

# Greater Wilshire Neighborhood Council



## Greater Wilshire Neighborhood Council Land Use Committee Meeting

July 6, 2010

DRAFT DRAFT

Draft dated 7/26/10

### MINUTES

#### Call to Order

A duly noticed meeting of the Land Use Committee of the Greater Wilshire Neighborhood Council (“GWNC”) was held on Tuesday, July 6, 2010, at the Wilshire United Methodist Church, 4350 Wilshire Blvd., Land Use Committee Chair Person James Wolf called the meeting to order at 7:20 p.m.

#### Roll Call & Approval of Minutes

Committee member Elizabeth Fuller called the roll. Committee members in attendance at the roll call were: Elizabeth Fuller, John Gresham, Mike Genewick, Karen Gilman, James Wolf, Yigal Arens, and Patty Lombard. Committee member Patti Carroll joined the meeting later. Committee members Charles Dougherty, Bryan Christie, Rudy Gintel and Cindy Chvatal were absent.

Ms. Fuller stated that a quorum was not present at roll call. The meeting proceeded with non-vote items only.

Approval of the minutes was tabled until later in the meeting.

#### Old Business

Bricks and Scones – Ms. Fuller reported that owner/applicant Jinah Kim does not yet have a hearing date and has no news to report on her beer and wine CUP application.

Larchmont Bungalow – Committee member Patty Lombard reported that on June 23, the criminal court – in an effort to better coordinate the civil and criminal cases that are proceeding - granted an additional continuance in the case against the Bungalow’s owners, with a new court date set for August 24. Ms. Lombard said the court also learned the night before the most recent hearing that the original affidavit signed by Mr.

Mizrahi, banning tables and chairs at the business, was vacated by Building and Safety. But the prosecution is still proceeding with the case.

*[Committee member Patti Carroll joined the meeting at 7:25 p.m., bringing the meeting to a quorum.]*

Ms. Lombard said the next step for Larchmont Blvd. is to identify all businesses operating as restaurants but permitted as takeouts, and find a way to address the bigger public policy issues that will ensure fairness for all business and help preserve the neighborhood-serving character of Larchmont.

Ms. Lombard said she and other neighbors have been urging people not to support businesses that are not operating legally, because it's important to send the message that we care about the neighborhood and about policy.

Committee member John Gresham asked if vacation of the Bungalow's affidavit will help Mr. Mizrahi in the criminal trial. Ms. Lombard said the City Prosecutor doesn't think it will be a problem. She said she was told that the affidavit was tied to the original permit, but that it's not binding any more because the business's permit was revoked. But that doesn't change the fact that the affidavit was in force when the permits were revoked, which is what the case is about.

Ms. Lombard said also that just a month ago, the Bungalow's representatives filed for a stay of enforcement, perhaps hoping the case against them would be closed if they could get Building and Safety to renegotiate.

She said there's a lot of attention focused on building permits on Larchmont right now, thanks to our City Council office and others. Building and Safety is also taking photos every week, and will check out permits at other vacant properties.

Committee Member Patti Carroll asked if anyone knows how many businesses on Larchmont are currently operating illegally. Ms. Lombard said she think it's probably five or six. She's waiting to get addresses, permits and paperwork from Building and Safety, so she can talk to each one individually. She said some of the businesses may be grandfathered or have extenuating circumstances that allow them to operate as they are.

Committee Chair Person James Wolf said that the situation with the Bungalow, which was made aware that it would not be allowed to operate as more than a take-out business, and signed an agreement to that effect but then operated in a way that seemed in conflict with the agreement – has sparked an interest in conducting an objective analysis of what other restaurants are there, what kind of permits they have, and how they're operating.

Ms. Lombard agreed, saying the best thing can come out of this is a better understanding of what's there, how to manage food options on street, and how to clarify policies going forward.

Renee Weitzer, from City Council Member Tom La Bonge's office, noted for the record that her office was not aware of the Bungalow's affidavit being revoked until they learned about it at the most recent court appearance. Ms. Lombard said the revocation was granted on June 6, but even the prosecutor wasn't notified until the night before the June 23 hearing.

### Approval of the Minutes

Ms. Fuller presented the minutes of the last meeting. Committee Member John Gresham moved they be approved as written. Committee Member Patty Lombard seconded the motion. It passed unanimously.

