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October 5, 2016

Via Federal Express

City Clerk

200 N. Spring Street, Room 360

Los Angeles, CA 90012

Board of Commissioners

Los Angeles City Recreation and Parks Department

221 N. Figueroa St. Suite 1510

Los Angeles, CA 90012

Re: Appeal of adoption of initial study/mitigated negative declaration
(IS/MND) for the Proposed Griffith Park/Observatory Circulation and
Parking Enhancement Plan; Public Resources Code § 21151 (c)


Dear Clerk:

On behalf of the Committee to Save the Hollywoodland Specific Plan ("Appellant"), we hereby appeal the September 9, 2016 decision of the Board of Commissioners of the Los Angeles City Recreation and Parks Department to adopt an initial study and mitigated negative declaration for the Griffith Park/Observatory Circulation and Parking Enhancement Plan ("Project"). Section 21151 of the Public Resources Code provides, "If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report... that certification ... may be appealed to the agency's elected decisionmaking body, if any." As the Board of Commissioners is not an elected decisionmaking body, its determinations under the California Environmental Quality Act (CEQA) are appealable to the City's elected decisionmaking body, the City Council. Appellant's members live near and recreate in Griffith Park and have a vested interest in protecting the Park's historic, biological, and recreational values. Appellant respectfully urge the City Council to deny approval of the Project until an environmental impact report (EIR) has been prepared that adequately discloses and mitigates the Circulation and Parking Plan Project's significant adverse impacts.

Appellant sent the attached letter of concern dated February 22, 2016 regarding the IS/MND specifically asking for notice about the Project pursuant to Public Resources Code section 21092.2 but was not informed of the scheduling of the hearing of this matter on September 9. Therefore, we are filing this appeal at this time.

Ms. Holly L. Wolcott, Interim City Clerk
October 5, 2016
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Thank you for your consideration of this matter.

Sincerely,

Douglas P. Carstens

Enclosure: Letter of Appellant to City dated February 22, 2016.

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February 22, 2016

Joe Salaices, Superintendent
Griffith Region, Los Angeles
Department of Parks and
Recreation
4800 Griffith Park Drive
Los Angeles, CA 90027

Re: Draft Initial Study for Griffith Park Circulation and Parking Enhancement
Plan

Dear Mr. Salaices,

We write because we have received a copy of a draft Initial Study for the Griffith Park Circulation and Parking Enhancement Plan. While we applaud the apparent intent of the plan to address circulation issues in and around Griffith Park, we are concerned that you might view potential circulation impacts in the Hollywoodland area as insignificant and thus contemplate a negative declaration. We believe an Environmental Impact Report is required to address the serious potential safety issues that can be created by changes to Park access, especially in the Hollywoodland area near the Park.

In December, we sent the attached letter to the City Attorney to request action be taken to abate the serious ongoing safety problems associated with poorly controlled public access to viewing the Hollywood Sign. Changes to circulation and access could potentially exacerbate this already dangerous situation. We request that you consider the issues identified in that letter as you address circulation issues around Griffith Park.

We request pursuant to Public Resources Code section 21092.2 and applicable sections of the Los Angeles Municipal Code that you place us on mailing lists for any future notices related to the above entitled project.

Sincerely,


Douglas Carstens

Attachment: Letter dated December 17, 2015 to City Attorney

CHATTEN-BROWN & CARSTENS LLP

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December 17, 2015

Mr. Michael Feuer,
City Attorney
Terry Kaufmann-Macias
Managing Assistant City Attorney
City of Los Angeles
800 City Hall East
200 N. Main Street
Los Angeles, CA 90012

Re: Request for Enforcement of Laws to Prevent Public Nuisance in Area of
Hollywood Sign

Dear Mr. Feuer and Ms. Kaufmann-Macias,

On behalf of the Committee to Save the Hollywoodland Specific Plan, we write to request your enforcement of laws (Los Angeles Municipal Code and California Vehicle Code) to resolve a continuing public nuisance in the area of the intersection of Canyon Lake and Mulholland Highway below the Hollywood Sign and to prevent its recurrence in the future. The City has created, contributed to, or purposefully allowed conditions to exist that endanger public safety and the integrity of property in the area and may well affect property values. Specifically, by creating and encouraging a Hollywood Sign viewsite at this location, the City has created conditions which foreseeably will lead to or aggravate injury to people and damage to property during a fire which could occur in this designated high fire hazard area. To avoid liability for such conditions, and to protect public safety, we ask that the City Attorney seek an injunction against the continuance of the public nuisance conditions in the area.

