

# Greater Wilshire Neighborhood Council



## Greater Wilshire Neighborhood Council General Meeting

November 11, 2009

DRAFT DRAFT

Draft dated 1/11/10

### MINUTES

#### Call to Order

A duly noticed meeting of the Board of Directors of the Greater Wilshire Neighborhood Council (“GWNC”) was held on Wednesday, November 11, 2009, at the Ebell of Los Angeles, 743 South Lucerne Blvd. President Charles Dougherty called the meeting to order at 7:11 p.m.

#### Roll Call

The Secretary, Elizabeth Fuller, called the roll. Board of Directors members in attendance at the roll call were: Yigal Arens, Patti Carroll, Charles Dougherty, Elizabeth Fuller, Jane Gilman, Rudy Gintel, John Gresham, Frances McFall (alt. Alison Hannon), Margaret Hudson, Alex Jones-Moreno, Clinton Oie, Patricia Lombard (alt. Shar Penfold), and Owen Smith. Directors Jared Abram, Charles Bergson, Moon Chung, Sam Cunningham, Martha Schuur, Russell Sherman, Jane Usher and James Wolf were absent and not represented by an alternate.

The Secretary stated that a quorum was present.

#### Introductory Presentations

Erica Kenner, from the non-profit group Food Forward, introduced her company, which harvests surplus backyard fruit and donates it to food pantries. She reported that the group has harvested 60,000 pounds of fruit this year, and is looking for more trees. She distributed brochures and the group’s URL – <http://www.foodforward.org> – for those who would like more information, or who would like to volunteer or donate fruit.

State Assembly Member Mike Feuer introduced himself and said his office is working on two major issues at the moment: water and state government reform. He also wrote the bill that became Measure R to fund transportation projects.

Director Jane Gilman asked if the state is doing anything about jobs and unemployment. Mr. Feuer said yes, but it’s an easier issue to deal with on the federal

level, because the federal government can print money, and the state can't. He said the state has taken steps to ease foreclosures, and has passed employer tax breaks so companies can afford to hire more people. He said to do more, though, they'd need a lot of money the state doesn't have, though Obama's stimulus funding does help some.

Alternate Director Margaret Sowma asked if anything is being done about the 2/3 majority required to pass budget legislation. Mr. Feuer said only three states have the 2/3 rule, which has caused big problems in California. He said 54 votes are needed to pass the budget, and there are only 51 Democrats in the Assembly, so they need at least 3 Republican votes. The result is a lot of vote trading, and Democrats promising to vote for things in return that they'd never otherwise vote for. But the 2/3 supermajority can only be changed with voter approval.

Director Yigal Arens asked if the new federal health care reform measures will make a difference in our state expenditures on health care. Mr. Feuer said it will be a challenge. Health care without funding is a "false promise," but it's too early to say what the reform bill will mean. Right now, he said, doctors who serve the poor are paid very poorly. And if they're required to do that, it will cause problems.

Mr. Feuer said he wants to continue to work on big issues such as transportation, water, and cutting the connection between toxins and cancer by getting carcinogenic products off our store shelves. Finally, he introduced his assistant, Haeyoung Kim, and said he's interested in hearing concrete ideas for big changes in budgeting, governmental reform and other topics.

Raul Claros, Field Representative for State Assembly Member Mike Davis introduced himself, saying he started out as an educator and then a neighborhood activist, like our board members. He said he wants to build relationships with Neighborhood Councils and that Mr. Davis is very accessible and approachable. He distributed his card, saying he'd like to attend out meetings as often as possible. He also left behind information on neighborhood watch programs and how to lobby state legislators, and promised to send us a calendar of other upcoming events of interest.

#### Featured Presentation – NC Elections

Sofia Torres, from the City Clerk's Office Elections Division, announced that our GWNC elections will be held on Thursday, May 13, from 2-8 p.m. at the Ebell. She passed out a draft of the election procedures, and noted that voters must be 18 or older, and there are 21 positions up for election. She said the candidate filing period will be from February 12 to March 15. Only the disabled will be allowed to vote by mail.

Ms. Torres also reported that the City will not be helping with election outreach this year, and that the NC should have a committee for this purpose (some NCs are teaming up in joint outreach efforts). She said the benefit of this is that we don't need City approval for our outreach materials, as we have in the past. Informational meetings will begin in February.

President Charles Dougherty said he and Alternate Director Cindy Chvatal will be our election committee this time, since Jane Usher (who has headed our election efforts in the past) is not available.

#### Reading of the Minutes

Secretary Elizabeth Fuller presented the minutes of the last meeting. Director Owen Smith moved the minutes be approved as written. Director Margy Hudson seconded the motion. It was approved unanimously.

#### Treasurer's Report

Acting Treasurer Elizabeth Fuller reported that DONE's funding process is moving again, though slowly – they have only one person cutting checks for 86 neighborhood councils. The good news, though, is that the GPS units we bought for Fire Station 29 have been delivered and the firefighters are very happy with them.