### New Business

California Marketplace, 450 S. Western – Applicant's representative Mark Armbruster explained that this application represents a revision of a larger project approved in 2006, which wasn't built because of the economic downturn. The site is currently occupied by the California Marketplace, a 24,000 square foot Korean market with surface parking. The first version of the remodel that was approved was for a 130,000 square foot project, with 3 levels, including the market on the bottom, with restaurants and retail on the second and third levels. There was no opposition to that project except from the Korean Immigrant Workers' Association, which was fighting for better working conditions. Mr. Armbruster said the Market's owners did reach an agreement with the KIWA, which is ongoing and will be part of the agreement for the new project.

When the previously approved project didn't get built, however, the entitlements lapsed. The owners continued working with the banks, however, and their new financing required downscaling the project. The new version is the same basic concept, but with only 80,000 square feet. There will still be a ground floor market with second floor restaurants and retail, and the third floor will have some restaurants/retail and a large open patio area. Mr. Armbruster distributed renderings of the new design.

Committee Member John Gresham asked about access and egress. Mr. Armbruster said he's had ongoing conversations with the City Council District 4 office, which requested a larger corner setback to make the building more pedestrian friendly. That detail is not shown on the plans he provided, but they do show other entrances and exits, on 5<sup>th</sup> and Oxford. He said the Council office has also asked for lots of landscaping...and that big trucks not have to back out onto the streets. To that end, trucks will enter on Western at the northern end of property, and exit on Oxford. Their whole path will be covered to buffer the noise.

Mr. Armbruster noted that half of the property is currently zoned R3, and half is C2, but the commercial use on the residential half has been in place for years and is considered grandfathered. Other entitlements being requested are a CUP for the

Commercial Corner uses, alcohol sales and other details...but all are based on the existing use of the property. He further noted that the height of the building will be 48' with decorative parapets rising to 60'...which is the same height as previously approved. There will be 350 parking spaces, as required by code.

Committee member Patty Lombard asked if the store is currently one story tall, and Mr. Armbruster said it is. Committee member Patti Carroll asked about the operating hours. Mr. Armbruster said it now operates 24/7 as a market, and those hours may continue for the new market...though the restaurants and retail stores would have different hours. There is no intent to allow rooftop parties, or bars as tenants.

Committee Chair James Wolf asked about adjacent uses, which are not shown on the plans. Mr. Armbruster said there are apartments to the north and east, as well as other commercial uses along the Western Ave. side.

Mr. Wolf asked if the parking structure will also be 60' high. Mr. Armbruster said he didn't think so (probably more like 40 or 50'), but he could check with the architect and get back to us.

Committee Member John Gresham asked about signage on the building. Ms. Weitzer said it would be governed by the sign ordinance of the City – there will be no extra signs, supergraphics or billboards. Mr. Gresham asked about sign panels show in the illustrations and Ms. Weitzer said they will say “California Marketplace” in both English and Korean.

Committee Member Mike Genewick asked if there will be a pedestrian entrance from the street. Mr. Armbruster said they will be adding one to the plans at the corner...per the City Council office's request. Ms. Weitzer said the request was to enlarge the entrance and offset it slightly from the corner.

Mr. Genewick said one problem with open roof areas is loud music from events such as parties, world cup celebrations, etc. He said there should be noise restrictions or attenuation requirements. Ms. Weitzer said she'd note that, but decibel levels are pretty unenforceable, so it's better to ask them not to allow music in the outdoor areas. Mr. Wolf said the most effective technique is sound attenuating walls in the building, and a prohibition of amplification. Ms. Fuller said they could also limit outdoor hours for music and parties.

Mr. Wolf said the developers need to recognize the proximity of this open space to residential areas nearby. Mr. Armbruster said the conditions of the prior project approval were that there be no nightclubs, karaoke, or dancing...and that there be limited hours for the market, restaurants and retail. He said would also be willing to add the other conditions we discussed.

Ms. Weitzer also noted that the building's windows on the Western Ave. side will not be filled with signs – there will be lattice work with vines over them instead...which Mr. Armbruster said helps with graffiti as well as sign pollution.

Mr. Wolf said there have been concerns with other developments recently that they not be turned inward, and that they are more inviting.

Committee Member Patti Carroll asked if a nearby lot at 5<sup>th</sup> and Oxford is currently slated for any sort of development, but Ms. Weitzer said nothing is planned there now. Ms. Carroll asked if there would be any entrance for the neighborhood on the Oxford side of the building. Mr. Wolf said that's where the garage will be, and the plans do seem to indicate a pedestrian entrance there.

