



MID CITY WEST COMMUNITY COUNCIL

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**Beverly Center • Beverly Grove • Burton Way • Carthay Circle • Fairfax District •
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Land Use Committee Minutes

June 30 28, 2010 6:30p
543 N. Fairfax Avenue, Rm 104
Los Angeles CA 90036

Meeting Brought to order at 6:42p: Michael Barba (MB) brought the meeting to order. Keith Nakata, Jeff Jacobberger, Charles Lindenblatt, Teresa Feldman, Michael Barba, Michael Darner, Steve Kramer, and Vincent Autiero in attendance.

Adoption of the minutes: Postponed to next month's meeting.

General Public Comments:

- 1) Lucille Saunders of La Brea/Willoughby Coalition spoke regarding citizen participation, and commented on a project at Romaine and La Brea that was improved by developer/community cooperation.
- 2) Brett Engstrom/Josh Saltzmann of "VODVIL", came to discuss a proposed concept venue at the former Versailles site on Fairfax just north of Beverly. (351/349 N. Fairfax). They are proposing a "game night" concept. They are trying to get parking in the lot just south of Diamond Bakery. (HYPERLINK "mailto:josh.vodvil@gmail.com" josh.vodvil@gmail.com).

Comments from City Representatives:

Chris Koontz, CD5 Planning Deputy, introduced himself to the committee and distributed a list of 12 policy initiatives Councilmember Koretz is proposing. He also outlined how they decide whether to weigh in on projects.

Regarding Sidewalk Dining, Koretz does not want to introduce an ordinance that will just be shot down by the Council, so he is looking for a supporter. Koontz encouraged MCW to urge LaBonge to look into the issue of parking and sidewalk dining, and possibly work with Koretz on a motion.

Land Use Applications:

Item 5: 8412 West Third Street – Berri's Pizza Represented by Brett Engstrom

Per Representative: Requesting a Conditional Use Permit for a Full Line of Alcohol. The hearing has been held; they are holding the record open for 30 days.

The restaurant is 2,716 Square Feet, which requires 27 spaces. They have 7 on site –They have a lease for more spaces across Third, and are working on getting spaces from the Third Street Valet Program. They currently operate until 4 a.m. without any alcohol. They would be willing to close earlier if they got the CUP. Traffic and the valet have been an issue with the site. They also don't have a current Certificate of Occupancy for the space.

Public Comments on Berri's Pizza: Robert Chernob spoke. He stated that the restaurant is open until 4 a.m., that there is reported to be criminal activity at the site, and that LAPD has been called out numerous times late at night. He stated that they are currently out of compliance in several areas, including their back parking lot. He requested denial of the request,

Yudi Machado spoke. She wants the board to deny. Parking is an issue.

Procedural issue:

Yuval Kremer spoke. He stated that, because the venue was changed, there were individuals who could not attend. He also stated that Jeff should recuse himself from any actions that have to do with the Third Street Valet program because of his employment with Mott Smith. He stated he would file a grievance if we took action on any item.

Jeff Jacobberger claimed that the bylaws do not say 5 day notice is required for a special meeting. Michael Barba (MB) explained that we lost the NCJW for the night, and it was difficult to procure a new venue. Fairfax High was chosen to allow those who showed up at NCJW to walk across the street. Charles Lindenblatt (CL) said he is not comfortable with taking any action.

Back to Berri's: Committee Questions: Committee asked about C of O, parking leases, and whether or not they are in compliance.. By the end of the discussion, rep claimed to have a copy, that they will try to secure parking, would get rid of the illegal storage and trailer, and would possibly reduce the late night hours. Per Jeff, Sgt. Vasquez of Vice said there have been 45 service calls after 2 a.m. in the last two years.

JJ brought forward a motion to oppose the application. Motion seconded by TF. No discussion. Vote: 5 in favor of motion : Jeff, Teresa, MB, Steve, and MD. Opposed: 0. Abstain 3: Keith, Charles, Vincent.

6. Trader Joe's: Brett Engstrom Representing No action to be taken tonight. They do not have a hearing date. The committee voted to table the item, with Charles and Keith abstaining.

7. 817 North Alfred: Jonathan Lonner Representing the Applicant. Keith Nakata recused himself due to 500 foot rule.

Tentative Tract Map and Zone Variance. 817-821 North Alfred. In 9/03, a permit for demolition was filed. In 2004, the Condo broke ground. The process has stopped and started, with a new owner taking over. The building permit is current, and the construction is now about 70% to 80% completed. The Tract Map has expired, and [Q] conditions have taken effect between the time the original Tract Map was filed and now.

