

MOTION

TO CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#55

At its meeting on September 7, 2022 (**Letter of Determination date: September 23, 2022**), the West Los Angeles Area Planning Commission (WLAAPC) denied an appeal relative to various building permits issued for the construction of a new four-story, single-family dwelling with attached garage, storage, recreation room, accessory dwelling unit, retaining and planter walls, deck, water fountain, pool and spa, for the property located at 824 N. Kenter Avenue, Los Angeles, CA 90049 (Case No. DIR-2021-8570-BSA-1A). The denial sustained the Planning Director's Determination that the Department of Building and Safety (LADBS) did not err or abuse its discretion by issuing the building permits.

Action is needed to assert jurisdiction over the above described Commission action, to conduct further review, inasmuch as the proposed project could be defined as a "flag lot" that is located in a Hillside Area, Special Grading Area, and the Very High Fire Hazard Severity Zone (VHFHSZ) and is subject to the Baseline Hillside Ordinance (BHO). Los Angeles Municipal Code (LAMC) Section 12.03 defines a flag lot as "a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street." Although the Director of Planning refers to the subject property as an "irregularly-shaped" lot, the plain language of the LAMC should be interpreted to apply in this instance. Pursuant to LAMC Sec. 12.22 C.22, projects that are situated in areas designated as Hillside or within the VHFHSZ may use an alternate methodology to calculate the width of the lot in lieu of LAMC Sec. 12.03. This debate on whether the subject property is a "flag lot" may have consequential impacts on the proposed project's residential floor area and calls into question the determination of the WLAAPC.

The purpose and intent of the City's BHO is to promote the objectives, policies, and goals of our City's General Plan and Community Plans, such as the Brentwood Community Plan, to combat out-of-scale development and limit impacts related to grading, aesthetics, and the natural landscape and vegetation. In particular, the Brentwood Community Plan calls for development to be integrated with and be visually subordinate to natural features and terrain and to "strictly interpret and implement" the BHO. The proposed project attempts to take advantage of the "Cumulative Side Yard Setbacks Option" for a Residential Floor Area (RFA) bonus outlined in the BHO, yet fails to meet the intent of the ordinance to incentivize better design, minimally disturb natural topography, and further reduce grading. Where there are unusual Building and/or Lot configurations, the Department of Building and Safety can refer to the Director of Planning to clarify compliance with the ordinance if the project qualifies for an RFA bonus. In this instance, the proposed project does not meet the ordinance's intent to avoid the degrading effects of out-of-scale development and the Director of Planning should exercise its discretion to "strictly interpret and implement" the BHO.

Moreover, based on the administrative record, higher scrutiny must be paid to all aspects of this proposed project as previous site activity has been called into question by the community as early as 2000. In 2007, the project received an Order to Comply due to unpermitted removal of vegetation, grading, excavation of vertical cuts up to 10 feet in height, and creation of an exploratory road with loose soil. Consequently, the site was issued a "Certificate of Substandard Property" on October 23, 2007 due to "unsupported vertical cuts, potential mud flow and non permitted grading." The most recent incident being a potential violation of the City's haul route requirements in 2021, which prompted the Los Angeles Department of Building and Safety (LADBS) to require new building permits with revised grading and export calculations.

Given the unique challenges and consequences of building in hillside areas within the VHFHSZ and potential impacts to the community, the findings in the Letter of Determination issued by the WLAAPC must

SEP 28 2022

more clearly address how this proposed project complies with the LAMC and the intent of the BHO to minimize its environmental and physical impacts. Therefore, the City Council must assert jurisdiction over this matter to ensure that community concerns are thoroughly addressed.

I THEREFORE MOVE that, pursuant to Section 245 of the Los Angeles City Charter, the City Council assert jurisdiction over the September 7, 2022 (**Letter of Determination date: September 23, 2022**) West Los Angeles Area Planning Commission action to deny the appeal and sustain the Director's Determination which denied an appeal to the Director of Planning alleging that the Department of Building and Safety erred and abused its discretion when issuing building permits in the matter of Case Number DIR-2021-8570-BSA-1A for the project located at 824 North Kenter Avenue.

I FURTHER MOVE that, upon assertion of jurisdiction, the City Council **VETO** the above described action of the West Los Angeles Area Planning Commission and **REMAND** the matter to this Commission for reconsideration.

I FURTHER MOVE that the City Council instruct the Department of Building and Safety, in consultation with Los Angeles City Planning and any other relevant departments, to prepare a report within 21 days that thoroughly reviews of the applicability of Los Angeles Municipal Code (LAMC) Section 12.22 C.22 to the subject property, provides an alternate calculation of lot width pursuant to the methodology outlined in LAMC Sec. 12.22 C.22, and outlines how this alternate calculation for lot width may impact the proposed project in relation to the allowable residential floor area bonus (LAMC Sec. 12.21 C.10(b)(3)), particularly via the cumulative side yard setbacks option (LAMC Sec. 12.21 C.10(b)(3)(iii)), and any other relevant sections of the Los Angeles Municipal Code should it be applied.

PRESENTED BY:


MIKE BONIN
Councilmember, 11th District

SECONDED BY:


Joe Bruner

ORIGINAL