



**Planning & Land Use Committee Meeting Minutes**  
**Tuesday February 11, 2020 7:00 pm to 9:00 pm**  
**American Jewish University**  
**15600 Mulholland Drive Bel Air 90077**  
**Room: "The Boardroom"**

- 1. Call to Order – Committee Member Roll Call:** Meeting was called to order at 7:05 pm. Roll was called with 11 present initially; Jason arrived at 7:15pm for a total of 12 present. Marcia Hobbs was also present.

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage, Vice Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall	X	
Yves Mieszala	X		Jason Spradlin	X	
Maureen Levinson	X		Leslie Weisberg		X
Stella Grey	X		Wendy Morris		X
Shawn Bayliss	X		Cathy Wayne	X	

2. Approval of February 11, 2020 Agenda: Moved Stephanie; seconded Yves; 11/0/0; passed.
3. Approval of January 14, 2020 Minutes: Moved by Jamie; seconded by Robert S.; 11/0/0; passed.
4. Public Comments: On any topic not on adopted agenda – See bottom of meeting.
5. Chair Reports: Robert Schlesinger, Chair & Stephanie Savage, Vice Chair – None

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

**6. 1471 SUMMITRIDGE AA-2019-4218-PMLA ENV-2019-4219-EAF**

A PROPOSED PARCEL MAP TO SUBDIVIDE ONE LOT INTO 4 PARCELS, No construction at this time.

**Applicant:** MEHDI FAFATY [Company: TAG FRONT INC] [mehdi@tagfront.com](mailto:mehdi@tagfront.com)

**Representative:** NEILL BROWER [Company: JMBM LLP] [nb4@JMBM.com](mailto:nb4@JMBM.com)

Project Representative, Mr. Neill Brower, with Jeffers, Mangels, Butler & Mitchell, LLP and Applicant, Mr. Mehdi Fafaty, owner of Tag Front, Inc., presented the project as regards dividing one lot into four parcels. Discussion included but was not limited to the required improvements and impacts of the proposed lots. We were given a copy of the grading approval letter for review. Discussion was held as to the geology, existing street widths and streets accessing the property.

Asked what size properties to build, they have not gotten to that yet. Robert explained that the east side of Summitridge is a very steep slope that goes down to North Beverly Drive. Yves asked if anyone has applied for permits to do anything, Mr. Brower noted that the only thing that they have applied for is the subdivision; none for the homes or grading.

Yves noted that he looked at the LADBS site and found three grading denials, one from June 25<sup>th</sup>, one August 22, and one October 1, 2019 that says soils and geology file status denied. The presenter noted that soils and geology would have been a soils and geology report, and they came back with corrections and then they got the approval letter in January. Stephanie noted that we have this document here.

Jamie asked if this was a by right project, if there are other entitlements requested or is this the only opportunity for us to opine on this. Mr. Brower was not sure. Yves asked, and Mr. Brower confirmed that the committee was looking at a Zimas map which doesn't show any private easements anywhere. Mr. Brower noted that there are only public easements. Yves noted that he has seen plenty of violations of private easements. Mr. Brower pointed out one private easement that's reflected on the map, see a dotted line almost through the middle of the site and down, at E2, which is for a swail. Mr. Fafaty noted that there is a drainage easement running between lot 1 & lot 2, that's on the Zimas map, with a dotted line (in the middle). Bob opined that it is crossing three parcels. Mr. Fafaty continued that there is a drainage easement that is existing; other than that, there is no other easement. Yves clarified that that is public. Yves expressed concern about the little bowl there, where there is drainage that affects a lot of properties downhill, below them. Stephanie explained that it is a storm-water easement that would drain to the lower street. She doesn't know if the lower street is improved with curb and gutter.

