

**Planning & Land Use Committee Meeting Draft Minutes**

**Tuesday, April 9, 2019 7:00 pm to 9:00 pm**

**American Jewish University**

**15600 Mulholland Drive, 2<sup>nd</sup> Floor, Room 223 Bel Air 90077**

1. **Call to Order – at 7:04 Committee Member Roll Call 10 initially and Quorum met; 11 in total**

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage, Vice Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Michael Kemp	X		Jamie Hall	X	
Don Loze	X		Jason Spradlin		X
Maureen Levinson	X		Leslie Weisberg	X	
Stephen Twining		X	Yves Mieszala	X	
Stella Grey	X				

2. **Approval of April 9, 2019 Agenda Moved by Maureen; seconded by Leslie; **10/0/0 passed.****
3. **Approval of March 12, 2019 Minutes Moved by Maureen; seconded by Mike; **10/0/0 passed.****
4. **Public Comments:** On topics not on adopted agenda within Committee's jurisdiction: None
5. **Chair Report:** Robert Schlesinger
6. **Vice-Chair Report:** Stephanie Savage

**Projects & Items Scheduled for Presentation, Discussion & Possible Action:**

7. **454 (444) Cuesta Way • ZA-2014-914-ZAD-PA1 No Hrng a/o 12/29/18 CONF 3/12/19 ENV-2014-54-CE AA-2014-53-WTM Update req 11/30 ✓ BAA has File a/o 11/22 Ltr 12/29/18✓** BAA (Lot, Block, Tract) 67, None, Bel Air. RE-20-1-H Lot area 81,220 sf Initial Actions 14, Approved Plans 10. Add a single story 489.3 sf, 2 car garage to be accessed from Amapola Ln & 10 car carport w/attached single story accessory space of 140 sf to be accessed from Madrono Ln to an existing SFD previously under ZA-2014-914-ZAD.

**Project Description:** Pursuant To LAMC Section 12.24M, A plan approval to add a single story 489.3 square foot two-car garage to be accessed from Amapola Lane, and a 10-car carport with attached single story 140 square foot accessory space to be accessed from Madrono Ln, all in conjunction with an existing SFD previously approved under ZA-2014-914-ZAD.

**Requested Entitlement:** ZAD, Pursuant 12.24x28, to permit the construction of a new SFD, ALQ, detached garage, new swimming pool & other water features fronting on 3 Substandard Hillside Limited Streets. NPT 4 Pine, # Palm all removed none replaced. Grading 1,1160 cy, Exp 826 cy. Proj size 629.3 sf. App: Andrew Kupinse, Trustee, 454 Cuesta Way Trust #2, Miami 786.709.9300 Agent: Crest R/E Tony Russo 408.655.0998

Filed: 10/16/18 Assign/Staff: Jeanalee Oberfell 213.978.0092 **Permanent Link:**

<http://planning.lacity.org/pdiscaseinfo/CaseId/MjI0NjA50>

[This was continued at 03/12/2019 PLUC meeting, while awaiting Bel Air Association review of project.]

Jamie recused himself. Maureen related that BAA has an agreement in concept, with some conditions to be put in writing; to include but not limited to: no parking or staging on Amapola

Lane, and no parking or staging on Medrono where they want to build a 10- carport. Baa wants something to cover it up so it doesn't look like a carport. Bob related that he had spoken with Shawn who said that they haven't finalized the agreement. Bob opined that we can vote subject to what BAA finalizes. Robin noted that nothing has been signed, and we should keep on going.

Tony Russo then arrived at 7:09 and provided copies and gave his update, including that Shawn sent over a draft this afternoon; they've agreed to terms in concept and are hashing out final construction conditions. He wants them to add a 3-1/2 foot gate along the front yard, Medrono Lane, so that the parking parked on Medrono stays on the property to prevent cars from blocking Medrono. They are asking for typical construction conditions, staging.

