

Benjamin M. Reznik
BMR@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

78489-1

May 28, 2019

BY EMAIL (Grayce.Liu@lacity.org)
Grayce Liu, General Manager
Department of Neighborhood Empowerment
City of Los Angeles
200 N. Spring Street, 20th Flr
Los Angeles, CA 90012

Re: Department of Neighborhood Empowerment Grievance
Request For Investigation into Potential Misappropriation of City Funds
by Mid City West Neighborhood Council, Including Potential Violations
of City Rules, Brown Act, and Due Process.
Council File No. 19-0293

Dear Ms. Liu:

Our office represents the owner of 840 S. Fairfax Avenue (the "Property"), a vacant property and the former location of the "Tom Bergins" pub. The Property is currently being considered by the Los Angeles City Council for designation as a Historic-Cultural Monument ("HCM") based upon a nomination originating with the Mid City West Neighborhood Council ("Mid City West"). (See Council File No. 19-0293.) In researching the origin of this nomination, we have discovered that the application for nomination was the product of an illegal and *ultra vires* act involving the illicit expenditure of public funds. We submit this grievance with the Department of Neighborhood Empowerment ("DONE") to formally request an investigation into the matter and corrective actions be taken.

According to City records, Mid City West first took up the issue of nominating our client's Property as an HCM more than a year ago. At the February 20, 2018 meeting of Mid City West's Planning and Land Use Committee ("PLUC"), an item was scheduled to discuss "Possible Funding for Historic Cultural Monument." According to the meeting minutes, "[d]iscussion and possible action [occurred regarding] possible funding to help establish a Historic Cultural Monument at a suitable location in Mid City West." It was "reported that 'several properties are potentially vulnerable,' possibly including Pink's, Canter's and Bergin's." (**Exhibit A**, February 20, 2018 Mid City West PLUC Meeting Minutes, Pg. 7-8.) A motion was made and approved at the meeting recommending Mid City West "to allocate an amount not to exceed \$2,500 of Community Improvement Project funds to be used in partnership with other parties toward preparation of a Historic Cultural Monument application for the Tom Bergin's Tavern building at 840 S. Fairfax Ave., conditioned upon current ownership support." (*Id.*)

The Committee motion was then heard by the Mid City West Board at its next meeting on April 10, 2018. Board minutes show that at its April 10, 2018 meeting, Mid City adopted a motion to allocate \$2,500 of Community Improvement Project funds toward preparation of the HCM nomination. (**Exhibit B**, March 13, 2018 Mid City West Board Meeting Minutes, Pg. 17; and **Exhibit C**, April 10, 2018 Mid City West Board Meeting Minutes, Pg. 8.) The meeting minutes detail the following "discussion" held during this item:

Keith Nakata, Public Comment: PLUC has always planned on having some kind of project like this. This motion would help us get through the first phase, the initiation of the application. The idea is that we wanted other people to participate with us. The money will go into the preparation of the application by professional historical resource.

Andy Meselson: Since we're stipulating that it's subject to the owner, and something goes wrong, are we just giving money to the owner?

Scott Epstein: I think if we pass this, we should strike the ownership support language to the motion. I think we should specify that this money is to contract with a city-preferred vendor that would prepare a historical cultural monument application for Tom Bergins. (Friendly amendment).

On May 8, 2018, Mid City West adopted a motion to contract with Architectural Resources Group ("ARG"), a private consulting group, to prepare and submit the HCM nomination to the City's Office of Historic Resources ("OHR"). (**Exhibit D**, April 17, 2018 Mid City West PLUC Meeting Minutes, Pg. 7-8; and **Exhibit E**, May 8, 2018 Mid City West Board Meeting Minutes, Pgs. 8–9.) Soon thereafter, on May 12, 2018, ARG submitted a request for a \$2,500 payment from the Community Improvement Project funds. This request was denied by DONE. (**Exhibit F**, Mid City Dashboard). It is our understanding that the City Clerk's office then informed Mid City West that city rules prohibit Neighborhood Councils from contracting with a private, for profit vendor for this type of service. (**Exhibit G**, July 10, 2018 Mid City West Board Meeting Minutes, Pgs. 15–16). City rules strictly prohibit the use of Neighborhood Council funds for "[a]ny purchases... that impact the value of private property..." (**Exhibit H**, Pg 16 of the Neighborhood Council Funding Program, Policies and Guidelines, February 1, 2018.) At Mid City West Planning Land Use and Management Committee's June 26, 2018 meeting, the nomination was once again brought up, with the Committee discussing a "strategic budget place holding for July, funding for Bergin's historic cultural monument application..." (**Exhibit I**, June 26, 2018 Mid City West Committee Meeting Minutes, Pg. 3.)

Notwithstanding the prohibition on use of City funds by Neighborhood Councils for expenditures impacting the value of private property, and apparently undeterred, Mid City West proceeded to funnel the funds through a third party. Mid City West called this a "re-structure" of the "Project," but in reality it was an obvious and illegal subterfuge designed to avoid the requirements of the law. On July 10, 2018, Mid City West adopted an alternative motion to

allocate \$2500 of Neighborhood Purpose Grant funds for the same unpermitted purpose. This time, however, the funds were being paid to the Los Angeles Conservancy, who in turn would pay ARG for the HCM nomination. The minutes for the July 10 Mid City West board meeting explain the scheme:

“Mid City West approved at \$2,500 community improvement project to contract with a vendor to produce a report/application for Historic Cultural Monument status for Tom Bergin’s. After considerable effort on the part of Mid City West, City Clerk’s office informed the council that the city rules would not allow Mid City West to contract with a private for profit vendor for these services. The projects [sic] now being re-structured as a Neighborhood Purpose Grant with the Los Angeles Conservancy as the grantee. Councilmember Ryu has introduced Council File 18-0650 to move the 2017-18 funds Mid City West allocated to this purpose to a special fund that Mid City West will use to complete the project in FY 2018-19.” (See **Exhibit G**, July 10, 2018 Mid City West Board Meeting Minutes, Pgs. 15–16.)

Indeed, on July 3, 2018, the City Council initiated the transfer of \$2500 from fiscal year 2017-2018 to fiscal year 2018-2019 for “community programs/improvements” for Mid City West. (**Exhibit J**, Council File Number 18-0650.) This transfer was likely the “strategic place holding” discussed at Mid City West’s June 26, 2018 Committee hearing. On August 14, 2018, Mid City West adopted a motion approving the payment of the so-called Neighborhood Purpose Grant of \$2500 to the Los Angeles Conservancy, which would then be used to hire ARG to prepare the HCM nomination at issue here. (**Exhibit K**, August 14, 2018 Mid City West Board Meeting Minutes, Pgs. 10–11.)

Ultimately, on or about September 12, 2018, an HCM nomination was submitted to OHR. The nomination’s “applicant” was identified as the Los Angeles Conservancy. The Miracle Mile Residential Association was listed as a “co-applicant.” The nomination’s preparer/representative, was identified as the “Architectural Resources Group.” Soon after submittal, in a mass-email sent by co-applicant Miracle Mile Residential Association’s Senior Vice President, Ken Hixon, on September 26, 2018, Hixon urged messages of support be sent to Councilman Ryu and the Cultural Heritage Commission, stating that “the Miracle Mile Residential Association and the Los Angeles Conservancy (with the financial support of Mid City West Community Council) have sponsored Tom Bergin’s Bar and Restaurant for Historic-Cultural Monument status.” (**Exhibit L**)(emphasis added.) On May 21, 2019, during public comment before the City Council Planning Land Use and Management Committee, the President of the Miracle Mile Residential Association “James O’Sullivan stated, “by the way if the City Attorney is worried about that money that Mid City West was supposed to pay, the Miracle Mile Residential Association will fulfill that, they did the work we’ll pay it, and if they don’t I’ll write it out of my check ... and I am so embarrassed for David Ryu and the Council office that this has happened, this is unconscionable.”

The facts detailed above establish that the subject HCM nomination stems directly from an illegal and *ultra vires* misappropriation of public funds. Mid City West engaged in a long list of inappropriate and illegal actions to bring this nomination forward. Initially Mid City West attempted to use City funds to hire a private consultant, in violation of City rules, to prepare the HCM nomination in March of 2018. When Mid City West learned that this conduct violated City rules, it did not stop there. Instead, it used the LA Conservancy as an intermediary for a supposed "Neighborhood Purpose" project in the hopes that funneling the payment through a non-profit would allow it to avoid scrutiny.

Meanwhile, absolutely none of this conduct is permitted under City rules. As noted above, the Neighborhood Council Funding Program Policies & Guidelines ("NCFP Policies") provide that neighborhood councils may not engage in "[a]ny purchases and/or capital improvement projects that impact the value of private property or do not benefit the general public." (See **Exhibit H**, Policies & Guidelines, Pg. 16). As this nomination has a serious impact on the value of our client's property, neither Mid City West nor the City Council should have appropriated these funds in the first place.

Further still, while all of this was going on, the site's owner was never notified of this activity or given an opportunity to be heard or to object at the identified public hearings. The same was true with respect to the "backroom" deal that was struck with the Council office to transfer of the \$2,500 set aside for the nomination from fiscal year 2017-2018 to fiscal year 2018-2019. Accordingly, this entire nomination is tainted by a misappropriation of City funds, a due process and Brown Act violation, and the violation of several City spending rules. Given the unacceptable history of this nomination, the City should not – and cannot – permit this process to go forward any further, as the entire process and nomination is tainted. Moreover, immediate disciplinary and corrective action should be taken to address Mid City West's multiple violations of City rules.

Sincerely,



BENJAMIN M. REZNIK of
Jeffer Mangels Butler & Mitchell LLP

Enclosure(s)
cc (via email):

Nicholas Greif, Chief of Staff, Councilmember Ryu
Rachel Brashier, Deputy Chief of Staff, Councilmember Harris-Dawson, Chair
Andrew Pennington, Director of Land Use & Planning, Councilmember Blumenfield
Sherilyn Correa, Director of Planning, Councilmember Price, Jr.
Gerald Gubatan, Planning Director, Councilmember Cedillo
Hannah Lee, Chief of Staff, Councilmember Smith

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Terry P. Kaufmann-Macias, Deputy City Attorney, Office of the City Attorney
Rita Moreno, Legislative Assistant, City Clerk (clerk.plumcommittee@lacity.org)

EXHIBIT A

May 28, 2019



Planning and Land Use Committee Meeting
February 20, 2018
543 N. Fairfax Avenue, Los Angeles, CA 90036
APPROVED MINUTES
Subject to approval by the Committee

MCWCC (and all other) Meeting Minutes are a summary; Minutes were not, are not and are never meant to be an exact, verbatim, word-for-word transcript or comprehensive record of what was said at a Meeting. Exceptions: Motions/Resolutions (as stated at the Meeting, which take precedence over versions written on the Agenda, if different); quotes (words that have quotation marks ("") at the beginning and ending of a word or words); and other wording from the Agenda such as the first paragraph(s) of some Items. Items are listed in and match the same order as on the Agenda.

Item 1. Call to Order and Roll Call

Co-Chair Mehmet Berker called the Meeting to order at 6:36 p.m. Roll Call was taken by the Secretary. Seven of the 11 Committee Members were present at the Roll Call: Mehmet Berker (Co-Chair), Liza Gerberding, Emily U. Kantrim (Secretary), Steven Luftman, Keith Nakata (Co-Chair), Dr. Patrick Seamans and Rosalie Wayne. Ravi Bhatia arrived later. Heather Fox, Dr. Scott Sale and Roque Wicker were absent (all excused). Ilissa Gold had resigned. The Committee quorum (the minimum number of Committee Members needing to be present to take binding votes on Agendized Items) is seven (see the Bylaws at <https://lacity.quickbase.com/db/bj3apxsp3?a=q&qid=32&qskip=0&qrpPg=1000&dIta=su46~>), so the Committee could take such votes. Also attended: approximately 29 Stakeholders and Guests.

Item 2. Review and Approval of Minutes from the January 16, 2018 Meeting.

Ms. Uyeda Kantrim requested posting of draft Minutes for Committee Members to review. Mr. Berker "will make sure it's a Google docs version" on which Committee Members can comment. Mr. Nakata encouraged feedback about the Minutes.

Committee Member Ravi Bhatia arrived at this time (6:42), making eight Committee Members present (the Committee quorum is seven).

There was discussion of whether and how draft Minutes can be posted and/or reviewed. Mr. Berker declared and it was agreed to TABLE this Item.

Item 3. Public Comment Period

Dr. Seamans commented on the public comment from a previous meeting on the project at 411-431 N. La Cienega Blvd., the Solstice project, and distributed a diagram mapping the speakers' home locations which illustrated that those opposed to the project lived the closest and those supporting generally were further away from the impacts of the project.

Item 4. Announcement from Co-chairs

Mr. Berker will outreach regarding the Committee Seat vacancy formerly held by Ilissa Gold. Mr. Nakata reported that a Stakeholder letter was received regarding the Sweet Chick Restaurant [448 N. Fairfax Ave.] decision letter; “the letter was noted . . . a letter was sent in opposition to the project.”

Item 5. Informational Presentation on Purple Line Transit Neighborhood Plan. An informational presentation from LA Dept. of City Planning staff on the current progress of the Purple Line Transit Neighborhood Plan (TNP).

Andrew Jorgensen introduced fellow Planners Patricia Diefenderfer, Senior City Planner, L.A. Department of City Planning (213-978-1170; Patricia.Diefenderfer@LACity.org; <http://Planning.LACity.org>), Renata and Diego and presented slides about the “Purple Line Neighborhood Plan” [<http://www.latnp.org/purple-line>]. He explained “Transit-Oriented Planning.” He said “it’s about a three to 3 ½-year timeline . . . we presented to this body in March 2016.” They have had “other . . . meetings with other stakeholder groups . . . we’re currently in the process of making revisions with the Plan.” He described outreach efforts. They “received approximately 150 emails from people who wanted to comment on the Plan.” There will be a public scoping meeting. There was discussion of the possibility of keeping building facades while redeveloping the buildings. Ms. Diefendorfer said “we really listen” to feedback. Mr. Jorgensen said “it’s our job to come up with a generally good consensus . . . we’re still developing what [step-backs] would mean . . . generally, the intent is to allow for more compatibility.” He noted that step-backs can be measured from different places. Ms. Diefendorfer explained the Department’s ReCodeLA work.

Item 6. 7315 W Melrose Ave - Blackheart Restaurant - (ZA-2017-5072-CUB) Project description: A conditional use permit (CUP) to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption. Requested Actions:

1. Pursuant to sec. 12.24-W.1 a conditional use permit (CUB) to allow for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with an existing 2,259 sq. ft. restaurant with 62 indoor seats and a 434 sq. ft. outdoor uncovered patio with 28 seats. hours of operation from 11:00am to 2:00am daily.

Mr. Nakata distributed project information copies and a site plan was displayed. The cross-street is Poinsettia Pl. Attorney and restaurant representative Michael Ayaz presented, saying “the location currently is under development.” There would be 63 inside and 20 outside seats; “no entertainment is proposed . . . the idea would be for cars to come into the alley . . . and go back out onto Melrose . . . we’re hiring a valet company.” He explained differences from Blackbeard and other area restaurants. Ms. Uyeda Kantrim noted an “overconcentration” of similar area restaurants, and Police awareness of a “spike in alcohol-related” incidents, including “part one” crimes. Mr. Ayaz said they “will be reaching out” to the LAPD Vice Squad.

She and Mr. Luftman noted that the Committee prefers restaurant closing hours of Sundays – Thursdays at 11:00 p.m. and Fridays – Saturdays at 12:00 midnight. Mr. Ayaz will advise the owners that neighbors may want more limited operational hours. Mr. Nakata requested that 500-foot notices be given to neighbors by five days before the March 13th MCWCC Board Meeting. Mr. Ayaz stated that “we’ll double-notice it if that’s our mistake” if the notices had not yet been sent. They tentatively have an April 1st Hearing.

MOTION to TABLE (by Dr. Seamans, seconded by Mr. Bhatia): The Mid City West Community Council Planning and Land Use Committee TABLES this Item to its next meeting.

MOTION to TABLE FAILED by a roll call vote of the eight eligible voters present with three in favor (“Yes” or “Aye”) (Nakata, Seamans and Wayne); five opposed (“No” or “Nay”) (Berker, Bhatia, Gerberding, Uyeda Kantrim and Luftman); zero abstained.

MOTION (by Mr. Berker, seconded by Mr. Luftman): The Mid City West Community Council Planning and Land Use Committee supports a Conditional Use Permit (CUP) at 7315 W. Melrose Ave. (Blackheart Restaurant) to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption with the following conditions:

- That hours be 7am to 11pm Sunday to Thursday, and 7am to 12 am Friday through Saturday;
- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building;
- That trash and recycle bins be locked;
- That a parking lot attendant be present until closing;
- That parking lot lighting be directed away from adjacent residential buildings;
- That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

MOTION to CALL FOR THE QUESTION (by Mr. Berker); zero opposed.

MOTION PASSED unanimously by a roll call vote of the eight eligible voters present with six in favor (“Yes” or “Aye”) (Berker, Bhatia, Gerberding, Luftman, Nakata and Wayne); one opposed (“No” or “Nay”) (Uyeda Kantrim); one abstained (MCWCC abstentions are counted as neither “yes” or “no” votes) (Seamans).

Item 7. 8326-8332 Blackburn Ave (TT-74711-CN) Project description: Tentative tract map for 15 new condominium units. An existing duplex and triplex will be demolished. Requested Actions:

1. Pursuant to Iamc 17.00, tentative tract map for 15 new condominium units.
Public Comment Welcome – For Potential Action.

