



**General Board Meeting Minutes (Approved)**  
**Wednesday November 19, 2014 7:00 - 9:00 p.m.**  
**Special Guest Speaker, CD5 Councilman, Paul Koretz**

Present: 14

Quorum: 12

2014 Stakeholder Groups / Certified Representatives	Present	Not Present
<b><i>Bel Air Crest Master Homeowner Association</i></b>		
<i>Irene Sandler</i>	X	
<b><i>Bel Air Ridge HOA</i></b>		
<i>Andre Stojka</i>	X	
<b><i>Benedict Canyon Association</i></b>		
<i>Michael Chasteen</i>	X	
<i>Alan Fine</i>		X
<i>Kerry Welland – BCA Alternate</i>	X	
<i>Don Loze (arrived at 7:10 pm)</i>	X	
<i>Nickie Miner</i>	X	
<b><i>Casiano Estates Association</i></b>		
<i>Gary Plotkin</i>	X	
<b><i>Faith-Based Organizations</i></b>		
<i>Lonnie Mayfield</i>		X
<b><i>K-6 Private Schools</i></b>		
<i>Vicki Kelly</i>		X
<b><i>K-5 Public Schools – Open Seat Pending</i></b>		
<b><i>7-12 Private Schools</i></b>		
<i>John Amato</i>		X
<b><i>Laurel Canyon Association</i></b>		
<i>Jamie Hall</i>		X
<i>Cassandra Barrere</i>		X
<i>Cathy Wayne</i>	X	
<i>Tony Tucci</i>	X	
<b><i>Members-at-Large</i></b>		
<i>Larry Leisten</i>	X	
<i>Chuck Maginnis</i>		X

<b>2013 Stakeholder Groups / Certified Representatives</b>	<b>Present</b>	<b>Not Present</b>
<b><i>Residents of Beverly Glen</i></b>		
<i>Robert A. Ringler</i>	<b>X</b>	
<i>Dan Palmer</i>		<b>X</b>
<b><i>Roscomare Valley Association</i></b>		
<i>Robin Greenberg</i>	<b>X</b>	
<i>Michael Kemp</i>	<b>X</b>	
<b><i>Save Our Strip: Pending</i></b>		
<b><i>Santa Monica Mountains Conservancy</i></b>		
<i>Travis Longcore, Ph.D.</i>	<b>X</b>	
<b>Total:</b>	<b>14</b>	<b>8</b>

**City Officials**

From DONE: *Thomas Soong*, Project Director: Not Present  
 From CD4 Office: *Sharon Shapiro*, Deputy: Not Present  
 From CD5 Office: ***Noah Muhlstein*, Planning Deputy: Present**  
*Gurmet Khara*, Council Deputy: Not Present  
*Shawn Bayliss*, Director PLU: Not Present  
*Jeff Ebenstein*, Field Deputy: Not Present  
***Paul Koretz*, CD5 Councilman Present / Special Guest Speaker**

**Guests Present:**

*Katherine Bard*  
*Kathrina Abnot*  
*Anthony Marks*  
*Alfonso Cardenas*  
*Margaret Rose*  
*Ben Pouldar*  
*Matt Pouldar*  
*Jamie Meyer*  
*Susan Rich*  
*Maureen Smith*  
*Maureen Levinson*  
*Hildreth Simmons*  
*Sgt. James Gaffney*, Vice, West Los Angeles Police Station

**Guests Present who filled out Speaker Cards:**

**Non-Agendized Public Comment:**

- *Arturo Piña*, Film LA
- *James Ewing*, Nederlander
- *Michael Roth*, AEG Live/Nederlander
- *Robert Schlesinger*, BCA, Questions for Councilman Paul Koretz

**Agenda Item PLU #12 a. 1: (800 North Sepulveda)**

- *Stephen Jamieson* of *Soloman, Satterman & Jamieson*, representing applicant, *Ben Pouldar*
- *Shahram Sanieff*
- *Rodney Reid*
- *Vahid Vahdat*
- *Bruce Kuyper*
- *George Gorgy*

- *Nereyda Martinez*
- *Joey Martinez*
- *Daniel J. Love*
- *Pat Nation*
- *Robert Schlesinger*
- *Jay Sher*
- *Lauren Sand*

Agenda Item PLU #12 a. 2: (10515 Rocca)

- *Scott Yang*, representing the applicant
- *Ronald Firestone*
- *Dan Love*

**ADMINISTRATIVE MATTERS**

1. **Call to Order – Council Member Roll Call** President, *Gary Plotkin*, called the meeting to order at 7:08 p.m. Council Member roll call was taken by Secretary, *Robin Greenberg*.
2. **Pledge of Allegiance**
3. **Motion to approve the October 23, 2014 Minutes:** *Robert Ringler* moved; *Larry Leisten* seconded. The motion to approve the October 23, 2014 minutes **passed with 12 yeas** by *Irene Sandler, Andre Stojka, Nickie Miner, Michael Chasteen, Cathy Wayne, Tony Tucci, Larry Leisten, Robert Ringler, Robin Greenberg, Michael Kemp, Travis Longcore, and Kerry Welland; 0 nays, and 1 abstention, Gary Plotkin*, who only votes to break a tie.
4. **Motion to approve tonight’s November 19, 2014 Agenda:** *Gary* announced that Councilman *Paul Koretz* will be speaking when he arrives, and the agenda order will be changed accordingly. *Robert Ringler* moved; *Andre Stojka* seconded. The motion to approve the November 19, 2014 agenda **passed as amended with 12 yeas** by *Irene Sandler, Andre Stojka, Nickie Miner, Michael Chasteen, Cathy Wayne, Tony Tucci, Larry Leisten, Robert Ringler, Robin Greenberg, Michael Kemp, Travis Longcore and Kerry Welland; 0 nays, and 1 abstention, Gary Plotkin*.