As you are aware, a public nuisance is the unreasonable, unwarranted, or unlawful use of property so as to interfere with the rights of others that affects an entire community or neighborhood or a considerable number of persons. (Civ. Code § 3480; *People ex. Rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1104.) Liability for nuisance does not hinge upon whether the defendant owns, possesses, or controls the property; rather the critical question is whether the defendant created or assisted in the creation of the nuisance. (*City of Modesto Redevelopment Agency v. Superior Court* (2004) 119 Cal.App.4th 28.) The City has created or assisted in the creation of the nuisance conditions at the intersection of Canyon Lake and Mulholland Highway.

We wrote to your predecessor on October 19, 2011 to object to hazardous conditions that were being created by the City by posting of signage in the Hollywoodland area directing traffic to a "Hollywood Sign Scenic View." Around that time, Sarajane Schwartz, President of the Hollywoodland Homeowners Association wrote an email to your predecessor that objected to the City's designating a viewing site of the Hollywood Sign on Canyon Lake Drive and was incorrectly told "that there is an official vista at the site where brush clearance occurred."

There has never been an official Hollywood Sign viewsite at this location. The land that was cleared for the Canyon Lake Drive viewsite was City parkland which had not been cleared and graded for a view site until after 2011, and never has been the subject of proper environmental review.

Now, with the creation and use of the unofficial, unapproved viewsite, numerous people are attracted to the location and nearby areas in ways that violate City requirements and endanger public safety and welfare. Some people visiting the overlook engage in dangerous activities such as smoking in a highly inflammable area. They block roads and park illegally in ways that prevent emergency vehicles from accessing the area and will interfere with residents' and other people's evacuation should another fire occur in the Hollywood Hills.

The actions that have created or assisted in creating the nuisance situation surrounding the Canyon Lake Drive viewsite include but are not limited to the following:

1. City has put up signage to redirect traffic to an illegally created Canyon Lake Drive viewsite.
2. The City has graded and cleared the Canyon Lake Drive viewsite without prior CEQA review.
3. The City has changed parking controls by painting extensive red curbs, thus prohibiting everyone including neighbors' guests from parking in this residential neighborhood.
4. City traffic officials have illegally blocked public streets, forcing traffic to use the created Canyon Lake Drive viewsite. (See enclosures.) City signage stating "Locals Only" or "Residents Only" has illegally blocked public roads for more than a year. This blockage violates Vehicle Code section 21101 and the principles of public access to public streets set forth by the court in *Citizens Against Gated Enclaves v. Whitley Heights Civic Assn.* (1994) 23 Cal.App.4th 812, 821.
5. The City has restriped the roads in the area.
6. The City has installed rocks for standing on and viewing at the Canyon Lake Drive viewsite.
7. The City has installed what may be a fountain (or possibly a septic system for restrooms) at the Canyon Lake Drive viewsite.
8. The City has allowed, by failing to enforce posted prohibitions against it, continued smoking and loitering at the Canyon Lake Drive viewsite. This happens on an almost daily basis after sunset closing hours of the viewsite. Evidence of this is in the innumerable cigarette butts that are visible. There have already been a number of fires in the area.

On February 12, 1987, an attorney named Ralph Nutter wrote to your predecessor James K. Hahn regarding the "Public Nuisance Conservancy Overlook" on behalf of the Mulholland Environmental Protection Association. While Mr. Nutter's letter addressed a different overlook in the Hollywood area, the concerns he raised were analogous to the situation currently taking place at the Canyon Lake Drive viewsite as numerous people are attracted to the area without sufficient controls to prevent them from endangering themselves and others. Just as Mr. Nutter

noted the Police and Fire Departments could not control the existing hazards to the lives and properties of individuals in the area, the situation in the area around the Canyon Lake Drive view site is similarly out of control.