Gabriel Davenport, Owner, and Jila Kohan, Architect, presented. Mr. Davenport described the project as having a “contemporary modern look.” He said “there’s no density bonus at all; we’re doing it by right . . . we’re going one subterranean level down” for guest parking. “It’s an R-3 zone . . . we’re not asking for any concessions . . . we’re including a recreation room . . . on the first floor.” Five units would be covenanted as RSO (Rent Stabilization Ordinance) units. “We’re doing everything according to the Code . . . they’re going to be about 1,600” square feet each.

Next-door neighbor Cindy Andrea was concerned about noise and pollution from and no grass at the project. Pete Bleyer, who owns a nearby duplex, was concerned about densification and speeding drivers. Mary Kaye Viakley believed that “it’s not a harmonic blend with the tenor of the neighborhood” and that there may be asbestos in the buildings to be demolished. Next-door neighbor Justine Chiara believed it is “overdevelopment.” Sanford Weinberg, who lives behind the project, believed that other developers have been “breaking through the water table . . . poisoning” people and was concerned that “there’re no four-story buildings on that block.” He said “there is no parking on Blackburn . . . they park on Fourth St.” and that “there is no building like this in our neighborhood . . . this is a box.”

Mr. Davenport said “there’s a shortage of condos in that area . . . by right we could build 15 units” or “20 with a density bonus.” One tenant was Ellis Act-paid and relocated; the other units were vacant. Mr. Nakata noted that one building was built in 1928; the other, probably in the 1920’s. Mr. Davenport explained that “we’re asking to subdivide the property and make it into condos.” He acknowledged that he is asking for a Vesting Tentative Tract Map (VTT) change. Mr. Luftman noted that the Wilshire Community Plan [<https://planning.lacity.org/complan/pdf/wilcptxt.pdf>] provides guidelines; he did not believe the project “fits in.” Ms. Wayne said “it doesn’t match the neighborhood.” Mr. Davenport added that “there’s nothing on the roof . . . the setback is 15 feet on the front . . . the back side, there’s going to be more landscaping . . . it’s a 16-foot” setback. The side yard setback would be seven feet.

Their environmental assessment soils report did not indicate any problem. Ms. Wayne believed there was a “capped oil well” nearby. Mr. Davenport described planned construction impacts mitigation. Mr. Bhatia wanted dust mitigation and traffic control plans, and for government to address possible environmental concerns. He recommended giving previous tenants “first right of refusal” to return. Mr. Davenport indicated that the first floor would have

three units; the second, third and fourth floors each would have four units. They will “pull the demo permit . . . in the first week of March” but do not need to first get a VTT. They would demolish the existing structures in late March or early April. He “[doesn’t] see how [it’s] financially feasible” to only have 12 units on three stories. Mr. Berker and Ms. Uyeda Kantrim believed it was not clear what Mr. Davenport was asking for and whether this was a condo or apartment project.

MOTION (by Mr. Luftman, seconded by Dr. Seamans): The Mid City West Community Council Planning and Land Use Committee opposes the Tentative Tract Map for 15 new condominium units at 8326-8332 Blackburn Ave. due to the destruction of historic and loss of Rent Stabilization Ordinance housing, abuse of the Early Start apartment scheme, and inconsistency with the Wilshire Community Plan.

DISCUSSION: It was noted that the Committee does not have the ability to stop the demolition.

MOTION to CALL FOR THE QUESTION (by Mr. Berker); zero opposed.

MOTION PASSED by a roll call vote of the eight eligible voters present with seven in favor (“Yes” or “Aye”) (Berker, Gerberding, Uyeda Kantrim, Luftman, Nakata, Seamans and Wayne);
zero opposed;
one abstained (MCWCC abstentions are counted as neither “yes” or “no” votes) (Bhatia).

Item 8. 1017-1027 N. Croft Ave (VTT-74835) Project description: Demo of a duplex, a 5-unit apt bldg. and a detached garage and the construction of a (N) 4-story, 16-unit condominium bldg with subterranean parking on a 12,998.2 s.f. site in the [Q]R3-1 zone. Requested Actions:

1. A vesting tentative tract pursuant to lamc section 17.15 for the construction of a (N) 4-story, 16-unit condominium building with subterranean parking and the demolition of a duplex, a 5-unit apt building and a detached garage on a 12,998.2 s.f. site in the [Q]r3-1 zone. Public Comment Welcome – For Potential Action.

Franz Farahmand and Elisan Lima, Architect, displayed renderings and presented. The project would have one one-bedroom, two two-bedroom and three three-bedroom units. They described increasing step-backs as the building’s height increases. Mr. Farahmand said the project is “all LA” on the border with West Hollywood, “the fourth floor is set back all around” and “there is no water table” on that part of Croft. Susan Vancil, the neighbor behind, was concerned about light blockage. Ashley Hamblin, the last tenant, claimed that she was “harassed and intimidated” to leave, that the landlord “wouldn’t do anything” about a homeless person living in the building, and that “it was being run as an AirBNB” short-term rental building. Mr. Farahmand described

Ellis Act evictions done. He claimed that the last tenant was short-term renting their unit to other people. Mr. Farahmand said they notified area residents that demolition would start “soon.”

Mr. Nakata said the design “doesn’t follow through” with the intent of the “Q” conditions and that the developer’s property management company was “negligent.” He believed that the developer was abusing the Early Start permit program [<https://ladbs.org/docs/default-source/publications/information-bulletins/building-code/early-start-permits-ib-p-bc2014-097.pdf?sfvrsn=9>] to avoid making vacancy findings and cumulative condo conversion impacts. He said “these are Small Lot Subdivisions in disguise . . . to avoid CEQA review.” Mr. Berker believed the project was “a missed opportunity here.”

MOTION (by Mr. Luftman, seconded by Ms. Gerberding): The Mid City West Community Council Planning and Land Use Committee opposes the conversion from apartments to condominiums at 1017-1027 N. Croft Ave., as that was an Ellis Act-evicted property that would allow the tenants to return.

MOTION PASSED by a roll call vote of the eight eligible voters present with seven in favor (“Yes” or “Aye”) (Berker, Gerberding, Uyeda Kantrim, Luftman, Nakata, Seamans and Wayne);
zero opposed;
one abstained (MCWCC abstentions are counted as neither “yes” or “no” votes) (Bhatia).

Item 9. 7200 W Melrose Ave - Fratelli Cafe (ZA-2017-5129-CUB-ZV) Project description: CUP for on-site beer and wine and extension of hours. Zoning Variance for parking reduction. Requested Actions:

1. Per section 12.24 of the LAMC, a conditional use to allow the sale and dispensing of beer and wine for on-site consumption for an existing restaurant expanding to a total of 1,718 square feet indoors and 316 square feet outdoors and to allow the hours of operation from 8:00 am to midnight daily in lieu of hours between 7:00 am and 11:00 pm required for commercial corner development. Per section 12.27 of the LAMC, a Zone Variance for relief of 12.21.a.4 of the LAMC required parking of 17 auto spaces to 4 spaces currently provided. Public Comment Welcome – For Potential Action

Patrick Panzarello, Restaurant Consultant, presented and described expansion plans. The restaurant has been there ten years and is owned by Yarin Abraham. It closes “nine to 10 p.m. on a daily basis”; the kitchen is open to midnight. Mr. Panzarello said they have “no real issues with parking . . . we’re missing around nine parking spaces . . . there really is no parking in this neighborhood.” He described work to find more parking and indicated that they have outreached to neighbors. Lucille Saunders, President, La Brea - Willoughby Coalition (LWC), distributed copies of an LWC support letter and said Mr. Abraham is a member of the Coalition and has been a good neighbor.

Committee Member Patrick Seamans left at this time (10:32), making seven Committee Members present (the Committee quorum is seven).

Mr. Berker believed that the project did not have enough parking. Mr. Panzarello said there would be no amplified music; entertainment would be occasional and such as karaoke and poetry. Mr. Abraham indicated that, in eight years, there have been no violations and stated that "I haven't had loud music in years." He has lived in the area for 40 years. Mr. Panzarello said "I'll be contacting Vice." Mr. Berker reviewed the Committee's "standard conditions."

MOTION to CALL FOR THE QUESTION (by Mr. Berker); zero opposed.

MOTION (by Mr. Berker, seconded by Ms. Gerberding): The Mid City West Community Council Planning and Land Use Committee supports as presented the application for a Conditional Use Permit for 7200 W. Melrose Ave., Fratelli Café, per section 12.24 of the LAMC, a conditional use to allow the sale and dispensing of beer and wine for on-site consumption for an existing restaurant expanding to a total of 1,718 square feet indoors and 316 square feet outdoors and to allow the hours of operation from 8:00 am to midnight daily in lieu of hours between 7:00 am and 11:00 pm required for commercial corner development. Per section 12.27 of the LAMC, a Zone Variance for relief of 12.21.a.4 of the LAMC required parking of 17 auto spaces to 4 spaces currently provided, with the following conditions:

- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impact surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building;
- That trash and recycle bins be locked.

MOTION PASSED unanimously by a roll call vote of the seven eligible voters present with all seven in favor ("Yes" or "Aye") (Berker, Bhatia, Gerberding, Uyeda Kantrim, Luftman, Nakata and Wayne);
zero opposed;
zero abstained.

Item 10. Possible Funding for Historic Cultural Monument. Discussion and possible action on possible funding to help establish a Historic Cultural Monument at a suitable location in Mid City West. Public Comment Welcome – For Potential Action.

Mr. Nakata reported that "several properties are potentially vulnerable," possibly including Pink's, Canter's and Bergin's.

MOTION (by Mr. Berker, seconded by Mr. Bhatia): The Mid City West Community Council Planning and Land Use Committee recommends to the MCWCC Board to allocate an amount not to exceed \$2,500 of Community Improvement Project funds to be used in partnership with other parties toward preparation of a Historic Cultural Monument application for the Tom Bergin's Tavern building at 840 S. Fairfax Ave., conditioned upon current ownership support.

MOTION PASSED by a roll call vote of the seven eligible voters present with six in favor ("Yes" or "Aye") (Berker, Bhatia, Gerberding, Uyeda Kantrim, Luftman and Wayne);
zero opposed;
one abstained (MCWCC abstentions are counted as neither "yes" or "no" votes) (Nakata).

Item 11. Standing Item on PLUC Member Updates, Concerns, or Questions. Public Comment Welcome – For Potential Action

Ms. Saunders encouraged having specific Committee Members know details of each land use project. Mr. Bhatia suggested a website or other resource with links to relevant agencies involved. Mr. Luftman suggested Agendizing upcoming projects. There was extensive discussion of whether and how to Agendize and consider potential and upcoming projects. Mr. Nakata urged Members, if they resign, to "be respectful" and put it in writing so that they can be replaced. Regarding the Sweet Chick Restaurant letter, he indicated that they were given approval to continue selling alcohol, but not for more dancing. Also, the 431 La Cienega project was considered tonight by the West Hollywood City Council. He said that "the old Small Lot [Subdivision] is now Early Start to convert to condos." He noted that developers have indicated that it is easier to apply for an Early Start permit than for Small Lot Subdivisions.

Item 12. Adjournment

Mr. Berker declared the Meeting **ADJOURNED** at 11:25 p.m.

The first paragraph of some Items, Motions/Resolutions and other wording may have been copied from the Agenda. Minutes written by DL, possibly edited by MCWCC. The MCWCC PLUC Minutes page is <http://www.midcitywest.org/committees/planning-land-use>.

EXHIBIT B

May 28, 2019



Board of Directors Meeting

March 13, 2018

543 N. Fairfax Avenue, Los Angeles, CA 90036

Approved by the Board on August 14, 2018

Submitted by Amanda Sonnenschein

1. Call to order and roll call

Call to Order: 6:41 pm, 22 present, 2 absent, 11 excused

Present: Susan Belgrade, Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson (arrived 7:01pm), Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall (arrived 7:01pm), Joshua Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

Absent: Taylor Nichols, Marc Sigal

Excused: Ravi Bhatia, Shem Bitterman, Heather Fox, Karen Hollis, Dean Howell, David Mann, Amy Mucken, Laura Petry, Scott Sale, Don Whitehead, Roque Wicker

2. General Public Comments

- a. **Susan Gladstone, California Dance Institute:** We wanted to introduce ourselves. Please consider going to our shows. These are the children growing up in your neighborhood. Money-back guarantee that you will enjoy the hour of your time.
- b. **Amanda Laflen, Commissioner with WeHo Public Safety Commission:** We have been bombarded by Mid-city residents around Poinsettia Park talking about the danger of the homeless around there. Most people want to help the homeless, but they feel like their hands are tied and it's affecting their quality of life and community.
- c. **Max Kirkham, Conrad Starr, Greater Wilshire Neighborhood Council:** Doing Quake Ready to focus on earthquake preparedness. April 7th, 2018.
- d. **Mark Kirunchyk, Race director for Run to Remember Los Angeles:** April 8th, 2018, a half-marathon and 10k. Doing the uniform challenge this year as a sign of solidarity. You can create your own team and raise funding for anything you want. RuntorememberLA.org.
- e. **Joe Rose:** I just wanted to speak in support of Run to Remember LA.

3. Review and approval of outstanding minutes

TABLED.

4. Announcements from government agencies and elected officials

- a. **Councilmember Koretz:**

- I have proposed to move Billy the elephant from the zoo to the sanctuary. But I also support Ryu's decision for an independent health assessment for Billy. I think there is a history of information supporting Billy needing to move to a sanctuary. I find it hard to accept that the zoo and its advocates would fight against improving the environments for all of these elephants. Personally I would like to see all the elephants out of the zoo. But I think this is a significant compromise and will be a win-win for everyone.
 - The homelessness prevalence in my district is fairly recent. We try to get people to do outreach to get as many homeless as we can into services. We request bulky item pick up to remove couches and signs of more permanence in the area. We don't want this encampment to take over Poinsettia Park and are working with police, etc. to get the situation under control.
 - In the last 4-5 years we've had almost a 50% increase in homelessness. We aren't able to keep up. It's time to be much more aggressive at the state level about housing.
- b. **Rob Fisher, Senior Field Deputy for Councilman Ryu**: Introducing myself. We're happy about the party house ordinance just passed to minimize the number of houses that can be rented out for parties. Please contact me at rob.fisher@lacity.org.
 - c. **Officer Perry Jones, LAPD - Wilshire Division**: We have a protocol for homeless in the area. If you know of any vacant homes or businesses where you see activity, please notify us, because that can be a site for homeless activity. On 3/22, we will be covering the gun buy-back event at the Public Safety meeting, please come.
 - d. **Fernando Morales, with Supervisor Sheila Kuehl's Office**: Outreach is very important to control homelessness. Coming up we will be having a 30 day exploratory discussion as to different policies for gun control.
 - e. **Ned Racine, LA Metro (Purple Line Extension)**: You can no longer make left handed turns on Wilshire to Crescent Heights. We have finished the Wilshire Western full weekend closures. It will be 20 months to mine the two tunnels.
 - f. **Melissa Kaufler, Field Representative for Assemblymember Richard Bloom**: Costa Hawkins did not make it out of the housing committee. We're still in conversations seeing where to move next. We've introduced some new bills to help reform the Ellis act. Bloom has also introduced a synthetic clothing cleanup bill. On Friday March 23, 9-11am we are having a senior scam stoppers event.
 - g. **John Darnell, DONE**: Spoke about the Senior Scam Stoppers event and ethics event.
5. Informational presentation on current Measure H funding and projects at the County level by Dhakshike Wickrema, Assistant Senior Deputy for Mental Health and Homeless Advocacy, Office of Supervisor Mark Ridley-Thomas.
 - If you are a janitor, you would need to have three jobs to afford rental housing in Los Angeles. The homeless crisis is a subset of this. Measure HHH is trying to build 10,000 units of supportive housing over 10 years, for the chronically homeless with a disabling condition of some sort. Measure H is the complement to HHH, because HHH will build the housing units and H will provide the

integrated services.

- Measure H has a 21 point strategy. Since July, we have housed 1,300 with the HHH slots. We are also building up interim housing, or recuperative care, where homeless can stay before they relocate to HHH housing, a place to discharge homeless from the hospital. The CDC in the county is building up the affordable housing infrastructure through the county system. We are now budgeting the second year of Measure H. We are adding \$18 million dollars to the existing pot of money \$69 million, so we can ramp up the shelter so that outreach teams have somewhere to place the clients.
- 70% of 1,500 people would support housing for homeless folks in their own neighborhood. This is the silent majority. If you hear about projects in your neighborhood and you feel like you would support them, please take the time. We will also have a volunteer portal.
- If you are a landlord, and want to take a chance on a homeless person, there are subsidies to make it worth their while.
- Please visit Homeless.LAcounty.gov. for more information. And Jobscombatinghomeless.org, our paycheck with a purpose initiative, because we are struggling to fill these jobs.

6. **Message from Chair, Scott Epstein:** We have a vacancy in our PLUC committee for a stakeholder. We have won the EmpowerLA award two years in a row. Winners will be announced the 29th of this month.
7. **Informational updates from Standing Committees, Ad Hoc Committees, and Board Liaisons.**
8. Executive Council Motions
 - a. Presentations related to and discussion of Community Impact Statement in reference to Council File 17-0453.

Draft Motion Recommended by Executive Council: Mid City West Community Council moves to support Council File 17-0453 unless the independent panel provides a unanimous report that Billy the elephant is in excellent health. Jhun made the motion at the January 31, 2018 Executive Council meeting. Seamans seconded. The committee voted 4 Yeas (Epstein, Jhun, Mucken, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: In April 2017, Councilmember Koretz introduced a motion to the Arts, Entertainment, Parks, and River Committee. Text of the motion can be found at http://clkrep.lacity.org/online/docs/2017/17-0453_mot_04-19-2017.pdf. The motion concerns Billy, the male Asian elephant living at the LA Zoo. Councilmember Koretz's motion calls for the zoo's breeding program to be discontinued, for Billy to be moved to a wildlife sanctuary, and for the elephant exhibit to only include females in the future. The motion is motivated by concerns about Billy's health and small amount of space he is afforded in zoo. In January 2018, the

committee called for a three-person independent expert panel to review Billy's health and provide a report to the city council.

