



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: May 17, 2011
To: Honorable Mayor & City Council
From: Peter Noonan, AICP, Associate Planner
Subject: REQUEST BY COUNCILMEMBER MIRISCH TO DISCUSS THE
FENCE BLOCKING THE HASTAIN TRAIL IN FRANKLIN
CANYON, NORTH OF THE CITY

Attachments:

1. Map
2. Mountains Recreation & Conservation Authority Summary

INTRODUCTION

At the City Council meeting on April 21, 2011, City Councilmember Mirisch asked for a summary report and discussion of the fence that is blocking the Hastain Trail. The Hastain Trail is a recreational hiking loop trail located in Franklin Canyon Park just north of the City between Coldwater and Franklin Canyons. Although the public has been able to use the trail for many years, a section of the trail is privately owned and the landowner has expressed a desire to develop the lots as high-end estate properties. The landowner recently installed a fence that prevents passage along the trail section on his property, which in turn has been met with protests from trail users. At this time there are no current permits issued on the land with the fence; however a new home has been proposed on the adjacent property. Another connecting trail segment runs through that property; however that segment is not part of the loop. Since the development proposal was filed before May 9, it may not be subject to City of Los Angeles' recently adopted Hillside Ordinance. Any future projects filed, either on this property or on adjacent properties, after May 9 however would be subject to the Hillside Ordinance. The Hillside Ordinance will limit the size of homes relative to the steepness of the property.

DISCUSSION

The Mountains Recreation and Conservation Authority (MRCA), which is the agency managing Franklin Canyon Park, describes the Hastain Trail as a popular 2.3 mile loop trail that follows an historic fire road in the southern part of Franklin Canyon Park. MRCA notes that most of the trail is within park boundaries, except for approximately 150 feet which runs onto private land and then loops back into the park. MRCA has provided a summary of activities related to the fence blocking the trail on their website (Attachment 2).

Based on a review of City of Los Angeles records it appears the lands abutting Franklin Canyon Park on the north and northeast sides (Attachment 1) was subdivided for residential development in 1986. A new home had been approved on the property next to the lot where the fence is blocking the trail a few years back; however the building permits have expired. New plans for a home were submitted on April 29, 2011 (9650/9652 North Royalton Dr, darkened are on attachment map). Details of the proposal are:

- One new single family home (~ 22,000 Square Feet)
- Grading (40K cubic yards cut and fill – no import / export)
- Retaining walls
- Swimming pool / spa

Since the new plans were submitted before May 9, it is anticipated that Los Angeles' new Hillside Ordinance will not apply. That ordinance would have limited the size of the home relative to the steepness of the property.

Staff has conducted outreach with Senator Fran Pavley and Assemblyman Mike Feuer. Senator Pavley's senior staffer is an appointed member on the governing board of the Santa Monica Mountains Conservancy, which, in partnership with the National Parks Service, owns Franklin Canyon Park. The Santa Monica Mountains Conservancy is exploring several options, including lease-back scenarios as well as legal options. Assemblyman Feuer has conducted meetings with homeowners and hiking enthusiasts. Both legislators are exploring proposals that would result in a successful solution. Staff will stay in contact with the Santa Monica Mountain Conservancy and City of Los Angeles and update the City Council as actions evolve.

FISCAL IMPACT

There is no fiscal impact associated with this item beyond the Staff time to prepare this report.

RECOMMENDATION

Staff will continue to monitor this project and provide regular updates to the Council with the quarterly regional development report, or more frequently as appropriate.

Susan Healy Keene, AICP
Director of Community Development

Approved By



Attachment 1

MAP



City of Beverly Hills

Franklin Canyon

Coldwater Canyon

N Royallon

Franklin Canyon/
Hastain Trail Area Map
(with 9650 N Royallon Dr
and associated properties
identified)

Subdivision of land (11 lots)
in 1986
After May 9, land is subject
to the City of Los Angeles'
Hillside Ordinance which
limits the size of homes
based on the steepness
of the property.

9650/9652 N Royallon Dr
Lots with prior permits and
recent grading activity.
A new project was submitted
on April 29, 2011 for a
22,000 square foot home

Attachment 2

Mountains Recreation & Conservation Authority Summary

Questions and Answers about the Hastain Trail in Franklin Canyon Park

(<http://www.mrca.ca.gov/Questions%20and%20Answers%20about%20a%20Fence%20on%20the%20Hastain%20Trail.pdf>)

What is Franklin Canyon Park?

Franklin Canyon Park rests on 605 acres near the center of Los Angeles between the San Fernando Valley and Beverly Hills. Once the summer ranch for the family of oil Baron Edward Doheny, the National Park Service (NPS) purchased the Franklin Canyon Ranch in 1981 as part of the Santa Monica Mountains National Recreation Area. Today, the Mountains Recreation and Conservation Authority (MRCA) manages daily park operations in Franklin Canyon Park as part of a joint use agreement between NPS, the Santa Monica Mountains Conservancy (which also owns part of Franklin Canyon Park), and the MRCA.

