

Pasted in below find Motion passed by Supervisors yesterday, 11/9/04, instructing County Counsel to sue the La Vina HOA

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AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH NOVEMBER 9, 2004

The La Vina housing development in Altadena was built pursuant to entitlements received from the County which included a tract map, conditional use permit and specific plan. Since the inception of the La Vina project, the community and the County have always anticipated that public equestrian/hiking trails would traverse the project since the proposed trails through La Vina were identified in the applicant's original applications, discussed at public hearings, and required under various County approvals.

The La Vina project entitlements specifically require the dedication of the equestrian and hiking trail easements and the constructions of the trails on open space lots which form a ring around the developed area of the project. To date, these easements have not been granted nor have the trails been built despite the best efforts of County staff and other interested parties. The open space lots are now owned by the La Vina Homeowners' Association. The Homeowners Association has been notified by the County that since they now own the open space properties, they are required by the entitlements to dedicate the trail easements. The La Vina Homeowners Association continues to deny it has a legal obligation to convey easements for the trails to be constructed on Homeowners' Association property. The attitude of the Homeowners' Association Board has often been hostile and uncooperative in dealing with County staff.

- MORE -

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I have maintained a deep commitment to the Altadena community to take all available measures to ensure that the trails which were required by the La Vina entitlements, become a reality for the community. I have communicated directly to the residents of La Vina about my sincere hope that an amicable resolution could be achieved. In short, the entire Altadena community—neighbors, trail users, and La Vina home-buyers—has always anticipated that these equestrian/hiking trails would be constructed.

Although consideration of legal options is always a last resort, the actions of the homeowners' association representatives in denying their legal obligations and have left the County with no alternative. The County's dedication to securing these trails for public enjoyment is indicative of the County's desire to follow through on commitments to the community made many years ago.

I, THEREFORE, MOVE that County Counsel file a lawsuit on behalf of the County of Los Angeles against the La Vina Homeowners' Association and any other appropriate parties, and to exhaust available judicial or administrative remedies, to secure the dedication of the trail easements and the construction of the trails consistent with the La Vina entitlements.

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11/10/2004

SOUTHWEST DIVERSIFIED, INC.

I N T E R O F F I C E M E M O R A N D U M

TO: Pike Oliver
FROM: Andrew Oliver
DATE: February 12, 1990
RE: La Vina Open Space West Wing

On Thursday evening, February 8th, I met with the Santa Monica Conservency and offered the west wing/open space of the project to them for management and supervision. This occurred following a meeting the week before with Sonia Thompson of the Conservency who indicated that the La Vina site did not fall within the jurisdiction of the conservency. The fact is the jurisdiction of the Santa Monica Conservency ends at the western side of Millard Canyon. To make it possible for the Conservency to accept this dedication of open space, a motion had to be made in a public forum requesting that they extend their boundary lines to a point eastward that would bring the La Vina site within that jurisdiction. This has now been done as well as the offer of the open space land. From this point, it is a matter for the Conservency to pursue and there is every indication that they will do it with enthusiasm.

Also present at this meeting were several members of the Friends of La Vina who asked that the Conservency reject the project, help them fight us, and make a financial contribution to their cause. The Friends of La Vina indicated that we had not been sensitive to the land or the desire of the people; that hiking trails, equestrian trails, and open space were being destroyed, and the developer had rejected requests to place equestrian lots in the La Vina site. We were able to disprove all of these accusations with the tentative map and the Conservency graciously accepted our offer of dedication.

AO:sm

c: Richard Garlinghouse
Tim Cantwell

AO 199

W
D
**Southwest
Diversified**

Southwest Diversified, Inc.
19200 Von Karman, Suite 400
Irvine, California 92715

714. 476 8752 Telephone
714. 476 0353 Telefax

file copy

■ April 9, 1990

Sonia Thompson
Santa Monica Mountains Conservancy
Solstice Canyon Park
3700 Solstice Canyon Road
Malibu, California 90265

RE: Legal Description of Proposed Open Space

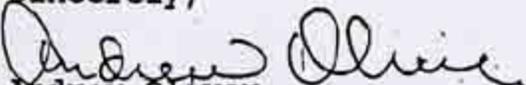
Dear Sonia:

I recently spoke with Mr. James Henry in your office concerning the processing of the open space land being offered by the La Vina Development to the Santa Monica Mountains Conservancy. Mr. Henry advised me of the need of a legal description and specific identification of the land we are offering.

