

**Planning & Land Use Committee Meeting DRAFT MINUTES**

**Tuesday, May 14, 2019 7:00 pm to 9:00 pm**

**American Jewish University**

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

[Accessible from the west side of Casiano Road. Park at lower parking (Lot 1)]

**1. Call to Order – Committee Member Roll Call Meeting called to order 7:22**

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			Yves Mieszala	X	
Stella Grey		X			

2. **Approval May 14, 2019 Agenda: Moved** by Stephanie; **seconded** by Mike; **7/0/0; passed.**
3. **Approval April 9, 2019 Minutes: Moved** by Stephanie; **seconded** by Jason; **7/0/0; passed.**
4. **Public Comments:** On any topic not on adopted agenda within the Committee’s jurisdiction.
5. **Chair Report:** Robert Schlesinger
6. **Vice-Chair Report:** Stephanie Savage

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

7. **2553 N. Summitridge Drive DIR-2019-1389-DRB-SPP-MSP ENV-2019-1387-EAF BCA 90210 Project Description:** MAJOR PROJECT PERMIT COMPLIANCE WITH DESIGN REVIEW WITHIN THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN FOR AN ADDITION TO AN EXISTING SINGLE FAMILY DWELLING AND A HAUL ROUTE **Requested Entitlement:** PURSUANT TO LAMC 11.5.7 AND 16.50, A MAJOR PROJECT PERMIT COMPLIANCE WITH DESIGN REVIEW WITHIN THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN FOR AN ADDITION TO AN EXISTING SINGLE FAMILY DWELLING AND A HAUL ROUTE FOR THE HAULING OF 4,950 CUBIC YARDS OF EARTH.  
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 Rep: Danielle Hayman [danielle@haymanLLC.com](mailto:danielle@haymanLLC.com) 818.943.0080 Hayman Development  
 Filed: 3/07/19 Assign/Staff; 3/13/19 Alycia Witzling [alycia.witzling@laCity.org](mailto:alycia.witzling@laCity.org) 818-374-5044  
 Permanent Link: <http://planning.laCity.org/pdiscaseinfo/CaseId/MjI3ODky0>

Danielle Hayman presented the project noting the set of printouts that she provided is complicated. She is available to answer questions. There is already a 14,942 sq foot house existing there; they have requested a 3490 square foot basement for a gym, and just filed an application to add to that gym. Everything is underground; a basement; off the hillside, cannot be seen from Mulholland. Elevation: Page E7, addition in pink and E7 21 and .2 show connection underground.

Jamie asked about construction: If they are digging underneath the house. E7 house is existing, converting bedroom into a spiral staircase that goes down and connects to a proposed tunnel.

They cross Beverly Park area to get to Summitridge, considering the two gates, the one with the guard, one's downhill slope, going down to the left.

They are leaving a lot of soil onsite; building out big planters and have a cantilever deck, with 4,000 cy export. They had permits to do a small addition on top of the garage. He is all about the gym life and is a big entertainer.

The haul route hours: 9-3 5 days a week. Bob will send them the ordinance. Construction 8-6 but not working under lights and no construction whatsoever on Sundays or holidays; Saturday only light interior work; no exterior work on Saturday.

As to the haul route, she is going up Benedict Canyon, probably will cross Mulholland; out from Summitridge to San Ysidro, to Benedict Canyon, north to Mulholland Drive to the Valley. Mike asked about the one-story portion and the addition is the two-story. Stephanie asked about the whole complex, which is house, gym, cabana, 32,000 square feet, 10% of their lot.

The proposed went before the MDRB.

Don asked regarding 4,000 cy, 400 up and 400, down a total of 800. Don would like to see mitigation measures relevant to how much dirt they're taking out, going up Benedict. Bob mentioned that they will be going through Beverly Hills. Bob asked for clarification on the haul route. She noted that the gates are not for their use. Bob will check with Beverly Hills as to their ordinance regarding haul trucks.

