

Draft Minutes

Planning & Land Use Committee Meeting

Tuesday December 8, 2020 5:00 pm – 7:00 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		X	Cathy Wayne	X	
André Stojka	X				

1. Call to Order – Roll Call: Stephanie called the meeting to order at 5:00pm, with 8 members initially. Wendy arrived at 5:04 pm; Leslie & André by 5:07 & 5:08 pm, Don at 5:19pm for a total of 12 present and 3 absent. Maureen arrived at 5:32; Jamie arrived at 6:06pm for a total of 14 present & 1 absent.
2. Approval of the Dec. 8, 2020 Stephanie moved; & Cathy seconded; 8/0/0; passed.
3. Approval of Nov. 10, 2020 Minutes: Stephanie moved; Cathy seconded; 8/0/1; Wendy; passed.
4. Public Comments – None
5. Chair Reports: Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair – None

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

6. AA-2020-4429-PMEX 1765 & 1758 N CLEAR VIEW DR 90210

(Note: Applicant & Representative were notified & declined to present.)

Project Description: PROPOSED LOT LINE ADJUSTMENT BETWEEN FOUR ADJOINING LOTS TO CREATE 3 PARCELS

Applicant: KADISHA FAMILY LLC Representative: TONY RUSSO

Case Summary & Documents <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM5NDZ0>

Bob noted that 9 people living there have been sued by the owner. He has bought three homes, one larger, and two smaller; six more left. Stephanie noted that we invited the applicant twice; they didn't show up. It four lots being turned into three parcels, based on total area that exceeds minimum of 40,000 and according to lot line adjustment (LLA) they comply with three of the four criteria. She feels it is worth writing a letter regarding future lot line adjustments of two larger lots; wants info from Advisory Agency to see if they do divide into three parcels.

Leslie discussed the precedent, in the case of this project, someone with three daughters, whose desire was to create a family compound. *[Leslie is now recusing herself at 5:21 pm.]*

Stella mentioned LLA case in her neighborhood, and in Beverly Hills, Trousdale. She was at a hearing on that case, and noted that LA doesn't require hearing for LLA. BH had hearing and refused this adjustment because they wanted the owner to present preliminary sketches before they approved it. Stella asked, if this may be the approach to take in the long term, for significantly-sized lot to request open process in the city in the Planning department, where we can review, comment, and fight it if necessary.

Don Loze noted that lot splits are considered to be ministerial; however, our objection is that it is not a ministerial act; it is a discretionary act. He noted that our mandate from the Planning Department is for us to review discretionary, not by right projects. He noted that every time we face the issue of a lot split, they are jimmying up zoning. In 1982/'83 the state said we have to have a Community Plan. We made one. Ours is going to be residential with four little exceptions for some commercial, that virtually currently existed and we don't want anything else changed. Included are the kinds of services based on our zoning. Unfortunately, the lot splitting in CD4 have imposed greater burdens on us than the original densities, and we are now at a point where we should be objecting to the lot splits. That's a discretionary matter.

[Maureen arrived at 5:32.]

Don related that if we can insist that the lot splits are discretionary, that would give us an opportunity to impose conditions including covenant running with the land. Stephanie suggested to approve with the condition that there is a covenant agreement that it is not further divided.

Motion: To write a letter to the Advisory Agency to approve the case with the condition that there is a covenant agreement attached to the three parcels in their altered size, in their new lot configuration; that there is a covenant running with the land. Stephanie **moved**. Cathy Wayne **seconded**.

André asked what is his right under current law to do with his property, to which Stephanie read from Code Section 17.50 B3c: The Advisory Agency

- Those where the Advisory Agency or Appeal Board Determines that all of the following conditions exist:

1. A lot line adjustment made between four or fewer existing adjoining lots or parcels and the land taken from one lot to a parcel is added to an adjoining lot or parcel
2. The resulting number of lots or parcels remains the same or is decreased
3. The parcels or lots resulting from the lot line adjustment will conform to the local General Plan and any applicable coastal plan and zoning and building ordinances.

Jason clarified that the agenda says he is combining lots and Stephanie explained that he is adjusting them so they could be developed as three separate parcels. There is one house on it, where Clear View meets the vacant land, and the vacant land includes three pieces of property. The fourth piece is that one with the house on it that is right there at Clear View.

It was noted that the owner is suing neighbors for encroaching on their property, a sheer cliff, topography from three to 10 feet over on his property which is completely not buildable no matter what. Don related that do not know the current status. He noted our problem arose because the residents were carving off the top of the hills, grading without a permit. By the time the council office got somebody up there, they were already carved off.

Bob noted that he does not have a packet on this yet. Don would like to address whether this is ministerial or discretionary. Bob noted that the issue is the subdivision or the combining of the lots. Nickie clarified that the issue is he is making 3 lots out of 4, regardless of other actions. Bob noted that per Tony Russo, he has instructions from Kadisha, not to show up at the Land Use Committee. André opined that he wants to do something that is within his rights to do and whether the city can provide services or not is not within our expertise. André thinks we should pass on this.