#### President's Report

Ethics Training -- President Charlie Dougherty read off the list of Board Members and Alternates who have completed DONE's required ethics training: Yigal Arens, Patti Carroll, Mary Rajswing, Charles Dougherty, Elizabeth Fuller, John Gresham, Margy Hudson, Mike Genewick, Clinton Oie, Martha Schuur, Owen Smith, Jane Usher and Cindy Chvatal. Alternate Representative Frances McFall said she has no computer so hasn't been able to take the test online. Ms. Fuller said she would find out about other ways of taking the test and will get back to Ms. McFall.

Census Representative -- President Dougherty noted that we have been asked to appoint a GWNC representative for the 2010 Census. Ms. Fuller read a description of tasks for Neighborhood Councils suggested by the Census. Director Owen Smith and Alternate Director Patty Lombard offered to share the job.

Board Vacancies -- President Dougherty announced the resignations of Director Alison Hannon and Alternate Director John McIntyre. Director Owen Smith moved that we confirm Frances McFall, Ms. Hannon's Alternate, as the Director for that seat. Director Jane Gilman seconded the motion. It passed unanimously.

President Dougherty noted the Alternate positions that are still open: Brookside, Citrus Square, Country Club Heights, Education, Melrose, Oakwood/Maplewood/St. Andrews, Non-Profits, Renters, Wilshire Park and Windsor Village.

Director Owen Smith nominated his neighbor, Kay Martin, to become the new Alternate Director for the Brookside area. Because this item was not on the agenda for this meeting, it was tabled until it could be agendized for a vote in January.

Budget Day Report -- President Dougherty read the following report on the recent Mayor's Budget Day, from GWNC Budget Representative Jack Humphreville:

*The City's budget for the current fiscal year is not balanced. The current run rate is a deficit of around \$1 million a day. Even with the Early Retirement Incentive Plan (essentially a raid on the already massively underfunded Retirement System) and the deferment of the paying of police overtime, the deficit will have a run rate of about \$100 million a year.*

*Next year is a deficit tsunami. The deficit is projected at \$500 million, and quite frankly, I do not trust these numbers. Furthermore more, the budget does not address the guesstimated \$15 billion needed to fund the pension deficits and cover deferred maintenance for our infrastructure such as sidewalks, roads, sewers, parks, information technology, buildings and their internal systems such as electric, plumbing and air conditioning.*

*It is going to be ugly.*

Alternate Director Patty Lombard asked what the total city budget is for the year, and Mr. Dougherty said he didn't know. Director Yigal Arens reported that it's about \$7.1 billion annually.

#### Land Use Committee

Cell Phone Tower Proliferation – President Charles Dougherty reported on a presentation from Pacific Palisades representatives Chris Spitz and Barbara Kohn at last week's Land Use Committee meeting. Ms. Spitz and Kohn said cell towers on utility poles often go up overnight without neighborhood review, and permits are often approved automatically by city agencies citing the Telecommunications Act of 1996 and the 100-year-old Joint Pole Agreement, which haven't been reviewed recently. 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 would like us to pass a motion supporting the resolution, and the Land Use Committee recommended that the GWNC do so. The resolution reads:

#### ***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 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.*

Director Elizabeth Fuller said some other neighborhood councils have added a 5<sup>th</sup> paragraph to this sample motion, calling for the creation of a multi-agency committee to study the issue. But Director John Gresham said the addition of a committee would not be good, and could easily slow down the process. He moved that we pass the sample resolution as submitted. Director Owen Smith seconded the motion. It was approved unanimously.

Larchmont Bungalow (107 N. Larchmont) – President Dougherty reported that the owners of the Larchmont Bungalow originally applied for a restaurant permit, but there are 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 signed an affidavit promising to open as a take-out facility, without seating, which is allowed. On October 25, however, they opened as a full-service, sit-down restaurant. 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. 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. Mr. Dougherty reported that the Land Use Committee voted unanimously to recommend that the GWNC support the “Q” conditions on the block...and, in a second motion, that the GWNC support the city's permit revocation efforts if the restaurant doesn't comply.

Ken Bernard and Jonathan Ahron, representing the Bungalow, said they are currently in compliance with the conditions of their CUP, and are operating as a take-out business. Mr. Dougherty asked why they have tables and chairs in the restaurant, and Mr. Bernard said they brought in furniture, including beds, to sell to their customers.

There are signs posted saying all food is served “to go.” He also said the business employees more than 40 people.

Director Margy Hudson asked if the business is now a furniture store and Mr. Bernard said yes, that’s what their customers wanted, so that’s what they’re providing. Director Yigal Abrams asked if they’re really a furniture store, or just selling the furniture because it was there. Mr. Bernard said that in addition to food sales, the business has a bakery and lots of other retail sales. Mr. Ahron said it’s a “concept store,” and there are similar businesses in New York, San Francisco and other cities. He also noted that he and Mr. Ahron are tenants in the building, and not the building’s co-owners (with Albert Mizrahi), as has been reported.