The City is thus on notice that it will be legally liable for loss of life and damage to property resulting from conditions presently existing at the Canyon Lake Drive view site. In the event of a fire resulting from these conditions, or exacerbated by them, the City would be liable-wholly or partially- for injuries to people and damage to property that might occur. It is our understanding that the City has had to pay millions of dollars in damages for fire in Mandeville Canyon so such a possibility should not be lightly disregarded.

The General Manager of the City's Department of Recreation and Parks accurately reported to the Board of Recreation and Park Commissioners on November 7, 2001 the following:

Mounted on a sheer hillside, in an environmentally sensitive area that is also a Mountain Fire District, the [Hollywood] Sign and its environs likewise need the exercise of prudent judgement as to the particulars of authorized activity in the area. The section of Griffith Park where the Sign stands is adjacent to several residential neighborhoods. By its nature the Sign is a visible attraction, but *the Department has a responsibility as a good neighbor to limit collateral activities that could compound negative community impact or jeopardize public safety.*

(November 7, 2001 Report of General Manager to Board of Recreation and Park Commissioners, no. 01-437, emphasis added.) Thus, City representatives have noted the City's responsibility for collateral activities related to viewing the Hollywood Sign, and the City's responsibility for avoiding negative community impacts or dangers to public safety. *Rather than limiting such activities, the City has chosen to extend and encourage them.*

Aside from the damages that have occurred already and could occur in the future, the Canyon Lake Drive viewsite conditions constitute a public nuisance within the meaning of Civil Code section 3480 and Los Angeles Municipal Code section 11.00(m). It is your duty to bring a civil action to abate the public nuisance by means of an injunction. The City has created or contributed to the public nuisance conditions in the area as identified in the list of actions above. It therefore is likely the City would be held liable wholly or in part for anything untoward that occurs. In view of the fact that representatives of city agencies, including police and fire departments, cannot and have not enforced the laws effectively in the area of the Canyon Lake Drive viewsite, it is incumbent on your office to file an action for injunctive relief to abate the conditions or risk future judgments or damages against the City resulting from these known conditions.

We hope that you will not procrastinate but will rather recognize the City's duty to maintain and regulate conditions at the Canyon Lake Drive viewsite for the protection of life and property. The actions you take to remedy the situation will put the public on notice that your office will enforce the rule of law and not tolerate on-going violations of the Municipal Code.

City Attorney Michael Feuer
December 17, 2015
Page 4

If you have any questions, please contact me to discuss this matter further. If you do not, I ask that you put me in contact with the appropriate attorney in your office who may be able to pursue this matter. The Committee looks forward to the City's restoration of the rule of law in Hollywoodland.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas P. Carstens", with a stylized flourish at the end.

