



DRAFT MINUTES

**Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee Meeting
Tuesday November 7, 2023 7:00 P.M.**

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage	X	
Robin Greenberg	X		Nickie Miner / <i>present on Zoom</i>	X	
Don Loze	X		Jamie Hall	X	
Shawn Bayliss		X	Jason Spradlin		X
André Stojka / <i>present on Zoom</i>	X		Ellen Evans	X	
Steven Weinberg	X		Patricia Templeton	X	
Maureen Levinson	X		Leslie Weisberg / <i>present on Zoom</i>	X	
Stella Grey	X		Travis Longcore <i>ex officio</i>	X	

BABCNC Board President, Travis Longcore, Ph.D., called the meeting to order at 7:00 pm, provided welcoming remarks, and called the roll with quorum met. Members Weisberg, Stojka & Miner were present virtually, for a total of 14 present & 2 absent. The Pledge to the Flag was recited.

1. The November 7, 2023 Agenda was **approved**, as moved by Evans.
2. The October 10, 2023 Minutes (Attachment A) were **approved** as circulated, as moved by Greenberg.
3. **General Public Comment:**
 Robin Greenberg related that in the Roscomare area, a new property owner hired a gardener who cut down multiple trees. Per President Longcore, this may be agendized before the full board.
4. **Chair Report:** Robert Schlesinger, Chair
Discussion & Possible Motion to create a workgroup to work on the letter on HCR additions. Following Board approval, this workgroup will represent the BABCNC when meeting with the councilmembers.
 - There was no objection trailing this HCR item to after public hearings.
 - This item follows the project presentations at 8:53 PM. Please see the bottom of the minutes for this.
5. **Vice-Chair Report:** Jamie Hall, Vice Chair: None.

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

6. **8429 W CRESTHILL ROAD 90069 ZA-2023-2055-ZAD ENV-2023-2056-CE**
 Case Filed 03/24/2023. APN: No. 5555-012-024 Assigned/Staff: 04/13/2023 / Yamillet Brizuela
Project Description: Zoning Administrator Determination to allow 6 additional retaining walls in lieu of the 2 maximum allowed. 48 inches max height, solely to enable planting of native trees and shrubs to control erosion. Zone R1 SFD w/hillside garden. Construction work performed w/o required permits.
Applicant: Matthew C Cox coxeadnc@gmail.com Tel: 323.382.3333.

Owner of Record: Mdn Living Trust

Architect: Agapito Fernandez Civil Engineers Abfcivil1@gmail.com 818.626.2088

3 Initial Submittal Documents: <https://planning.lacity.org/pdiscaseinfo/caseid/MjY1OTgw0>

Matthew Cox, owner of the project, introduced himself, and noted that he had applied for a variance for six additional retaining walls at the rear of his property. He has owned the property for 11 years, took it to the studs, and has lived there for 9 years. He shared slides of the property, and noted that the retaining walls are needed for erosion control. They have an erosion issue, decomposed sand that erodes, and they are trying to terrace it. He described gravity blocked walls, noting that if approved he has an order to comply with DBS, and this coming before the neighborhood council is the first step, to allow for two additional retaining walls.

He explained the need for the Zoning Administrator Determination to allow 6 additional retaining walls in lieu of the 2 maximum allowed. He shared an image of the landscape plan, and expects cut fill 137 CY, fill 50, export 87, and import 0, to have minimal displacement and removal of soil through public streets. He related that he has done neighborhood outreach. Two neighbors have agreed and two have not responded yet.

Questions were asked and answered with some comments pertaining to precast block walls, note that a geology report was done, and as to the replacement, and that he is replacing in part because he believes what he has is not safe and not very “plantable.” He has a topography report, geology report and soil report, and is trying to comply with DBS. He expects that once he has the variance, LADBS will dictate the construction of the walls to be no more than 4’ tall. Currently the walls are 2’ or 4’ to 6’. He noted that LADBS has instructed him to start with the Department of Planning. He confirmed that what he has was built without permits. Committee comments included that there was a possibility that this could be a “garden wall” without need for permitting, to which he responded that LADBS has said “no.”

Member Loze noted that he was not sure that this set of retaining walls falls into the intent of the Retaining Wall Ordinance, and wanted to give history of the ordinance to give some perspective. Mr. Cox agreed that the ordinance was about structures and not landscaping but noted that he has been to the head of Building and Safety and no one has been helpful in giving an exception. Committee members expressed concerns such as possible precedent setting and need to notify the neighbors.

Member Savage noted that there is more to this than she is comfortable with; specifically, we need to know the heights of the walls, and there is a big concern about sewer easement on the property, where they are building over an easement. Member Weisberg pointed out the importance of the plant materials, due to this being a Very High Fire Hazard Severity Zone (VHFHSZ). Member Grey suggested that he could save money by reducing height of walls; go to Plan Check to ask whether he could permit garden walls (<4 ft) without a variance to which the applicant noted that B&S has been very negative.