**At 7:10 p.m. Don Loze arrived. Paul Koretz arrived immediately thereafter.**

**Agenda Item #25 Moved up: Comments by Guest Speaker, Paul Koretz**

*Gary* introduced *Paul Koretz*, who in turn introduced *Noah Muhlstein*, Planning Deputy, with whom we’ve been working closely on planning issues. *Paul* expressed his appreciation for all of our help, suggestions & advice and listed some of the efforts that he and the City have been involved with:

**Budget difficulties:** He has been helping to restore cuts to LAFD, hiring new firefighters, and increasing the number of people in Planning and Building & Safety.

**Mansionization:** He has gotten some planners to work on mansionization, floor area overlay districts (RFAs) & historic preservation overlay zones (HPOZs), longer term, and to get an interim control ordinance (ICO) for all the areas that have asked for help. He hopes this will be done in a few weeks, so the rampant mansionization in some areas will be halted and that they will eventually will have a city-wide approach, stronger than the original mansionization ordinance.

**Water issues:** He is on the Metropolitan Water District Board, as *Eric Garcetti’s* appointee, and has been pushing for MWD to spend more on conservation, which they’ve done, on advertising, website work, and funded jointly with DWP, buying lawns to be removed. He’s pushing for work on water infrastructure, noting the UCLA water main break. “We are currently on an over-300 year cycle of

repairs.” He is trying to balance ratepayer increases and amounts of projects that could be done at a time. He is encouraging DWP to use technologies including leak detection; is pushing use of gray water and rainwater capture. At his urging, distribution of free rain barrels from Coca Cola has begun, using 45- & 55-gallon recycled drums which he has gotten slightly retrofitted to capture rainwater for lawns, etc. He noted they recycle a lot of water but generally dump it into the LA River and do not use it; at less than 10% utilization of recycled water. He has looked at water technologies & improvements in Israel & San Diego including desalination plants.

**Tree Trimming:** *Paul* related that there is a Community Forest Advisory Committee, to monitor tree trimming in the City and help avoid the botched jobs that the trimmers have done. There is an opening for an alternate member of that committee, and believes that if they find someone who can do that and be really active, they may be able to revive that effort. *Robert Ringler* suggested *Travis Longcore*, and *Paul* responded that if there is more than one, he’d appoint someone and keep the other person on the list for the next time. He admitted that they need energy into this effort.

**Development in Bel Air:** He reported that we now have daily inspections of every project of Building & Safety. They now have staffing for a Haul Route and a Truck Traffic Monitoring Program. They’ve asked B&S for more funding for inspection of infrastructure. He has gone to haul route hearings, and supported a very onerous set of requirements. As to the case of a project with 30 trucks on their property at a time, they allowed them to have one truck in Bel Air at a time that could go to a property, drive back out of Bel Air and have another truck. “Probably the most restrictive haul route regulations that have ever been put into place.” On the long term, they’re trying to get rid of the exemption for underground development that has allowed as much as 32 thousand square feet to be built underground. *Paul* authored that, and is trying to push that through.

### **Paul read from questions prepared by Board members**

**Q:** How do you propose to promptly initiate the passing of a Ridgeline Ordinance for the hillsides – that are currently unprotected – without waiting for reinstatement of the code? There is also an allegation of a high amount of costs by the Planning Department. When will I sit with members of this Board to discuss alternatives?

**A:** *Paul* stated that he has been pushing for the Ridgeline Ordinance and wanted to have this in the original Hillside Ordinance; however, to prevent delay, the Hillside Ordinance went through, and he has pushed for the stronger elements that were added in and for this to get done as quickly as he can. Cost is a problem. He’d like to hear from anyone to debunk overly high estimates.

**Q:** Why would a study of a Bee Protection Zone be given precedence in allocations of the Planning Dept. to complete the Ridgeline Study? The questioner was told this was his decision.

**A:** *Paul* answered that the bee issue is not unimportant; there is a broader possibly life-threatening implication; there is “colony collapse” with bees dying all over the country and the world; that it makes sense for us legislatively to help protect them: stop exterminating bee hives, bring them to bee keepers to spread to where they can be useful. He has sponsored bee related legislation.

**Q:** Why did he oppose the bringing together of Planning and B&S departments under one authority?

**A:** He asked who would pay for this and instead created some ways for the two departments to work better together. He noted there was an incoming GM at B&S and they wanted to see how much he could accomplish. He concluded that they don’t have proof that it was a good idea, and thinks it may create a lot of chaos at a bad time while struggling financially, that might make things worse.

**Q:** Why are tighter controls on haul routes and construction vehicles not being created?

**A:** He stated that they have done that and have put in a number of regulations that go into every haul route. One was putting an identification on every truck, particularly when catching those working with the 90,000 square foot plus home. They know who is doing what and who is violating

what; along with restricting the number of trucks, as well as writing legislation longer term to remove the exemption that allows so much underground grading.

**Q:** Gary asked about the Planning Department's weekly update schematic showing where & who is hauling, and how to deal with massive newly proposed haul routes; another dozen on the board now.

**A:** Paul responded that until they get the exemption that prevents a lot of that activity off the law, they deal with each haul route as aggressively as possible and will be much more aggressive, so we won't see massive numbers of trucks. They have someone from B&S following exactly what they're doing, once approved and are being as restrictive as they can without denying a haul route. They've created a monitoring process.