Douglas Carstens

Enclosures



NO ACCESS
TO THE
HOLLYWOOD SIGN

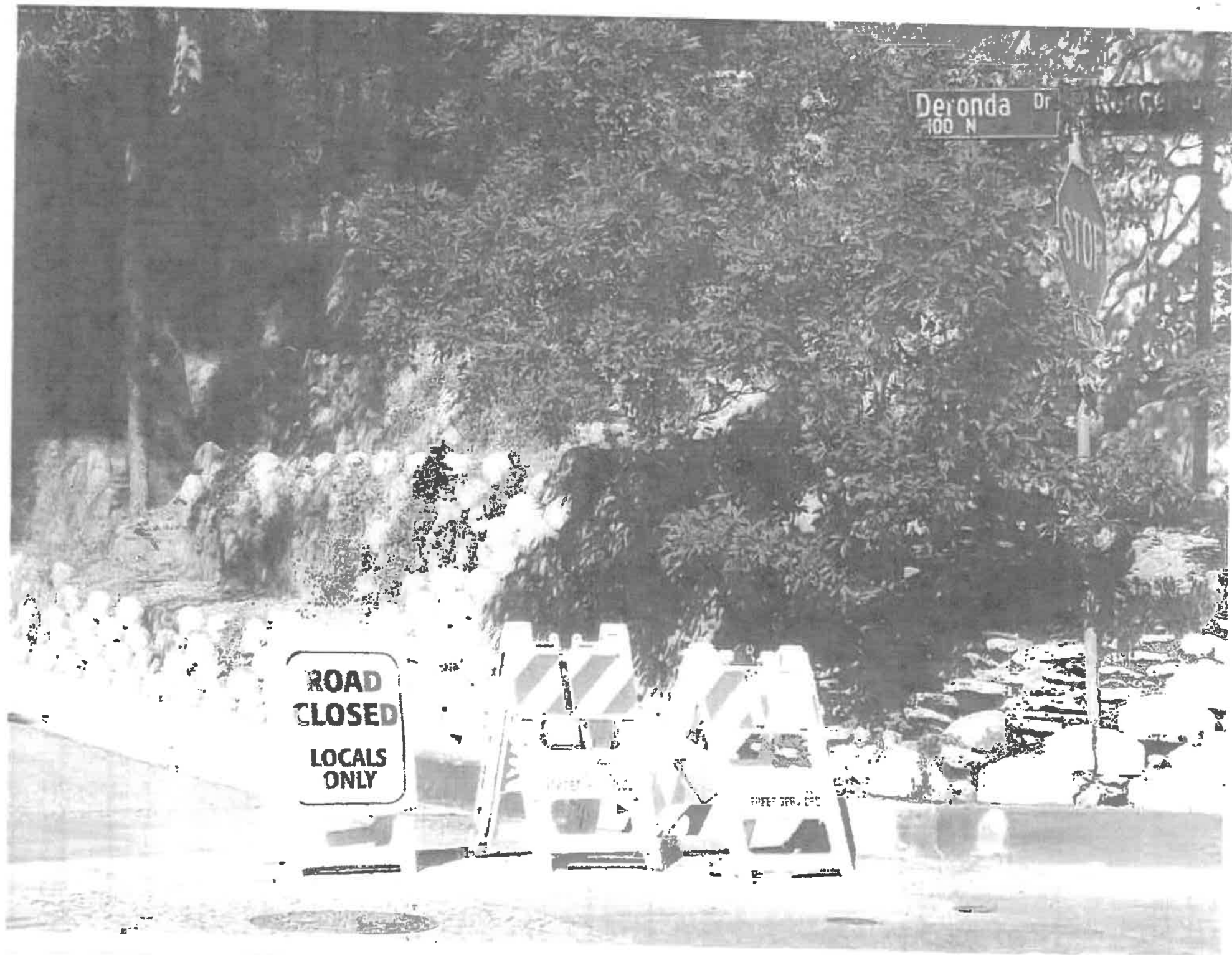
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