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Submissions by the public in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3, are distributed to the Commission and uploaded online. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. Please review the Commission ROPs to ensure that you meet the submission requirements. The ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

All compliant submissions may be accessed as follows:

- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting will be uploaded to this file within two business days after the Commission meeting.

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If you have any questions, please contact the Commission Office at (213) 978-1300.

SECONDARY SUBMISSIONS

100+ CONSTITUENTS SUBMITTED THE FOLLOWING (ATTACHED) STATEMENT FOR YOUR CONSIDERATION:

**Subject: Letters for Central Area Planning Commission Meeting,
Item #6
(ZA-2017-2328-ZAD-ZAA-1A)**

Dear Central Area Planning Commission Planning Commissioners,

Please grant the appeal on the above cases.

A CEQA exemption cannot be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The iconic Stahl house, perched on the hill above 1501 Marlay Drive, is an important historic and cultural resource in the City of Los Angeles. It is on the National Register of Historic Places and is one of the most famous architectural homes in the world and a Los Angeles Historic-Cultural Monument. It should not be endangered by massive and excessive digging into the cliff below.

The hill is fragile, and multiple catastrophic landslides have already occurred on the shared hillside, destroying multiple homes and nearly resulting in loss of lives. It stands to reason that the extreme development that the Zoning Administrator has deemed allowable could jeopardize the integrity of one of Los Angeles's favorite and most beloved places and the safety and welfare of residents.

Allowing this to happen again would be unconscionable.

Additionally, the project location is in a Santa Monica Mountains Conservancy-designated Habitat Block which would also disqualify the project from being exempt from CEQA.

The approved massive retaining walls don't conform to the Hillside Retaining Wall Ordinance, are many multiples of what the code allows and will have significant adverse visual impacts that require evaluation under CEQA as well.

For these reasons, we again must ask you to grant the appeal on this case.

Thank you for your consideration.

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

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planning.lacity.org

February 18, 2022

Robert Stetcher (A)
185 East 85th Street, Unit 22C
New York, NY 10028

Sara Schusterow (O)
185 East 85th Street, Unit 22C
New York, NY 10028

Paul Coleman (R)
1081 North Granada Drive
Orange, CA 92869

CASE NO. ZA-2017-2328-ZAD-ZAA
COMMUNICATION
1501 North Marlay Drive
Hollywood Planning Area
Zone : R1-1-HCR
D. M. : 148-5A175
C. D. : 4 - Raman
CEQA : ENV-2017-2329-CE
Legal Description: Lot 1, Tract 12204

STATUS OF PROJECT: ADDITIONAL ACTION REQUIRED

On June 2, 2021, a public hearing before the Zoning Administrator was held to consider the following requests:

an Exemption from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

a Zoning Administrator's Determination to permit the construction of a new single-family dwelling on a lot fronting Marlay Drive which does not have vehicular access from a 20-foot-wide continuous paved roadway from the driveway apron to the boundary of the hillside area as otherwise required by LAMC 12.21 C.10(i)(3);

a Zoning Administrator's Determination to permit a 0-foot, 2-inch westerly front yard setback post-dedication in lieu of the otherwise required 5-foot minimum front yard setback as required by LAMC Section 12.21 C.10(a)(2);

a Zoning Administrator's Determination to permit the construction of three (3) new retaining walls of varying heights measuring from 22 feet, 1-½ inches to 35 feet, 4 inches in height, in lieu of the otherwise permitted two (2) retaining walls with a maximum height of 10 feet per LAMC Section 12.21 C.8(a); and

a Zoning Administrator's Adjustment to permit a portion of one (1) retaining wall measuring up to 22 feet, 10-¼ inches within the front yard setback and public right-of-way to exceed the otherwise permitted maximum 42 inches in height per LAMC Section 12.21 C.1(g).

On October 19, 2021, the Zoning Administrator issued a Letter of Determination approving the Zoning Administrator's Determination (ZAD) and Zoning Administrator's Adjustment (ZAA)

requests. While the Zoning Administrator considered the related Environmental Case No. ENV-2017-2329-CE, a determination was not formally made as part of the October 19, 2021 decision.