What is the Hastain Trail?

The Hastain Trail is a popular 2.3 mile loop trail that follows a historic fire road in the southern part of Franklin Canyon Park near the historic Doheny Ranch area. The majority of the trail is within park boundaries, except for about 150 feet which extends onto private property. Although the majority of the trail has only been in public ownership since the National Park Service bought the Franklin Canyon Ranch in 1981, the entire fire trail has been used as a trail by hikers since at least the 1960's.

Why is there now a fence now blocking hiker's access on the Hastain Trail?

Although the public has been continually using the Hastain Fire Road and Trail as a hiking trail since the 1960's, part of the trail extends about 150 feet onto private property, and then loops back onto park property. For reasons unknown to the MRCA, the owner of the private land on which the trail briefly extends decided to erect a fence to prevent the public from entering the private property. This may be related to protests about his recent, adjacent (2011) grading activities on the subject ridgeline between Coldwater and Franklin Canyons.

Is the Hastain High Trail the same as the Hastain Trail?

No. The Hastain High Trail is the informal name for a single track trail that is virtually 100 percent on private property. The Hastain Trail connects to the Hastain High Trail which provides a loop to the top of the ridgeline. Access to this trail is now blocked.

I have been hiking here for years. I thought that this beautiful open space area surrounding the Hastain Trail was part of Franklin Canyon Park.

Franklin Canyon Park was created in 1981 from land acquired from by the National Park Service as part of the Santa Monica Mountains National Recreation Area. Although the terrain is steep, more than eight parcels of land abutting Franklin Canyon Park and the Hastain Trail are privately owned. Local hikers have nonetheless hiked on the Hastain Fire Road since at least the 1960's. While the properties were historically owned by a variety of individual property owners, a single landowner appears to have acquired a cluster of at least six parcels in this area totaling approximately 45 acres. The same landowner has been working on a ridgeline development that includes one or two of these six parcels.

Has the Santa Monica Mountains Conservancy or Mountains Recreation and Conservation Authority tried to purchase this private land for the public?

Yes. When the MRCA's Santa Monica Mountains Open Space Preservation Assessment District No. 1 was funded in 2003, money became available to acquire the six subject properties located on the ridgeline dividing Coldwater and Franklin Canyons. The MRCA actively pursued acquisition of these parcels, which at the time were owned by at least five separate owners. Under California law, the MRCA cannot pay more than appraised value for property. In 2005, an appraisal was done for the properties which showed low value because of poor and steep

access. Negotiations occurred with most of the individual owners. Some of the owners needed cooperation with others to string together access to Coldwater Canyon via Royalton Drive and other street stubs. Although the MRCA had the money to acquire the properties and actively pursued them, for a variety of reasons, the individual owners ultimately declined to sell to the MRCA.

How did the current owner come to own these six properties near the Hastain Trail?

The current owner acquired all of the subject parcels without MRCA's knowledge for more than the appraised value in 2005. However, the titles to these properties are currently divided between two Limited Liability Corporations (LLCs) believed to be controlled by the same owner.

Has the MRCA tried to purchase the properties from the current owner?

Yes. The MRCA has approached the current owner to purchase the properties several times between 2005 and 2008. The MRCA commissioned a second appraisal in 2008, but the fair market valuation was still not high enough to interest the current owner. The MRCA has also tried to structure a bargain sale that would produce tax write-off value for the owner, but the owner is still unwilling to sell. In 2011, since the trail fencing occurred, MRCA staff has approached the owner about selling a trail easement to the MRCA. The owner said he will get back to the MRCA.

What is known about the owner's intent to develop these open space properties?

