



Planning & Land Use Committee Meeting Minutes
Tuesday, July 10, 2018 7:00 pm to 9:00 pm
American Jewish University
15600 Mulholland Drive, 2nd Floor, Room 223 Bel Air 90077

1. Call to Order / Roll Call: 9 present & 3 absent initially; Don arrived 7:31pm: 10 present & 2 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 the July 10, 2018 Agenda

Moved by Steve; **seconded** by Stephanie; **9 yes, 0 no, 0 abstentions; Passed**

3. Approval of June 12, 2018 Minutes (circulated with agenda)

Moved by Leslie; **seconded** by Michael; **8 yes, 0 no, 1 abstention**: Bob; **Passed**

4. Public Comments: None

5. Chair Report: Robert Schlesinger

6. Vice-Chair Report: Stephanie Savage

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

7. Guest Speaker, Travis Longcore, Ph.D.: Best Practices to Reduce Adverse Environmental Effects of Nighttime Lighting in a Planning and Land Use Context. (The following is a transcription of Travis’s talk.)

You all probably have an intuitive sense that lights can be a nuisance. It’s called “light trespass” or “light glare.” The difference between the two in the night-lighting world is glare is lights that you see the actual bulb, the actual source of the light. Trespass is any light basically that’s falling on a property outside the owner’s property. There’s also “sky glow,” which is reflected light that goes up into the sky; so any of those lights that we’re seeing there on the screen are also creating sky glow, because that’s all reflecting in the atmosphere upwards. Part of the problem is the astronomical part – is that people can’t see stars anymore. Some people place more value on that than others. We have in the hills here, not a complete inner city urban sky. We have a suburban-urban transition. It’s not the worst that you can imagine in Los Angeles, but it’s certainly not what you can get when you get away from the city. The other thing is that lights can affect circadian rhythms, which is the daily patterns that all organisms on the planet have because we have had 4.5 billion years of evolution with patterns of light and dark around the planet,

The sensitive part of your eye is the back of the pupil. There are these newly-discovered things called “intrinsically photosensitive retinal ganglion cells.” The purpose of them is just to see the light of the day and they are very sensitive to blue and they are on the lower side, so that’s the blue of the sky hits those the most; actually blue light coming up doesn’t hit them, which is interesting, but the stuff that’s coming down and gets the lower half of the back of your eyeballs, there are these light sensors that don’t make images; their images are formed by rods and cones; we have three kinds of cones that are for the three colors: we have red, green and

blue, and then the rods, when we get into dim light. These are an extra-type of photoreceptor that only detects whether it's daytime or not, and very sensitive in the blue wavelengths because the sky is blue, and there's a lot of blue light in the sky.

There are also effects on wildlife, here in the hills. One of the things that has been looked at is the influence on use of crossing structures and getting across the landscape. Some animals like to stay out of lights at night, and this was thought to be an issue for mountain lions. There is a study done in Orange County in the '80s and early '90s that showed that they would actually not get across and would avoid underpasses under the freeway, and their hypothesis was that this was about lighting. I actually did some modeling to try to figure out how P-22 got from here to Griffith Park and we put together and figured out what the darkest path would be across that landscape and that's probably where that animal went. There are effects on wildlife. Wildlife effects have been researched a lot in the last 10 years and ranges -- circadian rhythms, moths and other insects are attracted to lights, and there's all the animals that feel afraid in the light because they think they're going to get hit by a predator. Owls do use light to hunt, so if there's more light, and if you're a native deer mouse, you're not going to go out when it's light because you're afraid you're going to get eaten by an owl.

So, light pollution is affecting circadian rhythms, affecting the animal balance, and affecting views in the night sky, and then of course, also, all light pollution is unnecessary energy use because light is energy and if it's going outward onto a place that it shouldn't be directed, it's just lighting the undersides of airplanes, birds and trees and other peoples' houses that don't necessarily want it, and that's all energy consumption.

