

Minutes
Planning & Land Use Committee Meeting
Tuesday April 13, 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 – Committee Member Roll Call: Bob called the meeting to order at 5:00pm with 9 members present initially; Shawn arrived within a few minutes for a total of 10 present; Wendy arrived next; Maureen arrived at 5:17, followed by Jamie and Jason for a total of 14. Shawn recused himself and Jamie left for a total of 12.
2. Approval of the April 13, 2021 Agenda **moved** by Stephanie, **seconded** by Cathy; **9-0-0; passed**
3. Approval of March 9, 2021 PLU Minutes (**Attachment A**) **moved** by Stephanie; **seconded** by Cathy; Stella had asked Cathy to make a change to item #7, after Tony’s response to Stephanie’s question, 2nd paragraph, prior to the motion: It states “HOA approved the design and DSPNA had no objections.” **10-0-0; passed.**
4. Public Comments: None
5. Chair Reports: Robert (Bob) Schlesinger, Chair, & Stephanie Savage, Vice Chair
 - Stephanie related that she appreciates that people come in to talk to us about their projects and that they recognize their required entitlements for their projects. Not everybody is doing that. Since they are taking this time, and the codes are so complicated, they are really looking into these things and are coming to us. We need to give them valid factual code-citing information as to why we may agree or disagree with what they are doing instead of saying we don’t like it. Bob noted that he is collecting issues of the codes. He also noted that we have to revamp the letters that are going out. Stephanie noted that we can add to that, but we need to provide more input for them.
 - Bob mentioned an example of a home building something with no permit.
 - Bob mentioned a project at the end of Peavine and San Ysidro, at the end of a cul-de-sac, which is a couple to three acres of land with the architectural rendering showing that they are building a house three to four times the character of the neighborhood, beyond Beverly Park.

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

6. **1896-1898 RISING GLEN 90069 ZA-2020-6405-ZAA (Continued from March PLU)**
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 11’9” 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
Representative: Nick Leathers [Crest Real Estate] nick@crestrealestate.com
 See link for digital copy with the Planning application, plans, findings, and photos, etc.:
<https://www.dropbox.com/s/z7w3uaet0b47bgx/1898%20N%20Rising%20Glen%20-%20Digital%20Copy.pdf?dl=0>

Stephanie noted that Nick Leathers has returning from last month. Nick showed renderings and provided context to refresh our memory that this is a ZAA request for a gate and a column. He showed an 8' high driveway gate and an 11'8" column that is connected to the gate, both are encroaching into the side yard setback to the southwestern property. The column, gatehouse and everything is setback around 30 feet from the front lot line. The gatehouse is permitted by right, not within the front yard setback, and was permitted. Overall, the ZAA request cannot really be seen; the column is hidden behind trees.

Nick noted that they met with Neighborhood Association on March 18th. Feedback mostly concerned neighbors at the Southwest. He sent a letter with his contact info by certified mail on March 23rd but has not received a response; he had his project team contractor drop his business card to the project next door, also being built out by the contractor and has not heard back yet. *[Maureen Levinson arrived.]*

They are scheduled for April 27th hearing; a notice was sent a week or two ago; he has not received correspondence from neighbors. Stella asked if he contacted the neighbor on the opposite side, across from the house, to which he noted that he has only reached out to side yard neighbors where the column would be. *[Jason and Jamie had arrived.]*

Cathy asked if the column is encroaching why build there, to which Nick responded for functionality, the driveway gate has to connect to something, it has to be a certain height and can't be 6' because it wouldn't be able to support the driveway gate. Yves noted that he is building it into the side-yard setback. Stephanie explained it is their property, within the side-yard setback; the height is above 6', which is the reason for the request. Jamie noted that in the Planning world, the word "encroachment" has two different meanings; one to encroach into another's property or could be to encroach into your own setback.

Yves asked for clarification: He can visualize the house with the building and entrance gate and thinks it flows very nicely because it is set back from Rising Glen and that the architect did a great job, however, it is over in height, and if he goes to 6' it will look architecturally wrong.

Nickie asked for the total square footage of the house. Stella noted that it is a by right project. Nick noted that it is a permitted new sfd with attached garage and basement, total home size is 19,732 square feet including garage, he believes, and an ADU and a new swimming pool. The ADU is 13,000 square feet. Nick noted that this was permitted before the new HCR rules for site-plan review.

