



MINUTES
Planning & Land Use Committee Meeting
Tuesday February 9, 2021 5:00 pm – 7:00 pm

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	
André Stojka	X				

1. Call to Order and Roll Call: The meeting was called to order at 5:07pm. Salute to the flag was recited. There were 12 present initially; Maureen arrived at 5:17pm & Shawn at 5:20pm, **14 present; 1 absent.**
2. Approval of the February 9, 2021 Agenda: **Moved** by Stephanie & André; **12-0-0; passed.**
3. Approval of January 12, 2021 PLU Meeting Minutes **Moved** by Stephanie; **seconded** by Stella; **12-0-0; passed.**
4. Public Comments: On any topic not on adopted agenda within Committee’s jurisdiction – **None**
5. Chair Reports: Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair – **None**

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

6. **1516 KINGS ROAD 90069 ZA-2019-6052-ZAA**
Entitlement Requests: OVER-IN-HEIGHT FENCE WITHIN THE FRONT YARD SETBACK
Applicant: LESTER KNISPEL [THE GARNET TRUST C/O BOULEVARD MANAGEMENT]
Representative: JOHN PARKER [PACIFIC CREST CONSULTANTS] Chris@pccla.com

Chris Parker presented this after-the-fact entitlement request to legalize the work that was already done. The fence was over-in-height when the owner purchased the property, 6 feet and higher. He had his contractor add additional feet and it now measures 10’9”. He has been working with Planning for a hearing, which took place this morning. Jack Chiang took it under advisement and will keep the case file open for four more weeks. The owner is a celebrity who is requesting this for security and privacy, having been burglarized and having had tour buses with people peering (pre-pandemic). He pointed out over-in-height fences, hedges, gates and retaining walls across the street and next door, noting his is the shortest.

- [Maureen arrived at 5:17 pm. Shawn Bayliss arrived at 5:20 pm for a total of 14 members present.]

Q&A and committee discussion was held. Discussed was the idea that, though not legal, the height of this fence is not unusual in this location. Stella Grey was at the hearing and asked that Chris share the letter from the City Attorney. Chris explained that an Order to Comply was sent to the City Attorney’s office in around October; they are aware of the call today; it took over a year to get the hearing. Yves noted that typically if the fence was there for a long time, the city usually doesn’t do anything with this type of wall. He has read the neighbors’ letters including Paul Kellogg’s, who lives next door, noting that this neighbor doesn’t mind, and pointed out that there are properties like this up and down Kings Road. Cathy Wayne concurred, it is like this on every street in the neighborhood; it is not unusual and it is consistent with the neighborhood as there are a lot of celebrities and extremely narrow substandard streets with very tall fences.

Stella related that her neighborhood association, DSPNA, wrote a letter to the ZA strongly opposing this illegal wall because 1) it hasn't been properly designed so there is no assurance as to structural integrity; 2) she agrees that you'll see these walls; however, not everyone has them, e.g., the house next door. She explained that zoning laws exist for a reason, and with every new house that replaces the old house, we do not want to see these walls, which she described as not consistent with the neighborhood. Her association is concerned that if you allow this to be approved, it will set a precedent, that it sends the wrong message to developers and remodelers, and that it is inconsistent with current zoning standards. DSPNA vehemently opposes these.

Jason noted that a lot of us feel that what they are asking for is okay and he would move to support the wall and the owner. Stephanie added that there should be some assurance that this wall is sound and that there is a 10-foot front yard setback from the property line. Don agrees that it is appropriate to know that it is a safe wall.

Motion: To approve this project entitlement for the over-in-height fence within the front yard setback and, require that the applicant needs to provide assurance/proof that the wall is structurally sound, since this was neither permitted nor inspected. Stephanie **moved;** Cathy **seconded;** **6 yes;** **2 no;** Stella & Robin; **3 abstentions:** Maureen, Nickie, Wendy. **Passed.**

7. **1501 MARLAY DRIVE ZA-2017-2328 ZAD ZAA**

Project Description: Single family home

Entitlement Requests:

Zoning Administrator's Determination for a front yard setback post-required DOT & LAFD dedications ranging from 2" - 19'17 1/2"

Zoning Administrator's Determination for waiver of requirement of continuous paved roadway 20' in width from the residence to the boundary of the hillside area.

