



**Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee Meeting (Virtual)**

Tuesday February 8, 2022 5:00 P.M.

Minutes

Name	P	A	Name	P	A
Robert Schlesinger, PLU Chair	X		Stephanie Savage, PLU Vice Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall	X	
Shawn Bayliss	X		Jason Spradlin	X	
André Stojka	X		Ellen Evans	X	
Cathy Wayne	X		Wendy Morris		X
Maureen Levinson		X	Leslie Weisberg	X	
Stella Grey	X		Travis Longcore, BABCNC President	X	

Chair Schlesinger called the meeting to order at 5:07 P.M. and called the roll with 14 present and 2 absent. Bayliss and Hall reported that they would recuse themselves from agenda items #5 and #8 respectively.

1. Motion to approve the February 8, 2022 was moved, seconded and passed.
2. Motion to approve the December 14, 2021 Minutes (Attachment A) was moved by Savage, seconded and approved with one abstention by Member Stojka. Motion to approve the January 11, 2022 Minutes (Attachment B) was moved by Member Wayne, seconded and unanimously approved.
3. **General Public Comment:** None
4. **Chair Reports** – Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair had no report.

Items Scheduled for Discussion & Possible Action:

5. ZA-2020-5987-ZV, ENV-2016-4327-MND (ND) - 1830 Blue Heights 90069

Project Description: Zone variance to allow total non-exempt grading of 5,989 cubic yards (before expansion), in lieu of a maximum 2100 cubic yards in the RE11-1-HCR zone, on a substandard hillside limited street

Applicant: Avi Lerner [A&T Development LLC]

Representative: Chris Parker [Pacific Crest Consultants] Chris@pccla.com
 Stacey Brenner [Brenner Consulting Group] stacey@brennerconsultinggroup.com
<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjQxMDk30>

[Shawn Bayliss recused himself and left the room leaving 13 present.]

Stacy Brenner as part of the team with Chris Parker, who was also on the call, presented, sharing her screen and provided visuals in addition to comments including but not limited to that this current project is a redesign from a previous project in 2016. Per request of the community, the Councilmember’s office and the Planning Department, they reduced the project grading by approximately 30%, to 5,989 CY, total non-exempt grading, per the BHO of 03/2017. The original RFA was 11,473 square feet. The new proposed project will be a 30% reduction to 7,983 square feet. She related the history of filings on this beginning with LADBS in November 2016, at which time there was a request for a private street submitted and filed with the City of LA. Further details were provided of the history of the case, which information is available on the link above.

Public Comment:

Mona H doesn't know how having a big house up there will keep loiterers away. She is concerned that this is the only way people in the Kirkwood Bowl can get in and out, the only escape route. She noted construction sites on Sunset Plaza, thinks this is too big a project for this small neighborhood and that chaos that will ensue, and noted that "we don't need the pluses that were pretty irrelevant to the chaos that this site will create."

Nancye Ferguson lives directly next door; has been involved in hearing about the project from the beginning, opposed since the beginning; saying the scale is too big. It is not a family that will live in this. It is a very small road. Her house is 2350; the house next door is 1500; the other 1700; she has been in opposition. The four and a half years of work she does not see. She sees it needs to be under the law of under 2100 CY. You didn't get yes from everybody and then do it; it was vetoed by CM Ryu with regard to concerns of wildlife and people who would be disrupted and of safety issues, and it is way too big a project by the street. She noted that she personally heard about the project from the beginning and was not listened to.

David R, a resident of Grandview Drive, noted that Blue Heights is a dangerous road as it exists now. That section of the hillside where this is attempting to be built, what the original project wanted to do was cover the entire lot; dig it out... wreck the giant retaining walls. He agreed you had a way too big original project. The reduction percentages don't make difference just that it is built according to the Hillside ordinance. Almost always the street is just widened in front of the property, just becomes personal parking for that house.

Public comment ended.

Board discussion was held, with Vice Chair Savage noting she has a list of concerns, the biggest being that in 2017 it was inconsistent with the General Plan, with nothing of this size; the basement did not get cut significantly, and the nonexempt is not occurring. Member Wayne noted that they are requesting reducing side yard so they can install an auto bridge within that section. She had gone through 109 pages of requests to the Planning Department, and provided detailed concerns to the committee. Member Longcore noted two things wrong with the MND, the first being the claim that this site does not support species, which he noted is false; the finding cannot be made, and a 5:1 (or 4:1) area mitigation of the woodland needs to be provided. Schlesinger discussed the hauling issue.

