

**MINUTES**

**Planning & Land Use Committee Meeting**

**Tuesday March 9, 2021 5:00 pm – 7:00 pm**

To Join Zoom Meeting Dial (669) 900-6833 OR (888) 475 4499

Webinar ID: 972 2189 3155

<http://tiny.cc/BABCNCPLUMeeting>

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage, Vice Chair	X	
Robin Greenberg	X		Nickie Miner ( <i>Not Voting</i> )	X	
Don Loze	X		Jamie Hall ( <i>Not Voting</i> )		X
Evans Alternate for 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/Roll:** Meeting called to order at 5:03 pm; Pledge to the Flag was recited. Roll was called with 9 committee members present initially; Stephanie arrived 5:08 pm, Bob 5:21; Don 5:30 and Ellen Evans stepped in as Alternate for Yves beginning at Item #7. **13 present** (Nickie ineligible to vote) **2 absent:** Jamie & Wendy.
- 2.** Approval of the March 9, 2021 Agenda: **Moved** by Cathy; **Seconded** by André **9-0-0; passed.**
- 3.** Approval of February 9, 2021 PLU Minutes **Moved** by Cathy; **Seconded** by André **9-0-0; passed.**
- 4. Public Comments:** Maureen Levinson spoke on “United Neighbors” a “California Coalition to Protect Single Family Neighborhoods” who examine bills coming out. <https://www.unitedneighbors.net/> Maureen encourages having your HOAs join for help using the portal system to give comment on bills. They support SB 15 introduced by Senator Portantino **SB-15 Housing development: incentives: rezoning of idle retail sites** and do not support SB9 & SB10. Link to SB 15: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=20210220SB15](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB15)
- 5. Chair Reports:** Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair – None

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

**6. 1501 MARLAY DRIVE 90069 ZA-2017-2328 ZAD ZAA**

**Entitlement Requests**

A) Zoning Administrator's Determination for a front yard setback post-required DOT & LAFD dedications ranging from 2" (DOT) and 20'8" (LAFD).

B) 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.

C) Allow for 3 retaining walls with maximum height from 22'2" – 35'4" in lieu of permitting 2 retaining walls with a maximum height of 10' 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' in height.

**Applicant:** SARA SCHUSTEROW **Representatives:** VALERIE SACKS [BROKERAGE ZONING DEVELOPMENT GROUP] [valerie@bzdgroup.net](mailto:valerie@bzdgroup.net) PAUL COLEMAN [paul@lucol.com](mailto:paul@lucol.com)

- Vice Chair Stephanie Savage reviewed the entitlement requests for the project that was continued from last month. These entitlements are requested because the site is small and they are required to provide a

fire truck turnaround; creating a need for higher retaining walls, and, there is a lot of freeboard on the backside so they could provide slope requirement for the hill above. Paul Coleman returned and provided answers to the questions that were sent to him by Stephanie. He concluded that this project will make this a safer site.

*[Robert Schlesinger arrived by phone at 5:21pm.]*

Stella asked Paul to confirm that even if the house was reduced to about 1200 square feet would he still have to have the 35' high retaining wall. Paul related that the walls look like what they look like to create the same slope effect on the site, because of the geometry of the site, the requirement of the soils department and the dedication, regardless of the house size.

**Public Comment:** **Linda Whitford** heard the presentation at the last PLU meeting and thinks it is worth considering that there is not an absolute right to develop a piece of property. She has concerns about the 30+' retaining wall on a small street; thinks we are used to seeing these megaprojects which cause us to think it is acceptable. She mentioned that this neighborhood council is very supportive of protecting wildlife in the mountains including wildlife permeable fences to allow wildlife movement in the hillsides. She noted that this project falls within Habitat Block #57 of the Linkage Planning Map. She has spoken with Paul Edelman from MRCA who objects to deviations from the retaining wall ordinance, and recalled Robin's speaking on the need to consider the neighborhoods' denial of this project.

**Moonwave** related that he lives next door, owns the property next door, and is currently building the house next door, and though he would not want to see the large retaining wall, he understands the need for it. He noted that if the presenter doesn't develop the property, everyone on the street will be stuck with dirt and no turn around, and thinks it is a benefit to everyone on the street.

