



PLANNING & LAND USE COMMITTEE MINUTES

Tuesday, August 8, 2017 7:00 pm to 9:00 pm

Location: American Jewish University

15600 Mulholland Drive, 2nd Floor, Room 223 Bel Air, CA 90077

[Accessible from the west side of Casiano Road. Park at lower parking (Lot 1)]

1. **Call to Order – Committee Member Roll Call** PLU Committee Chair, Robert Schlesinger, called the meeting to order at 7:03pm. There were 9 present and 3 absent.

Name	P	A	Name	P	A
Robert Schlesinger Chair	X		Stephanie Savage Vice-Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Michael Kemp	X		Jamie Hall		X
Don Loze	X		Jason Spradlin		X
Maureen Levinson	X		Leslie Weisberg	X	
Stephen Twining	X		Yves Mieszala		X

2. **Approval of August 8, 2017 Agenda** Moved by Robin; seconded by Michael; 9 yes; 0 no; 0 abstentions; 3 absences: Jamie, Jason and Yves; Approved
3. **Approval of July 11, 2017 Minutes** (circulated with agenda) Moved by Stephanie; seconded by Michael; 9 yes; 0 no; 0 abstentions; 3 absences: Jamie, Jason and Yves; Approved
4. **Public Comments** On non-agendized Planning & Land Use items only – None
5. **Chair Report:** Robert Schlesinger – Robert noted that after he picks up packages, he will notify the people that in the next few months they will be contacted, and will send new checklist.
6. **Vice-Chair Report:** Stephanie Savage – No report

CASES TO BE CONSIDERED:

NOTE: ALL CASES ARE SUBJECT TO MOTIONS

Projects & Items Scheduled for Presentation, Discussion & Possible Action

7. **1660 SUNSET PLAZA ZA-2017-152-ZV-ZAD-ZAA ENV-2017-153-CE**

Hearing Not set a/o 4/22/17

Total lot 4,870 sf, to allow RFA 3,262 sf in lieu of max perm 2,062 sf w/remodel of exist 3 story SFD, remodel exist 3 story SFD curr meets perm ht within R-1 Zone. Adj to allow a 3.27' side yard setback in lieu of 7' on side/yard. 2 ex park spaces in lieu of req 3 p/spaces.

Owner: Daniel Dangor, Sunset Plaza 310.890.0771

Eng: Steven Pribyl svpribyl@dbaArchitectsinc.com 310.559.8441

Rep: (Will) Nieves & Assoc nievesasoc@aol.com 310.375.5925

Filed: 1/13/2017 Accept: 2/13/2017 Staff:2/09/2017

Assign: 4/18/17 ZA My La m.la@lacity.org 213-978-1194,

Jason Hernandez jason.hernandez@lacity.org 213-978-1276

Owner, Daniel Dangor, and Architect, Steve Pribyl of dba Architects, gave update since last seen here in June 2017, at which time we asked them to return after receiving neighbors support, a staging plan for construction vehicles, as well as photos from neighbor below. He provided this committee the same detailed packet of the project which he provided to the neighbors for review and explained:

- 1) He did neighborhood outreach, and explained the project to the neighbors, letting them know that they are planning to add 373 square feet to master bedroom, and bottom floors where most of the work is to be done, existing, 930 square feet; they'll be re-doing the deck and installing an infinity pool.
- 2) As to parking, they understand that for each level that he adds on to the house, he needs an additional parking spot; however, he has a two-car garage, but cannot add a parking spot, "it is impossible to do a third garage." He explained to the neighbors that they have approximately 25 spots on Sunset Plaza outside the house. Photos of parking were provided and reviewed. There are no street restrictions. Daniel noted that none of the neighbors that he got approval from had an issue with that.
- 3) He provided emails to the neighbors with entire packet, detailed explanations, etc. Page 4 of his handout included 9 signatures, some from those neighbors he met with face-to-face and 5 from emails, which are included in the packet.

