approval.

Based on this approval, we submitted our building plans to the City and were able to meet all of the conditions of approval to get our permits, except for the requirement by the Bureau of Engineering that we improve the existing roadway. This could not be done, because it would have required us to cut through the existing road. If we had not had the dismissal of our original request for relief from 20 feet requirement, we would not have a problem with our permits. But instead, Engineering refused to allow our permits to be issued until the improvements were constructed, or we obtained a new Zoning Administrator approval.

Because of the delays caused by the street improvement issue, the new Hillside Ordinance came into effect, forcing us to apply again to the Zoning Administrator for new approvals for the same house with no changes, plus a request for relief from the street improvement requirements. Unfortunately, the new application gave previously opposing individuals another opportunity to revive their opposition to the entire project.

In September 2013, another public hearing before the Zoning Administrator was held, and both sides made their arguments. A month later, I invited the neighbors to the site explaining the nature of the project and responding to their questions and concerns. We reached verbal agreement for their support of the project and several statements to the effect that “sorry we did not know what you had done and planned to do. We were given wrong and dreadful information.”

The Zoning Administrator approved our house for the second time in April 2014, and this was appealed to the Area Planning Commission. In July, 2014, the Area Planning Commission denied the appeal and approved the house for the second time.

Shortly after the Zoning Administrator’s second approval, I received a request from an individual in the neighborhood demanding inclusion of two houses located above property on the other side of the street in my insurance. She implied that my response to her demands would determine how the protesting neighbors would move forward. After confirming with two insurance companies that no company would issue such coverage, I assured this individual that our construction would be supervised by city inspectors and carried out by bonded and licensed contractors.

Shortly after, she carried out her threat by having the current appellant file the appeal that is before you today.

In August 2014, at the request of, and in presence of, Ms. Rebecca Valdez, Chief of Staff at Councilmember Fuentes' office, and Ms. Claudia Rodriguez, his Planning & Land Use Deputy, I and my council met with Mr. Barrett, the appellant, Mr. Sherer, the Chair of the Sunland Tujunga Alliance Land Use Committee, and a few individuals from the neighborhood in order to resolve this matter. Subsequently, last month my architect and I met with Mr. Sherer, Mr. Robert Dahl, an independent architect hired by the appellant, and Ms. Rodriguez to respond to their request for changes in our design to satisfy the protesting individuals. We accepted all their requested changes and implemented them in the design.

We added river stone to the elevations, lined-up the windows of both floors, added vertical elements to add curb appeal, extended the entry porch roof 6" beyond the adjacent roof over living room, and added 42" high painted metal guardrail over the retaining wall north of drive way for safety. I even agreed with their suggestions for the type and extent of landscaping on the site!

Ms. Rodriguez, Mr. Dahl, and Mr. Sherer have agreed that we had fully complied with their requests. Mr. Dahl stated that given the shape and geological limitations of the land, we had done all that could be possibly done to satisfy complaining individuals, and requested Mr. Sherer to encourage them to approve of the house and withdraw their appeal. Unfortunately, Mr. Sherer has stated, the protesting individuals wished to make a statement to the city by this appeal, and were not interested in withdrawing.

The appeal before you today focuses on the issue of the size of the proposed house. The appellant argues that houses built in this neighborhood are small, quoting in their materials 800 SQF as standard. But this is simply not true -- the square footage of 26 houses that are built on Sister Elsie, including the two adjacent to my property, range in size from a minimum of 812 to 3799 SQF, for an average size of 1852 SQF. My proposed 2396 SQF house is not out of range with these existing houses – a point confirmed and supported by Mr. Dahl as well.

Throughout this five year process, I have sought to appease all concerned constituencies while complying with all local ordinances, laws, and processes. Despite the many opinions conferred by technical experts, the efforts of Councilmember Fuentes' office to find resolution, and the repeated concessions I have made regarding this project, these few individuals' opposition continues to change in argument and disregard the determinations made by city departments and commissions. I ask that your committee take into consideration the opinions of the experts that I have provided, the good-faith efforts we have made to resolve these issues with all objecting parties, and our full compliance with all city permit and approval processes, and approve our house. Thank you.