The last one we might mention is glare, "direct glare" on roads. There's discomfort from seeing the light that is bright at night. This gets back to the color issue, that's a concern.

What are the existing regulations in the City of Los Angeles? There is one -- as far as I know -- that's Municipal Code 93.0117 that basically says you can't put a light and illuminate a neighbor's property by more than two foot candles. Two foot candles is literally the power of a candle a foot away -- two of them. That's 21 Watts, and a full moon is 1/10th of a lux. So if you think about it, the standard in the City of Los Angeles is like 210 times the brightness of the moon. So, it's very bright but if you're in proximity and you can go out and see that you have a lamp light going onto someone else's property that is used for residential use, like recreation or barbecue or hitting a window and it is two foot candles of light, that violates code, but there is an exception to that, and that is if it's a frosted bulb that emits less than 800 lumens; and 800 lumens is roughly the illumination from old-school incandescent 60 Watt bulb. So if it's dimmer than a 60 Watt bulb, you are exempt. If you're creating more than two foot candles, you've got a problem.

I don't know if the city ever enforces this but it's on the books. (Bob brought up power associated with light.) Travis continued: So power going into the light in today's world is completely irrelevant because the efficacy of LEDs is like twice or three times incandescent bulb. So, saying a 60-Watt bulb anymore doesn't mean a thing. If it's an LED it means that it is four or five times brighter than the old bulb that used to use 60 Watts. So, we have to measure it properly. However, for new construction, CEQA does require consideration of night lighting. Often they don't in real appreciable way get into wildlife impacts; they almost never do; or circadian rhythm impacts or what not but there is a section in CEQA on light and glare. The glare in the CEQA section actually refers to daytime glare from the sun on windows. So, they actually use CEQA as a different thing than night time glare which is direct and _____ light but the lighting part of CEQA is actually night lighting. And, we could develop and have standards for standard conditions for hillside areas, under CEQA if the city wanted to go along. The City Los Angeles CEQA guidelines has a check list for the initial study. The question is would the project create a new source for substantial light or glare which would adversely affect day or nighttime views in the area. So, it's an aesthetic test. So the CEQA test is an aesthetic test. Would it be ugly?

The screening criteria -- if you go a little farther: Would the project introduce light likely to increase ambient nighttime illumination levels beyond the property line of the project site? Here there is a difference between that, seeing the glare and illumination. There are two things that lighting engineers measure: One is the brightness of the source itself. That's clearly a glaring bright source. (Maureen asked about turning the light down.) The question of illuminations -- so that's luminance -- the question of illumination or illuminance is --

does that appreciably increase your ability to read a newspaper when you're looking at that light? The actual amount of light that's getting there if you held up your hand, how much light is hitting there? Two different things. From that distance, that's not probably affecting your illuminance very much at all. We can measure it. I have a camera that can take pictures of very low changes in illumination and I use it for night-sky research. It's nowhere the level of change that the city is talking about in its ordinances. However, the adjacent property, at the property line, if that's a habitable area, or if it's a visible area, if it's close enough, you could have an actual increase in illumination, and then the second part of the screen picture: Does the project include lighting that would routinely spill over into a light-sensitive land use? And, I would argue that the hillsides are a light-sensitive land use and that the City ought to recognize that.

Mitigation measures would be to reduce number of intensity, eliminate direct glare and light trespass by shielding, require lower "correlated color temperature" and color temperature is the difference between – and I'll show it here – This is a very low color temperature; it's very yellow and that's a very high color temperature, very blue. The reason you don't want the high color temperature: that light is going to scatter more, create more sky glow and up here you're in the realm where you've got a spike in the emissions right where there those intrinsically photosensitive retinal ganglion cells are trying to decide whether it's daytime or not. So, that's why you want to be down here and not over there.