Ms. Hudson asked what percentage of the business the furniture sales represent, but Mr. Ahron said he doesn’t know yet. Mr. Bernard said furniture sales wasn’t in their original business plan, and they just started it this weekend, but there has been an overwhelming response from customers. He said they are constantly adapting to the demands of their customers.

Mr. Arens asked about the original purpose of the furniture that’s now for sale, and Mr. Bernard said the original intent was to operate a take-out restaurant. But the landlord signed an agreement promising no tables or chairs, so they had to change their business plan.

President Dougherty asked if the furniture sales aren’t really a “clever conceit,” and whether patrons sit on the furniture while they’re eating. Mr. Bernard said customers do try out the furniture.

Director Patti Carroll asked how many pieces of furniture have been sold and what prices they’re asking for various items. Mr. Bernard said they have sold some pieces, and have the receipts to prove it. He also said that if customers request specific pieces or brands of furniture, they will procure them.

Director Rudy Gintel said Mr. Bernard and Mr. Ahron’s response to the City’s Order to Comply was to put price tags on the furniture they were ordered to remove, which seems disingenuous. Mr. Bernard said we would understand if we saw that the current inventory is not the original furniture from the restaurant. But Mr. Gintel said the City clearly doesn’t want people sitting on chairs in the business, and yet they moved in more chairs after they were told to remove them.

Mr. Bernard reiterated that the business employs more than 40 people, and asked whether they’re supposed to let them all go. But Mr. Gintel said that when people make mistakes, they need to find ways to pay for those mistakes and comply with the rules.

Mr. Dougherty asked how Mr. Bernard feels about the zoning laws of the City of Los Angeles, and Mr. Bernard said that he supports and wants to preserve the mix of businesses on Larchmont Boulevard. Mr. Dougherty asked if he’s counted the number of

restaurants on the block and read the “Q” conditions (which limit the number of restaurants allowed). Mr. Bernard said he has. Mr. Dougherty asked if he knew when he leased the space that this would be a sit down restaurant when no more sit down restaurants are allowed. Mr. Bernard stated again that the Bungalow is a take-out restaurant, and not a sit-down restaurant. He said sit-down restaurants have table service, and his does not. Ms. Lombard asked if Mr. Bernard was aware that he was not allowed to have tables and chairs, and Mr. Bernard said the landlord signed off on their original business plan. Mr. Ahron said the City asked the owner to sign the affidavit promising no tables and chairs, but that he and Mr. Bernard were not aware of it.

Director Elizabeth Fuller asked which of them met with City Council Member Tom La Bonge in July, when the agreement to not have a sit-down restaurant was reached. Mr. Bernard said he and Mr. Ahron were at the meeting. Ms. Fuller asked who promised at that time that there would be no tables and chairs. Mr. Ahron said they did, but their business plan changed later. Ms. Fuller asked if it changed after their agreement with Mr. La Bonge, and after their promise to the City. Mr. Ahron said that business plans do change, and it changed again last week.

Mr. Dougherty said Mr. Bernard and Mr. Ahron seem very cynical about the whole process. Director Patty Carroll noted there is a sign at the restaurant advertising breakfast, lunch and dinner. Mr. Bernard says the sign has always been there. Ms. Carroll noted Mr. Ahron’s claim that the dealings of property owner Albert Mizrahi are separate from those of the restaurant, but Mr. Ahron has always represented Mr. Mizrahi in his business deals. Mr. Bernard stated again that Mr. Mizrahi is the property owner, and that he (Mr. Bernard) is just a tenant.

Director Owen Smith moved that the GWNC board follow the recommendation of the Land Use Committee and support the “Q” conditions on the block. Director Yigal Arens seconded the motion.

Director Margy Hudson recalled that about three years ago, we had a meeting about development on Larchmont, and our position at that time was well documented. Mr. Dougherty agreed, recalling that we voted unanimously to support the “Q” conditions.

Director Jane Gilman said we should also do something now about limiting the number of take-out restaurants on the block, since they, too, are proliferating. Ms. Lombard said the Land Use Committee was focusing simply on the issue at hand with its recommendation last week.

Mr. Dougherty called the question and the motion passed unanimously.

Director Owen Smith further moved that we support the City’s permit revocation efforts if the Larchmont Bungalow does not comply with the existing “Q” conditions. Director Clinton Oie said he thinks we’ve expressed enough support for the “Q” conditions, and that we don’t need to say more. Mr. Dougherty said the Land Use

Committee looks at specific cases, and it seems like there are very specific issues in this case. Mr. Smith said we are applying the same rules to all businesses on the block. Mr. Bernard said that's not true. Director John Gresham said we're asking to support the Dept. of Building and Safety's efforts with the second motion.