*[Nickie arrived at 7:11 pm, for a total of 11 present.]*

Tony continued that the request is to add a guardhouse on Amapola, a security office and 10 parking spots on Medrono for a total of 12 additional parking spaces. The client has a lot of people who work for them; they want to locate parking on the property. The previous ZAD approval for the site said no vehicular access can be from Amapola to Medrono; they'd like to amend that condition. He related that the additional square footage is minor: 500 square foot guardhouse on Amapola and a security office off of Medrono. Building height 15' – export about 900; existing house: Hydrants on Cuesta and Bel Air Road within 300 feet. They have worked with BAA to work something out with the neighbors. The BAA is in support pending the final agreement, and having it signed. They hope to have it before the 18<sup>th</sup>.

Robin related that we can't approve it before that document is signed. No letter before our board meeting on 04/24. Bob suggests if they are willing to appear, to do a very brief summary so we can take a vote and if the ZA doesn't approve or if he extends it, puts it under advisement; we can write a letter with BAA and our signature on it. Tony thinks they'll put it under advisement for a week or so. Stephanie asked about elevations, including the driveway, to which Tony says the driveway cascades down. She asked when the changes in the project will they comply. Michael asked for clarification that BAA is asking for a gate in front of the carport, which Tony confirmed, to be within the front-yard setback 3-1/2 feet just against the property line.

**Motion:** To continue subject to the signing of the letter between the Bel Air Association and the representatives of Crest Real Estate; and if the ZA does continue it we'll have an opportunity to write a letter. **Moved** by Bob; **seconded** by Stella; **10/0/0 1 recused** Jamie **passed**.

#### **8. 1376 Angelo Drive • ZA-2018-1151-ZAD ENV-2018-1152-EAF**

Sent FUP Ltr 1/28/19 ✓CONF BCA Access ZAD Determ 3/02/18 Haul Route? Ans'd Advanced Notification 12/02/18 Itr Sent 1/04? Haul Route? 12/06/18 Send Full Info 12/21/18 Ans'd Alex Nazarian <atearkon@aol.com> BCA 9708 Lot 68,195 sf site is undeveloped – unimproved.

Waive improved street less than 20 ft wide. 4 story SFD, Garage 8 cars. SFD propose 22,000 sf

**Project Description:** Construction of a new SFD.

**Requested Entitlement:** Pursuant LAMC 12.24,x.28, request for relief from improving a sub-standard street in the Beverly-Crest Hillside Area.

Owner/App: Khourosh Nazarian [samnazarianprop@aol.com](mailto:samnazarianprop@aol.com)

Alex Nazarian VP, 310.405.1797 [atearkon@aol.com](mailto:atearkon@aol.com) (Sam Nazarian Properties LLC)

Design: Judith Cukier [judith@merkavahstudio.com](mailto:judith@merkavahstudio.com) 818.914.9474 Filed: 3/02/18

Assign/Staff: 9/26/18 Jason Chan K

**Permanent Link:** <http://planning.lacity.org/pdiscaseinfo/CaseId/MjE5MzE40>

[Presenters returned after being here February and March; were to be sent a copy of the HCR Overlay along with a number of conditions that need to be met, including a hauling plan and route, wild life corridors, cumulative impact, working with the neighbors and a number of other questions that were not answered. Project did not yet have a contractor who could answer questions asked.]

Alex Nazarian, introduced Judith Cukier, Architect; Al Mozaphar, and John the general Contractor. They addressed specific questions that the committee presented to them at the last meetings and responded to questions presented. Jamie asked what they did about informing people of this project: Judith said she knocked on doors, left letters, eight or nine doors; two people are here tonight. They haven't made a presentation to the BCA. There is another list for the BCA.

Bob provided a short presentation. He showed an image of the property, and four houses on the street. Robert showed an image of two cement trucks, noting that there are five projects on Angelo and Angelo View, with more coming up; that the street is being slammed by trucks and the street can't hold them. He gave a view of Davies looking up and showed the ravine between both sides of the property line.

**Public Comment:** Public comment in opposition to this was given by two neighbors, Bill Dawson who on behalf of himself and Pat Ann Dawson, and Mr. William Campoy.

Mr. Dawson noted that they (applicant) came by to see them but didn't provide information. He noted that he and Mr. William Campoy are two present out of five neighbors, in the four neighboring houses.