**Ellen Evans** asked why have a Retaining Wall Ordinance, what is the amount of acceptable variation that could uphold the spirit of the ordinance, and to be mindful of the fact that when extreme variations of code is allowed it gives others permission to do the same. Stella moved that if we have a unified opinion, we decline to approve the proposed project and ask for modification to decrease the degree of variation from the current codes, as applied to the retaining wall.

**Motion #1 of 2:** To deny approval of the proposed project's request for C) and ask the applicant to rework the design to decrease the deviation from the current codes, primarily as to the retaining wall.

**Moved** by Stella and **seconded** by Robin; extensive discussion was held; **7 yes:** Robert, Robin, Don, Stella, Shawn, Stephanie & Jason; **0 no;** **4 Abstentions:** Maureen, André, Leslie & Cathy; **1 ineligible:** Nickie; **Passed**

- Don noted that we are trying to find an exception to the destruction of the Santa Monica Mountains. It is cheaper to buy land in the hills than elsewhere and the construction devices are getting more and more sophisticated in dealing with exceptions rather than dealing with the rules. When the original Hillside Ordinance was passed, there would be no more than 250 CY of dirt. When we got to the Council, somehow overnight that got pushed up to 1000. That 1000 represents more than 200 trucks traveling up and down streets that are being demeaned, and in this case there isn't a street able to handle this type of traffic and when you think of cement coming in, 60,000 pounds, fully loaded to do this, it overwhelms the idea of the exception, from his point of view. He respects the fact that someone put up money to buy this piece of land, but it doesn't mean that it gives a right to an exception. When he finds this is the end, he thinks we are flying in the face of a long history of protection in the Santa Monica Mountains and he cannot find support for the project.

**Motion #2 of 2:** To approve the request for A) & B) e.g., allowing the home to be built where the roads are less than 20 feet and the front-yard setback to be less than what is allowed because of the fire truck turnaround. **Moved** by Stephanie; **seconded by** Bob; discussion held; **5 yes:** Stella, Shawn, Stephanie, Jason, Leslie; **4 No;** Robert, Robin, Don & Cathy; **2 Abstentions:** Maureen & André; **1 ineligible:** Nickie; **Passed.**

[Ellen Evans joined in as Alternate for Yves Mieszala at this point in the meeting.]

**7. 9230 NIGHTINGALE DRIVE 90069 ZA-2020-7070-F**

Entitlement Requests:

Pursuant to LAMC Section 12.24X.7, a Zoning Administrator's approval to grant relief from lamc 12.21C.1(g) & 12.22 C.20 (f) to permit the construction, use and maintenance of one 5' - 0" max steel slat vehicular gate and one 5' - 0" max steel slat pedestrian gate flanked by 5' - 0" steel slat fencing, all of which are over-in-height, within the front yard of a SFD in lieu of the 42 inches which is otherwise permitted in the front yard by LAMC.

Applicant: LULU REAL ESTATE LLC

Representative: TONY RUSSO [CREST REAL ESTATE] [tony@crestrealestate.com](mailto:tony@crestrealestate.com) (**Attachment C**)

- Tony Russo related that he had worked with DSPNA on the haul route, which is still active. The client was looking at a project on the street, and over-in-height fences are not uncommon. They are proposing a 5' steel slat design, requirement is 3-1/2 feet; going 1-1/2 feet over. It will go along the front yard; required setback is 20 feet. There will be a vehicular gate and pedestrian gate. Stephanie confirmed that the drawings show 6' to which Tony said that nothing will be more than 5'. It is 5' and he will send her updated plans. **Stella related that the HOA approved the design and DSPNA has no objections.**

**Motion:** To approve. **Moved** by Stella; **seconded** by Bob. Questions were asked and answered, as to why so high, to which Tony related that it is a privacy and security concern and not uncommon for these over in height fences. He compared this to the Bird Streets. He noted that it is not a variance and he is not required to provide hardship findings. He has other approvals for fences taller than this.

- There is proposed landscaping, behind the fence as well.

- Jason noted it is a cul de sac, that a lot of the houses have fences and deferred to the group that represents this area, noting that the DSPNA has no issue.

