



Building A Better Community



**Bel Air-Beverly Crest Neighborhood Council Special Board Meeting (Virtual)  
Thursday November 10, 2022, 7:00 P.M.**

**Draft Minutes**

NAME	BOARD SEAT	Present	Absent
Barondes, Asher	At-Large Youth Rep (2023)		X
Bayliss, Shawn	Commercial or Office (2023)	X	
Cobb, Bradford	North of Sunset District (2023)	X	
Evans, Ellen	Community Interest At-Large (2023)	X	
Garfield, DDS, Robert	Casiano Estates Association		X
Goodman, MD, Mark	Bel-Air District (2023)		X
Hall, Jamie	Laurel Canyon Association	X	
Holmes, Kristie, Ph.D.	Public Educational Institutions (2023)	X	
Kadin, David Scott	Benedict Canyon Association (arr. 7:34)	X	
Greenberg, Robin	Faith-Based Institutions (2023) (06-22-2022)	X	
Kwan, Robert (Bobby)	Laurel Canyon Association	X	
Levotman, Vadim	Doheny-Sunset Plaza NBHD Assn. (arr. 8:04)	X	
Longcore, Travis	Custodian of Open Space (2023)	X	
Loze, Donald	Benedict Canyon Association	X	
Mann, Mindy	At-Large Traditional Stakeholder (2023)	X	
Miner, Nickie	Benedict Canyon Association	X	
Murphy, Patricia	North of Sunset District (2023)		X
Paden, Andrew	Bel Air Hills Association	X	
Palmer, Dan	Residents of Beverly Glen		X
Prothro, Steven	Private K-6 Schools (2023)		X
Ringler, Robert	Residents of Beverly Glen		X
Sandler, Irene	Bel Air Crest Master Association	X	
K LeFan for S Savage	Laurel Canyon Association	X	
Schlesinger, Robert	Benedict Canyon Association	X	
Spradlin, Jason	Holmby Hills HOA (Excused)		X
M Levinson for G Sroloff	At-Large Traditional Stakeholder (2023)	X	Left @7:55
Steele, Timothy	Bel Air Glen District (2023)	X	
Stojka, André	Bel Air Ridge HOA	X	
Tanner, Blair	Bel-Air Association		X
Templeton, Patricia	Bel Air Hills Association	X	
Wayne, Cathy	Laurel Canyon Association		X
Weinberg, Steven	Franklin-Coldwater District (2023)	X	
Wimbish, Jon	Private 7-12 Schools (2023)		X
<b>Total:</b>		<b>22</b>	<b>11</b>

1. President Longcore called the meeting to order at 7:03 PM, shared preliminary information on the agenda, and led the Pledge of Allegiance to the Flag. Secretary Miner called the roll with 20 members present and quorum met. Member Kadin arrived at 7:34 PM, and Member Levotman at

8:08 PM for a total of 22 present. Member Levinson lost connection at 7:55 PM.

2. The agenda was adopted as moved by Member Schlesinger.
3. **General Public Comment** on topics within the Board's jurisdiction but not on the adopted agenda, limited to one minute per speaker unless waived by the presiding officer.

**Bill Grundfest** related that the neighborhood council is to represent the neighborhood not personal agendas in any manner.

**Steve Borden** noted that he mirrored the last comment and that looking at the bylaws by which neighborhood councils are supposed to operate, each member of the board is held accountable at the same level as elected officials. He opined that we are not representing the broad constituency but a self-perpetuating minority and that his *group's* position is a majority in the community. He finds it problematic that the NC isn't implementing their opinions, and opines that there will be accountability by each board member.

#### New Business

4. **Wildlife District Ordinance**

**Discussion and Motion** to recommend BABCNC approve a letter (**Attachment A**) to be sent to the City Planning Commission by the 11-14-2022 public comment deadline, to be heard at the 11-17-2022 CPC meeting.

Member Evans/BABCNC PLU Committee moved to approve this letter which has been distributed to us, and provided a Power Point Presentation outlining the changes to the draft ordinance and what our letter says. She walked us through what the changes were and how the committee thought it was best to respond. It was our goal is to approve a response today, what changed and how we responded.

**Public Comment** was given by Steve Borden, Alison MacCracken, Robert Shontell, Bill Grundfest and George Grant, and Steve Borden.