Motion to **continue the project**, and request the applicant return to a future meeting to provide more details, including but not limited to specific heights, as the **grading approval letter online states “walls up to 12’ high” and to please clarify** this, that information from the soils engineer be included in the presentation next time, as well as information on specific plantings due to concern that we are in the very high fire hazard severity zone (VHFHSZ), and as the site is quite close to Sunset Boulevard; otherwise, making no recommendations about this at this time, was **moved** by Savage and **seconded** by Miner and **passed** by **all 14 present and voting**.

7. **9369 W FLICKER WAY ZA-2023-1071-ZAD ENV-2023-1072-CE**

Project Description: Remodel/additions to existing single family dwelling. Lot Area 10,717sqft.

Existing development contains 5,781 sf of RFA with exception that prior for an additional 500 sf of RFA permitted if building complies with setback requirements, height limits and grading limits of the Hillside Area Ordinance. Existing building has envelope height, max envelope height 39ft 6in. Basement, 1st & 2nd floor.

Applicant: 1st Avenue Flicker LLC

Rep: Chris Parker chris@pccla.com; JParker@PCCLA.com 818.591.9309; Chloe Parker Chloe@PCCLA.com
Project Manager: Charlie Patton <cpatton@1stavenuecapital.com> 619.890.4131
3 Initial Submittal Documents <https://planning.lacity.org/pdiscaseinfo/caseid/MjY0OTU20>

[Jamie Hall recused himself as he represents DSPNA.]

Chris Parker from Pacific Crest Consultants (PCC) introduced himself and Charlie Patton, who was also available to answer questions. Chris provided a slide show presentation, noting that his client wants to add just under 500 square feet of new floor area, allowed under BHO, and pointed out that the parcel is unique, shaped like a peninsula, looking at page 5 of 10 of the site plan. He noted that 3/4ths of the parcel is front yard setback, and that Flicker wraps around it. There is a shared side yard with the neighbor directly on that side; three quarters is wrapped around.

He discussed the four requests, and that the existing house already has a lot of nonconforming issues: Height, existing roof area, a second roof area that is lower currently that they want to bring up, and creating a new place where height has to be measured; they are creating new heights, wanting to bring the same height to the roof as the entire roofline.

He noted that when remodeling new areas, they have to reapply for anything they touch. He discussed the color coding, red, which shows preexisting already permitted; blue areas need relief from. They are not extending beyond where they already have nonconforming. Other view discussed. He noted that there are just a couple little areas that ZAD requests are related to.

Justifications: There is existing dwelling has a nonconforming height of 39'6" They will add only 18" to height in a small section of the roof.

The lot is uniquely shaped like a peninsula. 314' long front yard setback. A football field worth of front yard setback. 3.86 feet is prevailing front yard setback for the block face. Similar approvals listed (five). Some have been approved.

In April they presented to DSPNA, who provided feedback; they modified. Then they asked for construction of mitigation measures. He reported that in the last week, they are fine with everything DSPNA has given them. They agree to their construction conditions.

Questions were asked and answered, Flicker is a weird street.... Charlie spoke on this. There will be some grading to make the bottom floor a little lower. The existing driveway is nonconforming, and the FD won't sign off unless they fix the driveway; that causes some grading, less than 1000 CY. They have four ZADs.

Savage asked if more lot coverage, building is nonconforming as to lot coverage, and requires alterations. They are changing a little portion of the roof. They are not changing the lot coverage. She noted that back then there was more than allowable lot coverage. The work being done is above the footprint of the building. Savage noted that she measured the street, and the height of the driveway gate is on the property line or right of way. She asked if he is required to dedicate anything, and does that impact his ask for his front yard request. He noted that they hadn't been asked to dedicate by BOE.

Evans noted that they are agreeing to shuttle workers, speaking to safety concerns, as to danger when all parked up, noting that the area is pretty clear of other projects. Asked what the ask is for the roof to which the architect noted that they would like to make one consistent roofline; not increasing the height of house; only making the lower roof consistent with the upper roof, 18" taller.

Motion to support the project as proposed, was moved by Evans, and seconded by Weinberg. Discussion was held with Member Savage noting that she thinks there are some issues that may need to be verified by departments to make sure they don't need to dedicate and as to the front yard height issue for his existing vehicle gate or walls.

Amendment: To recommend to the Board to support **with just a request that the applicant confirm that there is no additional relief needed for items including the street dedication, the location and front yard height of the vehicular gate or walls, street improvements and/or dedication**, was moved by Savage, seconded by Evans.

The amendment was unanimously approved by 13 present and voting.

Main motion to support as amended **passed** with two abstentions from Levinson and Longcore, and 1 recusal by Hall.