Motion: To support the requested entitlement ZAA. **Moved** by Stella; **seconded** by Cathy. Yves expressed concern that everyone else on Rising Glen will ask for the same, to which Jamie noted expeditors will use this as an example for why their client should be granted the same relief. Jamie continued, to avoid that, in the recommendation, explain in a little bit of detail of what made this so unique, such that it would not be easily used by others seeking the same relief in the future; require the board to think about what is unique about this. Jamie asked Nick what is unique about this that warrants the granting of the ZAA, to which Nick noted that what sets this project apart is that this is for the side yard setback, because the lot is pretty narrow in the front, and they are already set back 30 feet from the front lot line and this request only allows us to encroach into the side yard instead by 7 feet. It is generally 30 feet wide in front and as you go back it extends and becomes a wider pad, so that's why they're able to push it back so far; can only push so far without getting to motor court and side garage.

Jamie asked if the gate was proposed as part of the original project, why wasn't this an entitlement sought at the beginning? Nick noted it is a by right home and if we were to file the request for column and driveway gate, it is not in the order of how PlanCheck goes forward. Jamie noted that this is what often happens, he is not convinced that his is a great reason and he is looking for the rationale to prevent others from doing the same in the future. Jamie asked and Nick confirmed that this is an encroachment into the side yard as opposed to the front yard, and the lot is irregular in shape and it is narrower in the front than it is in the back. Nick added if they were to clear the side yard setback, the gate and column would have to be 80 feet from front lot line, whereas now it is about 30.

Wendy asked and Nick confirmed that this is at the end of a dead-end street with a turnaround and that it is therefore narrow at the entrance to the property, after which it expands, but to keep on the property with what he needs to do it just doesn't work. Wendy noted that what is missing is an okay from the next-door neighbor, Mr.

Broccoli. Nick sent out a certified mailer March 23rd, and didn't receive any confirmation that it was received. His contractor gave his business card. Leslie noted that Mr. Broccoli is in England and needs to be contacted.

Robin read an Attendee's question, if the gate is not part of the house. Stephanie answered that the request is for the vehicular gate, the column it is attached to and a side yard gate, that she believes conforms. Board discussion was held on the need for Nick to make contact with Mr. Broccoli and continue this. Jamie noted that it is a poor practice to proceed with ministerial and come afterwards to pursue entitlements.

2nd Motion: To continue this; moved by Leslie; seconded by Yves. Stella asked if we should write to PlanCheck and ask them if a by right property is expected to have any later request for some sort of variance, deviation, to include this question on their questionnaire and have it answered by the applicant. Bob thinks more important is that the ZA needs to be made aware that the owner has not been contacted. No action

Amended Motion: To approve, subject to confirmation of the adjacent homeowner, that he does not object. Moved by Stella; seconded by Cathy; Jamie suggested adding, but not necessarily in the motion, four specific things that could distinguish this project: 1) it is at the end of a dead-end street 2) this is a side yard setback as opposed to a front yard setback; 3) it is narrower in front and has an irregular shape 4) compliance with the side yard setback rules would make the proposed element more intrusive and/or infeasible to construct. Amendment was approved and the motion as amended passed by **12 yes, 2 no, 0 abstentions**.

7. **1400 (1524,1418,1536) N Tower Grove & 1411,1405 N Seabright 90210 ZA-202-5529-ZAD**

Entitlement Request: Zoning Administrator's Determination (12.24-X 28) to request the approval of a permit for the construction, use and maintenance of a 3,339.88 square foot, two story above basement Accessory Living Quarter fronting on a Substandard Hillside Limited street and accessed by a CPR of less than 20' in width. (12.21-C,10 (i) (2) & 12.21-C,10 (i) (3)).

Applicant: Robert Kopple; Representative: Tara Harrison [Harrison Permits] permits@TaraHarrison.LA
Representative: Arshia Mahmoodi [Arshia Architects, ltd] office@arshia.net

Stephanie introduced the entitlement request. Ms. Tara Harrison was accompanied by Arshia Mahmoodi, Architect. *[Shawn Bayliss recused himself from hearing this project = 13 present.]*

Ms. Harrison noted that everything for the accessory pool house is by right, it is a large 20,681 square feet lot, a pool house to be used by the owner and his guests, and they have to do a ZAD because of 1) the substandard hillside street and 2) substandard continuous paved roadway. She noted that every house in that area has the same issue, with the continuous paved roadway coming from Sunset. About a mile away the road drops down to she believes 18 feet in one small area, so that basically all the homes that do any kind of improvement have to go through the same process. The street is much wider than 20 feet all the way around the property except for the private road going up on one side that drops under 20 feet, which is why they have to do the ZAD.