**Q:** Tony Tucci asked if he had explored the option of a moratorium. **A:** Paul answered they are looking at this, to see if it can be done legally. They have more support from Planning & the City Attorney on ICOs than expected; where they are dealing with mansionization on smaller lots in the flats of his district, the Planning Department is prioritizing this and are moving much more quickly.

**Q:** How are we going to repair sidewalks and streets? **A:** Paul answered that we were sued over the condition of our sidewalks under the ADA. He noted a settlement with an agreement to spend at least 30 million a year from our General Fund on sidewalks for the next roughly 25 years. They will be start with City facilities, then branch out from there. There was a ballot initiative he was supportive of, that he would put on the ballot and thinks it would pass. He thinks it is the most frequent complaint by everybody. He stated that we have moved up from a 65- to a 62-year repair cycle, though not gaining enough to see excellent streets in our lifetime without doing a ballot initiative. "We all have to agree that this is a priority."

### **Board Members' Questions:**

**Q:** *Tony Tucci* asked, on sidewalks, if Paul supports *Joe Buscaino's* beautification overlay. *Tony* opined it would be like a double tax. As the tax didn't go on the ballot initiative for sidewalks and other things, it is being proposed to have districts where you can create your own assessment to do improvements for your roads, sidewalks and other things.

**A:** *Paul* acknowledged that we currently make it hard to fix things, such as alleys; that they have to do permits: We charge them, have an inspector come out; this would make it easy for people to take action on their own to fix things up." While he doesn't think it's a bad thing, he doesn't think it is the answer, stating that we need to develop something more comprehensive to fix the streets. *Paul* noted that his focus is the alleys that are in the worst shape, though it may not be so in this area.

**Q:** *Irene Sandler* asked, regarding communicating with him via emails, that she gets an automatic email response saying "thank you and we will get back to you." She and others no longer send him emails. She emails the deputies. She asked how do citizens inform him of their concerns.

**A:** *Paul* thanked *Irene* for letting him know this and stated that he personally doesn't read emails unless they are brought to his attention; that we can call in to him directly or contact his Chief of Staff, Joan Pelico, or City Hall, and agreed that email should be a better way and will try to solve this.

**Q:** *Kerry Welland* asked about the budget before the current annual 30 million dollars approved budget for sidewalk repairs.

**A:** *Paul* replied that at one point they made a decision to not fix sidewalks at all, which lasted about one year. "Technically, it's the property owner's responsibility, so there was a proposal to say every property owner is responsible and they have to fix their sidewalk now." They started fixing sidewalks in a minimal way and finally allocated 10 million dollars in the previous budget, but didn't spend any of it. Council approved it and it lost something in implementation. This year they added another 10 million that was supposed to be spent this year. He thinks if we're lucky we'll get half of that spent; but now that we have this law suit, we'll have no choice. There will be people monitoring it and if we

don't do it we will be held accountable. It's only starting in the 30-million dollar range; by the end of the period it will be over 60 million a year spent on sidewalks. "We will see good sidewalks."

At this point *Gary* announced that to the stakeholders in attendance that the public can fill out a speaker card to address any item on the agenda. Comments on matters not on the agenda will be heard during the "Public Comment" period, and are usually limited to 3 minutes, but due to the amount of people here, each one will be given 1.5 minutes so they can be heard.

Prior to the start of stakeholders' questions for the *Paul Koretz*, he presented Certificates of Appreciation to Board members and officers for good service and "helping us get through some very active times." He began with *Gary Plotkin*, who expressed his appreciation for everyone at the Councilman's office, from Joan Pelico to Noah for his responsiveness to the issues related to mansionization. *Paul* presented a certificate for each Board member.

### **Stakeholder Questions & Comments for Paul Koretz (with or without Speaker Cards):**

**Q:** *Robert Schlesinger*, resident of San Ysidro, asked about posting of haul routes, and how to get the information to BCBA so they can respond before the facts instead of after the facts? *Dan Love* of BAA added that there is no early notification system and stated that we need it because the CEQA requirement has already run on a lot of these before notice is given.

**A:** *Paul* said that this sounds like a great idea and they will follow up on this.

**Q:** *Dan Love* asked if *Paul*, who has knowledge of haul routes, could share that info with residents.

**A:** *Paul* agreed to this. *Noah* added that he gets updates every Monday from B&S, and will forward these to us as soon as he receives them. These have all construction activity, haul routes, pending haul routes, laid out over a Google map, with inspectors' notes in chronological order of what's going on at each site. He'll distribute these to the community. *Noah* has spoken with D.O.T. and Street Services, whom he asked to use more discretion in giving insight to the B&S Commission, and will be making some tougher recommendations as pertains to overlap of haul routes; to use their best judgment to make recommendations to hold off on some haul routes until others clear to avoid convoy effect/overlapping of haul routes in one location.

**Q:** *Dan Love:* *Dan* noted that there is a dangerous situation in the hillsides, with thousands of trucks, with the worst yet to come; there are 80 projects in process now, west of Beverly Glen; haul routes ranging from Benedict Canyon, with 50 thousand cubic yards, and in one project across from the Bel Air Hotel, 72 thousand cubic yards, that's 14,000 truck trips. Their proposal is three trucks per minute. *Dan* stated that while he appreciates the slowing down of the number of trucks going into Bel Air, however, stated that if you approve 14,000 trucks, and then say only one can come in at a time, it will be 25 years before those excavations are done! *Dan* asked *Paul*, with all the dangers on the streets, and the lack of safety and security that exists, when will he deal with fact that people are building these homes in excess of 20,000 feet, ranging from 20,000 to 100,000 square feet, that are really commercial projects? He referenced that in *Tom LaBonge's* district there are rave parties in the hillsides in those homes. He related that a 96,000 square foot home is a facility, and asked why there are not more rigorous CEQA requirements for these homes. He noted that there was more rigor put into reviewing the Bel Air Hotel than these homes, which are bigger than the Bel Air Hotel.