The presenter continued that currently there is a drainage easement on the property; there's nothing in there; no drains in that easement. They are proposing to create a private easement on their property between the lots, and drain into Claridge. Currently, the drains that run on Summitridge goes around and comes back at Claridge and goes down the hill from there. So, everything ends up on Claridge from the neighboring properties. ...They are proposing to move the current drainage easement. Stephanie noted that they will need sewer easements... He noted that the size of the sewer line is from all the properties go down Claridge and go down. It is main to support all of them. When they have four homes they will research all that and go through all that as well.

Stephanie noted that the two projects we have seen on Summitridge, one required substandard access, 1690 (which Bob noted has been three years, and they were proposing 300 caissons) and 1551. Stephanie asked, noting there is very little information on NavigateLA regarding street widths, and per their Hillside Referral Form (HRF), there is no dedication requirement. She continued that because there is so much impact associated with these projects affecting both streets, with no place to store anything, all slope, larger houses probably, there is a lot associated with it, so she would want to include, as noted on the 2<sup>nd</sup> page of the Hillside Referral Form, the requirement for a "basic investigation" to make sure they don't need a ZA case. She noted that there are certain portions of this where access to the properties are less than 20 feet. Stephanie noted that she looked at the property on Claridge, and to her knowledge, that is the case; however, the HR form doesn't say that. The remedy is to get a basic investigation to validate it to know if they have to do it or not for future reference.

Cathy Wayne asked the presenters if they have gone to the neighbors and asked what they think about the lot split, to which they responded that they have not engaged with them yet. The presenter noted that they don't have enough information other than that there will be four houses.

The presenter noted that they are looking for approval and/or to address our concerns. Stephanie asked again that they verify, because there so much impact associated with these projects, to test geology due to the unique geological pocket, with black slate. Robert expressed concern that all four homes will be on caissons and how that will affect the neighbors and/or the topography, noting that we do not know the size of the homes being projected on these.

Jamie suggested that, as we may not ever get another opportunity to weigh in on this again, and we don't know the details, he would like his concerns to be addressed, e.g. to include wildlife permeable fencing as there are portions of the lots that will be undeveloped. Yves noted that it is two acres secluded in the hills, and both Bob and he noted that there are a lot of deer up there.

Jamie also asked, until the Wildlife Pilot Study is up and running, that the Applicant look at the strategies developed thus far that are publicly available, and try to design the project in line with them. He suggested that they look at the Power Point presentation online that shows the types of lighting and windows,

designed to be friendlier to animals. He will be happy to provide them with a link on what has been published thus far. It's an attempt through the design process to utilize strategies currently proposed before the Wildlife Pilot Study is initiated.

Don Loze noted his concerns are broader and more historical, referencing the Community Plan which was organized with as to density and zoning to a) protect the hills and b) have properties that would consume city services that were available. He noted that Summitridge built since then has consumed more than anyone anticipated; there is also the use of caissons that import as much construction activity as would be allowed at the minimum in export; these things are inconsistent with our Community Plan. It bothers him that the flatland concepts of subdivisions are treated the same way in the hills. He thinks they shouldn't be and is concerned about indicating anything at this moment without further information.

Stella asked the committee if a decision today would be based on a promise that there will be no more variances or entitlements, and how could we be sure, if the property is sold two years from now, with enormous proposed square footage asking for variances, how can that we attach a commitment to this. Yves noted that he doesn't know if we can, as opined that this is impossible.

Nickie expressed great concern about dividing the parcel of open space into four lots as this is not a slope but rather is a precipice sheer down from Summitridge to San Ysidro. She cannot fathom over 1,000 caissons going into that piece of land, blocking what's left of the open space, and opined that there comes a time to take responsibility to preserve open spaces in the hills of Los Angeles.

Shawn noted that he understands the request for waiver for dedication and improvements, because the improvements are the part that requires the widening and the engineering and the retaining wall and the money, etc., but asked if there is a problem with just the dedication. If the city wants to come in later on their dime to widen the street, put sidewalks, etc., is there a problem?