Leslie asked about the location of the ravine, to which Bob noted that the ravine is basically down the center of the property lines. She asked about where water runs off to, plan for what to do about sliding of soil, etc., and would like to know what the geo report says. Bob opined that the question is where are you going to back up a dump truck on Davies, a hair pin turn. John, the contractor related that they were parked when a truck was coming up and was careful but he noted that other trucks don't seem to have a problem.

Bill Dawson referred to the photo of the houses. He continued that the problem was that they want to take their driveway and penetrate right through here (pointing). He noted that these four neighbors are opposed for safety reasons, e.g., Paul Allen's estate flooded; went through Peggy's house; they had to settle \$700,000 damage, and consequently they built a retaining wall with a key and return 10 years ago. He was told they are going to widen, take out a wall; Ms. Moffett, take that out and build, there's a retaining wall at her house and put some other kind of wall on our property.

William related the status of the private road. Each of the four own land in front of their houses. Each has to drive across each other's land to get to their garages. There is a historic use to share ingress and egress. Bill related that they were given a document signed by predecessors; that these houses have been built in the early 1960s, there is a historical use. It doesn't permit building of structures or tear up or build things on our property. He noted that that is one of their objections: "We don't believe that you should approve something that says you can go to other peoples' property ... to violate our property."

Bob asked about driving and pumping cement trucks. Al responded that he knew he had to do a private street, once you go around four homes, he needed to get approval of this from the city. He noted that 10 years ago, the previous developer went to all the neighbors and they have a signed document. Judith responded that it is recorded in their title reports, speaking of Peggy.

Bill noted that an easement was recorded in December 2005. William added that Peggy has a document that says the City turned the proposed access down because of the retaining wall, so they didn't approve the widening of the street. Robin asked and William confirmed that the same thing that is proposed today was turned down before. Judith noted that the lots were subdivided back then. There were three houses built and a shared community driveway; when the fourth moved in they called it a private street.

Bob asked, if this is shared street by all the neighbors, does that change it, to which Jamie noted that it looks like in 2005, they gave it as an easement to use it as a driveway. Bill related that California law is clear you can't change the use and doesn't give you the right to tear something down that's been there for some time. The document confirms that there is an existence for ingress and egress for the utilities for the benefit of the properties, and for (inaudible). He continued that this document doesn't give anyone the right to build something on any of our properties and/or to tear anything down. Jamie read from the document. Jamie opined that the ZA will say this is a dispute between private properties. Bill continued that this is also an issue of public safety, referring to the mud slide went through Peggy's home, the last in the row, then Bill, then himself, and then Ms. Goldsmith, and that you cannot change the historic use.

Jamie asked what they are doing in the private easement area. Al mentioned another document that specifically that says they will and can build the street. Nickie asked about the house sizes of the four houses, to which Bill noted that the house they propose to build is larger than all four which are 2,700 2,000 and 1784, 2200; Nickie noted that no one foresaw the enormous change in construction and the possibilities of making something this large in what was previously an unbuildable piece of land. Michael asked William, who noted that for safety reasons Peggy did not approve. He'll send a copy.

**Motion:** To continue this and to see the documentation referred to regarding easements and continuing communicating with the neighbors. **Moved** by Robin; **seconded** by Yves; further discussion was held. Robin called the question: **10/0/0;** *[Maureen stepped out just prior to the motion.]* **passed.**

Jamie addressed the presenters, telling them that we asked you to do some door knocking and this time we have two neighbors here. We need to have the affected neighbors here. We're doing what we feel is our responsibility; we encourage you to continue this dialogue next month. Jamie let Al know the importance of bringing us the document we asked for.  
*[Maureen returned @ 8:30.]*

### **Follow-up, Discussion & Possible Action on other Projects:**

#### **9. The Protected Tree Removal Notifications: (Discussion and Possible Action)**

**Motion:** The PLU Committee shall develop a protocol to ask applicants to come to the PLU meeting to present their tree removal project, to explain what alternatives they looked at and why planning should grant them the permit. The PLUC will vote on the project and provide a letter. If they get a board public hearing before the PLU meeting we would reach out to Kevin James to ask them to extend, and ask the city to defer making a decision until they come to the PLU Committee meeting. Even if applicants do not come, we would have a hearing and take a vote. This would go to the Board of Public Works, Urban Forestry Division. The neighbors would be encouraged to attend the meeting. PLU Committee additionally supports the need for more notice to the neighbors. (We understand that Adel Hagekhalil, Director of the Bureau of Street Services, said they are working on giving more notice.)

