

Greater Wilshire Neighborhood Council Land Use Committee Meeting



August 24, 2010

MINUTES

(Approved by the Committee, 09/28/10)

1. **Call to Order**

A duly noticed meeting of the Land Use Committee of the Greater Wilshire Neighborhood Council ("GWNC") was held on Tuesday, August 24, 2010, at Wilshire United Methodist Church, Assembly Room, 4350 Wilshire Blvd. Secretary Elizabeth Fuller called the meeting to order at 7:44 p. m.

2. **Roll Call and Approval of Minutes**

Ms. Fuller called the roll. Land Use Committee Members in attendance at the roll call were: Patricia Carroll, Cindy Chvatal, Elizabeth Fuller, Mike Genewick, Dick Herman, Patty Lombard, Fred Pickel and Ben Rosenberg. Committee Members Karen Gilman, Rudy Gintel, John Gresham, John Kaliski, Caroline Moser and James Wolf were absent.

Also attending: 29 Stakeholders and guests. The secretary stated that a quorum (minimum 8 of 14 members) was present.

Ms. Fuller distributed copies of the July 27, 2010 Land Use Committee Minutes.

MOTION (by Mr. Genewick, seconded by Ms. Chvatal): to approve the Minutes of the July 27, 2010 Land Use Committee as written.

MOTION PASSED unanimously by a voice vote.

3. **Review of Recent Notifications for Possibility of Further Study/Action** (GWNC Mail & Early Notification Reports)

Ms. Fuller reviewed recent land use applications received by the City. 500 S. Lucerne was already invited to this Meeting. Mr. Genewick believed that the Committee shouldn't "deal with" HPOZ [Historic Preservation Overlay Zone] projects. Ms. Chvatal responded that if an HPOZ group requests an opinion from the Committee "we should honor it." Ms. Fuller noted that, according to protocol, "we should at least glance at it." Ms. Chvatal recommended and it was agreed to review the 100 N. Sycamore project.

4. **New Business**

A. Osteria Mamma CUP -- 5730 Melrose - Presentation and possible recommendation for Board action (Lee Rabun)

Rick Blake, representing Osteria Mamma, explained the project. "This is a low-crime area . . . [It] has 74 indoor seats and about 20 seats on a patio." They anticipate hiring valet parking. He distributed copies of "Self-Imposed Conditions . . . Osteria Mamma" and a "Case Summary" and showed a diagram. The hours of operation are intended to be 11:00 a.m. – 11:00 p.m. Monday –

Thursday and 11:00 a.m. – midnight Friday and Saturday. They “anticipate a full line of alcohol.” Stakeholder Larry Cabrese said there will be “16 spaces in back . . . [which] fulfills the City requirement.” Ms. Fuller explained that the Committee “can’t give [the project] the thumbs up or thumbs down for the Board.” Ms. Carroll encouraged the applicant to meet with the Larchmont Village Neighborhood Association. There was discussion regarding keeping the Council File open for the applicant to get more community input before the Zoning Administrator rules on the application.

MOTION (by Mr. Rosenberg, seconded by Ms. Carroll): The Land Use Committee recommends that the GWNC Board support the CUP application of Osteria Mamma, if there are no objections from the Larchmont Village Association

MOTION PASSED unanimously by a voice vote.

B. 812 N. Sycamore, legalize third dwelling unit - Presentation and possible recommendation for Board action (Paulie Smith)

Paulie Smith explained that when the property was bought “it was presented as a triplex . . . [The owner is] trying to legalize it.” Ms. Smith distributed an “812 North Sycamore” photo, diagrams and other documents packet. She explained that the property will need variances for parking, but the unit has been occupied for many years, and legalizing it will not change the current use in any way. Ms. Fuller explained that the Committee supported a neighbor’s extra unit around six months ago.

MOTION (by Ms. Chvatal, seconded by Mr. Genewick): The Land Use Committee recommends that the GWNC Board support the application regarding 812 N. Sycamore.

MOTION PASSED unanimously by a voice vote.

