



Beverly Hills City Council Liaison / Sunshine Task Force
Committee will conduct a Special Meeting, at the following time and place, and will
address the agenda listed below:

City Hall
455 North Rexford Drive
4th Floor Conference Room A
Beverly Hills, CA 90210

Monday, July 29, 2019
5:00 p.m.

AGENDA

1) Public Comment

Members of the public will be given an opportunity to directly address the Committee on items not listed on the agenda.

2) Follow Up from Previous Meetings

- Ongoing discussion to revise Legislative Lobbyist form
 - Provide clarification on who is an 'applicant'
- Discuss options for the City to install additional searchable software for public meeting access:
 - Include discussion on Communication Access Real-Time Translation (CART)
 - Options on user-friendly video streaming capabilities

3) Request to review the Community Development process for implementing City Council direction on projects and ordinances (see attached)

4) Review of the current processes and enforcement of Legislative Lobbyist violations BHMC: 1-9-104 and 1-9-108 (see attached)

5) Request from the Sunshine Task Force Committee to receive notifications regarding City Council items initiated by the committee

6) Request to discuss attestation information to be included in Planning Commission agenda packets:

- Disciplinary action reports (if applicable) of Lobbyist/Developer to be included during review process of a property

7) Revise the Legislative Advocate application to include both the Property Address (currently non-searchable) and the Assessor's Parcel Number (APN) for any Legislative Advocate Application

8) As part of the plan review permitting process, institute a new policy, that requires a neighborhood Mitigation Plan (noise, parking, etc) and Construction Management Plan (timelines) for impacted areas

- "Pre-Construction Community Meetings" between the contractor, the lead inspector, and the community (to be included in mitigation plan – as needed).

9) Publication of Home Sharing Lawsuits (AirBNB)

10) Community Outreach Plan for Planning Commission Agenda Reports

11) Adjournment


Huma Ahmed
Huma Ahmed, City Clerk

Posted: July 26, 2019

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE
LIBRARY AND CITY CLERK'S OFFICE.**



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call the City Manager's Office at (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services. City Hall, including Conference Room 4A, is wheelchair accessible.

July 25, 2019

Item 3- Community Development Department Staff not implementing City Council direction on projects and ordinances

Dear Sunshine Task Force Committee,

To illustrate my point, I would like to bring two examples to your attention. My request is that the City Manager put some system in place that is some type of check to ensure that the direction and ordinances of the City Council are followed.

1. **The Community Development Department failed to ensure that an onsite construction monitor was installed on Loma Linda Dr, and additionally failed to inform the Code Enforcement Officer of this requirement. This was only rectified after I brought it to their attention. Ensuring that City Council direction is followed should not fall upon the residents shoulders.**

My questions about who was in charge of ensuring this would occur led to the convoluted email chain below. (For the sake of brevity, I have omitted ccs and email signatures). I include this entire chain so that you can see what the residents have to go through to get what should have been a simple answer.

From: galler@wwagallery.com <galler@wwagallery.com>

Sent: Monday, December 3, 2018 9:58 AM

To: Trent Baker <tbaker@beverlyhills.org>

Subject: onsite inspector

Hi Trent,

As per the correction letters and terms of 1184's construction, there is supposed to be a full-time independent inspector on the site. Can you please give me his or her name and direct number and please advise if they are on site today.

Thank you!

Best regards,

Debbie

From: Trent Baker <tbaker@beverlyhills.org>

Sent: Tuesday, December 4, 2018 9:47 AM

To: galler@wwagallery.com

Subject: RE: onsite inspector

Hi Debbie,

The onsite monitors information will be posted on the Construction Contacts sign tomorrow after we have an expectations meeting inside the City Hall in the morning.

Also, just an fyi; He is not required to be independent.

Thank you,

Trent Baker

From: gallery@wwagallery.com <gallery@wwagallery.com>

Sent: Tuesday, December 4, 2018 11:59 AM

To: Trent Baker <tbaker@beverlyhills.org>

Subject: RE: onsite inspector

Hi Trent,

Is the Inspector being chosen and supplied by the City or the Developer?

Best regards,

Debbie

From: Trent Baker <tbaker@beverlyhills.org>

Sent: Tuesday, December 4, 2018 12:11 PM

To: gallery@wwagallery.com

Subject: RE: onsite inspector

Hi Debbie,

This project was approved as a "by right" project and the Onsite Monitor is being chosen and hired by the General Contractor. The city is limited on what it can and can not require for "by right" projects.

Thank you,

Trent

From: gallery@wwagallery.com [mailto:gallery@wwagallery.com]

Sent: Tuesday, December 4, 2018 2:06 PM

To: Trent Baker <tbaker@beverlyhills.org>

Subject: RE: onsite inspector

Hi Trent,

That is not correct. It was on their correction letters. Please see attached and below. This needs to be addressed asap.

