Committee: Planning and Land Use Committee
Chairperson: Julie Ross
Meeting Date: Tuesday, September 17, 2019 - 6:30pm
Meeting Place: Westchester Municipal Building Community Room / 7166 W Manchester Avenue, Westchester, CA 90045

Attendance:
- Present: Ross, Fox, Miller, Lyon, Quon, Smith + visiting NC Board members Naomi Waka, Cord Thomas, Dave Mannix
- Absent: Watkins

Item 1: Meeting Opening

1.1: Welcome and Introduction

1.2: Minutes Review and Approval – 21 May 2019 PLUC meeting minutes.
   M/S - Smith / Quon
   Vote: 6/0/0, minutes approved.

1.3: Public Comment on Non-Agenda Items: None

Item 2: Committee Administration / Operations Items

2.1: Allocate NC Budget for Committee Meeting Note taking

Discussion: Consider replacing committee volunteer secretary with a DONE-approved service provider to take meeting notes. Preset rate schedule:

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<th>Hourly Rate Range</th>
<th>Annual Cost / 11 mtgs a yr</th>
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Presenter: Committee
Public Comment: None.
Committee Discussion:
- Rationale: free up meeting secretary to participate in full during meeting presentations, given the frequently complex issues handled by the Committee.
- Discussion re scope of work given to outside service. Clarification: just a record of the meeting, which would serve as basis for meeting minutes still to be prepared by Fox.
- Unclear if next step is motion moves to Budget Committee or full Board
Motion to support request for budget allocation.

M/S – Smith / Quon
Vote: 6/0/0, motion passes unanimously.

2.2 – Committee tracking and reporting on active projects cases

Discussion: Once motions leave NC Board, there is no proactive notification back to community regarding planning changes (via Planning) or construction changes (via Department of Building & Safety). Lacking method for tracking NC motion conditions with actual built outcomes prior to Certificate of Occupancy issuance. Review possible Committee approach to project monitoring.

Presenter: Committee
Public Comment: None.
Committee Discussion:

- Fox / Proposal: in effort to make sure development projects follow commitments after PLUC has taken a position on the new development. Method: publish a list of open project files, each board member takes a few, monitors and reports back.
- Smith / CIM project (Sepulveda Eastway) would have benefited from some after-motion tracking.
- Tecle (CD11) / Planning staff in the CD11 office should be first stop for getting information.
- Lyon / Building on what Smith said, clerk was a staff planner for CD11 who sat through a dozen NC-related meetings. However, when the project was brought forward to City of LA PLUM that CD11 staff person dropped the NC conditions. Staff rationale? Developer had a By-Right project. Therefore, staff person decided the developer was not required to consider the NC conditions. Can ask and track, but there’s a difference between need-to-do and nice-to-do which isn’t required by law. Not surprising if some details get dropped during the development process, after it leaves NC.
- Miller / Alternative means of making agreement: Community Development Agreement but has to go through City Attorney. Complex and time consuming.
- Quon willing to re-initiate project map integrated into the NC website. Fox agreed to share current informal tracking list, collaborate with Quon in support of map on NC website.

Motion: Create a public list of active Planning applications, next PLUC meeting review and ask Committee members to take on projects to track between meetings, report as issues require.

M/S – Fox / Miller
Vote: 6/0/0, motion passes unanimously.
2.3 – Legal or Procedural Issues Research

Discussion: For planning and land use legal or procedural question, discuss Committee protocol for timely investigation and response back to Committee. The issue: difficult for committee volunteers to match the legal counsel hired by developers.

Presenter: Committee

Public Comment
- Trevor Chandler > based on experience with NC, can’t have a NC hiring an attorney to engage with the City.