Mr. Wolf asked if there's a timeline for the project. Ms. Weitzer said the hearing will be on July 28, at 11 am at City Hall. Mr. Gresham asked if the developers have met with the Wilshire Center/Koreatown NC, but Ms. Weitzer said she doesn't know if they're interested.

Ms. Carroll asked if there will be an alcohol license for the project. Ms. Weitzer says the current market has a license to sell alcohol, and the applicants have asked for a blanket CUP to allow alcohol sales at the new restaurants, though each would still require plan approval when they come in...which would the city to add conditions to each restaurant individually.

Mr. Wolf asked for a quick run-through of the entitlements being requested. Mr. Armbruster said they are asking for zone variances to allow commercial uses in the R3 zone, a zone variance to allow for on-site consumption of alcohol in R3 zone for up to seven restaurants (not to exceed a total of 10,000 square feet). They are also asking:

- To allow the sale of liquor for off-site consumption in the R3 zone for the grocery store.
- A variance to allow internal access and flow from the C2 to R3 zone.
- A CUP for the modification of commercial corner requirements for height up to 60', less window elements than the 50% required (44% and 49% on two streets)
- A CUP to allow public and commercial parking in the residential zone
- A reduction in side yards required in the R3 zone
- A master alcohol CUP for up to 7 restaurants
- A zoning administrator's adjustment to allow an average 1.2:1 FAR in all areas
- A site plan review for a community shopping center in excess of 50,000 square feet

Ms. Weitzer noted that the project was not brought to the GWNC earlier because it's just outside our boundaries.

Mr. Gresham asked if there's a need for our NC to sanction it. Committee Member Mike Genewick suggested we make a motion that we do not oppose the project. Committee Member Patty Lombard suggested a statement that we appreciate the efforts of the applicant to comply with requests from the city council office and that we urge the applicant to continue working through the process and look forward to seeing the project

as it evolves. We could also add a caveat that there are more things that can be done – such as noise mitigation – before we can support the project.

Mr. Wolf noted that the project may not come back to us, so our letter could encourage the review body to highlight these concerns as they look at the project.

Ms. Weitzer said that in the City Council office's opinion, the market has been there a long time, and it would be nice to get something new and clean on that part of Western. She said they worked hard on a lot of the mitigations already agreed on, but she also took notes on the things discussed tonight and will try to incorporate them.

After some further discussion about what kind of action, if any, might be appropriate for the committee to take, Mr. Wolf said we could ask our Board to support the committee's view that we'd like these suggestions to be put into the record for the project. This will show – as we did with the CVS project at 3<sup>rd</sup> & La Brea – that the applicant to seek our input.

Ms. Carroll asked if the blanket CUP will be for a full line of alcoholic beverages or just wine and beer. Mr. Armbruster said each restaurant will have to apply individually, and it will be up to the discretion of the Zoning Administrator whether or not to require a public hearing...so any decision will be subject to appeal.

Stakeholder Tina Mata said she has concerns about the liquor permit as well. A New York Times story a couple of years ago said there were more than 500 alcohol licenses within 20-block radius of this site, second only to Las Vegas in the density of such permits...and there are more today. Also, she said, there is more drunk driving ticketing in this area, so 2 am closing hours are of great concern. Finally, she said, the building's design seems all set up for billboards.

Mr. Wolf asked if Ms. Mata's concern is about on or off-site liquor sales. Ms. Mata said both because a beer and wine license includes soju, which has high alcohol content and is often served as a cocktail, even though it falls under a beer and wine license.

3<sup>rd</sup> Dwelling Unit Legalization, 812 N. Sycamore -- Applicant did not respond to invitation to attend meeting. Ms. Fuller will re-invite them to the next meeting.

