



Minutes
Planning & Land Use Committee Virtual Meeting
Tuesday November 10, 2020 5:00 pm – 7:30 pm

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage, Vice Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall	X	
Yves Mieszala	X		Jason Spradlin	X	
Maureen Levinson	X		Leslie Weisberg		X
Stella Grey	X		Wendy Morris	X	
Shawn Bayliss left before #7	X	X	Cathy Wayne	X	
André Stojka	X				

1. Call to Order – Committee Member Roll Call: Robin Greenberg called the meeting to order with 9 members present initially; Nickie arrived a moment later; Don & Maureen and Jamie by 5:06 pm for a total of 13. Shawn Bayliss was present briefly for a total of 14; however, left, recusing himself for item #7, for a total of **13 present** and **2 absent**.
 - Also present: Daniel Skolnik, Planning Deputy from CD5 & Alexandra Benavidez, Bel Air Association
2. Approval of the November 10, 2020 Agenda: Cathy **moved**; Stephanie **seconded**; **10/0/0**; **passed**.
3. Approval of October 13, 2020 PLU Meeting Minutes & October 26, 2020 Special PLU Meeting Minutes Cathy **moved**; Andre **seconded**; **10/0/0**; **passed**.
4. Public Comments: On any topic not on adopted agenda within Committee’s jurisdiction: None
5. Chair Reports: Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair: None

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

6. **ZA-2020-5071-ZAA- 244 LADERA DRIVE 90210**

Project Description: ZAA FOR OVER-IN-HEIGHT HEDGES, SECURITY FENCE, GATES, AND PILASTERS

Requested Entitlement: ZAA REQUEST TO ALLOW THE CONSTRUCTION, USE, MAINTENANCE OF A 25’ HIGH OVER-IN-HEIGHT HEDGES CONTAINING CHAIN LINK SECURITY FENCES, 8’ HIGH VEHICULAR GATES, 8’ HIGH PEDESTRIAN GATES, 8’ HIGH PILASTERS IN RE-40 ZONE FOR (E) SFD.

Appl: Rochelle Azoff pknickerbocker@knickassoc.com **Rep:** Nick Leathers nick@crestrealestate.com

- Nick Leathers presented; Architect Michael Gruber was also present. Nick related that they have filed a ZAA for various structures exceeding height limits including 25’ hedges and 8’ high fences, gates and walls. He noted that BHO doesn’t apply to fence height which is why they requested ZAA. He reviewed findings, with slide show presentation and site photos. Questions were asked and answered. It was noted that the home is within the LA property line and WLA as well as Beverly Hills provide emergency services. Nick noted that they did a survey, and will get a revocable permit for the hedge outside the property line. He provided details as to the materials that will be used. The neighbors’ hedges, gates and fences are all similar, with 20+ feet hedges and 8+’ gates and fences. They are just asking for variance on oversized fence and shrub. Jason Spradlin noted that the character fits with everything else in the neighborhood. He has not heard any complaints and noted there is no problem from his community.

Motion: To approve the oversized fence and shrubs, and, as added by Stephanie, to make sure that the abutting property owners have been notified. **Moved** by Jason; **seconded** by André. Stephanie's addition to the motion was approved. **12 yes; 0 no; 1 abstention:** Maureen; **Passed.**

7. **DIR-2020-4145-BSA; DBS-200035-DCP & DBS-200037- 10701 BELLAGIO RD & 627 CARCASSONE RD**
Discussion & Possible Motion: Consider taking a position on the appeal regarding 10701 Bellagio Road & 627 Carcassonne Road; DIR-2020-4145-BSA; DBS-200035-DCP & DBS-200037.