Attention was then turned to the Board, whereupon a motion to consider the letter as a whole as we undertake deliberations carried, as moved by Hall & seconded by Schlesinger, with 13 yeases and 4 noes by Members Templeton, Bayliss, Paden and Stojka. (Those voting no would like to vote on this paragraph by paragraph). Dr. Longcore had noted that this was a non-debatable motion; one could propose a motion to amend any part of the letter but we would have one vote on the letter as a whole if this motion passes.

**Amendment:** Member Kwan moved to add in our letter an additional sentence in our letter to propose adding to natural disaster "and/or casualty loss" under E Applicability Section 1, Project Type, under C, and to the over-height paragraph where it talks about natural disaster; say natural disaster and/or casualty loss. The motion was seconded by Member Stojka. Board discussion was held on this motion with Evans noting that she is pretty much opposed to this motion and clarified that it is *not* true that 45' is less than three stories; 45' is four stories for most residential buildings; so people who have a three-story building would be able to rebuild after a disaster and that 45 feet is very tall. Member Templeton was in favor of that change, noting it would be reasonable for people to build the way it was if someone had a personal disaster to their property. Member Hall supports this motion and agreed that accidents happen that are not necessarily natural disasters, not to prejudice anybody. Member Schlesinger supported the motion. Member Miner wanted to be sure height isn't mixed up in this motion. President Longcore clarified that this was to add a statement that a loss or natural disaster, a casualty loss, would be in the section related to height but would not change the height. Le Fan supported the motion.

This amendment passed with 19 yeases from Members Kaden, Weinberg, Bayliss, Steele, Greenberg, Evans, Hall, Le Fan, Schlesinger, Paden, Stojka, Mann, Loze, Cobb, Kwan, Miner, Holmes, Templeton and Sandler, 0 noes, 1 abstention from Longcore.

Attention was turned to the main motion, with PLU Committee Chair Schlesinger noting that he has a problem with basements not being counted in RFA and suggested limiting it to the perimeter of the foundation or structure, and not have it not counted in the RFA. He'd make a motion on that; however, Member Hall clarified that the Wildlife Ordinance specifically removes the basement exemption altogether so that you have to count basements under current Wildlife Ordinance proposal. Dr. Longcore clarified that the current proposal of the Wildlife Ordinance requires you to count basement square footage... it could be bigger than the house but would count toward the RFA, and the letter doesn't discuss it as there is no request for a change regarding it. *[At 7:55 PM, Maureen Levinson lost power and internet.]*

Member Evans responded to comments made earlier including those from Steven about public comment and Planning hearing, noting that the CPC hearing is qualitatively different because a decision will most likely be made at the hearing (as opposed to just collecting comments) and it would be reasonable to include in the letter that all public comment be heard at the hearing. As to George's question about small lots, she noted the point of our emphasizing the need for a "de minimis" review process was to reduce the burdens for those with small lots in which there is a mapped resource which may or may not have any value. As to comments on whether or not we are representing our neighborhoods, she noted that many of our seats are democratically elected, and she would encourage everyone to get involved and run for seats at the upcoming election. Lastly, she noted that she keeps hearing that nobody knows about this ordinance and that the vast number of the community is opposed to it, which she finds to be inconsistent: it's either if people don't know about it they can't be opposed to it or if they don't understand they can't be opposed to it, and that there are a lot of people who have different views on it and who do understand it, and this letter was created by a lot of listening. She supports this letter.

Member Templeton noted that she believed the motion was not seconded to *vote on this letter* all at once and thinks it would be best to go issue by issue. She'd like to make motions on BAHA's recommendations to change the comment letter and asked how to do that. President Longcore noted that he believes the motion was seconded but if it was not, explained the rules that if the chair moves forward anyway, the only time that would be an issue would be if you challenged moving forward before a vote was taken... at this point it is water under the bridge. Once a motion was made to consider something as a whole that's done, can't go back and reconsider it; however, President Longcore noted that Member Templeton can put forward a motion that hits the recommendations in the BAHA request, summarize them into a motion and we start over and discuss her motion to amend the letter, assuming there is a second, which can be discussed, and then there could also be motions to amend her motion.

Member Templeton related a long list of concerns of the Bel Air Hills Association (BAHA), taken from the letter and supplemental documentation she provided from BAHA, which are posted to our website for the November 10<sup>th</sup> 2022 Board meeting:  
<https://www.babcnc.org/committees/viewCommittee/board/2022#meetings>  
Specifically: <https://www.babcnc.org/assets/documents/16/meeting636d9a55a7c81.pdf>

*[Member Levotman had arrived at this time, 8:09 pm; Member Kadin had arrived 7:34 pm.]*

President Longcore noted a **motion**, based on discussion with Templeton, to modify the letter as it stands before us with the recommendations that are in the two documents submitted by Member Templeton on behalf of B.A.H.A., both to change elements of the letter and add additional comments, which was **moved** by Member Templeton, **seconded** from Member Stojka.