**A:** *Paul* answered that some of these are by right under the current regulations. Two things he has proposed that are still making their way through the process are: 1) taking away the exemption for underground development. He has visited the 90,000+ square foot home lot a couple of times, and the contractor referred to the underground area as the "nightclub."

**Q:** *Dan Love* asked what we can do to move these things along, because we've already lost a million cubic yards, west of Beverly Glen. We won't have any more hills left!

**A:** *Paul* answered that he has the same concern; that his other proposal is that anything over 20 or

25,000 square feet (or agreed upon amount) can't just be approved over the counter as by right. At a certain square footage, more review is triggered. He says we have no say so because they are by right, and we have to change what by right is in the City of Los Angeles. **Q:** *Dan Love* asked again, what can we do to accelerate that change? **A:** *Paul* suggested writing letters the Head of our Planning Department to say this is an emergency situation; can't you move this up a little?

**Q:** *Pat Nation*, stakeholder, asked if anyone is aware that during haul routes, you have to water the trucks each time they leave, twice a day, to water the dust down, and also during construction and asked what he proposes to do about the waste of water. **A:** *Paul* replied that there is nothing to do about it right now because it's required, but thinks it's a reasonable concept, and is not sure how to have it taken into account in our development process. He'd hate to think of how much water they are using at the 90,000 square foot project.

**Q:** *Cathy Wayne*, Laurel Canyon Association representative on the BABCNC Board asked if it is possible to put a moratorium on the present projects already approved. **A:** *Paul* answered "no."

**Q:** *Cathy Wayne* asked what will be put in place for infrastructure with the huge properties, towers, buildings causing our pipes to explode, and asked how far are we going to build up our City to where we won't be able to move, with traffic, building, infrastructure, water, all of it?

**A:** *Paul* answered that this is a broader question that most places outside of the 5<sup>th</sup> District want more development; that slowing down development outside the 5<sup>th</sup> district is difficult because Councilmembers tend to have control over what gets built in their district to some degree.

*Cathy Wayne* responded that the problem is that the developers come in, develop things and leave and we are left with a mess. *Paul* will try to slow development as much as he can, within reason, and that he is working a lot on transit ideas that may make traffic less of a problem in the future.

*Gary* related that the reason that we've come so far with the ordinance is that *Paul* has improved 100% on the land use issues; every councilman has approved it, because of *Joan Pelico* telling him how we have to really define it to the 5<sup>th</sup> District; that the Councilman's office was very helpful there.

**Q:** *Stakeholder (name not announced)*: Stakeholder stated that the identifying the trucks is great but that's just for the haul routes, and could this identification be done for all construction (*including cement trucks*). She asked why not include this as part of the permit process.

**A:** *Noah* answered that the haul route is a mechanism we use to latch onto these projects; that everything outside of hauling earth/dirt would be voluntary for contractors to identify as there are no building or municipal codes requiring them to do so. He added that we would need to create a new ordinance, which takes about two years. *Paul* noted that the dirt trucks are easy to do as there is a process but cement trucks will be harder; and will look into writing an ordinance as these problems will not be gone in two years.

**Wildlife/Rodenticides:** *Paul* reminded everyone that to protect wildlife in the hillsides, he, *CLAW* and others are working on legislation to stop the use of rodenticides to kill rats. He described the opposite effect that results from rodenticides whereby the rat dies from the poison, is eaten by cats, dogs and other animals and predators, who then get sick and die, allowing the rats to increase rather than decrease. He stated that "P22" the famous mountain lion, seems to be recovering. He is trying to first get the City to stop using the rodenticides; stated that traps are a smarter way to go, and asked everyone to voluntarily take that step, to help wildlife and keep the rat population down.

*Gary* noted that *Dan Love* is the point person for the Alliance, who is working well with *Noah* & the Planning people, and thanked everyone for working with him. *Gary* thanked *Paul* for coming.

## 5. Public Comments (Non-agendized)

**Arturo Piña, representing Film L.A., Inc. (213) 977-8600 [apina@filmla.com](mailto:apina@filmla.com)** 6255 W. Sunset Blvd., 12th Floor, Hollywood, CA 90028. *Arturo* introduced himself as representing Film L.A. He stated that a tax incentive was recently passed that will go into effect July 1<sup>st</sup>. He is reminding folks that all commercial filming activity is supposed to go through their office. They have a LAPD Film Unit. They get quite a few phone calls on illegal filming, and he is here to remind us that if we see activity and question if legal or not, to give his office a call, anytime 24/7. They'll check if filming permit is in the system. If they can't get out there they will work with their LAPD Unit.

**Michael Roth, with Nederlander / AEG Live for the Greek Theater.** *Michael* stated that AEG Live owns the Staple Center; they'd like to keep the Greek Theater run and operated by Nederlander, which runs it now. The theater is on City land. One other company is bidding against them. He passed out a flyer explaining their bid which will give more money to the City than the other. He asked that we weigh in with our Councilmember for their bid; this will go to City Council in the next month and a half. He stated that they have the support of neighbors in Los Feliz who have concerns with the other company.

**James Ewing, VP of Finance at the Nederlander, West Coast,** 6233 Hollywood Boulevard, L.A., 90028. He described the Nederlander as a family run organization that has run the Greek for 40 years, with a great relationship with the neighbors. They have a sustainability program along with AEG's water company which has a bio-swell water capture. They'll pay a guaranteed \$17.5 million to use anywhere in the City, any park, for any project; more than the competitor, over a 20-year term, with an offset of 10% on all revenue versus 8%, the minimum requested by the City. Go to [WeAreTheGreek.com](http://WeAreTheGreek.com).