On November 2 and 3, 2021, the decision was appealed by multiple parties with claims against the environmental analysis related to the project. Since the issuance of the letter of determination, many members of the public have submitted correspondence expressing concerns over the proposed project's potential impacts onto the Stahl House, a designated Historic Cultural Monument and property as listed on the National Register of Historic Places.

The City, in its capacity as Lead Agency, deems it necessary to study further any potential impacts of the Project as it relates to biological resources and historic resources and has determined that the preparation of an initial study is required.

The appeal hearing before the Central Area Planning Commission (APC) is scheduled on February 22, 2022; however, a continuance will be requested to further analyze environmental concerns specifically related, but not limited to, to biologic and historic resources. A new hearing on this matter will not be rescheduled until an Initial Study has been prepared and circulated along with any other information deemed necessary by the City to evaluate the environmental concerns.

The applicant shall hire an Environmental Consultant to prepare an Initial Study. At minimum the following technical reports are required:

1. **Updated Biological Resources Report:** The updated biological resources report must include a section analyzing any potential significant adverse impacts onto any candidate species as designated by the California Department of Fish and Wildlife (CDFW), including the Southern California Mountain Lion (*puma concolor*). As the proposed project is within the jurisdiction of the Santa Monica Mountains Conservancy (SMMC), both the CDFW and SMMC will be notified and may provide additional comments.
2. **Historic Resources Assessment Report (HRA)** prepared by a Qualified Architectural Historian. The HRA will need to disclose if the proposed project could cause a substantial adverse change in the significance of the adjacent historical resource, the Stahl House (HCM No. 670). Furthermore, the HRA shall include a View Shed Study to determine if the proposed project would impact the Stahl House' view shed.
3. **Tribal Cultural Resource Report** prepared by a Qualified Archeologist/Paleontologist. Guidance for preparing the Tribal Cultural Resource report may be found through the following link: https://planning.lacity.org/odocument/ab9e5647-1d96-4db7-aab1-2905984fbd1e/TechnicalReports_Studies-TribalCulturalResources.pdf
4. **Updated Tree Report:** On February 5, 2021, Ordinance No. 185,873 became effective to include the following two shrubs as protected tree species: the Mexican Elderberry and the Toyon. Provide an updated tree report to analyze the site based on the current protected tree species. The updated tree report must be prepared by a Tree Expert or Certified Arborist.

The Department of City Planning has created a standard list of consultants from which applicants will be required to hire when preparing environmental content pursuant to the California Environmental Quality Act (CEQA). The Environmental Consultant List may be referenced through the following link: <https://planning.lacity.org/development-services/environmental-review/environmental-consultant-list>.

The applicant is also advised to engage in informational outreach and coordination with the

CASE NO. ZA-2017-2328-ZAD-ZAA

adjacent owners in preparation for the future hearing before the Central APC.

The Project Planner, Danalynn Dominguez, will retain custody of the case file, which will be located in City Hall, Room 621, and she will be the contact person for the applicant and others with respect to the review of the environmental documents.

Inquiries regarding this matter shall be directed to Danalynn Dominguez, Project Planner at danalynn.dominguez@lacity.org or (213) 978-1340.



THEODORE IRVING, AICP
Associate Zoning Administrator

TI:JC:DK:VKJ:DD

DAY OF HEARING SUBMISSIONS



Etta Armstrong <etta.armstrong@lacity.org>

1501 North Marlay Drive (ZA-2017-2328-ZAD-ZAA-1A)

1 message

Mashaël Majid <mashaël.majid@lacity.org>

Tue, Feb 22, 2022 at 2:23 PM

To: Planning APC Central <apccentral@lacity.org>, Etta Armstrong <etta.armstrong@lacity.org>

Cc: Theodore Irving <theodore.irving@lacity.org>, Danalynn Dominguez <danalynn.dominguez@lacity.org>

Dear Commissioner Gold and Honorable Central Los Angeles Area Planning Commissioners,

I am reaching out on behalf of Council District 4 to share our thoughts for the proposed project located at [1501 North Marlay Drive](#) (ZA-2017-2328-ZAD-ZAA-1A).

