

Beverly Wilshire Homeowner's Association Newsletter, September 2003

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The following articles appear in this newsletter:

- 1. Update: BWA Sues L. A. Over Grove Traffic**
- 2. SPEED HUMP Program for Residents Who Live within the BWA Boundaries**
- 3. Farmers Market Pool Hall**
- 4. Street Furniture Program**
- 5. Neighborhood Associations/Neighborhood Councils**
- 6. BWA Is Your Residential Association**
- 7. Councilman Jack "Judas" Weiss/Battle of Detroit St. Association**
- 8. The Tree Doctor Says "October is the Time to Plant Trees in L. A."**

Update: BWA Sues L. A. Over Grove Traffic

The BWA Association Inc. has sued Los Angeles. The suit asks that the City be forced to implement traffic mitigation measures called for in the Tract Map/Conditional Use permit that is legally binding on the City. It also calls for Rick Caruso the Developer of the Grove to build a 3,000 square foot community room to include a kitchen and video equipment for the use of the community free of charge.

WHAT'S IT ABOUT? The City and Mr. Rick Caruso (developer of the Grove) are NOT IN COMPLIANCE with two very important conditions of the Conditional Use Permit (CUP) that we negotiated. They are:

1. Traffic mitigation within the boundaries of the Beverly Wilshire Home Association and the surrounding area. The installation of ATSAC, a most important and innovative program that keeps traffic flowing at intersections.
2. A 3000 Sq. Ft. Community room with kitchen facilities, video equipment, etc, for use free by community groups.

SOME BACKGROUND: The Grove being the world-class entertainment complex that it is, has attracted thousands of visitors and tourist. The developer and the City, knowing

full well that our already congested streets would be negatively impacted, agreed to traffic mitigation measures that were to be installed BEFORE ISSUING THE CUP TO MR. CARUSO. Also building a 3000 Sq. Ft. community room

WELL, GUESS WHAT HAPPENED? The Grove received its CUP and opened, but the two specific conditions that we had negotiated were not performed and the City of Los Angeles refuses to honor its obligation to the community. We found that we had no choice but to litigate these issues, and we believe we will prevail.

(For those of our readers who want the full legal title of the action, it is: PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY and INJUNCTIVE RELIEF (BWAH VS CITY OF L. A.) It will be heard sometime in October before a superior court judge. We will keep you informed of the outcome.

SPEED HUMP Program for Residents Who Live within the BWAH Boundaries

BWAH in its negotiations with the City of Los Angeles and the Grove and Farmers Market developments worked very hard to protect its residents. We were successful in negotiating a \$350,000 NEIGHBORHOOD PROTECTION PROGRAM. The funds are available to residents living within the boundaries of BWAH who are petitioning for Speed Humps.

To get started, you need to:

1. Call Ken Auchison at 213/580-5214 or 213/ 977-6464 at the City of Los Angeles Speed Hump program.
2. Listen to recording: then request your petitions.

When submitting your petition, remember to add a letter stating that you are within The Grove Neighborhood Protection Program, Remember: only those residents living within the BWAH boundaries are eligible.

Without this fund being available to you there would be a wait of over 7 years.

Farmers Market Pool Hall

The BWAH Planning Committee members met with a business man who wanted to open a Pool Hall at the Farmer's Market with 30 tables and a small restaurant.

The Conditional Use Permit for this property has a prohibition against Pool Halls of any kind.

The Beverly Center had a Pool Hall a few years ago. It seemed to attract people who caused problems that required visits by the Police . Customers were leaving in a drunken state, causing problems in the neighboring community, and there was even a shooting connected to this business.

The Board Members of the BWAH remembering the problems did a survey and found that 90% of the neighbors in the surrounding area were opposed to this use in the Farmers Market.

We expressed our opposition to the representatives of this proposed business (who needed a change in the existing Conditional Use Permit) making it clear that the residents were against it and that we would fight any change in the CUP that exists, so that we can protect the residents of the area.

Street Furniture Program

BWHA has been working with Viacom Decaux on a Street Furniture program for our area.

Our involvement has been over the design and location of various pieces of street furniture.

Our concerns are with regard to local control over advertising on the various bus benches. We will not support this program until we are given written commitment by our City Councilman on advertising for the BWHA.

Neighborhood Associations/Neighborhood Councils

The underlying purpose of neighborhood councils at their inception was to provide a means for ordinary residents of Los Angeles to have a greater voice in City government. But as neighborhood councils came to fruition, the Department of Neighborhood Empowerment chose not to give voice to residents of a neighborhood but rather to "stake holders". Because virtually anyone can qualify as a "stake holder" in a community, someone working in the community who lives in Glendale, someone driving through the community, someone shopping in the community, etc. The City has guaranteed that the individual residents of a neighborhood remain IMPOTENT.

