



## MINUTES

### Planning & Land Use Committee Regular Meeting Monday, May 9, 2016, 5:30 PM

Bel-Air Association Office  
100 Bel-Air Road  
Los Angeles, CA 90077

The Planning and Land Use Committee met for a regular meeting on Monday, May 9, 2015 at 5:30 PM at the Bel-Air Association Office, 100 Bel Air Road, Los Angeles, CA 90077.

**1. Call to Order:** Meeting was called to order by Dan Love at 5:35 PM.

Attendees:

NAME	P	A	NAME	P	A
Dan Love (Co-chair)	✓		Kent Jacobsen	✓	
Maureen Levinson (Co-chair)	✓		Brooke Knapp	✓	
Jim Hyman (BOD)		✓	Karen Mettel	✓	
Steven Myers (BOD)		✓	Carl Robertson	✓	
Joan Abrahamson	✓		Steve Robbins	✓	
Aida Babajanian		✓	Kirk Stambler	✓	
Jean Brincko	✓		Blair Tanner-resigned from committee	--	--
Candace Chapman		✓	Dave Tausik	✓	
Laurent Degryse	✓		Leslie Weisberg	✓	
Alice Germanetti	✓		Dennis Wilder	✓	
Karen Goldsmith		✓			
Joe Horacek		✓			

Other attendees were Robert Schlesinger (BABCNC PLU Chair), Sue Robertson, Hamid Toufanian, Andrew Leff, Judy Bedrosian, Hans Mangelsdorf, Fred Rosen, Michael Chasteen, Jaye Rogovin and John Rogovin. There may have been others who failed to sign-in.

**2. Approval of Agenda:** The agenda was approved as written.

**3. Chair Report:** Co-Chair Dan Love welcomed everyone to the meeting. Introductions for Robert Schlesinger as Chair to the BABCNC PLU Committee, Maureen Levinson as the Bel-Air District seat representative on the BABCNC and Leslie Weisberg was introduced as the incoming Bel-Air District representative pending upcoming BABCNC Elections on June 5, 2016.

Dan presented the plan how these plans come to our attention via the BABCNC PLU committee and by tracking City reports.

Projects that request variances we get alerted to that by the NC. We will be reviewing those as those zone variances coming up for Hearings and we need participation by committees.

We will take a position: approve, oppose, or approve with conditions or take no position.

This is a new committee and this will be the most active committee of the BAA. To organize this Committee, when a project or variance is reported, we will seek out a Committee member in the area to be responsible for that file. If you are on the Committee, you will be expect to be the "Captain" of that file. Your duty will be to advise and get neighbors' input for a position on the variance.

#### **4. Projects and Items Scheduled for Presentation, Discussion and possible action:**

**A. 10515 Rocca Place**

PC/Job#: B16LA03527

New 2-story + basement SFD

Grading for SFD approximately 4,200 cubic yards

Build (2) retaining walls at property and repair existing wood retaining wall at driveway easement.

Vivian Chen/Chin and Candence Wynn (?) Good friend lives on Stone Canyon.

Scott Yang, Architect/ and Developer and representative of the owner, was introduced to present his plan, His client (the owner) has 5 children

6700 sq ft with 3000 sq ft basement (1,000 sq ft less than what is allowed)

Height of the house is 35 feet at the highest point.

Driveway from the house goes down an easement shared by 2 houses.

Question was asked if they were widening the driveway. Answer: No, there were no plans to widen the driveway.

Estimated dirt excavation is 4,200 cubic yards (including dirt from pilings)

Number of pilings? Answer: 80 piles/caissons

Grade: 75' difference from one end of the other.

Pilings will go down 25 feet deep and have a diameter will be 24-30"

Hauling route will be requested. No variances.

By right, they can build an elevator to get up to the house.

Two years ago, they got approval to build the elevator.

No variance for the driveway but did get a modification. They will not build an elevator/garage.