Ms. Gilman asked if there are other take out restaurants with tables and chairs. Mr. Smith said we should ask Building and Safety to enforce the "Q" conditions "across the board" and amended his resolution to ask that we "support the "Q" conditions in general, and the specific efforts of Building and Safety in this case." Ms. Lombard seconded the motion, and noted that this case is different from others only in that the restaurant signed a covenant with the City – as a condition of receiving its Certificate of Occupancy - promising not to have tables and chairs.

To clarify, Director Rudy Gintel asked if we are proposing a motion that would revoke the business' official status as a take-out restaurant. The response was yes, they would not be allowed to operate as any kind of restaurant as long as they had tables and chairs, which are in violation of their agreement with the City. Mr. Gintel said he supports that position, because they have been ordered to remove the tables and chairs and have not done so.

There were 12 votes in favor of the motion and one (Oie) against. The motion carried.

Accessory Dwelling Units (ADUs) – President Dougherty reported that state law requires the city to 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 starting the process of drafting one. Mr. Dougherty said the Land Use Committee discussed the issue at its meeting last week, and agreed we should look into the issue further. City Council representative Doug Mensman recommended we invite Gabriela Juarez, from the Planning Department, to a future meeting to provide more information, and the Committee members agreed this is a good idea.

Director Rudy Gintel said the reason the City is looking into this issue is that it wants to be able to increase density in residential areas such as ours. We should not simply allow them to do this without creating some guidelines for proceeding in an orderly manner. Mr. Dougherty noted that no one will be required to build ADUs, and that the proposal is for regulating how and when they can be built.

Church Day Care Facility (470 N. St. Andrews) -- President Dougherty reported that this facility has been in operation since 1985 and recently 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. He reported that the Land Use Committee chose not to take any further action on the matter.

Cell Tower Addition (129 ½ N. Larchmont) – President Dougherty said a cell phone company has applied for a permit for an addition to an existing cell phone tower

on this commercial property. Committee Member Rudy Gintel walked by the building could not see the existing tower from the street. The Land Use Committee took no further action on the matter.

Wilshire Subway/Crenshaw Station – President Dougherty reported that several Land Use Committee members who attended the most recent Metro public meetings still suspect that – because the MTA owns the land at the Wilshire Crenshaw intersection -- it will want to use it for a full-blown station at Crenshaw. After discussing this at the Land Use Committee meeting last week, the Committee suggested that we invite Metro planners to a GWNC meeting (perhaps in January?) to discuss options for the station's development, so we can have as much voice as possible in the planning process.

After the Land Use Committee discussion, however, stakeholder John Welborne sent a statement with a differing opinion, which he asked Secretary Elizabeth Fuller to read at tonight's meeting:

*I have been very much present at almost all Metro meetings on the subject of adding the optional "Crenshaw" station (between Bronson Avenue and Lorraine Boulevard at Wilshire Boulevard) . . . including the last meeting (at the old May Company). In fact, I actively alerted neighbors about that meeting, both neighbors supporting and opposing the idea of adding a \$200 Million Crenshaw station.*

*As far as I can tell, there is no Metro staff or consultant support for adding an unneeded station at this location, and there is very little elected leader political support. Any GWNC discussion with Metro in January should be about the LaBrea Station and/or Fairfax Station, NOT Crenshaw.*

*I believe that Metro's Crenshaw property will, at most, be a temporary construction staging site and possibly a permanent ventilation shaft site -- before being sold or leased and developed for a Park Mile-conforming office or multiple-family residential use.*

Director Owen Smith said the consensus he's heard coming out of recent Metro meetings is that there will be a bus route from Crenshaw, which turns up San Vicente to La Brea and on to Hollywood. Mr. Smith said he agrees with Mr. Welborne on the price issue, and that most of the people who want a subway stop at Wilshire and Crenshaw are apartment dwellers who will likely move before the subway is built. He said a Crenshaw station just won't generate enough revenue to be worth building. He also noted that the public comment period for the Wilshire extension is almost over. Metro would like buy-in on a Crenshaw station, if there's going to be one, and so far they're not getting it. So he doesn't believe a station will be built there unless there's a sudden uproar in favor of it.

Director John Gresham said the one change he did notice at the last Metro meeting was in representatives' comments that they need to continue to mention a

potential Crenshaw station because of divided community sentiment. But, he said, they have no problem with saying one thing and then doing another to get the project done the way they want to do it...and that acknowledging divided sentiment may be one way to push it through.

Alternate Director Margaret Sowma said she also believes the station won't be built.

Director Rudy Gintel said it sounds like the GWNC should reiterate its opposition to a Crenshaw station, and moved that we do that. Mr. Smith seconded the motion.

Director Margy Hudson noted that we passed an identical motion the last time MTA representatives visited, and said that if we're going to re-open the subject, we should invite them back again, as recommended by the Land Use Committee. Mr. Gintel agreed.