As to the multiple addresses, Ms. Harrison related that the lots have been tied, so it is one large property with a main house, they wanted to build a pool house / accessory unit. It is quite a large property. The street goes all the way around. The owner owns the neighboring property with a house above it and there's a wall around the property and many trees. When you drive around it you cannot see the house, won't be able to see the construction; all construction vehicles will be able to park inside a parking area. She pointed out an image that all the lots have been tied. She noted that he also owns the neighboring property above. Stephanie noted that everyone was sent the drawings, photographs, the findings, the application, etc. Stephanie looked at Google Earth. She noted that in the area where the accessory unit is going there are a lot of trees and asked if trees are protected. Ms. Harrison will send us the tree report. She noted that a few are being cut down, none protected, every protected tree on the property is remaining.

Stephanie asked about the square footage which says 3340, but each floor plate is only about 12 or 1300 square feet, and asked if the basement is being counted in that number. Ms. Harrison related that the 1st Floor is 2358, 2nd floor is 981, not counting basement, which is 1,084.62 (exempt). Bob asked her to advise the contractor that they have to be aware of the Hillside Construction Regulations. Jamie asked that she makes sure that they also inform the subcontractors. Nickie brought up a wall of a different property. Wendy noted that it looks like a new retaining wall is needed which, making it over the number of retaining walls allowed, and as to what was said about the size of each floor; looks like the 2nd floor was the same footprint of the 1st floor; based on sizes and markings.

Ms. Harrison noted that the 2nd floor side steps back as it is in the hill; part of the basement is underground. Wendy noted that she didn't see the retaining wall above the 2nd floor that she expected to see.

[Jamie stepped away and did not return = 12 present.]

Stella asked regarding the accessory living quarter, noting it is different from ADU, would he later add a kitchen, to which Ms. Harrison noted that they cannot have a kitchen, and he would not want a kitchen there. One family lives on the property, and he strictly wants this for people using the pool. It is not intended to be a place to live. Mr. Kopple would never use this as a single family accessory to his home. Stella asked if it is possible to later add a kitchen. Ms. Harrison noted that he never indicated such. She doesn't think he will ever. He didn't want a kitchen in this unit. Stephanie noted that the plans say "wet bar."

Don suggested the applicant have a covenant to run with the land that this unit would be used not for living, would not be a habitable building for living purposes, and would be solely for the purpose of benefiting the use of the swimming pool. Stella related that it can also be used for guests. Code allows the same guests to use it no longer than 20 days or more than a certain time, which is enforceable, and need to add something to the motion. Don related that the issue is whether or not the rules for accessory buildings or ADUs are applicable here, and that the representation is that this is solely an application for an accessory building for use in connection with a primary building and not for the purpose of renting it out to third parties or using it for habitability. Ms. Harrison agreed to a covenant that it not be used for an ADU, and thinks he would be happy to do that. As to the retaining wall, it is less than 10' tall, is very small, and is being covered with plants. The wall is for HR2, for safety code, and is by right. Arshia Mahmoodi was available for clarification on the HR2 question which Ms. Harrison has addressed.

Motion: To approve the project but with two items: 1) to confirm that there are no protective trees being removed or otherwise planted as the code requires; 2) have a covenant agreement for the accessory living quarters so that there is no second kitchen; **moved** by Stephanie; Don would say that this is solely for the purpose of servicing the swimming pool. Cathy **seconded; 12 yes; 0 no; 0 abstentions; 1 recused:** Shawn Bayliss; **passed.** Stephanie related that a letter is written that we are approving these conditions to the ZAD.

Mr. Arshia Mahmoodi brought up the point that there is a difference between various accessory structures; this is permitted as an ALQ, by right, which is an accessory living quarter, but not allowed to have a kitchen, which is why we have bedrooms there. By code it is allowed to be habited by guests. Don noted that our condition is to remove it, and make it a specific condition of this approval. Stella related that it will not; it is a guest house; guests can still use it but we are asking to attach assurance that it will never be converted it to an ADU. Mr. Mahmoodi agreed.