Extensive discussion of this motion was held, with Member Mann opposed to and Member Paden in favor of it. Member Hall addressed the various issues and how they reached these decisions as expressed in the committee's letter, as well as ways that the letter reflects how they have listened

to people, including but not limited to trees, fences, e.g., they asked that the permeable fences only apply to undeveloped lots, that our letter has a habitat trigger for site plan review (SPR), only for undeveloped lots, trying to match site plan review with those development projects that are most likely to cause habitat loss. He noted that this is our 22<sup>nd</sup> meeting on the Wildlife Ordinance thinks this letter is very late and would vote no on this motion. Dr. Steele echoed comments from Mann, Hall and Evans, opposed to this motion supporting the letter, noting that there is incredible hard work, knowledge and intelligence that has gotten into this letter. Member Paden spoke in favor of Templeton's motion. Templeton opined that there were three things said that were untrue, and would like us to go through this point by point. Member Kadin noted that he thinks that the NC has already reviewed the details in the 22 meetings mentioned by Member Hall, and thinks that at some point it has to be voted upon, and there has been a detailed looking into what is mentioned... He noted that he doesn't have a horse in this race but thinks the motion should not be passed so it delays things more and nothing get done.

President Longcore proposed a fair way to proceed: "Division of the Motion," which takes the motion and divides it in to pieces. He asked for the Board's cooperation, to divide the motion and vote up and down on each of item, without discussion. He asked the consent of the board as a whole. Evans asked that we include modifications, and Longcore asked that the Board refrain from long comments, noting that this can be done if we focus not on long debate, but on assessing whether there is majority support for each of the elements of the motion being divided.

*[There were 19 present at this time.]*

**President Longcore divided the motion** from the letter by Bel Air Hills Association (BAHA) provided and presented by BAHA Representative, Member Templeton, asking that the Planning & Land Use Committee letter be amended to include the following:

For reference see <https://www.babcnc.org/assets/documents/16/meeting636d9a55a7c81.pdf>

The motion was divided into the following parts, each of which was voted on in succession:

- 1) To provide for "de minimis" review of Habitat Site Plan Review Triggers: **12 yeases, passed by a majority**
- 2) That the **triggers be amended to be less vague**: 4 yeases, not a majority.
- 3) That **nonnative significant trees be removed from Trigger #4**: 3 yeases, not a majority.
- 4) **Impermeable Fencing for Certain Lots** – each element considered separately:
  - To amend the letter to have impermeable fencing recommendation be only applicable to undeveloped lots: **Passed by more than a majority.**
  - That the request for impermeable fencing be waived upon the safety objections of a majority of adjacent parcels and that human, pet and wildlife safety be explicitly mentioned on the grounds of variances. (Member Evans pointed out that this would have to apply when suggested as a solution during site plan review.) 3 yeases, not a majority.
  - That threshold be increased to one acre and lots less than 100 feet wide be exempt. (It currently says a half acre.) 3 yeases, not a majority
- 5) Request **roof projections** *not* be recommended to be added to 45' limit: 3 yeases, not a majority.
- 6) Request **basement square footage** not count towards RFA: 2 yeases, not a majority.
- 7) **Maximum Lot Cover** – each element considered separately:
  - That the request for relief from 50% lot coverage restrictions for smaller lots be more strongly worded: 4 yeases, not a majority.
  - That the PLU request that lots less than 10,000sf be exempt, or the limits for those lots be raised to 75%: 3 yeases, not a majority.
  - That the maximum lot coverage for larger properties be 50,000sf and/or that driveways be exempted for all properties: 4 yeases, not a majority.
- 8) **Significant Tree Regulations**