Daniel demonstrated images of the house as is now, and the rendering of plans, which appear similar, with a change of a new glass rail which will replace the deck fence. The pool is not yet there; neighbors know about the plans for the pool. The neighbor below (who lives in Montreal) did have an issue with the pool, and made him write an indemnification, which they both signed off on; he has the neighbor's approval. The side yard setback exists now. They'll have to hand dig under the deck for the pool. Daniel noted that there is one neighbor he couldn't reach. Bedrock is 3 feet and outside 15-20 feet; so there will be some deep caissons, as to cement trucks and dirt removal. Maureen would like them to give the neighbors sufficient notice and provide flagmen. Stephen would move to approve the project, but is concerned about 3.27 foot side yard setback in lieu of the 7 foot and two parking spaces in lieu of three required. Stephen is concerned about setting a precedent; however, as Michael noted, it wasn't a variance when the side yard was built; it was there.

Motion: To approve. Moved by Stephen; seconded by Nickie; Discussion was held as to cars in the photograph; questions were asked and answered. Leslie, Nickie, Bob and the rest of the committee expressed appreciation of their efforts, and noting that they have done a great job. Question was called. **9 yes; 0 no; 0 abstentions; 3 absences:** Jamie, Jason and Yves; **Approved**

8. 1001 BEL AIR RD. ZA-2017-2250-ZAD-F ENV-2017-2251-EAF BAA 7/10 NPH ZA WLA Date? Lot: 45,755 Demo SFD, New 12,876 sf 2 story SFD w/basement, below grade parking, pool. Under separate permit, Haul Route. Fronting a Substandard Hillside Limited Street that is improved w/roadway less than 20ft. Const of a 6' high wall within the required front yard setback in lieu of the 42" fence which is otherwise permitted. There are Easements on this property. Owner: 1001 Skyview LLC brian@jadeent.com 213.745.5191 Manager: Albert Taban Agent: Crest R/E caitlan@crestrealestate.com 775.690.2230

Caitlan Cullen & Tony Russo presented the project (*ZsaZsa Gabor's old house, built in 1955*). Tony introduced the project, a new sfd, two story with basement; requesting relief from street widening on one portion of a street that they front, a private street; Bel Air Court (that jets off of Bel Air Road) is less than 20 feet, around 16-20-24 feet in width, and around 18 feet in front of his property.

- 1) They are requesting relief because it's a private street that they don't have access to. Additionally they're asking for a waiver of dedication, the process of which, with Planning & BOE, is in flux; BOE makes the final determination, but as part of the request, they're asking to waive the dedication on Bel

Air Court and Bel Air Road; not needed if no plan to widen; no intention of widening in the future. Many of the other houses up and down the street are adjacent to the street; feels it would be impractical.

2) To allow an over-in-height wall 6' tall and 8' posts on either side of the gate, 25 foot front yard; wall comes in from curb cut, and gently goes along the closest edge of the setback. The architect reiterated that existing gates are 6' with 8' posts closer to the street. Tony noted that there are many properties along Bel Air Road with similar common features.

The project, as noted above, described in package; the garage will be included in the basement. There's a new wall. The basement/garage is 9,483 square feet; of which 5,209 square feet will be habitable basement, 4,274 of that is the garage. The first floor total is 7,531, second floor total 5,989;

The BHO ... is 12,876, which is less than their total allowable; and the habitable floor area or zoning code floor is 17,009 square feet.

Questions were asked and answered. There will be one kitchen and one elevator. Height 32 foot max height; (setbacks reviewed, renderings submitted); will be and already is a lot of existing landscaping that shields the house. Grading reviewed, as noted on the handout. Haul route requested is for 5,750; they provide a buffer, actual export is 5,377 currently.