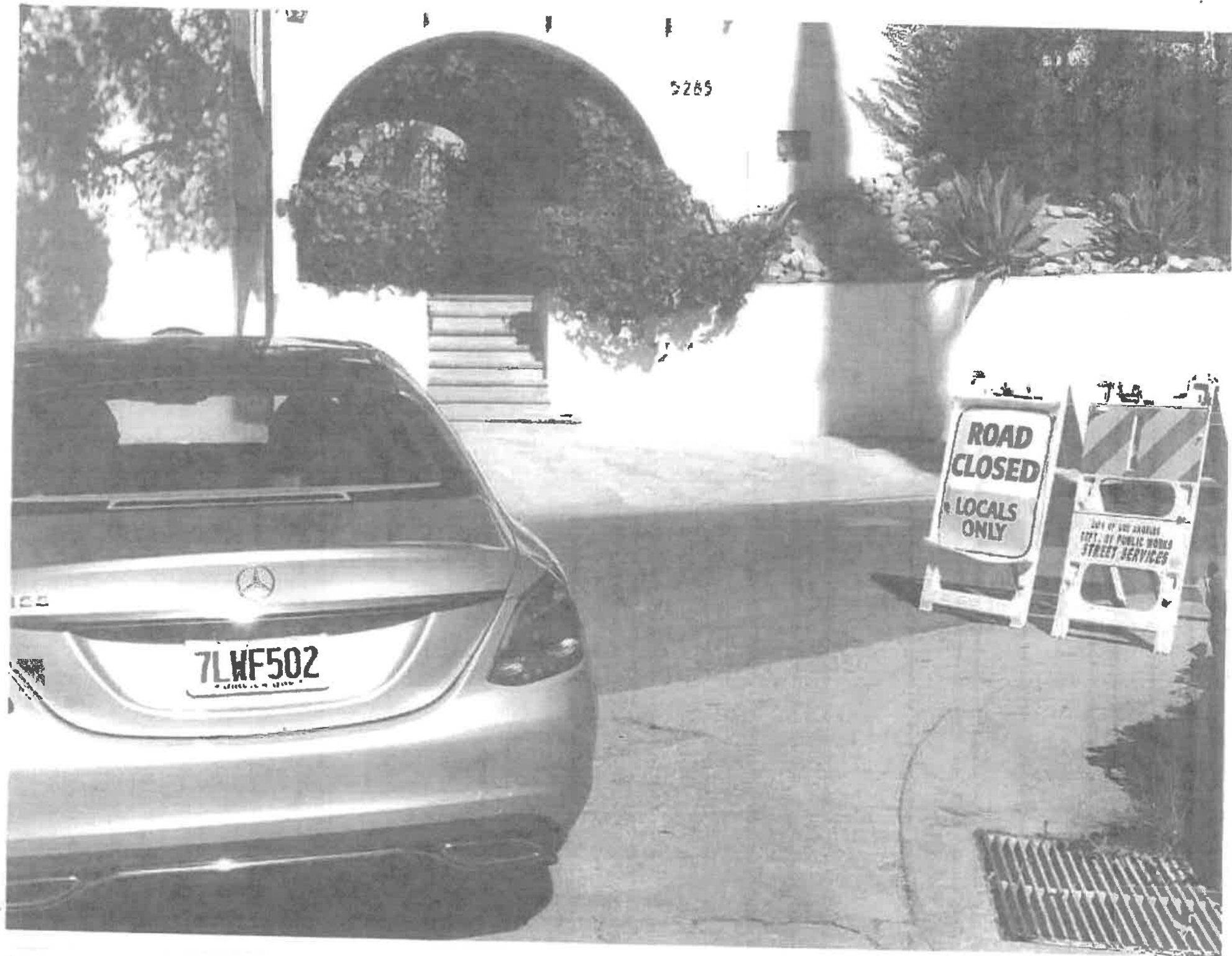
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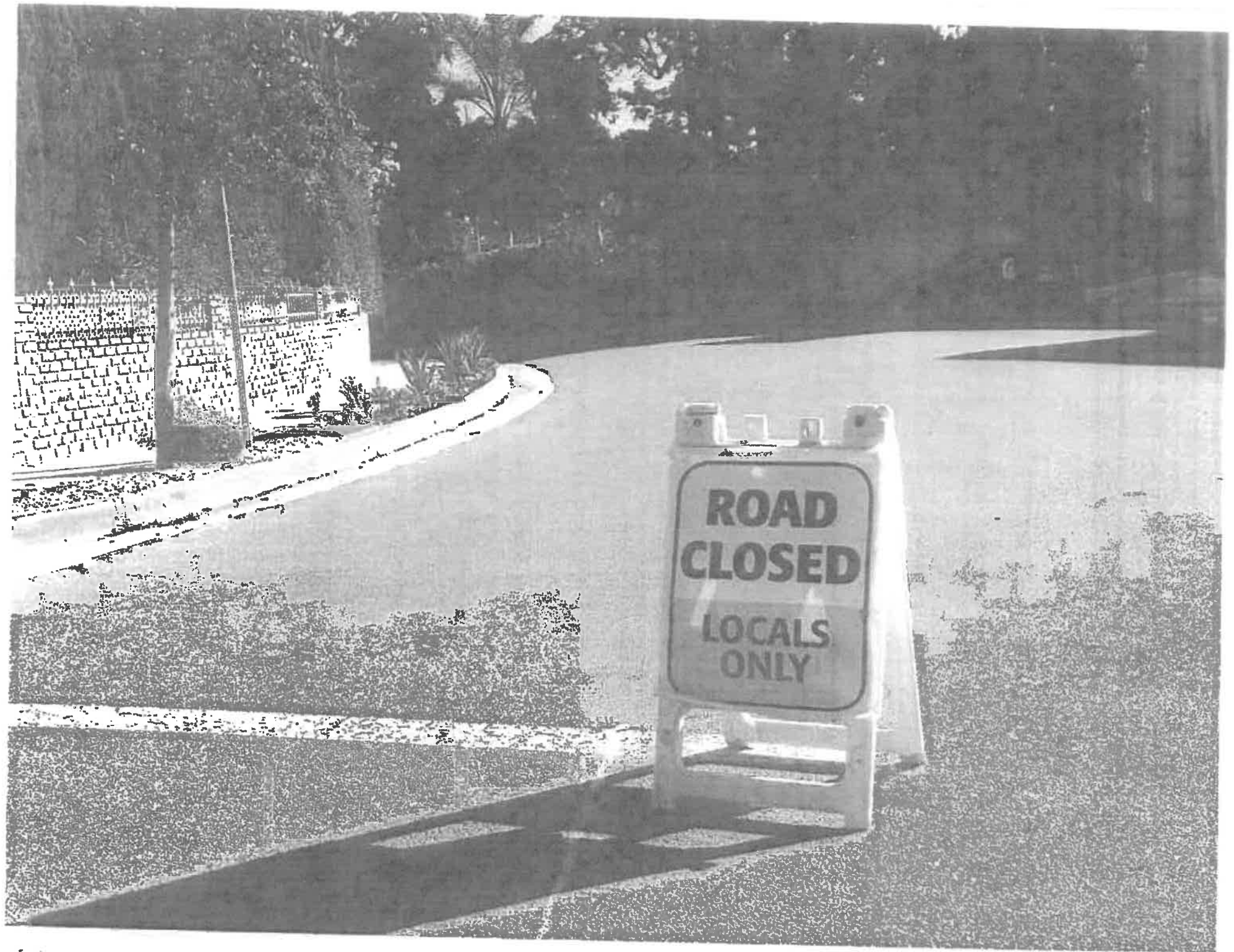