- i. To state that the replacement requirement for removal not apply to highly flammable trees. e.g., pines, eucalyptus, etc. 4 yeses, not a majority.
- ii. Clarification that remodeling shall be allowed underneath the dripline of Significant trees 5 yeses, not a majority.
- iii. That, in accordance with fire safety recommendations (attached), non-native Significant tree replacement trees shall not be required outside the building pad where adjacent slopes are greater than 30%, or where their dripline when fully grown would be within
  - 30 feet of a residence
  - 20 feet of another tree
  - 20 feet of a hillside with a slope greater than 20%
  - 20 feet of another tree
  - 10 feet of a property line
  - 15 feet of a power line
 Templeton agreed that these are all directed to the safety of replacement trees under this replacement scheme, and noted that she had added some attachments. 7 yeses, not a majority.
- iv. Recommend changing the City entity responsible for determining the health of a tree to the Urban Forestry Division: **Passed by a majority**
  - and provide a reasonable maximum time for that entity to make a determination, and allow the homeowner to remove the tree if a determination is not made within that time: 6 yeses, not a majority.
  - v. Exempt from the regulation where homeowner's insurance companies are requiring the removal of the tree as a condition of coverage - or where the trees continued existence would increase home insurance costs by more than 10%. 5 yeses, not a majority
- 9) **Lighting:** Request that the letter be amended to remove reference to a curfew on landscape lighting: 4 yeses, not a majority.
- 10) **Trash Cans:** That the letter be amended to state that the Council strongly opposes any requirement that would prohibit residents from having trash can enclosures in their front or side setbacks (including setbacks adjacent to the home), and/or that either 1) the Trash Can Enclosure regulation be removed from the WO, or 2) that wildlife-resistant straps (readily available for a nominal amount, see attached) be permitted instead of trash can enclosures. 8 yeses, does not carry.
- 11) **Site Plan Review:** Request that any remedial grading of fill that was once approved but is no longer considered certified by LADBS be exempt from remedial grading trigger. Member Evans asked if we could **amend** this to specifically refer to noncertified fill, which Templeton agreed to and explained the background on this. 7 yeses, did not pass
- 12) **Grading:** That the letter be amended to remove the item requesting that proposed structures must be sited on the lot such that grading is minimized. Templeton believes this is overly intrusive and burdensome to regulate that in something not subject to SPR. 3 yeses.
- 13) **Windows:** That the letter be amended to remove the PLU's request from our comment letter that required bird safe window treatments be made more stringent, specifically that: Treatments should not have a threat factor exceeding 30 in the American Bird Conservancy Products and Solutions database for Glass Collisions. 3 yeses; did not pass.

**Additional items from the Addendum:**

- 14) **New Resource Buffer Categories:** Recommendation that any new Wildlife Resource Categories be treated as an amendment to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance, specifically: Written Notice to all property owners in the WLD, Public Hearing by Planning Department, CPC Approval, City Council PLUM Committee approval City Council approval. 2 yeses – does not pass.
- 15) **Grading Regulations** prohibition against grading and structures on slopes greater than 45 degrees. Recommendation: 1) That stairs be exempted from these regulations: **13 yeses, passed by a majority;** and 2) That decks less than a certain depth be exempted. 5 yeses, not a majority.

16) **Site Plan Review – clarification:** Recommendations:

1) that specific Site Plan Review criteria be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Hall would not include “substituted for...” and say “added to.” Templeton explained the rationale that it is very vague, to which Hall noted that is how they are. Longcore asked if she would agree to restate this portion of the motion, adding to what has already been suggested, to add more objective criteria to the findings: **passed by 15.**

2) that Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect. Longcore explained this. Hall noted that if someone appealed this it would go to Area Planning Commission. Do we want to ask for it? People who would support a biologist or some kind of appeals board: 8 yeases, not a majority.

3) that Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines: [Hall noted that these are the additional findings, and there are two sets of findings; the original LAMC related to SPR.] 4 yeases, not a majority.

President Longcore noted that he has made notes and there is a tape.

**Amendment:** Add to the letter that the CPC hear public comment from all individuals who want to make public comment moved by Evans, seconded by Weinberg.: **14 yeases; passes.**

**Vote on the letter as amended by motions of Mr. Kwan, Ms. Evans and Ms. Templeton’s motion as divided:** Member Cobb thanked President Longcore for bringing this up for the group to consider. The question was called and the **motion as a whole passed** by **16 yeases** by Members Bayliss, Cobb, Evans, Hall, Greenberg, Kwan, Levotman, Loze, Mann, Miner, Sandler, LeFan, Schlesinger, Steele, Stojka, Weinberg; **2 noes** by Members Templeton and Paden; **1 abstention** by Dr. Longcore, who thanked Member Evans for her great work on this. He related that he was happy the Board had this discussion tonight and that the Board could agree on some of the proposals from Patricia’s motion and thanked everyone for agreeing to a change in the order of things to have that airing of those discussions.

**Good of the Order:** Robin thanked the people who ran for elections in our City.

The meeting adjourned at 9:27 PM to December 28, 2022

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