8. Topics for Discussion & Possible Motion

- a) **Big Wild-Topanga State Park Core Habitat Area [Comment Period ends May 11, 2021.]** Contact Paul Edelman, Deputy Director of Natural Resources and Planning at Edelman@smmc.ca.gov (**Attachment B**) Dr. Travis Longcore related that the proposal is to write a letter to the city, ask that they endorse the effort by the Conservancy for continued recognition throughout the hillside area about the habitat blocks that exist, so the city doesn't exempt them all from review under CEQA because they are "just single family houses," though we know these include ADUs as well. This constitutes a discrete mapping of specific environmental resources. Going on record and identifying the role that will aid and get certainty in the environmental review process is a useful one. Bob feels it is valid and Nickie thinks it is highly important. **Motion:** If Dr. Longcore is willing to write the letter, to have him go forward with it; **moved** by Nickie; **seconded** by Bob; **12-0-0 passed.**

- b) **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). This is urgent as the grading-related impacts affect Board of Forestry Board Proposed Regulations on Street Standards. Urgency regarding grading related impacts citing out of date ordinances. (**Attachment C**) – **S. Savage** **Motion:** To write a letter to Gary Lee Moore or someone high up to change the form and mention concerns. Moved by Stephanie; Maureen **seconded; 12-0-0; passed.**

- c) **Update on Letter to Advisory Agency re: AA-2020-4429-PMEX 1765 Clear View Dr. 90210 – S. Bayliss [Leslie recused herself.]** Bob suggested writing a letter to the ZA and hoped they will appear. Stephanie noted concern that there may have been some illegal grading at one time and suggests the letter to the Advisory Agency that we have taken a look and want to make sure they have had fire hydrant installed and that grading was approved; that access is allowed to these three properties. There is criteria needed for a lot line adjustment; fire hydrant, grading and road access. Make sure they look at those three things to make sure it is a safe project. Stephanie noted that this is not a ZA case, it is just an AA case, a lot line adjustment. No hearing has been announced as of yet.
Motion: Shawn & Stephanie will write the letter; **moved** by Bob **seconded; 10 yes; 0 no; 1 abstained:** Wendy; **1 recused:** Leslie; **passed;** Leslie returned.
- d) **Discussion on our role as an Advisory Board:** Suggesting solutions to applicant/owner/ representatives who seek relief from zoning restrictions. What advice can you provide regarding architectural solutions to projects requesting (many) entitlements? – **L. Weisberg & S. Grey**
Stephanie introduced this, noting that typically seeking entitlements should only go to Planning.
Motion: That Shawn will write to ZAs in CD4 & CD5 communicating that sometimes things are coming to us too late **moved** by Robin; **seconded** by Bob; **12-0-0; passed.**
- e) **Update on the Ridgeline Ordinance – D. Loze** Don noted confusion on this by the Planning Department mixing Ridgeline Ordinance with the Wildlife Corridor. He noted that we have been told that there has been a public release of the draft ordinance for six years, and it hasn't come forth. We are awaiting the long-promised public release of the ordinance.

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

- a) New Packages Received
- b) Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted
- c) Upcoming Hearings: April 27th 1501 Marlay
- d) Determination Letters Received
- e) Pending Haul Routes (Update by any PLU Committee members) Bob noted that before COVID some of us used to go to haul route hearings. Stella noted that we have not done so recently. We have cap in the Bird Streets that limit number of haul trips per day, the contactors have to apply in advanced. The schedule has been empty. She noted that 24-cap, couldn't proceed with protection, and everything is delayed. Now it is no longer the case, the schedule is not filled.
- f) Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action) Bob noted that he dropped tracking a year or two ago. He'd like to get someone from UCLA or studying planning to maintain it.
- Robin noted that Vince Bertoni declared that MDRB may not be used within non-visible areas of Mulholland. Stephanie opined that they can't just cut it out because it impacts lighting, a lot of things that they can't say. We have learned from Travis about circadian rhythms of animals.

10. **Adjournment: 6:42pm**

Next PLU Meeting: Tuesday 05/11/2021 @ 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	

www.babcnc.org
310-479-6247
council@babcnc.org