Zoning Administrator Determination to allow for 3 retaining walls with maximum height ranging from 22'2" – 35'4" in lieu of permitting 2 retaining walls with a maximum height of 10 feet or one 12' height retaining wall.

Zoning Administrator Adjustment to allow fences or walls in the required yard areas as prohibited by LAMC Section 12.21.C.1 (g) and which also exceed 8 feet in height.

Applicant: SARA SCHUSTEROW

Representative VALERIE SACKS [BROKERAGE ZONING DEVELOPMENT GROUP]
valerie@bzdgroup.net

Architect: PAUL COLEMAN paul@lucol.com

Paul Coleman presented requests for this single family home. He was accompanied by Wayne Shick, Geotechnical Engineer, neighbor, Chuck Marino, regarding potential construction solutions and Valerie Sacks. In response to the question about the figure at the first ZAD request above, "2" - 19'17 1/2" Valerie noted that there is a typo on the DCP application, meaning 2 feet to 19 feet. She explained that DOT & LAFD required an enormous dedication because it is at the end of a cul-de-sac and they wanted to be able to turn around. As a result, this compressed the entire site. As to the 4th request regarding the 20-foot wide continuous paved roadway, they will be dedicating in front of their property; it will be widened there but there is nothing that they can do about the properties going downhill on Marlay. Current planner is Danalynn Dominguez. Valerie has renderings of landscape designs.

Paul shared his screen, beginning with the overall site plan, which he described as a steeply sloping site at the end of Marlay Drive, with a funky shape from the lot line. He noted that there are significant challenges to work within the irregular site, and that the city carved away the public right of way. They took the 5' dedication and the LAFD wanted enough of an easement on their property so they could create an alternative minimum turnaround at the end of the street. They want to provide something that the city could approve.

The project includes a 3100 sq. foot house, a pool, roof deck, three retaining walls, pulled a second wall in the back and pulled the building away from the adjacent pool house and down the site as much as possible. He discussed levels up to the small roof deck and up to a small pool, noting that there is a roofline and deck of the level below this. He discussed the over-height wall, saying they need to retain existing earth that extends into the public right of way. Paul noted that they are asking for a significantly reduced front yard. The short one is because the city took the dedication; they don't want to go north further into the hills; there would be more grading & impact on this site. He provided a rendering showing the roof deck with pool; talking about planters, so they can grow vine on the wall with concrete colors: one color for the house with tiles to match and an earthen color for the wall. The wall has to be a certain height to meet slope requirements.

Stephanie asked him to mention the grading letter, noting that it looks like 70-feet at least from the Stahl House. He related that they have worked with the Department who have allowed them to do a single wall. They had it amended so they'll still have it on their property line. He noted that the structure is stabilizing. They've tried to be good neighbors and will finish the road.

Public Comment: None. **Board Q&A followed:** Cathy inquired about lighting at the top deck with pool and deck, if it will be obtrusive into the neighborhood, to which he noted that their intent is for low-level lighting. Cathy asked that it be written into our motion to have the trees and the plantings done on the roof, because it adds a lot to the property. She asked if he would have any kind of a fire pit up or ability to install a fire pit, to which he denied any plans to plumb for a fire pit.

Yves asked Stella Grey what DSPNA's position on this. Stella asked Paul to show sections or elevations of the building. He showed a section of one piece of the house, entry level, subbasement, main level, pool area, planter and then the wall. He noted that a lot of the wall is free-board wall, up in the air, to create a 15-foot open space to the slope and needs to hit 1:1 access. In this case it is 15 foot. Stella noted the permitted by right is only about 1206 or 1208 square feet allowed. This house by right would be 1200 square feet. He noted that would be if they weren't allowed to use the allowable for basement, which gives them the 3100. If they removed the basement they'd have 1208 square feet. The total RFA is 3,100. They expect to excavate 970.46 CY for export. He doesn't expect a haul route. Stella noted that you can't build a 30-foot retaining wall as one piece; you'll have to excavate behind there and may add additional cubic yardage and they may exceed 1000 CY. He described possible procedures that builders might do, noting it is not a single piece, if piles, they may drill the piles with the hill in place... and that the intent is not to create giant cuts behind the wall.