Enclosed please find the requested legal description and map of same. The lot in which we are offering appears on the map as lot number 288 comprising of 19.21 acres, and the legal description identifying this lot will appear on page 2 of the enclosed engineering survey.

If you have need of any additional information, please do not hesitate to contact me.

Sincerely,


Andrew Oliver
Manager, Planning & Processing

AO:sm

Enclosure

c: Rich Garlinghouse
Pike Oliver
Tim Cantwell

AO 314

SANTA MONICA MOUNTAINS CONSERVANCY
Solstice Canyon Park
3700 Solstice Canyon Road
Malibu, CA 90265
(213) 456-5046

RIM OF THE VALLEY TRAIL CORRIDOR

The Santa Monica Mountains Conservancy is undertaking a study to assess the need to expand the Corridor boundaries and identify priority projects, such as trail development and land acquisition, within the Corridor. Your input is very much needed and desired. At this public meeting you will have an opportunity to provide oral comments about your concerns; however, as an alternative and an adjunct to oral comments, we would very much appreciate your taking a few moments to answer the following questions so as to provide us with information which will assist us in this study.

NAME Andrew Oliver
La Vina Project Manager

ADDRESS 3900 N. Lincoln Avenue
Altadena ZIP 91001

PHONE (818) 791-9855

Organization you represent, if any Cantwell-Anderson and Southwest Diversified,
developers of the proposed La Vina housing site in Altadena.

What type of recreational activities (e.g., hiking, horse-back riding, mountain biking, picnicking, nature study, jogging, etc.) do you mainly pursue in the Rim of the Valley Corridor area, i.e., the Simi Hills, Santa Susana Mountains, San Gabriel Mountains, Verdugo Mountains and San Rafael Hills?

Hiking - San Gabriel Mountains

What specific areas within or adjacent to the Corridor do you visit or use most often?

Arroyo - Millard Campground

(OVER)

What and where are the major resources/area in need of protection in the Corridor area, including wildlife and plant habitats, wildlife corridors, and cultural/archeological resources.

Millard Canyon - west of the La Vina site.

What are the most significant facilities needs in the Corridor area? (Please be as specific as possible; e.g., a trail connection from.....to.....; additional picnic or campground facilities in thearea; better access to/from.....; etc.)

A hiking trail, trail head, and a trail connection. All of the above will be provided in the dedication of this land to the Conservancy.

If new lands were to be acquired, what should the top priorities be, and why?

AREA	REASON TO ACQUIRE
<u>Altadena - Millard Canyon</u>	<u>It is being donated</u>

Additional Concerns/Comments.

The attached map indicates the land of the proposed La Vina project. This is being offered to the Conservancy as natural and permanent open space.

THANK YOU.

CENTER FOR LAW IN THE PUBLIC INTEREST

3250 Ocean Park Boulevard, Suite 300

Santa Monica, California 90405-3219

Telephone: (310) 314-1947 Facsimile: (310) 314-1957

www.clipi.org

August 9, 2004

The Honorable Michael Antonovich
Supervisor, Fifth District
County of Los Angeles
869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
(213) 974-1010 fax

re: Keep Historic Millard Canyon Open and Accessible for All

Dear Supervisor Antonovich:

I. Overview

The Center for Law in the Public Interest and the undersigned law firms are working with a coalition of community groups, public interest organizations, and individuals united in their desire to enforce the public's right to keep the trails in historic Millard Canyon in Altadena and other trails in the San Gabriel Mountains open and accessible for all.

When the County approved La Viña development in Altadena in the 1990s, the local community had substantial concerns that this exclusive gated community would threaten the public's right to use Millard Canyon for hiking and horse back riding. The County required, and the developers promised, to protect public access to historic Millard Canyon in a number ways, which were specified in various documents.

It now appears, however, that the developers and La Viña Homeowners Association ("HOA") have shamelessly broken the promises made to secure approvals for the development. La Viña HOA has posted "No Trespassing" signs and has harassed hikers and equestrians to keep them out of Millard Canyon, and the County has failed to enforce the public access requirements that were written into the development approvals. Indeed, it is beginning to appear that the developers' promises were a sham, and that the County has acquiesced in their violation.

We welcome the opportunity to meet with you to resolve these concerns without litigation.