Motion: Don **moved** he does not think we should take an action. [Stephanie accepted to let her motion die.] Cathy Wayne **seconded**. Stephanie noted that the point of looking at AA cases, we had one on the agenda for 9650 Cedarbrook and she regrets not hearing that case, because there was more to it. This one seems to be abiding by code on the face of it, but it would have been great to have more information from the applicant. She thinks it should be our practice to look at AA cases, because they can mean other things. Stephanie can support Don's motion to not take an action on this case. Bob doesn't think it should be dropped. He feels we need to see what is going on there. There are very upset neighbors there. Jason suggested sending a letter to Tony Russo asking for clarification, what it is for. Cathy thinks he may choose not to say anything about the project if instructed so.

Wendy feels we ought to be saying to somebody in the city that lot line adjustments especially in the hills, are not a simple matter, and those should come before the PLU Committee. Wendy appreciates that Stephanie brought this to our attention because we need to respond to it but not to this individual case at the moment.

Motion: To inquire of the Planning and City Attorney with regard to our authority under our mandate from the Planning Department to hear lot line adjustments as discretionary matters. Wendy **moved**; Bob **seconded**; Don does not think we need a motion. **No motion**. Stephanie, Don and Wendy will write the letter.

7. Items for Discussion & Possible Motion:

a) Ridgeline Protection Ordinance (SUD) - Discussion on November 20th Webinar

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=11-1441-S1>

Don asked who attended the webinar, the group who was working on this have received a large number of questions, and are preparing some responses, that they'll release to the public prior to releasing the ordinance itself, which will be forthcoming after the first of the year, and the SUD is how the ordinance would be applied, being worked on separately, and he hopes we'll find out about the progress on that this week. Bob related that the SUD is Supplemental Use District (SUD) is a format that other people in hills can adopt. Don explained that it is an overlay, like the HCR was. The bigger area you cover the more difficult to go through. It's currently just our NC area at this time. And once it is established, it can be taken on by other hillsides. **No Action**

b) Discussion and Possible Motion - Regarding Special Meetings to understand scope of work associated with the proposed Resort in Benedict Canyon – 9712 Oak Pass Road 90210. Discussions with applicant(s) and community and other meetings with City Departments- Fire Dept., Street Services, Bureau of Engineering, LADBS, etc.

- Don related that there was a preliminary webinar 12/02, an initial scoping of the issues that were to be in an EIR, and final commentary about that webinar is due tomorrow at 4:00pm tomorrow. The city will issue instructions for an EIR. It may take a year or so. BCA sent our position that we do not feel the application should have been accepted to begin with. We are making comments as to what was presented at the webinar.

- *[Jamie arrived at 6:06 pm].*

- Stephanie noted that we had time to discuss this because it is a major issue; it was just to discuss how to break up special meetings, because it will take up so much time. What is our strategy? How are we going to plan that? Stephanie thought the applicant would come like normal, but it would have to be a special meeting.

Motion: Write a letter in support of BCA and SOC in opposition to the application because it will set a significant precedent in the SM Mountains that is contrary on its face to the community plan and we object to it.

Moved by Don Loze; **seconded** by Cathy; Nickie added that this affects the entire NC area. Nickie will send the letter to CD5, Planning Committee and all appropriate parties. The letter will be written on behalf of the BABCNC Planning and Land Use Committee, and reflects views of the committee and not the board until the board has a chance to vote on this. **12 yes; 0 no; 1 abstention:** Leslie; **passed.**

CPC-2018-1506-GPA-VZC-SP-SPP-SPR <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjE5Njk10>

CPC-2018-1507-DA <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjE5Njk20>

Applicant Website on project Scope <https://theretreatatbenedictcanyon.com/>

Current Case Updates by PLUC Members on pending projects:

8. New Packages Received for January

- a) ZA-2020-4005-ZAA-ZAD, ENV-2020-4006-EAF 1585 HASLAM TERRACE 90069
- b) DIR-2019-3173-DRB-SPP-MSP, ENV-2019-3174-CE 13850 W MULHOLLAND DR 90210
- c) ZA-2020-5987-ZV- None None (1830) BLUE HEIGHTS DRIVE

9. Certified Neighborhood Council (CNC) Reporting Review of New Projects Submitted

10. Upcoming Hearings: There are two hearings coming up, which he will get to Stephanie.

11. Determination Letters Received

12. Pending Haul Routes (Update by any PLU Committee members)

13. Proactive Tracking, Tasks & Projects (Update, Discussion & Possible Action)

Jamie gave update on a four-home project on Crisler Way; related that there is a new state law, Housing Accountability Act, that limits ability of the city to deny projects with more than one housing unit proposed.

14. Adjournment: 6:47 pm

Next PLU Meeting: Tuesday 01/12/2020 @ 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 ADMINISTRATOR

ZAA – ZONING ADMINISTRATOR'S ADJUSTMENT

ZAD – ZONING ADMINISTRATOR'S DETERMINATION

ZV – ZONING VARIANCE

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