Stephanie read the grade approval letter noting that typically with shoring and lagging, it looks like one place has a vertical cut of 38' where the garage is and 48' of vertical cut with the subbasement area; not radically different than other things that we have seen. She noted that the applicants have done a lot to make this work out and created a turnaround for a fire truck, which will be a big help to that street. She mentioned the house above. He opined that when this house is in place it will create a more stable situation for the house above.

Yves asked, what about during construction. Bob asked, and Paul agreed that between grade level and the top of the wall there is some 15 feet. Bob has a problem despite the planter box which adds 15+ feet to the wall. He asked whether they need something that tall, and the gap between, to which Paul noted that the wall is sticking up partly because of the topography of the site. They have to create a 15' space between the top of the wall and where the slope is; driven by topography. They have tried to bring the wall down the hill as much as they can. Nickie considers this a clever design and if it meets the requirements, doesn't see the objection as they keep smoking and fire off the deck.

Stella noted that the way her neighborhood association looks at it is that there are codes which allow them to increase 10% in height but she does not appreciate when the variances ask for three or four times increase of what is allowed. In this case, the request for retaining walls that exceed by right in number and in height is significantly increased and she is looking at other requests. She asks if they could work out something that is more compliant with what the code requires. Stella noted that the street is curvy and narrow and asked if there is anything that can be done to mitigate impacts and decrease the size of the retaining walls.

Valerie noted that three of the four requests are a direct result of the dedication that compresses the site. If the area for the turnaround were buildable, it would push the entire house out a little and require fewer things but the fire turnaround will be a benefit to everyone in the neighborhood except for the property owner.

Stephanie asked if the road will be improved prior to construction of the house for parking and for the concrete trucks, etc. Paul believes it could be arranged; he would look at that. At minimum, he thinks they'll need to carve out the site for trucks and first take the area from the garage forward. They are putting in a fire hydrant.

Leslie asked, as to staging, where they will stage when building the retaining walls, because they do not have a lot of space or improved road, and, she is trying to understand if Stella's concerns are aesthetic or engineering. Stella noted that there are codes and variances from the codes, asking how much will we allow and what is the limit to make up for their investment.

As to where they will be staging for concrete, etc., Paul related that he guesses that the site is pretty stable, and imagines they will step the site; probably get one truck at a time, and will need to prepare the site before construction. Chuck Marino was asked about staging on Marlay. He explained that this is Lot 1, and he owns Lot 2 next door. There is a 5-story house on Lot 3 existing. There is a new house being built on Lot 4, where they are drilling similar piles as will be on this site, shoring piles. He is able to keep all the machinery on site. He opined that the best way is to start cutting into the hill, removing some dirt, creating space for turnaround and for trucks to come up and remove dirt after drilling. He thinks there will be no problem getting the drill rig up the hill; that the issue will be hauling the dirt out, with a small tractor, that can take it to a 10-wheeler, and the issue will be turning around the 10-wheeler. He was looking at what they were doing on Lot 4.

Robin asked if Sara Schusterow or Bobby may live there. Robin expressed concern about the whole thing: too much weight on the top of the house, water or trees on the house, topography, digging into the land, building to the right of this house. Don commented on the supposed basements and asked what the requirement is for the cypress trees and what requires the extra 15 feet? Paul noted it is not always an extra 15 feet, and explained what the soil grading department mandates. Wendy interjected that this is the amount of dirt that can fall.

Motion: To continue this, provide a list of things that this committee would like to see and have them return to our next meeting **moved** by Stephanie and **seconded** by Cathy **10-0-0; passed.**

Wendy asked if there is a way to push the driveway forward so the dig into the hill is less; she was told no, the template goes all the way to the south side of the street. Valerie asked that we end with a motion next time.