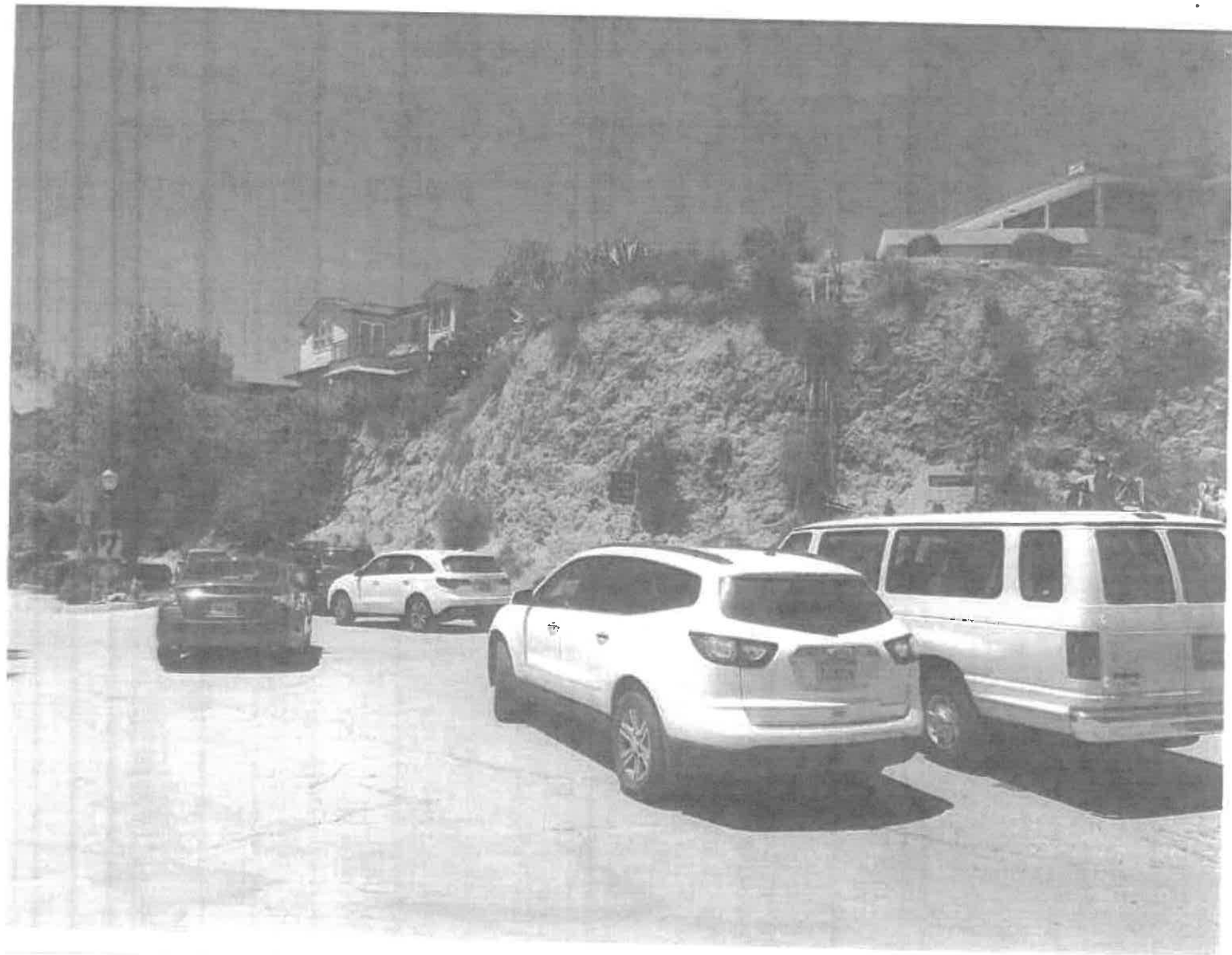
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**ROAD
CLOSED**
**LOCALS
ONLY**