And, 2700 Kelvin (K) which is basically an incandescent bulb is sort of a minimum standard as far as I'm concerned, in these street lights that the city has put in, are like 4,000 K so there's a lot more blue in those, and then they ratcheted them back in neighborhoods to 3,000 K, so they're going in the right direction. Outdoor lighting, I like stuff like the old-fashioned bug light; yellow is better. We just had some research come out on this and it's really clear that that's the benefit. So this is the stakes here: Nighttime in the hillside. So, from a CEQA perspective, I think there's potentially a standard that Planning could adopt that are standard conditions for hillside areas that avoid things like this that go beyond the one ordinance that's ridiculously high: 2-foot candles illumination on a bedroom window. That works down the flats when you're 10-feet from somebody's backyard and they put up a flood light, but this stuff... Maureen brought up the Getty and other homes, to which Travis noted that this is "vanity lighting" not "functional lighting."

Pamela recommended using MDRB's legislation. Travis recommended contacting both of the council members representing this NC and say that this is an issue of concern and we'd like one or the other of them to either carry something to do that or ask them to request at Planning a set of practices that could help this issue because there's this rather dramatic transformation of the hillsides that's part and parcel with mansionization.

After some discussion, Travis explained the "rebound effect" when things get cheaper and people consume more of them. So with LEDs being so much more efficient, the tendency is for people to replace an older light with a pleasant spectrum with a new light which is 4 x as bright. Mike noted that most people don't realize they have a choice in the color on the light. Travis noted that you want to look for the lowest number possible: 2700/3000; the high number 5000/6000.

Travis noted that there is no council file yet on this, and that this will be a new fresh thing, saying we are concerned about lighting of residential structures in the hillsides and as these things go through and get approved, we think there should be a better process under CEQA. The committee asked Travis for a letter.

Motion: That we write this letter **Moved** by Robin; **second** by Yves; **9 yes; 0 no; 0 abstentions; passed.** :

8. Special Guest Speaker, Linda Whitford, Ph.D.: Bel-Air Country Club Application for Permit to Remove 23 Protected Trees. Links to the relevant documents can be found at: <https://cityclerk.lacity.org/CouncilAgenda/CoverSheet.aspx?ItemID=69656&MeetingID=5253>

Linda related that the Country Club is 135 acres in our community; built in 1926; most of the trees have greater than 20' canopies. This was going to the Board of Public Works for permits to remove 23 protected trees; 22 Sycamores and 1 coast live oak. Two are already being removed, deemed to be a safety risk.

Linda noted two things that interest her: 1) Out of the 23 protected trees they are proposing to remove, they say all are infected with PSHB; they are in sycamores at UCLA, and up Stone Canyon. They want to remove 8 for grading and 15 solely because infected with PSHB. She noted that removing trees solely because they are infected with PSHB is not consistent with current science or best practices. She conferred with UC's Invasive SHB working group and confirmed that with them. ... Earlier it was leaning more towards to removing trees if infected; now it is more nuanced... Usually one doesn't remove the tree unless it is one of the first examples in a geographical area, where there is a point to removing a tree to avoid the possibility of that tree infecting trees in the rest of the area.

She has a concern that if this protocol is allowed to persist in the Urban Forestry Division, it will continue to be used inappropriately and potentially being used by developers as their go-to reason – find an arborist to say your trees are infected with PSHB and get a permit to remove them immediately. She feels that these 15 trees are likely not in need of removal, except if there are other reasons, e.g., if they are in such poor condition as a result of this disease that they are a safety risk; however, that's different than saying they have the disease, therefore remove them.

2) The other issue that concerns Linda is that the project is proposing to remove 23 protected trees and 62 non-protected trees, and importing over 17,000 cy of soil. She feels that for City Planning to use a categorical exemption for this project is wrong: it's an inappropriate document to use, because it says that there are no environmental impacts. She wants to establish that it's inappropriate in this case and to educate City Planning to not do this in the future; that it's not appropriate to have a project that is removing 85 trees... which will have impacts to 267 trees in total. Instead of doing a mitigated negative declaration for an environmental impact report, it's a disregard of the importance of the trees, to use a CE for 85 trees.

