

# Greater Wilshire Neighborhood Council



## Greater Wilshire Neighborhood Council Land Use Committee Meeting

November 3, 2009

D R A F T D R A F T

Draft dated 1/5/10

### MINUTES

#### Call to Order

A duly noticed meeting of the Land Use Committee of the Greater Wilshire Neighborhood Council (“GWNC”) was held on Tuesday, November 3, 2009, at the Wilshire United Methodist Church, 4350 Wilshire Blvd., Committee Chair James Wolf called the meeting to order at 7:13 p.m.

#### Roll Call & Approval of Minutes

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

Ms. Fuller stated that a quorum was present.

Committee Member Cindy Chvatal moved that the minutes be approved as written. Committee Member Patty Lombard seconded the motion. It was approved unanimously.

#### Review of Recent Land Use Notifications

The Committee reviewed a summary of Early Planning Report items in our area, but found nothing that seemed to warrant immediate attention from the group.

#### New Business

Cell Phone Tower Proliferation – Pacific Palisades neighborhood association representatives Chris Spitz and Barbara Kohn spoke about how cell towers on poles often go up overnight without neighborhood review, and how permits are often approved

automatically by city agencies citing the Telecommunications Act of 1996 and the 100-year-old Joint Pole Agreement. But those laws haven't been reviewed recently. According to Ms. Spitz and Ms. Kohn, City Council Member Bill Rosendahl has introduced a motion, supported by several NCs, asking for an immediate moratorium on new towers until the laws can be reviewed and a new city policy created. Ms. Spitz and Ms. Kohn asked the GWNC to pass the following sample motion:

*Be it resolved that:*

*The Greater Wilshire Neighborhood Council requests that*

- 1. The City Attorney continue to review the City's current regulatory scheme and report to the City Council on what new tools are available to regulate the wireless telecommunications facilities in light of recent judicial determinations clarifying the City's ability to regulate such facilities on aesthetic grounds, as directed by the motion introduced by Councilmember Rosendahl on October 27, 2009 (Council File No. 09-2645).*
- 2. In connection with the above review the City Attorney continue to research the extent of the City's involvement in the Joint Pole Agreement and whether and to what extent it has authority to regulate wireless telecommunications facility installations involving utility poles and replacement poles notwithstanding the Joint Pole Agreement's provisions.*
- 3. With the City Attorney's guidance and consistent with his recommendations, the City enact a comprehensive new ordinance with clear and consistent standards and procedures regulating all wireless telecommunications facilities in the City, authorizing regulation of aesthetics and providing protection to communities and residential neighborhoods to the full extent of the law.*
- 4. The City impose a moratorium on all wireless telecommunications facility installations in the City and/or applications for approval of such installations in the City in order to allow time for the City Attorney's review and report and the crafting of a comprehensive new ordinance as set forth above.*

Committee Member Cindy Chvatal moved that the Land Use Committee recommend passage of such a motion to the full GWNC board. Committee Member Patricia Lombard seconded the motion. It passed unanimously.

Larchmont Bungalow – 107 N. Larchmont – Committee Member Patricia Lombard reported that the business's owners originally applied for a restaurant permit, but there were already more restaurants on the block than allowed under current Q conditions. After meeting with the City Council office in July, the CUP application was withdrawn and the owners promised to open as a take-out facility, which is allowed. On October 25, however, they opened as a full-service, sit-down restaurant. City Council

representative Doug Mensman further reported that on Nov. 2, Building and Safety delivered a Notice of Intent to revoke the current permit unless the tables and chairs were removed by Nov. 6...and that the City has also issued an Order to Comply, which gives them a 15-day period to comply with the conditions of their permit or lose their Certificate of Occupancy.

Ms. Lombard moved that the Land Use Committee ask the GWNC board to send a letter to Council Member La Bonge, saying we support full enforcement of the Q conditions on the block in question. Committee Member Patricia Carroll seconded the motion. It passed unanimously.

Ms. Chvatal further moved that we support the City in its revocation efforts if the business doesn't comply with the current orders. Committee Patricia Carroll seconded the motion. It passed unanimously.

Accessory Dwelling Unit Ordinance – According to Mr. Mensman, state law mandates that the city establish rules governing Accessory Dwelling Units. Until now, there's been a memo stating some guiding principles, but no formal ordinance...so the City is now starting process of drafting a permanent ordinance. After some discussion, the general consensus was that the committee should learn more about the issue before making any recommendations. Mr. Mensman recommended we invite Gabriela Juarez, from the Planning Department, to a future meeting to provide more information. Committee members agreed this would be a good idea.

Mobil Station CUP -- Ms. Carroll reported that the station owners' representatives met with the St. Andrews Square Neighborhood Association in July, but did not gain support from the group. City Council District 4 has also opposed the application. There was no further news or action on this issue.

