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May 20, 2021

VIA US MAIL & EMAIL to vince.bertoni@lacity.org

Argyle Civic Assn.
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Bel-Air Hills Assn.
Bel Air Knolls Property Owners
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Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Dixie Canyon Assn.
Doheny-Sunset Plaza NA
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland HOA
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
LFIA (Los Feliz)
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon NA
Oak Forest Canyon HOA
Oaks Homeowners Assn.
Outpost Estates HOA
Pacific Palisades Res. Assn.
Residents of Beverly Glen
Save Coldwater Canyon!
Save Our Canyon
Shadow Hills POA
Sherman Oaks HOA
Silver Lake Heritage Trust
Studio City Residents Assn.
Sunset Hills HOA
Tarzana POA
Upper Mandeville Canyon Assn.
Upper Nichols Canyon NA
Whitley Heights Civic Assn.

Vincent P. Bertoni, AICP
Director of Planning
Los Angeles Department of City Planning
Los Angeles City Hall
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

RE: Mulholland Scenic Parkway Specific Plan
Implementation Guidance Issued March 30, 2021

Dear Director Bertoni:

The Federation of Hillside & Canyon Associations, Inc. (“Hillside Federation”) was founded in 1952 and represents 44 resident and homeowner associations with 250,000 constituents spanning the Santa Monica Mountains. The Hillside Federation objects to your recently issued memorandum purporting to limit the jurisdiction of the Mulholland Scenic Parkway Specific Plan (“Specific Plan”) Design Review Board.

Many of our constituent groups and their members live within the Specific Plan area and rely on the Specific Plan as a primary planning and zoning resource to defend their neighborhoods from development in conflict with the Specific Plan area. These stakeholders also rely on the City’s recognized expert Specific Plan advisory agency, the Mulholland Design Review Board. The memorandum’s interpretation is in direct conflict with the express Council-adopted Specific Plan language and must be rescinded.

Mulholland Drive and environs are internationally recognized as a unique resource within the City of Los Angeles; the area attracts visitors the world over. The Specific Plan, adopted by the Los Angeles City Council in 1992 after decades of effort by City leaders working in collaboration with

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interested stakeholders (including former Hillside Federation leaders), protects an approximately 20 square mile area and falls within the jurisdiction of five separate Los Angeles City Council Districts (Council Districts 2, 3, 4, 5, and 11).¹

The Specific Plan establishes comprehensive design review procedures that unambiguously require the Director of Planning to obtain the recommendation of the Specific Plan's Design Review Board before a permit for the use of land, building permit, grading permit, revocable permit to encroach, or B-permit may be issued. (Specific Plan, Section 11.A.) The jurisdiction of the Design Review Board does not relate to whether projects proposed within the Specific Plan area are visible from Mulholland Drive. (*Ibid.*) Moreover, no exemption to the design review procedures relates to whether a proposed project within the Specific Plan area is visible from Mulholland Drive. (*Id.*, Section J, p. 26.)

On March 30, 2021, however, with no advance notice to the public, your memorandum entitled "Mulholland Scenic Parkway Specific Plan Implementation Guide" was issued purporting to significantly limit the Design Review Board's jurisdiction. The memorandum describes its purpose is: "to supersede the 1998 Director of Planning's memorandum and to clarify Project Permit Compliance and Design Review Procedures for Visible and Non-Visible Projects in the Mulholland Scenic Parkway Specific Plan area pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 and the Mulholland Scenic Parkway Specific Plan." (Memorandum, p. 1.) In its very first paragraph, your memorandum cites but one of the fourteen explicit purposes of the Specific Plan, suggesting it somehow acts as an express limitation on the jurisdiction of the Mulholland Design Review Board. (*Ibid.*) Your memorandum acknowledges it is merely an interpretation. (*Id.*, p. 6.) The Hillside Federation vehemently disagrees with your memorandum's conclusion that the language of the Specific Plan can be interpreted so as to limit the Design Review Board's jurisdiction in this way.