C. 216 S. Irving -- (Chris Parker)

Chris Parker, representing the applicant, distributed a “216 – 218 N. Irving Blvd. Executive Summary” and said that the applicant was told that the property was legal when they bought it ten years ago. The driveway has a nine foot setback; the requirement is for ten feet. When the property was built, the setback was nine feet. The applicant is “trying to legalize what’s been there for 40 years . . . [There’d be] no change from what’s already been there.” In this case, no parking variance is required, but they would be required to build a carport. There is room for the carport at the rear of the property, and the driveway, property entrance and view from the street would not be altered in any way.

MOTION (by Ms. Chvatal, seconded by Mr. Genewick): The Land Use Committee recommends that the GWNC Board support the application regarding 216 S. Irving.

MOTION PASSED unanimously by a voice vote.

D. Eastern Presbyterian Church renovations - 4270 W. 6th St. (Kiyoshi Graves)

Nikki Jazvec explained that the developer, Kiyoshi Graves, will attend next month to provide a fuller presentation, then gave an introductory description of the applicant’s plans to remodel the church property between Bronson and Norton Aves. “on the west side of the property.” The

applicant is proposing a remodeling project that would demolish some structures on the property and alter others for bathrooms and living quarters. There “would be access at both levels” and the City “may want to widen Bronson.” Mr. Genewick believed that “that would be a problem; the Neighborhood Association would not support it” and encouraged connecting with the Windsor Square Association. Ms. Fuller described the GWNC consideration process. Ms. Jazvec added that “they’re still waiting for the MND [Mitigated Negative Declaration] decision.” A fuller presentation and discussion will be had at next month’s meeting.

E. Al's Liquors CUP Revisions - 5550 Melrose (Peggy Trento)

Peggy Trento, representing Al’s Liquors, distributed an “Al’s Liquor – Project Timeline” and described some property and project history and owner’s maintenance efforts. The property owners never received City Hearing Notices mailed in 1992. The City told them that they’re going through a huge backlog of revocation cases. They already have a liquor license and are “requesting that things remain exactly as they are.” Ms. Carroll and Ms. Fuller encouraged the owners to discuss this with the Larchmont Village Neighborhood Association. The owners have a Hearing “tentative date of October 4th” and have received “no complaints from the neighbors.”

MOTION (by Ms. Lombard, seconded by Mr. Genewick): The Land Use Committee recommends that the GWNC Board support the CUP application of Al’s Liquor, barring any opposition of the Larchmont Village Neighborhood Association.

MOTION PASSED unanimously by a voice vote.

Owner Victor Pilson introduced himself and his wife Barbara. Their family has owned the business for 50 years.

F. Los Angeles City Design Guidelines Negative Declaration & Sample Resolution (Lucille Saunders)

Ms. Fuller relayed that Ms. Saunders couldn’t attend this Meeting and explained the subject. The City wants “to enact Citywide Design Guidelines . . . [and] has already issued an [MND] . . . PlanCheckLA [and others] have objected to [the] two-week Public Comment” time. She distributed and read aloud a “Request for Support” regarding NCs’ work regarding the City Planning Dept. There was discussion regarding the impact of the MND. Mr. Genewick believed that the MND would have no impact. It was noted that NCs are requesting more Public Comment time to review the proposed Guidelines.

MOTION (by Ms. Chvatal, seconded by Mr. Pickel): The Land Use Committee recommends that the GWNC Board support the following Resolution:

WHEREAS:

The City of Los Angeles Planning Department’s contemplated Policy Motion regarding Mitigated Negative Declaration does not allow adequate time for Neighborhood Councils’ to deliberate and input,

WHEREAS:

The City of Los Angeles Planning Department has failed to post all background research documentation related to this issue (project),

WHEREAS:

The City of Los Angeles Planning Department has failed to fully disclose the precise text of these proposed changes and how they fit into the General Plan Framework Element;

The Greater Wilshire Neighborhood Council endorses the resolution to require the Planning Department to post all background research documents related to NEGATIVE DECLARATION-NG-10-280-PL: ENV-2010-715 online; to provide full disclosure of the precise text of these proposed changes and how they fit into the General Plan Framework Element; and to restart the Negative Declaration process at the time these documents are posted to provide for full review of the Guidelines and the Negative Declaration in accordance with CEQA notification and review requirements.

MOTION PASSED by a voice vote; Mr. Genewick opposed.