In terms of exemptions, Tony noted that this project was submitted before the new BHO; says that cuts underneath the footprint of the house are considered exempt, which is where the majority of the cuts and exports are coming from. Tony provided details on the grading page. "The allowable nonexempt cut-plus-fill is 2,000; they're at 1,896 nonexempt cut-plus-fill; the exempt cut plus fill is 5,637; nonexempt export, is 434, less than the 750 described by the code. The rest of the export is exempt. They get a total of 5,377. They request a little bit of a buffer in case there might be changes. Tony explained the two rules as to grading, the cut-plus-fill allowed 2,000 cubic yards, nonexempt. There is also a provision for export. "if you're on a substandard limited street, you're limited to 750 cubic yards of nonexempt export or 375 cubic yards of nonexempt imports. If you're on a standard street, it's just 1,500. Their nonexempt cut minus the nonexempt fill is 434.

Stephen asked if the BAA has taken a position, to which Maureen noted that the Bel Air Association has taken a position, they'd like to see an environmental review as this is over 17,500 square feet. Tony related that Planning is issuing a Categorical Exemption for it. He noted that since they have a haul route, they've beefed up their expanded CEs, so when he gets a copy of that, he'll forward it to us.

Maureen noted that if the city doesn't recognize the cumulative impact, with one way in and one way out road for the neighbors, we have to keep pushing. Tony discussed efforts at outreach; they communicated with a Scott, who Tony reported had questions and is now in support of the project. Stephen asked if they're aware of the Bel Air Overlay (the Hillside Construction Regulations) including the need to identify the project on the cement trucks.

Leslie asked if this is spec house. Architect noted that they designed this for a large family and originally for one of their children; however, they heard that person may have bought a different property, so they don't know who their client is. Robert asked about easements, to which Tony noted there is a landscape easement through the private street of the property for ingress and egress for the other properties. Stephen asked further about the landscape easements, to which the architect explained that this is an easement that their client owns from the neighbor, and the neighbor maintains it, and they were told from the client to not touch it because "it's not ours." Permits were filed in November 2016. Don asked who the applicant and client are. His client on the application is the Skyview LLC, the owner is a blind LLC. The architect related that they designed it for one of the sons or daughters, and that they chose something else.

Nickie asked if they've gotten their demo permits, to which Tony related that they need to get environmental completed before they get the demo permit. They report that there will be no protected trees removed. They are in the process of getting a map of protected trees there. Stephanie asked, if they're only getting a CE, how comprehensive their environmental would be. Tony related that they're submitting an environmental assessment form to Planning, submitting all required materials as if they're going to do an initial study, or MND, etc. Planning has the materials to conduct an Environmental Review, but the department's latest position/policy is for categorical exemptions for SFDs.

Stephanie asked, with regard to the findings to give them a CE versus an MND, to which Tony noted they don't receive that until they receive their determination letter. He noted that they used to send this beforehand but now don't want to release it until the determination letter because "it's technically adopted at the hearing."

Nickie asked if anyone has noticed if this is an historic property. The architect noted that the previous applicant has achieved a lot of alterations on the house; Tony noted that when one sends in an environmental assessment form for environmental review, they do an analysis on if it is historic.

They have a hearing on August 17th. The architect noted that the driveway level is the basement level, and that they carved out a basement. Details of basement uses noted, per the handout provided. Tony noted that they are working on Plan Check approvals.

Motion: To support the application request as submitted; **moved** by Michael; **no** second.

Motion: To reject the application **moved** by Don; **seconded** by Nickie. Concerns include the amount of grading and need for an environmental study of the cumulative impact of all the construction going on, on one way in and one way out roads; the basement which involves digging a lot of dirt with trucks in and out. **6 yes; 1 no:** Michael; **2 abstentions:** Maureen & Leslie; **3 absences:** Jamie, Jason and Yves; **Motion to deny passed.**

Tony noted that there are a litany of conditions for the haul route, for which they worked with the Bel Air community, to make sure export was limited and capped, with only one truck allowed at any given time in the area, and that parking/staging restrictions will be added to the haul route staff report. Maureen noted that in her area there are 19 construction sites now, with haul routes, and she appreciates the reduction of their amount; however, noted that there are also cement mixers, lots of impact, among others. "Bel Air is being churned; all these homes are coming down."