Church Day Care Facility – 470 N. St. Andrews. – According to the application submitted to the City, this facility has been in operation since 1985. The church has applied to renew its CUP, with no changes in operations or facilities. The neighborhood appears to support the organization and no controversy has emerged over the issue. After a brief discussion, the consensus was that we do not need to take any action on the application.

Cell Tower Addition – 129 ½ N. Larchmont – According to a public hearing notice we received, the company has applied for an addition to an existing cell phone tower on this commercial property. Committee Member Rudy Gintel said he walked by the property and couldn't see the existing tower from the street. After a brief discussion, the committee decided no further action was necessary

### Old Business

Wilshire Subway, Crenshaw Corridor & Crenshaw Station Updates – Committee member Cindy Chvatal said she attended Metro's October update meetings and thinks they will plan a subway stop at Wilshire and Crenshaw, because Metro already owns the

land. Committee Member Patricia Lombard suggested that we invite Metro representatives to a future GWNC meeting to discuss the subject “one on one. She said this would be a good way to make it clear that our main concern is what would go on the ground above and around a station at that location, and to discuss possible options for the station, what might be most appropriate for the neighborhood, and what kind of role the neighborhood could have in the planning process. Committee members agreed, and suggested that we propose it as a possible topic for our January meeting.

Update on Increases in City Appeal Fees for Land Use Cases – According to Mr. Mensman, the new, higher appeal fees were approved in August – going up from \$50 to \$150 for individuals who live within standard notification distance of a development project, to \$500 for people outside the notification area, and to 85% of the original application fee for applicants. But in the process of voting on some “cleanup” language later, there were accusations of Brown Act violations in the original vote, so the City Council re-voted and agreed to roll back the fees to pre-vote levels, and re-scheduled the vote on raising them.

Committee Member Elizabeth Fuller asked if this effectively re-opens the window for the GWNC to weigh in on the issue, which we didn’t have a chance to do before the original vote. Committee Chair James Wolf said we should definitely weigh in now on the subject.

Ms. Lombard moved that we recommend that the GWNC oppose the increase in the appeal fees, and Ms. Chvatal seconded the motion. It passed unanimously.

Fourth Draft of Proposed Medical Marijuana Ordinance – Ms. Fuller reported that a fourth draft of a proposed City ordinance regulating medical marijuana dispensaries has been submitted. The draft ordinance takes the position, on advice from the City Attorney, that while individual cultivation, possession and use of medical marijuana is legal for individuals, primary caregivers and small collectives, the sale of medical marijuana is illegal. The draft also contains more specific definitions of what constitutes a primary caregiver and collective, and more restrictive location conditions for dispensaries (e.g. 1,000 feet from schools, places of worship, libraries, child care facilities and other dispensaries).

Committee Member Cindy Chvatal moved that we recommend that the GWNC support the City Attorney and urge passage of the 4<sup>th</sup> draft of the ordinance.

Committee Member Rudy Gintel said that he hasn’t read the full draft and can’t support it if he doesn’t know what it says. He said he also doesn’t believe the problem will be solved until the City gets some of the revenue from marijuana sales, in the form of taxes and registration fees. Ms. Fuller outlined some of the other provisions of the draft (which was distributed at the meeting), which does specify some registration fees, but outlaws sales (which would thus preclude any sales taxes). She seconded the motion on the floor. The final tally was five votes in favor of the motion and one abstention (Gintel).

Committee Member Comments & Reports

Committee Member Patricia Carroll reported that the application for a cell phone tower on a landmarked building at 535 S. Gramercy has been denied...and said there is no news on the liquor application for the Dubai restaurant.

Public Comments

Stakeholder Steve Sapanour, from Windsor Village, reported that a developer who has had several applications rejected for a condominium project in the Park Mile area of the Windsor Village neighborhood has filed a lawsuit against the city alleging “abuse of discretion” in the denials. The City Council District 10 office had been helpful in fighting the original applications, but has so far has not been willing to help fight the lawsuit. Representatives of the Windsor Village Association are requesting that the GWNC support their association in its request to have the City Attorney’s office and the City Council vigorously fight to support the protections of the Park Mile Specific Plan.

*[Committee Member Mike Genewick joined the meeting at 8:55 p.m.]*

Because this issue was brought up during public comments, not the agendaized portion of the meeting, it was not possible to vote on it. Committee members asked the stakeholders to present the issue again, on the agenda and for a vote, at the full GWNC board meeting next week. The stakeholders promised to do so, and to provide background information for distribution before the meeting.

Announcements & Adjournment

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Elizabeth Fuller  
Committee Member