## 6. (Agendas, brochures, & public service handouts available)

### 7. President's Report – *Gary Plotkin*

### 8. Fast Track (Update, Discussion and Possible Action)

#### a. **Bel Air Alliance Update** – *Dan Love* related the following:

- 1) The trial for 360 Stone Canyon Road coming up December 10<sup>th</sup>, by a resident who is fighting back against CM Koretz's use of "Section 245" to allow an over-height variance for those huge mansions on Stone Canyon Road, about 50 feet rather than 36.
- 2) On Somma Way, there is a proposal to haul out 40,000 cubic yards of soil. He stated that they are presently in the settlement conference phase, and are talking to each other. *Dan* added that there are many more projects coming including one with 72,000 cubic yards by the Bel Air Hotel; that the haul routes are coming faster and faster, for big facilities in the hills. *Gary* thanked *Dan* for all the hard work he has done.

#### b. **Budget Reps' Report** – *Stojka & Miner*

Status of DONE Staffing - *Andre* provided the Board a letter on City of LA letterhead, from *Jay Handal*, asking for support requesting extra funds for DONE. He stated that this letter was given to City Council yesterday, and though dead and gone, recommends supporting DONE for additional funds for staffing to supervise the NCs. *Gary* noted this was not agendized and asked if we can take this up at our next meeting. *Robin* noted that a motion on this was passed at WRAC this morning. It was to be part of her report though again, was not agendized due to the meeting occurring just today. *Andre* will follow up on this.

- c. **New Policy on Posting** – *Gary Plotkin* – After brief discussion, there were no plans to change our posting policy at this time.



**9. Secretary's Report** – *Robin Greenberg* - No report

**10. Treasurer's Report** (Updates, Discussion & Possible Action) - *Alan Fine* (absent)

**a. Status of Signs & Poles to accompany Red Flags** - *Dan Palmer* (absent) No report  
(See Gary's comment on this under Item #15.)

**b. MOTION:** BABCNC approves the October 2014 expenditure report & bank statement. *Robert Ringler* moved; *Larry Leisten* seconded. The motion to approve the October 2014 expenditure report and bank statement passed with **13 yeas** by *Irene Sandler, Andre Stojka, Don Loze, Nickie Miner, Michael Chasteen, Cathy Wayne, Tony Tucci, Larry Leisten, Robert Ringler, Robin Greenberg, Michael Kemp, Travis Longcore, and Kerry Welland*; **0 nays**, and **1 abstention** by *Gary Plotkin* (votes only to break tie).

**11. Public Safety/Disaster Preparedness Committee** – *Chuck Maginnis* (absent)

- Senior Lead Officer 8A29 - *Chris Ragsdale*, WLA Community Police Station
- Senior Lead Officer - *Ralph Sanchez*, Hollywood Community Police Station
- Report on October EP Committee Meeting: Deferred to the next meeting.

**12. Planning and Land Use Committee (PLU)** (Updates, Discussion & Possible Action) – *Kemp*

**Discussion:** Prior to introducing the 800 Sepulveda item, *Gary Plotkin* acknowledged there was confusion at the last meeting on the vote for this item, which raised the question of what is necessary to approve a motion. He noted that with all of the turmoil there, he may have approved the motion and apologized. He asked *Travis* or *Larry* to explain what number do we need to approve a motion?

*Larry Leisten*, Chair of the Bylaws, Rules and Elections Committee, began that the first issue is which version of the bylaws are we currently operating under and noted that it has been determined to be the set of bylaws that Empowerment approved in December 2012, in which the language says that in order for the Board to act, it must be by a majority of those present. He stated that an abstention doesn't count, but when it comes to a requirement for Board action, it has the effect of a no vote; there have been some discussions on this, and that we may be amending this language in our current submittal before Empowerment, which he'll discuss further later when given time to do so.

*Gary* asked *Larry* for an example, to which *Larry* offered what happened two months ago (on 800 Sepulveda) when there were 7 votes in the affirmative; 5 nays and 3 abstentions. He stated that 7 out of 15 was not a majority of those present, and therefore didn't pass. *Larry* had a conversation with *Nickie Miner* and it was her understanding that abstentions don't and shouldn't count. He stated that maybe going forward, depending on what the Board approves, there will be language requiring a majority of those present and voting as there is no proxy voting on this board under the Brown Act. (*Larry* later clarified that, under the Brown Act, one must be present to vote (i.e. no proxy voting). If one votes, the presumption is one is present.) He added that we've been provided language by Empowerment, that we also have a provision in our bylaws that defines the minimum number of affirmative votes to have board action, and that if we implement those changes, it's not going to change the effect of what happened two months ago.

*Stakeholder, Bruce Kuyper*, asked, what about the Los Angeles Administrative Code? *Gary* replied that *Bruce's* comment has been noted. *Nickie Miner* stated that there is a problem with semantics here: that an abstention is not a no vote like a nay vote: it's a non-vote. *Gary* replied that it's a non-vote but you have to have a majority of your quorum. *Gary, Larry & Andre* agreed that it can have the effect of being a "no" vote. *Robert* added that according to the bylaws "of those present." *Gary* declared that this has been noted and thanked *Nickie*.

a. **Update on 11/11/2014 PLU Meeting- Michael Kemp**

**1. 800 N. Sepulveda Blvd**

ZA 2014-2201-CUB

A conditional use permit for the off-site sale of beer and wine at an existing Food Mart, with service station, between the hours of 6am and 12am daily. The site operates 24 hours daily.