Leslie asked if the Club has spoken with the homeowners to let them know that there are plans to take down these trees. Linda is not sure about this but because of the haul route granted last year, they have actually done most of their soil and sand import already. She noted that either the Bel Air Association approached the Club or vice versa, and the project was discussed with the HOA, and the arrangement was made that the BAA asked them to do the soil import and that all the trucking be out through Marymount School on Sunset, so that there would be minimal impact to residents in Bel Air. Linda mentioned a significant sum was paid to allow for that, and learned of this by Shawn Bayliss. ...The BAA's primary concern is safety on our streets, and the impacts of trucking and hauling. She appreciates that the HOA negotiated with the project proponents to impact the residents much less...

Maureen mentioned that at Carcassonne and Bellagio they removed trees... Linda related that she heard that they may have already removed some trees after applying for the permit but then stopped; she is not sure when. Further questions and discussion was initiated by Leslie and Maureen as to the neighbors, and if they had been informed. Maureen brought up stream and mud. Leslie offered to reach out to two homeowners to see if the club has reached out to them. They're not done with all the import/export, as per Leslie, they are planning to tear down the entire golf club and build an entirely new club, per Dan Love. Linda noted that the trees are mainly around the perimeter.

Pamela asked if Linda would work with the horticulture department at UCLA to add strength to her case, which Linda, to which Linda noted that she is in touch with their researchers. Bob asked, and Shawn Bayliss indicated to Linda that the hauling has been completed; however, she doesn't know if all the dirt has been distributed in the areas it is meant to fill. Further discussion was held about the appearance at this time of the area. Returning to the subject of removing diseased trees, Linda believes it has always been seen that unless it's one of the early trees in an area... Some research has shown some trees spontaneously recover.

Linda related that another issue is the exemption was for three protected trees and 62 non-protected, and that there are errors and inconsistencies in the paperwork... originally seeking to remove three protected trees, and going to the BPW seeking a permit to remove 23. ... She believes that there is some sense on the Board now that all trees are important, and, per Andy Schrader, one of the proposed amendments to the protected tree ordinance is to vastly expand the categories of trees that are protected.

Travis asked about the category of the exemption, which she agreed was from “existing facilities” which she read from; however, Travis noted that the argument would be you can’t use a CE if there is a fair argument that there would be an adverse effect on the environment, and removal of x-number of trees is a significant adverse effect, without mitigation, and you would at least need a MND. Linda agreed with this, and mentioned another case with an environmental attorney, with whom she had discussions about this. She would like to do a letter, sending the environmental document back to Planning and have them do an MND or an EIR. Discussion was held about the issue of replacement of removed trees.

Linda related that she corresponded with the Country Club for a little while. She explained that it was originally meant to go to a BPW hearing June 11th and she asked the Council District to request the Board to continue for two weeks, which happened; then it was meant to go to Board on June 25th; then the Country Club postponed the hearing. She explained their correspondence to her, thanking her and what studies were to be done. She noted that she has been in touch with UC Corporate Extension, one of the main two research and education bodies on PSHB. One of their educators offered to inspect the Country Club’s trees. She told the country club that she wanted to provide an expert to inspect the purported infected trees at no cost and would make the arrangements; providing someone from that working group or from UC Riverside, Dr. Akif Eskalen, one of the world’s leading researchers on this disease. They declined and offered their studies, which Linda said she would like but has not received. They told her that they would be in contact with her as to the hearing scheduled for July 20; however, she hasn’t heard from them.