The presenter responded that the reason they are requesting a waiver of the dedication is also because that will push the house more into the hillside, and would require more caissons and more retaining wall, etc. They are trying to keep it close to Summitridge and the idea is to try to avoid that. He noted that 10 feet is actually a lot. The setback requirements are 5 feet. Shawn asked if this won't affect the big lot, because they would use the flat pad 20-30 feet down the hill. The presenter noted that the flat pad is at the lowest level but that they haven't gotten that far with design.

Bob recalled comments made by Michael Chasteen with regard to 1690 Summitridge three years ago that caissons take boring machines. Bob noted that they kept saying after this section of Summitridge is widened, then we don't have a problem, we have a place off the street to stage and everything else. But he said, you're missing something. Bob said he lives in Benedict Canyon and has been up to Summitridge a lot. He said, you have a boring machine going like this all day long for who knows how many caissons, and it is basically an unstable street; not technically, but the boring machine could wind up falling down the hill. And you're talking about a lot of caissons, you're talking about not as steep a hill on the San Ysidro side, but you're still talking 1-1/2 to 1. Bob noted that this bothers him because of 300 caissons and they had to put in 40 to widen the street, and nobody addressed the 40.

### **Public Comment:**

**Gene A. Lucero** introduced himself, noting that he lives at the bottom of the slope. He described a natural amphitheater where "everything flows down to us," e.g., rocks, trash, water, etc. He noted that they had running water down in the middle of his backyard that came from the house that was built by the people before them that they bought it from. He spoke on the steepness of the hillside. He described the presence of a great variety of wildlife in the amphitheater area, who all use this to travel up and down the hillside. He related that there is no animal protection plan and no drainage plan. He explained that this is a natural drainage system built over time by nature. The water flows down his driveway to Claridge. He expressed

concern that once people start to build caissons, he does not know where the water will go, but expects that it will probably go to his property. He noted that they have had two slides which they've taken steps to clean up and plan to prevent that happening again. He said he just found out about this meeting a couple of days ago. He is seriously concerned that things will happen to his property. He explained that this is not a casual development; it has a lot of consequences, which are easy to see. He noted that the pad is already 15 feet below grade, adjacent to a protected oak, which they would not like to lose. He asked the committee to take his comments into consideration.

**Marcia Williams**, spouse of Mr. Lucero, related that they live at the end of Claridge on the circle. As to geology, she noted that they own the property adjacent to Claridge, which is extremely unstable. Every time it rains, even if it is not a bad rain, rocks fall into the street. With construction 20 feet above that area, the whole hillside that comes down to Claridge could literally come down. Rocks have slid down when a child has played on the hillside. She would not be able to continue living there and would have to buy another place if construction was going on, especially on four lots. She noted that there is currently potential construction in two different directions of her property. Bob believes there are probably four or five projects there now. She also believes the submissions to the city were not entirely accurate.

Don related that he would like to continue this. It was noted that subdivisions escape a lot of review. Don explained that subdivisions were perceived in the building code to take up giant swaths of land, to take the population pouring into California in the '50s. He thinks it is early for the presenter to be giving us a presentation, and that we need to figure out how to ask the questions for them to give us information. The presenters were asked to go to the counter and ask Bureau of Engineering for a "basic investigation" which they can do within a week. We can continue this and have this project seen at another date – because they touch Claridge. They are dedicating 5 feet. Yves noted he could not make a decision now.

Jamie related need for some preliminary analysis as to the general size of the houses, how large the house could be in relation to the lots, which would provide some information. He explained that there are inherent issues associated with developing in this area which require an environmental review. He acknowledged concerns of the residents who spoke on the project this evening. Jamie continued that if we ask the presenters to come back, we need to ask them to do further community outreach, as this may have some significant impacts, as our job as a neighborhood council is to facilitate conversation, ask for further engagement with community members, and how they may respond to concerns of the neighbors. Jamie would support continuance with enhanced outreach and a response from the neighbors.