The memorandum suggests that the purpose of the Specific Plan relates only to aesthetic impacts visible from the Mulholland Drive right of way. This is grossly in error. While projects visible from Mulholland may have obvious impacts because they are visual, the numerous purposes of the Specific Plan also include: to "preserve and enhance land having exceptional recreational and/or educational value," to "assure that land uses are compatible with the parkway environment," to "preserve the natural topographic variation within the Inner and Outer Corridors," to "reduce the visual intrusion caused by excessive lighting," to "preserve the

¹ Mulholland Scenic Parkway Specific Plan (Los Angeles Ord. No. 167,943), available at: https://planning.lacity.org/odocument/1ca45b19-cbf5-40ec-b169-1735878beca2/Mulholland_Scenic_Parkway_Specific_Plan_.pdf. As the Specific Plan ordinance's recitals note, "Mulholland Drive...makes available to all people spectacular mountain, ocean and city views, and scenic and recreational opportunities from the Hollywood Freeway to the westerly Los Angeles City-County boundary line." It continues, "these amenities and resources are valuable to the city as a whole, and should be protected and enhanced by means of land use and design controls tailored to the physical character of the Mulholland Scenic Parkway and Santa Monica Mountains." (*Ibid.*, p. 2.)

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existing ecological balance,” to “protect prominent ridges, streams, and environmentally sensitive areas; and the aquatic, biologic, geologic, and topographic features therein,” and to “protect all identified archaeological and paleontological resources.” (Specific Plan, pp. 3-4.) These numerous purposes do not specifically relate to visibility from Mulholland Drive, the protection of which is but one of numerous purposes of the Specific Plan.

A project currently under review by the Department, which but for the Department’s recent action would have been heard by the Design Review Board, exemplifies why the Board’s jurisdiction should not be limited. As a letter from the Mountains Recreation and Conservation Authority (“MRCA”) about a recent project notes: “Projects on ecologically sensitive properties...can only benefit from a transparent, public Design Review process, which will help to ensure that there are fewer complications during the permitting process and during construction. Public review by the DRB also reduces the likelihood of a project approval being appealed.”² While MRCA’s letter acknowledges that its “staff is in contact with the applicant’s representative, and we hope to reach mutually agreeable solutions” to address MRCA’s issues of concern, “consultation between project applicants and the MRCA is not a substitute for the professional expertise of the DRB.”³

The Hillside Federation, two of our constituent members, and the MRCA all attempted to appeal your unilateral action under Los Angeles Municipal Code section 11.5.7, which specifically provides that the “City Planning Commission shall hear appeals on Director interpretations which affect an entire specific plan or any of its subareas...” (LAMC, § 11.5.7.H(3).) Despite being timely filed, the Department of City Planning rejected all the appeals on the basis that the Director’s action was not appealable. The Hillside Federation disagrees with this contention. The memorandum admits it is an interpretation of the Specific Plan, and it is therefore the proper subject of an appeal to the City Planning Commission under the municipal code.

The Hillside Federation has long prided itself on being a valued and respected partner of the City of Los Angeles with a shared goal of protecting and defending the City’s precious and unique hillside resources, including the Mulholland Scenic Parkway.⁴ While we strongly prefer to work in partnership with the City in fulfilling our mission, the Federation will not shy away from taking all steps we deem necessary to protect the Mulholland Scenic Parkway Specific Plan.

² Garrett Weinstein, MRCA Project Analyst, letter to Olga Ayala, Department of City Planning regarding Planning Case No. ZA-2021-2468-ZAD-DRB-SPP-MSP, p. 2, May 13, 2021.

³ *Id.*, p. 1 (emphasis added).

⁴ This is made clear by our longstanding mission statement: “The mission of the Hillside Federation shall be: To protect the property and the quality of life of the residents of the Santa Monica Mountains and other hillside areas of Los Angeles and its environs, and to encourage and promote those policies and programs which will best preserve the natural topography and wildlife of the mountains and hillsides for the benefit of all the people of Los Angeles.”

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If the Department of City Planning believes there is cause for amending the Specific Plan, including making changes to its design review procedures, we insist that it engage in an appropriate public process that allows interested stakeholders to participate and comment on Planning's recommendations through the Charter-mandated process for adopting land use legislation. (See Los Angeles City Charter, § 558.) Until then we urge you to rescind and withdraw your March 30, 2021 memorandum and honor the Mulholland Design Review Board's jurisdiction as it is unambiguously expressed by the Specific Plan language adopted by the Los Angeles City Council in 1992.

Sincerely,

A handwritten signature in cursive script that reads "Charley M. Mims". The signature is written in black ink and is positioned above the printed name and title.

Charley M. Mims
President

Cc's (by email only):

Kevin Keller, Executive Officer, Dept. of City Planning
Honorable Paul Krekorian, Council Member, District 2
Honorable Bob Blumenfield, Council Member, District 3
Honorable Nithya Raman, Council Member, District 4
Honorable Paul Koretz, Council Member, District 5
Honorable Mike Bonin, Council Member, District 11