Responsible Density Increase in R1-R3 Areas – Stakeholder Tina Mata read an e-mail that she recently sent to several community leaders:

*I am attempting to do research on incentive programs that would increase density while keeping the integrity of our neighborhoods. Instead of tearing down our unprotected historic homes, how to increase density in an environmentally responsible manner, while keeping the historic facade and 'feel' from street. SASNA ranges from R1 - R3 some with Q restrictions, Commercial, we have it all., and then some, .*

*Is there, or could there be a program that would assist those who put in granny flats / ADUs to do so in a manner that has integrity, is legal, is affordable short term, enhancing our neighborhood, with fees waved and permits if for example rents are for low income 60% below median, and within a transit district ?*

*So many of our working class neighbors are falling into foreclosure or being creative and doubling up with multiple households under one roof, and in their garages, Then there is the societal need for more women and children's shelters and boarding houses here as well. All of which are pushing neighborhoods and neighbors to their braking point.*

*I have attempted through the years to have this discussion, but have not known how best to move forward. Is this something that can be addressed by the land use committee of the GWNC? Could there be a formal proposal to the CRA, as it would support the founding CAC's mission. Could this not be implemented into the 5-year plan ?*

*What solution does our City offer? What programs exist for our neighbors to make improvements, but do it right and with incentives? The need is great. Or is the system that broken, forcing folks who simply want to house their families to break codes and laws to keep food on the table?*

*The city of Santa Cruz has an amazing program - <http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documented=887>  
5 Take a look, it is inspiring.*

*Who should I speak with, or where should I continue this discussion ? Your thoughts invited and welcomed.*

Ms. Mata said we're in a dilemma in a very economically diverse neighborhood, and she's wondering if there could there be some new zoning that would allow owners to keep the original façades at the front of their property, but increase density in the back...which she suggested might decrease teardowns.

Committee member Karen Gilman said someone from the City gave a presentation to the Land Use Committee recently on ADUs, and something is happening with this issue. She said she lives on a block of Elmwood that's an R3 block facing an R1 block, so everyone is dealing with this. She said it's easy to get condos built now, but if someone wanted to add a Q condition about maintaining facades, they might be able to do that through the City Council office. But it will be hard to get all property owners in the area to agree.

Committee member Elizabeth Fuller asked if Ms. Mata has had this discussion yet with SASNA and, if so, what their reaction was. Ms. Mata said she sent them the same letter. Ms. Carroll said the group hasn't had the discussion yet, but it is "on our radar"...and Ms. Mata is on the board of that group.

Committee Member John Gresham said the CRA Redevelopment Project Area also includes that part of the neighborhood. Ms. Mata said she's on the board of that organization as well.

Committee Member Patty Lombard said the AIA is doing a lot of work on infill projects, and our local chapter might be a resource for Ms. Mata...as would the Urban Design Institute. She said Ms. Mata is asking a really good question, and the New Urbanist movement might be of help...or Vince Bertoni in the City Planning Department.

Mr. Wolf said one of the biggest challenges at moment is that the state legislature took action on ADUs and some parts of the GWNC area had serious concerns because it seems to be a de facto zoning increase for R1 properties. He said the City has not shown proactive planning on increasing density; and the city's parameters on these developments is out of touch with existing infrastructure for parking, etc. In fact, the City tends to allow increased housing density without considering all the cascading impacts. So the Planning Department needs to do some planning and not reacting, to revisit parameters – such as sewer and power capacity - that are inadequate for increased zoning. So that's the context here.

He said to see an example of this problem, at the parts of Santa Monica south of Wilshire – there's often an existing home at the street, with a huge addition behind the house and no accommodation for the increased density.

Ms. Mata said she sees parking differently, and hopes we can become more pedestrian and transit friendly. But safe, affordable, humane housing is missing. They're just cramming people into our houses and apartments.

Mr. Genewick asked if Ms. Mata is talking only about single-family homes in R3 areas? Ms. Mata said no, there are many different zones in the area that this might apply to. Mr. Genewick said you are allowed to put an ADU on a single family residence in an R3 area without a zone change...but you do need a change to put an ADU on a single-family residence in an R1 area, and you can't confuse or mix those arguments.

Ms. Gilman said City Council PLUM meetings almost seem to make fun of those of us in single family neighborhoods who want to keep density as low as.

Mr. Wolf said this issue definitely needs to be discussed beyond the Neighborhood Council level. And if you want to get someone downtown to look at the big picture, the Planning Department needs to start doing some real planning -- not just create occupiable space, but everything else we've been talking about.

Ms. Lombard said Ms. Mata should try to use SASNA to get in to see someone in Planning. Ms. Carroll said SASNA should discuss it first – she doesn't think it would deter people from tearing down houses.

Ms. Lombard said there is research that will tell you what other cities (like Santa Cruz) have done. Ms. Carroll said that if an owner lives on the property, it can be used as

a boarding house...but you can't have external cooking facilities. Mr. Wolf said, however, that there are additional requirements if you're significantly changing the occupancy.