The Council Office previously voiced our concerns for the proposed project at [1501 Marlay Drive](#) in June 2021, prior to the Zoning Administrator's Determination Letter being released. To date, the Council Office has received a large volume of communication stating considerable concerns about this project, most notably that construction on [1501 Marlay Drive](#) has the potential to undermine and destabilize the hill on which the locally, nationally, and internationally recognized historic Stahl House sits, directly north of the proposed development.

Our office shared that this project as currently designed may not be appropriate for a parcel that is topographically challenging as it is a steep lot along a narrow, dead-end portion of Marlay Drive. Specifically, the proposed project is being developed on a lot that is located on an unstable hillside. As currently designed, it will be deeply grading into a steep, vertical, shared hillside, one on which and around which there have been documented life threatening landslides and potential habitat environs, and that is very worrisome.

We are mindful of substantive concerns raised by neighbors about the deviation from code by allowing for an over regular height maximum of the three retaining walls, rather than the allowed two retaining walls each with a maximum height of 10 feet per the Los Angeles Municipal Code (LAMC) on a lot which does not have a 20-foot wide continuous paved roadway from the driveway apron to the boundary of the hillside area. These additional discretionary requests are specifically due to the current scope and scale of the proposed project.

While we strongly support requiring the applicant to complete additional and necessary environmental analysis through an Initial Study to further analyze potential impacts to biologic and historic resources pursuant to CEQA, we believe this thorough review should have been completed prior to any dynamic and determining actions being taken on the project and that this project should not have initially been granted a Categorical Exemption.

We respectfully ask that you consider this collective feedback in your process, and as such recommend that the Commission grant the appeal points on the basis of a lack of substantial and complete evidence at hand.

Respectfully,
Mashaël Majid

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Mashaël Majid
Planning Director
councildistrict4.lacity.org



**NITHYA
RAMAN**

Los Angeles
City Councilmember
4th District

DISCLOSURE: All emails sent to or from this account (including any attachments) are subject to the California Public Records Act and may be released upon request.

February 17, 2022

Etta Armstrong – Central Los Angeles Area Planning

Danalynn Dominguez – Los Angeles Department of City Planning

RE: Case No ZA-2017-2328-ZAD-ZAA-1A

Dear Los Angeles Central Planning,

My name is Stephen Pomerantz and I am one of the Appellants in this matter. The main issue on Appeal is whether the Associate Zoning Administrator (“AZA”) erred or abused his discretion in approving a multitude of extraordinary variances that are many multiples of what the code allows.

I and the other Appellants have presented overwhelming evidence he has and now within the last week as confirmed below, Los Angeles City Planning has just admitted in writing that multiple errors were made, the required studies were not done and much more thorough studies are required and needed before considering, much less approving, any of these extraordinary and excessive variances.

Re: Courtesy Notice: Case No. ZA-2017-2328-ZAD-ZAA-1A

🚩 **Danalynn Dominguez** (danalynn.dominguez@lacity.org)

Tue, Feb 8, 2022 9:42 am

To: you [Details](#) ▾

Hi Steve,

The Department of City Planning is requesting a continuance for this item in order to conduct a more thorough review of the project, both on the environmental front as well as due to its proximity to a designated historic resource.

Best,
Danalynn



Danalynn Dominguez

City Planning Associate

Los Angeles City Planning

200 N. Spring St., Room 621

Los Angeles, CA 90012

T: (213) 978-1340 Planning4LA.org

Having admitted their errors and abuse of discretion, City Planning is now at the last minute asking for a continuance of the hearing because they acknowledge further thorough study is necessary and required. However, the proper remedy is not a continuance but instead for this Commission to grant our Appeals as we have proved our case and shown errors were made and discretions abused, which is the sole issue before the Commission at this hearing.