She believes that they are going to remove 23 protected trees, two of which are already gone though they still have to get permit a permit retrospectively; 62 non-protected trees; and there are impacts to other trees, which may or may not end up killing those trees. Linda related that the club wants to redesign the golf course to be different; to remove non-natives and put in natives; they are putting in a lot of coast live oaks; however, noted that it’s problematic to remove mature trees of any kind. She mentioned that there are professionals who specialize in “restoration landscaping” to transition land overtime to a desired new appearance rather than cutting trees in one fell swoop.

Proposed Motion: That the neighborhood council write a letter to the Board of Public Works and submit a CIS that: (1) supports Dr. Whitford’s request that the Bel Air Country club allow PSHB (polyphagous shot hole borer) specialist provided by Dr. Whitford to visit the project site and inspect he trees purported to be infected with PSHB, and (2) states that a Notice of Exemption is an inappropriate environmental document for the proposed removal of 23 protected trees and 62 non-protected trees, with impacts to 267 trees in total, and (3) request that the Board send the Notice of Exemption environmental document back to Planning, to be replaced by an MDN or EIR.

Linda answered further questions about this disease and tree care.

Leslie related on an ancillary subject, that she heard on NPR today, that there is a court case on Hillcrest Country Club which is going to use Monsanto’s Round Up, which will destroy the grass by the end of August; and that there will be class action suits against Monsanto.

Motion: Suggest to the Board that we write a letter regarding the subject of the protected and non-protected trees, and write a letter to them explaining our concerns, send it to CM Koretz & DPW Urban Forestry Division, to include that Categorical Exemptions running rampant (but not in those words).

Moved by Bob; **10 yes; 0 no; 0 abstentions; Passed unanimously.**

For further reference on the PSHB: http://ucanr.edu/sites/socaloakpests/Polyphagous_Shot_Hole_Borer/
http://ucanr.edu/sites/UCCNP/Green_Blog/?blogpost=8170&blogasset=18704

9. 2859 N. Coldwater Cyn APCSV-2016-4960-SPE-DRB-SPP-MSP-P ENV-2016-4855-EAF DIR-2016-4960-DRB-SPP-MSP *No Hearing a/o 9/05/17 Oct? 11/28/17 Conf'd No Hearing a/o 7/03/18*
Rem & Addition SFD, new pool & spa. On a Prominent Ridge. Within 200 ft of pub parkland. Existing 9,480

sf, 400 sf garage, parking area 821 sf. Exist basement, 95 sf. New const 4,669 sf. Prop garage 400 sf, prov parking 932 sf., covered patio 408 sf. Lot 127,360 sf, total structure 15,489 sf. Lot cover 8%, FAR 11%, Hardscape 30,072 sf. Build & hardscape footprint 34.6%. Ht 33 ft, prop struct 23 ft. Grading 1,393 cy, exp 596 cy, fill 797.4. (Coldwater close to Mulholland)

Owner: Coldwater Prop, LLC john@levelfourllc.com 310.914.1600

Appl: John Rigney, Coldwater Properties bill@levelfourllc.com 310.914.1600

Arch: Don Nulty, A.I.A. Inc. don@donnulty.com 805.963.1761

Kristina Kropp Luna & Glushon 8189078755 KKropp@lunaglushon.com

Filed: 12/20/2016 Assign: 1-18-2017 Herminigil Agustin L herminigildo.agustin@lacity.org 818.374.5050

- Kristina Kropp presented, accompanied by Don Nulty & Art Katz who answered questions, including but not limited to: Caissons not visible; heavily landscaped below the drive. They discussed the fire hydrant with LAFD, there is a fire hydrant on the driveway, private, probably maintained by the property. Art has been at the property, taking care of it, have met some neighbors who were concerned about dryness; there was never any irrigation, and they added landscape sprinklers to the whole property. Neighbors were worried about the steep slope, about potential sliding. They addressed these issues. They maintain it monthly. They planted slopes to address erosion. Discussed property subdivisions below that back up to this property. They maintain the vegetation, trees, fire prevention. Further questions were asked and answered.