CITY OF SAN ANTONIO
DEPT. OF PUBLIC WORKS
STREET SERVICES

7LWF502





Doug Carstens

From: Crosby Doe
Sent: Monday, June 22, 2015 6:10 AM
To: dpc@cbcearthlaw.com
Subject: FW: Fire set at the Illegal Vista on 6/22/2015 - Request for immediate closure
Attachments: Untitled attachment 00013.txt; image1.JPG

-----Original Message-----

From: Tony Fisch [<mailto:tony@fischconsulting.com>]
Sent: Monday, June 22, 2015 1:12 AM
To: Joseph Castro; John Vidovich; David Ryu; Julia Duncan; Michael Shull; Kevin Regan; Aram Sahakian; aramand.carranza@lafd.org; Mayor Eric Garcetti
Cc: Tracy James; Emily Alpert; Laura Nelson; Christine OBrien; Laura Davis; Fran Reichenbach; Heather Hamza; Heather Repenning; Ryan Carpio; Jacquelyn Lawson; Mayor Garcetti; Gary Baum; Soren Kirk; Linda Doe; Crosby Doe; Phil Shuman; Rio Phior; Lester Kiss; Jeremiah Christopher Wilson; Rose Ware; Sarajane Schwartz
Subject: Fire set at the Illegal Vista on 6/22/2015 - Request for immediate closure

Chief Castro, Chief Vidovich, Chief Carranza, and Mike. It is my understanding by the Hollywoodland resident that called 911 that a visitor/tourist started this fire then video taped it and fled the scene this past Saturday evening. We have heard it required two stations and members from 3 Battalions to control this highly dangerous area under the Hollywood Sign until 1:30 AM Sunday.

We are requesting a detailed report from you on this dangerous incident. We are also requesting the immediate closure of this illegal, unmanageable and highly dangerous parcel located on wild land, Urban interface gifted (park land) in an LAPD IDENTIFIED high hazard fire area. As a reminder this parcel was illegally developed in summer of 2011 by outgoing CM Tom LaBonge and his staff. There is no record of CEQA, or public hearing regarding this parcel.

We have asked for closure and, or restoration and fencing to the curb of this parcel for the past two years. This is the second fire since 2011. Luckily again our community dodged a bullet in that there was no wind.

We have pleaded with you to act on this. This is the second day of summer, and should you not respond to our service and closure request, any liability related death, and or property damage should be on each of you personally. Maximum punitive damage will also be sought from the city of Los Angeles.

Acts of this nature are uncontrollable considering lack of resources in each of your departments and each of you knows this. Immediate closure is the easiest, safest and most cost effective solution for the assurance of public safety for the 2200 homes in our area. You are well aware that we recently witnessed a car driving off the road and tumbling into Hollywood park 100 ft below in the past month. This is no coincidence, this residential area is not Disneyland and it is out of your control, we are at high risk.

Please meet and advise back at your earliest convenience.