The board will hear two brief presentations offering different points of view on Councilmember Koretz's motion. Each presenter will also show a short video. The presenters will be John R. Lewis, Director, Los Angeles Zoo & Botanical Gardens, and Kiersten Cluster of Elephant Guardians of Los Angeles.

PUBLIC COMMENTS:

In Support of sending Billy to a sanctuary: Wendy Marcus Minovitz, Graciela Iparraguirre, Britt Lind, Marlene Goodman, Patty Shenker, Aaron Leider, Heather Hamza, Karim Hamza (did not speak), Lisa Chess, Lisa Goldsmith, Erica Nielsen, Judi Powell, Cecile [spelling of last name unclear from speaker card], Silvio Curtis, Marcy Winograd, Poiya Payan (did not speak)

Spoke against moving Billy from the LA Zoo: Juanita Kempe, Susan Pearson, Beth Schaefer, Megan Runquist, Alex Spada, Jeff Lee, Pat Maluy, Kevin Copley, Rose Legato

Presentation from John R. Lewis, Director of Los Angeles Zoo & Botanical Gardens.

Presentation from Kiersten Cluster and Mark Kleiman of Elephant Guardians of Los Angeles.

BOARD DISCUSSION:

- **Dina Brown:** Because of a lack of transparency and because of Koretz's track record with animals, I would support this. If I had the choice, I would not support any zoo.
- **Liza Gerberding:** Animal rights is an important issue, but I'm a little flummoxed by why we're considering it. I would still vote for the motion.
- Josh Paget requests an amendment deleting the condition.
- **Emily Kantrim:** I understand why we're here, but I'm not interested in hearing more of this until we actually decide if we want to support all of this.
- **Andy Meselson:** I would like to see the report.
- **Paul Motschall:** If a majority comes back saying he's healthy, then we are going against Koretz's motion without that necessarily being our intention.
- **Abraham Langer:** Don't bring this back before this board again. Let's vote on it tonight. I think the most important thing is that the city of LA get out of the zoo's business.
- **Christine Johnson:** I think Koretz has worked really hard on the issue and I like what he brought to us. I think we need some momentum behind this and I would like our council to show our support for it.

MOTION: Mid City West Community Council moves to support Council File 17-0453 unless the independent panel provides a unanimous report that Billy the elephant is in excellent health.

Scott Epstein makes the motion, and Andrew Jhun seconds.

YEAS: Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Steven Luftman, Joshua Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

NAYS: Susan Belgrade, Mehmet Berker, Michael Hilty, Abraham Langer, Paul Motschall

ABSTENTIONS: Andy Meselson

Motion passes with 16 yeas, 5 nays and 1 abstention.

- b. Community Impact Statement in support of Council File 18-0115: Designation of Pinks Square.

Draft Motion Recommended by the Executive Council: Mid City West will draft a Community Impact Statement in support of Council File 18-0115. The motion by Councilmember Koretz designates the intersection of Melrose and La Brea as Pinks Square. On February 27, 2018, the Executive Council voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: Mid City West is already on record in support of the Pinks Square designation, as well as the implementation of pink creative crosswalks at the intersection to create a sense of place, celebrate the history of Pinks, and make the intersection safer. Subsequently, Greater Wilshire NC also supported the designation and crosswalks. This motion would lead to a Community Impact Statement in support of Council File 18-0115, introduced by Councilmember Koretz to officially designate the square and install ceremonial signs.

MOTION: Scott Epstein makes the motion, and Mehmet Berker seconds.

Mid City West will draft a Community Impact Statement in support of Council File 18-0115. The motion by Councilmember Koretz designates the intersection of Melrose and La Brea as Pinks Square.

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 22 yeas, 0 nays and 0 abstentions.

9. Transportation, Parking, and Streetscape Committee Motion: Bird Scooters

Draft Motion Recommended by the Committee: Mid City West Community Council will draft a letter to Bird encouraging the company to bring their electric scooter sharing service to Mid City West. The committee voted 6 Yeas (Bitterman, Howell, Langer, Nichols, Paget, and Solish), 0 Nays, 2 Abstentions (Gabbai and Goldenberg). Motion passed.

Background: Bird is a mobile app that gives its users access to shared personal electric vehicles that can be picked up and dropped off anywhere. Bird scooters are currently available in Santa Monica, Venice, Westwood and San Diego, CA. Bird is also looking for new areas for expansion. Mid City West currently has limited mobility options with few bikeways, only 1 bike share station, and no transit with its own right of way. Bird Scooters provide a mobile transportation solution that could allow Mid City West stakeholders to ride from the Grove to LACMA, or over to the Beverly Center. The scooters travel at up to 15 miles per hour. The committee discussed whether to reach out to Bird about encouraging them to test this area as a new market and voted in favor of writing a letter to them encouraging them to come here. Committee members believe that the inclusion of these scooters will encourage more people to travel without their cars and will be an attractive option in several areas of Mid City West currently not safe for cyclist traffic.

Steven Luftman points out the issues Santa Monica has had with Bird scooters and suggests an amendment.

AMENDED MOTION: Steven Luftman makes the amendment, and Patrick Seamans seconds.

Mid City West Community Council will draft a letter to Bird encouraging the company to bring their electric scooter sharing service to Mid City West, ***if they can assure that they will minimize hazards to obstruction of access to public rideaways that have been found in other municipalities.***

YEAS: Liza Gerberding, Steven Luftman

NAYS: Susan Belgrade, Mehmet Berker, Doug Cullum, Scott Epstein, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Andy Meselson, Paul Motschall, Joshua Paget, Richard Risemberg, Marc Sinnott, David Sobel, Nick Solish

ABSTENTIONS: Dina Brown, Patrick Seamans

Amendment does not pass with 2 yeas, 17 nays and 2 abstentions.

BOARD DISCUSSION:

Mehmet Berker: I disagree with this amendment. Some scooter left on the sidewalk is not nearly as much of a hazard as non-compliant sidewalks and cars being parked in places they shouldn't be.

Nick Solish: I understand Steve's concern, but the purpose of the conversation is really just to reach out to Bird about them possibly coming to the area. Us telling Bird to reform their business model isn't going to make any difference to them. We should try everything we can get with alternative transportation.

Richard Risemberg: This amendment is unworkable.

Marc Sinnott: This is just to start a discussion, I think the amendment is unnecessary.

MOTION: Nick Solish makes the motion, and David Sobel seconds.

Mid City West Community Council will draft a letter to Bird encouraging the company to bring their electric scooter sharing service to Mid City West.

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Andy Meselson, Paul Motschall, Joshua Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: Steven Luftman

Motion passes with 21 yeas, 0 nays and 1 abstention.

10. Planning and Land Use Case Motions

a. 7200 W Melrose Ave - Fratelli Cafe (ZA-2017-5129-CUB-ZV)

Project Description: CUP for on-site beer and wine and extension of hours. Zoning Variance for parking reduction.

Requested Actions: 1. Per section 12.24 of the LAMC, a conditional use to allow the sale and dispensing of beer and wine for on-site consumption for an existing restaurant expanding to a total of 1,718 square feet indoors and 316 square feet outdoors and to allow the hours of operation from 8:00 am to midnight daily in lieu of hours between 7:00 am and 11:00 pm required for commercial corner development. Per section 12.27 of the LAMC, a Zone Variance for relief of 12.21.a.4 of the LAMC required parking of 17 auto spaces to 4 spaces currently provided.

Draft Motion Recommended by the Committee: Mid City West Community Council supports the application for 7200 W. Melrose Ave., Fratelli Café, as presented with the following conditions:

- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the

building;

- That trash and recycle bins be locked

On February 20, 2018, the committee voted 7 Yeas (Berker, Bhatia, Gerberding, Luftman, Nakata, Uyeda Kantrim, and Wayne), 0 Nays, 0 Abstentions. Motion passed.

Background: The applicant is an established restaurant seeking to expand its space. The applicant is seeking additional off-site parking to compensate for lack of on-site parking. Conditions were discussed regarding “good neighbor” noise issues along the alley. A community member representing a neighborhood group spoke in support.

PUBLIC COMMENT:

Lucille Saunders, La Brea Willoughby Coalition: We have done a thorough investigation on Fratellis and we have only gotten back positive feedback. Help us re-enforce a model business in our neighborhood.

MOTION: Mehmet Berker makes the motion, and Angela Guzman seconds.

Mid City West Community Council supports the application for 7200 W. Melrose Ave., Fratelli Café, as presented with the following conditions:

- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building;
- That trash and recycle bins be locked

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: Patrick Seamans

Motion passes with 19 yeas, 0 nays and 1 abstention.

b. 7315 W Melrose Ave - Blackheart Restaurant (ZA-2017-5072-CUB)

Project Description: A conditional use permit (CUP) to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption.

Requested Actions: 1. Pursuant to sec. 12.24-W.1 a conditional use permit (CUB) to allow for the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with an existing 2,259 sq. ft. restaurant with 62 indoor seats and a 434 sq. ft.

outdoor uncovered patio with 28 seats. Hours of operation from 11:00am to 2:00am daily.

Draft Motion Recommended by the Committee: Mid-City West Community Council Planning & Land Use Committee supports a Conditional Use Permit (CUP) at 7315 W. Melrose Ave. (Blackheart Restaurant) to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption with the following conditions:

- That hours be 7am to 11pm Sunday to Thursday, and 7am to 12 am Friday through Saturday;
- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building;
- That trash and recycle bins be locked;
- That a parking lot attendant be present until closing;
- That parking lot lighting be directed away from adjacent residential buildings;
- That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

On February 20, 2018, the committee voted 6 Yeas (Berker, Bhatia, Gerberding, Luftman, Nakata, and Wayne), 1 Nay (Uyeda Kantrim), 1 Abstention (Seamans). Motion passed.

Background: The Planning and Land Use Committee commented on the over- concentration of alcohol licenses for this census tract. Other concerns included hours of operation during the week and potential noise impacts of the outdoor patio along the western side of the building adjacent to the parking lot.

Two friendly amendments are added to the motion (indicated in italics).

MOTION: Mehmet Berker makes the motion, and Paul Motschall seconds.

Mid-City West Community Council Planning & Land Use Committee supports a Conditional Use Permit (CUP) at 7315 W. Melrose Ave. (Blackheart Restaurant) to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption with the following conditions:

- That hours be 7am to 11pm Sunday to Thursday, and 7am to 12 am Friday through Saturday, *excluding holidays*;
- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building;
- That trash and recycle bins be locked;
- That a parking lot attendant be present until closing;

- That parking lot lighting be directed away from adjacent residential buildings;
- That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.
- *That a solid sound-absorbing wall will be installed on the north end of the patio.*

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: Patrick Seamans

ABSTENTIONS: --

Motion passes with 19 yeas, 1 nay and 0 abstentions.

c. 8326-8332 Blackburn Ave (TT-74711-CN)

Project Description: Tentative tract map for 15 new condominium units. An existing duplex and triplex will be demolished.

Requested Actions: 1. Pursuant to lamc 17.00, tentative tract map for 15 new condominium units.

Draft Motion Recommended by the Committee: Mid City West Community Council opposes the Tentative Tract Map for 15 new condominium units at 8326-8332 Blackburn Ave due to the loss of character defining historic, Rent Stabilization Ordinance (RSO) housing, abuse of the Early Start apartment program, and inconsistency with the Wilshire Community Plan.

On February 20, 2018, the committee voted 7 Yeas (Berker, Gerberding, Luftman, Nakata, Seamans, Uyeda Kantrim, and Wayne), 0 Nays, 1 Abstention (Bhatia). Motion passed.

Background: The Planning and Land Use Committee discussed the incompatibility of the mass, scale and design of the proposed project along with the loss of the existing buildings, which is not consistent with The Wilshire Community Plans stated goal: 1-3.1 "Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods." Other committee concerns about possible issues of tenant displacement under the Ellis Act and abuse of the "early start" apartment program and subsequent condominium conversion to avoid proper CEQA review prior to demolition and meeting necessary minimum vacancy rate requirements.

PUBLIC COMMENT:

Steve Nazemi, Gabriel Davenport Applicants: There is nothing historical about the properties in question. The soil tests prove that there was no subterranean oil to worry about. We would like your support on this.

Against the project: Sanford Weinberg, Mark Day, Kari Bower, Yasin Al-Khalesi (did not speak), MK Viakley, Keith Nakata, Heather Natzel, Natalie Windsor

Matthew Conrad: Please review the setbacks on this project should it get approved.

BOARD COMMENTS:

Mehmet Berker: The applicant says that five of the units would be rent stabilized, but it would be a moot point. If it's a rental project, it should be a rental project. It felt a little disingenuous, and there seemed to be a lot of moving the goal post.

Steven Luftman: If it was a rental unit, those who were evicted by Ellis would be able to move back in, and that is not the case.

Liza Gerberding: The neighbors were very upset with the displacement of their long time neighbors. That was one of the primary issues. And then the immediate neighbors think that they will have to move due to construction. So it's a variety of things all amounting to the destruction of affordable, historic housing in our area which is something as a board that we have consistently tried to stop.

AMENDMENT TO THE MOTION: Mehmet Berker makes the amendment, and Steven Luftman seconds.

Mid City West Community Council opposes the Tentative Tract Map for 15 new condominium units at 8326-8332 Blackburn Ave due to the loss of character defining historic, Rent Stabilization Ordinance (RSO) housing, abuse of the Early Start apartment program, and inconsistency with the Wilshire Community Plan.

Mid City West would prefer a multifamily resident so Ellised residents have a right to return.

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Marc Sinnott, David Sobel, Nick Solish

NAYS: Joshua Paget

ABSTENTIONS: Patrick Seamans

Amendment passes with 18 yeas, 1 nay and 1 abstention.

AMENDED MOTION: Mehmet Berker makes the motion, and Liza Gerberding seconds.

Mid City West Community Council opposes the Tentative Tract Map for 15 new condominium units at 8326-8332 Blackburn Ave due to the loss of character defining

historic, Rent Stabilization Ordinance (RSO) housing, abuse of the Early Start apartment program, and inconsistency with the Wilshire Community Plan.

Mid City West would prefer a multifamily resident so Ellis residents have a right to return.

YEAS: Susan Belgrade, Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 20 yeas, 0 nays and 0 abstentions.

d. 1017-1027 N. Croft Ave (VTT-74835)

Project Description: Demo of a duplex, a 5-unit apt bldg. and a detached garage and the construction of a (N) 4-story, 16-unit condominium bldg with subterranean parking on a 12,998.2 s.f. site in the [Q]R3-1 zone.

Requested Action: 1. A vesting tentative tract pursuant to lamc section 17.15 for the construction of a (N) 4-story, 16-unit condominium building with subterranean parking and the demolition of a duplex, a 5-unit apt building and a detached garage on a 12,998.2 s.f. site in the [Q]r3-1 zone.

Draft Motion Recommended by the Committee: Mid City West Community Council opposes the conversion from apartments to condominiums at 1017-1027 N. Croft Ave, as this was an Ellis Act-evicted property and an apartment project would allow the tenants to return.

On February 20, 2018, the committee voted 7 Yeas (Berker, Gerberding, Luftman, Nakata, Seamans, Uyeda Kantrim, and Wayne), 0 Nays, 1 Abstention (Bhatia). Motion passed.

Background: The Planning and Land Use Committee heard testimony from a tenant that spoke about issues of “harassment and intimidation” surrounding their eviction, squatting issues of a homeless person in the building and illegal short term rental of one unit after the Ellis Act evictions had taken place. The applicant described their efforts to comply with the underlying “Q” condition in the zoning on this block by articulation and step-backs. The project property is completely within the City of Los Angeles boundaries, although it abuts the City of West Hollywood. Concerns were discussed about abuse of the “early start” apartment program and subsequent condominium conversion avoiding proper CEQA review prior to demolition and meeting necessary minimum vacancy rate requirements.

PUBLIC COMMENTS:

Patrick Stevens: I am one of the Ellis Act evicted tenants of this building. I was the newest tenant in this building, and had been there for almost 10 years. They forced a 96 year old Holocaust survivor out of her apartment. These are the type of people you would be letting into the neighborhood.

Ashley Hamblin: I should technically still be living here. I got an extension because of a disability, and they were livid when they found out about that. They tried to get me out early. It was an absolute nightmare and it was ongoing. My security deposit from 10 years ago is completely gone. I think this is a giant money laundering scheme.

Keith Nakata: I don't understand how this complies with the Q conditions from 2007. It's supposed to be stepped back all across the front facade. There are supposed to be facade breaks. That being said, my biggest issue is with the treatment of the tenants.

MOTION: Mehmet Berker makes the motion, and Marc Sinnott seconds.

Mid City West Community Council opposes the conversion from apartments to condominiums at 1017-1027 N. Croft Ave, as this was an Ellis Act-evicted property and an apartment project would allow the tenants to return.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 19 yeas, 0 nays and 0 abstentions.

11. Treasurer's Report and Funding Motions

a. **Motion** to approve Monthly Expenditure Report for February 2018. (5 minutes)

MOTION: Approve the Monthly Expenditure Report for February 2018.

Scott Epstein makes the motion, and Andrew Jhun seconds.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 18 yeas, 0 nays and 0 abstentions.

- b. Overview of progress toward implementation of Mid City West's 2017-18 Strategic Budget three quarters of the year into the Fiscal Year. Review will cover (1) operational and outreach expenditures made in the first three quarters of the fiscal year; (2) projected operational expenditures in the final quarter of the fiscal year; (3) outreach and community improvement project allocations obligated via board motions but not yet spent; and (4) projected balance of 2017-18 funds after subtracting projected and obligated funds. Committees may provide updates on the status of incomplete projects. (20 minutes)

TABLED.