The City is requiring that you provide an onsite monitor to observe, record and verify all requirements pertaining to the hauling, site conditions and all code requirements contained on the approved plans and the Construction Management Plan by Hirsch Green.

The monitor will be City supplied and paid for by the applicant.

The conditions/requirements to be monitored include: ☐ Number and size/type of trucks entering/leaving site ☐ Recording the cumulative amount of soils export so that the total export over the life of the project does not exceed 1500 cubic yards

(note: for the sake of brevity, I removed the rest of the email that listed out things the monitor was supposed to check)

Best regards,

Debbie

From: Susan Healy Keene <skeene@beverlyhills.org>

Sent: Tuesday, December 4, 2018 3:09 PM

To: gallery@wwagallery.com

Subject: RE: onsite inspector

Hi Debbie,

I am following up on this and will provide more detail after I have a chance to speak with Tent.

Susan Healy Keene, AICP

From: gallery@wwagallery.com [mailto:gallery@wwagallery.com]

Sent: Thursday, December 6, 2018 9:08 AM

To: Susan Healy Keene <skeene@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>

Subject: RE: onsite inspector

Hi Susan,

- 1- *Are there any updates?*
- 2- *Whose responsibility was it and what was (is) the procedure to ensure that the requirement of a City selected inspector occurred?*

Thank you!

Best regards,

Debbie

From: Susan Healy Keene <skeene@beverlyhills.org>

Sent: Thursday, December 6, 2018 4:03 PM

To: gallery@wwagallery.com; George Chavez <gchavez@beverlyhills.org>

Subject: RE: onsite inspector

Hi Debbie,

The property owner's attorney has been notified of the requirement and the contractor has been issued a correction notice. No work should begin until the condition is satisfied.

Susan Healy Keene, AICP

On Dec 7, 2018, at 8:18 AM, "gallery@wwagallery.com" <gallery@wwagallery.com> wrote:

Hi Susan,

Thank you for the update. Please advise on my other question: Whose responsibility was it and what was (is) the procedure to ensure that the requirement of a City selected inspector occurred?

Best regards,

Debbie

From: Susan Healy Keene <skeene@beverlyhills.org>

Sent: Friday, December 7, 2018 10:04 AM

To: gallery@wwagallery.com

Subject: Re: onsite inspector

Hi Debbie,

It's the developer's responsibility to comply with the condition. The condition was on the approved plans but did not include the entire text (detail of City selected/paid by developer). Now clarified we await the

deposit from the developer and the City is in the process of selecting the monitor. The City will also be monitoring a daily log and the cameras located onsite.

Take care,

Susan

From: gallery@wwagallery.com [mailto:gallery@wwagallery.com]

Sent: Monday, December 10, 2018 7:13 AM

To: Susan Healy Keene <skeene@beverlyhills.org>

Subject: RE: onsite inspector

Hi Susan,

What I am trying to ascertain is whose responsibility is it at the City to ensure that the Developer complies with the conditions. Please provide me with a department, and a name. Thank you.

Best regards,

Debbie

From: Susan Healy Keene <skeene@beverlyhills.org>

Sent: Monday, December 10, 2018 6:10 PM

To: gallery@wwagallery.com

Subject: RE: onsite inspector

Hi Debbie,

Community Development is the department responsible to ensure that the developer complies with conditions. The City's Senior Project Building Inspector, Trent Baker, will maintain primary project oversight for the 1184 Loma Linda Drive development. In addition, a third party independent On-site Transportation and Construction Monitor ("Monitor") hired by the City will be responsible for compliance of the daily transportation and on-site construction activities associated with the development. We do not yet have the name of that person, but once the City has identified a qualified independent Monitor with the requisite qualifications we will provide you that information and post the Monitor's name and contact information on a sign at the jobsite. The developer is not authorized to begin construction activity until the Monitor is selected and prepared to commence work.

Take care,

Susan Healy Keene, AICP

From: gallery@wwagallery.com <gallery@wwagallery.com>

Sent: Monday, December 10, 2018 7:38 PM

To: 'Susan Healy Keene' <skeene@beverlyhills.org>

Subject: RE: onsite inspector

Thank you Susan. That is helpful. Please let me clarify- I am trying to understand who let this slip through the cracks. Someone at the City was responsible for ensuring that an Independent Monitor was hired. It did not happen, and it fell to the residents to ensure that it happened. Can you please let me know who that person is.

Best regards,

Debbie

From: gallery@wwagallery.com [mailto:gallery@wwagallery.com]

Sent: Tuesday, December 18, 2018 7:48 AM

To: Susan Healy Keene <skeene@beverlyhills.org>

Subject: FW: onsite inspector

Susan,

Can I please get a response to my question below (that I have highlighted in yellow) that I asked over a week ago?