St. Andrews Boarding House – Committee Member Patti Carroll said an inspector did visit this property, which neighbors think may be being used as an illegal boarding house, but there was no family member on the premises, and he didn't find any external cooking facilities...so he will need to visit again.

Mr. Wolf asked if the property is zoned for a boarding house. Ms. Carroll said it's R1. Mr. Wolf asked if the City had requested changes to bring the property into compliance. Ms. Carroll said it's not clear whether or not the code prohibits a boarding house at the location...and there was also a language problem, so the inspector didn't issue a citation.

Committee Member Elizabeth Fuller said she has a couple of properties being used as group homes in her R2 neighborhood, and the City Council office has told her that it's probably OK, as long as the residents are over 18. Mr. Wolf said that's not true – codes have been amended. He said we should explore at the subcommittee level what's allowed on this issue and what the City's doing about it, and then bring this back to our Committee for a report and possible recommendation. He said we need to start using the City's language, and when we see a lack of enforcement we have to be very focused so we can be more effective and get the City to be more effective. Mr. Gresham asked if there is a subcommittee on this issue and Mr. Wolf called for volunteers. Ms. Gilman and Ms. Carroll said they would look into it as an ad hoc subcommittee.

Vacancy on Windsor Square HPOZ Board – Ms. Fuller reported that the Windsor Square HPOZ board has a vacancy and asked if our committee has any recommendations to fill it. Mr. Genewick said he submitted his name as a candidate seven months ago and is still interested. Mr. Wolf noted that the GWNC does not officially get to recommend a member for this HPOZ board (as we do with Hancock Park), but our minutes can reflect Mr. Genewick's candidacy.

Wireless Telecommunications Requests/Updates – Ms. Fuller reported that some people have asked that we agendaize every wireless telecommunications request that comes into our area, but said there are so many we really should set some sort of criteria or threshold for inclusion. Perhaps we could review the parameters of each request and then decide on whether or not to agendaize it? Mr. Wolf said our Telecommunications Subcommittee should work on this. Mr. Gresham suggested that we not have concerns about antennas on commercial buildings; only residential installations.

Meter Pedestal at Murfield/Olympic – Ms. Fuller reported that this cabinet will be about five feet tall, and 14" x 20" wide, located in the public right of way next to the Memorial Library property. Mr. Wolf said one issue with meter pedestals is fans that run constantly, so people often ask that they face commercial areas, not homes.

John Kaliski, who lives on Muirfield near the library, said he's been working on

plans for Memorial Park renovations (he recently got original drawings of the park from the City), and he would strongly oppose any equipment adjacent to the park because it's an historical landscape and the park needs to be treated as the treasure it is.

Mr. Wolf asked how Mr. Kaliski would fee about moving it to the residential side of Muirfield. Mr. Kaliski said it would have to be evaluated for its merits there. He said he's not opposed to these things, but he does think it's time for the park to be given its due and not become repository for "every little thing" the City wants to put there.

Mr. Wolf asked if we should suggest the LA High side of the street instead. Mr. Kaliski said he's not sure, but he wants to protect the park and thinks the burden should be on the telecommunications company to find an alternative.

Ms. Lombard asked if there are already some utility installations in the park and, if so, if this pedestal could be located in the area, with a request made to the telecommunications company that they pay for re-landscaping the area. Mr. Kaliski said he's advocating for the park, and it's not his responsibility to come up with a solution. He said he understands the issues involved, and he uses a cell phone, but Memorial Park has been a "a dumping ground" for many little ideas over the years. He said even the playground probably shouldn't have been built – the park is meant to be a contemplative space to memorialize those who died in World War I. And it's an incredible resource that's been neglected.

Mr. Kaliski said a bench was also placed in the park with no review. You could argue the merits of the bench, but someone just decided to put it there and no one was an advocate for the park.

Mr. Genewick said that, technically, the meter cabinet would not be in the park. Mr. Wolf said he doesn't know when a hearing on this installation will be held, but if we want to have an impact, we should act. Mr. Genewick said if we want to define policy, we need to consider each kind of installation that comes up and determine rules for each.

