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1964

Item No.

Deputy:

**PLUM 09-1390: SOHA's Comments on Hillside Area Redefinition**

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To: Los Angeles City Council, PLUM Committee

Date: September 8, 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), and we share this desire.

SOHA representatives met with Planning Department, Building & Safety Department, and Council District 5 personnel on August 25<sup>th</sup>, 2009 to obtain answers to several critical questions. Based on the results of that meeting, SOHA believes that the redefinition process has had insufficient public notice, but that the redefinition should proceed contingent upon the following Planning Department commitments.

The Planning Department commits to:

- (1) Provide a simple appeal process that enables homeowners to straightforwardly contest a redefinition; and
- (2) Conduct significant public outreach about the redefinition as an integral part of the upcoming public outreach for development of the new Baseline Hillside Ordinance.

**Commitment #1 – Establish a Redefinition Appeal Process**

The appeal process would enable homeowners to contest a redefinition and return their properties from a flatland to hillside classification. This process can be informal, with the objective to give homeowners the means to resolve possible redefinition errors and oversights (e.g., there are already two instances of updates in the San Pedro area). This should be free of charge to homeowners. If this is not feasible, then a reasonable fee should be assessed, but not at "actual" costs, i.e., similar to the recent Planning Fees increases. No matter what, it is incumbent on the City to provide homeowners the opportunity to file appeals, *especially if no further outreach is required about the redefinition.*

The process should be straightforward for Planning to implement because the hillside redefinition effort resulted in a new hillside-flatland designation map that resides in City Planning and is under their full control. This map is separate from other maps under Bureau of Engineering control which regulate such areas as building and grading.

One possibility is for homeowners to self initiate an update by sending photos and other information that support redefining a property back from flatland to hillside. Council Offices could also request changes. There are several other possibilities. Planning could collect appeal requests, and if sufficient proof is provided (e.g., photos of retaining walls already in place), could incorporate updates at specific intervals.

At our August 25<sup>th</sup> meeting, the Planning Department stated that the only impact of the redefinition is whether a property is governed by either the in-place Baseline Mansionization Ordinance or the future Baseline Hillside Ordinance, and that there were no impacts on building, grading, or other code regulations. However, we also touched on the complex and often confusing interactions between all these regulatory areas, and feel it would be in the best interests of the public and the City Council for the City Attorney to review and rule that there are indeed no impacts and/or conflicts.

**Commitment #2 – Conduct Further Redefinition Public Outreach**

As an interim positive solution to allow the redefinition to proceed, SOHA proposes that the redefinition, including its appeal process, be noticed and discussed as an integral part of upcoming workshops, town hall meetings, and other outreach mechanisms that will be conducted in the development of the forthcoming Baseline Hillside Ordinance.

The development of this new ordinance will encompass significant public outreach where the redefinition could be further explained to the public. The Planning Department expects to use a three-pronged approach for outreach during development of the Baseline Hillside Ordinance: (1) internal outreach to other city departments; (2) outreach to the trades (e.g., engineers, architects); and (3) outreach to the public through meetings, workshops, internet postings, and such. This broad forum can increase public knowledge of the redefinition in the near term.

SOHA contends that the redefinition has had insufficient public outreach by primarily relying on the public to spread the word based on emails sent by Erick Lopez of City Planning providing unclear and ambiguous references to the “redefinition process.”

We understand that the redefinition and also the Baseline Mansionization Ordinance is considered code amendments, and therefore the City does not believe that they require direct public notification. However, this issue raises questions that we believe should be answered by a complete legal review. Accordingly, we request that the City Attorney should: (1) review the definitions of code amendment versus ordinance, since the Baseline Mansionization Ordinance was also approved by the City council to make it law; (2) validate that there is indeed no notification requirement for code amendments and/or ordinances; and (3) determine if the requirement should be changed to provide full public notification for new ordinances and code amendments.

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  
Council Member Ed Reyes  
Council Member Dennis Zine  
Council Member Jose Huizar  
City Attorney Carmen Trutanich