- c. Neighborhood Purpose Grant Funding Motion #1: Tarfest (10 minutes)

Draft Motion Recommended by the Ad Hoc Committee: Mid City West Community Council funds Launch Productions Inc (LAUNCH LA) with a \$1,000 Neighborhood Purpose Grant to help defray site rental costs associated with Tarfest 2018, a free, community event and concert, now in its 15th year.

On March 6, 2018, the Ad Hoc Committee voted 5 Yeas (Berker, Jhun, Sobel, Solish, and Uyeda Kantrim), 0 Nays, 0 Abstentions. Motion passed.

Description: Tarfest is an annual free community festival held at Hancock Park, featuring local artists. Tarfest is a well-established festival, now in its 15th year. MCW has partnered with Tarfest in the past, most recently awarding an NPG to Tarfest last year. MCW has the opportunity to table at Tarfest.

MOTION: Mehmet Berker makes the motion, Marc Sinnott seconds.

Mid City West Community Council funds Launch Productions Inc (LAUNCH LA) with a \$1,000 Neighborhood Purpose Grant to help defray site rental costs associated with Tarfest 2018, a free, community event and concert, now in its 15th year.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 18 yeas, 0 nays and 0 abstentions.

d. Neighborhood Purpose Grant Funding Motion #2: Friends of Hancock Park School (10 minutes)

Draft Motion Recommended by the Ad Hoc Committee: Mid City West Community Council funds Friends of Hancock Park School with a \$1,000 Neighborhood Purpose Grant to help pay for “buddy benches” to be installed on the Hancock Park Elementary School campus.

On March 6, 2018, the Ad Hoc Committee voted 5 Yeas (Berker, Jhun, Sobel, Solish, and Uyeda Kantrim), 0 Nays, 0 Abstentions. Motion passed.

Description: Friends of Hancock Park School would like to install four “buddy benches” around a tree on campus. These buddy benches would be used to encourage empathy and connection between students by being a place where making connections with new friends would be an implicit part of the space. Friends of Hancock Park School requested a \$2,000 NPG; however, in order to help all three awardees for whom the NPG Ad Hoc Committee would recommend funding, the committee recommends funding this project at \$1,000.

MOTION: Mehmet Berker makes the motion, Nick Solish seconds.

Mid City West Community Council funds Friends of Hancock Park School with a \$1,000 Neighborhood Purpose Grant to help pay for “buddy benches” to be installed on the Hancock Park Elementary School campus.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 18 yeas, 0 nays and 0 abstentions.

e. Neighborhood Purpose Grant Funding Motion #3: Carthay Center PTA (10 minutes)

Draft Motion Recommended by the Ad Hoc Committee: Mid City West Community Council funds Carthay Center PTA with a \$1,000 Neighborhood Purpose Grant to help pay for educational signage, soil, and plants for their front lawn conversion project.

On March 6, 2018, the Ad Hoc Committee voted 3 Yeas (Sobel, Solish, and Uyeda Kantrim), 0 Nays, 2 Abstentions (Berker and Jhun. Motion passed.

Description: Carthay Center PTA, the PTA for Carthay Center Elementary School is currently replacing their front lawn with drought-tolerant landscaping. This project involves replacing the grass lawn with drought-tolerant landscaping, as well as installing educational signage. This area functions as a pocket park since it is on a part of campus which is not fenced off (the

corner of Crescent Heights and Olympic). In January the PTA and volunteers helped replaced the lawn, the NPG would be to help pay for educational signage as well as cover any additional costs associated with soil, plantings or the installation.

MOTION: Mehmet Berker makes the motion, David Sobel seconds.

Mid City West Community Council funds Carthay Center PTA with a \$1,000 Neighborhood Purpose Grant to help pay for educational signage, soil, and plants for their front lawn conversion project.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: Andrew Jhun

Motion passes with 17 yeas, 0 nays and 1 abstention.

- f. Fairfax Village Improvement Ad Hoc Committee Funding Motion for Meet and Greet event (10 minutes)

Draft Motion Recommended by the Ad Hoc Committee: Mid City West Community Council supports the recommendation from the MCW Fairfax Village Improvement Ad Hoc Committee, and allocates an amount not to exceed \$600 for flyers, online outreach, refreshments, food, and presentation materials for a meet-and-greet event for business owners and other Fairfax Ave stakeholders for a date to be determined.

On February 1, 2018, the committee voted 5 Yeas (Belgrade, Berker, Jhun, Meselson, and Uyeda Kantrim), 0 Nays, 0 Abstentions to make the recommendation. Motion passed.

Description: In order to bring together local stakeholder on Fairfax Avenue to work together to address some common issues, the MCW Fairfax Ad Hoc recommends the allocation of an amount not to exceed \$600 for flyers, online outreach, refreshments, food, and presentation materials for a meet-and-greet event for business owners and other Fairfax Ave stakeholders for a date to be determined.

MOTION: Andy Meselson makes the motion, Andrew Jhun seconds.

Mid City West Community Council supports the recommendation from the MCW Fairfax Village Improvement Ad Hoc Committee, and allocates an amount not to exceed \$600 for flyers, online outreach, refreshments, food, and presentation materials for a meet-and-greet event for business owners and other Fairfax Ave stakeholders for a

date to be determined.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Andrew Jhun, Christine Johnson, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish

NAYS: --

ABSTENTIONS: --

Motion passes with 18 yeas, 0 nays and 0 abstentions.

g. Planning and Land Use Committee Funding Motion: Tom Bergin's Historic Cultural Monument (15 minutes)

Draft Motion Recommended by the Committee: Mid City West Community Council allocates an amount not to exceed \$2,500 of Community Improvement Project funds to be used in partnership with other parties toward preparation of a Historic Cultural Monument application for the Tom Bergin's building at 840 S. Fairfax Ave., conditioned upon current ownership support.

On February 20, 2018, the committee voted 6 Yeas (Berker, Bhatia, Gerberding, Luftman, Uyeda Kantrim, and Wayne), 0 Nays, 1 Abstention (Nakata). Motion passed.

Background: Tom Bergin's is an iconic establishment within the Mid City West boundaries that is in potential jeopardy because of the sale of the site. The establishment has been home to a long line of Hollywood celebrities, athletes and politicians over its many years in operation. There is much community interest in documenting and preserving the history and cultural significance of this local landmark by utilizing the Historic Cultural Monument Ordinance. The goal is to engage other groups and individuals to participate along with the MCWCC in this effort. The committee had made an earlier funding request as part of the strategic budget and feels this is an important piece of the committee's work in the community.

TABLED.

12. Motion to Adjourn at 11:05 p.m.

EXHIBIT C

May 28, 2019



Board of Directors Meeting
April 10, 2018
543 N. Fairfax Avenue, Los Angeles, CA 90036
Approved by the Board on August 14, 2018
Submitted by Amanda Sonnenschein

1. Call to order and roll call (5 minutes)

Call to Order: 6:45 pm, 23 present, 3 absent, 9 excused

Present: Mehmet Berker, Ravi Bhatia, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Karen Hollis, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Taylor Nichols, Joshua Paget, Laura Petry, Richard Risemberg, Scott Sale, Patrick Seamans, David Sobel

Absent: Shem Bitterman, Marc Sigal, Roque Wicker

Excused: Susan Belgrade, Heather Fox, Dean Howell, Andrew Jhun, Keith Kirkwood, Amy Mucken, Marc Sinnott, Nick Solish, Don Whitehead

2. General Public Comments (10 minutes)

- a. **Paul Motschall:** A street light has been knocked over on Fairfax. It should be removed, it's a hazard.
- b. **Lucille Saunders, La Brea Willoughby Coalition:** Some neighbors and Neighborhood Council members think input after the project presents at Mid-City West, including the board opposition, seals the deal. Well La Brea coalition attends meetings to assert oppositions and clarify full clear facts, and we remain poised and focused until construction is completed.
- c. **Cathy Palmer:** There will be a meeting tomorrow morning at Poinsettia Park. If our Zone 2 representative or Public Safety can attend, it will include representatives from DWP, Sanitation and LAPD. This issue is separate from the homelessness problem in terms of the public safety. Please have some interaction with those neighbors.
- d. **David Mann:** I wanted to circulate a brochure on Mike Feuer's blue ribbon panel on school safety. We're really getting into the meat of it in terms of school shootings. He is going to all six school districts in our area.
- e. **Audience member, Sarah S.:** Hello, I work with the non-profit PESA, Parents, Educators/Teachers and Students in Action. We need funding to handle our expansion.

3. Review and approval of outstanding minutes (5 minutes)

TABLED.

4. Announcements from government agencies and elected officials (5 minutes)

- a. **Ned Racine, LA Metro (Purple Line Extension):** We're just working to build the stations. La Brea is farthest along.
- b. **Rob Fisher, Senior Field Deputy for Councilman Ryu in CD4:** May 4th is our tentative date for opening at Pan Pacific Park soccer field. The councilman has been promoting a children's savings account matter. There's a report coming out from the health and safety committee that council members are reviewing to see ways to protect the population without having to give social security numbers. Short-term rental was before the PLUM

committee today, so updates for that are coming soon. And lastly, we are sponsor of the identity L.A. concert and festival coming up as part of the Asian Pacific heredity month.

- c. **Robert Oliver, Councilman Koretz's Office**: Beverly was torn up over the weekend, and it's a work in progress. I apologize for not giving you notice, I was not notified that the work was going to get done until it was already in progress and I was getting questions about it. Armenian Genocide Remembrance March is April 24th, so there will be rolling closures until the March gets to Wilshire and Wilshire will be closed 8am to 4pm between San Vicente and Fairfax.
 - d. **Officer Inga Wecker, LAPD Senior Lead Officer**: There has been an increase in property crimes but a decrease in violent crimes since last year. I suggest doorbells that allow you to interact with people on your property when you're not home. Everyone wants to stop homelessness, and there are differing opinions on how to do that, but together we can get the ball rolling.
 - e. **John Darnell, DONE**: The only thing that I have to say is a lot of your ethics and code of conduct training certificates are going to expire soon, so I'll send you a private email notifying you of the date because some of you for the next board meeting, it will have expired.
 - f. **Allison Towle, District Representative for Senator Ben Allen**: Let me know if you have any strong feelings about state bills coming up. SB827 is still being changed, we're in communication with Senator Weiner every day.
5. **Message from Chair, Scott Epstein**: Thank you to the Fairfax committee for hosting your meet and greet. Thank you to Keith Kirkwood for attending the EmpowerLA awards with me. We did not win, but it was hinted strongly that our work was award-worthy, so thank you board for your work.
 6. **Informational updates from Standing Committees, Ad Hoc Committees, and Board Liaisons (20 minutes)**
 - a. **David Mann, C&O**: Our adhoc was concerned with school safety so we want to turn our attention this year as our signature event to hosting a 4C4C5R area. Kids are uncomfortable, parents don't know how to talk to them, staff is having problems. So I would like to return \$1,500 that was allocated for the GreenFest and keep the other \$1,500 for this. We want to be preemptive.
 - b. **Mehmet Berker, NPG**: Patrick sent in the necessary forms to the city clerk.
 - c. **Emily Kantrim**: June 10th is our new movie night. Moana at the La Brea Tar Pits.
 - d. **Taylor Nichols, TPS**: May is bicycle month. Bike to work day. We've been playing with doing a town meeting on SB827 too.
 - e. **Angela Guzman, Public Safety**: Thank you everyone at Public Safety for your efforts.
 - f. **Informational presentation by board member and NC Budget Advocate Patrick Seamans on 2018-2019 Neighborhood Council Budget Advocates (NCBA) White Paper and NCBA Survey**
 - g. **Informational update from Executive Council and EmpowerLA's John Darnell on proposed NC 101 event to be co-hosted by EmpowerLA and Mid City West and focused on the senior population**: Budget advocates are getting more and more included in the process, which is exciting. Ncbala.com.
 7. **Planning and Land Use Case Motion: 145 S. Robertson Blvd - Cuvee (ZA-2018-28-CUB, ENV-2018-29-CE) (15 minutes)**

Project Description: A Conditional Use Permit to continue the sale for on-site consumption in conjunction with an existing 1,626 square foot restaurant and the ancillary sales, for off-site consumption, of beer and wine in conjunction with an existing 302 square foot retail takeout deli, all totaling 1,929 square feet and 62 seats; with 28 interior seats and two patios totaling 895 square feet, with 8 and 26 seats respectively, in a [Q] C2-1VL zone. Hours of operation are 7:30am to 10:00pm (consistent with the previous CUP), Monday through Saturday and 8:00am-5:00pm on Sunday.

Requested Actions: 1. Pursuant to LAMC 12.24-W,1 Request a Conditional Use Permit to allow the continued sale and dispensing for on-site consumption and off-site consumption of beer and wine, in conjunction with an existing restaurant-deli with interior seating for 28 and exterior seating for 34 (all on property).

Proposed Motion: The Mid City West Community Council Planning and Land Use Committee recommends supporting a Conditional Use Permit (CUP) at 145 S. Robertson Blvd. for Cuvee to allow for the sale and dispensing on beer and wine for on site and off site consumption in conjunction with an existing restaurant-deli with interior seating for 28 and exterior seating for 34 (all on property), with the following standard conditions for restaurants adjacent to residential alleys and abutting residential buildings:

- a. That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building,
- b. That trash and recycle bins be locked,
- c. That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

On March 20, 2018, Steven Luftman made the motion, and Emily Uyeda Kantrim seconded. The committee voted 7 Yeas (Bhatia, Luftman, Nakata, Sale, Seamans, Uyeda Kantrim, and Wayne), 0 Nays, 0 Abstentions. Motion passed.

Background: The committee reviewed the previous CUB for this location ZA-2010-1423-CUB-ZV and clarified the proposed hours of operation along with adding the standard conditions for restaurants adjacent to residential alleys and abutting residential buildings. Also discussed was the continued use of the city owned parking structure to meet the city parking requirements. Change of the building ownership along with expiration of the previous CUB required this new application.

Emily Kantrim: LAPD has no complaints and is waiting to hear from us.

MOTION: The Mid City West Community Council Planning and Land Use Committee recommends supporting a Conditional Use Permit (CUP) at 145 S. Robertson Blvd. for Cuvee to allow for the sale and dispensing of beer and wine for on site and off site consumption in conjunction with an existing restaurant-deli with interior seating for 28 and exterior seating for 34 (all on property), with the following standard conditions for restaurants adjacent to residential alleys and abutting residential buildings:

- o That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building,

- That trash and recycle bins be locked,
- That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

Mehmet Berker made the motion, Michael Hilty seconded.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Karen Hollis, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Taylor Nichols, Joshua Paget, Laura Petry, Richard Risemberg, Scott Sale, Patrick Seamans, David Sobel

NAYS: --

ABSTENTIONS: --

Motion passes with 23 yeas, 0 nays and 0 abstentions.

8. CVS at 3rd and La Brea CUP Renewal (reviewed by both Public Safety and Planning and Land Use Committees): **303 S La Brea Ave - CVS #3825 (ZA 2009-3968- CU- GB- PA1) (20 minutes)**

Project Description: A Plan Approval of Case No ZA-2009-3698 (CUB)(CU) to allow the continued off- site sale of a full line of alcoholic beverages at an existing CVS pharmacy with approved operating hours of 24 hours, daily.

Requested Actions: 1. A Plan Approval of Case No ZA-2009-3698 (CUB)(CU) to allow the continued off-site sale of a full line of alcoholic beverages at an existing approximately 10,545 sq ft CVS pharmacy with approved operating hours of 24 hours, daily; and a request to continue 24 hour operations in lieu of commercial corner restrictions limiting hours of operation from 7am to 11pm.

Motion as recommended by Public Safety Committee: Public Safety Committee recommends that Mid City West Community Council Board approve CVS's CUP renewal and includes LAPD Vice's recommendation, Condition 16 which states: "the applicant shall retain a licensed uniformed security guard during applicant's business hours to maintain order and to protect resident's enjoyment of their property." And, the door at the corner of 3rd and La Brea shall not be locked during hours of operation.

On March 22, 2018, the committee voted 3 Yeas (Abrahams, Guzman, and Hilty), 0 Nays, 0 Abstentions. Motion passed.

Background provided by Public Safety Committee: The matter of CVS's CUP renewal was referred to Public Safety committee from the Board by way of Planning and Land Use Committee due to issues related to their license renewal. Ms. Oden, CVS's representative, Robert Cherno and several (6) public speakers, who completed speaker cards, were heard. In view of the claim made by Mr. Cherno that all crimes in that area are attributed to the sale of alcohol from that CVS and after hearing all, it was determined that the claim was unsupportable. CVS has moved the access to alcohol deeper into the store away from the 3rd & La Brea entrance, does not sell single cans of beer (only 6-pack or higher), has taken steps to ensure the stairwell is clear, operates until 10:00 p.m., and satisfied other issues previously brought to their attention. It was noted that the 3rd and La Brea corner door was locked at the time Mr. Cherno visited the CVS at 1:30 p.m. Ms. Oden was unaware but will inform the store to keep the door unlocked during business hours, as per the Vice (LAPD) recommendations. Therefore, the stated amended motion was made, seconded and voted unanimously in support that MCWCC approve the

renewal.

Please note: In the interest of full disclosure, Angela Guzman, PS Chair, stated she met with Ms. Oden, CVS representative and PLUC's Co-Chair Keith Nakata on March 15, 2018 as an information gathering meeting. Additionally, Mr. Chernov provided several e-mails containing histories, photos of the area and nearby vandalism and reports offered by Ralph's Market, across the street. All of Mr. Chernov's e-mails were forwarded to each committee member with a request to review them before the meeting.