The PLU Committee voted at the 08/12/2014 meeting to recommend to BABCNC Board to oppose the application. [This was continued from September 17, 2014, BABCNC Board Meeting.]

***(Public Comment was held prior to the motion and vote count, as detailed below.)***

**MOTION:** The BABCNC recommends that the Zoning Administrator not approve the application as presented in the above noted case.

*Don Loze* moved to support the PLU Committee's opposition to the application for beer and wine permits. *Andre Stojka* seconded. Gary opened discussion (*after hearing public comment described below*). *Nickie* stated that it is a truck stop; it is transient; people tank up, next to a freeway. As to the proposed conditions, *Nickie* stated that if you don't have beer and wine, then you don't have to have unenforceable conditions. *Andre* called the question.

Roll call vote count was taken as follows:

**10 yeas** by *Irene Sandler, Andre Stojka, Don Loze, Nickie Miner, Michael Chasteen, Cathy Wayne, Tony Tucci, Larry Leisten, Robin Greenberg, and alternate, Kerry Welland with BCA.*

**2 nays** by Michael Kemp and Travis Longcore, and

**2 abstentions** by *Robert Ringler & Gary Plotkin* (who votes only to break a tie). **The motion passed.**

**Public Comment on 800 Sepulveda:**

**Sgt. James Gaffney**, Serial # 34223, WLA Vice, Butler Station, has spoken to Officer Ragsdale, and came this evening to say hello and find out what members of the community want regarding this. He has spoken to *Mr. Kuyper*. If you have problems/concerns in the area this is his contact info: 310-444-1514. Email: [34223@lapd.city.org](mailto:34223@lapd.city.org).

**Public Comment in Support of proposed permit for beer & wine at the station at 800 Sepulveda:**

**Stephen Jamieson, Applicant's Representative**, thanked the Board for allowing them to return after speaking with Travis and Michael as directed by the Board. He has obtained further support from members of the community and provided this information prior to the meeting (not included in agenda materials). They had submitted 45 letters in support from people right around the location, and another 6 for a total of 51 in support; 37 within a quarter mile of the location; many in the apartment building across the alley location are in support; 11 of the letters are from those people; some are here tonight. He also provided one of the withdrawals of support, from a gentleman right next door. They now have a total of 15 conditions (there were 14 at the last meeting) made available tonight (water-marked across the pages as a "DRAFT as of October 29, 2014.")

**Nereyda Martinez:** Ms. Martinez introduced herself as living as a renter in the apartment in the back of the station (on Bellagio). She works as the manager for the station and is in favor of the beer and wine.

**Joey Martinez:** He also lives on Bellagio, and approves of the project.

**Vahid Vahdat:** He described himself as a neighbor who goes to the station every morning for coffee, donuts and whatever, and he supports this project.

**Rodney Rad:** He lives in Bel Air Crest, supports the project, doesn't understand the opposition to growing the community; asks what the big deal if people want to go down the street to buy a beer.

**Shahram Sanieoff:** He lives down the street from the station and supports the project; says there is nothing wrong with a convenient market.

**Public Comment in Opposition of proposed permit for beer & wine at 800 Sepulveda:**

**Bruce Kuyper** related that there were 47 protests filed; many of the supporters are apartment dwellers not homeowners and don't live close by. He noted since the food bar opened there has been increased trash in the neighborhood, a burglary of several cars on Sunday night and increased activity there. Most of the customers served there are getting on the 405, going elsewhere. There are six requirements under the Municipal Code to meet, and he thinks that they can't meet all six; he doesn't think we can rely on them abiding by the conditions, and feels that the conditions aren't going to take care of this.

**George Gorgy** lives down the street, concerned it's a residential area, doesn't want to see loitering.

**Dan Love** stated that the Bel Air Alliance has considered the proposition and is in opposition to this. The alliance consist of homeowners in the Bel Air area.

**Lauren Sand** lives up the street from the gas station; says there's already a lot of trash and loitering; is concerned about construction workers who stop to get beer/wine at all hours, then get on the freeway. Owner said there would be no advertising; now there are big signs on the residential side for Marlboro cigarettes, like a billboard, cheapening the area. She is extremely opposed.

**Jay Sher** lives on Bellagio Road. He noted that there's an alley back there where cars park; people smoke and drink, get tanked up and go where they want; with the transient population starting to happen there, the area is changing from a home-type of place to a residential/business area.

**Judy Sher** opposes it, agrees with *Bruce Kuyper*; is worried is about security at night; asks if there will be a security guard at night for the loitering.

**Pat Nation** related that there is a history of requests for liquor licenses that goes back 25 years: in 1988 five were requested with one given on-site for a restaurant and off-site for a market; they appealed to the and were turned down for more liquor licenses, the developer told you are facing Sepulveda Blvd., and adjacent to a freeway; you cannot have a liquor license, and not five. In 1995, the Chevron station applied and was turned down, and withdrew the request. Every single time they have been turned down because they are right on Sepulveda, a State highway, the 405 is the busiest freeway that's an Interstate. She referred to the Police report from 1995 (passed out last time) which said it would stretch their force to have the Chevron have a license and that the immediate vicinity of the gas station has a pronounced transient population.

**2. 10515 Rocca Place**

Case # ZA 2014-1523 ZAD & DIR 2014-2055

Request for additional number of retaining walls, and relief from 10' maximum height. And a "Private Road Easement" to be approved as a "Private Street".

The PLU Committee voted at its 11/11/2014 meeting to recommend BABCNC oppose the application.

***(Public Comment and questions were held prior to the motion and vote count, as detailed below.)***

**MOTION:** The BABCNC recommends that the Zoning Administrator not approve the application for 10515 Rocca Place as presented in case #ZA 2014-1523 ZAD & DIR 2014-2055.