G. Draft Hollywood Community Plan Review - appoint subcommittee

Ms. Fuller explained that a small area of the Plan area falls within the Greater Wilshire area. She recommended that the Committee appoint a subcommittee to review the Plan and make a recommendation at the September 28th Committee Meeting. Mr. Herman volunteered and Mr. Gresham will also be appointed to do the review.

5. Old Business

A. Ariel Market beer & wine CUP - 304 N. La Brea (Fred Balderrama)

Fred Balderrama, representing the applicant, distributed an "Ariel Glatt Kosher Market" diagram, project description and support letters and clarified that they do want to sell beer and wine at the store at at the NE corner of Beverly and LaBrea. Applicant Jacob Abramchayen added that they'd "only sell kosher wine . . . [They] have 18 [parking] spaces" and are open 8:00 a.m. – 9:00 p.m. Monday – Thursday and 9:00 a.m. – 7:00 p.m. Friday and Sunday; they're closed on Saturdays and holidays. The applicants do not anticipate any increase in overall business, vehicle traffic or parking needs from this addition to the store's product line.

MOTION (by Mr. Genewick, seconded by Ms. Chvatal): The Land Use Committee recommends that the GWNC Board support the CUP application of Ariel Market.

MOTION PASSED unanimously by a voice vote.

B. Larchmont Bungalow – 107 N. Larchmont -- Status report (Ken Bernard, Patty Lombard)

Fred Gaines and Ken Bernard represented the applicant. Ms. Lombard explained that the case was continued. The civil trial date is December 8th and the criminal trial date is December 16th. Mr. Gaines explained the "Q" condition impact on restaurants and said that owner Mr. Mizrahi "could accommodate" some Committee requests. Mr. Genewick explained some property use history, saying "some people have . . . abused the exemption" and was concerned that the applicant didn't abide by documents that Mr. Gaines agreed the applicant signed. Mr. Bernard said the City Planning Dept. said t the signed document "was a common document that everybody signs . . . The intention was always to have tables and chairs . . . [They've] had countless meetings with the City . . . [to] figure out what's feasible within the "Q" conditions." Mr. Herman observed that the City "definition of restaurants has changed." Mr. Bernard contended that the applicant is "trying to serve the community" but acknowledged it is currently

“operating without a Certificate of Occupancy.” They “employ 40 people and have lines out the door.” Mr. Gaines pointed out that “the document was presented on the day the restaurant opened . . . The investment was already made . . . [They] were told [they] can’t open without signing it.” Mr. Gaines also said he would like to invite the GWNC to participate in a wider-ranging discussion of the zoning on Larchmont, and future business development. Ms. Lombard encouraged the applicant to “engage the [City] Council Office to resolve the situation.” She and Ms. Carroll volunteered to work with the owner, the Larchmont Village Neighborhood Association and the City Council Office to help schedule a community meeting, including city officials, Larchmont business leaders and neighborhood residents, to start that discussion.

C. 1st/Wilton & 9th/Mansfield cell phone poles – status report (Ryan Shields)

Ms. Fuller said the T-Mobile representative couldn’t attend this Meeting. Stakeholder Stanley Genser said his “backyard would be about 50 feet away” and he objects to the installation. Ms. Fuller and Ms. Carroll explained the public utility installation process. Stakeholder Sue Horwitz of the Sycamore Square Neighborhood Association [SSNA] opposes the installation. Stakeholder Myrna Dwyer also opposes it due to health concerns. SSNA Board Member Moshe Fridman described that the proposed installation is too close to bedroom windows and believed that “less intrusive measures” are available and there are “no problems with reception” around 9th and Mansfield. He’ll e-mail documentation he’s researched to Ms. Fuller. Both he and Mr. Genser volunteered to join the Land Use Committee’s subcommittee working on wireless telecommunications issues.

Stakeholder Cindy Makowka stated that the installation “would be unsightly” and has health concerns. There was extensive discussion among the Committee and Stakeholders regarding the installation location and health concerns. There was belief that courts have ruled that poor cell phone coverage “is not a reason” to install more cell towers “in residential neighborhoods.” Ms. Fuller encouraged Stakeholders to attend the September 28th Committee Meeting, when Mr. Shields is scheduled to return for further discussion.