Motion as Recommended by Planning and Land Use Committee: The Mid City West Community Council Planning and Land Use Committee recommends that Mid City West approves the 303 S. La Brea Ave., CVS #3825 Plan Approval of Case No. ZA-2009-3698 (CUB)(CU) to allow the continued off-site sale of a full line of alcoholic beverages at an existing CVS pharmacy with approved operating hours of 24 hours, daily, as presented, with the operation of the corner door at Third and La Brea continuing to operate as conditioned.

On January 16, 2018, the motion was proposed by Uyeda Kantrim, and seconded by Berker. The committee voted 8 Yeas (Berker, Fox, Gerberding, Luftman, Nakata, Sale, Uyeda Kantrim, and Wicker), 0 Nays, 1 Abstention (Seamans). Motion passed.

Background provided by Planning and Land Use Committee: The Committee wanted to check in with CVS to see how operations were going as well as to determine the status of the corner door on 3rd and La Brea. Previously, the CVS had been operating with that door closed at certain hours. The Manager of the store, and the CVS representative spoke as to how the policy had been changed, and would remain changed moving forward, so that the corner door was open during most hours.

Angela Guzman: The same day as our meeting, LAPD did an analysis of crime in the area and there were a number of calls made about that CVS of which there were 20 for theft, two prowler, 1 vandalism, a possible burglary, etc. We did not have this information at the time of our meeting.

Robert Chernov, Public Comment: I have lived in the area for 25 years and we've had nothing but trouble for the past 7. There is frequent theft and transient activity around this CVS. The bottom line is that LAPD is fed up with all the service calls. The figures from that report is lower than what is accurate because CVS does not report all of the crimes. CVS has not worked with the community or put the money towards fixing the problem like other businesses in the neighborhood has. LAPD has recommended that this be denied, and that if it is approved that armed guards be placed 24/7 and the alcohol be locked up.

Jennifer Odin and Bruce Evans, CVS Representative: Our operating hours are 7am to 10pm now, so we just want a renewal of the off-site alcohol sales. LAPD has been opposed and it's a policy in the LAPD Wilshire division to oppose alcohol CUPs. We agree to LAPD's terms, except we only want to use the security guards from 6pm until 30 minutes after closing.

BOARD DISCUSSION:

Emily Kantrim: It is true that the LAPD has a standing policy to oppose CUP. They do not want security to put their hands on anyone ever and actively encourage to not escalate. Given my experience communicating with LAPD and Vice, we should be focusing on the conditions that Vice recommended, and we don't have any more complaints about this particular location.

Mehmet Berker: I think we need to stipulate where the recommendation comes from. The stipulation of the armed security guard disturbs me, and I don't want to be part of anything that recommends that. Something about security cameras to monitor the stairwell would also be fine.

Ravi Bhatia: It's called deterrence. As long as that person is properly trained, I think an armed guard should be in there.

Josh Paget: I live very close to this store. There was a homeless man living there and stealing from the store who wasn't dealt with for days. It was upsetting and discouraging. They have made a lot of changes and I appreciate that, but I don't think CVS is really a member of this community. We need to ride CVS to make sure they are behaving appropriately for our community. I would not vote for this without more mitigations.

Liza Gerberding: I don't understand why CVS sells alcohol, it's supposed to be a place where people get medication and a few household items.

David Sobel: I agree with Mehmet about not supporting an armed guard, and I would definitely object if that was added to the motion. I would strike the language about the door, because clearly it being opened isn't working.

Richard Risemberg: There's no store staff watching the door, that's my biggest objection. I think the door should remain open. CVS sells alcohol for the same reason they have candy bars, they are trying to make a living. Ralphs has a pharmacy in it.

Patrick Seamans: The security at this CVS can be very negligent. There is a homeless camping tent there. The security themselves are non-hands on and they aren't very vigilant.

AMENDMENT: Also, the applicant shall routinely clear trash and debris from the stairway on the third street side of the block adjacent to the store, and the applicant shall have all distilled spirits locked, secured and only accessible by CVS employees upon request from customer.

Mehmet Berker makes the amendment, and Scott Epstein seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Scott Sale, Patrick Seamans

NAYS: Michael Hilty, Karen Hollis, Christine Johnson, Taylor Nichols, Joshua Paget, Laura Petry, Richard Risemberg, David Sobel

ABSTENTIONS: --

Amendment passes with 15 yeas, 8 nays and 0 abstentions.

AMENDED MOTION: Public Safety Committee recommends that Mid City West Community Council Board approve CVS's CUP renewal and includes LAPD Vice's recommendation, Condition 16 which states: "the applicant shall retain a licensed uniformed security guard during applicant's business hours to maintain order and to protect resident's enjoyment of their property." And, the door at the corner of 3rd and La Brea shall not be locked during hours of operation.

Also, the applicant shall routinely clear trash and debris from the stairway on the third street side of the block adjacent to the store, and the applicant shall have all distilled spirits locked, secured and only accessible by CVS employees upon request from customer.

Angela Guzman makes the motion, and Steven Luftman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Emily Kantrim, Abraham Langer, Steven Luftman, Andy Meselson, Paul Motschall, Taylor Nichols, Richard Risemberg, Scott Sale, Patrick Seamans, David Sobel

NAYS: Dina Brown, Michael Hilty, Karen Hollis, Christine Johnson, David Mann, Joshua Paget, Laura Petry

ABSTENTIONS: Liza Gerberding, Angela Guzman

Amended motion passes with 14 yeas, 7 nays and 2 abstentions.

9. Public Safety motion on school safety. (10 minutes)

Motion: Public Safety Committee suggests that the Mid City West Community Council Board make a statement in support of students who are speaking out about safety in their schools.

On March 22, 2018, the committee voted 3 Yeas (Abrahams, Guzman, and Hilty), 0 Nays, 0 Abstentions. Motion passed.

Background: In view of the recent school shootings in Florida, the Public Safety Committee is in favor of school safety. The committee's discussion found that since there is no existing Council File (that we know of) to attach a Community Impact Statement to and we wish to support school safety, the motion was put forth.

MOTION: Public Safety Committee suggests that the Mid City West Community Council Board make a statement in support of students who are speaking out about safety in their schools.

Angela Guzman makes the motion, and David Mann seconds.

Item is sent back to committee to draft a letter.

10. Treasurer's Report and Funding Motions

a. Motion to approve Monthly Expenditure Report for March 2018 (5 minutes)

MOTION: Patrick Seamans makes the motion to approve the MER for March 2018. Mehmet Berker seconds.

YEAS: Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Karen Hollis, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Laura Petry, Scott Sale, Patrick Seamans

NAYS: --

ABSTENTIONS: Joshua Paget, Richard Risemberg, David Sobel

Motion passes with 18 yeas, 0 nays and 3 abstentions.

- b. Overview of progress toward implementation of Mid City West's 2017-18 Strategic Budget three quarters of the year into the Fiscal Year. Review will cover (1) operational and outreach expenditures made in the first three quarters of the fiscal year; (2) projected operational expenditures in the final quarter of the fiscal year; (3) outreach and community improvement project allocations obligated via board motions but not yet spent; and (4)**

projected balance of 2017-18 funds after subtracting projected and obligated funds.
Committees are encouraged to provide updates on the status of incomplete projects.
(30 minutes)

- c. Communications and Outreach Committee Funding Motion: MCW business cards. (10 minutes)

Motion: The Communications and Outreach Committee recommends that Mid City West allocates an amount not to exceed \$100 to purchase MCW business cards. The cards will contain general contact and social media information for MCW, and would be handed out to stakeholders to encourage involvement.

On March 28, 2018, the motion was made by Marc Sinnott and seconded by Doug Cullum. The committee voted 6 Yeas (Cullum, Mann, McCallum, Risemberg, Rose, Sinnott), 0 Nays, 0 Abstentions. Motion passed.

MOTION: The Communications and Outreach Committee recommends that Mid City West allocates an amount not to exceed \$100 to purchase MCW business cards. The cards will contain general contact and social media information for MCW, and would be handed out to stakeholders to encourage involvement.

Doug Cullum makes the motion and Michael Hilty seconds.

YEAS: Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Karen Hollis, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Joshua Paget, Laura Petry, Richard Risemberg, Scott Sale, Patrick Seamans

NAYS: --

ABSTENTIONS: --

Motion passes with 20 yeas, 0 nays and 0 abstentions.

- d. Planning and Land Use Committee Funding Motion: Tom Bergin's Historic Cultural Monument (15 minutes)

Motion: Mid City West Planning and Land Use Committee recommends that Mid City West allocates an amount not to exceed \$2,500 of Community Improvement Project funds to be used in partnership with other parties toward preparation of a Historic Cultural Monument application for the Tom Bergin's building at 840 S. Fairfax Ave., conditioned upon current ownership support.

On February 20, 2018, the committee voted 6 Yeas (Berker, Bhatia, Gerberding, Luftman, Uyeda Kantrim, and Wayne), 0 Nays, 1 Abstention (Nakata). Motion passed.

Background: Tom Bergin's is an iconic establishment within the Mid City West boundaries that is in potential jeopardy because of the sale of the site. The establishment has been home to a long line of Hollywood celebrities, athletes and politicians over its many years in operation. There is much community interest in documenting and preserving the history and cultural significance of this local landmark by utilizing the Historic Cultural Monument Ordinance. The goal is to engage other groups and individuals to participate along with the MCWCC in this effort. The committee had made an earlier funding request as part of the strategic budget and feels this is an important piece of the committee's work in the community.

DISCUSSION:

Keith Nakata, Public Comment: PLUC has always planned on having some kind of project like this. This motion would help us get through the first phase, the initiation of the application. The idea is that we wanted other people to participate with us. The money will go into the preparation of the application by professional historical resource.

Andy Meselson: Since we're stipulating that it's subject to the owner, and something goes wrong, are we just giving money to the owner?

Scott Epstein: I think if we pass this, we should strike the ownership support language to the motion. I think we should specify that this money is to contract with a city-preferred vendor that would prepare a historical cultural monument application for Tom Bergin's building at 840 S. Fairfax Ave. (Friendly amendment).

MOTION: Mid City West Community Council allocates an amount not to exceed \$2,500 of Community Improvement Project funds to be used to contract with a city preferred vendor that would prepare a historical cultural monument application for the Tom Bergin's building at 840 S. Fairfax Ave.

Scott Epstein makes the motion and Steven Luftman seconds.

YEAS: Mehmet Berker, Dina Brown, Doug Cullum, Scott Epstein, Liza Gerberding, Angela Guzman, Michael Hilty, Emily Kantrim, Abraham Langer, Steven Luftman, David Mann, Paul Motschall, Joshua Paget, Laura Petry, Scott Sale, Patrick Seamans, David Sobel

NAYS: Andy Meselson

ABSTENTIONS: --

Motion passes with 17 yeas, 1 nay and 0 abstentions.

11. Motion to Adjourn at 10:12 pm.

EXHIBIT D

May 28, 2019



Planning and Land Use Committee Meeting
April 17, 2018
543 N. Fairfax Avenue, Los Angeles, CA 90036
FINAL MINUTES

MCWCC (and all other) Meeting Minutes are a summary; Minutes were not, are not and are never meant to be an exact, verbatim, word-for-word transcript or comprehensive record of what was said at a Meeting. Exceptions: Motions/Resolutions (as stated at the Meeting, which take precedence over versions written on the Agenda, if different); quotes (words that have quotation marks ("") at the beginning and ending of a word or words); and other wording from the Agenda such as the first paragraph(s) of some Items. Items are listed in and match the same order as on the Agenda.

Item 1. Call to Order and Roll Call

Co-Chair Mehmet Berker introduced himself and called the Meeting to order at 6:35 p.m. Roll Call was taken by Emily Uyeda Kantrim. Eight of the 12 Committee Members were present at the Roll Call: Mehmet Berker (Co-Chair), Ravi Bhatia, Liza Gerberding, Emily Uyeda Kantrim, Steven Luftman, Keith Nakata (Co-Chair), Dr. Patrick Seamans and (new Member) Nora Wyman. Heather Fox arrived later. Dr. Scott Sale (excused), Rosalie Wayne (excused) and Roque Wicker (unexcused) were absent. The Committee quorum (the minimum number of Committee Members needing to be present to take binding votes on Agendized Items) is seven (see the Bylaws at <http://www.midcitywest.org/about-us/bylaws-standing-rules>), so the Committee could take such votes. Also attended: nine Stakeholders and Guests.

Item 2. Review and Approval of Minutes from January 16, 2018; February 20, 2018; and March 20, 2018 Meetings.

MOTION (by Mr. Nakata, seconded by Mr. Luftman): The Mid City West Community Council Planning and Land Use Committee approves the Minutes of its March 20, 2018 Meeting as written.

MOTION PASSED with three in favor; zero opposed; five abstained (MCWCC abstentions are counted as neither "yes" or "no" votes).

Committee Member Heather Fox arrived at this time (6:44), making nine Committee Members present (the Committee quorum is seven).

Item 3. Public Comment Period

There were no comments at this time.

Item 4. Announcement from Co-Chairs

Mr. Berker was concerned that companies too easily are exempted from CEQA

requirements. Mr. Nakata reported that the City Planning Dept.'s Ruben Vasquez said he received the MCWCC letter regarding the 1017-1027 N. Croft Ave. project. City Planning Dept. Land Use trainings will be conducted May 12th in South L.A. and May 25th downtown. This Committee's June meeting will be June 26th, not the usual third Wednesday on June 19th. He listed possible upcoming projects to consider.

[There was no Item #5 on the Agenda.]

Item 6. 5822 W 3rd St - (ZA-2017-4257-ZV-CU). Project description: Change of use from synagogue/school to office/wholesale warehouse shipping center with parking reduction. Requested Actions:

1. Pursuant to LAMC section 12.27-D, a zone variance to allow 4 auto parking spaces and 4 bicycle parking spaces in lieu of 7 auto parking spaces otherwise required for office and wholesale uses.
2. Pursuant to LAMC section 12.27-D, a zone variance to allow 2 standard and 2 compact auto parking spaces in lieu of 4 standard parking spaces otherwise required.
3. Pursuant to LAMC section 12.27-d, a zone variance to allow a parking bay width of 38 feet for 9-foot long standard stalls with a 77.5 degree angle (in lieu of 42'-6" required) and 36 feet for compact stalls with a 77.5 degree angle (in lieu of 39'-7).

John Parker, of Pacific Crest Consultants, presented about the one-story structure at the southeast corner of Third and Cochran. The applicant/owner, Mr. Shin, bought the property in 2013; the building was built around 1955. A permit/covenant for a parking lot at the southwest corner "was never properly terminated." There currently is no parking on the southeast corner. "The roll-up door is going to be removed . . . the use is permitted in a C-2 zone . . . there's no walk-in traffic . . . no drive-in traffic to this building . . . he hopes long-term to convert this property to retail." The owner has been unable to secure nearby off-site leased parking. They are requesting a 10 percent parking bay reduction and "no loading space . . . it would be physically impossible to provide the required loading space on a site of this size . . . this is not a self-imposed hardship." They are requesting to build "offices and retail." He described surrounding buildings as commercial, a DWP office, a Fire Station and an apartment building "covered by ivy . . . all they see is their own fence." They have five employees, "not all at the same time." It is an "e-commerce" business. UPS delivers and picks up in the back. "Trash is . . . stored . . . [and] collected inside the building . . . the front would be unchanged."

Mr. Berker suggested possible design improvements. Ms. Gerberding was concerned about "unintended consequences" of making specific asks on the front design. Ms. Uyeda Kantrim believed this to be an "opportunity . . . to improve the streetscape . . . by having some softening of the frontage." Mr. Berker and Ms. Gerberding suggested having trees in front.

MOTION (by Mr. Berker, seconded by Mr. Luftman): The Mid City West Community Council Planning and Land Use Committee recommends that the Board approve the project at 5822 W. 3rd St. for a change of use from synagogue/school to office/wholesale warehouse shipping center with parking reduction as proposed with the following conditions:

- That the applicant will work with the MCWCC and the City of L.A. to help plant up to three street trees in the parkway on Third Street; and
- That the applicant will explore the reduction or alteration of the current fence on the front of the property.

MOTION PASSED unanimously by a roll call vote of the nine eligible voters present with:

all nine in favor (“Yes” or “Aye”) (Berker, Bhatia, Fox, Gerberding, Uyeda Kantrim, Luftman, Nakata, Seamans and Wyman);

zero opposed;

zero abstained.

Item 7. 8474 W 3rd St - Sushi Koo (ZA-2018-908-CUB). Project description: A conditional use permit for the sale and dispensing of beer and wine for on-site consumption in conjunction w/ a 1,176 sq. ft. restaurant with 31 indoor seats. hours of operation 11:30 a.m-1:30 a.m. Requested Actions:

1. Pursuant to code section 12.24-W, 1 a conditional use permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,176 square-foot restaurant with 31 indoor seats and hours of operation from 11:30 a.m. to 1:30 a.m., daily.
2. Pursuant to code section 12.24-W, 27 a conditional use permit to allow the hours of operation from 11:30 a.m. to 1:30 a.m., daily in lieu of 7:00 a.m. to 11:00 p.m. as restricted by mini-shopping center regulations.

Owner Odonchimeg (Ogi) Jiimen passed around photos. She said the former Sushi Mac restaurant, which she managed, near the Beverly Connection and zoned C-2, was “established in 2000” and indicated that there would not be any outside seating. This is the “first time applying for a beer and wine license.” She applied for the license “in order to stay competitive.” In the “parking lot 38 cars can park.” She said “we have trash bins in the back” that are shared with other businesses. Ms. Uyeda Kantrim noted that “in that area there are 25 active alcohol licenses; there are only supposed to be three.” Mr. Nakata read aloud findings. Ms. Fox wanted “something in between” non-approval and the situation of there being far more licenses in the area “than [are] supposed to be.” Dr. Seamans wanted the Committee to discuss with elected officials the “overconcentration of licenses.”

