



**Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee Meeting (Virtual)
 Tuesday December 13, 2022 5:00 P.M.**

Minutes

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage	X	
W. Morris for R. Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall	X	
Shawn Bayliss	X		Jason Spradlin	X	
André Stojka	X		Ellen Evans	X	
Steven Weinberg	X		Cathy Wayne	X	
Maureen Levinson (arr. 5:32pm)	X		Leslie Weisberg	X	
Stella Grey	X		Travis Longcore <i>ex officio</i>	X	

Chair Schlesinger read the required information on the agenda, Secretary Miner called the roll with quorum met, and the Chair called the meeting to order by 5:07 P.M.

1. The agenda was **approved** by unanimous consent, as moved by Wayne.
2. Approval of the August 9th & November 8th minutes was **postponed** to the next meeting.
3. **General Public Comment:** Stephanie Savage reported that there is a Mulholland Design Review Board meeting on 12/21 for a project at 2401 Laurel Canyon Boulevard, intersection of Laurel Canyon & Lookout. She noted that it was hoped that they'd have come to our meeting, but missed it. She will attend the meeting.
4. **Chair Report** – Robert Schlesinger had no report.

Items Scheduled for Discussion & Possible Action:

5. **ZA-2020-6626 ZAD, ENV-2020-6627-CE 9839 [9837] Easton Drive 90210 (From 03/08 meeting)**
Project Description: Demolish (E) SFD and construct a 7,257 SF SFD with attached garage and remodel existing garage. Request relief from public improvements for sub-standard hillside street and CPR (per LAMC Section 12.21C10(i)(3) and LAMC Section 12.24X28)
Applicant: William Driscoll, Jr. wnd2@aol.com
Representatives: Vladimir Elmanovich [VEA-Architects] and Sergey Lipsky vladimir@vea-architects.com
 Ken Sampson [bdsconstruction] info@bdsconstruct.com
Attachments Link: <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjQxNzcy0> Please Click on “**Initial Submittal Documents**” to the find 5 documents. In addition Mr. Elmanovich provided additional submittal documents: <https://www.dropbox.com/sh/2e3e4zuuqcc6ee/AACJibcD2q5CoKQfchVJfopba?dl=0>

Vladimir Elmanovich spoke to the committee in response to the list of 18 questions provided to them at their first presentation on March 8, 2022. His list of answers is included in the link noted above, which is also posted to our website for reference. Mr. Elmanovich was accompanied by Mr. Ken Sampson, General Contractor, and the Applicant, Mr. William Driscoll, Jr. During and following Mr. Elmanovich’s presentation, questions were asked and answered.

Motion: To deny this project based on the outstanding concerns related to the scope of the project, the size of the project and its impacts during construction. The list includes outreach needed to the community, grading and how to store, road improvement and dedications; parking all stages need to be considered for this particular area, confirmation

of building height compatible in size with the neighborhood, and confirmation of walnut woodland and trees being removed. **List of Specific Concerns:**

- No outreach to neighbors impacted on the narrow street, with no turnaround for large vehicles. Vehicles will have to back up to the site and block road while hauling or offloading material. Road width is 15' wide, per provided survey.
- Questioned declared grading amount and storage (along with any parking).
- No required dedication procedure or road improvement to widen frontage. BOE requires 13' from centerline for roadway. Plans show structure, stairs and driveway within the public right of way and no dedication, therefore making a worse condition and revocable permits.
- Parking of vehicles during construction - only provided plan (cars) for after concrete foundation and walls, no staging for materials or proposed significant grading storage.
- Building appears to be 50' in height, based on elevations.
- Building SF (7257 sf) not compatible in size with other houses on continuous narrow street. Applicant stated (2) of the 40 houses on the street are over 7000 sf yet they were originally built (in the 1960's) before hillside codes existed.
- Environmental reports state walnut woodland needs further consideration.

Moved by Member Savage, **seconded** by Member Evans. **Addendum:** Evans **moved** to specifically say that the finding of fitting in the neighborhood is *not* met and that the mitigation for the loss of the walnut woodland is not appropriate. Hall added to Evans' addendum to say that a mitigated negative declaration (an MND) is required for the project due to the acknowledged impacts to flora and fauna, and to say that the City should require mitigation for the oak-walnut woodland in the form of "area" as opposed to "tree replacement." Stephanie will write the list. Hall **seconded** and the **motion passed** by **11 yeases, 0 nays, 2 abstentions** from President Longcore and Member Loze.

Chair Schlesinger thanked Mr. Elmanovich, noting this was difficult and inviting him to come and give a brief presentation before the Board. He asked if anyone else wished to speak and Mr. Driscoll gave comments, some including that he has lived there for 40 years, hasn't been able to do much outreach because he lives in China, he plans to move back in with his son and grandson. He noted, as to size relative to the other houses, it is larger but nearby houses are 60-70 years old and there's a difference between when they were built & now. As to the natural environment, he noted that the trees are junky except for one of the live oaks. He planted many of the trees, including pine.

