

Contact Information

Neighborhood Council: Bel Air-Beverly Crest Neighborhood Council

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The Board approved this CIS by a vote of: Yea(24) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 06/22/2016

Type of NC Board Action: For

Impact Information

Date: 07/07/2016

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 14-0656

Agenda Date: 06/22/2016

Item Number: 14.C.2

Summary: BABCNC voted at its 12/16/2015 & 06/22/2016 meetings to support CF 14-0656 and its subsequent Ordinances 183496 & 183497. We recommend that the attached conditions, as so sent to the LA Planning Dept., dated June 9, 2016, be incorporated as amendments to the proposed updated BMO + BHO Zoning Code.



Bel-Air Beverly Crest Neighborhood Council
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June 10, 2016

Niall Huffman
City of Los Angeles Planning Department
Office of Zoning Administration
200 North Spring Street, Room 720
Los Angeles, CA 90012

VIA EMAIL:
NeighborhoodConservation@lacity.org

Re: Comments to the BMO + BHO Proposed Code Ammendments
Case Number(s): CPC-2015-3484_CA
CPC-2015-4197-EAF

Dear Niall Huffman,

Please be advised that the Bel Air / Beverly Crest Neighborhood Council (BABCNC), based in part on the recommendation of its Planning & Land Use Committee, voted at its December 16, 2015 meeting to recommend the following conditions to the proposed BMO + BHO Code ammdements:

BABCNC Proposed Revisions & Comments to pending BHO regulations :

1. Grading & Hauling:

- A. Any off-site grading and hauling of over 1,000 cubic yards, should be required to obtain a Zoning Administrator’s Variance (ZAV).
- B. The “by right” off site grading and hauling in the BHO Zone should remain at 1,000 cubic yards. This equates to 200 truck trips (once up, once down). This is a very significant amount considering the sub-standard nature of many of the roads in the Hillside areas.
- C. Projects should be encouraged, possibly with a bonus in FAR, for keeping the grading on site, and utilizing balanced “cut and fill” methods to eliminate (or greatly reduce) off site hauling.
- D. The maximum amount of off-site hauling should be limited to 6,000 cubic yards in all of the BHO areas, as per the ICO issued March 2015.
- E. There should be additional trip fees placed on construction vehicles exceeding the 6,000 lbs maximum limit, currently specified for the hillside areas. These fees should go directly to a specific, dedicated DOT fund for the repair and upkeep of the roads in the hillside areas.

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- F. The definition of ‘Grade’ should be consistent for all projects in the hillside area, including projects consisting of a Parcel Map, and a Tentative Tract Map.
- G. The BABCNC supports the Planning Department’s proposed revision that remedial grading under the footprint of the main structure of the SFD, that is to be exported shall be counted in the total amount of the grading calculation. (ie: not exempted).
- H. All estimates of grading export, including “by-right” grading amounts, should be verified by an independent civil (grading) engineer.
- I. All projects that require a haul route, should be required to notify all residential homeowners, tenants, and residents, along the proposed haul route, a minimum of 30 days prior to the haul route hearing.