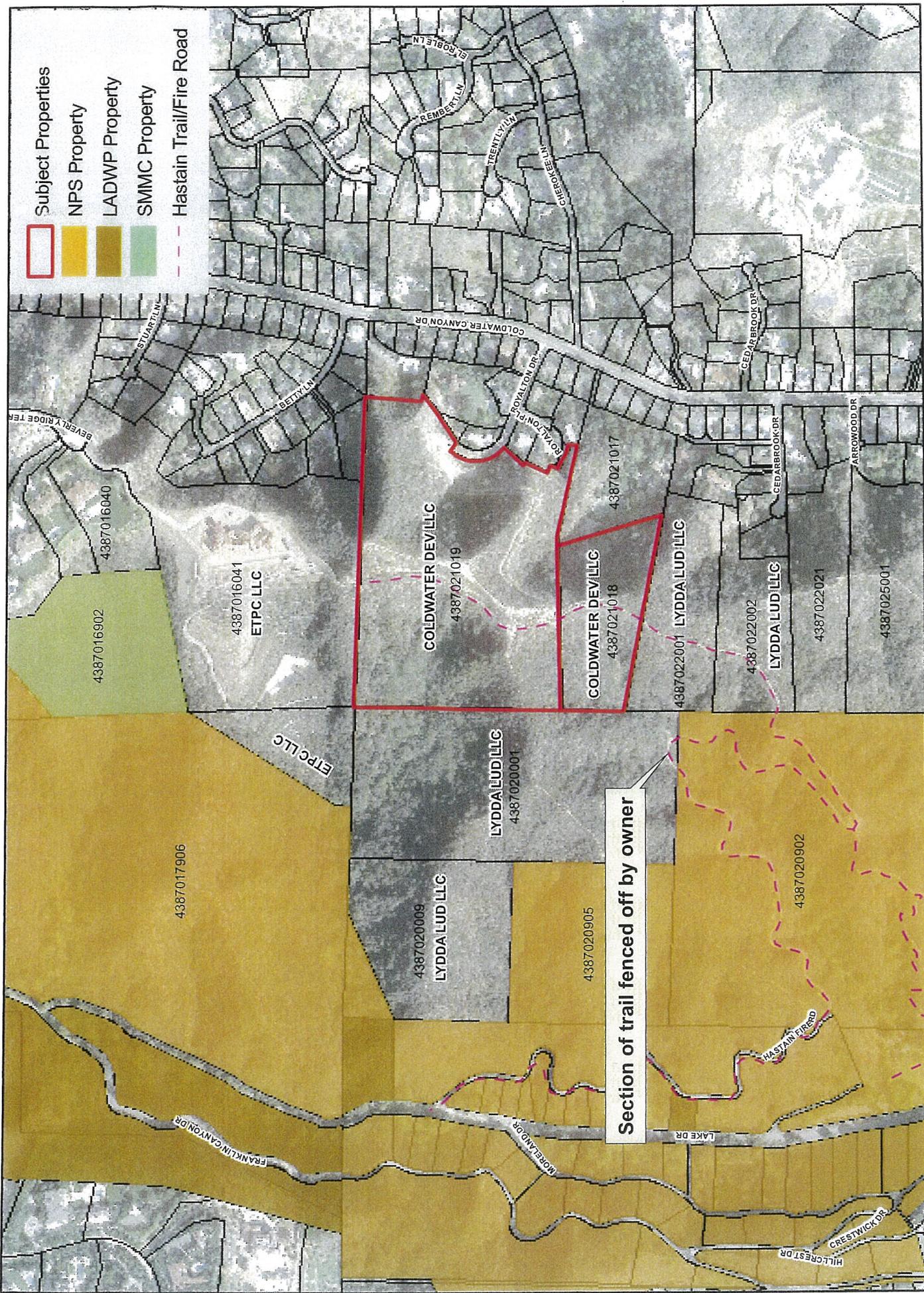
This landowner appears to own a cluster of six parcels in this area totaling approximately 45 acres. The same landowner has been working on a ridgeline development that includes one or two of these six parcels. The proposed access driveway originates on Royalton Drive that in turn intersects Coldwater Canyon Drive. These two parcels that had limited permitted development are not the same parcels as the one with the fenced off section of the Hastain Trail. The titles to these properties are also under different LLCs.

Has the property owner applied for any permits to build on these parcels?

Los Angeles Department of Building and Safety records show that between 2001 and 2008 six permit applications were submitted for 9650 North Royalton Drive. Of the six permits, two were for grading of up to 250,000 cubic yards, one was for construction of a new 1,208 square foot single family dwelling, one was for a carport, one was for 4,582 feet of retaining walls up to 23 feet high, and one more for additional driveway retaining walls. In 2008, a long, dirt access road was graded from the end of pavement on North Royalton Road. Santa Monica Mountains Conservancy staff was told by City and Council District staff at that time that the driveway grading was "by-right." This means it had to be permitted by the City for access to a single family dwelling. However, no California Environmental Quality Act (CEQA) review was conducted. It did not make sense then that a builder would construct 0.75 miles of retaining wall and move 250,000 cubic yards of earth for a 1,208 square foot house. The City's code violation records on the property show that while some permits were issued, the builder may have exceeded the parameters of the permits. At any rate, all the permits are now expired, including that for construction of a new 1,208 square foot single family dwelling (issued in 2004) which expired March 7, 2011.

Have any City actions been taken?

On February 25, 2011, the Department of Building and Safety issued an Order to comply with a complete Stop Work Order. In short, the owner's grading permit that covered just 12,000 cubic yards of grading had expired. For now, all grading on the property has been shut down. The City is reviewing the actions that have occurred.



Section of trail fenced off by owner

- Subject Properties
- NPS Property
- LADWP Property
- SMMC Property
- Hastain Trail/Fire Road



9650, 9652 North Royalton Drive