Committee Discussion
- Thomas / Noted NC Government Affairs committee currently discussing issues of timing on taking action. Reporting and authorization from Committee and Council: challenges of both confirming legal advice and ability to act quickly on an issue that’s moving.
- Ross / Desire to provide information to members of the community via PLUC re land use legality; By-right vs nice-to-have.
- Mannix / Noted all committees need consultant advice. All NC members are volunteers. An item can look innocuous but can be deceptively complex. All committees would benefit from technical advice. Queried CD11 staff on possibility of City legal counsel for specific issues before NC or Committees
- Tecle (CD11) / Not really. NC is covered by the City Attorney’s office, able to answer questions. But their job is to protect the liability of the City, so asking them about specific cases might not be appropriate or productive. However, City Attorney’s office can give technical expertise and process and how things move through the system.
- Lyon / Historically, City Attorney has not been able to be adequately responsive. Long been a proponent of 3rd party counsel, provided it’s not someone (stakeholder) in our community. But given financial challenges, allowance for paid counsel hasn’t made it into the NC budget. However, today the CD11 staff is strong and more responsive than the last 5, maybe even 10 years. Advised PLUC monitor for 90 days, see if working with Council staff can provide required expertise. Also noted WRAC meeting offers rich expertise from other NC PLUCs.
- Ross / Not sure I want to wait 90 days if we have community members are willing to weigh in, provide analysis, counsel.
- Fox / Important to keep the counsel process very clean. Suggested creating definition of what kind of presentation desired from volunteer attorneys—give neutral opinions, non-partisan, tutorial in nature.
- Tecle (CD11) > Pledged to make himself available, want to be a partner in this process.
- Fox / Counsel options types: volunteer input or paid counsel or community hires its own counsel.

Motion: Chair and Andy Watkins caucus and bring a proposal back to committee.
M/S – Fox / Lyon
Vote: 6/0/0, motion passes unanimously.
Item 3: Committee & Community Education

3.1 – Committee Education Proposal
Discussion: Propose recurring standing agenda item for 15-20 minute presentation on issues relevant to committee training and education. When appropriate collaborate with Government Affairs Committee on topics. Potential Topics: SB1818, Transit-Oriented Community Guidelines, TOC re Ellis Act evictions and public record vs illegal “cash for keys,” Accessory Dwelling Unit Ordinance, Specific Plans in the NC geography, State-SAG-City-NC cycle of housing unit target calculations, CEQA, Coastal Commission and our NC.

Presenter: Committee
Public Comment: None.
Committee Discussion
• Thomas / Understands desire to inform the Committee, and similar has been discussed on Government Affairs Committee with a focus on community education as well.
• Mannix / In general, always a need for NC Board education; agreed 15 minutes given to education at each meeting would be beneficial.
• Lyon / To clarify objective: educating the Committee and by-product is community education? Meaning: at each PLUC meeting pick a subject, and do 15 minutes, then once a month or quarter pick something from the Committee to present at the Board level.

Motion: Add 15 minutes of education at each PLUC Committee meeting, collaborate with other Committees to generate topics and calendar, and share at NC Board level.
M/S – Miller / Lyon
Vote: 6/0/0, motion passes unanimously.

3.2 – Community Education Proposal
Discussion: Possibility of developing ongoing calendar of 2x or 4x/year community workshops (sponsored by PLUC/NC Board) on issues relevant to community training and education.

Presenter: Committee
Public Comment
• Tracy Thrower Conyers: Would be ideal to have presentation that gives history of pressure re housing, beginning with SB1818 leading to new ordinances for higher density today.
What are the pressure points, where do they come from (State vs City)?

Committee Discussion
• Waka / Possibility to distill main topics from Committee-level tutorial presentations and use them as platform for community-level training.
• Nguyen (CD11) > Noted every year state officials pushing more laws that tie hands of local municipalities. Thinks it would be helpful to get a report from LA Planning to get an update on housing options (e.g. TOC), where it can go, how guidelines work, production seen in the city (as trend).
• Smith > Sense that little by little, losing all local planning control.
• Nguyen > Noted Mar Vista TOC proposal was defeated. Transit references to get the TOC bonus didn’t qualify because based on an old map.
• Tecle (CD11) > Direct questions for the presenter; make sure they get specific: impacts, analysis.

Motion: Forming a non-quorum subcommittee to put together a strategy for education at the NC Board level, and then community-wide tutorials for general meeting (see Bylaws). Bring the three-tier education issue back to the Committee.
  M/S > Lyon / Miller
  Vote: 6/0/0, motion passes unanimously.

**Item 4: Planning and Land Use Issues**

**4.1 - LMU Master Plan Review / CPC-2019-4651-SP**

Background: First presentation at PLUC. LMU requesting changes to original Specific Plan / Master Plan for its on-campus built environment. Increase from 457,000 sq. feet “net new” for Academic/Admin purposes to 1,779,000 sq. feet “net new” for Academic, Admin or Athletics purposes.