8. **Discussion & Possible Motion:**

Discussion on the proposed 2021-22 State budget that is on Governor Newsom's desk. In that budget there is \$4.3 million dedicated to the creation of a "Housing Accountability Unit" (HAU) within the Department of Housing and Community Development (HCD) in the 2021-22 Proposed Budget (see press conference dated January 8th, 2021). **The governor said: "Let me just make this clear to all my friends," Newsom said, "this is to monitor city council meetings. This is to monitor board of supervisors meetings, planning commission meetings. We're not going to wait for an article to be written to be proactive in terms of holding local government accountable to increasing housing production."**

It will send teams into meetings of city councils, city boards of supervisors and local planning commissions to "monitor" whether they are behaving properly and successfully following the State's housing development mandates. JD Supra "Proposed California Budget Would Create Housing Accountability Unit and Add New Targeted CEQA Exemptions Focused on Housing"

<https://www.jdsupra.com/legalnews/proposed-california-budget-would-create-9623999/>

<http://www.ebudget.ca.gov/2021-22/pdf/GovernorsBudget/1000/2240.pdf> (Attachment)

Maureen Levinson related that they have been unsuccessful in getting these housing bills through; in SB9 there is no exemption for Very High Fire Hazard Severity Zones (VHFHSZs) and it attempts to remove all CEQA language. She noted that SB10 has language for VHFHSZs and it increases density. Maureen noted 4.3 million is being budgeted for this; it removes local control for planning. Bob noted that Recode LA is trying to eliminate CEQA in the hillsides, to which Maureen questioned if Recode LA will even be relevant.

Motion: Maureen will write the letter to City Council of opposition to this budget allotment, and tell them how we feel to have people monitor it. It will hinder free speech. Maureen can prepare a letter that may be similar to the letter of Livable California; **moved** by Robin; **seconded** by Cathy; **14-0-0; passed.**

9. **Discussion & Possible Motion - Letters to be sent to CD4, Planning and LADBS.**

Discussion on the discovery of demolition, grading and (soon to be) construction of a new single family residence & ALQ at 1529 Skylark Lane 90069. The project is accessed by an unimproved private street and grading permit states 1953 CY (and states less than 1000CY); no haul route. Of additional concern, there was a project built at 1540 Skylark that applied for a ZAD (ZA-2015-366-ZAD) which was later withdrawn. In 2014, applications for haul route (2210 cy), demolition, grading and construction of a new single family residence were submitted, permits issued and Certificate of Occupancy issued in 2019 for 1540 Skylark. No completed ZA case for this new SFR.

1529 Skylark Lane 90069

<https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=147B169%20%20%20290>

1540 Skylark Lane 90069

<https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=147B169%20%20%2020499>

Representative: Tony Russo tony@crestrealestate.com

Stephanie noted that BOE errors are continuing. They are now requiring that any waiver of dedication be a planning entitlement. She looked into it, asked an applicant, the referral form was signed by a BOE employee. She would like to write a letter to CD4, BOE, Planning and DBS as she thinks this is a dangerous precedent. She is making a list of what is being missed, noting this is not good for the neighborhood.

Motion: For a letter to be written by Stephanie. **Moved** by Stephanie; **seconded** by Stella; **14-0-0; passed.** Asked if there is a legal option, Don said no, but that if someone wants to form a group, to have the city bring a letter of concern, our NC may not do that. Nickie recommended bringing this to City Watch.

10. Discussion & Possible Motion - Letters to be sent to CD4 & CD5, BBSC, CAO

Basements and their impacts on grading, building height, fees - The attached PDF of import/export chart shows increased grading activity since 2013. Much of the increase in grading results from building codes allowing RFA exempt basements on steep sites. The code requires that more than 60% of the perimeter walls be (mostly) underground, hence significant grading is required to achieve exempt RFA. Often applicants and plan check engineers miss the vertical measurement of the basement floor for measuring the overall height of a house (examples - to be provided). Additional concerns are in regard to permit fees. (**Attachment**)

Stephanie related that this is inspired by the new ad-hoc committee created by Stella. The basement square footage is being exempt. In some cases, they look like two basements. BBSC shouldn't be encouraging double basements or 20-foot tall basements. Cathy Wayne noted that one reason for this is because the city restricts the height of a building.