1) **Height:** They are under the [Q] height limit for the first few floors, but there is a 10 foot step back at the top; they only have 4-5 foot step back. The Side Yard setbacks are in compliance up to 33 feet, but are not above that. The Rear Yard setbacks are in compliance. 2) **Landscaping:** They want to have front yard landscaping all counted toward code required, and want the calculation of how much they need to not include the part of the property that is actually public alley space. The parking up to the property line is similar to that of the neighbors. They will improve the alley. 3) **Trees:** They want the tree ratio to not include the alley space. They plan to use 36" box trees instead of 24" to provide better shade instead. 4) **Alley:** [Q] conditions require that the alley be a green belt. They want to deviate. 5) **Articulation of the Façade:** They think they meet the [Q] conditions in total, but want relief just in case some parts are over and some parts are under. They want to redo the sidewalks and the street and do enhanced landscaping on Alfred, rather than on the alley.

Public comments on Item:

Stefani Poretz: She wants speed humps, and a 4-way stop at Alfred and Willoughby. She also said they have to redo the sidewalks because they have torn it up. **Keith Nakata, Joey Lynch, Lucille Saunders, Rick Dickey:** The [Q] conditions replaced an ICO that was long fought. The issues were Size and Scale, Compatibility with surrounding properties, Setbacks at the top floor to move the mass away from the street, Landscaping, and Articulation. The Applicant knew what they were getting into before they purchased the property, so they should not get relief. **Jeff Petrus:** Represents the LLC that owns the property. He will look into speed humps and stop signs. They have valid permits and were approved as a condo up to 45 feet. They can still continue to build as rental apartments under old rules. They have recessed the Front. The NW side is not 45 feet. There is a rooftop deck. The Tentative Tract Map was in place before the [Q] conditions, and they should be allowed to continue.

Board Questions: SK: Were the [Q] conditions in place when you purchased? Yes. The building permits are valid for rental; just the Tract Map for condos has expired. MD: How much framing had been done before? (Timeframe): Garage was dug and framing started in 2006. The building started and stopped several times. The last work was done by the old owner in 2009 in order to keep the permits current. The new owners bought on 3/25/2010. They resumed construction at that time, and it is now 70% to 80% finished. In order to comply with

the [Q] conditions, they would have to deconstruct parts of the building. TF: When did the TT Map expire? 2008. CL: What is the unit configuration? 18 units, up to 2/2.5. 1,365 to 1,721 square feet. There are 45 parking spaces.

Board Comments: JJ: The [Q] conditions were not in place when the TT Map was filed. The agenda for the ICO, which was stricter than the [Q] conditions, was posted. Between the time the agenda was posted and the meeting was held, the old owner filed for the building permits. The project has not been clean from the beginning. SK: The Applicant had knowledge of the [Q] conditions before they purchased the property. He is troubled about the timing of everything. TF: They can either go ahead with apartments, or comply with [Q] conditions and do condos.

TF: Motion to reject the Applicant's request as submitted for both the Tentative Tract Map and relief from the [Q] conditions. Vote: For Motion 5: Jeff, Teresa, Michael B, Steve, Vincent. Oppose 1: Michael Darner. Abstain: Charles.

Item #8: Code Simplification: This discussion is about the process, not about specific Code Simplifications proposed. Chris Koontz: Current code is inefficient, complex, and slow, and has created a cottage industry of expeditors who can get through the process. Lucille Saunders: Plan Check Task Force wants simplification, but the timeframe proposed is too short for proper review by stakeholders. There are currently no draft materials to give input about. They are asking for a longer review period. The City should not continue force things on the community without input. Motion written by Cary Brazeman, read by MD. Kramer moved; Jeff seconded, and thanked Lucille for bringing it to MCW. Charles abstained. Vote for 7: Vincent, Steve, MD, MB, Teresa, Jeff, and Keith.

Item #9: Change Committee name to PLUM. MB moved. MD second. Charles abstained. All others voted in favor.

Rules and Procedures: Limit time for Applicants as well as others. Come up with multi levels of communication depending on the project/type of application. (Personal, Film LA model, Mailers) MCW to determine format so information gets out. On CUPs, talk to LAPD about Applicant as a matter of procedure. Can we get a report from Wilshire Vice? Paul Lerner could talk to Davis or we could get a contact at LAPD.

Board Member report on ongoing projects:

Casden/Ross site; TF reported that Casden has issued a glossy, tri-fold marketing brochure about the Ross site that implies it is a done deal. Keith asked Chris Koontz about the Design Studio, and what they look at with regard to projects. Koontz said they have a list based on Walkability, Architectural Design, how it interacts with the street, and other elements of good urban design.

CVS: ZA Hearing – They orally indicated that she would approve the application.

Public Comment: Board Member Yudi Machado asked for clarification as to why she is not on the LUC. MB stated that the Executive Committee has not made a decision. 17 people applied, which would make it too big. MB has asked that the Executive Committee consider gender, race, geographic location, how long on the board, which zone a member lives in, professional and educational background, and what board seat a member has been elected to. He has written a letter to the Executive Committee.

Meeting adjourned 9:26p