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Date: 7-21-09
Submitted in PLUM Committee
Council File No: 09-1390
Item No.: 5
Deputy: B. Glaves

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PLUM 09-1390: SOHA's Objection To Hillside Area Redefinition Process

To: Los Angeles City Council, PLUM Committee


Date: July 21, 2009

The Sherman Oaks Homeowners Association (SOHA) understands the Planning Department's desire to complete the Revision of the Hillside Area Definition (PLUM File No. 09-1390, CPC 2008-4683-CA). However, we represent the interests of more than 1,300 Sherman Oaks homeowners (among 50,000 homeowners citywide) whose properties will be affected by this change and who have NOT RECEIVED SUFFICIENT NOTIFICATION (i.e., direct mailings to their homes) of the proposed revision and its potential impacts on their homes. We don't doubt that these homeowners will have many questions, but have not been and will not be given the opportunity to ask them. Of equal importance, their homes will become subject to the in-place Baseline Mansionization Ordinance for flatlands properties, but they had no reason to participate in the public review process leading to that ordinance because their homes were not affected.

SOHA's objection results from the City assuming that there would be no impacts from the revision of the hillside definition. The Planning Department therefore simply noted that the revision would be occurring at five public meetings during February 2009. The City NEVER PROVIDED DIRECT NOTICES NOR ANY EXPLANATION OF POTENTIAL IMPACTS. Homeowners were not given the time necessary to understand the redefinition and make necessary public comment similar to the workshops for drafting the Baseline Mansionization Ordinance. Should this redefinition be approved without direct mailings to all impacted homeowners and a further series of public hearings, naturally, one can't help but wonder if homeowners will file a lawsuit against the City for a denial of their due process rights.

Concerning the specifics of the hillside redefinition in Sherman Oaks, two members of SOHA's Hillside Ordinance Committee have independently driven through all impacted areas. They found one block that was incorrectly redefined as flatland (see second page for map). On June 26th, SOHA communicated our recommendation concerning this block to City Planning. As of this continued meeting, we have not had a response to this recommendation, nor to our other recommendations concerning the Hillside Ordinance itself.

Therefore, SOHA recommends that, prior to approving the redefinition, the PLUM Committee direct the Planning Department to:

- First, provide direct mailings to all impacted homeowners, informing them of the redefinition and its potential impacts;
 - Second, conduct a further series of public meetings whereby homeowners are offered the time and opportunity to voice their concerns and ask questions about the impacts of the redefinition; and
 - Third, separate out and place a hold on all areas where communities have already voiced concerns, until those concerns can be satisfactorily resolved.
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Furthermore, SOHA also recommends that, prior to approving the redefinition, the PLUM Committee obtain two legal opinions from the City Attorney, concerning whether or not the redefinition constitutes a “reverse taking” under applicable law (properties designated hillside are valued more than those defined as flatland); and whether Planning has provided sufficient and proper notice to impacted homeowners.

Thank you.

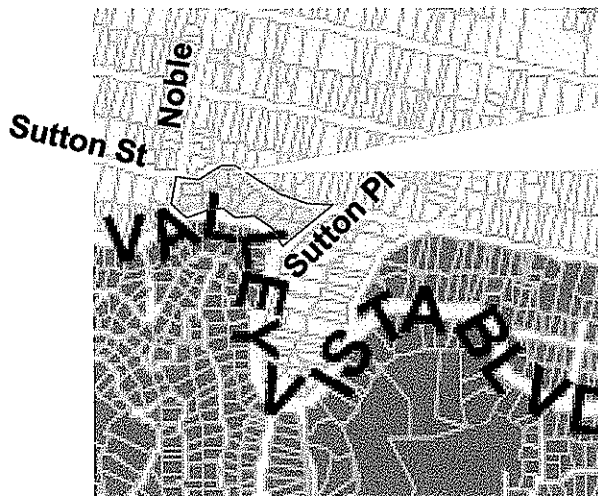
SHERMAN OAKS HOMEOWNERS ASSOCIATION

By Ellen Vukovich
Member, Board of Directors

By Bob Anderson
Chairman, Hillside Ordinance Committee

Cc: Council Member Paul Koretz
City Attorney Carmen Trutanich

Sherman Oaks Hillside Redefinition – Block That Should Remain Hillside



Area should remain classified as hillside because slope significantly exceeds 15% in several place around block, and several lots have existing retaining walls.

One-block area bounded by:
Valley Vista on the south;
Noble on the west;
Sutton Street on the north; and
Sutton Place on the east