Issues of interest:
• Planning associated with change in request; new build vs replacement.
• Master plan changes and community impact (traffic, parking, noise, lights, etc.)
• Review of LMU and Planning Department fidelity to original Master Plan, including review of LMU Neighborhood Advisory Committee collaboration (https://community.lmu.edu/masterplan/nac/)

Presenter: Mason Stockstill, Public Relations, LMU

Related Documents:
• LMU Specific Plan Amendment - Application to Planning (8 pages)
• LMU Specific Plan Amendment - Project Description (2 pages)
• LMU Specific Plan Amendment – Project Plans (4 pages)
• LMU Specific Plan Amendment – Site Addresses (1 pages)
• LMU Original Specific Plan / Ordinance 181605 (62 pages)
• LMU Current Site Photos (6 pages)
• LMU 2013 Annual Planning Dept Review / CPC-2009-2425-GPA-ZC-SP-DA (10 pages)

Presentation highlights:
• Presenter himself at LMU 10 years, 6-year resident of Westchester so also a local stakeholder.
• Inaccurate chatter on social media: “LMU is planning a huge expansion.”
• Asking for one change: reallocate uses without going over total cap on square footage. Don’t wish to build more than already approved for.
Committee Discussion & Public Comment Combined

Q: What is not being torn down?
   A: Gersten

Q: Why seeking this change?
   A: Impetus is athletic program: facilities not up to standard for league LMU plays in. In 2011, were planning on tearing down Gersten. Change in plan: keep Gersten and renovate for use as practice facility.

Q: Why not ask for Gersten-specific allowance, rather than total change in language?
   A: When developing planning application, realized might want to make other changes, e.g. tear down something existing now to expand.

Q: Original Plan written in 2011 was a 20-year plan. Huge amount of community effort, participation to craft the 20-year plan. Now 8 years into that 20-year window and LMU is asking for a change that is open-ended. Asking for a change that would allow LMU to take different direction for 12 years of 20-year plan. Equivalent of a blank check, as far as development and use changes on campus. We thought we helped you plan for 20 years.
   A: Still have height limits, parking minimums, cap on Student FTE. When Specific Plan negotiated, athletics were not high priority and that has changed. The requested change should not trigger EIR.

Q: Not debating that LMU plan anticipated building a stadium. 6000 seats, etc. But using that change in use—preserving, no demolishing, Gersten and building new stadium—as a lever for a carte blanche agreement to make other changes. Why not just ask for the stadium project, rather than changing language of Specific Plan? 6000 seats, not 4200 seats, so looking at a net gain of capacity. Should be asking for variance, not Specific Plan language change.
   A: Any time LMU wants to change the Master Plan, everyone’s going to war. Looking at 150K sq. ft more for athletics than what was planned for in 2011. Going to tear out seats in Gersten (becomes practice facility). So net added seats total is lower.

Q: Flow of attendee ingress/egress for events at new stadium?
   A: New stadium venue near LMU entrance, parking probably will go underground.

Other issues called out during discussion:
- Concern that LMU will continue taking on more and more residential property, then change use later.
- Noted in new language square footage is consistent but struck out bed count. Raises questions of future use in total Specific Plan square footage.
- Noted LMU can stay within Specific Plan square footage total by moving some academic programs down to Playa Vista office space. Raises the concern that academics (with lower use impact on community) will further migrate to other locations and this requested
Specific Plan change allows campus adjacent to R1 to migrate towards the type of activity—athletic events—associated more difficulty for community re traffic, crowds, etc.

- Supportive of LMU sports program, desire to see it improve and succeed. However, larger problem re LMU transparency and engagement with community. There’s a process with NAC and Neighborhood Council. Plans for expansion, change of use should have been discussed and refined before LMU filed the application, not after. Neighbors are looking to proactive communication, sensitivity re impact on community.
- Neighbors less concerned if LMU remodels an existing building. Larger concern: change the use of a building without any feedback from the community re how LMU is thinking about impacts to the community.
- General concern that LMU has done no advance community outreach regarding this requested language change and/or future building projects.

Possible Committee Action: Motion to Support/Deny/Modify

- Agreement to table this issue. No vote at this time.
- Requested for application do the following, then return for 2nd presentation:
  - Proactive community outreach, gathering input and reporting back on concerns and action plan.
  - Test LMU executive willingness to proceed with specific project requests rather than Specific Plan language amendment. Try to work with action plan that combines/balances neighborhood and LMU outcomes.