8. **74 S BEVERLY PARK LANE DIR-2023-4690-DRB-SPP-MSP ENV-2023-4691-EAF90210**

Vacant Lot Total Area 96,394.4 2 Acres sf SFD. RFA 21,862 sf.

Filed 07/12/2023 / Assigned/Staff 07/12/23 Katie Hudson.

Applicant/Owner: Todd Demann [Vista 74 LLC]310.880.2100] todd@paradigmdevelopers.com

Agent/Rep: Crest R/E isaac@crestrealestate.com 213.999.7120

Arch: Frauke Hormann fhormann@harrisonsdesign.com 310.888.8747

Project Description: Construction, use, and maintenance of a new 2-story, 21,862 sq ft SFD w/basement and attached garage, on a currently vacant lot, with swimming pool and/or hot tub, exterior deck, associated grading and landscaping, located in the Mulholland Scenic Parkway zoned RE40-1-H-HCR.

Bldg Footprint 22.2% Permeable Hard Scape 15.8% near the intersection of Beverly Park and Beverly Park Lane, bordered by single family residences similar to size as what is proposed. The proposed project includes a Haul Route for approximately 5,524 cubic yards of export.

5 Initial Submittal Documents <https://planning.lacity.org/pdiscaseinfo/caseid/MjY4NzE00>

Isaac Lemus, Project Representative from Crest Real Estate, introduced himself and was accompanied by Frauke Hormann, Architect, & Ryan Leehey, Landscape Architect. Isaac began the presentation of the project in North Beverly Park. He noted that all homes are similar in size and architectural style. Project scope described. Entitlements: MDRB approval; currently going through MDRB with plan checker. One step is presenting here. 2) Haul route 5,524 CY.

First phase is environmental review. Project scope site lot 2.2 acres in size, and they are in the outer corridor of Mulholland; not visible from Mulholland, have to abide by guidelines because of their proximity to the scenic view parkway. They are under height limit. Flat area over all natural slope 15% with existing flat pad. The lot is currently vacant but there was a home on the lot, previously demolished; which is why there is an existing flat pad. No protected trees or shrubs will be removed nor endangered species. The second part is going through Mulholland Specific Plan. They have gone through LADBS... and Mulholland. They are not seeking variations from MSP.

As to overall neighborhood compatibility, study looks at 10 properties of neighbors, and they are not proposing anything larger or at any extremes. 22% FAR. Haul route has been drafted. They have direct access to Mulholland from BP Drive taking them westward to 405 up to Sunshine Canyon. With any approval of B&S they expect standard conditions and a separate hearing with that. Miner would like there to be no hauling up San Ysidro, which he confirmed and would agree to that being a condition of support. They discussed the original project, which was demolished one year ago and are not conflicting with any CC&Rs.

The Architect, Ms. Frauke Hormann, reviewed the site plan on the screen. She discussed accessory structure on the left; partial basement; exterior elevations; provided renderings of the entrances, front and side, and rear yard; and overall view of the backyard view. The rear yard courtyard with pool and guest house. View of the trellis next to the guest house, and cabana.

The Landscape Architect, Mr. Ryan Leehey, presented the landscape plan, including but not limited to trees proposed to blend into the neighboring properties on the east and west: Sycamores, slope on the western side, with pines and will have sycamores into side yard, a series of free-standing walls into the rear yard; an Asian garden utilizing drought tolerant plants; will have fire pit; opens to lawn and pool area.

Big elements include pool, large water feature, and organic gardening area with citrus grove and vegetable planters. There is one Toyon which will not be impacted by the propose development and they are not proposing to remove any protected trees on this site. Majority of the plantings are of low water use, adaptive, and drought tolerant.

Isaac took questions. Loze asked, and Isaac noted that the majority of the cubic yards is for creating of the basement and more leveling of the existing flat pad as well as working on the driveway area. Loze noted that 5500 is 6900 truck trips and Mulholland is very narrow, and that he is imposing the destruction of the road on the neighbors. Loze added history of this project noting it was once a series of hilltops owned by the Teamsters Union who came in and graded it to have a track and a golf course by Dean Martin. Subsequently there was a lawsuit about the grading, the house was supposed to be the original shape before the grading. He opined that grading on grading shouldn't be contemplated when you have a flat piece of property to put a lot of the dirt on there without having to haul it out unless you have some way of protecting it. Isaac noted that 5500+ includes fluff or bulking factor, translates to 700 trucks spanning the entire construction timeline.

Grey noted that she couldn't see a grading permit, and asked how much was removed previously. She opined that some completed steps should be included, so that previous grading should be accounted for. Asked if he could look into it, to see how much was removed in 2003, and what was left to create this flat pad. Isaac noted that he could do further research into that but in 2003, there was a haul route, there was a time limit, once it is passed 18 months, the amount 5524 is true to what they are ... coupled with the project that happened 20 years ago. He discussed the existing flat pad, he'll look into the building records. When their project submitted to plan check and city planning it was zoned RE 40, and since has been changed to RE 40 HCR.