DATA: Appeal letter & Lot Line Adjustment-Parcel Map Exemption Cases & Grading Permits

Appeal letter (DIR-2020-4145-BSA; DBS-200035-DCP & DBS-200037), including (6) appeal points

<https://planning.lacity.org/pdiscaseinfo/document/Nzg5Mjk0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/esubmit>

Lot Line Adjustment-Parcel Map Exemption Cases for 10701 Bellagio Road & 627 Carcassonne Road

2012: <https://planning.lacity.org/pdiscaseinfo/search/encoded/MTg1OTY00>

2014: <https://planning.lacity.org/pdiscaseinfo/search/encoded/MTk4MzQ40>

Grading Permits- 10701 Bellagio Road [04030-30001-02147](https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160), [04030-30000-03272](https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160), [04030-30002-03272](https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160),
[14030-30000-06886](https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160), [14030-30001-06886](https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160)

<https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160>

Grading Permits- 627 Carcassonne Road

<https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PermitResultsbyPin?pin=141B149%20%20%20160>

Appellant: Shawn Bayliss [The Bel Air Association] shawn@belairassociation.org

Reps: Benjamin Reznik [JMBM] BMR@jmbm.com Daniel Freedman [JMBM] DFD@jmbm.com

Daniel Freedman presented the case, with timeline and history, dating back to 2001, including images which he had provided to the committee, of a very old home built in the '20s or '30s. Permits began in 2004 with demo and grading permit issued. Attachment includes detailed timeline including the September 2018 complaint by BAA to LA Building and Safety (LADBS or B&S) re allegation of unpermitted grading done in 2014. He noted that the house was done and that there are no previous records of any other complaints or code enforcement action. He noted the appeal from May 2019 and June 23, 2020 denied by B&S. He noted that the basis of the denial is included for review. He related that in LADBS's present records of Carcassonne or Bellagio, there are zero code enforcement records for both sites. He disputed claims made by the BAA appeal which he described as false & deceptive:

Claim #1 LADBS determination made it legal to perform unpermitted grading...

Claim #2 LADBS determination lets builders raise grade using a lot line adjustment (LLA); and

Claim #3 LADBS determination made changes to the city's interpretation of Municipal Code.

Alexandra Benavidez from BAA read comments regarding BAA appeal. Questions were asked and answered. It was noted that structures are 20,000 & 25,000 square feet. In 10/2013, 10701 was placed on the market and in July 2014, current owner purchased the property and filed for LLA. No other reports filed that are required for parcel map applications to be submitted. None of the permits acknowledged grading or dirt. In 10/2016, approved without public notice; no mention in approval of grading.

Daniel Freedman related that grading plans are part of lot-line adjustment (LLA) application. He asked that we understand this is an appeal that is conflating issues, a "bait and switch." The issue is not a LLA; it's an allegation of unpermitted grading. He noted that there is no evidence of unpermitted grading or that import or export occurred, and that the complaint of illegal grading occurs during final inspections, which he feels is outrageous; that B&S said they didn't make a mistake. Mr. Freedman opined that this is a bait and switch to confuse bodies as to what is at issue; claims of unpermitted grading are not evidenced by code enforcement records or any actions by B&S. He opined that we can unwind but it's not fair to client and it's a sham.

Daniel Skolnik, Planning Deputy from Council District 5 referred to the letter dated June 23, 2020, beginning with the appellant's claim of over in height due to a raised building pad, the main focus for the City. He noted that the Council office has been looking at this, trying to understand why B&S allowed this. Mr. Skolnik discussed definitions of a "parcel map action" and "recorded tract," and asked what the Council was thinking when they created these definitions. He discussed definitions of "ministerial" & "discretionary," and on the "Subdivision Map Act," problems with the early versions of the map which were worked out over time. He noted that there is a split on what actions are ministerial and what are discretionary. He disagreed that the parcel map can only be done by discretionary action and lot line adjustment, ministerial, as these are two distinct processes. **Daniel Freedman** responded that this appeal is talking about a code enforcement violation, and that B&S doesn't say there is one; we are presuming that a code enforcement violation happened; the issue of raising the grade was not made by B&S.

Daniel Skolnik explained that this was a procedural violation; should have been a personal map versus LLA: You apply for a parcel map could have been the fix; instead someone made an error; thought the LLA fixed the grade. It should have been a discretionary action not a ministerial action.

Stella Gray asked Daniel about supplemental permits addressing LLA; she believes grading permits were requested, that this body heard the LLA. He did not have the file but stated, based on permit, record showed supplemental issued to address LLA was approved.