D. California Marketplace Voluntary Conditions Review - (Mark Armbruster)

Ms. Fuller distributed a California Market “Proposed Conditions of Approval,” both with and without highlighted text and explained that the representative couldn’t attend this Meeting. She reviewed some considerations and suggested and it was agreed that she’ll communicate concerns to the applicant.

E. Bricks & Scones -- 403 N. Larchmont – Status report & possible recommendation for Board action (Jinah Kim)

Ms. Fuller suggested and it was agreed to TABLE this Item.

F. Yeshivath Torath Emeth Academy – 7002 W. Clinton – Status report (Lloyd Solly)

Ms. Fuller reported that Mr. Solly was unable to attend the meeting. There was no report.

G. 427 S. McCadden over height fence - Fred Gaines

Ms. Fuller explained the issue, and she and Ms. Lombard clarified that the Hancock Park Homeowner’s Association, est. 1948 requested that the GWNC consider this Item, even though the HPOZ board has already ruled on it. Mr. Gaines, representing the applicant, agreed that the

HPOZ Board opposes the project. Mr. Gaines distributed the “Minutes: Hancock Park HPOZ Board Meeting, July 21, 2010” and “Hancock Park Historic Preservation Overlay Zone Board Meeting, July 21, 2010: Presentation Materials.” He described the wall, saying it “doesn’t change the historic nature” of the building and “matches the architecture; . . . doesn’t . . . require a Building Permit; . . . does not architecturally damage the house” and most properties on the street “have a wall.” He noted neighboring properties with similar structures and that there’s “substantial support in the community to allow this.”

Ms. Chvatal observed that “the homeowners’ association position is the HPOZ position,” which is in opposition to the application. Mr. Gaines passed around a copy of a “Petition in Support” signed by neighbors. Ms. Chvatal commented that the School has made “an amazing effort” to mitigate effects. Mr. Rosenberg believed that the owner should “have a right” to build the wall. Ms. Chvatal observed that “walls in general are discouraged to preserve the character of the neighborhood.” Mr. Genewick pointed out that “the Plan says ‘discourage,’ not ‘prohibit.’” Ms. Chvatal reported that “the wall is pretty far along . . . it was started without a Permit.” Mr. Gaines offered that the owner is “willing to mitigate” the wall “with landscaping.” Ms. Lombard believed that the Committee “should decline to take a position on this.” Ms. Chvatal related that the Homeowners Association Board is willing to withdraw the request.

H. 208 S. St. Andrews boarding house (Patti Carroll)

Ms. Carroll requested and it was agreed to TABLE this until the Sep. 28th Committee Meeting.

I. 4001 W. 6th St. – Status/drive-by report (Patti Carroll)

Ms. Carroll requested and it was agreed to TABLE this until the Sep. 28th Committee Meeting.

J. Dubai/Cordon Bleu – Status report (Patti Carroll)

Ms. Carroll requested and it was agreed to TABLE this until the Sep. 28th Committee Meeting.

6. Committee Member Comments & Reports

A. Cell Tower Committee – Revisions to proposed Board policies (Carroll, Gilman & Lombard)

Ms. Fuller distributed a revised version of the proposed policies. Stakeholders Stan Genser and Moshe Fridman volunteered to be on the Committee, contribute some legal research and help write the next draft of the policies.

B. Review of Land Use Committee Protocols - Possible suggestions for revisions

Ms. Fuller explained that “Draft [Land Use Committee] Protocols” were adopted by the Committee in 2009 and are available on the [www.greaterwilshire.org] website. She said the new website will also include an online form to request the information we require from applicants. There was discussion that it would help if presenters to the Committee showed their project location on a map. Mr. Genewick was concerned that the Committee is considering “out of our area” projects. Ms. Carroll believed that such projects along our border streets may have a big impact on the GWNC area.

7. Public Comments

There were no additional public comments at this time.

8. Announcements & Adjournment

Ms. Fuller announced that the next Committee Meeting will be September 28th at 6:30 p.m.

MOTION (by Ms. Chvatal, seconded by Mr. Pickel): to **ADJOURN** the Meeting.

MOTION PASSED unanimously by a voice vote.

The Meeting was **ADJOURNED** at 9:28 p.m.

Respectfully submitted,
David Levin
Minutes Writer