Hall asked about neighborhood outreach, if there is an HOA. Isaac noted that they had standard mailings.... certified with the City that they were contacted. He didn't make efforts to communicate with the neighbors officially. Frauke noted that they did confer with the architectural review board. They don't know the timeline once permits are obtained but can provide that information. All staging will be done onsite.

Templeton asked 1) hours of operation 24/7, he believes that was an old application; 2) Landscape plan has trees very close to the house; existing pines. They are using Italian stone pines and canary pines. He will look at other options. Miner is concerned about the grading of the bowl, as the sides were part of the hillside. She is concerned about the grading permits and that people should know the previous permits. Grey asked and was told that the width of the street is 28'. Evans asked about bird protection for windows, to which Longcore recommended LEED Certification Pilot Credit 55 (Collision?)

Motion: To support the project with the recommendation that the applicant review the tree species and the location of the tree planting, make revisions to the glass following LEED pilot credit 55, and to include a condition that the haul route will *not* include San Ysidro was moved by Hall, seconded by Weinberg. *[Stephanie Savage recused herself from voting since she is a member of the MDRB.]*

Loze would still like to know if they would consider keep the dirt onsite, to which Isaac related that they tried. Loze would challenge his consideration and would like more information. He wants to limit the impact and scope of their grading, civil work, consequences biological, aesthetic, etc. he motion **passed** by 8 yeses, 1 no from Loze, and 2 abstentions, from Miner and Longcore.

[Attention was next turned to Item #4, Chair Report, which was trailed to this point in the meeting.]

[8:53 PM] Item #4: Chair Report:

Discussion & Possible Motion to create a workgroup to work on the letter on HCR additions. Following Board approval, this workgroup will represent the BABCNC when meeting with the councilmembers.

Chair Schlesinger read a statement, which he noted was in regard to committees *not* subject to the Brown Act. He thinks a small group could meet more than twice, and that nothing will be done on this before the Wildlife Ordinance is passed. He'd like to have people from all the HOAs involved who are aware of the Hillside Construction Regulations. A good deal of discussion was held as to the types of meetings that are possible for the neighborhood council, including a task force to implement something, such as is done for the BABCNC newsletter, made up of just board members, with emphasis from President Longcore that cannot have a non-Brown-Act Group.

Discussion was held on the BABCNC's June 6, 2022 letter on this topic, which did not result in any response. *[Hall left at 9:05 pm.]*

Dr. Longcore noted that there are two ways to do it: 1) Don't write a letter now, get a meeting with CD5, talk to them, find out what they are willing to do... don't have a pre-existing idea of what to do... 2) We have grading pending because of the Wildlife Ordinance, and pressing issues with construction, that we should have a position where we state our priority around public safety issues, write them up, agree that they are the priority, take them to the Councilmembers, and say we understand that grading... yet, but we have pressing issues with public safety issues, that need to be addressed now. Who do you want in that meeting, which can be done as an executive implementation?

Member Loze noted we have new CD person and a new Mayor who have not had an opportunity to be exposed to the issues, asking how we get their attention, to understand which of those priorities need to be seriously considered, and noting that we need to take the time to decide how we want to do it. He noted that the HCRs and Hillside Ordinance are outdated. Loze would like to see a group of people who are informed, who want to be more educated and who are stakeholders who see things every day that we don't see, and get whatever help we can get to get to Councilmember Yaroslavsky & the Mayor.

President Longcore noted that he wants a group of people of this committee and stakeholders; however, to do that we could either 1) have special meetings of this PLU committee or 2) have an ad hoc committee made up of board members, then have a series of meetings with stakeholders, that would be Brown Act.

Members Grey and Templeton would recommend taking a two-track system, make requests of pressing issues in the HCRs and simultaneously go on an educational advocacy direction that goes beyond the HCRs, to the very heart of the preservation of the mountains... Member Loze gave comments on this, noting that we need to make our voices and faces known. That this is a long-term problem that is not going to be easily solved. The Mayor doesn't know that we are in a dangerous situation every day of our lives, and the Councilmember doesn't know it. Longcore asked whom he would like to be a part of this group.

Motion to recommend to the Board that a group of people who are experienced with land use issues meet with Katy Yaroslavsky, of CD5 **passed** by 9 yeases, 3 noes from Templeton, Grey and Evans, as **moved** by Loze and **seconded** by Miner, who also wants to be on the committee. Sound was lost. There was no specific listing of names of people for this committee at this point.

Meeting adjourned at 9:32 pm.

Good of the Order & Adjournment to December 12, 2023 at 7:00 PM.