**Moved** by Robin; **seconded** by Yves; **10/1/1:** Don; **passed.**

[Before voting on the above motion, Maureen related that she would like to invite this person in to present (referring to the 1090 Acanto tree removal permit applicant). She mentioned the new notice form. Maureen related that the residents came to the last meeting. Jamie expressed hope that the applicant and neighbors will come. Bob has collected five permits sent to us.

#### **10. HCR Additions (Koretz/Ryu) (Discussion & Possible Action) Council File 16-1472-S6**

**Possible Motion:** To support proposed new HCR additions signed by CM Koretz & Ryu on April 2, 2019 in Council File #16-1472-s6, which concludes "that the Council instruct the Planning Department, with the assistance of the Department of Building and Safety, Bureau of Engineering, and the Department of Transportation, and in consultation with the City Attorney, and any other relevant City department, to prepare and present an Ordinance that incorporates the following amendments discussed above to the Bel Air-Beverly Crest Hillside Construction Regulation Supplemental Use District, relative to: (1) notification to hillside residents for both haul route and demolition permit activity; (2) ensure that Neighborhood Councils have the opportunity to provide comment on haul routes; (3) ensure that graded and hauling activity is not taking place in advance of a project being approved; and, (4) earmark a funding source that will be used to make repairs and improvements to the hillside street infrastructure com: the cumulative wear and tear that results from large construction-related vehicles." See Council File #16-1472-S6 for motion: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=cfi.viewrecord&cfnumber=16-1472-S6>  
Link to pdf full motion: [http://clkrep.lacity.org/onlinedocs/2016/16-1472-s6\\_mot\\_04-02-2019.pdf](http://clkrep.lacity.org/onlinedocs/2016/16-1472-s6_mot_04-02-2019.pdf)

Bob related that he had spoken with Hagu at CD5... that he has two issues: 1) In S4, Shawn put in the thing about overall height if a basement is (inaudible); but he leaves out envelope capping. She said basically it was signed and seconded by Koretz and Ryu. We cannot change it. Bob thinks it's in S4 and is being addressed but not good language.

Don feels that we should advise both councilmembers that, as we told them at the beginning, that we needed to insert material about putting in a cap. The staff knows that there are unintended consequences: we're ripping out mountains and building bigger than anywhere in the city, and there's a bad mistake that the Councilmember does not want to admit.

Michael related that he had mentioned earlier in the year there were outreaches. We have a problem with this banding. His concern is that this talks about construction regulations. Bob responded that Hagu thinks this is Building and Safety. Michael opined that we are talking about Zoning Code; that Eric Lopez admits the cap was never put in. Hagu had said that this is something that should be addressed by the Zoning 2020.

Discussed writing a letter that we feel this should have been addressed; that we are increasingly disappointed that this has not been addressed; that it gets swept under the rug. Can we ask for an addendum to the Hillside Ordinance?

Two weeks ago the author of banding provisions said he thought it was handled in the HCR. Everyone has known that this is a banding problem to allow guys to gamble with our hillside. At council, the Councilmember said those things that didn't get there will be corrected. This got conflated with doubling the grading in the hills. We have a lot at stake here. Either Paul Koretz is not willing to face it or David Ryu doesn't know about it. We know the history of it...Don knows the answer to Stella's point, that the BHO lost some, that it was omitted inadvertently.

Jamie related that the Hillside Standards Overlay District provides a procedure; there is a tool already that we have not used yet, where we can ask for an overlay for our area, to ratchet down the height if we want to, and that is in the ordinance.