MOTION (by Mr. Berker, seconded by Mr. Luftman): The Mid City West Community Council Planning and Land Use Committee supports the project at 8474 W. 3rd

St. for a Conditional Use Permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,176 sq. ft. restaurant with 31 indoor seats and hours of operation 11:30 a.m.-1:30 a.m., with the following conditions:

- That the hours of operation be 11:30 a.m.-11:00 p.m. Sundays-Wednesdays and 11:30 a.m.-1:30 a.m. Thursdays-Saturdays.

MOTION PASSED by a roll call vote of the nine eligible voters present with: seven in favor (“Yes” or “Aye”) (Berker, Bhatia, Fox, Gerberding, Luftman, Nakata and Wyman); one opposed (“No” or “Nay”) (Uyeda Kantrim); one abstained (MCWCC abstentions are counted as neither “yes” or “no” votes) (Seamans).

Item 8. Tom Bergin’s Historic Cultural Monument. Mid City West Community Council has authorized spending up to \$2,500, in partnership with other community groups, to work on cataloging Tom Bergin’s history in preparation for a potential Historic Cultural Monument. The committee will discuss the effort.

Mr. Nakata noted that the Board already approved \$2,500 of Community Improvement Project funds toward preparation of a Historic Cultural Monument application for Tom Bergin’s. He spoke about it with DONE’s John Darnell. Architectural Resources Group has worked on it. There was discussion of whether this is a Community Improvement Project or a Neighborhood Purposes Grant and how to proceed.

MOTION (by Mr. Berker, seconded by Mr. Luftman): The Mid City West Community Council Planning and Land Use Committee recommends to the Board to select and contract with the Architectural Resources Group to prepare a nomination for a Historic Cultural Monument for Tom Bergin’s Tavern at 840 S. Fairfax Ave. The contract would be for \$2,500 of Community Improvement Project funds to be used in partnership with other parties as approved by the MCWCC Board at its April 10, 2018 meeting.

MOTION PASSED by a roll call vote of the nine eligible voters present with: six in favor (“Yes” or “Aye”) (Berker, Fox, Gerberding, Uyeda Kantrim, Luftman and Seamans); zero opposed; three abstained (MCWCC abstentions are counted as neither “yes” or “no” votes) (Bhatia, Nakata and Wyman).

Item 9. Standing Item on PLUC Member Updates, Concerns, or Questions. A standing item for open discussion between PLUC members on ideas for the committee, or for MCW; concerns or questions regarding PLUC items or operations and upcoming meetings, individual pursuits, events, or opportunities.

For the first meeting of 2018, committee members should be prepared to discuss any goals they have for the committee in 2018.

Project “background” will continue to be provided for the Board. There was discussion of whether the Committee can meet June 19th in another room, as this room will be unavailable. There was discussion of whether and how to use Google Docs for document storage. Mr. Nakata and Mr. Berker will answer clarifying questions asked in Minutes drafts. Mr. Nakata indicated that one or more Committee Members will meet with City Councilmember Paul Koretz to hear Mr. Koretz’s views on housing and land use issues. There was extensive discussion of where and under what circumstances Committee Members would communicate with Mr. Koretz or his Deputies. Ms. Uyeda Kantrim noted that the Committee could contribute to the La Cienega Streetscape concept. Mr. Nakata announced that the Hollywood Community Plan [see <https://planning.lacity.org>, the “General Plan” link] for that section of La Cienega is being updated [see <https://planning.lacity.org/complan/othrplan/pdf/HWDCRA.PDF>].

Mr. Nakata and Mr. Luftman gave a Powerpoint presentation, which originally was shown at the 2017 Neighborhood Councils Congress, entitled “No More Stupid Boxes: How to Build Great Apartments in Your Neighborhood.” They showed examples of good design around the world, including low fences and front doors facing the street. One “must consider the sidewalk experience.” “Perceived height” is important, especially of the second through fifth floors. “Conceal parking.” Graphics were shown of how to “break the mass,” including varied heights and stepbacks. It is good to have ground floor “high ceilings that can convert to other uses as needs change”; courtyards that “mesh with adjacent historic designs”; and “Q” conditions, including regarding massing and articulation. Design Review Boards facilitate Community Plan updates, including specific numbers and/or percentages for dimensions. “Bad design” includes “no articulation”; street-facing driveways; “garages on the street front”; and multiple floors of unscreened parking.

Item 10. Adjournment

Mr. Berker declared and the Committee agreed to **ADJOURN** the Meeting at 9:37 p.m.

The first paragraph of some Items, Motions/Resolutions and other wording may have been copied from the Agenda. Minutes written by DL, possibly edited by MCWCC. The MCWCC PLUC Minutes page is <http://www.midcitywest.org/committees/planning-land-use>.

EXHIBIT E

May 28, 2019



Board of Directors Meeting
May 08, 2018
543 N. Fairfax Avenue, Los Angeles, CA 90036
Approved by the Board on August 14, 2018
Submitted by Amanda Sonnenschein

1. Call to order and roll call (5 minutes)

Call to Order: 6:48 pm, 24 present, 2 absent, 9 excused

Present: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox (arrived 6:58pm), Liza Gerberding, Angela Guzman, Karen Hollis (arrived 6:58pm), Andrew Jhun (late), Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Andy Meselson (arrived 7:46pm), Taylor Nichols (arrived 7:07pm), Josh Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

Absent: Paul Motschall, Marc Sigal

Excused: Dina Brown, Doug Cullum, Michael Hilty, Dean Howell, Keith Kirkwood, David Mann, Amy Mucken, Laura Petry, Scott Sale

2. General Public Comments (10 minutes)

- a. **Susan Belgrade:** Jewish Family Service is sponsoring their annual senior health fair at Pan Pacific Park On Thursday May 31st from 10am-1pm. (323) 937-5900.
- b. **Saad Rubaye:** I am here on behalf of my mother and 93 year old father. We live behind Taco Bell. There are extensive parking issues, homelessness, defecation, drug use, etc. Go to tacobellwtf.com to see a timelapse video. The police are not doing anything.

3. Review and approval of outstanding minutes (5 minutes)

TABLED.

4. Announcements from government agencies and elected officials (5 minutes): Robert Oliver, Ned Racine, John Darnell
5. Informational Presentation by Climate Resolve regarding neighborhood impacts of climate change and energy and water efficiency solutions that can help address climate change and save residents money. (20 minutes) - Anna Van, Kristina Von Hoffman and Tiffany Lam

- Cool Roofs reflect the sun's energy back into the atmosphere by 80%
- 20% of LA surface area is roof and 40% is asphalt, so there is much opportunity for cooling surfaces to be installed
- Heat is a key ingredient in smog
- Heat is the leading weather-related cause of death and illness
- Go to climateresolve.org/rebates to help reach our goals, you can take advantage of the rebates. Also visit pathtopositive.la/join

6. **Message from Chair, Scott Epstein:** Skipped in service of time.

7. **Informational updates from Standing Committees, Ad Hoc Committees, and Board Liaisons (10 minutes)**

8. Status of Request Made for Full Closure of sidewalk and parking lane in front of Mohr Center Construction Site at 330 N Fairfax Avenue. [Ad Hoc Fairfax Village Improvement Committee]. (25 minutes)

Item Discussion: Mid City West Community Council will discuss, and possibly take a position on a request by Jewish Family Services to fully close the sidewalk and parking lane in front of the Mohr Center construction site at 330 N Fairfax indefinitely for up to two years.

Draft Motion: Mid City West Community Council opposes the full closure of the sidewalk and parking lane for an indefinite period of time in front of the construction site for Jewish Family Services of Los Angeles.

On April 12, 2018, the motion was made by Berker and seconded by Sands. The committee voted 4 Yeas (Berker, Jhun, Meselson, and Sands), 0 Nays, 0 Abstentions, with Belgrade recusing. Motion passed.

Background: It is unclear what exactly JFS may be asking for, but the committee's understanding is that their contractor may be asking for an indefinite full closure of the sidewalk and parking lane in front of the construction site at 330 N Fairfax for up to two years.

PUBLIC COMMENTS:

- **Eli Veitzer, JFS:** Construction will aid us in helping the community. This construction will make Fairfax our center, our home. The only access for equipment is through the street, so we are trying to set up a system that will allow traffic to be regulated and keep pedestrians safe. Without these closures the construction time will be longer and it will increase the cost which is being paid for by fundraised dollars.
- **Jesse Spiegel:** I moved to this council district 6 months ago. JFS does great work on the East Coast too. I have no objection towards this construction, it seems like it will be for the overall good of JFS and the community, so I wanted to continue to voice my support for them.
- **David Levine, former president of JFS:** We are a critical part of the social safety network in this community. We are the first charity created in the city of Los Angeles and we serve over 100,000 people a year. Our goal throughout this process is to be as fair as we can be to this community, but we feel that getting this construction done as quickly and efficiently as possible is in the service of this community.
- **Hannah Lainer:** I work at JFS and live very close. I get the sidewalk issues and traffic issues. Keeping this area open does not seem to me like a high priority for the community.
- **David Felman, CFO of JFS:** JFS does so much good for our community. The closure of the sidewalk is routine in construction projects. Minimizing the time for completion will help serve the clients who need us the most.
- **Fabian Jolivet:** I have lived here 24 years. This place supported my camp survivor neighbors. I don't think this will interfere much with the neighborhood, most people walk on the other side because it's on the way to Trader Joe's. They should be saving their money for better things, you should push through and allow them to construct as quickly as possible.

BOARD QUESTIONS:

- **Josh Paget:** We have already granted many asks for this project because we know JFS is tremendous for the community, but I'm concerned about safety, about the homelessness encampments, and about destroying the vitality in the community.

- **Shem Bitterman**: I would appreciate if you tell the construction trucks not to idle because it is illegal and does impact the neighborhood. You are going to profoundly impact the walkability of this neighborhood, and the crossing guard will not be there in the evening or weekends, so I would consider having someone there those times too.
- **Richard Risemberg**: Why not a partial closure of the traffic lane and only the pedestrian closure when a truck is coming in or out of the staging area? Putting in a pedestrian bypass in the traffic lane should be considered.
- **Josh Paget**: What about high visibility crosswalks? Maybe some murals on the permanent scaffolding that speak to your mission? Just things that would make the closure not just an inconvenience, but a positive for the community.
- **Andrew Jhun**: It is very rare for an applicant to come back after we approve your project, so I am very thankful for that. I hope that you will be able to come back to TPS to talk about some of the issues that they've raised.

BOARD DISCUSSION:

- **Scott Epstein**: This isn't about approving the project, we do approve it, it's about the best way to do the construction. There are safety concerns.
- **Mehmet Berker**: It frustrates me that we are put in this position. I hate that we even get to this point. Now that we actually have some information, there is money there, but that's why budgets have contingencies. I'm sad that this construction firm treated this as routine.
- **Emily Kantrim**: I'm appreciative that we got to hear straight from JFS. I think our concerns are heard by the wonderful turnout we had from JFS. My biggest questions were around pedestrian safety and how it got pushed through. With this information, I am ready to agree to do this work as quickly as possible.
- **Heather Fox**: What are the statistics of pedestrian safety for something like this? Answer: Fairfax is high incident.
- **Nick Solish**: First of all, JFS, please don't take this as an attack. What is the guarantee that this will only last 2 years and not go on to 3? What mitigations will be in place to stop pedestrians from walking into the traffic lanes?
- **Ravi Bhatia**: We have to vote consistently on projects like this.
- **Shem Bitterman**: We are neglecting the fact that people bike along fairfax. You're taking away a sidewalk for two years. It's unfortunate that such a fantastic organization has to spend your own money, the city should really be helping you and paying the difference.
- **David Sobel**: It seems like either we approve closing it two years, or we don't approve it and they mostly close it for two + years, and then they have to spend an extra \$1 million. I don't see what we gain by passing this motion.
- **Mehmet Berker**: I appreciate that JFS gave us as much information and time as they did. We were working in the dark and now we have some more information. I'd be in support of tabling it and getting some more information, keeping that open dialog.

MOTION to table Item 8: Mehmet Berker made the motion, Andrew Jhun seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Kantrim, Abraham Langer, Steven Luftman, Andy Meselson, Richard Risemberg, Patrick Seamans, Nick Solish

NAYS: Heather Fox, Christine Johnson, Josh Paget, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

ABSTENTIONS: --

RECUSALS: Susan Belgrade

Motion tabled with 14 yeas, 7 nays, 0 abstentions, 1 recusal.

9. Planning and Land Use Case Motions

a. 5822 W. 3rd St - (ZA-2017-4257-ZV-CU) (15 minutes)

Project Description: Change of use from synagogue/school to office/wholesale warehouse shipping center with parking reduction.

Requested Actions:

1. Pursuant to LAMC section 12.27-D, a zone variance to allow 4 auto parking spaces and 4 bicycle parking spaces in lieu of 7 auto parking spaces otherwise required for office and wholesale uses.
2. Pursuant to LAMC section 12.27-D, a zone variance to allow 2 standard and 2 compact auto parking spaces in lieu of 4 standard parking spaces otherwise required.
3. Pursuant to LAMC section 12.27-D, a zone variance to allow a parking bay width of 38 feet for 9-foot long standard stalls with a 77.5 degree angle (in lieu of 42'-6" required) and 36 feet for compact stalls with a 77.5 degree angle (in lieu of 39'-7).
4. Pursuant to LAMC section 12.27-D, a zone variance to allow for no loading space in lieu of the code requirements.
5. Pursuant to 12/24-E, a Conditional Use Permit to allow the conversion of an existing building to a commercial corner development containing office and wholesale uses.

Proposed Motion: The Mid City West Community Council Planning and Land Use Committee recommends that the Board approve the project at 5822 W. 3rd St. for a change of use from synagogue/school to office/wholesale warehouse shipping center with parking reduction as proposed with the following conditions:

- That the applicant will work with the MCWCC and the City of L.A. to help plant up to three street trees in the parkway on Third Street; and
- That the applicant will explore the reduction or alteration of the current fence on the front of the property.

On April 17, 2018, the motion was made by Berker and seconded by Luftman. The committee voted 9 Yeas (Berker, Bhatia, Fox, Gerberding, Luftman, Nakata, Seamans, Uyeda Kantrim, and Wyman), 0 Nays, 0 Abstentions. Motion passed.

Background: The committee discussed the property's previous use as a synagogue which had a minimal parking requirement and how the change of use to a warehouse will require additional parking to be constructed. Therefore, the committee established that findings could be made to allow for a variance in the required parking requirement to allow for a reduction. Further discussions involved seeking cooperation with the property owner to improve the streetscape and walkability along the 3rd Street

frontage of the building.

DISCUSSION:

- **Public Comment, Chris Parker, representing owner Paul Shin:** It's been used as an office space for many years. We want to shrink the back wall to allow parking on site. This is just stating that we don't need to demo the entire building in order to provide two more parking spaces.
- **Christine Johnson:** I want to be able to follow up with these people, I want to know what the business is.
- **Liza Gerberding:** I am not in favor of the second bullet point. I'm wary about asking them to change the fence, because who knows what you're going to get?
- **Richard Risemberg:** We are not voting on the business. We're having a lot of discussion that's not about the motion.

AMENDMENT: Add the following bullet point:

- **That the applicant will explore improving the aesthetics of the front facade on 3rd street.**

Mehmet Berker made the motion to amend, Steven Luftman seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Andy Meselson, Josh Paget, Patrick Seamans, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: Marc Sinnott

Amendment passes with 21 yeas, 0 nays, 0 abstentions and 1 recusal.

AMENDED MOTION: The Mid City West Community Council recommends approval of the project at 5822 W. 3rd St. for a change of use from synagogue/school to office/wholesale warehouse shipping center with parking reduction as proposed with the following conditions:

- That the applicant will work with the MCWCC and the City of L.A. to help plant up to three street trees in the parkway on Third Street; and
- **That the applicant will explore improving the aesthetics of the front facade on 3rd street.**

Mehmet Berker made the motion, Scott Epstein seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Andy Meselson, Josh Paget, Richard Risemberg, Patrick Seamans, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: Marc Sinnott

Motion passes with 21 yeas, 0 nays, 0 abstentions and 1 recusal.

b. 8474 W. 3rd St - Sushi Koo (ZA-2018-908-CUB) (15 minutes)

Project Description: A conditional use permit for the sale and dispensing of beer and wine for on-site consumption in conjunction w/ a 1,176 sq. ft. restaurant with 31 indoor seats. Hours of operation: 11:30 a.m.-1:30 a.m.

Requested Actions:

1. Pursuant to code section 12.24-W, 1 a conditional use permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,176 square-foot restaurant with 31 indoor seats and hours of operation from 11:30 a.m. to 1:30 a.m., daily.
2. Pursuant to code section 12.24-W, 27 a conditional use permit to allow the hours of operation from 11:30 a.m. to 1:30 a.m., daily in lieu of 7:00 a.m. to 11:00 p.m. as restricted by mini-shopping center regulations.

Proposed Motion: The Mid City West Community Council Planning and Land Use Committee supports the project at 8474 W. 3rd St. as presented, with the following conditions:

- That the hours of operation be 11:30 a.m.-11:00 p.m. Sundays-Wednesdays and 11:30 a.m.-1:30 a.m. Thursdays-Saturdays.

On April 17, 2018, the motion was made by Berker and seconded by Luftman. The committee voted 7 Yeas (Berker, Bhatia, Fox, Gerberding, Luftman, Nakata, and Wyman), 1 Nay (Uyeda Kantrim), 1 Abstention (Seamans). Motion passed.