Mr. Gresham asked if cell companies can share equipment, which would make things easier, but Mr. Wolf said that – according to the cell companies – they can't. And the City just rubber stamps their requests – it's isn't actually talking to the companies or making them talk to each other. He said our telecommunications subcommittee needs to help us understand what the whole landscape of this issue is, what the industry is doing now and what they really need. Ms. Lombard said our subcommittee needs to meet.

Ms. Carroll said the cell companies are trying to get what they can where they can. Mr. Wolf said we should let them know they can't just throw things in, in our area, without coming to us with a presentation and inviting comment.

Mr. Kaliski said he would encourage a motion to have them come forth and explain themselves. Ms. Lombard offered to call the applicants and invite them to our August meeting.

AT&T Antenna Atop 654/666 S. La Brea (PacBell Building) – Ms. Fuller commented that the phone company building seems like a very logical place to put antennas. Mr. Wolf said this item presents a good opportunity to have the applicant make a presentation and then, if it does seem appropriate, compliment then for showing how it should be done. Ms. Lombard said she will invite this applicant to our August meeting as well.

AT&T Cabinet at 102 S. Gramercy – Ms. Fuller reported that this installation has been approved by the City. Ms. Carroll said Henrietta Cosentino, from the St. Andrews Square Neighborhood Association, has spoken to the applicant and learned that the cabinet will be ugly, but will move forward. Mr. Wolf said we should take a picture of the installation and use it as an example to show future applicants what we don't want to see in our area.

#### Old Business (Cont'd)

4<sup>th</sup> Street Bike Boulevard Proposal – J. J. Hoffman, from the Los Angeles Bike Coalition announced a ride/walk press event for July 24, to publicize the plans for the 4<sup>th</sup> Street Bike Boulevard. Participants will ride from Pan Pacific Park to Shatto Park along the proposed route, and there will be chalk marks on the street marking areas planned for improvement. She said she hopes City Council Member Tom La Bonge will be there.

Committee Member Patty Lombard said the Coalition is a good group, and she heard their presentation to the Hancock Park Garden Club.

Ms. Hoffman said that at our last meeting, we asked Coalition representative Dorothy Kieu Le for more specifics about the bike boulevard plan, which she can provide. She said “sharrows” have already been painted to show bikes and cars where bikes should ride on the street. She said there are some trouble spots the bike boulevard will address in the GWNC area. Fourth and Highland is one – it needs a signal, new crosswalks, and an extended grassy median to force right turns onto Highland.

Ms. Lombard asked if the Coalition has talked to the Hancock Park Homeowners' Association about this, and Ms. Hoffman said they will be doing so. Committee Member Mike Genewick asked if they're proposing any changes in the Windsor Square area. Ms. Hoffman said there aren't any in the plan, but she thinks there should be something done at Rossmore, such as a better crossing and paving. Mr. Genewick said they don't want lines painted on the street in Windsor Square, period. He said he thinks it would be a blight in a residential, historical area.

Mr. Wolf asked if Ms. Hoffman could come back to our board meeting next week to discuss the plans further. Committee Member Elizabeth Fuller asked if we couldn't just make a recommendation to the board, to save time, now that we've heard about the project on two different occasions. Mr. Wolf said we can't digest this so quickly, but Ms. Fuller said we also heard from them last month and asked them to come back this month with specifics, so we could vote. Now they've done that and we're still asking them to

come back again? Mr. Wolf noted that the plan involves several individual neighborhood associations, and we haven't discussed it with those groups yet, which we need to do. Ms. Gilman suggested that the Coalition may not be understanding the difference between the Neighborhood Council and the smaller neighborhood associations it represents. Ms. Hoffman said that is true.

Mr. Wolf said he can tell from what we've heard that there are some details that will be challenges – such as specifications for new non-palm trees on a median strip that only features palms. Also, changing the kinds of signals at certain intersections, which were installed to meet specific neighborhood needs.

Committee Member Yigal Arens said Ms. Fuller has a point: we did ask them to come back and they did. He said we don't have to force the neighborhood associations to do anything. Instead, we could just say the NC supports the bike boulevard idea, and that we'd like the Coalition to work with our individual neighborhoods on the details.

Ms. Lombard agreed, noting that the items mentioned so far could change as plans develop and discussions continue. She moved that we recommend the GWNC board support the general concept of a 4<sup>th</sup> St. Bike Boulevard and encourage the Bike Coalition to work with our individual neighborhood associations on specific solutions for the portions of the project in their areas. Ms. Fuller seconded the motion. It passed unanimously.