No variance but a MODIFICATION. Fire Department will use stairs.

Width of driveway 20' to 14' (varies)

Two houses will use that driveway. The driveway is paved.

Question: how high are the steps? 150 feet.

How many truck trips 4, 397 cubic yards – how many truck trips will be? 500 each way – 10 cubic yard trucks. 800 to 1000 truck trips (enter and exit). There is room enough on the site for the trucks to turn around.

How much dirt from the caissons is 1/3 of the hauling route request  
Concern about fire truck and access.

Dennis Wilder: Fire Dept clearance.

Owners of Lot 3 sold Lot 4 to the owners.

David Tausik: Basement – just one basement 10' height. Basement going to be above the present grade—where is the medium grade 0 to 80. Basement level is at 70 and is not included in the 35' height . It is 35' plus the basement.

Leslie: Emergency Vehicle question if an ambulance will clear the road? The ambulance can make it up the driveway but a fire truck will not be able to clear the road. Concern with paramedic access to the house.

Stairs are 5' wide and width is \_\_\_\_\_.

Question by Fred Rosen: Why wouldn't you try to widen the driveway to ensure emergency access. Skeptical about 150' of stairs for emergency crew access. Wants a letter from the Fire Department that they are fine without the driveway not being widening for emergency vehicles.

Mr. Yang stated he does not own the road, it belongs to owner of Lot 3. It is a private easement (a shared driveway). Mentioned the client does not like the stairs but it's an option. The other option is an elevator (which client does NOT want to build) is the only other option if you don't have the stairs.

Maximum percentage slope of the driveway—it is a gentle slope until the end. The easement was granted many years ago in the title report—Lot 4 can use the driveway.

Michael Chasteen: It has a slope to it and it is workable.

Other options: Garage

Concern about the width of road is 20' – fire dept requires 20'

**COMMITTEE POSITION:** Take it under consideration. We will get back with Scott Yang and we should have another site visit and focus on the driveway.

**B. 929 Stone Canyon Road**

PC/JOB#: B15LA18245

New 2-story SFD with attached garage.

Construct (2) (N) site retaining walls; each wall is max 10 ft in height and minimum 3 ft apart.

Temporary shoring for the proposed site retaining walls.

Grading for the temp cut and backfill of (N) retaining wall.

Mr. Samuel Rhyoo, - [dabeenllc@gmail.com](mailto:dabeenllc@gmail.com) - Executive Director, Dabeen LLC (661) 747-8973-cell is to present the plans to the Committee.

Andy Oh (Dr. Oh) owner of Stone Canyon who had his designer and Project Manager present.

Samuel Executive Director stated that Dr. Oh is owner.

As a remodel but discovered a complete rebuild was necessary. Dr. Oh reluctantly pursued a tear down.

The rebuild 10,060 sq ft (what is allowed is 10, 075). A 2-stoy house. Requesting a retaining wall in the back of the property.

No variances

Soil export calculations is under 600 cubic yard export only.

No basements allowed on Stone Canyon.

Jaye Rogovin questioned why a deep hole was being dug. Answer: Sewer line had to be capped by the City and the City had trouble finding the sewer line and that is why there was a large hole being dug.

Allowed 2 retaining walls – 3 feet apart. 10' in height but because of drainage, the City required dedicated drainage. 3 ' apart each retaining both are 10' in height but when combined, it will be 16-18 feet high. This is the retaining wall is against the hill but there is a return. There is a creek running behind the retaining wall.

Footprint: Most of the lot is on the hillside, they are building on the flat portion of the lot. Dr. Oh wanted a 10,000s sq ft house.

Leslie Weisberg: Dr. Oh's house is being build in a Liquefaction Zone– on that side of Stone Canyon.

The retaining will will be reinforced with 12 caissons – 60' deep to hit bedrock.

Leslie Weisberg – our house is on 30 caissons. Will you build caissons under the house?