Background: The committee discussed issues regarding concerns by LAPD about over-concentration of alcohol licenses in this area, as well as proposed hours of operation during the week. After discussion with the owner, the committee requested hours that are consistent with those found elsewhere in the MCWCC area. The restaurant has a history in the community and has shared on-site parking for their customers.

Public Comment, Oki, owner of Sushi Koo: We have been a neighbor for 17 years. I was first the manager and then the owner retired and I took over. The alcohol will only be about 10% of our sales, we mostly sell sushi.

MOTION: The Mid City West Community Council Planning and Land Use Committee supports the project at 8474 W. 3rd St. as presented, with the following conditions:

- That the hours of operation be 11:30 a.m.-11:00 p.m. Sundays-Wednesdays and 11:30 a.m.-1:30 a.m. Thursdays-Saturdays.

Mehmet Berker made the motion, Susan Belgrade seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Abraham Langer, Steven Luftman, Andy Meselson, Josh Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Emily Kantrim

Motion passes with 21 yeas, 0 nays and 1 abstention.

10. **Bike to Work Day.** (5 minutes)

Motion: Mid City West will co-sponsor a Bike to Work Pit Stop with Metro and the West Hollywood Bicycle Coalition at the corner of Willoughby and Vista on Bike To Work Day on May 17 from 7 to 9 AM.

Background: The event offers an opportunity for Mid City West to engage the community regarding the Willoughby Avenue Neighborhood Greenway project, which MCW voted to support, and which sits at the border of MCW and West Hollywood. The motion was requested by board members Taylor Nichols and Mehmet Berker, but comes without a committee recommendation due to lack of quorum at TPS. There is no cost involved.

MOTION: Mid City West will co-sponsor a Bike to Work Pit Stop with Metro and the West Hollywood Bicycle Coalition at the corner of Willoughby and Vista on Bike To Work Day on May 17 from 7 to 9 AM.

Mehmet Berker made the motion, Richard Risemberg seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

Motion passes with 20 yeas, 0 nays and 0 abstentions.

11. **Treasurer's Report and Budget Review**

a. **Motion to approve Monthly Expenditure Report for April 2018.** (5 minutes)

MOTION: Patrick Seamans makes the motion to approve the MER for April 2018. David Sobel seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia, Josh Paget

Motion passes with 17 yeas, 0 nays and 2 abstentions.

- b. **Budget Review.** Overview of progress toward implementation of MidCity West's 2017-18 Strategic Budget with less than 2 months left in the Fiscal Year. Review will cover (1) expenditures to date by budget category; (2) projected operational expenditures in the final two months of the fiscal year; (3) outreach, community improvement project, and neighborhood purpose grant allocations obligated via board motions but not yet spent; and (4) projected balance of 2017-18 funds after subtracting projected and obligated funds. **Committees are encouraged to provide updates on the status of incomplete projects.** (15 minutes)

12. **Committee Funding Motions** (45 minutes)

- a. **Discussion and possible action on accepting as complete UCLA Graduate Student Researcher Gilberto Cruz' report "Accommodating the 'Coolest Street' in Los Angeles," written for the Mid City West Community Council Fairfax Village Project as his Applied Planning Research Project (APRP), and authorizing payment of a previously approved \$1,500 of Community Improvement Project funds to Mr. Cruz. [Fairfax Village Improvement Ad Hoc Committee].**

Item Discussion: Mid City West Community Council will discuss, and possibly take action on, a report "Accommodating the 'Coolest Street' in Los Angeles" written by Gilberto Cruz for Mid City West Community Council as the client as part of an Applied Planning Research Project (APRP) undertaken as a graduating requirement of the Masters in Urban and Regional Planning graduate program at UCLA. Upon acceptance of the report as complete by the Board of Directors for Mid City West Community Council, a previously approved payment of \$1,500 in Community Improvement Project funds will be authorized to be paid to Mr. Cruz.

Draft Motion: Mid City West Community Council accepts as complete the report, "Accommodating the 'Coolest Street' in Los Angeles" written by Gilberto Cruz as part of his Applied Planning Research Project (APRP). As such, the Board authorizes the previously approved payment of \$1,500 in Community Improvement Project funds to Mr. Cruz as outlined in the Client Student Agreement between Mid City West Community Council and Mr. Cruz, approved by the Board at the February 13, 2018 Board of Directors meeting.

Background: In order to satisfy the requirements of the Client Student Agreement (CSA) approved by the Mid City West Community Council at the Board of Directors meeting of February 13, 2018 and pay Mr. Cruz the approved \$1,500 payment in Community Improvement Project funds, his final report has to be accepted as complete by the Board of Directors. By accepting the report as complete, the Board is saying that they consider the report complete and that Mr. Cruz has performed the tasks outlined in the CSA. This does not mean that MCW is adopting the recommendations made in the report at this time. It will be up to the Board at a future date whether it wants to adopt any of the recommendations of the report. If the Board accepts the report as complete today, the plan is to place the report on our website to be easily accessible to Board members, stakeholders, and members of the public.

MOTION: Mid City West Community Council accepts as complete the report, "Accommodating the 'Coolest Street' in Los Angeles" written by Gilberto Cruz as part of his Applied Planning Research Project (APRP). As such, the Board authorizes the previously approved payment of \$1,500 in Community Improvement Project funds to Mr. Cruz as outlined in the Client Student Agreement between Mid City West Community Council and Mr. Cruz, approved by the Board at the February 13, 2018 Board of Directors meeting.

Mehmet Berker makes the motion. Marc Sinnott seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Andy Meselson

Motion passes with 20 yeas, 0 nays and 1 abstention.

- b. Tom Bergin's Historic Cultural Monument Application Community Improvement Project.

[Planning and Land Use Committee].

Motion: The Mid City West Community Council Planning and Land Use Committee recommends to the Board to select and contract with the Architectural Resources Group to prepare a nomination for a Historic Cultural Monument for Tom Bergin's Tavern at 840 S. Fairfax Ave. The contract would be for \$2,500 of Community Improvement Project funds to be used in partnership with other parties as approved by the MCWCC Board at its April 10, 2018 meeting.

On April 17, 2018, the motion was made by Berker and seconded by Luftman. The Planning and Land Use Committee voted 6 Yeas (Berker, Fox, Gerberding, Luftman, Seamans, and Uyeda Kantrim), 0 Nays, 3 Abstentions (Bhatia, Nakata, and Wyman). Motion passed.

Background: Tom Bergin's is an iconic establishment within the Mid City West boundaries that is in potential jeopardy because of the sale of the site. The establishment has been home to a long line of Hollywood celebrities, athletes and politicians over its many years in operation. There is much community interest in documenting and preserving the history and cultural significance of this local landmark by utilizing the Historic Cultural Monument (HCM) Ordinance. PLUC has reached out to Architectural Resources Group, a consulting firm experienced in putting together nominations for HCM status, and Architectural Resources Group has agreed to contract with MCWCC to perform the work.

MOTION: The Mid City West Community Council will select and contract with the Architectural Resources Group to prepare a nomination for a Historic Cultural Monument for Tom Bergin's Tavern at 840 S. Fairfax Ave. The contract would be for \$2,500 of Community Improvement Project funds to be used in partnership with other parties as approved by the MCWCC Board at its April 10, 2018 meeting.

Mehmet Berker made the motion, Marc Sinnott seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 18 yeas, 0 nays and 1 abstention.

c. Poinsettia Community Garden Informational Meetings. *[Ad Hoc Sustainability Committee].*

Motion: Mid City West will hold a series of two informational meetings about the proposed Community Garden planned for Poinsettia Park. The purpose of the meetings is to engage the community in the design process, as well as to cultivate future garden leaders and members. One meeting will take place on a weekday evening, the other on a weekend morning, pending park availability. The cost for these events is not to exceed \$500.

On May 1, 2018, the committee voted 3 Yeas (Epstein, Sobel, and Uyeda Kantrim), 0 Nays, 0 Abstentions. Motion passed.

Background: The Sustainability Committee has identified a location within MCW to build a Community Garden. The location is part of Poinsettia Park, on Poinsettia, between the tennis courts and the sidewalk. The area is currently planted with grass. Both CD5 and the park management support this plan. We are working with the LA Community Garden Council (LACGC), who is advising and supporting these efforts.

These meetings are the first step in getting the approval of LA Department of Recreation and Parks, as well as building a garden that meets the needs of the community it serves. The costs will cover refreshments, meeting room space, community outreach costs, as well as all printing and materials costs. The tentative dates for the meetings are June 14 & 16, pending availability.

MOTION: Mid City West will hold a series of two informational meetings about the proposed Community Garden planned for Poinsettia Park. The purpose of the meetings is to engage the community in the design process, as well as to cultivate future garden leaders and members. One meeting will take place on a weekday evening, the other on a weekend morning, pending park availability. The cost for these events is not to exceed \$500.

David Sobel made the motion, Angela Guzman seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 18 yeas, 0 nays and 1 abstention.

d. Poinsettia Garden soil test. *[Ad Hoc Sustainability Committee].*

Motion: The Sustainability Committee recommends that Mid City West allocate \$85 towards having the soil at Poinsettia Park analyzed by Wallace Laboratories, in advance of beginning a community garden at this location.

On May 1, 2018, the committee voted 3 Yeas (Epstein, Sobel, and Uyeda Kantrim), 0 Nays, 0 Abstentions. Motion passed.

MOTION: Mid City West allocates \$85 towards having the soil at Poinsettia Park analyzed by Wallace Laboratories, in advance of beginning a community garden at this location.

David Sobel made the motion, Scott Epstein seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 18 yeas, 0 nays and 1 abstention.

e. Fairfax Avenue Clean Up Event. *[Ad Hoc Fairfax Village Improvement Committee].*

Motion: MCWCC allocates no more than \$1000 for cleaning supplies, and/or rentals, advertisements, refreshments, Facebook marketing, etc., for a community cleanup event to be held on Fairfax Avenue

prior to the end of the fiscal year.

On April 12, 2018, the motion was made by Jhun and seconded by Sands. The committee voted 5 Yeas (Belgrade, Berker, Jhun, Meselson, and Sands), 0 Nays, 0 Abstentions. Motion passed.

MOTION: MCWCC allocates no more than \$1000 for cleaning supplies, and/or rentals, advertisements, refreshments, Facebook marketing, etc., for a community cleanup event to be held on Fairfax Avenue prior to the end of the fiscal year.

Andrew Jhun made the motion, David Sobel seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia, Marc Sinnott

Motion passes with 17 yeas, 0 nays and 2 abstentions.

f. Co-hosting NC 101 event with EmpowerLA. *[Executive Council]*.

Motion: Mid City West will co-host an NC 101 event with EmpowerLA focused on the senior citizen population and allocate an amount not to exceed \$400 for refreshments, publicity, and other costs.

On March 27, 2018, the motion was made by Epstein and seconded by Guzman. The EC voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: The event is scheduled for June 1, 2018 from 12 to 1 PM at the Fairfax Senior Center, 7929 Melrose Avenue. The event will be co-sponsored by the Department of Neighborhood Empowerment, the Department of Recreation and Parks, the Department of Transportation, and the Department of Public Works. The event will coincide with the senior center's meal program. Presentations will be made on the Neighborhood Council system, the Department of Public Works' sidewalk repair program for individuals with mobility disabilities, and LADOT's Safe Routes for Seniors program. The goal of this event is to reach out to the senior community in the area, and have city departments provide information about programs they offer, while promoting the Neighborhood Council System.

MOTION: Mid City West will co-host an NC 101 event with EmpowerLA focused on the senior citizen population.

Scott Epstein made the motion, David Sobel seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 18 yeas, 0 nays and 1 abstention.

g. Facebook Advertising Allocation. *[Executive Council]*.

Motion: Mid City West allocates an additional \$500 to be used for facebook advertising in the current fiscal year.

On April 24, 2018, Epstein made the motion and Guzman seconded. The EC voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: The advertising is anticipated to yield approximately 300 additional Facebook followers. Those new followers would help us meet our strategic goal of being one of the top 5 NC Facebook pages citywide.

MOTION: Mid City West allocates an additional \$500 to be used for facebook advertising in the current fiscal year.

Scott Epstein made the motion, Marc Sinnott seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 18 yeas, 0 nays and 1 abstention.

h. Mobile Gardening Supply Package. *[Executive Council]*.

Motion: Mid City West allocates an amount not to exceed \$1000 to purchase a mobile gardening supply package including a garden hauling cart, bike hitch, watering bags, tools, and other related items.

On April 24, 2018, Jhun made the motion and Epstein seconded. The EC voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: The package is designed to support Mid City West's expanding portfolio of urban greening projects, including the revitalization of Rosewood Garden, and the planting of trees on Rosewood Avenue, San Vicente Boulevard, and other Mid City West streets. The cart and hitch would allow Mid City West's urban gardeners to water and maintain our green investments in a sustainable way without the use of an automobile.

MOTION: Mid City West allocates an amount not to exceed \$1000 to purchase a mobile gardening supply package including a garden hauling cart, bike hitch, watering bags, tools, and other related items.

Scott Epstein made the motion, David Sobel seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 17 yeas, 0 nays and 1 abstention.

- i. Donation to Congress of Neighborhoods. *[Executive Council]*.

Motion: Mid City West donates an amount not to exceed \$300 to the Congress of Neighborhoods.

On April 24, 2018, Guzman made the motion and Jhun seconded. The EC voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: The Congress of Neighborhoods is the biggest Neighborhood Council event of the year. Mid City West board members have regularly spoken and attended the event. Mid City West has donated to the event in the past.

MOTION: Mid City West donates an amount not to exceed \$300 to the Congress of Neighborhoods.

TABLED.

- j. Donation to Neighborhood Council Budget Advocates. *[Executive Council]*.

Motion: Mid City West donates an amount not to exceed \$100 to the Neighborhood Council Budget Advocates.

On April 24, 2018, Seamans made the motion and Jhun seconded. The EC voted 4 Yeas (Epstein, Guzman, Jhun, and Seamans), 0 Nays, 0 Abstentions. Motion passed.

Background: The Budget Advocates depend on funds from the neighborhood councils to support its work and outreach to neighborhood councils and stakeholders. Funds are used for Budget Day; Regional Budget Day; and outreach tools such as Constant Contact and Survey Monkey; website hosting and maintenance; business cards; operational expenses (i.e. printing, copying); translation services; Channel 35 Budget Day broadcast; and more.

MOTION: Mid City West donates an amount not to exceed \$100 to the Neighborhood Council Budget Advocates.

Scott Epstein made the motion, Susan Belgrade seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Josh Paget, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead

NAYS: --

ABSTENTIONS: Ravi Bhatia

Motion passes with 17 yeas, 0 nays and 1 abstention.

- k. Speed and performance improvements to the website. *[Communications and Outreach Committee]*.

Motion: The Mid City West Community Council allocates an amount not to exceed \$1,000 to hire the original web designer for speed and performance improvements to the website.

On May 2, 2018, the committee voted 7 Yeas (Cullum, Mann, McCallum, Risemberg, Rose, Sinnott, and Whitehead), 0 Nays, 0 Abstentions. Motion passed.

Background: The Communications and Outreach Committee has observed, and received comments relating to slow speeds and poor performance on the MCW website. The committee would engage the web developer who constructed the current site, in order to make necessary improvements to improve the site's performance and usability.

MOTION: The Mid City West Community Council allocates an amount not to exceed \$1,000 to hire the original web designer for speed and performance improvements to the website.

MOTION IS TABLED.

13. Support for Students Speaking Out About Gun Safety. *[Public Safety Committee]. (10 minutes)*

Motion: The Mid City West Community Council's PUBLIC SAFETY COMMITTEE is in support of the students who are speaking out about gun safety in their schools.

On April 19, 2018, the committee voted 3 Yeas, 0 Nays, 0 Abstentions. Motion passed.

Background: In view of the recent school shootings in Florida, the Public Safety Committee is in favor of school safety, including support for those students who spoke up for safety in their schools. Many of the students who marched on March 24, 2018 made a profound national statement for school safety. Public Safety is consequently compelled to make this support motion. There is no City Council File to attach a Community Impact Statement (CIS) to, therefore, the motion was crafted as a civic record from our committee.

Reasons for Supporting the Motion (or committee majority view): Students at the Stoneman-Douglas high school in Parkland, Florida took action regarding safety in their school after a horrible tragedy took 17 classmates' lives and injured another 17 students during the February 14, 2018 deadly school massacre by a lone gunman, a former student. The Parkland students helped organize a national march in protest of guns at school. Public Safety is standing up to support the students who spoke out.

MOTION: The Mid City West Community Council is in support of the students who are speaking out about gun safety in their schools.

Angela Guzman made the motion, Andrew Jhun seconds.

YEAS: Susan Belgrade, Mehmet Berker, Shem Bitterman, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Emily Kantrim, Abraham Langer, Steven Luftman, Patrick Seamans, Marc Sinnott, David Sobel, Don Whitehead

NAYS: --

ABSTENTIONS: Ravi Bhatia, Josh Paget

Motion passes with 16 yeas, 0 nays and 2 abstentions.

14. Community Impact Statement supporting Neighborhood Council Budget Advocates and the 2018 White Paper (Council File 18-0600). [*Executive Council*]. (10 minutes)

Motion: The MCWCC hereby supports the work of the Neighborhood Council Budget Advocates and their 2018 White Paper and approves the filing of a Community Impact Statement for Council File 18-0600.

On April 24, 2018, the motion was made by Seamans and seconded by Guzman. The EC voted 3 Yeas (Guzman, Jhun, and Seamans), 0 Nays, 1 Abstention (Epstein). Motion passed.

Background: The 2018 White Paper is available at <http://ncbala.com/wp-content/uploads/2017/06/2018-White-Paper-complete.pdf> and includes 10 overall recommendations as well as detailed recommendations by city department. Council File 18-0600 is the city Budget Proposal for Fiscal Year 2018-19.