Appellate hearings are not a forum for presenting, seeking or considering new evidence. On Appeal, you have to take the record as it stands. LAMC 12.24(l)(3) states “the appellate body shall make its decision, **based on the record**, as to whether the initial decision-maker erred or abused his or her discretion.” And the record as it stands clearly indicates there was no

environmental report done and also no professional evaluation and expert report done regarding any potential harm to a treasured historic resource that directly abuts the property in question. Both of these are required and it was an error and abuse of discretion for the AZA to grant a Categorical Exemption from CEQA without them. In fact, The AZA shockingly doesn't even mention or discuss CEQA in his Letter of Determination ("LOD").

In addition, both the City and Applicant have unclean hands in this matter and the Applicant has also exhibited extreme bad faith. They have had years to do the required studies and intentionally chose not too. There is not one word about The Historic Stahl House anywhere in the Department of City Planning Application ("DCP") they filed with the City seeking these enormous deviations from the BHO and building code. That omission is not an oversight, it is by design and intentionally disingenuous. The Applicant's property directly abuts a significant historic monument and yet there is not one word in their Application even acknowledging it's existence let alone it's significance. Their DCP completely ignores the fact they are trying to build a highly non conforming structure right next to a unique Historic Monument, a national treasure in the City of Los Angeles and one of the most famous architectural homes in the world. This is not the conduct of someone conducting themselves in good faith.

They intentionally ignored this fact because they knew it would prevent them from obtaining a Categorical Exemption under CEQA as well as prevent them from obtaining the very significant and extraordinary deviations from the BHO and Code they are seeking. The Applicant hoped they could just slip this through without anyone noticing the glaring deficiencies in their Application. This is just another egregious example of the bad faith inherent throughout this developers Application and its dealings with the City and community during this process.

The AZA should not have granted this developer a series of extensive exceptions many multiples of what the building code and BHO allow to squeeze a highly non conforming structure with numerous unseemly and enormous walls into a vertical hillside where it does not belong. Especially since 1501 Marlay Drive directly abuts and impacts the Stahl House, which is a protected historic Monument, is located on a substandard hillside street less than 20 feet wide and is also on a shared vertical hillside with a significant history of prior catastrophic slides that previously totally destroyed homes, almost killed several residents and subjected the City of Los Angeles to substantial legal and financial damages as well.

It is significant and this Commission should take note that opposition to this Project is uniform and overwhelming. All of the homeowners on Marlay Drive are opposed to this extreme and dangerous development. In addition, The Doheny-Sunset Plaza neighborhood Association, Bel Air-Beverly Crest Neighborhood Council and Los Angeles City Council Member Nithya Raman of District 4 do not support and are also strongly opposed to the project. The owners of the historic Stahl House, The Los Angeles Conservancy and Historical Societies are also vehemently opposed to the project as well as thousands of outraged people who have expressed their deep concern and opposition. No one is in favor of this project except the Developer.

All necessary studies need to be done by an Applicant and the City prior to the issuance of any variances. It is completely improper for the City to approve extraordinary variances with no substantial evidence and then try and search for new evidence to support them after the fact.

Accordingly, our Appeals should be granted, the LOD should be vacated and annulled and this matter should be returned to a regular process, where Applications are properly submitted and all of the requirements, studies and rules are complied with and considered in a rigorous and thorough manner prior to the issuance of any variances.

Respectfully submitted,
Stephen Pomerantz



February 17, 2022

Etta Armstrong – Central Los Angeles Area Planning

Danalynn Dominguez – Los Angeles Department of City Planning

RE: Case No ZA-2017-2328-ZAD-ZAA-1A

Dear Los Angeles Central Planning,

Our names are Bruce & Shari Stahl and we are one of the Appellants in this matter. The main issue on Appeal is whether the Associate Zoning Administrator (“AZA”) erred or abused his discretion in approving a multitude of extraordinary variances that are many multiples of what the code allows.

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Respectfully submitted,
Bruce Stahl & Shari Stahl

Bruce Stahl Shari Stahl