Motion: To recommend to the Board to approve the project as presented.

Moved by Mike; **Seconded** by Nickie; discussion held; no outside lighting will be done; only lighting that exists now is down-lighting along the drive. Stephanie asked about a discrepancy in square footage with the guesthouse and asked if the guesthouse was permitted, since online information is not updated. Kristina noted that it's the city's responsibility to send updated square footage to the County Assessor. She will notify us of the hearing. Bob said we will send a letter to the DRB. She expects hearing in six month; discussion included question of ridgeline ordinance, Bob noting that the permits were granted before the Ridgeline Ordinance;

9 yes; 0 no; 0 abstentions; Passed.

[Don arrived at 7:31 pm – with 10 present]

10. 3025 Benedict Canyon Dr. DIR-2015-3376-DRB-SPP-MSP ENV-2015-3377-CE

Plans: Revised 9/10/16-8/25/17-3/25/18 *Orig Hrng 11/05/15 No Hearing a/o 7/03/18*

Description: DRB SPP for demo of ex structure 4,069 sf, ex res & 659 sf gar/ New 2-story SFD incl 8,078 sf living area, 5 car gar/covered car port 1,380 sf, 672 sf basement, covered breezeway 220 sf = 10,250 sf. 5,565 hard scape, 876 sf pool & spa. New 8'0" tall fit yd fence & gate. Wood deck area 2,250 sf. Lot size 71,027, max ht 29'-6". W/in 200ft public (Lot 71,027 sf, Cut 2,749 Fill: 2,186, Exp: 583 cy. Overall ht flat roof not exceed 30 ft ht & remove mech equipment from roof. Agreement w/MRCA to replace following shrubs & trees. Within 200 ft of public parkland. Ex structure 4,049 prop new 8,078 sf, gar/carport 659 prop 1380, prop covered porch 220, basement 672. = tot 10,250 sf.)

App./Owner: Qian Wang 626.632.8611 Rockford Capital, Inc.

Rep. David Su vdc@vdcdevelopment.com varietydesigncenter@gmail.com 909.988.9880 VDC Dev.

Contact: ~~Raymond Li~~ info@rlarchi.com 626.216.4656 Filed: 5/14/2018 Assign/Staff ?

At the June 12, 2018 PLUC meeting, Mr. David Su introduced himself, noting that he wasn't aware of this evening's meeting until that day. He reported being scheduled for a hearing before the Mulholland Review Board on June 20th. Mike Kemp recommended that he also contact the Benedict Canyon Association and bring his project to them prior to meeting with us. Not present

- Bob noted that there were a number of times that they were asked to come before us; they've introduced themselves, but nothing has happened; they've been asked to come back. Michael Kemp recommended that he also contact the BCA. Bob has not received anything from them.

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

11. Update on Ridgeline Ordinance – Don Loze Council File #11-1441-S1

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=11-1441-S1>

PLUM COMMITTEE REPORT relative to the feasibility of updating the Ridgeline Ordinance was approved at City Council on November 22, 2017 and finalized on November 27, 2017.

http://clkrep.lacity.org/onlinedocs/2011/11-1441-S1_CA_11-27-2017.pdf

12. Update on Proposed Protected Tree Code Amendment (CPC-2016-4520-CA) – Levinson
Council File #03-1459-S3

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=03-1459-S3>

Current Case Updates by PLUC Members on pending projects: See Project Tracking List

13. New Packages Received: See Project 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)
18. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)
19. Adjournment Meeting adjourned at 8:50 pm

Next BABCNC PLU Committee Meeting: August 14, 2018 7:00 pm @ AJU

Note: Subsequent PLUC meeting will be on a **Wednesday, September 12, 2018; 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 ADMINSTRATOR
ZAA – ZONING ADMINISTRATOR'S ADJUSMENT
ZAD – ZONING ADMINISTRATOR'S DETERMINATION
ZV – ZONING VARIANCE