She hasn't had their haul route hearing yet. Don asked, and their Municipal Code Permit Compliance Public Hearing is not yet scheduled. Don related to her that among the mitigation measures they should anticipate is how they are not going to haul one thousand trucks up Benedict Canyon.

Jamie noted that this smacks of peace-mealing and wishes the applicant should file for one set of entitlements, but notes can't change it now. Stephanie asked about the fire hydrant noting the closest one is over 300 feet from property; the closest is 600 feet. Danielle will provide proof of fire hydrant close to the house. Property is about three acres. It is completely surrounded by fence. Jamie asked if he would be amenable to permeable wildlife fencing. Jamie suggested that he does that. Bob noted that this project is part of the Santa Monica Mountains, and it is a secondary or tertiary ridgeline, noting the importance of building on ridgelines. She will ask.

Don asked if the hauling dirt can be used on the land, she responded that they will try to use a lot of it, including under the cantilever deck. She has to ask for 4,000 but doesn't expect to have to haul that much. Bob recommended that we see the entire project the whole time. She can email him, and give him updates including on B&S Commission hearings.

Bob recommended that we take no objection with the understanding that she comes back when we have something to deal with, more details of the haul routes, input from MDRB, and to allow her to have the conversation about wildlife permeable fence and the fire hydrants. He noted that we cannot deliberate the project now. Asked & told that underneath the gazebo, there is a sink and refrigerator. Bob asked if they will have an open pit, as we are in a high fire severity zone, where anything can start a fire. **NO ACTION TAKEN**

8. **1501 N. Marlay Dr ZA-2017-2328-ZAD ENV-2017-2329-CE DSPNA 90069**

**Entitlements:** PURSUANT TO LAMC SECTION 12.24.X.26, A ZONING ADMINISTRATOR'S DETERMINATION TO ALLOW FOR 3 RETAINING WALLS, INCLUDING RETAINING WALLS OVER REGULAR MAXIMUM HEIGHT. SFD 2 story w/attached gar, in BHO Area. ZA to allow 3 ret walls ranging from 3 ft to 23'6" in lieu of one ret wall w/max ht of 12' or 2 ret walls w/max of 10' each and min horizontal dist of 3'.

13 Actions, Approvals, Plans.

Owner: Sara Schusterow, NY Appl: Paul Coleman <paul@lucol.com>

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Filed: 6/12/17 Assign: 7/28/17 Nuri Cho [nuri.cho@laCity.org](mailto:nuri.cho@laCity.org) 213.978.1177

Permanent Link: <http://planning.laCity.org/pdiscaseinfo/CaseId/MjE0NDc00>

Paul Coleman, Architect, presented the project. He was accompanied by Owner, Sara Schusterow, her brother Bobby and Ronda. The house is 3,100 square feet house, with parking off of the street, two main components; 1) The house itself, simple and, 2) proposal to finish the roadway; they are working closely with BOE and Fire Hydrants and Access. They are proposing to dedicate a piece of their site to make a turn-around happen, to allow fire trucks, garbage trucks, etc. Upper level has deck; they also have a roof deck. He will try to plant in front of the walls to embed the site. The roadway is 600 to 700 square feet; got FD signoff and BOE. They've given them the roadway. He is working with Amanda Briones at Planning.

**ZADs they are requesting:** 1) **To waive the requirement to meet 20-foot road requirement.**

In front of his site, he is meeting the requirement but beyond the site. Don noted that this seems to be a big problem with the project. Discussed flat pad. Bob asked if below this, are there people with driveways and safety issues, and asked about access; discussed not being able to stage trucks on a substandard street. Stephanie noted that there is no place to stage. 2) **Regarding setback,** through Planning, they are seeking a reduced front yard setback (pointing to the plan.)

RE: Retaining Walls: They note that they are no longer asking for the three retaining walls, and are working with the City Grading Division to let the back of the house be the retaining wall. He previously had another set of walls, and removed one very long wall with two pieces; says lowest level, with a big retaining wall in front, he got rid of. Mike asked about height; told 35 feet from roof deck where pool is. They are sloping the wall down, using freeboard to make requirement.