Stella noted, as to height and basement issues, that we are trying hard to improve current regulations, writing letters to make improvements for what causes problems, then at the same time, we all supported huge deviations from codes on the projects. She asked why work on this and then sign off on these projects. We need to take stronger positions to protect existing codes and regulations. Robin noted that we have to pay attention to the neighborhood representatives when voting.

Motion: Stephanie will write a letter to CD4, CD5, BBSC and CAO regarding RFA-exempt basements on steep sites. Stephanie **moved**; Robin **seconded**; **14-0-0; passed.**

11. Update - Ridgeline Ordinance:

Don gave update that the comments from the webinar in November have been responded to by the group that is working on the ordinance itself and there is some probability that we'll see a draft of the ordinance not too far from now. This ordinance will be a pilot program and bounds will be that of this NC. This will require a rezoning of that special pilot program that the second group is working on at the moment. We hope that the second group's work will be done in order for this to tie the ordinance which will then go to public comment. Subsequent to that will be a staff report that will go to the Planning Commission then to Council. Within this year we should have these elements tied together.

12. Discussion & Possible Motion for a Follow-up Community Impact Statement on CF-19-0046

File Title: Developer Contribution Restrictions / City Elected Officials / Candidates for City Office & Link <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=19-0046> - Bonin/Raman Motion: https://clkrep.lacity.org/online/docs/2019/19-0046_mot_02-02-2021.pdf (BABCNC submitted a CIS in July 2019, supporting then-CM Ryu's motion prohibiting developer and contractor contributions to City-elected officials.)

Motion: To recommend to the BABCNC Board to write and submit a "Follow-up" Community Impact Statement on CF-19-0046 regarding to loopholes for timeframe on political donations. The follow-up Motion would be to SUPPORT the Bonin/Raman motion that Council instruct City Attorney to AMEND Ordinance 186477, Section 6, to move up the operative date to include fundraising for the 2022 primary election. Cathy **moved**; Robert S. **Seconded**. **14-0-0; passed.**

13. Discussion & Possible Motion for a Community Impact Statement on CF 12-0460-S4

File Title: Zoning Code / Reorganization of Administration Provisions (Processes and Procedures Ordinance) / Los Angeles Municipal Code (LAMC) Amendment & Link: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=12-0460-S4>

To recommend to the BABCNC Board to write and submit a CIS relative to the proposed amendment to the Processes and Procedures Ordinance in Los Angeles Municipal Code (LAMC) which seeks to comprehensively reorganize administrative provisions of the Zoning Code and establish a new Article and Chapter of the LAMC.

- Planning Commissioners Report: https://clkrep.lacity.org/onlinedocs/2012/12-0460-S4_misc_10-26-2018.pdf
- Please see council file for all attachments to this report dated October 26, 2018 as well as CISs therein.
- Note: There is a Friday February 12, 2021 public comment deadline. If anyone wishes to send an individual letter, please do so. Board approval is required for submitting the letter/CIS to the council file. **(Attachment)**

Motion: To write the letter, to get a temporary letter in on time, and have it approved by the board on 02-24; Cathy **moved**; Stephanie **seconded**; **14-0-0**; **passed**. Bob will write a letter. Bob will send Cathy the email address so those interested can submit letters on an individual basis. The board can vote to approve it and submit a CIS after the board meeting of 02-24-2021.

Current Case Updates by PLUC Members on pending projects:

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

Next PLU Meeting: Tuesday 03/09/2020 @ 5:00pm

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 ADJUSTMENT
EAF – ENVIRONMENTAL ASSESSEMENT FORM	ZAD – ZONING ADMINISTRATOR’S DETERMINATION
ENV – ENVIRONMENTAL CLEARANCE	ZV – ZONING VARIANCE
MND – MITIGATED NEGATIVE DECLARATION	

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