



Greater Wilshire Neighborhood Council Land Use Committee

June 25, 2013

Approved by the Committee, 07/23/13

**1. Call to Order**

A duly noticed meeting of the Land Use Committee (“LUC”) of the Greater Wilshire Neighborhood Council (“GWNC”) was held on Tuesday, June 25, 2013, at Wilshire United Methodist Church, Assembly Room, 4350 Wilshire Blvd. Chairman James Wolf called the meeting to order at 6:43 p.m.

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

Secretary Greg Wittmann called the roll. Eleven of the 16 Committee Members were present at the beginning of the Meeting: Patricia Carroll, Ann Eggleston, Bill Funderburk, Mike Genewick, Karen Gilman, John Gresham, Dick Herman, Jeff McManus, Caroline Moser, Greg Wittmann and James Wolf. Committee Members absent: John Kaliski, Mitchell Karp, Patty Lombard, Fred Mariscal and Gerda McDonough. Also attending: approximately 62 Stakeholders and guests. The GWNC Land Use Committee quorum (the minimum number of Committee Members needing to be present to take binding votes on Agendized Items) is nine, so the Committee could take such votes.

**MOTION** (by Mr. Gresham, seconded by Mr. McManus): The Greater Wilshire Neighborhood Council Land Use Committee approves the Minutes of its April 23, 2013 Meeting as written.

**MOTION PASSED** by a voice vote.

**MOTION** (by Mr. Gresham, seconded by Ms. Gilman): The Greater Wilshire Neighborhood Council Land Use Committee approves the Minutes of its May 28, 2013 Meeting as written.

**MOTION PASSED** by a voice vote.

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

Mr. Wittmann distributed and reviewed the “06/25/13 May-June Early Planning Report Summaries for GWNC Area” of recent land use applications received by the City. *[This Agenda Item was returned to after Item #5. h.]* Ms. Fuller noted that there are many Mills Act applications at this time each year due to the impending mid-year deadline. It was noted that 5162 W. Melrose is the Hollywood Historic Hotel (same location, but different business than the Nue Café application heard last month) and that the 5040 W. Wilshire beer and wine sale Application is a renewal at the Sushi Eyaki restaurant.

#### **4. Old Business**

a. Flywheel variance application at 147 N. Larchmont (Nikola Hlady)

Copies were distributed of the Applicant's Zone Variance Application, a "Memorandum" from John Welborne of the Windsor Square Association regarding "Larchmont Boulevard "Q" Conditions and Allowable Uses" and a letter from the law firm of Latham and Watkins to L.A. Chief Zoning Administrator Linn Wyatt. Nikola Hlady, the owner's representative, said there is "adequate parking" for the business. He said there are "many letters from the community in support of this project"; he and the owner have "been in close contact with the Councilman's Office" and "we're doing what we can to meet the concerns of the community." Jeff Jacobberger, another representative of the owner, described the parking: "a total of 320 parking spaces" including in the nearby city parking garage. He said "data was collected in 2009 . . . we supplemented that with some spot surveys . . . peak hours for parking are between two and four p.m. . . . in the evening hours there's still a lot of available parking." He noted that Flywheel's business peaks at different times from that for the rest of the street, and said there are more than 75 spaces, "particularly on the two lower levels" of the City garage. Classes are held seven days per week. David Selden, Flywheel owner, said they applied for the Variance "within days" of the Committee's recent request. They had been "working closely with . . . merchants on the block" who he said "want us to be a co-tenant." Mr. Selden described site improvements and activity since Flywheel's opening.

Stakeholders who spoke in support of Flywheel's Variance Application and benefits to the community included Kristi Bender, Kyle Fitzgerald, Miki Anzai, Sid Levinson, Calvin Starnes, Jason Richmond, Eve Rodsky, Olivia Kazanjan, Allison Simmons, Gary Ventimiglia and Maureen Ryan. They made comments such as "it's really revitalized the area" and "filled a void." GWNC Board Member Joane Pickett said the Larchmont Village Neighborhood Association supports Flywheel's Application. Tom Kneafsey said "business owners are in full support." Tena Gella-Recht said customers pay per class; there are no contracts. Ed Casey, Flywheel legal consultant, indicated the City Planning Dept. said they will complete an environmental review within two weeks.

Mr. Welborne relayed that the Windsor Square Association is concerned that the zoning law is still not being followed. Elizabeth Fuller was concerned that Flywheel is "operating outside the rules . . . it's about the zoning." Mr. Wolf pointed out that the City already allowing Flywheel's use until now "is a de facto waiver." Mr. Selden stated "we would be happy to agree in writing" to encourage customers to use the nearby underground garage. Mr. Kneafsey described that "there's always parking" in that garage.