Director Jane Gilman said she thinks some of the push for a Crenshaw station may be coming from Rep. Diane Watson's office, not the MTA.

Director Yigal Arens said there's no point voting again if nothing has changed since our last vote. But he said it would be fine to invite the MTA representatives back for an updated discussion, and to take a vote then if it seems appropriate.

Mr. Smith noted his own history as someone involved in the construction of freeways, tunnels and subway stations, and said city agencies do change their minds on things over time...but he doesn't believe Metro staff wants to build a station at Crenshaw.

Mr. Gresham said there are two ways to bring density to the Wilshire/Crenshaw intersection – either put density there, or put a transit station there and then pressure the City to allow new development there. He said he believes the station is simply a move in that densification process.

Mr. Arens reiterated his position that we should not take another vote yet regarding the GWNC's position on a station.

Director Elizabeth Fuller said she remembers that when we voted our support for the Wilshire subway extension, we left open our ultimate decision on a Crenshaw station...and we should check our old minutes to see if that was the case. She said the point of the discussion at last week's Land Use meeting was that it does seem to be time to bring Metro representatives back here to discuss planning developments that have occurred in the last year or so, since the topic has definitely not gone away.

Alternate Director Mary Rajswing asked where our motion would be sent if we pass one, and Mr. Dougherty said it would be sent to the MTA, as well as available as

part of our own public record.

Alternate Director Patricia Lombard said that is a good point – the issue is very political and the Land Use Committee felt it was important for the GWNC to be proactive and “at the table” in planning discussions, so we should push to be part of the discussion.

Mr. Smith said that in all discussions he remembers, Metro requested stations at Western and La Brea. A City Council member suggested the possibility of a station at Crenshaw, but Metro staff didn’t support the idea. The only way to justify it would be to do a lot of building around it. He, too, recommended we take a stand now on the issue.

Mr. Dougherty called for a roll call vote on the motion to re-state the GWNC’s formal opposition to a Crenshaw station.

Members voting in favor were Carroll, Dougherty, Gilman, Gintel, Gresham, McFall, Jones-Moreno, and Smith. Clinton was opposed. Directors Arens, Fuller, Hudson, and Penfold abstained. The motion carried.

Ms. Fuller asked if we should act on the Land Use Committee’s recommendation to invite Metro representatives to our January meeting to discuss the issue. Consensus was that we should do so. Ms. Hudson asked if we should include Rep. Watson’s office and Mr. Dougherty said it would be good to include all interested parties. Ms. Hudson and Mr. Smith volunteered to extend the invitations.

Increases in City Appeal Fees for Land Use Cases -- Mr. Dougherty reported that new, higher appeal fees for land use cases 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. In the process of voting on some “cleanup” language later, however, 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. This effectively re-opened the window for the GWNC to weigh in on the issue, which it didn’t have a chance to do before the original vote, and our Land Use Committee has voted to recommend that the GWNC oppose the proposed increases in appeal fees.

Director Owen Smith moved we support the committee’s recommendation and oppose the increase in appeal fees. Alternate Director Patty Lombard seconded the motion.

Director Jane Gilman asked where our statement would go, and Secretary Elizabeth Fuller said that after such votes we send letters to various City agencies, submit Community Impact Statements when possible, and use other avenues available to us. Director Rudy Gintel said he heard at a Hancock Park Homeowners’ Association meeting that the fee increases outside the standard notification area were actually

thousands, not hundreds, of dollars. Ms. Fuller said the number she had heard was \$500, but Mr. Smith said he, too, heard it's higher. Mr. Gintel said the Land Use Committee clearly felt that such increases would lessen residents' control over what happens in their own communities.

The resolution passed unanimously.

Fourth Draft of Proposed Medical Marijuana Ordinance -- President Dougherty said the fourth draft of a proposed City ordinance regulating medical marijuana dispensaries is now under consideration by the City Council. 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). He said the Land Use Committee voted last week to recommend that the GWNC support the City Attorney and the fourth draft of the proposed ordinance.

Stakeholder Daniel Sosa, owner of the La Brea Collective at 812 S. La Brea (one of the 186 dispensaries permitted to operate before the City moratorium went into effect) said the consensus in the medical marijuana community is that this ordinance would be unworkable, that it is simply an attempt to whittle down the number of collectives in the city, and that he hopes that it does not pass.

Director Rudy Gintel said he abstained during the Land Use Committee vote, and that his understanding is that the state wants to decriminalize marijuana. He said this is a business with tens of millions of dollars at stake, and other cities have handled it differently – with huge permit fees. He said he believes the proliferation of dispensaries in Los Angeles has happened because there are no such fees, and this ordinance approaches the problem from the wrong direction, so he doesn't support it.

Director Yigal Arens said people do say they want medical marijuana to be legal, and it seems disingenuous to say you can only possess or cultivate, but not sell, it. He said he would oppose any approach the City takes that makes sales illegal, including the proposed 4<sup>th</sup> draft ordinance.