Best regards,

Debbie

From: Susan Healy Keene <skeene@beverlyhills.org>

Sent: Wednesday December 19th 2018 9:15 AM

To: gallery@wwagallery.com

Subject: RE: onsite inspector

Hi Debbie,

There is no specific person to name. The condition passed through many levels of review and it's the entire Department's responsibility to ensure conditions are enforced. This was an unusual project as a condition was placed on a correction letter for a project that ultimately became a by-right project. Construction had not yet begun and we rectified the situation. Through construction, Senior Inspector, Trent Baker will be the point person. If you have issues moving forward and you are not able to reach Trent, you can also contact Building Inspector Supervisor, Randy Miller at 310-285-1153 or contact me.

Take care,

Susan Healy Keene, AICP

2. Staff is failing to apply the Basement Ordinance retaining wall R-1 permit requirement to 1134 Miradero.

This project is applying for a record-breaking 8 retaining walls- yet this information is missing from the Public Notice, upcoming projects list, the Agenda from 7-25-2019, etc. and Staff is failing to require the Applicant to apply for a retaining wall R-1 permit.

When asked about this- Staff gave an answer that the Public Notice had limited room. That explanation fails to explain other examples where there is plenty of room.

And Staff is claiming that the Basement Ordinance does not require a retaining wall R-1 for pipeline projects that are applying for other R-1s and variances. This makes no sense to me. They do not need a separate hearing, but they do need an R-1.

Meeting Date: July 25, 2019
Subject: 1134 MIRADERO ROAD
Variances, Hillside R-1 Permits, Tree Removal Permit (PL1629724)
A request for a Variance to deviate from Beverly Hills Municipal Code (BHMC) §10-3-2503 regarding building height for uphill lots; a Variance to deviate from BHMC §10-3-2518 regarding front yard paving setbacks; a Hillside R-1 Permit to allow more than 1,000 square feet of floor area to be located off the existing level pad; a Hillside R-1 Permit to allow walls of no more than six feet in height to encroach into a front yard without complying with open to view requirements; a Hillside R-1 Permit to allow an accessory structure to be located within 100' of the front property line on an estate lot; and a Tree Removal Permit to allow the removal of six protected trees.

Project Applicant: Alan Hotchkiss, Studio William Hefner, on behalf of Pantea Farhadi

Recommendation: That the Planning Commission direct staff to:
1. Re-notice the public hearing for the Project in accordance with the City's public notice requirements for a hearing on August 22, 2019

- 1134 Miradero Road (Alan Hotchkiss) NARROW STREET
New SFR - Hillside R-1 permit to allow a) retaining walls within front yard setback, b) accessory pool structure within the front setback and c) cumulative floor area in excess of 1000 SF off the existing level pad. Variance to exceed uphill lot height envelope.

STATUS: Notice that story poles installed for view analysis sent out to 300 radius on 11/9/2018. Case Planner Cindy Gordon sent emails to applicant on 11.28.2018 and 1.16.2019 as to status of resubmittal of outstanding application items.

- 1280 Monte Cielo (Yan Mike Wang) NARROW STREET
New SFR - Hillside R-1 permit to allow cumulative floor area in excess of 1,000 sf off of existing level pad.
STATUS: Resubmitted material (1/16/2019) currently under review by Case Planner Edgar Arroyo

Susan Healy Keene, AICP
Director of Community Development
City of Beverly Hills
Office (310) 285-1124
skeene@beverlyhills.org



1134 Miradero Rd.	Hillside R-1 Permit/Variance/Tree Removal Permit Hillside R-1 Permit to allow retaining walls within the front yard setback; to allow an accessory pool structure within the front yard setback; and allow cumulative floor area in excess of 1,000 square feet off the existing level pad. Variance to exceed uphill lot height envelope and to deviate from front yard paving setback requirements.	11/18/16	CINDY GORDON 310 285 1191 cgordon@beverlyhills.org	(O) Pantea Farhadi (A) Alan Hotchkiss	7/12/19: Courtesy notice sent out with statement that project will be re-scheduled to a future meeting. 7/1/19: Project scheduled for PC meeting on 7/25/19. 5/24/19: Meeting with architect to review final plans. Architect instructed to make minor modifications for consistency and to prepare updated public notification materials. 4/29/19: Updated CTMP and driveway details submitted and currently under review. 4/11/19: Comments provided to applicant regarding CTMP. 3/11/19: Applicant submitted updated architectural details and construction traffic management plan and are currently under review. 2/15/19: Corrections on construction traffic management plan provided to applicant. 1/16/19: Email sent to applicant regarding status of
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* Recent update to project status