II. The Broken Promises and Conditions

In 1986, Cantwell/Anderson and other developers applied to the County for approval of a specific plan,

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general plan amendment and rezoning to allow for the development of 220 acres, including parts of Millard Canyon and the Old Toll Road, in Altadena, California. The County Board of Supervisors approved the project, but required the developers to meet several conditions in order to acquire building permits.

- Conditional Use Permit 87-044 requires, among other things, the recognition of public hiking and equestrian trail easements. Instead, La Viña HOA harasses hikers attempting to use the trails and has posted signs along the trails that read: "No Trespassing Hunting or Fishing – Violators Prosecuted Under Penalty of Law LA VINA HOA." Photographs of such signs are enclosed.
- The Design Guidelines of Specific Plan No. 2 require the dedication of open space land to the Santa Monica Mountains Conservancy and provision of public access to the Sunset Ridge and historic Millard Canyon trails.
- The Final Supplemental Environmental Impact Report under the California Environmental Quality Act requires a land dedication to the Santa Monica Mountains Conservancy and the recognition of public hiking and riding trails. Instead, it appears that the developers deeded the land earmarked for dedication to La Viña HOA, and the La Viña HOA is preventing public access.
- The Phasing Program of Specific Plan No. 2 requires, among other things, that certain residential building permits not be issued before construction of the specified hiking and equestrian trails is completed. Instead, even though the construction of the trails was *never started*, the building permits were issued.
- The developers made numerous public promises to provide access to historic Millard Canyon trails, including the following written statements made by Andrew Oliver, former La Viña Project Manager, in 1992:
 - "Hiking trails have been constructed making available open space that in the past was private property and off limits to the public."
 - "Equestrian trails are being modified with safety features and expanded to provide a three mile exercise loop through the site that will be open to the public."
 - "Yes, we have made promises and they will be kept!"

Instead, no trails were constructed or upgraded, and La Viña HOA has erected "No Trespassing" signs and harasses hikers attempting to use the historic existing trails, with the apparent object of making the entire open space area "off limits to the public."

The requirements for approval of the development and the developers' promises described above were the basis for public support for the development, and, in turn, approval by the Board of Supervisors. The repudiation of these requirements and promises by the developers and La Viña HOA, and the County's failure to enforce them, are depriving the public of the right to use the historic Millard Canyon trails, and undermine public trust, the integrity of the Board of Supervisors, and respect for our laws covering zoning and subdivision development. This situation must not be allowed to continue.

The Honorable Michael Antonovich
re: Keep Historic Millard Canyon Open and Accessible for All
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III. Historic Millard Canyon

Millard Canyon begins at Mt. Lowe in the Angeles National Forest and ends at the Arroyo Seco in Altadena, with a stream and trails running down the Canyon.

Native Americans traveled seasonally through Millard Canyon from the mountains to the plains along the Arroyo Seco and the Los Angeles River.

In the 1820s, Millard Canyon was known as Church Canyon. This was due to Joseph Chapman using Native American labor to harvest and mill timber from the upper canyon and transport it down the canyon, over the route the HOA is trying to block, to build La Placita Catholic Church at the Plaza in the original Pueblo de Los Angeles, the birthplace of the city. La Placita (now also known as Our Lady Queen of Angels Church) was the first church built in Los Angeles and is now in El Pueblo Historic Monument.

The Millard Canyon trail is needed to provide better hiking and equestrian access to Angeles National Forest, one of the most urban influenced forests in the nation. Los Angeles is park poor, with fewer acres of parks per thousand residents compared to any major metropolitan area in the nation. Altadena has .7 acres of parks per thousand residents. The national standard is 6 to 10 acres.

It is necessary to preserve access for all to the rich historic, cultural, and recreational benefits of Millard Canyon.

IV. Conclusion

We have drafted a complaint and are presently inclined to file an action to seek relief from the public harm suffered through the repudiation of the aforementioned conditions and the County's failure to enforce them. Before we commence litigation, however, we would welcome the opportunity to meet with you, or appropriate representatives, and County Counsel to discuss our concerns in detail and see if we can find a way to resolve this matter amicably. Robert Garcia would be pleased to coordinate the meeting arrangements.

Very truly yours,

Robert Garcia,
Executive Director,
Center for Law in
the Public Interest

Stephen R. English
English, Munger & Rice

Paul R. Ayers
Zinder & Park