**Motion:** Continue this with the caveats that he do enhanced outreach to neighbors and come back with a response to the concerns raised by the neighbors who are here. **Moved** by Don and **seconded** by Jamie who provided modification. Nickie would like to add environmental review including wildlife protection and other. Per Jamie & Bob, they will come back and tell us about this.

**12 yes; 0 no; 1 abstention:** Yves; **Passed.** Bob offered the presenter to take the time he needs as he doesn't have a hearing coming up; however, he offered to follow up with Bob to return in April.

#### **7. 9477 W LLOYDCREST DR 90210 ZA-2019-4550-ZAD**

**Discussion and possible motion on BABCNC board vote at their meeting of 01/22/2020, for Conditional Approval based on satisfactory review of additional information. The PLU committee has been provided additional information, including review of soils report/information and if an additional retaining wall is needed along Lindacrest Drive.**

PURSUANT TO LAMC SECTION 12.24.X.28, A ZONING ADMINISTRATOR DETERMINATION FOR A WAIVER OF IMPROVEMENT ON A LOT FRONTING ON A SUBSTANDARD HILLSIDE LIMITED STREET THAT IS IMPROVED LESS THAN 20 FEET.

PURSUANT TO LAMC SECTION 12.24.X.28, A ZONING ADMINISTRATOR DETERMINATION FOR A WAIVER OF IMPROVEMENT ON A LOT FRONTING ON A SUBSTANDARD HILLSIDE LIMITED STREET THAT IS IMPROVED WITH A ROADWAY WIDTH OF LESS THAN 20 FEET, IN RELATION TO A CONSTRUCTION PROJECT FOR AN ADDITION OF 1,900 SQUARE FEET ON THE SECOND FLOOR OF

AN EXISTING SINGLE-FAMILY DWELLING, THE REMOVAL OF AN EXISTING SWIMMING POOL, AND THE CONSTRUCTION OF A NEW SWIMMING POOL

**Applicant:** RICHARD EISEN [Company: JUICE BAR TRUST]

**Representative:** ALEXANDER VAN GAALEN [vangaalen@crestrealestate.com](mailto:vangaalen@crestrealestate.com)

- Alex returned and distributed papers to refer to, including a diagram showing where the wall would need to be, and a soils report and approval letter, noting that on page 13, it states that the slopes that descend below the residents are grossly stable.
- Alex noted that the soils report only addressed the work they wish to have approved: the addition to the main house, the pool house and retaining walls around the pool.
- No new soils report has been done.
- If he had to build the retaining wall, worse-case scenario it would have to be 10 feet tall.
- Retaining wall would be necessary if they had to improve the roadway.
- Alex noted that the dedication was waived; they're only seeking waiver from improvement.
- He does not intend to build it.
  
- Jamie clarified: Lindacrest is not 20 foot wide; they are asking for a deviation of a normal requirement that he widen to 20 feet around the frontage of his property, and that the justification in this instance is that it would require this retaining wall, it would be enormously expensive, it would be super ugly for the people who live on Lindacrest who would have a 10-foot retaining wall outside their front door.
  
- Alex noted that this retaining wall would be in service of one additional foot of improvement.
  
- Stephanie noted that these improvements will not exceed 50% of the house. The only knowledge we have that he has given us is that it's stable.
  
- Jamie related from looking at the Google Earth images is that there is sloughage that comes down, and he would ask what are their obligations in terms of removal of sloughage, look at the 2' foot retaining wall with railroad ties; what is their obligation if it starts to deteriorate?
- Jamie would like to have in a permit the requirement to remove sloughage on Lindacrest and maintain the existing garden wall made of railroad ties. It was noted that the owner said she will maintain it. Shawn continues to be concerned that they will change what they do.
  