Total export: 1700-1900; a lot of this will be access to parking, to help the City with the road. Now the City thinks they have zero walls. He is proposing concrete gray coloration of walls ...22 feet long & the one over the pool is 11-1/2 feet. Bob asked why not use a beige color of concrete instead of white. Bob and Mike noted if there was some way to blend those walls in the hillside, to make the walls visually disappear, it would enhance the architecture. Jamie is concerned about the visual impact of the wall, not the house. Asked if they considered alternatives, how did he reach the conclusion that this was the best project design, to which they said that between the planning requirements, BOE, BHO, FD, there is no other place. They will put in a fire hydrant. Stephanie noted that it is a small site, and noted that she knows the site. They say that their geo-technical engineer said that when this is done, the hill will be more stable.

DSPNA met with them and sent a letter with concerns. Jamie noted that Carter was concerned that they are not requesting retaining walls, the case files have not been updated. They will do a revised package, to officially withdraw those requests. Asked if to create the turnaround do they have to do caissons on the edge. Paul thinks so. He has a tree report; noted slope analysis requires or allows factoring the issues with the small, narrow road. Bob added comments about the rebar hanging over the back of the trucks.

Jamie asked if they have thought about removing the walls, designing a façade or edifice that looks more natural, like soil-nail walls. They have not. Asked if the subbasement is necessary. Subbasement square footage is about 950 square feet not including stairs.

Mike noted from our standpoint we need to see their update of the planning package, if they are removing the three retaining walls. Stephanie noted that these walls are over 10 feet and are retaining walls. Planning says if it's one of the structural walls of the building. Stephanie mentioned if it has a roof over it, it doesn't count. Jamie explained that Stephanie is cautioning him against removing the retaining walls from his requests. Bob noted that public comment was provided by DSPNA via e-mail. **Motion:** To continue **moved** by Don; **seconded** by Jason; **7/0/0**  
**Continued**

**9. 1551 SUMMITRIDGE DR ZA-2018-3458-ZAA-ZAD ENV-2018-3459-CE** City Hall meeting 3/27/19 w/ applicants. 3/27/19 SFD is approx. SFR 85% finished. BCA (all case #: ZA-2014-0208-ZV-ZAD, ENV-2014-209-ND, ENV-2011-2442-CE. + BHO, HCR)

**Project Description:** Reduction height from 64' to 45' and reduction of RFA from 4,207 sf to 3,662 sf of a previously built SFD that was constructed beyond the specifications of permits; and installation of a pool, spa. **Request Entitlement:** Pursuant to Section 12.24 of the LAMC, a ZAD for a SFD with a max of 45' in height in lieu of the req 30' ht (of the unpermitted SFD 65') and reduced side yards at 9'5" sf in lieu of the required side yards. Section 12.28, a ZAA for the increase of RFA by 333 square feet for a 3,662 square-foot SFD (a reduction from the 4,207 square-foot house that was unpermitted). (*Maintaining exist side-yard setbacks, ext alteration add lower raised deck w/pool.*) See Findings

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Filed: 6/14/18 Assign/Staff: 7/13/18 Zuriel Espinosa-Salas

Permanent Link: <http://planning.laCity.org/pdiscaseinfo/CaseId/MjIxODU00>

- [Per Bob, they cancelled 24 hours after the agenda went out.] **CANCELLED.**

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

**10. Two WRAC Land Use Motions referred to PLUC from 04/24/2019 Board meeting:**

**i. Resolution: Co-Living Developments: Motion:** To request that the City develop planning, zoning and leasing regulations for co-living developments, which are residential in nature but have aspects of hotels/transient occupancy. Issues include: 1. Length of leases; 2. Parking for "units," which have larger bedroom counts; 3. Compliance with density bonus ordinances. **DEFERRED**

**ii. Resolution: Tracking Density Bonus Housing Units Post-Entitlement Process for**

**Compliance – Motion:** To request that the Housing and Community Investment Dept. fully comply with the regulations of the State and City affordable housing density bonuses ordinances (SB1818 & Prop. JJJ/TOC), per concerns stated in the City Controller's audit report of Jan. 2017.