Yeshivath Torath Emeth Academy – Stakeholder Lloyd Solly reported that the school's neighbors have filed an appeal to the approval of the school's application for a CUP to expand its preschool building at 7002 W. Clinton. Hearings are scheduled for July 13 and 21. Mr. Solly said the appeal raised 7 issues:

- That the ruling was an “abuse of discretion” because the project doesn't meet General Plan requirements (the current building was permitted as daycare not school, so they shouldn't be allowed to replace a daycare with a school).
- Under the doctrine of “unclean hands,” the applicant shouldn't receive any further consideration or variations because they are and have been continually in violation of current Certificates of Occupancy and CUPs at all of their properties.
- A DOT letter dated 1990 called for full traffic study if total enrollment of the school went above 1,030. Today, public records show maximum enrollment of 1175, which should have triggered the study.
- Spot zoning gave the school the right to build out to three stories at one of its other buildings, and they haven't done so, so they do have the right to expand elsewhere and don't need to expand at this site.
- Traffic congestion
- The applicant reduced the enrollment request for this site from their initial proposal, but didn't reduce the building size by an equivalent 33%, which means they're leaving themselves open to expand later at the neighborhood's expense.
- The traffic assessment in the Mitigated Negative Declaration was totally

unacceptable -- it looked at only two of the five nearby intersections, and didn't look at the intersection most immediately affected.

Mr. Solly said a key item on this list is the applicant's ongoing violations. He distributed a list of violations, along with photos, a copy of the neighbors' appeal, and other materials. He said the main problem is that the school doesn't use its designated parking areas for parking. He showed photos and videos of kids playing in the parking areas instead of cars parked there. He said noise is another major issue.

Mr. Solly said all of these issues were submitted in complaints to Building and Safety, but the only thing Building and Safety make the school do was stripe the parking spaces.

Mr. Solly said he met later with the inspector, who said he forgot about checking on the required passenger loading zone and would visit again, when he might also be able to look into the other items. Mr. Solly said, however, that there's no detailed process for getting Building and Safety to look at this kind of situation – they usually focus on vacant buildings.

Mr. Solly said the neighbors are trying to go through the City's Nuisance Abatement Program, and are filing complaints with the LAPD, whose representative seems to be sympathetic. Mr. Solly said he called the school and was told to "call my lawyer."

Mr. Solly said the neighbors would like the GWNC's help with five things:

- A motion to support the neighbors' appeal to the City Council to reverse the CUP approval decision.
- A letter documenting this motion sent to the City Council and its PLUM Committee.
- A letter to the General Manager of Building and Safety to inquire about the current status of each violation (most of which have been closed with no comment), and how they will undertake suitable investigation of ongoing problems.
- A written letter to the Zoning Administration asking for the initiation of a nuisance abatement-based revocation of the permits for the properties.

Mr. Solly said the PLUM Committee hearing is scheduled for July 13<sup>th</sup> and the full City Council hearing is scheduled for July 21.

Committee Member Patty Lombard moved that we recommend the GWNC board do the five things Mr. Solly outlined above. Mr. Gresham asked that we also attach a letter noting our prior opposition to the CUP application. Ms. Fuller seconded the motion. It passed unanimously.

1<sup>st</sup>/Wilton Cell Phone Pole – This item was tabled because of lack of time.

4001 W. 6<sup>th</sup> St. – This item was also tabled.

Dubai/Cordon Bleu – Tabled.

Review of Recent Notifications for Further Study/Action

Tabled.

Committee Member Comments and Reports

Wireless Telecommunications Subcommittee – Tabled.

City Planning Department Audit Review Subcommittee – Tabled

Public Comments

Keith Nakata, from the Mid-City West Community Council, reported that the developers have agreed to place a corner door at the CVS building planned for the SW corner of 3<sup>rd</sup> and La Brea. (The door had been a condition of support from the MCWCC.) Mr. Nakata said the MCWCC is currently talking to Trader Joe's about their CUP renewal, and may take the same position with them regarding an open corner door. The store's auxiliary parking lot will be another issue for discussion.

Mr. Nakata also said City Council Member Paul Koretz is trying to come up with a new ordinance on sidewalk seating and parking for restaurants. Committee Member Patty Lombard said she would be interested in discussing this with him, as it might be valuable for our discussions about Larchmont Blvd.

Announcements & Adjournment

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Elizabeth Fuller  
Committee Member