Case in point is the Mid City Neighborhood Council where 80% of the board is comprised of business interest while only 20% purport to represent residential concerns. All the LEGITIMATE residential groups in this area have decided not to participate in this useless process.

To further frustrate the neighborhood council process, the City has made them a part of what they call the "City Family". This ensures that councils are encumbered with all the bureaucratic red tape that works to render our city departments INEFFECTIVE.

Because of all the City bureaucracy, the recently certified neighborhood council in North Hills is choosing to disband. (Something city bureaucrats claim can't be done without city permission!!) Mere advisory authority on city issues is simply not worth all the headaches.

A recent poll conducted by the Valley Paper, The Daily News, points out that 80% of those polled think that neighborhood councils are useless and are not working. (Just like most of the departments in the City of Los Angeles)

So now is the time for the long-standing LEGITIMATE Neighborhood Associations to remain strong and active. After all, it has been the Residential Associations that have been working together over the years to protect the "quality of life" for local residents. If our City Councilmen/women would truly work to represent the interests of their constituents and would listen to the concerns of residents, neighborhood council wouldn't even be needed and the City would not have to spend our tax payer money on yet another useless layer of government!!! It would be better spent cutting trees, fixing streets, and addressing the issues that effect our every day lives, "QUALITY OF LIFE" issues.

BWHA Is Your Residential Association

The BWHA has been your residential Association for over 50 years, and we've enjoyed great success in protecting the "Quality of Life" in this community with your help. .

Each member of the BWHA has a voice in the decisions made in this community. The Board of Directors meets the first Monday of the month at Congregation Sharrei Tefila, Kanner Hall, 7913 Beverly Blvd., at the corner of Poinsettia

and Beverly at 7:30 PM. Come and Join us and make your voices and ideas heard.

The residents of this community are what make it unique. We want to maintain that uniqueness. We invite all of you to come to our meetings and join the discussions. Bring us your ideas and concerns!!!!

Councilman Jack "Judas" Weiss/Battle of Detroit St. Association

The efforts of the Detroit St. Assn, who are members of the BWA, to prevent the use of the alley behind their homes by the developer of the mini-mall at 145 N. LaBrea elicited a promise by Councilman Weiss that he would abide by the decision of the Dept. Of Transportation. Sam Frank, representing the Detroit St. Assn. contacted DOT which then made a field check.

A letter signed by Allyn Rifkin, Principal Transportation Engineer sent to Councilman Weiss July 17th stating "DOT now recommends that access to the project be provided from LaBrea, restricted to right-turn only egress, as additional traffic could negatively impact the homeowners to the area.

Councilman Weiss had personally promised Mr. Frank of Detroit St. Assn and Toby Horn, representing the area HPOZ , that at a PROP 5 meeting at City Council he would see to it the use of the alley would be denied to the developer.

At the Council meeting on August 15th, Councilman Weiss after consulting with the lobbyist for the developer, approached Mr. Frank with a list of modifications to the project in return for the use of the alley. He was informed by Mr. Frank that this was unacceptable.

Allyn Rifkin, DOT senior engineer had appeared at the August 15th meeting of the Council, but was told by the Councilman that his testimony was not necessary, that the situation was resolved.

Councilman Weiss, after being turned down by Sam Frank, had a further consultation with the developer and the developer's representative, but when he returned to Mr. Frank he told him that these were the best conditions that the developer would agree to. Sam Frank again replied they were unacceptable.

At this point Jack Weiss moved that the Council approve an amendment to the rules allowing exemption from filing documentation for any contributions from lobbyist to Council members be raised from \$15,000 to \$25,000. (READERS OF THIS COLUMN MAY DRAW THEIR OWN CONCLUSIONS ABOUT THIS ACTION BY COUNCILMAN WEISS). The Council denied his motion.

Weiss then moved that the applicant's use of the alley be permitted with the conditions of approval as specified (modifications offered to Mr. Frank which he had turned down). This motion was passed by the Council.

This action by Councilman Weiss was in direct contradiction of the promise he made to the Detroit St. Assn: and the President of the HPOZ that the opinion of DOT would be sufficient to keep the developer from using the alley for ingress and egress. You decide as to whether your Councilman represents the residents of this community or the business. He is obviously is not a man of his word!!!! RESIDENTS BEWARE!!!