Director Frances McFall said she blames the City Council for the current problems, and that she too believes we should simply legalize sales and reap the tax dollars. She too said she opposes the fourth draft of the proposed ordinance.

Stakeholder Karen Gilman said the proposed draft would not affect the original 186 dispensaries, and that it is important to understand the chronology of the issue. She said there will be two hearings next week, at a joint meeting of the City Council PLUM Committee and the Planning Commission, and also at a meeting of the full City Council. She said this is a chance for the GWNC to take a stand. She also said she thinks raising

money from marijuana sales is good, and she does support legal medical marijuana, but the current proliferation of dispensaries is not what was originally intended. She said the currently-proposed 1,000-foot limit from schools, churches and other dispensaries is particularly important and needs to be enacted. In the Valley, for example, dispensaries have advertised their businesses by putting flyers on cars in a high school parking lot. She said it's also important to control what substances are in the marijuana being sold – pesticides, foreign bodies (e.g. glass dust) and more have been found in the products. The proposed ordinance would limit the number of plants and pounds that would be allowed in each shop, which would help to ensure it's being locally and legally grown, and not obtained from illegal and/or unknown sources that can't be controlled. Finally, she said, it's important to encourage letter writing, phone calls and other communications to our City officials before the upcoming hearings...and that we should support the fourth draft ordinance.

Mr. Gintel said he has great respect for Ms. Gilman, who always does her research, and that while he still believes the financial aspects of the issue are important, the other points she mentioned are valid...so if this is an interim step to bringing the substance to our population, and it can bring in profit as well, he will support it if Ms. Gilman does.

Alternate Director Patty Lombard said the AMA has endorsed the use of medical marijuana, but the LAPD reports the average customers are 20-year-old males. She said, though, that it sounds like the City is trying to get a handle on the issue, and while the 4<sup>th</sup> draft ordinance may be flawed, it is better than nothing.

Mr. Dougherty said that he has recently had two kids in high school, and has seen medical marijuana vials lying around. He said it definitely finds its way into schools and he has heard about kids getting medical marijuana cards for their birthdays. On the other hand, however, he has a friend who had cancer and successfully used medical marijuana to survive the effects of chemotherapy.

Director Jane Gilman moved we support the 4<sup>th</sup> draft of the proposed medical marijuana ordinance. Director Owen Smith seconded the nomination. There were 11 votes in favor, one opposed (Arens) and one abstention (Oie). The motion carried.

Windsor Village Developer Lawsuit – President Dougherty 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 visited the Land Use Committee meeting last week and requested 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. (The item was not agendaized at the Land Use Committee meeting, however, so no vote was taken or recommendation made at that meeting.)

Steve Sapanour, from the Windsor Village Association, further reported that prior to the current pre-HPOZ ICO in effect in the area, the developer asked for permission to tear down two houses and build condominiums...and now he's asking to demolish four buildings. Mr. Sapanour said one of these requests was initially approved, but the Park Mile Design Review Board turned it down. That rejection was appealed, and then the application was approved by Planning, appealed again, and finally turned down by the City Council PLUM committee. He said Mr. Wesson's office was very helpful, and the PMDRB did have discretionary power to say the project did not fit in with the neighborhood.

But the developer's lawsuit asks that the City Council ruling be thrown out, on the grounds that the City abused its discretion in the decision. The lawsuit also says Mr. Wesson was following the wishes of a "vocal minority" of neighbors, even though the neighborhood's preservation petition contained 900 signatures.

Mr. Sapanour also said that although the lawsuit was filed in August of 2008, the neighborhood association didn't find out about it until late in September, 2009. And so far the City Attorney's office and City Council office have told the neighbors they can't help. He said he has also heard that the City is interested in settling the suit, which means the neighbors can either wait to see if it settles or goes to trial...or they can ask for an intervention and insert themselves into the suit (if it's not already too late for that).

Director Margy Hudson asked who the judge is in the case. Mr. Sapanour said his last name is Chalfont, and he's a Windsor Square resident. Mr. Sapanour said that "abuse" has a very high threshold of proof, but the issue could also affect the future of the Park Mile Specific Plan and the proposed subway development – if the city concedes, all existing protections could go out the window, and it could open the floodgates for other development projects in protected areas.

Mr. Sapanour said he's seeking support from the Neighborhood Council to intervene with the City, and to vigorously rally support from Mr. Wesson, Tom La Bonge and the City Attorney. He said the League of Residential Neighborhood Advocates has voted unanimously to support the protections of the Park Mile Specific Plan, and he would like the GWNC to pass a resolution to support the cause. He would also appreciate help from any other individual neighborhood groups that would like to show their support.

Director Margy Hudson said that in her experience with lawsuits regarding HPOZs, the City attorneys have not really understood the issues. She advised that the neighborhood immediately consult a land use attorney and request intervention into the case. Mr. Sapanour said they do have an attorney, but not someone who specializes in land use...and they don't have money for a specialist.