**MOTION** (by Ms. Moser, seconded by Mr. Funderburk): The Greater Wilshire Neighborhood Council Land Use Committee recommends that the GWNC Board oppose the Zone Variance Application of Flywheel Retail Store and Testing Room at 147 N. Larchmont as presented because Flywheel's use of the facility is out of compliance with City of Los Angeles zoning law.

**DISCUSSION:** Some Committee Members expressed support for the Application because of the community benefits Flywheel provides. Most Committee Members expressed

concern about previous “misrepresentations” of what activities were occurring at Flywheel and what was in Flywheel’s advertising; Flywheel was represented as “a testing facility.” They noted a “long history” of disingenuous promises and actions by other Applicants who have agreed to conditions but did not comply. They also noted the need to “maintain zoning standards” and that, if Flywheel was closed, it could re-open after being in compliance with zoning law. Mr. Casey said the [City] “Council Office supports the use” and “the Variance process.” He urged the “Committee to support the use while Flywheel continues to operate. Mr. Wolf described the necessity to uphold laws legislated by the City Council, which must be evenly applied.

**MOTION to CALL FOR THE QUESTION** (by Mr. Wolf); there were no objections.

**MOTION PASSED** by a hand vote with seven in favor; three (Genewick, Herman and McManus) opposed.

Mr. Wolf confirmed that “the recommendation will be to not support the Variance request.”

- b. Update on small-lot subdivision at 806 N. Las Palmas (Derek Leavitt)  
*[This Agenda Item was addressed after Item #2.]* Stakeholder Don Hunt described his and his neighbors’ surprise and displeasure about the “mansionization” project. He would like help to “modify the Small Lot Subdivision Act.” Derek Leavitt, the developer’s representative, stated they have “been following up with the neighbors next door” to address concerns. He said “we’re going to put up a six-foot . . . wall” and change the project design to increase neighbors’ visual privacy. He confirmed that “we’re not asking for an increase in density . . . we’re absolutely following the codes . . . it’s not a single-family neighborhood.” He believed that the project is providing the ability for four homeowners to live on the site, rather than one. It is not a by right project; they are asking for a Variance. Mr. Leavitt observed that nearby there is a 69-foot height building and a 48-foot height building across the street from the project; they are “asking 36 feet.” The “setbacks are 15 feet in the front; five [feet] on the sides and five [feet] in the rear . . . the Variance request is to add three feet in height.”

Stakeholder John Darnell (not the John Darnell who is a Field Deputy for L.A. City District Five Councilman Paul Koretz) opposed the Variance because the project will loom over the adjacent building. Stakeholder Aaron Arntson opposed it because he believed the project is out of character with the neighborhood and reduces neighbors’ privacy. Stakeholder Debra Rosenbaum has letters of opposition from neighbors. Stakeholder Chris Monaco was opposed because he believed it would set an undesirable precedent and similar projects would be built “at breakneck speed.” Stakeholder Nadia Villarreal was opposed because she believed the project would destroy the history of the neighborhood and result in a “stream of renters.” Stakeholder Andrew Angelico was concerned about possible increased traffic and parking challenges. Mr. Wolf was concerned that “a lot of permissions are being requested that are not in character with the neighborhood”; he noted that there are many HPOZs [Historic Preservation Overlay Zones] in the area because of this kind of project in which, due to the projects’ design and massive sizes, Variances are continually

being requested by developers. Mr. Genewick observed that the project's total height would be an additional ten feet above the Variance request.

**MOTION** (by Mr. Genewick, seconded by Ms. Moser): The Greater Wilshire Neighborhood Council Land Use Committee recommends that the GWNC Board oppose the Variance application for a small-lot subdivision at 806 N. Las Palmas.

**MOTION PASSED** by a hand vote with seven in favor; Ms. Eggleston opposed; Ms. Carroll and Mr. McManus abstained.

There was additional discussion about the project development process. Committee Members noted that Mr. Leavitt could request the GWNC Board to consider a revised request. Mr. Wolf confirmed that Committee Members understood that the above Motion applied to all three Variance requests.

## **5. New Business**

- a. Marlborough School plan approval for recreation area at 250 S. Rossmore (Mark Armbruster)

Mr. Wolf indicated that this Item will be addressed at the next [July 23<sup>rd</sup>] Meeting.

