



Date: April 2, 2009

To: Los Angeles Central Area Planning Commission

Re: Case #: ZA 2007–2504 (ZAD) - APPEAL

1. How we are aggrieved by the decision:

As the only organization which represents solely the hillside community known as “Hollywoodland” (Tract 6450) and its 550 homeowners for the past 80+ years, the Hollywoodland Homeowners Association is appealing the above referenced determination by the Zoning Administrator granting an “adjustment” to Section 12.21-C,8 of the Code at 6041 Rodgerton Drive.

The Hollywoodland community feels strongly that Section 12.21-C,8 of the code, which limits freestanding retaining walls to no more than two walls of 10 feet ea., is an extremely important tool in preserving the character of our community and the hills we cherish. We have found that walls of the size which are proposed, are not just unsightly – they produce a negative environmental impact by needlessly altering the natural topography of our hills, inhibiting the natural paths of local wildlife and providing a hard sounding board which reverberates loud noises throughout our canyon. Moreover, we have found that homes which include these types of walls are inevitably in lesser demand in our area and are therefore detrimental to our property values.

This adjustment constitutes a 100% and 20% increase plus a third wall in lieu of the maximum two. We feel this is truly excessive and the applicant has demonstrated no hardship, other than self-imposed, that would require walls of this height to build a home at this location. Undoubtedly this project could be redesigned or reduced in scope to comply with all requirements of the zoning code and the Hollywoodland Specific Plan.

2700 N. Beachwood Drive, Hollywood, CA 90068

2. Why we believe the decision maker erred:

a. Approval of Specific Plan Project Application Case # DIR 2005-0904-SPP-DRB, 6041 Rodgerton Drive Had Expired.

As clearly indicated in the decision maker's own determination ("Mandated Findings" #3), the approval granted this project "had expired on May 21, 2008 and was not further extended". Further, the applicant was given ample opportunity to make his case for an adjustment prior to the aforementioned expiration date as the initial ZA hearing was held on April 3, 2008.

This hearing was very well attended by the Hollywoodland community and our Council District 4 Planning Deputy, appearing overwhelmingly in opposition to the adjustment. As the applicant was unable to specify at that hearing how much of an adjustment he required – or even the number of walls which would be required – the presiding Zoning Administrator, Lourdes Green, gave the applicant two additional weeks to provide her with the specific information. Again, this would have given the applicant ample time to make his case and the Zoning Administrator to make her decision before the expiration of the project approval on May 21, 2008. However, for unknown reasons, such a decision did not materialize and a second hearing was scheduled for August 12, 2008. It is our contention that scheduling this second hearing was procedurally improper and should never have taken place due to the fact that the project approval had expired and the applicant had already been afforded his due process. Therefore we are asking that our appeal be granted, the Zoning Administrator's decision be voided and the applicant be compelled to file for a new Design Review Board and Specific Plan Project Permit Compliance application.

b. The Applicant Has Demonstrated No Hardship.

It is our understanding that, generally, a "hardship" would mean that the provisions mandated in the Code are too burdensome or strict to prevent "reasonable" development and not self-imposed. A hardship in this specific case would be that the hillside is so steep that the Code requirements for walls are unreasonable. Additionally, the Zoning Administrator has stated in his "Mandated Findings" #7 that the "topography, shape and configuration of the site are unique..." This is not at all the case. We submit that there is at least one lot in Hollywoodland of almost identical character that was recently developed with no adjustments or variances to the code nor exceptions to our Specific Plan.

Case # DIR-2002-3304-DRB, 6031 Rodgerton Drive is an even steeper, upslope lot of 8,800 square feet with a long frontage to the public right of way which includes a bend that exceeds ninety degrees. Whereas this lot was developed before Section 12.21-C,8 of the Code was enacted – it would still comply with that section of the code today as it incorporates no over-height retaining walls and stands as an example of responsible development in our community. Further, 6031 Rodgerton Drive is irrefutable evidence that a different design on a lot of precisely this "topography, shape and configuration"

certainly can require shorter walls. Therefore it is our contention that the only hardship in this case is that which is self-imposed by the applicant as they have not attempted to alter their design and so the ZA may not accommodate the applied for adjustment.

c. The Proposed Project is Fundamentally Flawed.

As reported by the former Chairperson of the Hollywoodland Design Review Board (DRB), Thomas Rule to Zoning Administrator Friedman in his letter of August 19, 2008, the DRB noted several issues with the project that were still remaining at the time they ultimately recommended approval. The applicant insisted that he understood all of these issues and that his project complied or requirements did not apply in his specific case.

1. “Size, location and number of site retaining walls may violate the Retaining Wall Ordinance.”

a) The rear retaining wall shows a grade behind the house of 880 and a natural grade above of 900. This change of 20’ was presented to the DRB as being accomplished with two stepped retaining walls of 10 feet each separated by 3 feet.

b) The wall proposed for the off-street parking (parallel with the street) has an approximate grade of 854 at the street level and natural grade above the wall 874 at the highest location (approximate mid-point of wall). This would appear to require a maximum 20’ wall along the street. Please note the applicant did not provide any specific grade information on this wall in his DRB submittal and the actual height of this wall was unclear at the time of the DRB hearings. This height calculation has been made using the applicant’s site plan and survey included in the final submittal to the DRB. It should be noted that the applicant has only applied for and been granted a freestanding retaining wall with a maximum height of 12 feet at the street level which would be insufficient to support the hillside as designed.

2. “Location of off-street parking and allowable maximum curb cut access from the street may violate Bureau of Engineering requirements.”

a) Bureau of Engineering requires a maximum of 32 feet of curb cuts. According to the site plan, the applicant shows a minimum of 70 feet of curb cuts along the south/western Rodgerton frontage. Additionally, the purpose of that frontage is to accommodate vehicles and therefore would be paved and unable to support landscaping.

3. “Use other than garage parking in de-attached structure’s room above garage located in front yard may violate Zoning requirements.”

4. “Fences, gates and other structures in the front yard appeared over height and may violate Zoning requirements.”

5. “The applicant’s survey and site plan may not be accurate in the steep area closest to the street.”

Had these walls been called out on the original plans at these heights (as they were not) - the Hollywoodland DRB would never have recommended this project for approval by Planning. As both the HHA and DRB feel that this project is fundamentally flawed as presented - we respectfully request that our appeal be granted, the Zoning Administrator's decision be voided and the applicant be compelled to file for a new Design Review Board and Specific Plan Project Permit Compliance application.

In conclusion, as this project no longer has Planning Dept. approval, has been unable to demonstrate hardship that is not self-imposed and has presented a design which is fundamentally flawed – the Hollywoodland Homeowners Association respectfully requests that our appeal be granted and this case be referred back to our Planning Deputy so that the applicant may file for a new review.

Thank you for your consideration.

Most sincerely,

Cara Rule
Vice President
Chairperson, PLUM Committee
Hollywoodland Homeowners Association

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