- This includes ensuring that developers properly register units and record covenants upon occupancy, properly publicize and qualify low-income tenants and audit their status every year, assign the correct restricted rent and review it every year, and conduct annual audits to ensure that the affordable units properly and legally serve the intended population of low income households of Los Angeles.

- HCID shall state how it will change its processes to ensure compliance.

- The job performance metric of the HCID General Manager shall reflect full compliance with the State and City's affordable housing density bonus programs, especially annual audits of tenants of those units. **DEFERRED**

**Two PLUC Motions Approved at 04/24/2019 Board meeting only requiring additional work:**

**11. The Protected Tree Removal Notifications:** (Discussion & Possible Action)

**On April 24, 2019, the BABCNC Board passed the following motion that the PLU Committee shall develop a protocol asking applicants to come to the PLU meeting to present their tree removal project.** *They will need 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. (Head of Bureau of Street Services said they are working on giving more notice.)*

Possible Motion : To write and/or approve written protocol provided by BABCNC PLUC.

**Plan: Once this is drafted, send an email to Kevin James, Chief Urban Forestry and Adel Hagekhalil. Bob will ask Maureen and Linda to set up the protocol.**

**12. HCR Additions (Koretz/Ryu) (Discussion & Motion) Council File 16-1472-S6**

**On April 24, 2019, the BABCNC passed a motion that the PLU Committee write a letter with specific language on proposed item #5 to be added to the ordinance already being proposed:**

*Motion: To support proposed new HCR additions signed by CM Koretz & Ryu on April 2, 2019 in Council File #16-1472-S6, (see attachment or link for full motion) 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." Link to 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)*

Council File #16-1472-S6

<https://Cityclerk.laCity.org/laCityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=16-1472-S6>

*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. Discussion held, Bob noted that 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. 11/0/0; passed.*

Possible Motion: To write and/or approve written section #5 provided by BABCNC PLUC

**Plan: Coordinate language with council office.**

**13. Discussion & Possible Motion Regarding Granting of Extensions on Permits. DEFERRED** to the June meeting when Stella will be present. **Plan 10 minutes for June meeting.** Jamie related that there is a procedure that exists which can be strictly or liberally enforced.

**14. The 30-day Notification of Intent to Excavate:** Committee discussed the need to tweak this notification. Bob noted that we have talked about expanding this from the immediate neighbors. He noted that there is no hearing for an appeal. Mike interjected that this is about by right excavations. Yves added that it could take a year to get the protection for your property. Jamie related that there is nothing we can do about by right excavations and suggested maybe

adding to the notice at application and at issuance. Don related that there are consequences of by right, need to give people an opportunity to weigh in. Jamie suggested that we recommend that they provide notice at application in addition to the existing notice. Stephanie related that you have to have your grade approval letter before the soils report, before hearing can be scheduled for a ZA case. Jamie noted that we are talking about by right; need to get notified at approval of soils report. Don suggested postponing further discussion on this.

**15. 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>

Don related that we have not seen a draft in a while, but he was told there have been complete discussions between the county and the City and that they're preparing to move forward with public hearings for late in the summer, so we need to be preparing our public positions.

**16. 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 noted that he has spoken with Andy Schrader regarding tearing down a 100-year-old pine tree that is 60 feet tall, a "landmark tree." Andy told him and Jamie concurred that they are working on a landmark tree ordinance that would cover all trees that meet certain criteria. All trees of a certain diameter will be protected.

**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: Motion to adjourn by Don and second Jason. Don acknowledged Mike Kemp's contribution to this committee, as this will be his last PLU meeting. Meeting adjourned at 9:03

**Next BABCNC PLU Committee Meeting: Tuesday June 11, 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