How tall is the house (a little less than 36 ' – the finished floor must be 3' from the grade.) Existing house was 38 feet.

Concern about lack of caissons under the house by neighbors. Asked Dr. Oh to revisit this issue with his contractor.

OTHER PHASE OF DISCUSSION: Issues with the neighbors and the construction site – asked for assurances that work plans that the road must be cleared – discussion regarding the hundreds of thousands of trucks hauling over the next 2 years on Stone Canyon

Stage equipment and trucks on the property.

Swapping out of the dumpsters were problematic – restricting neighbors to getting out of their driveway.

Jaye Rogovin – asked for communication. 10 to 12 complaints about how the construction site was abusing the street and not forthcoming to work with the neighbors.

Fred Rosen: “We pay these people—that is what you want.”

Don't leave dumpsters on the curb.

Potential damage to the houses from the shaking.

Issue Example: A dumpster tore up Stone Canyon road where it was dragged. Project manager's response: "How do you know it's our dumpster?"

Dan Love: Who would like to be the one person in the vicinity to be the one residential contact person for construction manager to contact to get the word out regarding special deliveries, etc. to get the word out.

Answer: Jaye Rogavin.

John Rogavin: What we care the most about is the safety of the street and the integrity of the hillside. Already had one problem with the flooding from the rainstorm and the creek. Also want to see specifics of the drainage plans were – their engineer couldn't quite tell. How are you proceeding because the integrity of the hillside affects us as well. I want to understand is the setback (12' as opposed to 5")

JOHN AND JAYE ARE TO BE THE POINT PEOPLE FOR THE CONSTRUCTION MANAGER TO CONTACT..

Carl Robertson – expressed his disappointment that he had not met Mr. Oh yet and that the construction site project manager was disrespectful to the neighbors. Concern about the noise occurs when neighborhood children are trying to sleep.

Dr. Oh: Dr. Oh made a statement that he chose the neighborhood because it was quiet and beautiful.

He stated he inquires about the project every day.

He was on-site at midnight when the flooding was occurring during the rain with his gardener -- lifting branches and leaves to clear the way for the water to drain. He admits he wasn't on top of it.

Re construction on Saturdays: Dr. Oh said I will make sure from now on that there will be no construction on Saturdays and on Holidays.

Everyone agrees they look forward to the completion of his home and welcome him to the neighborhood—invitations of coffee, etc.

Dr. Oh's Contractor was not present at meeting.

Fred Rosen's comments regarding Contractors—asked Dr. Oh to think seriously about his contractor—the contractor is the one who leaves the mess that you pick up . Also concern that Dr. Oh's current contractor has never built in Bel-Air. Smart contractors who understand they can make money and know they must treat residents with respect as it does them no good to alienate people. Dr. Oh should have a serious conversation with his contractor. Have construction manager meet Jaye and John , Carl and Sue and say hello—maybe bring them cookies.

John Rogavin: Dr. Oh did send Jaye and John and basket (cookies and wine) after the flood and they really did appreciate that.

Concern about safety problems with crew arriving to the sites early in the morning—they tend to park on the blind curves.

Dr. Oh stated his concern is with the safety of the neighbors.

If the Project Supervisor and the Construction Supervisor connected with the neighbors, then and that should solve most of the problems.

**C. 10905 W Chalon Drive**

BBSC Board File No: 150013  
ENV-2015-919-MND (3/23/16)

Demolition of SFD

New 3-story SFD with 10-car basement garage

Site grading for new SFD and garage, swimming pool, RW & basement excavation & backfill.

Export of 15,853 cubic yards – hauling route hearing required

Haul Route Public Hearing: Tuesday, May 10, 2016 at 9:30, 201 N Figueroa, 9<sup>th</sup> FL, Los Angeles, CA 90012

Property was on the books for over a year. Haul route was for 16,000 cubic yards. 1600 trucks in and 1600 trucks out – just for the excavation of dirt.