Robert Ringler moved and Larry Leisten seconded.

Roll call vote count was taken as follows:

**7 yeas** by Irene Sandler, Andre Stojka, Don Loze, Nickie Miner, Tony Tucci, Robin Greenberg, and Travis Longcore.

**5 nays** by Michael Chasteen, Cathy Wayne, Larry Leisten, Robert Ringler, Michael Kemp

**2 abstentions** by alternate, Kerry Welland with BCA, Gary Plotkin. **The motion passed.**

**Scott Yang presented the case:** He is asking for addition of retaining wall, not over 10 feet. He mentioned two options, a) is what he can do by right, and b) he needs support for variance to consider the community driveway to be his access though it's less than 20 feet (18-14). This is a 6,000 square feet house, 3,000 square foot basement, 9500 square feet, with everything. The haul route will be about 3,000 square feet without the garage and elevator. Regardless of what size house he builds, he will still have the issue, and still need to build the garage if he doesn't get a variance for the driveway.

**Questions to Mr. Yang from the Board** pertained to the condition of road, which may fail with trucks going up, to which Mr. Yang replied a portion was pretty good and they'll improve the street as necessary, and push a retaining wall back. He can't widen the street as the neighbor has the easement. It is located off Stone Canyon. There will be fire sprinklers in the house. As to the fire steps, 60 feet high versus using the elevator, he stated that the rule is that the fire truck needs to be 150 feet from the front door. He won't have secondary access. The slope from easement down onto Lot 5, is 10 or 15%; it's 70 feet long drive, and the width at the end of the easement is 14 feet.

**Public Comment from the audience:**

**Dan Love** noted that Bel Air Alliance has considered this project and has concerns about the Fire Department going up 60 feet of fire steps, and are concerned about over 1000 trucks in and out of the driveway. They are in opposition, and believe that a variance should not be granted in this case.

**Ronald Firestone** noted that he has worked in this area for last 30 years and believes the idea of building a vault off the driveway rather than leaving the slope natural is a crime; that it's a beautiful natural vegetated slope and building a vault back into it with an elevator sticking out would be a crime. **Dan** appreciated **Ronald's** comment but noted we are discussing variance for a substandard driveway.

**Mike Kemp** stated that he was at the site with **Dan** and respectfully disagreed with his committee; he thinks this is a reasonable variance that they're asking for; they are addressing the safety issues.

**3. 10701 Bellagio Road / 627 Carcassonne Road**

AA-2014-2980 PMEX

Parcel Map exemption to allow a lot line adjustment between two neighboring parcels that results in no change to the number of legal parcels.

PLU Committee voted at its 11/11/2014 meeting to recommend that the BABCNC oppose application.

**Motion:** The BABCNC recommends that the Zoning Administrator not approve the application for 10701 Bellagio Road/627 Carcassonne Road as presented in case #AA 2014-2980 PMEX.

**Mike Kemp** moved and **Travis Longcore** seconded.

Roll call vote count was taken as follows:

**12 yeas** by Andre Stojka, Don Loze, Nickie Miner, Michael Chasteen, Cathy Wayne, Tony Tucci, Larry Leisten, Robert Ringler, Robin Greenberg, Michael Kemp, Travis Longcore and Kerry Welland;

**0 noes**; and, **2 abstentions** by Irene Sandler and Gary Plotkin. **The motion passed.**

**13. West Los Angeles Regional Alliance of Councils (WRAC)** (Updates, Discussion & Possible Action) – *Robin Greenberg*

Report of November 19, 2014 WRAC Meeting Robin related that the only thing WRAC discussed today was the letter by Jay Handal which was previously introduced by Andre this evening on the status of DONE staffing, requesting extra funds for DONE. It will be agendized for next month.

**14. Santa Monica Mountains Conservancy Report** (Updates, Discussion and Possible Action) – *Travis Longcore*

Travis related that officially, from SMMC, there are no new issues and with the Chair's permission, gave the floor to *Tony Tucci* to report on the cut-through road in Laurel Canyon. *Tony* related that an EIR was called for 10 years ago and never done and now the applicant is trying to sell his property and get cleanup permission on that EIR. Alternatives put through the Bureau of Public Works were given, and the community/residents are now calling for the EIR. *Tom LaBonge* took over jurisdiction but did not notice it according to the Brown Act, so City Council had to reverse their vote. They are asking, what are the next steps? *Tony* thinks the community needs to take this to City Council.

*Travis* gave an update on his tracking of the Fire Department Tree Canopy Project: He has obtained a series of documents from them, and is sorting through them now that they have finally started providing the documents. He has concerns that the project will continue into other canyons in the year to come. He is tracking that. He has new papers to get through as to where this project came from and is going.

**15. Outreach Committee Report** – *Robin Greenberg*

*Robin* put the signs up tonight indicating that we're having a meeting. *Tony* appreciated them.

Apropos signs, *Gary* recalled to the Board that we still need to complete the process for the red alert signs. (*Cassandra* had provided a letter at the last meeting with ideas for language for the signs. *Dan Palmer* was going to volunteer to post one of the four flagpoles at his property and find out the price of installing the signs and make a motion for this meeting; however, Dan but was not here.) *Gary* related that we need to reach *Cassandra* and *Jamie* as we're coming into the season and have to do something. (This topic was agendized under this evening's Agenda Item #10 c., Treasurer's Report a. Status of Signs & Poles to accompany Red Flags; however, no report was given.)