Further public comment was given by Mona H, as to wildlife, that she sees deer all the time and coyotes and other creatures. As to turning that into a private road again, she has been through it and the LAFD insisted it be left open as it is the only way to get in and out of there. **Nancye Ferguson** noted that she has deer in her backyard; they go to that property all the time: deer, coyotes, hawks and owls. As to infrastructure, she referenced that AT&T can barely keep a landline up there, the hills are overburdened, and there are power outages, water downhill and the trucks.

Further committee discussion was held. Vice Chair Savage noted on the Page 9 the drawing 1, a.1.5 and 14 elevations 1 & 2 are not consistent with the plan. She questioned if the basement qualifies as a basement; thinks it may be an error. She noted that unless they can provide information to prove that the house is really reduced in size, and can provide information, that the committee would like to see them again, and if that is not a possibility, we can provide a list of what we discussed tonight. Stacey Brenner noted that she would be happy to come back.

Motion to postpone to time certain so it is guaranteed to come back was **moved** by Savage and **seconded**. The argument for is request additional information/clarification before a decision is made. Savage **withdrew the motion** to get this on the record, to provide a list of the specifics we have doubts about. The motion was taken off the floor. **Motion** to recommend denial of the project **moved** by Loze, **seconded**. Wayne would include within that motion that we write a letter to the Planning Department, specifying all of the issues we have, to have that on the record. **Motion to amend** Loze's motion to formulate a letter that includes the items discussed by the board tonight **moved** by Wayne who listed concerns that go in the letter as follows:

- 1) addressing the habitat issue;
- 2) the tree removal;
- 3) the emergency fire department access;
- 4) the ability for the residents to evacuate in time of emergency;
- 5) the request to make it a private street which is against the Emergency Evacuation;
- 6) The request to reduce the side yard from 9 foot to 2.7 foot to accommodate an auto bridge;

- 7) the result of construction blocking the streets;
- 8) the water drainage issue;
- 9) the water pipes within the street infrastructure within the area;
- 10) the size of the property with relation to the others within the neighborhood is two three four times larger than anything else in the neighborhood;
- 11) the reduction in size of the structure and the elimination of the basement area,
- 12) the noise and lighting issues. There is a possibility that the size of the house could be visible from space which is so large with so many lights that is a habitat area.
- 13) The required findings for the variance to deviate from the maximum by right grading allowed from the Baseline Hillside Ordinance.

The amending motion was seconded Savage who would add

14) determine that the basement is actually qualifying as a basement because if the basement does not qualify, as the code states, then the SF will be 15,500 (approximately)

15) Member Loze mentioned that the findings and entitlement requests were self-imposed hardships

16) Member Schlesinger added the issue of hauling.

The amending motion was approved unanimously to recommend denial of this project to the city based on the list of items above. **The main motion passed by 12 yeases; 0 noes & 2 abstentions** by Schlesinger & Longcore.

6. **ZA-2020-2307-ZAD, ENV-2021-5100-EAF - 8560 Ridpath Drive, 90046**

Project Description: Pursuant to LAMC 12.21 c.10 (b)(4)(ii), a Zoning Administrators Determination to construct new RFA in excess of what is allowed per slope band analysis, and less than 1000 sf

Applicant: Jesse Soffler

Representatives: Chris Richartz rz@studioarkh.com Jamie Massey jaimemassey@gmail.com

<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM3MTQw0>

Chris Richartz was available for questions. They will have an ADU which the parents will occupy, bringing back two public parking spots as there is no enclosed garage on the site now. Mr. Richartz will send a photo of the access from the street to current area that would conform to the transitions required by the code. He noted that where the house and street intersect it is not level but you would not bottom out. **Public comment** was given by **Mona**.

Motion: That the applicant come back with a presentation; continue this to the next PLU meeting and provide additional questions **moved** by Hall, **seconded**, and the **motion carried**.