Chair Schlesinger pointed out that one major problem is height and privacy for the neighbors next door, to which Mr. Driscoll noted that that the height of the living story is above other houses such that you wouldn't be able to look into the other houses even if you wanted to; it is similar in height to the one next door, on the uphill side, and the house on the downhill side is a result of a problem with the street. He acknowledged that noise as a big problem on the street, and as to construction, said that they will do their best but it will be construction. He noted that his contractor is experienced in building on hillside streets, and will make sure that impacts are minimal. Chair Schlesinger thanked him and reminded him that he has an opportunity to come to the neighborhood council's full board meeting.

6. **8875 W Thrasher Avenue 90069 ADM-2022-7949-PMUL**

Project Description: Two parcel SB9 Urban Lot Split

Applicant / Representative: Jay Pirincci Jayyyyyy@prodigy.net

Attachments Link: <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjYyMjU40> Please Click on "**Initial Submittal Documents**" to the find 2 documents.

[Jamie Hall disclosed before starting this that he would not be deliberating but would speak during public comment.]

Stephanie Savage introduced this item, noting that we received this information from the Planning Department about a large vacant lot, very steep, RE15 zoning, looked into it and asked why they didn't do a parcel map lot split, then found that they had done that in 2010, which was denied. She noted that this is a ministerial project but there are still discretionary items in ministerial cases in the hillside areas. She has seen other projects with the same *PMUL* designation but these projects have an existing house on them, which is why they applied for this, and she is a little confused why an Administrative Clearance is being asked for at this time since there is no house existing on that lot. She noted that there is a Plan Check in process for this property for one home but it hasn't been built yet, so it seems premature to ask for a lot split when the house hasn't been built yet. She noted that it is very complicated, but it was sent to our NC, we looked at it, and had questions ourselves.

She noted as to the previous AA case in 2010 that was denied for a lot split, while she hasn't read the findings, she thinks 10-12 years ago, someone made a decision that these very steep lots should not be encouraged to be split. This

has 70 feet of grade change from the street to the back of the lot, which is a cliff and inherently will have other entitlements. Chair Schlesinger noted that the geologist noted in 2010 that there is a seismic hazard fault.

Member Evans noted, if we are talking about whether this is eligible for a lot split, one reason it could be *not* eligible is if there were habitat for sensitive species on the lot. She noted that there is a walnut woodland on the lot which was acknowledged in the previous submittal and has been visually verified by a biologist. Evans related that she has personally seen deer and noted that there are numerous deer on this lot, the presence of which indicates it could be habitat for mountain lion, a protected species, which would render this ineligible for a lot split.

Public Comment: Dr. Longcore noted that prior to further discussion on this, we would be taking public comment, and that he was requested to by **Mr. Jay Pirincci** to read his emailed letter into the record. The letter was dated December 13, 2022 at 11:28:27 AM PST, addressed to Longcore and cc'd to Robin Greenberg. Said letter is posted on our website at link: <https://www.babcnc.org/assets/documents/16/meeting6398d9617d7cb.pdf>. President Longcore then opened the floor to Mr. Hall whom he noted has recused himself but has the right to give public comment.

Mr. Hall related that the sole issue for the neighborhood council (NC) is whether or not this project is eligible for an SB9 urban lot split. He noted that why the applicant may be doing it is irrelevant; he can do it, the question here is: whether this project is eligible. The Planning Department specifically asked for our input in an email to us, having asked for input from various departments including the NC about whether or not this project is eligible and the NC has until 12/23 to offer their comments. He noted that the City is under a strict deadline to determine eligibility for SB9 projects, so it is imperative that the NC opine on this topic. He also alerted us to the fact that this is the first SB9 urban lot split in our NC and this committee will be setting precedent and it is important that to get this right.

Hall opined that this is *not* eligible for an SB9 lot split primarily because the project provides habitat for protected species identified as Candidate Sensitive or Species of Special Status by State or Federal Agencies, Fully Protected Species or Species Protected by the Federal Endangered Species Act, and that there is no question that there is a walnut woodland, an S3 Sensitive Species located on the project site, verified by a Senior Conservation Biologist who works for a public agency with a Ph.D. from UCLA, confirmed this summer and again last month. This project site is therefore ineligible. He noted further, this project provides value as habitat to the mountain lion, a Candidate Species for Protection, known because of the pictures of deer seen on the site, and the presence of deer is a telltale sign of mountain lion habitat, which is directly from the City. He noted finally, this project has been identified for conservation in an adopted Natural Resource Protection Plan. The Santa Monica Mountains Conservancy (SMMC) developed a Natural Resource Protection Plan in December 2021 and this land was identified for conservation. He thinks this committee should write a letter making these specific points, and that there can be no subjectivity involved. He noted that the letter should only opine on whether this project is eligible for SB9 and it is his humble opinion that it is not.

There were no other members of the public who wished to speak, and the public hearing was closed.