2. Single Family Residences: FAR, and area limitations:

- A. All Single Family Dwellings (SFD) exceeding 20,000 s.f. should be required to obtain a Zoning Administrator’s Determination, ZAD. And, require a public hearing process similar to the conditional use permit for a commercial project.
- B. Amend CEQA guidelines to trigger elevated environmental review for SFD projects greater than 20 000 sq ft. Consider impacts on air quality, erosion control, storm water quality, geotechnical stability, and traffic, both from the instant project and cumulatively considering all permits requested in an area.
- C. All new SFD, and remodels to existing SFD that exceed 50% of the original house perimeter, in the hillside area, shall be required to submit a construction staging plan prior to the issuance of a building permit.
- D. For Garages allowed in the Front Yard Setback, a minimum of a 5’ setback should be required in addition to any required Street Dedication.
- E. Eliminate the authority for Charter Sec 245 motions in the city council whereby council members overrule the planning department and LADBS.
- F. Single Family Dwelling projects that are greater than 20,000 sq. ft. should be required to have a licensed General Contractor on record for the subject project.
- G. The new BMO/BHO regulations appear to eliminate the allowance of open balconies into the required front and rear setback areas. We feel this is a mistake, as balconies are a great source of providing articulation along a building façade. Please keep this section as written in the current code.
- H. The mapping of the BMO and BHO boundaries needs to be re-looked at. There are several areas in the hillside sections where one lot is listed under the BHO designation, and a lot immediately adjacent to it is designated as in the BMO area.
- I. Place additional regulations on the development of upslope lots:
Most of the undeveloped hillside lots are upslope and not developed due to their inherent difficulties. Upslope hillside lots were created by cutting a road to access hillside sites, so a 20’ road cut could result in a 20’ vertical upslope cut. The result for upslope building means:
 - Upslope lots generally require a second retaining wall behind the house for foundation setbacks, this causes much more grading and a significant increase in construction truck trips.
 - Re-compaction on slopes greater than 2:1 is not possible, which equates to more dirt exporting, and more construction truck trips in the hillside areas, compounding the problem with narrow and poorly maintained streets.
 - Lack of room for staging materials.
 - Upslope lots have generally much more grading than a down slope lot, perhaps twice. For upslope lots, the depth of a house is usually determined by the depth of a garage therefore a

26' cut into the site plus front setbacks could be more than 24' vertical. By comparison, the down slope site would have minimum grading for the garage.

- J. The new encroachment plane seems appropriate for the BMO, but not for the BHO. The new "encroachment plane" if applied to hillside lots, relates only to an upslope lot, and is not relevant for down slope lots. The current BHO method to measure height should stay "as is" for the BHO, as it is a clear method, and is relative to the slope of the site.
- K. New 5' offset to measure height on down slope lots:
The section on the encroachment plane is poorly written and is an unclear direction for measurement of height on down slope lots. The current BHO height limit is 28' (flat roof) or 33" (3:12 pitched roof). Height is measured on down slope lots from the lowest grade at a 5' horizontal distance off the back of the house. Therefore, a 28' high house could actually measure 25' in height for the actual building. The proposed BHO revisions are removing this 5' criteria and now measuring the house at the toe of the building. We feel this change in height measurement is wrong and encourages taller building on hillside ridges. We assumed the intent of the 5' offset was to make a relative height adjustment across the slope so that the house would be relatively the same height above adjacent grade. We feel this elimination of the 5' offset to measure height is a free height variance for some and a less restrictive direction for others. We recommend that you keep the 5' offset to measure height in the BHO as currently written.
- L. Basements:
 - 1. The square footage area of a basement that exceeds 50% of the area of the adjacent floor above shall be counted in the total allowable FAR for the project.
 - 2. Maximum height of a basement shall be 12'.

Lastly, we feel the Planning Department needs to further recognize the vast diversity of the City, in topography, geography, micro environments, and neighborhoods. One size cannot fit all. Having only four (4) public meetings to discuss the proposed revisions to the both the BMO and BHO Ordinances seems grossly inadequate. Further, there should be a more expedited process for setting up "over-lay" zones for Communities, such as certain hillside areas, that have unique special needs to oversee responsible development and protect the health, welfare and safety of its inhabitants.

We wish these recommendations of the BABCNC to be entered into the official file for this case. Should you have any questions regarding these comments, please do not hesitate to contact us.

Respectfully submitted,

Michael A. Kemp

Michael A. Kemp, AIA
BABCNC Planning & Land Use Committee,
Bel Air Beverly Crest Neighborhood Council

CC: Mr. Vincent Bertoni, Director of Planning
Ms. Renee Weitzer, Chief of Land Use Planning, Council District 4
Ms. Julie Duncan, Planning Deputy, Council District 4
Mr. Fasial Alserri, Planning & Land Use Deputy, City Council District 5
BABCNC – Board Members
BABCNC - Planning and Land Use Committee Members