Director Rudy Gintel moved that the GWNC ask the City to vigorously defend this lawsuit. Director Owen Smith seconded the motion.

Mr. Gintel said the suit is a vigorous attack against the Park Mile Specific Plan, and would dilute the ability of the City to use its discretionary powers, that it takes the teeth out of the PSMP, and that the neighborhood is not strong enough to defend itself against the suit by itself.

Ms. Hudson said the biggest proponent of the PSMP in Los Angeles is John Welborne, and asked if he's involved in this issue. Mr. Sapanour said he is. Mr. Smith said that if the developer has been turned down by the Park Mile Design Review Board twice, he has confidence that the City will prevail. He also said that if the City Council has the benefit of the City Attorney's advice, they should participate, and he agrees we should support this effort.

Director Elizabeth Fuller asked if the neighborhood has been in contact yet with the City Attorney's office, and Mr. Sapanour said to some extent, but staff there said that a decision to pursue the matter depends on advice of the City Council office.

Alternate Director Mary Rajswing asked if there are any precedents for this sort of case. President Dougherty said he's heard that the City settles cases like this all the time, sometimes without even being sure of what's being settled...and then they change their minds about the issues later.

Director John Gresham said we should send letters about this to both Mr. Wesson and Mr. La Bonge's offices.

President Dougherty called the question and Mr. Gintel's motion passed unanimously.

Chase Bank Signage Request in Park Mile – President Dougherty reported that Chase Bank has requested a variance from Park Mile Specific Plan signage restrictions at its branch in the Park Mile area of Wilshire Blvd. The PMSP has always had a “no exceptions” policy, which would be jeopardized if this use is allowed. The matter was came to us after last week's Land Use Committee meeting, however, so that group has not yet discussed or voted on the matter.

Director Rudy Gintel moved that we oppose the variance request. Director Owen Smith seconded the motion.

Director John Gresham asked how big the sign is. Mr. Smith said it's 20 feet long; both longer and wider than the regulations allow. He also said the Park Mile Design Review Board discussed the matter, but didn't have a quorum at its meeting, so wasn't able to vote on it. Director James Wolf, who also heads the PMDRB, said that if there was a quorum, the group would not have supported the request.

Director Patty Lombard said seven or eight neighbors spoke against the application at that meeting, and that a Chase representative testified that the only reason

the sign was being requested is that it's standard Chase signage. But the neighbors present said that if Chase wants local customers to patronize the branch, they need to fit in with the neighborhood requirements.

The motion passed unanimously.

DWP Oversight Committee

DWP Liaison Jack Humphreville was unable to attend the meeting, but submitted the following statement, which was read by President Dougherty:

*The most significant event over the last two months is the introduction of motions calling for the creation of an INDEPENDENT Rate Payers Advocate. A majority of the members have signed the motions introduced by Garcetti, Smith and Huizar. Unfortunately, Tom LaBonge has not endorsed the formation of an independent Rate Payers Advocate.*

*An independent Rate Payers Advocate will review and analyze the operations, finances, and management of DWP on timely and continuous basis and disseminate the analysis and information to the Rate Payers, the Council, the Mayor and the Board of Commissioners.*

*Over the past three years, DWP has continuously misled the City Council and the public, whether it be Rate Increases, the Rate Restructuring Plan, or the elimination of the cap on the Energy Cost Adjustment Factor. Of course, the prime example is Measure B where DWP, the Mayor, and the IBEW totally bagged the Council as to the costs associated with and the impact on Rate Payers of the 400 megawatts of In Basin Solar Power resulting from the elimination of competitive bidding.*

*Unfortunately, the reconstituted DWP Solar Plan, the Son of Measure B, also know as the SOB, proposes the same structure as Measure B for the 400 megawatts of In Basin Solar Power. This involves granting the same exclusive arrangement to the inexperienced DWP management and the notoriously inefficient IBEW construction work crews as opposed to putting the work out to bid on a fixed price basis to experienced local private contractors using members of the Building Trades.*

*This unsavory arrangement will cost Rate Payers an EXTRA \$1 to \$2 billion, which balloons to more than twice that amount when you factor in interest, the 8% power transfer fee, and the 10% City Utility Tax.*

*What is particularly galling is that the mayor, in supporting the SOB, has the audacity to reject the will of the voters who rejected Measure B, despite the millions in campaign contributions and dirty tricks against a "ragtag group of fringe activists," now tagged by interim General Manager David Freeman as a*

*“screaming minority of bellyachers.”*

*Ironically, fewer jobs will be created under the auspices of DWP’s Closed System compared to an Open System using Los Angeles’ “burgeoning private solar industry” that can service the rest of the world. Do you think DWP is going to be building photovoltaic solar systems in Arizona?*