**16. Bylaws, Rules & Elections Committee Report** – *Larry Leisten*

*Larry* gave update on the bylaws in the last few months since the Board adopted the last version of the bylaws in April. He stated that we've already discussed the issue of voting and what's required for a board action this evening. This will all come back to the Board when we can deliberate and discuss these issues.

We have gotten comments back from Empowerment, via *Thomas Soong*, with some input from the City Attorney's office. Some comments and minor discussion that we have had. *Gary* mentioned that we will discuss this at the January meeting.

Regarding having a publicly elected representative from the privately selected stakeholder groups, the comment we got back was to change our nonresidential stakeholder groups that we proposed to be privately selected, namely, the faith based institutions, the private schools, K-6 and 7-11, to be public, as well as open space for the Santa Monica Conservancy and my initial reaction was that this is a lot of work; how are we going to do that, and we are going to end up doing all the work. So we haven't agreed to that. *Larry* is working on language to respond to those comments.

The other issue that stakeholder groups should be aware of is that in the event of a vacancy, if for some reason someone resigns or doesn't go to meetings and we inform you, they wanted 60 days, and I got it to 90 days, to replace or if you don't you will irrevocably lose that seat to a publicly-elected seat.

Another issue, a Brown Act issue, in the past we have had secret ballots in the election of officers. It turns out that's in violation of the Brown Act. If we can get around this, it is to have our stakeholders elect officers but the bottom line is that we will have to likely do a show of hands vote or a ballot where the secretary reads the ballot votes.

This is his report. He will get his comments back from *Thomas Soong*, as to where we stand. He has had some conversations with *Gary* and we'll go from there. *Larry* stated that unfortunately, he will be out of town next month, mid-December.

*Irene* asked for something in writing from *Larry*, that would give us what he just told us, because in order to follow it and keep it all here, then... *Larry* replied that this whole discussion will come back to the board. It's not going to be a committee discussion. It will be a board discussion. You'll get all the information with a long lead time to review it.

*Gary* stressed the importance of getting this out to the Board at least two weeks ahead of the meeting to look it over. *Gary* also noted that it's important to have *Dan Love* come onto the Board to represent the Bel Air area, at least until we have an election, and he would like to be able to at the next meeting to figure out a way of getting *Dan* to join us, because he's an incredible addition.

*Larry* replied that what *Gary* is alluding to is that when these new bylaws are finally approved by the Board of Neighborhood Commissioners (because we're changing our structure, not merely from *Grayce* and Empowerment) we change to a board of a fixed number of seats, 27, and have these publicly elected district areas, which immediately become vacant. We have gotten the nod from *Thomas*, but likely we will get it where we have to fill those seats until the first election which is in 2016; so what *Gary* would like to do is be able to nominate the Board would ratify an appointment to fill seats until the next election.

Asked about the ballots during our elections, *Larry* said we can have a ballot but it has to be read in public, similar to what happens at City Council meetings; when they elect a president they know how each councilman voted for president. We are bound by the same rules.

**17. Ad-hoc "I-405 Sepulveda Widening Improvement Project" & Metro Update on Sidewalks @ Skirball Bridge to Mulholland -- *Irene Sandler & Gary Plotkin (to be continued)***

*Gary* related that they're supposed to finish in December. *Irene* related that if there is a pressing issue, they are doing a punch list, so if you see something that you think needs attention, this is the time, because they're going to be gone after December. *Irene* stated that there are some issues that may be important to resolve before they leave. There is a question of whether *Fortuna* is working. *Gary* will call *Fortuna* and get back to *Irene*.

**18. Ad-Hoc Standing Committee on Los Angeles 2020 Report "Monitoring City's Solutions & Actions" (established on 01/22/14) – *Co-Chairs, Andre Stojka & Tony Tucci – Deferred.***

**19. Council District 5 Report Planning Deputies, *Gurmet Khara & Noah Muhlstein***

**20. Council District 4 Report Field Deputy & of Housing & Transportation – *Shapiro***

**21. Traffic Committee Report & Police Advisory Board Report – Robert Ringle**

The next LAPD West Bureau Traffic Committee scheduled for Wednesday December, 10, 2014 at 8:30 a.m. at the West Los Angeles Community Police Station, 1663 Butler Avenue **cancelled**.

**22. Private and Public Schools News – None.**

**23. Old Business**

Nickie took this opportunity address the issue not taking a position on lot line adjustments which she feels needs to be overhauled. Gary offered to agendize this for the next meeting.

**24. New Business / General Announcements: (Discussion & Possible Action)**

**a. L.A. City Central Collections System - Don Loze**

Council File #: 14-0600 (FY2014-2015 City Budget Proposal) Deferred.

**b. DWP – Rate Increases and Tier 2 Rates - Don Loze**

Don reported with regard to the rates, that there was a major announcement of the resolution of the Owens Valley issue this weekend. The Mayor said he doesn't anticipate increases in rates because of the offset; however, Don is not sure how rates will be dealt with as a result of this.

**c. City Sidewalks – Gary Plotkin – Deferred.**

**d. General Announcement** was made by Robin Greenberg that Hobb Canyon is for sale; she spoke to the representative of the owner, Todd Grayson who confirmed this. It's between Sepulveda and Roscomare Valley, between Bel Air Crest... Discussion ensued.

**25. Comments by Guest Speaker, Paul Koretz – as noted above.**

**26. Motion to Adjourn:** Irene brought up that our next meeting is scheduled for the first night of Chanukah. Robert moved to be dark in December to celebrate both Chanukah and Christmas or any other holidays of the season; Larry seconded as he won't be here, and the bulk of the meeting will be devoted to the bylaws. The vote was unanimous to meet in January, with none opposed, and the meeting adjourned at 9:20 p.m.

**27. NEXT MEETING: January 28, 2015 @ AJU**