Meeting Minutes - Approved

Committee: Planning and Land Use Committee
Chairperson: Patricia Lyon
Meeting Date: Tuesday, July 17, 2018 - 6:30pm
Meeting Place: Westchester Municipal Building Community Room / 7166 W Manchester Avenue, Westchester, CA 90045

Attending:
- Present at Call to Order: Joan Trimble, Alan Quon, Patricia Lyon, David Oliver, Garrett Smith, Don Hellwig, Paula Gerez, Kimberly Fox
- Present, Arriving Late: David Voss (6:40pm)
- Visiting Board Member: Julie Ross

CD11 staff members:
- Matt Tecle - New Field Staff for Westchester and Playa Del Rey
- Len Nguyen - Planning Deputy replacing Ezra Gayle

Item 1: Welcome and Introduction

Item 2: Minutes Review and Approval - 31 March 2018 PLUC meeting minutes.
M/S: Gerez/Hellwig
Vote: Passed - Unanimous Voice Vote

Item 3: Action / 8415 S. Pershing (Hacienda Playa) Liquor License

Background - Second presentation to PLUC. Applicant is requesting the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 2691.25 square-foot restaurant with 90 interior seats, providing limited live entertainment such as live music/mariachi (indoor/covered patio), karaoke and 1 video game machine (indoor), a 679.25 square-foot covered patio with 60 seats, and a 301 square-foot patio in the public right-of-way with 18 seats providing background music. Amplified music, live music or entertainment on premises shall cease at 10:00pm daily and recorded music on patio facing Pershing Drive shall cease at 10:00pm daily. Proposed hours of operation from 7:00am to 12:00 am, Sunday to Thursday and 7:00am to 1:00am, Friday and Saturday in the C2-1VL zone.

Presenter(s): Maria Impala Rodriguez, Kam Fung Lau - Land Use Consultants for property owner.
Al Rodriguez, Christi Reyes - Operators
Ed Rodriguez, Katheryn Gates - Property Ownership Group
Pat Green - Restaurant Manager

Presentation Highlights
- Seeking to make some changes to hours and want to provide music a couple days a week. Do not intend to alter the family-style nature of the restaurant.
- Amended CUB application based on results of community meeting and neighbor requests.
- Per community request, made a number of new accommodations and modified application.
- Fire Dept inspection, confirmed occupancy load of 90 inside, 60 on patio.
Related Documents regarding 8415 S Pershing Dr 90293 (provided in advance and posted with meeting agenda)

1. DCPA-8415
2. Revised Site Plan
3. Revised Floor Plan
4. Public Outreach Map
5. Findings
6. Occupancy Load
7. Parking Policy
8. Public Meeting Notice

Public Comment

Joe Guglielmo / Support

Committee Discussion

Voss / Your manager, is he local to respond?
   Al Rodriguez / yes.

Voss / 19 spaces in Westgate building; had no idea that parking was available. Suggest sign to something more like “19 spaces in building next door.”
   Maria Impala Rodriguez / Good point. Will make this change.

Committee Action

Motion to Support Application
   M/S: Voss/Gerez
   Vote: Passed - Unanimous Voice Vote

Item 4: Discussion / Legislative Update re Accessory Dwelling Unit Ordinance

Background - First discussion at PLUC. Presentation of detail regarding Accessory Dwelling Unit development in R1 zone

Presenter(s): Len Nguyen, CD 11 Planning Deputy

- Overall situation: SB 229 and AB 494 have clarified previous state laws. Each municipality can choose to craft their own ADU ordinance, or not. If no local code is adopted, the State law on ADU will function as the local ordinance.
- Process update: at time of presentation, Council in recess. When calendar begins again, Huizar will work to schedule draft ordinance for PLUM consideration. PLUM to make recommendation to Council.
- City Contact: Matt Glesney in Planning.

Related Documents:
1. ADU Frequently Asked Questions (2018-05-30)
2. ADU Guidebook
3. ADU Memo 2018 (Guidance re State Laws on ADUs for Building & Safety Inspectors and City Planners)
4. ADU Recommendation Report (2018-07-12; the most recent City Planning staff report)
5. Draft ADU Ordinance (2018-07-12; latest draft ordinance presented to City Planning Commission)

Public Comment

Vince Bertolini / Seeking Clarification
- Concerned this translates into R1 rezoned as R2 (technically or practically)
- Understanding ADU intended for affordable housing, not use as AirBnb; is this correct?
- Concern about parking.

Trevor Campbell / Seeking Clarification
- Sees ADUs as changing the zoning (R1 to R2)
- Re LA’s Short-Term Rental code, assumes the ADU is treated like a bedroom

Gilda Krips / Seeking Clarification
- Questions re parameters for enlarging primary dwelling versus converting a garage.

Lauren Nelson / Seeking Clarification
- In the process of building an ADU, beginning the process.
- Now concerned about rent control and possible future situation: if owner moves own of primary dwelling do both the primary and ADU come under rent control?
- Does Fair Housing Act on ballot for November have implications for ADU and rent control

Larry Lewis / Concern
- ADU results in primary home owner becoming a landlord; protections from poor tenant behavior are important and non-trivial.

Committee Discussion

Gerez / Does the ADU create a reassessment of the entire property? A prop 13 reassessment?

Voss / Not an expansion of my existing home, does it reassessment of the entire parcel, or your primary + ADU. You add $300K in value...That house that you bought in 1970 for $40K and then I put in $300K, do I trigger total reassessment?