Owners have agreed to the “Bel-Air Rule”

Fred Rosen: This is by-right. They have 18 months from the time you apply to finish the haul route. They had one month left before the haul route expired. Developer understood the concern of the community and gave her word.

We will be at the hearing tomorrow (May 10, 2015 at 9:30 AM) with letters from the BAA and the Bel Air Homeowners Alliance. Jason Healey of the BBSC was aware of our concern with the hauling route of this magnitude.

Question from Committee Member: How do we enforce it? What is the penalty?

Answer from Fred Rosen and Dan Love: We shut them down (example 1516 Stone Canyon (Quigg). Running convoys yet claiming they were only removing 1000 cubic yards of dirt. Site Manger refused to show LADBS the log books so they were shut down.

Balance: The need for development with the needs of safety and health of the community.

**D. (i) 780 N Tortuoso Way** Case No: ZA2015-4336 (ZV)  
CEQA No: ENV 2014-3918-MND-REC  
ZONE: RE20-1-H

**(ii) 788 N Tortuoso Way** Case No: ZA2015-4336 (ZV)  
CEQA No: ENV 2014-3918-MND-REC  
ZONE: RE20-1-H

ZA will consider (1) a variance to permit three (3) on-site kitchens in lieu of the maximum one kitchen otherwise permitted, in conjunction with the occupancy of a single-family dwelling in the RE20-1-H Zone; and (2) adopt the Mitigated Negative Declaration (MND) for the above-referenced project.

ZA will obtain testimony from affected and/or interested persons regarding this project. The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations.

Note: BABCNC has already sent a letter to deny the request for additional kitchens.

Basically you're allowed one kitchen in the house.

Tortuoso developer first stated they were going to do everything by-right—no variances—now they're coming back to request a variance.

Letter of opposition has been written by the BABCNC.

BAA will prepare a letter of opposition to the variance.

**POSITION OF COMMITTEE:** Deny. Suspect piece mealing and the project have been neither built nor sold. There are no hardships to all these variances.

Hearing Date: Thursday, May 12, 2016 at 9:00, 9:30 & 10:00 AM, W LA Municipal Bldg, 2<sup>nd</sup> FL Hearing Rm, 1645 Corinth Ave, Los Angeles, CA 90025

**E. 944 Airole Way**

Case No: ZA-2015-4727-ZV

A variance request for two additional kitchens to a new SFD within a new proposed 44,552 square-foot SFD on a 166,321.4 square-foot lot.

Applicant: Nile Miami (Company: CRESTLLOYD, LLC)

Representative: Tony Russo (Company: CREST REAL ESTATE)

Hearing Date: Thursday, May 26, 2016 at 10:00 AM, W LA Municipal Bldg, 2<sup>nd</sup> FL Hearing Rm, 1645 Corinth Ave, Los Angeles, CA 90025

Michael Chasteen: ZA has allowed because of the heavy-duty hand of the developer. Michael Chasteen has fought against this project early on.

No, there are not allowed but a precedent has been set – the Airole Way application is a clear example is what the developer wants and NOT what Zoning allows. The findings reports cites several precedents and 5 of the 11 properties are in Beverly Park – it's a gated community and not part of Bel-Air.

A letter will be written in response to the developer's "findings" report. Method to respond to their findings. There is a possibility to get this denied.

Fred Rosen: It is discouraging but it is incumbent on us to show up at the Hearing and for Michael to take a shot at the letter of opposition.

This may be a case of a developer “Asking for forgiveness and instead of permission.”

It isn't the owner asking for this variance—it is the developer--there is no reason to hear this variance request now. What are the hardships for the owner?

Fred Rosen: Don't be bound by history. The more people who stand up and say this is nonsense—whereby a developer's attitude is “I didn't ask for it now so I'm going to ask for it later...”.

Question from Committee – are kitchens allowed in an accessory dwelling? Answer: No. Also, Airole Way has already stated that these kitchens are for entertaining.