### 4.2– Playa Del Rey Dunes Destruction Update [Informational]

Background: In August 2019 developer Legado Companies hired a contractor with heavy earth-moving equipment to flatten an Environmentally Sensitive Habitat Area (ESHA) known as the Playa del Rey dunes. Action taken without a Coastal Development Permit. Two days after this action, Coastal Commission issued an emergency Prior Notice re intent to issue “Cease and Desist” order to Legado demanding full restoration.

Presenter: Matt Tecle, CD 11 Field Deputy

- Unpermitted activity in PDR on August 8th.
- Private parcels. Orders to comply from City to replace bad fencing.
- Been in use by the public to access the beach, however it’s private property
- Kids camps, degraded fencing was safety hazard.
- Got a call that they’d be out the next day they were going to replace the fencing.
- Heavy equipment on the dunes. Equipment operators said they were removing the fence along the edges, when done would fill the holes. In fact, leveled dunes.
- Collected info and shipped to Coastal Commissions – has the ability to protect.
- Legado Co destroyed naturally eco systems – animal and plant life.
- State Commission > emergency cease; no work could be done.
- Mandate there should be property lines with No Trespassing, so LAPD can now enforce this so can get the homeless people off the dunes.
- Legado is required to get with LAPD to get this done.
Next steps:

- Full commission will hear the case; my understanding: full restoration of the dunes at property owner’s expense. What that means, how that will manifest will be a State Coastal Commission process, they will have to submit plans, CC ok’s, they have to account for the current destruction including replanting, they may require a permanent fencing to protect it while its being restored.
- Don’t know date for hearing. They meet all over the state. Not sure about location. If November, it will be Half Moon Bay. Will find out and make sure community is aware.
- Opportunity for public comment including remote; all broadcast over the internet so can watch the meeting.
- CD11 + City working as advisory to the Coastal Commission and facilitating communications between Coastal Commission and community members.

Related Documents:

- Coastal Commission Notice Prior to Issuance of Cease and Desist Letter (2019-08-13)

Public Comment: none.

Committee Discussion

Q: Because it’s duel jurisdiction and they graded without the permit, what influence does the City have?
   A: No fee required from them for breaking the law re unpermitted activity. However, Coastal will demand $$-related correction. In contact with the grading and permits, LADBS can’t issue citation. They’ll say, “get a permit” or “demo what you’ve built without permission.” City Attorney is trying to figure out who holds the whip hand. It’s possible the City could issue requirements similar to Coastal Commission...they’re looking into this.

Other points:
CD11 position: the law has to be respected.
Don’t know what Coastal is going to be demanding. City demands have to be aligned with Coastal Commission demands. Complex interesting case re duel jurisdiction.
Have issued CD11 letter from Bonin explaining the situation and why it’s so disturbing. Letter to Coastal Commission from NC would be helpful; timed to submit before November Commission meeting.

Motion: Support City of Los Angeles and the Coastal Commission enforcing all legal requirements and pursuing punitive damages to the fullest extent of the law.
   M/S – Lyon / Smith
   Vote: 6/0/0, motion passes unanimously.

Community Impact Statement Consideration.
Motion to write and attach to appropriate Council File for purposes of creating permanent record regarding dunes situation.
CIS Text: Decades of what nature has done destroyed in two days. Willful destruction of ESHA; economic. Destroyed view, vista. Saddened nature and continuing to endanger it by not protection it. Call for complete protection of area in question.
M/S – Fox / Smith
Vote: 6/0/0, motion passes unanimously.

4.3 –Reading & Ramsgate TOC Review + Ellis Act Eviction transparency, tracking, communications [Informational]

Motion: Due to late hour, table for next PLUC meeting.
M/S – Fox / Miller
Vote: 6/0/0, motion passes unanimously.

Background: Previous PLUC meetings reviewed concerns regarding advancement of high-density TOC development in the Reading-Ramsgate area comprising 150 parcels all eligible for TOC Tier 3 development. Update on status of development in the area and Ellis Act eviction documentation.

Presenter(s): Committee
Related Documents: if any, presented at meeting.
Public Comment
Committee Discussion
Possible Committee Action: Motion to Support/Deny/Modify
Community Impact Statement (CIS) consideration

Item 5: Meeting Wrap-Up

5.1 - Announcements
Next PLUC meeting: October 15, 2019.

5.2 - Meeting Adjourned
M/S – Quon / Miller

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