The Tree Doctor Says "October is the Time to Plant Trees in L. A.

We can never stop writing about the benefits of trees for the Beverly Wilshire

neighborhood, the simple guidelines to follow when planting new trees, and the few "no-no's" of tree planting.

The Benefits of Trees:

- 1) We live in a hot, sunny, often arid climate, and trees offer shade.
- 2) We live in a period of rising energy costs, and deciduous trees planted on the south and west side of a house or apartment can reduce air conditioning energy costs by a minimum of 10 percent.
- 3) Economic opportunity is in long-term decline for most people, and Realtors report that a well planted street can raise a home's value by at least \$10,000. Considering that two 15 gallon trees, in the ground, will run you about \$150, this is what some might call a very good return on investment.
- 4) The relentless growth of major traffic generators in our neighborhood, most notably the Grove at the Farmers Market, along with its under-funded and poorly implemented neighborhood protection program, lead to a long-term reduction in the quality of life. Since most residents don't find "increased retail shopping opportunities" an adequate trade off for noise, traffic, and exhaust, parkway tree planting offers some modest relief from the impacts of all those additional cars driving through our neighborhood.

Some Simple Guidelines:

Unlike ALL surrounding cities, Los Angeles does NOT routinely plant and maintain parkway trees. Even though the planting strip between your sidewalk and the street is city property, it is up to local residents to plant and maintain it. The result is that about half of our local parkways have never been planted, and the remainder has usually been done without any systematic plan. Only Drexel (European Sycamores), Fifth (Jacaranda), and Colgate (Camphor) even come close to the nearby Beverly Hills standards or planting the same, appropriate trees on both sides of a street for at least several blocks at a time. Due to some diligent local residents, several other streets have a start with a theme tree. Maryland has many new European Sycamores, also called London Plane Tree. Lindenhurst has Liquid Amber, also known as Sweet Gum. La Jolla has scattered Gold Medallion trees, also known as Cassia Leptophylla. But, none of these planting themes have been completed, and there are still many, many gaps, including unfortunately a few houses where different, problem trees have been planted by some residents.

The guidelines are quite obvious:

- 1) Stick to an established street tree theme for your street. If you want to depart, then pick a similar looking tree. For example, on La Jolla a good substitute for icky-sticky Jacaranda trees are Tipu trees. They have a similar shape and leaf, but the Tipu has clean yellow flowers, not slimy lavender flowers. If you need any assistance, just contact the

Beverly Wilshire Homes Association, and someone will get back to you soon.

2) Plant, preferably, 15 gallon trees about 30 feet from each other. If you are concerned about roots penetrating your pipes, then be sure to plant away from the pipe corridor and practice deep watering of your lawn (e.g., one hour once per week)

3) Plant in cooler times of the year. Southern California tree experts say October is the best month of all for tree planting since it is cooler, and the new trees will have the entire fall, winter, and early spring to acclimate before the summer heat sets in.

The No-No's

1) Don't plant tall trees under utility lines. For example, the older Jacaranda trees under the utility lines on La Jolla have been given extremely ugly buzz cuts by the DWP's contractors whenever they grew into the wires. Another major problem are palm trees and evergreen trees planted under wires. When the palm trees are topped off, they die. When the needle trees are topped off, they become horribly disfigured.

2) Don't plant dirty trees near sidewalks, driveways, and street parking area. For example, olive trees never should have been planted on Crescent Heights unless they are treated to be fruitless. But, the dirtiest tree of all is the Jacaranda. The flowers are pretty, fragrant, but unbelievably sticky. They may make Fifth a beautiful street in June, but if you park your car under one for even a night, it is enough to damage a paint job. And, once the flowers hit the sidewalk, they stick to shoes and then to carpets. Afterwards you can always remember their beauty through the dark stains on your carpet.

3) Don't plant tiny trees on regular streets. Little trees will never reach a height comparable to the scale of the street. A good example are little Ficus trees which have been transplanted from indoor pots to outdoor parkways. They will never grow to the size of the street, and, until they die or are ripped out, will remain a sore thumb.

4) Don't plant sidewalk lifters. As beautiful as Colgate's Camphor trees are, they need a much wider planting strip to avoid lifting the sidewalks. Hindsight may be 20/20, but now that we know the outcome, we know we need to avoid Camphor, Carob, Ficus and other champion lifters.

Happy planting, and remember: the Tree Doctor says "OCTOBER IS THE BEST TIME TO PLANT TREES IN LOS ANGELES."

If you have any tree questions, then drop a line to thebwha2 at aol.com.