Fox / Question about code development procedure: does this Committee have an opening to take a position before the next PLUM hearing?
   Nguyen / Will check with downtown.
   Lyon / Will record questions from this meeting, draft list of concerns, and hand over to Len Nguyen (CD11 Planning Deputy) to get answers.

Voss / Would like clarification re 1200 sq ft limitation with minimum of 1 garage/parking space. What about scenario: 1200 sq ft as living area that is over four car garage which is (therefore) also an additional 1200 sq ft. Can I do that?

Smith / If I’ve already built my home to max FAR sq. footage, and I already have a garage, would I be allowed to build an ADU (additional footage).

Smith / If I’m a member of HOA that prohibited building units, would state law trump that? E.g. Kentwood Association has a prohibition. Concern that state law trumps an HOA CC&Rs.
Gerez / Is there any anticipation to provide for R2 or R3 if they’re allowed?

Quon / Hillside provision – do you see that holding?

Nguyen / LA City Planning Commission on July 12 had a problem with it. Sense Len got: Commission’s intent is to get rid of that restriction. But don’t have confirmation on their latest action.

Quon / Do all the bluff area in Westchester qualify as hillside?

Len / Go into Zimas, enter address, click on zoning area and it will say if it’s in a hillside area or not per parcel map data.

Voss / Concerned about more clarification re set-backs. Scenario: street side setbacks - Anything in the proposal other than the 5’ set-back, anything to prevent building to the sidewalk (no setback)? Don’t see detail on this in the draft ordinance. Sides and rear defined but what about up to the side walk?

Voss / Code language - does that local ordinance policy where you’ve got a contractual obligation in CC&R, does his code address this? Noting not all existing CC&Rs are enforceable, e.g., historic CC&Rs that red-lined area based on race exclusions no longer enforceable.

Voss / Previously an ADU defined as “granny flat” meant you were required to show you had an actual granny as resident. Current draft: no restriction on who can occupy of any kind. Therefore, how does this draft code dovetail with new Short Term Rental ordinance? Is there analysis re how these different policies work together simultaneously? E.g., R1 becoming defacto R2, tenant no longer has to be verified as family member, new policy re short-term rentals.

Nguyen / Santa Barbara court decision (on their municipal ADU code) hurt LA’s ability to define family member requirement. That decision: couldn’t limit with regards to family.

Lyon / Significant stakeholder concern as heard in these meetings: preservation of R1 community and the erosion of that. Effectively R1 with 2 units becomes R2. If it’s under R2 is it under City’s code re the rental act. E.g., If I own a duplex a block over at R2, why do I have to pay set fees and be governed by the 3% increase restriction when someone is on an R1 lot and builds an ADU? Why should the R1 owner get the privilege of building an ADU and not be under the same guidance of the person who owns the 2, 3, 4, 20 unit building that has rent stabilization requirements?

Voss / Committee has also made public comment that enforcement re these new codes, and associated restrictions, is a joke. Encourages the mentality: penalties are so low, I’ll violate and pay the tax or fee if I’m caught.

Lyon / General concern re the unintended consequences as implemented. E.g., CC&Rs, AirBnb, rent stabilization—how do these works tougher? Also very concerned re code enforcement. Meaningful follow up from Building and Safety, Housing, etc doesn’t really exist.

Voss / Fundamentally zoning is issued to prevent new development from conflicting with existing use and preserving character of the community. Zoning is for prevention of incompatible use. Have to ask when doing this: are we remembering the fundamental nature of planning?

Lyon / Vs looking at the ADUs for R+ where there’s extra land, because people living in the R2 have a priori signed on to density and are under housing department. We went through this when talking to ReCode LA. We’re the largest NC in LA in terms of size, scope and growth between Silicon Beach and LAX.
Possible Committee Action: Motion to Support/Deny/Modify

No motion at this time; Item continued. Chair directed secretary to capture key issues in memo to Len Nguyen, who will research answers with Matt Glesney, Planning Dept, and return to committee with presentation and clarifications.

Item 5: Action / PLUC Forum Community Events

Background - First discussion at PLUC. Proposal to initiate 2x annually community “forum” events where PLUC presents key land use issues, to both educate and engage the public on topics of concern. First issue: accessory dwelling unit permitting, development.

Presenter(s): Patricia Lyon
Related Documents: None
Public Comment: None
Committee Discussion

Voss / Supports idea of session sponsored by NC that’s not a formal quorum meeting.

Possible Committee Action: Motion to Support/Deny/Modify

Lyon / Will work on ADU workshop in next 60 days. Gerez and Fox volunteer to work with Lyons.

Item 6: Discussion / Project Updates

Note: Item skipped during meeting.

Background – First discussion at PLUC. General review, discussion re process and outcomes.

Presenter(s): Patricia Lyon
Related Documents: None
Public Comment
Committee Discussion
Possible Committee Action: Motion to Support/Deny/Modify

Item 7: Announcements

- Ethics training updates by 7/20 (Lyon, Oliver, Smith)
- Next PLUC meeting: August 21, 2018
- September 18, 2018 PLUC Meeting; discussion re conflict with Yom Kippur observance.

Motion to move to alternative date in September.
M / S Trimble / Quon
Vote: Passed - Unanimous Voice Vote

Item 8: Meeting Adjourned