- Ellen noted in terms of aesthetic choices, DSPNA always respects the HOA, who has said it is fine; and pointed out that 5'6" doesn't actually give added security;

**8 yes:** Robert, Robin, Don, Stella, Shawn, Jason, Cathy & Ellen; **2 no:** Maureen & André; **2 abstentions:** Stephanie & Leslie; **1 ineligible:** Nickie; **passed.**

**8. 1896-1898 RISING GLEN 90069 ZA-2020-6405-ZAA**

Entitlement Request: Pursuant to LAMC Section 12.24X.7, a Zoning Administrator's approval to grant relief from lamc 12.21C.1(g) & 12.22 C.20 (f) to permit the construction, use and maintenance of one 8'6" high vehicular gate and one 6'0" pedestrian gate, both gates attached to an 11'8" (sic) [11'9"] stone clad column, all of which are over-in-height, within the side yard of a SFD in lieu of the 6' which is otherwise permitted in the side yard by LAMC in the RE-15-1-H-HCR Zone.

Applicant: FRANK MABANTE [frank@mabantedevelopment.com](mailto:frank@mabantedevelopment.com)

Representative: NICK LEATHERS [CREST REAL ESTATE] [nick@crestrealestate.com](mailto:nick@crestrealestate.com)

The digital copy with the Planning application, plans, findings, and photos, etc. is available [here](#):

(<https://www.dropbox.com/s/z7w3uaet0b47bgx/1898%20N%20Rising%20Glen%20-%20Digital%20Copy.pdf?dl=0>)

- Nick Leathers presented and showed images of the site plan, discussed setbacks, front 25' and the gate side yards, gate house permitted by right. He discussed the request for over height gate and driveway. Nick explained that it would not be feasible to push back the front lot line. He discussed the scope of the work, following which Stella asked and he clarified that the scope of the request is only the over in height gate and column; everything has already been permitted; the last phase is only the over in height gate and column.

- He showed this on Google Earth, including the 30' setback from the street. He related that there is no gate closer to the street. The column and gate are 30 feet from the street; nothing within the request is within the front yard setback; it just pertains to the side yard. The gate house is the entryway for someone walking in; leads to a pathway to the street; there is no guard there; it is just a covered structure; nothing inside. It is covered but open. From the front to the back it is 14 feet.

Questions were asked and answered including why over-height, to which Nick noted that it is more for functionality; the driveway gate needs a supporting column on the other side, and the only way to do that is to have an over height column to support the driveway. Asked why the gate has to be 8-1/2 feet and not lower, Tony noted the maximum is 6' and it would look odd to have a 6' high column and gate and wouldn't match the entryways.

- The ZA hearing is late April 27<sup>th</sup>.

**Motion:** Continue this for further study: **Moved** by Leslie; **seconded** by André; **12 yes; 0 no; 0 abstentions; 1 ineligible:** Nickie; **passed**

**9. Letter to Advisory Agency regarding- AA-2020-4429-PMEX 1765 Clear View Drive 90210**

(continued from December 2020 PLU meeting). Discussion on letter to Advisory Agency and LAMC 17.50 17.52 17.53 - including information on existing Geology, Fire Hydrant & Private Street Access. (**Attachment D**)

- Stephanie presented the case for this letter, noting that the first step when you get a lot line adjustment or parcel map extensions is to get the geology sent. Stephanie **moved** to write a letter to the Staff Planner to make sure that all of these items required that the geology is verified and safe, that there are criteria for if there are private roads going to these properties, one property has no road, it is land-locked, she assumes that there is some road that accesses the property, and criteria for having a fire hydrant 300 feet from the property front. She wants to make sure they are looking at those things; to have them verify those items of concern to make sure that is all addressed.

Extensive discussion was held, including but not limited to Shawn asking for clarification on the attachment, that the application is for a lot line adjustment/parcel map (LLA/PM) Exemption and the follow-up items are for parcel map, and that the two are different. He would like to make sure we are following one or the other. He noted that for a LLA/PM Exemption, they intake the application and send it B&S Zoning, only look for if the lot is large enough, does it have access, etc., which he noted is relatively perfunctory. He wanted clarification on the requirements highlighted: Is it for a LLA or PM? Stephanie noted it is a LLA and a PMEX case. Looking for the applications for a LLA, you have to send a form to grading and list previous soils report for the property. The other issues were the code sections that were not within the authority of the Advisory Agency, and said approval of a preliminary parcel map, with the fire hydrant access. Discussion was held as to the difference between LLA and PM, noting that PM is used to create up to four lots; LL is to move boundary lines of existing lots. Stephanie noted that this was on the agenda in December.