9. 761 (745) N BEL AIR RD. 11/30/16 BAA a/o 5/15/17 No Hearing; Moved 6/17; still no hearing ENV-2016-4533-CE Zone Variance. New 9,360 sf accessory parking garage, Adelipour Basement Garage. Garage w/landscaped roof, top courtyard having 2 perm roofed cabanas, a 200 sf 3/ bath and 2 permit retaining walls above ht permitted by code. Applicant/Owner: David & Soheli Adelipour 917.660.5403 Agent/Rep: Nathan Friedman, FMG neffmg@aol.com 213.220.0171. Arch: Hamid Gabbay, Gabbay & Assoc. hamid@gabbayarchitects.com 310.553.8866. Filed: 11/29 Assign: 6/02/17 Stacy Farfan 213.978.1369

Bob noted that we have invited them twice; they have not shown. Maureen related that there are letters that the adjacent property owners wrote that say they have no objection; they were going to do this project a few years ago, and the neighbors asked if they could wait until they finished construction on a few other sites, which they did, and now they're pushing through to get it.

Bob asked Don to explain the responsibility we have to the City as opposed to an HOA, which Don addressed. He related that our mandate is to review the applications by the laws that are on the books; to

uphold the rules of the City. “We are sitting on the edge of trying to observe the rules of the city. There are rules of the city that are black and white... there’s a recode going on; there are some projects such as this one who are attempting to go up to the edge of the line, and in my opinion, violate the intent of what all these current codes are all about, and we have a conflict, ... the overall policy stated by the department is to maintain the quality of and the environment of the communities; but each time they allow a variance, a categorical exemption, all these various things violate the intent of what they set out to do in their statements of why we have the Hillside Ordinance and Mansionization Ordinance.” “If the planning department is asking us to follow the rules, we have got to ask them to follow the rules.”

Bob related that he read up on Cumulative Impact code, and feels that this City is actually violating what that rule by State of California says, which is that if it is determined there is a cumulative impact, the governing body must – not should – not can – but “must” consider that it is not necessarily an individual project but it is a cumulative impact. “That’s in State code. I don’t see it being applied in this City.”

Don continued that we have a clear application that would set a precedent that we shouldn’t have; we have clear reasons to object to the request for a variance. Mike noted concern that 761 didn’t show.

Motion: To deny based on two over-in-height retaining walls, excessive garage size in relation to the lot size, having no information from them as to the views, impacts on neighbors or the property above them; **Moved** by Nickie; **seconded** by Stephen. **8 yes; 0 no; 1 abstention;** Maureen; **3 absences:** Jamie, Jason and Yves; **Motion to deny passed.**

10. 8495 COLE CREST DR © ZA-2017-9-ZAD ENV-2017-10-CE

(8488-8490 W Grand View Dr.) Grading, rem of onsite Tree(s) ZAD to waive all street improvements on Grand View. Approx 2,815 sf 3 Story SFD w/attached 2 car garage, roof deck & pool.

Owner/Appl: Kah Bing Sheng & Anne J Lo. 510-734-8576

Arch/Engineer/CEQA Cons/Designer, Ron Levy, Studio by Design ron.levy@studiodesign.org

