



MINUTES
Ad Hoc LADBS Policies Committee Meeting
Wednesday, October 6, 2021, 4 PM-5 PM

1. Call to Order and Roll Call: Stella Grey, Committee Chair, called the meeting to order at 4:10 PM.

10 Present: Stella Grey, Shawn Bayliss, Ellen Evans, Bobby Kwan, Maureen Levinson, Travis Longcore, Nickie Miner, Stephanie Savage, Bob Schlesinger, Leslie Weisberg.

2 Absent: Robin Greenberg, Michael Schweitzer.

2. Motion: Approve proposed October 6, 2021, Ad Hoc LADBS Policies Committee meeting Agenda. **Moved** by Bob Schlesinger; **seconded** by Stephanie Savage; **10/0/0 passed**

3. Motion: Approve September 1, 2021, Ad Hoc LADBS Policies Committee meeting minutes. **Moved** by Stephanie Savage; **seconded** by Bob Schlesinger; **9/0/1 passed.**

4. General Public Comments
None

5. Discussion:
Stella: Our guest tonight is Daniel Schkolnik, a Senior Planning Deputy at CD5.

Question: LADBS does not appear to recognise piecemilling as either a “term” or a problem. Does the Planning Department consider piecemealling to be an official term or a problem?

Answer: Yes, it is a responsibility of the DCP to catch “piecemealing”.

Question: How do applicants know whether their proposed projects require being reviewed by DCP?

Answer: The process is as follows: Planning counter - zoning review by LADBS - permit applications - a summary clearance worksheet is created by plancheck indicating all clearances required by the City departments and all previously granted discretionary approvals - planner will compare it to the current application and, if necessary, will set up a meeting for condition clearance to make sure the new project is in compliance with entitlements that had been previously approved, including environmental.

Question: If someone is replacing an existing house with a new house on the lot that cannot be built by-right, is variance required?

Answer: No, it will require an entitlement. The most common type in the hillside is a relief from widening continuous paved roadway. If there is some geological issue with the terrain, the lot may

require several entitlements. Entitlement is a decision by a local government to allow for a relief for yard and side setbacks. Each entitlement has an associated environmental clearance, either CE or MND or ND.

Question: Some projects that recently appeared in front of NC PLU were in the final phase of by-right construction when they applied for a discretionary relief for over-the-height fences. We feel that these projects intentionally delayed the request in order to avoid additional scrutiny. Is it possible to prevent this from happening by asking applicants the right questions during the original review?

Answer: Planners that are reviewing applications at Public counters have to follow laws that are very lax. The City Attorney advises that we can ask for applications to be deemed complete but at the counter the push back is limited. Planners can ask whether the fees were paid and whether the applicant has a request for the entitlements. To enforce that each project obtains all necessary entitlements is not possible. Project planners often ask applicants to make last minute corrections by hand on plans but NC PLU sometimes does not see it in the submitted documentation.

Question: Often last minute “piecemeal” requests are made by expeditors who are well known by NC, who are well familiar with the review process at the City. This is where we grow very suspicious of their intent.

Answer: The key point is that NC may be reviewing incomplete plans that do not reflect the last minute revisions made per the planner’s request.

Question: Is it possible that the applicant intentionally held back discretionary requests?

Answer: If this is the case, the request should not be granted.

Question (Travis): The recent case where a house was still under construction and the expeditor appeared in front of NC PLU, asking for an over-the-height fence in public right of way. **We need a one year “cooling off” period after Certificate of Occupancy was issued and before the project can apply for a new entitlement.** The discretionary scope appears to be intentionally removed from the original application in order to avoid close review. We see projects that would not be able to pass a review by PLU but were built as ministerial, with the discretionary scope being delayed until nothing could be done to fix other problems that we noticed such as with stormwater containment, wild life protection and others.

Answer: It may be implemented as interpretation by the City Attorney’s office rather than as a legislative act. It will be ultimately decided by LADBS and DCP but the CA’s office shall advise the departments how to mitigate this trend.

Question: Will CD5 support a motion requesting a “cool off” period?

Answer: Sure. A motion should be to ask the departments to look at the issue of piecemilling and to implement additional enforcement procedures to catch developers who attempt to operate around CEQA. It should be a combination of legal risk management and executive decisions. CD5 will support implementation of the state law. We will identify developers who use a loophole to bypass the system.

Question: LADBS does not take into account the cumulative impact of multiple projects and the complexity of actual terrain.

Answer: There is a disconnect between plan check and planning. Someone can apply for discretionary approvals without first going through a plan check. Plan check may notice that some discretionary approvals are missing and will send the applicant back to DCP or will suggest that the

plans be revised to avoid additional entitlement. Projects shall be plan checked before they apply for discretionary approvals or at least have a preliminary plan check before entitlements are requested.

Question: Is LADBS a right place for zoning review?

Answer: Zoning engineers interpret the code following the manual. We may not always agree with their interpretation but this is how it is historically done in LA.

Question (Maureen): An example of piecemealing in the past was when a developer applied for two by-right abutting projects with two separate haul routes while the marketing brochures advertised a single estate with a luxury guest house. At the haul route hearings this was brought to the attention of BBSC but the commission ignored the fact and approved haul routes. The parcels were later combined.

Answer: Parcels can be merged via a ministerial process. Haul route is a discretionary request that requires environmental review and that should have been questioned during the hearings.

Question (Ellen): When the city attorney makes a call re risk management and enforcement, we are always in a disadvantaged position as compared to developers.

Answer: Make a recommendation to the elected officials. Join efforts with other communities that may have similar issues.

Question (Stephanie): What is a threshold in order for planning to accept a CEQA appeal?

Answer: Reasonable; that is of solid value proof, which will require involvement of experts

Question (Bob): Plan check has to occur before any grading and before the review of entitlements.

Answer: One of the biggest issues for hillsides is remedial grading. The order of review has to change: preliminary zoning review and plan check have to happen before the project applies for entitlements.

Question:(Travis): Piecemilling is not necessarily an environmental review issue. Piecemilling is when projects apply as by-right and avoid/delay applying for entitlements in order to avoid a closer review and additional scrutiny.

Answer: Ultimately it is a CEQA item. We need to make a project description and an environmental description match. We all agree that zoning check and preliminary engineering review should occur first and planning will be reviewing a full project scope vetted by other divisions of the City.

Q(Bob): BBSC ignores the cumulative impact of hauling and construction

Answer: Daniel advised that we should gather factual data before presenting recommendations as well as to reach out to other communities and council districts.

6. Discussion:

This item is continued.

7. Discussion:

This item is continued.

8. Adjournment: The meeting adjourned at 5:25 PM