**Motion:** Write a letter to City of LA Advisory Agency expressing our concern and doubt over the intention of the lot line adjustment and ask to call the city's attention to any attempt to reestablish grade or legalize any unpermitted grading for the purposes of measuring height, getting around grading limitations, etc. **Moved** by Shawn; Bob **seconded; 12 yes; 0 no; 0 abstentions; 1 ineligible:** Nickie; **passed**

**Agenda Item #10 & #11 below were incorrectly combined in the original agenda. Numbering is now off by one number. Attachment E = Hillside Referral Forms item & E.i. = Board of Forestry item.**

**10. Hillside Referral Forms (HSRF) and need to revise BOE template to reflect current ordinances:**

Currently the heading on the current HSRF states Ordinance 181,624 and Ordinance 174,652. Instead the form must include the current Hillside Ordinance 184,802 (adopted 3-13-17). (**Attachment E**) (**Not Discussed / Continued**)

**11. Board of Forestry Proposed Regulations on Street Standards - Draft Fire Safe Roadway Regulations proposed by the Board of Forestry will impact very high fire hazard severity zones (VHFHSZs) within the City of Los Angeles. (Attachment E.i. = Hillside Federation Letter)**

- Robert related that he has received a letter by Edith Hannigan, the Land Use Planning Policy Manager for the Department of Forestry and Fire Protection, whom he stated has written an 18-page treatment. He wants to copy it, send it out to the committee, and take a vote on it at the 03-24 meeting the night before the BOF meeting.

- Maureen noted that there are minimum requirements for safety and fire protection. The state wants to revise the regulations. It's a minimum set of requirements and local can embellish those requirements. We want our roads widened by developers, because they are building very expensive buildings on properties. The state regulations were originally written in 1991; doing a rewrite, and it will be for everywhere in the state. Problem with regard to building wider roads is that a lot of people affected by wildfires cannot afford to rebuild roads. From BAA website. <http://belairassociation.org/blog/2021/2/26/california-board-of-forestry-amp-fire-protection-bof-to-update-minimal-fire-safety-regulations-that-will-affect-hillside-residents-next-meeting-march-3-2021> **No action was taken**

**12. Sepulveda Transit Corridor Project** Scope of Tunneling with BABCNC boundary (attachment for 6-2018 Presentation) For Fact Sheets, Reports & Info: <https://www.metro.net/projects/sepulvedacorridor/>  
Robin noted that we will probably have Bob Anderson at our April meeting. Maureen noted that on March 25<sup>th</sup>, METRO's board will vote on PDA partnership and chose two: Bechtel above ground, hard rail, and LA Sky Rail express, monorail; the two to continue on their study. They have off ramps too.

Leslie noted that one route would come along Sepulveda, the other will likely tunnel under Stone Canyon Road or Beverly Glen, depending on which mode of transport is chosen. Many constituencies are involved, including UCLA, and METRO board answers to their constituents. It is an important process that will affect the middle or western part of Bel Air. Sherman Oaks Association supports the monorail. Shawn would like to have Bob Anderson come. He noted that after 03-25, METRO's staff will put a strict code of silence on the two companies, against direct communication with communities. He hopes for more direct conversation with the companies. It was noted that UCLA wants a direct stop at their campus.

Shawn noted that Bechtel's primary proposal has a stop at UCLA for \$5 billion. Skyrail has \$6.1 without a stop there. Skyrail has an option but we don't know what it looks like. Where does it go underground? What is the price tag afterwards? The committee took a vote and the majority supported the most cost effective option that allows for the earliest completion so Angelenos can actually utilize the public transportation that they paid for, the Skyrail Express that allows for above-ground transportation, down the middle of the 405.

**13. Ordinance 185342 Affordable Housing Linkage Fee**

Discussion of the ordinance and its application within the BABCNC area (High Market zone). **(Attachment F)**  
[https://clkrep.lacity.org/onlinedocs/2017/17-0274\\_rpt\\_MAYOR\\_10-15-2018.pdf](https://clkrep.lacity.org/onlinedocs/2017/17-0274_rpt_MAYOR_10-15-2018.pdf)

Stephanie noted that this is a new fee that will give a lot of money to make affordable housing. She has been in communication with the staff planner, had questions on the ordinance and how it relates to basements among other things. Keep it in our minds, because in our NC area, every square foot is \$18.50 towards affordable housing.

**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 04/13/2021 @ 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 ADMINISTRATOR
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	