818-506-6671 Agent/Rep: Nathan Freeman netfmg@aol.com 213-220-0170

Filed: 1/03/17 ENV Assign: 1/05/17 Blake Lamb Blake.lamb@lacity.org 213-978-1167

ZA Assign: 1/12/17 Jason Hernandez jason.hernandez@lacity.org 213-978-1276

Stephanie gave review and update on the issues, as to request to put the property on Grand View versus on Cole Crest; there are many environmental impacts, there are many beautiful oak trees that they will be removing; feels it is not sensible to drive a fully loaded concrete truck. “We told him that it was a withdrawn street... requiring improvement, all the way to the hillside boundary. Nobody listened...” There has been no ZA hearing yet. Bob related that we wanted him to get an MND and the City said no; “and Stephanie keeps telling me that they’re going to have to do something, because if you go up and you look at that project, there’s no way, with the position...” Stephanie continued that there are a lot of impacts; try to drive a fully loaded concrete truck up there and see what it’s like. Bob responded that the city is going to make approvals and then they’re going to end up regretting it, but something is going to happen up there.” Stephanie related that even though it’s a withdrawn street, the city will pay out for injuries on withdrawn streets; they have settled for two people. It’s asking for problems. It can fall down onto other houses below.

Motion: To deny the request based on need for a comprehensive CEQA review, due to the nature of the withdrawn street, which is also a single-lane street, which accesses the subject property. The Bureau of Engineering has stated that the road would need to be widened from the subject property to the hillside boundary, therefore, the request to not widen the street cannot be approved. **Moved** by Don; **seconded** by Stephen; **9 yes; 0 no; 0 abstentions; 3 absences:** Jamie, Jason and Yves; **Motion to deny passed**

11. Current Case Updates by PLUC Members on pending projects

See Project Tracking List: (Subject to discussion & action)

12. Follow-up, Discussion & Possible Action on other Projects:

a. **Update on Proposed Protected Tree Code Amendment** (CPC-2016-4520-CA) Levinson
PDF w/Hearing Notice, Q&A sheet & Proposed Ordinance online:
<http://planning.lacity.org/documents/codeStudies/ProtectedTreeCA.pdf>

b. **Update on Overlay for Laurel Canyon & Doheny Sunset Plaza (Bird Streets & Sunset Plaza)**
Jamie, Stephanie & Yves

13. New Packages Received: See Project Tracking List: Bob will put 8 projects on the tracking list.

14. Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted

15. Upcoming Hearings See Project Tracking List (Subject to discussion & action)

16. Determination Letters Received: See Project Tracking List

17. Pending Haul Routes (Update by any PLU Committee members)

A. Discussion & possible action to establish a posting site in the DSPNA territory for the PLU Committee Meeting Agenda – Deferred

- Bob noted that Maureen submitted a list of all the haul routes in Bel Air, which Maureen said she will post to her website, and noted that these are asking for variances and have to have hearings.

- Bob feels that cement trucks should be required to post address and project site and asks why they don't have haul routes, and why they can do pouring at night, under light.

- He also mentioned other trucks including those hauling equipment and rebar.

- He mentioned prefabricated cages hanging that could be welded on site.

- Discussion of the reason for not having a prohibition against caissons or a limit was held; Leslie noted that if you're building in a liquefaction zone, you have to put caissons or you can't get insurance.

Maureen noted that years ago in a residential area you maybe had two or four cement mixers; "we're having over a thousand for one site now, to pour all this concrete, in the hillsides, so it's not keeping up with safety...It's commercial buildings – we have no commercial safeguards; we have residential build safeguards." Leslie noted that these are not real residential properties.

- Maureen noted that despite being told by Jason's office that they will advise us a week ahead of time before they pull a permit, they have not done so. She noted that there's no penalty for them to lie or say anything in front of these commissioners. Robin recommended that we write a letter.

18. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)

19. Adjournment Bob moved to adjourn; seconded, and meeting adjourned at 8:46 pm.

Next BABCNC PLUC Meeting: September 12, 2017 7:00 pm @ AJU

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 ADMINISTRATOR

ZAA – ZONING ADMINISTRATOR'S ADJUSMENT

ZAD – ZONING ADMINISTRATOR'S DETERMINATION

ZV – ZONING VARIANCE