- b. Pinches Tacos variance application for dine-in restaurant at 203 N. Larchmont (Miguel Anaya)

Miguel Anaya, representing the family-owned Pinches Tacos Restaurant, said his business would like to find a way to legalize the tables at their take-out business and serve customers who want sit-down dining. Committee Members were concerned that a Variance "would run with the land." Mr. Welborne reminded the Committee that the Community Plan and zoning law legally limit the number and size of Larchmont restaurants. Pinches Tacos' Javier Anaya noted that the previous tenant in that space (Botega Marino) was a restaurant, unlike at the Larchmont Bungalow (which was previously a real estate office), and there are different and conflicting definitions of what a takeout restaurant is. Mr. Welborne read aloud the five criteria, all of which must be met, for the City to grant a Variance. Committee members recommended that the owners do more research and return to a future meeting for further discussion.

- c. 3Twenty Wine Lounge application at 320 S. La Brea (William Bergstrom)

Mr. Wolf indicated that this Item will be addressed at the next [July 23<sup>rd</sup>] Meeting.

- d. Update on small-lot subdivision at 806 N. Las Palmas (Derek Leavitt)

[See above Item #4. b.; Mr. Wolf explained and the Committee agreed that this Item was "Old Business," not "New Business."]

- e. Development of 23 condominiums at 6217 Waring Ave.

Copies were distributed of the Master Land User Permit Application. Mr. Wolf noted that this address currently is a vacant lot; the Application is in process and "permitted as apartments." Mr. Wittmann pointed out that there will be a Hearing July 17<sup>th</sup> and that "the building itself is within the zoning," though he did not know whether the project would be

condos or rentals; the developer did not send promised renderings. Mr. Gresham cautioned that many developers start building projects as apartments and try changing the permitting to develop condos. Ms. Fuller added that the project was approved by the City in November 2012.

f. ACE Gallery maintenance concerns on 400 block of South Sycamore.

Mr. Funderburk distributed copies of “The Case Against Ace and its Upkeep of the Sycamore Sidewalk – Not in Ace’s Backyard.” He indicated that the area is designated “as an area of commercial activity” by the City and the LAPD. He wants the City Building and Safety Dept. to enforce the Codes.

**MOTION** (by Mr. Funderburk, seconded by Mr. Gresham): The Greater Wilshire Neighborhood Council Land Use Committee recommends that the GWNC Board forward to the L.A. City Council a letter supporting the Hancock Park Homeowners Association in requiring ACE Gallery in the 400 block of South Sycamore to abide by City nuisance regulations and provide adequate notice of parties.

**DISCUSSION:** Stakeholder Renae Jacobs maintained that criminal activities are drawn to the property by strangers and transients.

**MOTION PASSED** unanimously by a hand vote.

g. Appoint subcommittee to study/follow proposed new Housing Element of City’s General Plan.

Copies were distributed of a “Housing Element Update.” There were no volunteers at this time.

h. Discuss LA Times “Koreatown” neighborhood map (now being used by Realtors to advertise/label listings), which shows western borders at Crenshaw and Wilton (<http://projects.latimes.com/mapping-la/neighborhoods/neighborhood/koreatown>). Stakeholders Vickie Bascom and Mr. Welborne noted difficulties getting the L.A. Times to correct their map to show the correct eastern boundary of Hancock Park as extending eastward to the west side of Western Ave.

**MOTION** (by Ms. Eggleston, seconded by Ms. Gilman): The Greater Wilshire Neighborhood Council Land Use Committee recommends that the GWNC Board work with City Council District Four to have the L.A. Times correct their map.

**MOTION PASSED** unanimously by a hand vote.

## **6. Committee Member Comments and Reports**

a. Transportation Committee

*[This Agenda Item was addressed after Item #3.]* Mr. Wolf indicated that Ms. McDonough was not present and there was no report.

b. 5100 Wilshire (Greg Wittmann) - Re-scheduled presentation for July.

Mr. Wolf noted the above.

- c. 4001 Wilshire (Greg Wittmann) - Routine CUB renewal (normally we don't get involved).  
Mr. Wolf noted the above.

**7. Public Comments**

Ms. Fuller reported that the City approved the BRE (Wilshire-La Brea) sign program application after BRE ignored repeated information and revision requests from the GWNC.

**8. Announcements and Adjournment**

a. Next meeting: Tuesday, July 23, 6:30 p.m.

b. Possible future agenda items:

- Variance application for Larchmont Bungalow – 107 N. Larchmont
- Density bonus application for 23 unit project at 807 N. Hudson
- Parcel split at 800 N. Sycamore
- Development at 5100 Wilshire
- Development at 851 N. Cherokee Ave.

**MOTION** (by Mr. Funderburk, seconded by Mr. Wittmann): to **ADJOURN** the Meeting.

**MOTION PASSED** without any objections.

The Meeting was **ADJOURNED** at 10:19 p.m.

Respectfully submitted,  
David Levin  
Minutes Writer