- Yves drove past and the lady says her gardeners are going to maintain it; question arises as to what will be done with it in the future.
- Discussion was held noting that a retaining wall is not in keeping with the area and about the need to give conditions of approval.
- Shawn is concerned about bootlegging modest addition that then can be switched to a 20,000 foot house.
- Jason would approve with the caveat that they manage the property on Lindacrest – which Bob noted cannot be enforced. Jamie related that we can recommend conditions of approval.

**Motion:** To approve with recommended conditions of approval, requiring 1) the applicant remove any and all debris or sloughage regularly from their property onto public streets, and 2) that they maintain the existing garden wall comprised of railroad ties on Lindacrest.

**Moved** by Jamie; **seconded** by Cathy. **11 yes; 0 no; 1 abstain**: Don; **passed**. (*Do not have to come back.*)

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

7. LA County Superior Court case “*Eldridge v. Los Angeles*” – Jamie Hall related that this was a judicial order lost in time. He noted that we can remove this from future agendas until he finds the right venue to bring this up. It is of major importance to the neighborhood council because the city seems to be making everything exempt. There are many types of categorical exemptions.

**Current Case Updates by PLUC Members on pending projects:**

- 8. New Packages Received: Bob and Stephanie are sending out projects two to three weeks in advance. He keeps records as to hearing dates but the tracking list has become cumbersome.
- 9. Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted
- 10. Upcoming Hearings: Bob will bring info on hearings, DIR, ZA and APC between next meetings next time.
- 11. Determination Letters Received:
- 12. Pending Haul Routes: Shawn noted that Bel Air had a haul route this morning at 10675 Bellagio. Jamie mentioned one across the street from him (for which he would have to recuse himself because he lives within 500 square feet from the project site in Kirkwood), which Chris Parker represents the applicant.
- 13. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)

**Public Comment:**

Don Loze gave update on a proposed Ridgeline Ordinance, noting that this is something we have all been waiting for for a long time and we understand that Planning is getting very close to releasing a proposed Ridgeline Ordinance that would cover a pilot program for our neighborhood council.

For the moment, Don asked that the committee please give Bob in the next few days some addresses on ridgelines above 600 feet above sea level.

Jamie Hall gave an update on the Protective Tree Ordinance. He emailed Patrick Whelan, who said it has been sent back to the Public Works and Gang Reduction Committee. Jamie would like to encourage councilmembers to push this along and get these two species, Mexican Elderberry and Toyon added, let them know we believe it is urgent that the ordinance be adopted, and urge them not to delay.

Bob raised the idea of a possible “heritage tree ordinance.”

- 14. Adjournment: Meeting adjourned at 8:30pm, with wishes for a happy birthday to Don Loze.

**Next PLU Meeting: Tuesday March 10, 2020 @ AJU 15600 Mulholland Dr., “The Boardroom”**

**ACRONYMS:**

- |  |  |
|--|--|
| A – APPEAL                                 | PM – PARCEL MAP                            |
| APC – AREA PLANNING COMMISSION             | PMEX – PARCEL MAP EXEMPTION                |
| CE – CATEGORICAL EXEMPTION                 | TTM – TENTATIVE TRACT MAP                  |
| DPS – DEEMED TO BE APPROVED PRIVATE STREET | ZA – ZONING ADMINSTRATOR                   |
| DRB – DESIGN REVIEW BOARD                  | ZAA – ZONING ADMINISTRATOR’S ADJUSMENT     |
| EAF – ENVIRONMENTAL ASSESSEMENT FORM       | ZAD – ZONING ADMINISTRATOR’S DETERMINATION |
| ENV – ENVIRONMENTAL CLEARANCE              | ZV – ZONING VARIANCE                       |
| MND – MITIGATED NEGATIVE DECLARATION       |  |

**BABCNC Website [www.babcnc.org](http://www.babcnc.org)**  
**Office (310) 479-6247**  
**E-mail [council@babcnc.org](mailto:council@babcnc.org)**