7. **ZA-2021-7856-ZV- 9422 W. Sierra Mar 90069**

Project Description: Proposed construction of a 780 sq ft addition and a retaining wall

Applicant: Thomas Buttgenbach

Representative: John / Chloe Parker [Pacific Crest Consultants] Chris@pccla.com & chloe@pccla.com

<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjUwOTA30>

Chris Parker provided a Power Point presentation to explain the request and answered Vice Chair Savage's concerns. He was accompanied by Charlie Patton. Mr. Parker thanked the committee and the BABCNC for supporting this project in 2014, when Michael Kemp was PLU Chair. He noted that the building is a 780 square foot ADU, allowed by state and local law that will be 16' tall, maximum allowed, will observe setback size and retaining wall and that parking is for the spaces in the garage. The request is to permit that of the two parking spaces that the main residence has to provide, one is inside the garage and the second immediately adjacent to the subject property in a recorded easement with the property owner who owns it. He noted that the reason this has to be a zoning variance is that you cannot have required parking in an easement; the parking space for the house is supposed to be onsite not offsite, and are asking that it be technically on a different lot. They have gotten support letters from all the adjacent DSPNA neighbors. There was no public comment.

Mr. Patton noted that the owner of 9422 Sierra Mar Drive has also signed the letter that will become part of the record that says the ADU will not be used for short term rentals. Questions were asked and answered.

Per Member Evans, DSPNA's committee had no objections; they requested that the ADU not be used for short-term rentals and Evans had them talk to their neighbors.

Vice Chair Savage noted elevations on initial submittal documents, 62-64 feet tall, as measured to the base of the ADU, because they are all connected to each other. Mr. Parker responded that it was supported because the structure would not be visible.... They have nonconforming height. He appreciates that it looks like things are connected, but

they are connected by patios and decks that are not contributing to the official building height. The ADU is not contributing to the overall height of the structures. He noted that the drawings on the Planning website show them connected and because you are adding square footage, from entitlements in 2014, if you add more square footage you still have to add parking. The existing house is unchanged. It is just adding an ADU. The parking is supposed to be onsite but the square footage of the ADU isn't causing any additional parking other than that it is half a mile away from the nearest bus stop. Charlie Patton noted that they are technically adding parking spaces to the house, which existed with two parking spaces and hasn't impacted the community any differently.

Motion: To recommend support of this project **moved** by Evans; **seconded**. Member Loze noted that the bigger issue that may or may not relate to this specificity of this project is that the overall plan in the General Plan, Specific Plan and Community Plan is that the space in the community is to provide certain city services... and fortunately or unfortunately in this area, CD4, there has been a dramatic overbuilding inconsistent with the other parts of the hills... He is concerned that ADUs and parking add a huge element potential in contrast to what was anticipated when building in the hills to begin with, and that it is contrary to what we entered into in terms of what will be built in the hills. Evans responded to Loze's comment, noting that the scale of this is miniscule. The motion **passed by 9 yeases; 2 noes** from Loze & Savage and **3 abstentions** from Longcore, Schlesinger and Miner.

8. **1501 Marlay Drive – Discussion & Possible Motion:** To recommend BABCNC support the Doheny-Sunset Plaza Neighborhood Association (DSPNA), Stahl Family and Neighbor appeals to Zoning Administrator's Determination on CEQA exemption and over-height retaining walls.

[Member Hall recused himself and left the meeting.]

- Member Evans gave background noting that that previously they moved against over-height retaining walls, did not think the required findings have been made; in addition there is a CEQA issue. The site is directly below the Stahl House and there is a possibility that a historical resource could be damaged. There have been catastrophic landslides two doors over. They appealed the ZA's determination and hope for NC support.

The above motion was moved by Member Wayne and was **seconded**.

Public comment was provided by **Nancy Ferguson** who has spoken to friend who lives on Woods Drive where the Stahl House is, who said they have never received any letter of what was going on there, nor have the neighbors, as to how they were doing things illegally.

There were no questions or discussion and the **motion carried by 10 yeases, 0 noes, and 2 abstentions** by Longcore & Schlesinger as well as **1 recusal** by Member Hall.

9. **Discussion on the Department of City Planning Fee Schedule, adopted 12/27/2021**

<https://planning.lacity.org/development-services/comprehensive-fee-update>

https://clkrep.lacity.org/onlinedocs/2009/09-0969-S3_ord_187237_12-27-2021.pdf

Vice Chair Savage introduced this noting that the fee used to be approximately \$7,000 and now is \$11,281 for one item. She noted that no one should miss any entitlements. If you ask for entitlements you have to ask for them. There is a lot of money being lost.

10. Prior to adjournment at 7:24 pm to March 8, 2022, Good of the Order was requested and comments provided by member Loze regarding moving forward the HCRs that this committee has been working on for four to five years.

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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