The fight cannot be won with one person standing up against the professionals and the ZA.

We need people at the hearings – who are prepared to say the appropriate things and not just “I don't like it.”

Steve Robbins on Somera Road:

Suggests education for Committee members.

Also said he contacted Planning – unsure of who responded but believe it was Jason Chan. Nora Dresser is in Planning.

- F. 862-868 Moraga Drive**
- DIR-2014-4936-CLQ
- ENV-2014-4937-CE
- Zone: [Q] R3-1VL
- Applicant: Huntrandand, LLC
- Representative: Pamela Day

The demolition of a two-story, 5-unit apartment building and the construction of a new four-story, 13-unit apartment building with a height of 37-feet. Requested Action is a clarification of the “Q” Qualified Condition number 1 of Ordinance 165,958 to allow an increase in height of five (5) feet over the maximum 32 feet allowed by Condition Number 1. Note: Condition number 1 of this ordinance states the Height: Building and Structures shall not exceed a height of 32 feet measured from the natural grade at the midpoint of the lot width to the highest point of the building or structure pursuant to 1.21.1 of the Municipal Code). The guidelines for implementing the Clarification process adopted by the City Planning Commission on October 10, 1988, allow “changes in height which do not exceed five feet. Unless the applicant has obtained signatures of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, a public hearing is necessary.



Note: On June 24, 2015, the entire BABCNC Board unanimously voted to deny the application as presented.

**COMMITTEE POSITION:** To deny this request. There is strong community opposition to granting this Q clarification. It is a design flaw that causes structure to be 5' over the height limit of 32' and the design does not conform with the community aesthetic.

Hearing Date: May 16, 2016 at 10:00 AM, W LA Municipal Bldg, 2<sup>nd</sup> FL Hearing Rm, 1645 Corinth Ave, Los Angeles, CA 90025

**G. 760 N Lausanne Road**

Case No: ZA 2015-4553 (ZAA)

CEQA No: ENV 2015-4554-MND

ZONE: RE40-1-H

ZAA to allow a tennis court to observe a 0.5-foot side yard at its northerly corner in lieu of the 10-foot side yard required; a ZAA to allow a mandatory 10-foot wall/fence to be located within the side yard at the same point; and a ZAA to allow a portion of the tennis court to not have a 10-foot wall/fence--all in conjunction with the proposed construction of the tennis court with a personal gym beneath it on 357,154 square-foot lot in the RE40-1-H Zone.

Hearing Date: Thursday, May 26, 2016 at 9:30 AM, W LA Municipal Bldg, 2<sup>nd</sup> FL Hearing Rm, 1645 Corinth Ave, Los Angeles, CA 90025.

**CARRY OVER TO NEXT MEETING:** BABCNC PLU will be hearing this case at next meeting.

**5. General Business and Items for Discussion:**

Interest in educating the Committee on how to address the zoning and haul route issues properly.

What are the Bel-Air Rules.

Keep everyone motivated.

Fred Rosen: We moved a lot in a year in a half—squeaky wheel....

**A. Proactive Tracking, Tasks & Projects:**

CC&Rs:

What will be appropriate for Bel-Air? CC&Rs or a Bel-Air Overlay.

Reinstating the old CC&Rs – organize a sub-committee.

Dennis Wilder: CC&Rs did not expire on his property. In order 2/3rds of homeowner had to vote to cancel them—they were perpetuated for another 25 years.

There are different tracks and we will get some experts – if we can afford it—

The BAA was telling people there were no CC&Rs .

Fred Rosen: We need to do some fundraising. We are gratified by how many people have shown up.

Getting things back into this community is what it's all about.

**6. Adjournment:** Meeting adjourned at 7:00 by a blast of The Good, The Bad and The Ugly (Ennio Morricone) from Dan Love's phone.

Minutes prepared by:  
Maureen Levinson