



MINUTES
Ad Hoc LADBS Policies Committee Meeting
Wednesday, February 2, 2022, 4 PM-5 PM

1. **Call to Order and Roll Call:** Stella Grey, Committee Chair, called the meeting to order at 4:00 PM.

6 Present: Robin Greenberg, Stella Grey, Ellen Evans, Bobby Kwan, Stephanie Savage, Bob Schlesinger.

5 Absent: Shawn Bayliss, Maureen Levinson, Nickie Miner, Michael Schweitzer, Leslie Weisberg.

2. **Motion:** Approve proposed February 2, 2022, Ad Hoc LADBS Policies Committee meeting Agenda.

Moved by Ellen Evans; **seconded** by Stephanie Savage; **6/0/0 passed**

3. **Motion:** Approve December 1, 2021, Ad Hoc LADBS Policies Committee meeting minutes.

Moved by Bob Schlesinger; **seconded** by Ellen Evans; **6/0/0 passed**.

4. **General Public Comments**

None.

5. **Discussion:**

Questions (attached) have been answered by Frank Lara and Chad Doi, both of LADBS.

Response to Q1:

It will require a code amendment via a typical path starting by a motion by a council district and ending with approval of the ordinance.

Ellen: Have there been previous attempts to address this?

Chad: Unaware of any. The most recent, HCR, did not.

Stella: Are you aware of other jurisdictions that addressed the issue?

Chad: LADBS enforces policies, but it is Planning that creates them. Planning will be a better source of information.

Bob: mentioned 24-cap on hauling in the Bird Streets

Frank: work with BBSC to get immediate relief, as we did with 24-cap program.

Response to Q2:

LADBS strives to maintain plan check consistency by providing comprehensive training, weekly meetings and by using standardized plan check sheet. However human errors may occur, and the issues shall be raised up the chain of command.

Bobby: Inquired about variances.

Chad: there are various types of entitlement path, all of them generally provide relief from certain requirements. They are reviewed by the Planning. Zoning compliance is done by DBS.

Stella: We can provide a list of plan check inconsistencies that we have discovered.

Chad: It will be passed to plan check division and used for training.

Ellen: Hillside regulations are more complicated than other regulation. Does DBS have a dedicated hillside plan check group?

Chad: There is no dedicated group but, when possible, supervisors assign projects for review based on individual plan checker's set of skills.

Stella: Would you consider creating a special hillside group?

Chad: There are many specialized projects, such as adaptive reuse, high-rise, etc. It may not be possible to create specialized groups for every type of projects, but we will consider passing this to the management.

Frank: There are multiple offices across the city and if specialized plan check is created, it will have to be available at every location, which may be challenging. Not making it available at every location may cause hardship to applicants who may not be able to apply for plan check at the geographically convenient office.

Stephanie: If we provide information regarding missed school district, linkage and other fees, will there be a way to apply these fees retroactively?

Chad: You can report it and we will review it.

Frank: DBS have a modification process. Submit an appeal of "error or abuse" to provide billable time to review the complaints.

Stella: The appeal process is costly. We are a voluntary organization with zero budget, and we cannot afford to go through the formalized appeal process. Our hope was that if we exposed more systemic errors, DBS will be interested in fixing the problems.

Frank: DBS will review information about possible errors provided by the NC, however using a code mandated formalized process will help to find resources to do it.

Stella: The purpose of highlighting typical errors is not necessarily reclaiming the fees but rather having DBS to provide additional training to avoid future mistakes.

Stephanie: During project review NC PLU often identifies missed items that require additional entitlements and notify the Planning about it. The response that we receive from Planning is that they cannot force applicants to apply for it.

Chad: Planning can only administer the applications that were submitted. Plan check is responsible for making sure that all entitlements are obtained as condition of permits being issued.

Response to Q3:

Chad: The current order exists because entitlement process can be lengthy. Application for plan check is valid for 18 months unless extension is requested. 18 months may not be enough time to obtain entitlements plus approval of entitlements is not guaranteed. The applicants try to avoid re-applying for plan check.

The downside of it is that after Planning approved entitlements, more zoning violations are uncovered during plan check and an applicant needs to either revise the project or to apply for additional entitlements.

It is currently up to applicants which path to choose.

Stella: Having a preliminary plan check review may help to avoid piecemealing.

Chad: Currently a preliminary zoning review is conducted for some programs, such as affordable housing projects and for large projects a parallel design-permitting program. There is a current motion to create a specialized zoning plan check section for zoning review. It does not specify by which department this group will be housed but it will provide zoning compliance review separate from building code review. Frank will send a council number.

Ellen: Some permitted projects appear to be much larger than what should be allowed, and we wonder how they were permitted. What is the most appropriate way to challenge it other than formally appealing it?

Chad: Check approved plans at the Record section and if you see something that does not comply with the code, then file a formal appeal.

Ellen: records are not available to public.

Frank: Until COVID is over, DBS offices will remain closed. Because of privacy issues the plans cannot be provided outside the Records office.

Leslie: Since COVID is not going to disappear tomorrow. Does DBS have any thoughts about how to improve transparency and make project documents available for review? Some modifications are dew to make documents available for viewing.

Frank: Plans are under confidentiality laws and can only be viewed in person. The emergency laws are drawn by the mayor's office. Hopefully it will become safe to reopen the offices soon.

Responses to Q4:

Frank: Determination letter is the communication between the departments and is incorporated into the building plans. Plan checkers and inspectors are normally trained to recognize the conditions of approval and to review compliance in field. DBS is working with Planning to standardize conditions. Not every condition is practical for DBS to enforce. Some may need to be enforced by Street Services, some by DOT. Agency responsibilities need to be clarified in letters of determination. Case numbers must be indicated on plans

Additional question:

Stella: Would you be opened to creating an advisory group similar to SPAB, that works as liaison between DBS and constituency? This group will provide feedback regarding construction related problems with the goal of improving current procedures.

Frank: It may be beneficial having feedback, but it will have to go through the council to obtain funding.

Mehmet: The format of the advisory committee may make a difference: it must be recognized, and its recommendations will have to be considered by DBS. Maybe there is already a way to do it. CD4 will be happy to discuss it

- 6. Adjournment:** The meeting adjourned at 5:07 PM.
Next meeting date TBD