Maureen Levinson noted projects go on for years before complaints are reviewed by B&S, and that they complained verbally.

Alexandra Benavidez showed photos of the site.

Daniel Freedman reiterated that there are no records that any complaints were made. His experience with phoned-in complaints is that they are logged and put into the system. There are no code enforcement violations according to LADBS; no proven unpermitted grading. To Daniel Skolnik's point, Mr. Freedman noted if code should be changed about LLA, which is not at issue, if the city wants to modify its requirements for LLA, he has no objections but asks committee to view this fairly; their client went through the process, was given permits and pursued the development.

Motion: To support the appeal of the BAA; and add language that LADBS did error and abuse its discretion in issuing building permits; **Moved** by Maureen; **seconded** by Wendy.

Discussion was held to include but not limited to: Wendy thinks LADBS screwed up. Don Loze asked what to do in the case of building being over in height due to increased dirt, and that he would like an opportunity to review what the record shows in 2014. Don Loze related that he appreciates the layout of the material Daniel Freedman presented; there were a lot of assumptions, a lot of facts but he does not know how to confirm, except he believes BAA makes an argument that there is an error, and the comments of the council office representative indicate that there has been an error and that we would like not to make a decision. He'd support the motion. Yves would like to see documentation as to 5,000 CY of dirt.

11 Yes; 0 no; 0 abstentions; passed. [*Jamie and Jason had stepped away and did not vote.*]

8. **ZA-2018-1641-ZAD-10427 W CORFU LANE 90077**

Project Description: CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING ON A VACANT LOT FRONTING ON A HILLSIDE SUBSTANDARD LIMITED STREET.

Requested Entitlement: REQUEST FOR RELIEF FROM PUBLIC IMPROVEMENTS FOR SUBSTANDARD HILLSIDE STREET.

Applicant: Kenneth Sampson info@bdsconstruct.com

Representative: Rudy Alegre rudyalagre@hotmail.com

- Stephanie Savage reported that she attended the hearing and the ZA had asked them to return to the meeting.
- Ken Sampson arrived and gave update including but not limited to the following:
He related that this is a flag lot with no neighbors behind or to the north with 100 foot driveway coming up to the residence. His goal is to have as minimum street impact with traffic and trucks and will submit to the city and neighbors a parking delivery schedule. He addressed the following questions that were sent to him; however did not provide documentation or drawing verification of questions asked from previous meeting:
 - a. A tree removal plan: He will supply and locations once we get to that stage for relocating.
 - b. Parking & Staging: Parking will be done at Beverly Glen; Staging will park 1-2 truck only on subject property, so we keep Corfu Rd with no construction vehicles. **He said it is premature. 100-foot long driveway; he can get four or five cars on it.**
 - c. Solar: Yes, solar will be on the main house; will provide plan if need be upon city's guidelines.
 - d. We are not clear if we are septic or sewer, still deciding which to do.
 - e. Retaining walls are maximum of 10ft and there are two per city guide lines.
 - f. Not clear on proof of abutting neighboring properties; we went through this with ZAD last month; can provide documentation of service. **Can show proof of that**
 - g. Soil Removal: There is soil removal; no haul route, per city guidelines. **Under 1000 CY, no import, all export.**
 - h. Electrical service will be at 400 amps panel and there is a power pole across from his driveway; easy connection; **20-30 feet from driveway is electrical.**
 - i. Site drainage is all conforming to LID department specifications.
 - j. Small roof deck about 1000 square feet; with no extensive light fixtures will be ornamental / 110 4-5 fixtures. **To the north of his property, there is a 500 foot mountain; can't see anybody, 2,000 feet; flag lot; very set back; remote rural setback off the street; very private.**
 - k. Title 24 will be provided and it is for the whole house, standard with Building & Safety requirements.

- Stephanie noted that we don't have any information on anything, including extent of road improvement, drawings, explanation and validation of what we were asking, e.g., parking and staging plan. Ken said he can provide information about tree removal, solar, title 24 & parking when he gets to it. He doesn't believe these things all impact the project. He is not ready to get to the ZAD process.