Board discussion was held, beginning with Member Levinson asked to see the biologist's report, which Dr. Longcore pulled up and shared on the screen. The author of the report is Daniel S. Cooper, Ph.D., from UCLA. Dr. Longcore pointed out relevant features on the map, including but not limited to important tree shrub areas, showing relative to mapped habitat blocks from SMMC in green, identified from conservation, pointing out 10 mature California Black Walnut, a huge ancient sugar bush, a nest that probably forages at this site frequently used by mule deer, adjacent to SMMC land. [See link: <https://www.babcnc.org/assets/documents/16/meeting63994678ba031.pdf> for the full report.]

Motion: To write a letter that the City find this property ineligible for SB9 lot split due to the fact that it provides habitat for sensitive species and is in a designated conservation area was **moved** by Evans and **seconded** by Weisberg.

Member Savage added that in February there was a letter on the implementation of SB9 stipulating that there was a requirement for occupancy of the owner for a period of years, and there is a lot more to this than just the environmental questions but that could be included as well, since there is no house existing. Schlesinger added that the June 10, 2010 letter of denial should be included because the geologist says that there is a serious seismic fault.

Dr. Longcore related that at the Planning website there is a site-requirement checklist, we are advising the City whether or not those conditions have been met, and the checklist acknowledges that it is environmentally sensitive. Member

Evans noted that they have a biologist report submitted for the applicant that says something different from the other biologist's report. Morris asked how we are supposed to know which of these reports is correct and that this seems like a legal question that we do not belong in the middle of. Evans testified that she can see walnut trees and has personally seen deer. Savage noted that the checklist E2 says no earthquake fault zone and that conflicting information should be mentioned. Member Grey noted that UFD visited the lot and confirmed there are walnut groves there.

The motion to recommend that the City find this property ineligible for a SB9 lot split because (1) it provides habitat for sensitive species and (2) it is in an area identified for conservation in a natural resource protection plan by the Santa Monica Mountains Conservancy **passed** by **10 yeases, 0 noes** and **3 abstentions** from Longcore, Schlesinger and Morris.

7. **Discussion & Possible Action:**

To create an Ad-Hoc Committee regarding the new SB9 early notification system.

Dr. Longcore introduced this item, noting that we will get notices under a timeline, and want to empower an ad-hoc committee to review these factual issues, as to whether or not there is sensitive habitat or any of the other checklist issues. He noted that we have asked the Planning Department to involve us in planning decisions, especially in our territory, and we may have information not available to other people. This is on the agenda for the instances when there is too short a time period to go to the board.

Dr. Longcore noted that the motion we just passed will be a letter from the committee because we don't have time before the 23rd to have it approved by the Board. He asked if we want to put an ad hoc committee together. *[Jamie Hall was brought back into the meeting.]* Longcore noted that someone would need to make a motion that says who would be on the committee, how long it would last and what it is empowered to do.

Motion: To establish an ad hoc committee for reviewing these applications, was **moved** by Evans with the following seven committee members volunteering: **Hall, Weisberg, Evans, Miner, Savage, Wayne and Schlesinger**, which is a minority of the committee as a whole.

Dr. Longcore offered some options as to powers to consider: 1) ask this whole committee and the Board to ratify that this committee can act independently to provide input on SB9, 2) do quick review and refer something immediately to the board for its ratification, 3) to make recommendations to the PLU Committee, that would then recommend to the Board, which defeats the purpose. Dr. Longcore noted that if it were to be to act independently, he would argue ask that this recommendation go to the Board, and the Board ratify those powers of independent action. Member Levinson would vote for Option one, because we have a checklist, and if we don't go off the list, it is a reasonable option. Longcore noted that Option one is to ask the Board as a whole to empower this 7-person committee to evaluate this independently send to the City without going to the whole board. Member Hall added that it gives the committee the discretion if time is available to say this is worthy of having hearing and asking the neighbors to come, as SB9 removes the public from the process, and there will be times that there will be lots of people who show up. He related that some cities are creating public hearings for the eligibility part and **can comment on eligibility**. A derivative is whether we **give the ad hoc committee the discretion also to agendize a project for consideration before the PLU or the Board – if it is warranted and appropriate**.

Dr. Longcore noted, as currently composed, this committee would have to comply with the Brown Act and have public meetings, so there will be a forum. He confirmed that as long as they are Brown Act meetings, it would be okay to ask that the authority to provide advice on this be devolved to this ad hoc committee.

Longcore restated the motion: To create an ad hoc committee of the PLU Committee and we will recommend and request of the Board that it be given the sole authority to provide input on SB9 eligibility determinations to the City and that the members would be Evans, Hall, Weisberg, Miner, Savage, Wayne, and Schlesinger, and that part of the motion, regardless of the future content of the committee, would be that meetings will always be public. **Add to the Motion** to Weisberg nominated Evans as Chairwoman of this ad hoc committee, which she accepted. The motion with a recommendation to be ratified by the Board when it meets next, **passed** by unanimous consent.

The meeting **adjourned** at **7:28 P.M.**, as moved by Wayne, to return on January 10, 2022.

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 ADJUSTMENT
ZAD – ZONING ADMINISTRATOR’S DETERMINATION
ZV – ZONING VARIANCE

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