*DWP is hosting the Neighborhood Council Fall Budget Workshop. It will be held at the Downtown LADWP headquarters building on Saturday, November 21, 2009, at 9:30 AM in the Cafeteria Conference Center, 111 North Hope Street.*

*LADWP will present information regarding the multi-year financial plans and the adopted budgets for the 2009/2010 fiscal year. This will be an excellent opportunity for you to learn about the current budget year and its challenges, and to provide your input directly to LADWP executive management.*

#### Ad Hoc Outreach Committee

Committee Chair Margy Hudson reported that the deposit payment to our web designer has finally been processed, so she can proceed with work and we should have a new site mockup to present in January. Also, our Larchmont Chronicle ads are evolving, and the most recent ad explained how we have been using our funds to benefit the community. Finally, she said she would follow up on previous discussions about a streetlight banner project at our next meeting in January.

#### Other Committee/Project Reports

Burns Park Update & Funding Request – Director Margy Hudson reported that Burns Park is closed for landscaping this week, and will remain closed for 90 days to allow new grass seed to take root. She passed around pictures of the park’s new fence and the trees that were recently planted by the Hollywood Beautification Team. Finally, Ms. Hudson noted that a new boulder has also been installed in the park, which will bear a plaque courtesy of the Windsor Square Hancock Park Historic Society telling about the park’s history.

Alternate Director Mary Rajswing noted that the new trees needed to go in before the landscaping could be done, but funding is still needed to pay for them. She said they could have used free 15” box willow trees, but the HBT strongly recommended 24” boxes instead. The five trees cost a total of \$658.24, and she is hoping the NC will be willing to pay for them.

Director Owen Smith moved that we approve funding for the trees. Director Patty Lombard seconded the motion. It passed unanimously.

La Brea Walk Update – Director Owen Smith said he attended a planning meeting for this event, and the committee working on it is hoping to get a designation for the

gallery area as a special arts center.

[Director Jane Gilman left the meeting at 10:42 p.m.]

Potential Changes to Senior Van Program – Alternate Director Margaret Sowma reported that she spoke with the manager of the City Department of Aging about this issue, which was brought to us in September by stakeholder Joan Taylor. (Ms. Taylor would like to redirect funding from vans funded by the senior citizen Door to Door Transportation Program to pay for additional taxi coupons for seniors instead.)

Ms. Sowma said she was told by the manager that taxis have been used as part of the transportation program since 2005, but they were never intended to be the main form of senior transportation. The manager also said that all senior programs are facing budget cuts right now and that Ms. Taylor should abandon her efforts to secure more taxi coupons for seniors.

Ms. Sowma also presented several letters from the City Controller's office, the Department of Aging, and the Department of Transportation outlining their discussions of Ms. Taylor's proposal, and their recommendations against her requests. (According to the letters, there are no resources for additional taxi scrip funding, and finding additional funding would mean reducing funding for other successful programs such as CityRide/Dial-a-Ride service. Also, the "taxi" scrip can also be used for bus and subway transportation (where it will pay for nearly unlimited trips each month), and the van program that is currently funded (which Ms. Taylor is proposing to reduce) is intended to serve "frail" elderly who cannot use taxi service safely.

#### Board Member Comments/New Business

See's Candies Letter Writing Campaign – Director Patti Carroll said she is looking for people to help reach out to their communities and ask neighbors to write letters to See's Candies, asking for them to bring a See's store back to the recently landmarked site of the first See's store and factory. Stakeholder Henrietta Cosentino said they'd like to show there's a large customer base in this area, as well as put forth the idea that such a store would also be a tourist draw and would help to fuel the revitalization of Western Ave. She said they would also like to have a fundraiser for the cause, selling See's candies through local non-profit organizations, to help raise awareness for the campaign. Ms. Carroll said organizations that purchase candy could pick it up at the See's building or parking lot.

Alternate Director Patty Lombard said she's not interested in selling candy, but would be interested in buying boxes for the 73 neighbors in Fremont Place. Director Margy Hudson also suggested making some promotional postcards to distribute at the upcoming meeting of the Windsor Square Association. President Dougherty advised bringing the matter to the Wilshire Homeowners' Association as well. And Director Clinton Oie advised reaching out to Marlborough School, which has a fundraiser coming up.

Parking on Western Ave. – Director Patti Carroll said she will present more about this at the next GWNC meeting, but will be writing a letter to the Community Redevelopment Agency about building better public parking facilities as part of the larger Western Ave. revitalization (of which the See’s Candies project is a part).

Public Comments

There were no public comments.

Announcements and Adjournment

Director Owen Smith distributed copies of a Community Beautification Grant application that has been submitted for Memorial Library, and said he will speak more about the project at our next meeting.

President Dougherty announced that our next meeting will be held on Wednesday, January 13.

Director Frances McFall requested that we observe a moment of silence in honor of Veteran’s Day.

The meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Elizabeth Fuller  
Secretary