'Owner (O), Applicant (A), Lobbyist (L), Representative (R)

Page 11 of 30

155

Current Development Activity Projects List (Planning Commission/City Council)					
7/15/2019					
Address	Project Description	Filed	Planner	Contacts	Next Milestones/ Notes
	Tree Removal Permit to remove protected trees.				resubmittal for minor corrections. 11/28/18: Email sent to applicant regarding status of resubmittal for minor corrections. 11/9/18: View preservation notice went out to 300' radius. Comment period to end on November 29. 10/22/18: Applicant indicated that story poles have been installed, surveyor certification required prior to beginning noticing process. 8/23/18: Email sent to applicant to set up meeting to review minor corrections. 7/12/18: Revised plans resubmitted and currently under

The most significant impact of this proposed project is the series of 8 retaining walls which are up to 265 feet long.

This project is required to have an R-1 for the series of retaining walls. I believe that there should have been an R-1 application and permit under the terms of the Basement Ordinance.

If you refer to Section 20, a pipeline project submitted prior to January 11th 2018, that does not comply “with the wall requirements of Beverly Hills Municipal Code Sections 10-3-2516 D and E as established by this ordinance,” is exempt “only if the applicant obtains a Hillside R-1 Permit pursuant to Section 10-3-2550 L, M, or both, as established by this ordinance;”

If considered a pipeline project, Miradero requires an R-1 under the terms of Section 16, and subsection M, which details the R-1 and the required findings.

And if it is not considered a pipeline project, it requires an R-1 hearing for retaining walls.

Either way, Miradero requires an R-1 hearing for retaining walls, yet Staff is confusingly not requiring one.

Yours Sincerely,

Debbie Weiss

July 25, 2019

RE: Item 4: review of the current processes and enforcement for Legislative Lobbyist violations (BHMC: 1-9-104 and 1-9-108)

Dear Sunshine Task Force,

I would like for us to discuss 1-9-104 and 1-9-108 concerning legislative advocate violations. I think that the bar of determination is set too high (how can one really prove "knowingly and willfully") and that we should take a look at the enforcement process and penalties for violators to determine if they are appropriate.

I have witnessed a number of legislative advocates routinely violate this (in my opinion) by misleading the Planning Commission and City Council in their communications, and there appears to be no way to stop this behavior.

I tried to- I filed two separate complaints against lawyers whom I felt had attempted to deceive the Planning Commission and City Council in a material manner during hearings. Not only did my complaints take over a year to get a response, they were summarily dismissed.

Article 1. Compensated Legislative Advocates

1-9-104: PROHIBITIONS:

No legislative advocate shall knowingly and wilfully:

- A. *Deceive or attempt to deceive any City official with regard to any material fact pertinent to any proposed or pending Municipal legislation;*
- B. *Cause any communication to be sent to any City official in the name of a nonexistent person, or in the name of a person without the consent of such person. (Ord. 00-O-2347, eff. 9-1-2000; amd. Ord. 06-O-2507, eff. 11-17-2006)*

1-9-108: REMEDIES FOR VIOLATIONS:

Pursuant to the administrative remedies and procedures set forth in [chapter 3](#) of this title, any person who knowingly and willfully violates any provision of this article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500.00) per violation.

Additionally, the City Prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this article. If the City Prosecutor determines that there is

probable cause to believe that a legislative advocate has knowingly, willfully and materially violated the provisions of this article, the City Prosecutor may request that the City conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the legislative advocate should be prohibited from engaging in legislative advocacy for a period of time.

Upon the request of the City Prosecutor, a Hearing Officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in [chapter 3](#) of this title for conducting hearings on administrative citations.

If, after conducting a hearing pursuant to this section, a Hearing Officer determines that the legislative advocate has knowingly, willfully and materially violated the provisions of this article, then for the first violation of this article, the Hearing Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of six (6) months, for a second violation, the Hearing Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of one year, and for a third or subsequent violation, the Hearing Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of four (4) years. The Hearing Officer may issue an order prohibiting the legislative advocate from engaging in legislative advocacy for a period of less than the maximum period set forth in this paragraph if the Hearing Officer determines that mitigating circumstances justify a lesser period of prohibition.

If the Hearing Officer determines that the legislative advocate has knowingly, willfully and materially violated the provisions of this article, or if the legislative advocate accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the City's website shall identify the legislative advocate and indicate that the legislative advocate has violated the City's regulations governing legislative advocacy. The website identification shall remain posted on the website for one year.

Notwithstanding the provisions of [chapter 3](#) of this title, any decision by a Hearing Officer pursuant to this section shall be a final decision and not subject to appeal or review by the City Council. (Ord. 18-O-2749, eff. 2-9-2018)

Yours Sincerely,

Debbie Weiss