**Motion:** To write a letter asking for an addendum to the already approved document to include (5) In addition; to put a cap on cumulative slope banding not to exceed 45 feet. By admission of the Planning Department, this was left out of the 2011 & 2016 HCR and what is commonly known as "The Water Fall Effect" **Moved** by Leslie; **seconded** by Nickie. Jamie recommends we express support for this but gently state that there is an outstanding issue that the neighborhood council continues to believe needs to be rectified. **11/0/0; passed.**

**11. The 30-day Notification of Intent to Excavate:** To be further investigated. Robert provided a printout about this. (Attachment is available on our website, under supporting documents for this PLUC meeting date.)

**12. Update on Ridgeline Ordinance – Loze** **Council File #11-1441-S1**  
PLUM Committee Report relative to the feasibility of updating the Ridgeline Ordinance was approved at City Council on November 22, 2017 and finalized on November 27, 2017. There is no change in the Council File since 03/01/2018 when we submitted our 2<sup>nd</sup> CIS supporting the original motion. Motion Expiration Date: 11/14/2019.  
<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=11-1441-S1>

**13. Update on CD5 Protected Tree Ord. Amendment – Council File #03-1459-S3**  
On November 22, 2017, Councilmembers Koretz and Bonin introduced a City Council motion to strengthen the Protected Tree Ordinance. It instructed the Urban Forestry Division to convene and consult with stakeholder groups and report back within 75 days with recommendations on such

issues as reducing tree losses during development and broadening the tree categories and species protected under the Ordinance. To date, UFD has not taken action to convene the stakeholder meetings. There are 13 CISs in the council file; ours is dated 03/02/2018.

Motion Expiration Date: 11/22/2019.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=03-1459-S3>

Bob suggested that we bring someone in on this.

**Good of the Order on Non-Agendized Items:**

Stella brought up the issue of extensions on permits, including grading permits, and that she and her association would like to take some steps, and would like some help from the NC to have a strategy, to have a meeting with LADBS. Jamie noted that they would have to change the law; discretion is bound; need to point out that discretion needs to be utilized responsibly, and if no one has made significant or any progress at all, and have not shown any hardship, there is no basis for an extension.

Note to Bob to add this to the June meeting.

Bob and Jamie discussed having a brief rundown Q&A from members of the departments, Jamie wanting to have three or four Saturdays, 9-noon educational sessions for us to learn about different things. Fabiola said she'd find the people to partner with us. It's important for us to get to know the laws that affect the hills.

**We penciled in Saturday May 18<sup>th</sup>.** e.g., have the BHO broken up into chunks as to slope, grading, height, tree removal, as well about protected trees and hillside retaining wall ordinance. "What is a retaining wall?" City Attorney joined in 2006 on what is and is not a retaining wall. Start with 30-45 minutes of education. Listen and then a Q&A with RSVP.

**Current Case Updates by PLUC Members on pending projects: See Project Tracking List**

15. New Packages Received: See Project Tracking List
16. Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted
17. Upcoming Hearings: See Project Tracking List (Subject to discussion & action)
18. Determination Letters Received: See Project Tracking List
19. Pending Haul Routes (Update by any PLU Committee members)
20. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)
21. Adjournment: 9:03

**Next BABCNC PLU Committee Meeting: Tuesday May 14, 2019 @ AJU 15600 Mulholland Dr., #223**

**ACRONYMS:**

A – APPEAL  
APC – AREA PLANNING COMMISSION  
CE – CATEGORICAL EXEMPTION  
DPS – DEEMED TO BE APPROVED PRIVATE STREET  
DRB – DESIGN REVIEW BOARD  
EAF – ENVIRONMENTAL ASSESSEMENT FORM  
ENV – ENVIRONMENTAL CLEARANCE  
MND – MITIGATED NEGATIVE DECLARATION

PM – PARCEL MAP  
PMEX – PARCEL MAP EXEMPTION  
TTM – TENTATIVE TRACT MAP  
ZA – ZONING ADMINSTRATOR  
ZAA – ZONING ADMINISTRATOR'S ADJUSMENT  
ZAD – ZONING ADMINISTRATOR'S DETERMINATION  
ZV – ZONING VARIANCE