- Daniel Skolnik noted that we don't have access to the record during the time of COVID. MRCA provided maps of wildlife corridors; the mountain lions are now a threatened species. He hopes there is no impact from this project. He noted that they had an expert who provided testimony as to a stream which he didn't see. He recommends to submit to the record for there to be an initial study for project as a whole, receive testimony of an expert regarding environmental issue, look at the facts added to public record, request from office of ZA, Beatrice Pacheco. He thinks it would make sense to have an initial study based on the evidence submitted.

- Ken stated that he loves nature and echoes that; he hopes there is no impact; said that they haven't looked at it; that once they have environmental information, recommend returning to this NC, and make a decision as to the environmental information as well.

- Don Loze asked about the dimensions of the retaining walls, which Ken noted are 100' to 140' in length, from 2 foot to 10 foot high. Don would like the actual dimensions and how they fit in this plot.

Motion: Continue the project, get information of all the impacts; the only one added is the wildlife aspect and lineal footage on the walls. He can go first when he returns. **Continued**

9. **Discussion & Possible Motion for Community Impact Statement on Council File 20-1174**
Completion Bond / Unfinished Buildings or Structures / Los Angeles Municipal Code (LAMC) / Section 91.106.4.4.3 / Time Limits to Complete Projects
<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-1174>

This item was taken up at the October PLU meeting, with decision to approve with amendments; and then to withdraw the motion until the amendments are provided. Motion here is to reconsider to provide support for the motion to get the process going. Amendments can be added later.

Re-Consideration to SUPPORT a Motion introduced by Councilmember Koretz as to the feasibility of requiring a completion guarantee, sometimes referred to as a ‘completion bond’ which sets time limits to complete projects, providing remedies for incomplete development projects citywide.

Councilmember Koretz’s motion concludes: I THEREFORE MOVE that the Council instruct the Department of Building and Safety, in consultation with the City Attorney, to prepare a report with recommendations, relative to the department’s enforcement of Municipal Code Section 91.106.4.4.3, *Unfinished Buildings or Structures*, inasmuch as there are numerous unfinished development projects citywide, which were issued building permits, in some instances, more than eight years prior, and causes the development project sites to become eyesores, and foremost, a disturbance to abutting property owners and neighborhood residents, and the feasibility of requiring a completion guarantee, sometimes referred to as a ‘completion bond’ which sets time limits to complete projects, and thereby provide remedies for incomplete development projects citywide.

Councilmember’s full motion: https://clkrep.lacity.org/onlinedocs/2020/20-1174_mot_09-15-2020.pdf
(Attachment)

[Jamie Hall is back @ 6:39 pm.] Discussion was led by Don Loze and CD5’s Planning Deputy, Daniel Skolnik. At this point, there is a desire to support the motion in concept.

Motion: To adopt a CIS in support of the councilmember’s motion; **moved** by Jamie; **Seconded** by Bob;

11 yes; 0 no; 1 abstention: Wendy; **passed.**

[Jason Spradlin left at 6:40 had to leave after item #9.]

Current Case Updates by PLUC Members on pending projects:

Bob mentioned the Ridgeline Ordinance virtual hearing that people can sign up to attend. Don related that this is a presentation and from this presentation there will be an opportunity to ask questions to the Planning Department to help draft an ordinance, which, when we get through that process, will go to the Planning Commission and then to Council. This is the general flow which starts on the 20th of November. This is something we should all do.

- 10. New Packages Received
- 11. Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted
- 12. Upcoming Hearings: (Subject to discussion & action)
- 13. Determination Letters Received:
- 14. Pending Haul Routes (Update by any PLU Committee members)
- 15. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)
- 16. Adjournment Meeting adjourned at 7:09pm.

Next PLU Meeting: Tuesday 12/08/2020 @ 5:00pm

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 ADJUSTMENT
ZAD – ZONING ADMINISTRATOR’S DETERMINATION
ZV – ZONING VARIANCE

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