MOTION: The MCWCC hereby supports the work of the Neighborhood Council Budget Advocates and their 2018 White Paper and approves the filing of a Community Impact Statement for Council File 18-0600.

Patrick Seamans made the motion, Andrew Jhun seconds.

YEAS: Susan Belgrade, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Christine Johnson, Patrick Seamans, Marc Sinnott

NAYS: --

ABSTENTIONS: Mehmet Berker, Ravi Bhatia, Shem Bitterman, Scott Epstein, Emily Kantrim, Abraham Langer, Steven Luftman, Joshua Paget, David Sobel, Don Whitehead

Motion does not pass with 8 yeas, 0 nays and 10 abstentions.

15. Motion to Adjourn at 11:05 pm.

EXHIBIT F

May 28, 2019



Neighborhood Council Funding System

Dashboard



Mid City West Community Council

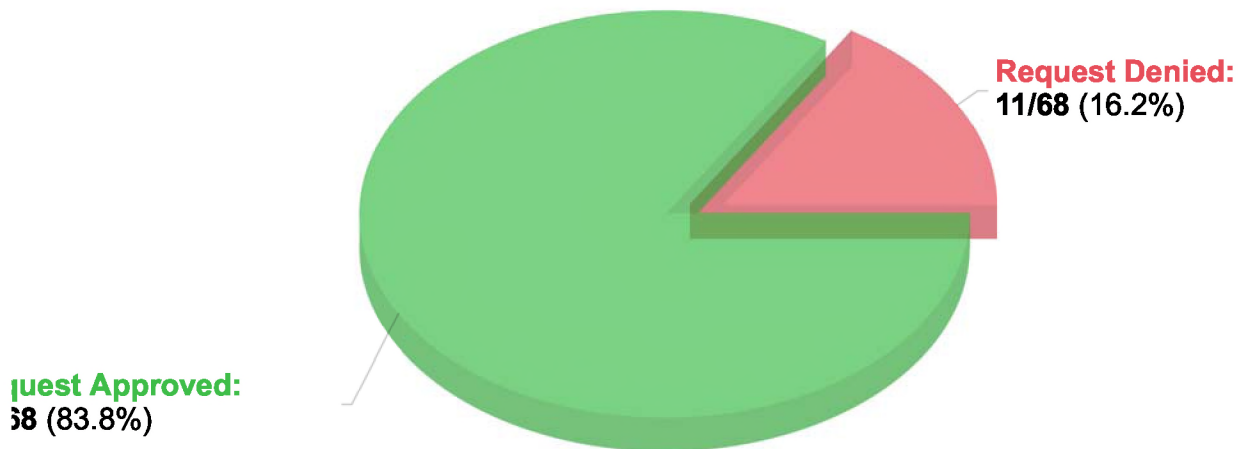


Fiscal Year:

2017-2018

**Budget****Payment Requests****pCard Transactions****MER****Special Accounts**

Payment Request Status



Overall Summary

Total Number of Payment Requests: 68

Payment Request Total Amount: \$36,409.72

Payment Request Average Amount: \$535.44

Payment Request Average Completion Time: 1.33 days

Status Total

Approved: \$27,611.64

Denied: \$8,798.08

Mid City West Community Council: *Request Denied*

Show **10** Funding Requests

Search:

| CD: | Region: | Category: | Amount: | Submitted Date: | Approval Date: | Vendor: | Status: |
|------|---------|-------------------------------|------------|-----------------|----------------|--------------------------------|---------|
| 4, 5 | Central | Community Improvement Project | \$2,500.00 | 5/12/2018 | N/A | Architectural Resources Group | Denied |
| 4, 5 | Central | Neighborhood Purpose Grants | \$1,000.00 | 4/9/2018 | N/A | Launch Productions, Inc. | Denied |
| 4, 5 | Central | Neighborhood Purpose Grants | \$1,000.00 | 4/9/2018 | N/A | Friends of Hancock Park School | Denied |
| 4, 5 | Central | Neighborhood Purpose Grants | \$1,000.00 | 4/9/2018 | N/A | Carthay Center PTA | Denied |
| 4, 5 | Central | Neighborhood Purpose Grants | \$1,000.00 | 6/1/2018 | N/A | Carthay Center PTA | Denied |
| 4, 5 | Central | Office | \$924.00 | 7/31/2017 | N/A | APPLEONE EMPLOYMENT SERVICES | Denied |
| 4, 5 | Central | Office | \$471.74 | 2/23/2018 | N/A | AT&T | Denied |
| 4, 5 | Central | Office | \$417.16 | 5/16/2018 | N/A | Marc Sinnott | Denied |
| 4, 5 | Central | Office | \$232.47 | 8/3/2017 | N/A | Calnet AT&T (Acct: 9391034015) | Denied |
| 4, 5 | Central | Office | \$232.47 | 8/1/2017 | N/A | AT&T | Denied |

Fund Request Total: \$8,777.84 (\$8,798.08 total)

Showing 1 to 10 of 11 Funding Request

Previous

1

2

Next

EXHIBIT G

May 28, 2019



Board of Directors Meeting
July 10, 2018
543 N. Fairfax Avenue, Los Angeles, CA 90036
Approved by the Board on August 14, 2018
Submitted by Amanda Sonnenschein

1. Call to order and roll call

Call to Order: 6:38 pm, 25 present, 2 absent, 5 excused

Present: Susan Belgrade, Mehmet Berker, Ravi Bhatia (arrived 7:29pm), Doug Cullum, Dina Brown, Scott Epstein, Heather Fox (arrived 7:20pm), Liza Gerberding, Michael Hilty, Karen Hollis (6:50pm), Christine Johnson, Emily Uyeda Kantrim, Keith Kirkwood (6:45pm), Abraham Langer, Steven Luftman (6:48pm), David Mann, Andy Meselson, Paul Motschall (late), Joshua Paget, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel (6:52pm), Nick Solish, Roque Wicker

Absent: Shem Bitterman, Taylor Nichols, Dean Howell

Excused: Angela Guzman, Andrew Jhun, Laura Petry, Scott Sale, Don Whitehead

2. General Public Comments

- **Diana Nyad, with EverWalk:** Walking is a universal way to be in a community and discover yourselves. We want to partner with MCW to start a big public walk every first Saturday of the month in Pan Pacific Park. We want your help with the business communities making a fair out of this day.
 - **Joshua Paget:** I am resigning from the board at the end of the month. Thank you for making this neighborhood a better place every day. I hope Mid City West continues to be involved with homelessness, because it is going to be the defining issue of our time here.
 - **Andy Meselson:** On this coming Sunday, 8-11 am we will be doing the cleaning project on Fairfax and I want to make sure we have enough people to get the job done. Please sign up.
 - **Peter Curry, Launch LA:** September 22, 1-8pm we will be having the LA Tarfest event.
3. Appointment of a new **Zone 5 Representative** to serve out the remainder of the term through approximately May 2019. To be eligible for the seat, stakeholders must live in Mid City West Zone 5, the area of MCW west of Fairfax Avenue between Wilshire Boulevard and West Third Street. More information and MCW map at <http://www.midcitywest.org/board-member-seat-vacancy-zone-5-representative/>. Interested stakeholders will have 3 minutes to address the board at the current meeting. Appointment is by a majority vote of the board. If no candidate receives a majority of the vote in the first round, runoff vote(s) will be called eliminating the lowest vote getter in each round.

NOMINEE SPEECHES

- **Brandon Douglas:** I grew up in LA, I became a homeowner in Zone 5 2.5 years ago. I was nominated by Nick Solish, we grew up together. I want to be more involved in my community. I am interested in what is happening and I want to make a difference. I am on the board of my HOA. I work in real estate. I ran Relay for Life in Beverly Hills for 3 years. I want to be here to vote and make a difference.
- **Michael Shear:** I have lived in LA 20 years and 1 week. I moved here shortly after college, and it

was a great place to be young. This is also a fantastic place to raise a family. I changed my mind about a beer and wine license based on what people said at a meeting, and I was really impressed by that. The vision I have for the neighborhood is us coming together.

- **Tony Regenstreif**: Zone 5 is my LA, from when I was single to when I got married became a homeowner and got kids, so I feel a tremendous bond and need to get involved. I am a board member at the JCC. I think it is important to take all of our stakeholders of this community., and I want to get involved now.
- **Charles Lindenblatt**: I've lived in this community since 1975. I am trained in economic policy. I have been a regular attendee at the board meetings and committee meetings. I am interested in re-joining the board so I can continue the work I did before on many committees including PLUC and the EC.

PUBLIC COMMENTS IN SUPPORT OF CANDIDATES

Dale Kendall: Spoke in support of Charles Lindenblatt.

MOTION: Appointing a new Zone 5 Member

VOTE 1:

- **Brandon Douglas**: Mehmet Berker, Michael Hilty, Nick Solish
- **Michael Shear**: Susan Belgrade, Emily Uyeda Kantrim, David Sobel, Roque Wicker
- **Tony Regenstreif**: Scott Epstein, Abraham Langer, Joshua Paget, Marc Sinnott
- **Charles Lindenblatt**: Doug Cullum, Dina Brown, Liza Gerberding, Karen Hollis, Christine Johnson, Keith Kirkwood, Steven Luftman, David Mann, Andy Meselson, Richard Risemberg, Patrick Seamans
- **ABSTENTIONS**: Paul Motschall

CL: 11; TR: 4; MS: 4; BD: 3

Runoff among Michael Shear, Tony Regenstreif and Charles Lindenblatt

VOTE 2:

- **Michael Shear**: Susan Belgrade, Emily Uyeda Kantrim
 - **Tony Regenstreif**: Mehmet Berker, Scott Epstein, Michael Hilty, Abraham Langer, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish, Roque Wicker
 - **Charles Lindenblatt**: Doug Cullum, Dina Brown, Liza Gerberding, Karen Hollis, Christine Johnson, Keith Kirkwood, Steven Luftman, David Mann, Andy Meselson, Richard Risemberg, Patrick Seamans
- ABSTENTIONS**: --

CL: 11; TR: 10; MS: 2

Runoff between Tony Regenstreif and Charles Lindenblatt

VOTE 3:

Tony Regenstreif: Susan Belgrade, Mehmet Berker, Scott Epstein, Michael Hilty, Emily Uyeda Kantrim, Abraham Langer, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish, Roque Wicker

Charles Lindenblatt: Doug Cullum, Dina Brown, Liza Gerberding, Karen Hollis, Christine Johnson, Keith Kirkwood, Steven Luftman, David Mann, Andy Meselson, Richard Risemberg, Patrick Seamans

ABSTENTIONS:

TR: 12; CL: 11

Tony Regenstreif is elected new Zone 5 representative board member.

4. Appointment of a new **At Large Representative** to serve out the remainder of the term through approximately May 2019. All Mid City West stakeholders are eligible for the seat. A stakeholder is defined as an individual who lives, works, or owns property within Mid City West's boundaries, or who affirms a substantial and ongoing participation within the Mid City West boundaries and who may be in a community organization such as, but not limited to, educational, non-profit or religious organizations. More information at <http://www.midcitywest.org/additional-board-member-seat-vacancy-at-large-representative/>. Appointment is by a majority vote of the board. If no candidate receives a majority of the vote in the first round, runoff vote(s) will be called eliminating the lowest vote getter in each round.

NOMINEE SPEECHES

- **Ginger Crawford**: I am an accounting manager for the farmer's market. I don't live in Mid City West but I used to and I bring my family here all the time. I have been out of the volunteering game and I want to come back into this community.
- **Chris Wiggins**: I moved here right after college, I've been in this district eight years and want to be a homeowner here. In 2014 I was a board member with the West L.A. Democrat Club. In 2016 I ran for U.S. house and ran a primary, focusing on ways to fix income inequality and supporting small businesses.
- **Charles Lindenblatt**: I was board secretary for three years. I was here when the office flooded. I dealt with compiling data about unexcused absences and minutes. I know I can make a difference if you give me the chance.
- **Michael Shear**: This process is really amazing. I was at a meeting about the K-Mart by the elementary school, and there were a lot of angry voices there because they felt out of control about what was happening by their elementary school. This board is their voice.
- **Brandon Douglas**: My family owns property on Sweetzer and Beverly since the 1940s. My parents live there and I have a lot of vested interest in the neighborhood. I am here to hear both sides.
- **Henry Van Moyland**: I am a regular attendee of PLUC and board meetings. I am concerned about homelessness, retail and streetscape. I don't think our neighborhood has anything to fear for the future.

PUBLIC COMMENTS IN SUPPORT FOR CANDIDATES

Support Henry Van Moyland: Subash Kundanmal; Bindu Kundanmal (did not speak); Scott Kelsey; Alex Stemkovsky (did not speak); Rhonda Steffen (did not speak); Jill Fakuoto (did not speak); Josh Albrektson; Linda Scheid; Evalena Easter; J. Roberts; Montrese Chandler; Armand Tatis (did not speak); Susann Perry

Appointing a new At Large Representative

Ginger Crawford: Michael Hilty

Chris Wiggins: David Mann, Richard Risemberg

Michael Shear: Karen Hollis

Brandon Douglas: --

Henry Van Moyland: Susan Belgrade, Mehmet Berker, Doug Cullum, Scott Epstein, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Paul Motschall, Joshua Paget, Marc Sinnott, David Sobel, Nick Solish, Roque Wicker

Charles Lindenblatt: Ravi Bhatia, Dina Brown, Heather Fox, Liza Gerberding, Christine Johnson, Steven Luftman, Andy Meselson, Patrick Seamans

HVM: 13; CL: 8; CW: 2; GC: 1; MS: 1; BD: 0.

Henry Van Moyland is elected new At Large representative board member.

5. Swearing in of new board members.
6. **Message from Chair:** Thank you to the board members leaving us. And congratulations this has been a very big month for us.
7. Announcements from government agencies and elected officials. Announcements may include but are not limited to the following offices: City Council District 4 (David Ryu), City Council District 5 (Paul Koretz), LAPD, LAFD, Metro LA, County Supervisorial District 3 (Sheila Kuehl), County Supervisorial District 2 (Mark Ridley-Thomas), State Assembly District 50 (Richard Bloom), State Senate District 26 (Ben Allen), 33rd Congressional District (Ted Lieu), 28th Congressional District (Adam Schiff), and the 37th Congressional District (Karen Bass).
 - a. **Senior Lead Officer Perry Jones, LAPD Wilshire Division:** Officer Wecker is promoted to work with bomb dogs on the busses and trains. Tim Estevez is being moved from the south end of the division to here temporarily. Poinsettia Park is currently being cleaned up.
 - b. **Rob Fisher, Senior Field Deputy for Councilmember David Ryu's Office, CD4:** We need to improve communication with DWP because there was not enough support from DWP during the blackout.
 - c. **Robert Oliver, Field Deputy for Councilmember Paul Koretz's Office, CD5:** Transportation committee passed a motion to regulate Bird Scooters. Poinsettia Park has become an issue, not because there are homeless people, but because of a few bad actors that have been using needles and harrassing people. If anyone finds they don't have power, we have cooling centers. 1/3 of California renters are exposed to secondhand smoke, so Councilman Koretz has introduced an indoor smoking ban in multi family units.
8. Informational Presentation by Ned Racine, Metro Los Angeles Construction Relations, on the Metro Transit Homeless Action Plan
9. Committee Policy Motions (non-funding items).

a. Fair Workweek LA Campaign.

Motion: The Mid City West Community Council endorses the Fair Workweek LA Campaign.

At the June 18, 2018 Executive Council meeting, the motion was made by Epstein and seconded by Jhun. The Executive Council voted 4 Yeas (Epstein, Jhun, Seamans, Uyeda Kantrim), 0 Nays, 1 Abstention. The motion passed.

Background: Fair Workweek LA is a policy campaign being led by Los Angeles Alliance for a New Economy (LAANE) along with a broad coalition of labor groups, community groups, health advocates, and retail workers. The campaign is advocating for a comprehensive policy for retail workers to have a fair schedule. More information on the campaign is available at <https://laane.org/blog/campaigns/grocery-retail/#>. A policy research report by LAANE and the UCLA Labor Center is available at <https://laane.org/wp-content/uploads/2018/03/Hour-Crisis-Unstable-Schedules-in-the-Los-Angeles-Retail-Sector.pdf>.

MOTION: The Mid City West Community Council endorses the Fair Workweek LA Campaign.

Scott Epstein makes the motion, Marc Sinnott seconds.

YEAS: Susan Belgrade, Mehmet Berker, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, Paul Motschall, Joshua Paget, Tony Regenstreif, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Roque Wicker

NAYS: Andy Meselson

ABSTENTIONS: --

RECUSALS: --

Motion passes with 20 yeas, 1 nay, 0 abstentions, 0 recusals.

Marc Sinnott: I worked in retail when I first moved to LA and I can say first-hand we were not given more than 7 days notice for what our schedule would be. I think this is a no-brainer to support.

b. EverWalk monthly walk

Motion: Mid City West will co-sponsor and promote EverWalk's monthly walk series at Pan Pacific Park, on the first Saturday of each month.

At the June 22, 2018 Transportation, Parking, and Streetscape Committee meeting, the motion was made by Epstein and seconded by Paget. The committee voted 9 Yeas (Bitterman, Epstein, Gabbai, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

Background: EverWalk, founded by Diana Nyad, the first person in history to swim from Cuba to Florida, and her Cuba expedition leader, Bonnie Stoll, aims to get people walking across the U.S. The organization leads epic walks (for example, from Los Angeles to San Diego), but is now also targeting a wider audience with its monthly walk right in Mid City West at Pan Pacific Park. The event involves 5 one-mile loops around the park, with participants choosing how far they want to walk.

MOTION: Mid City West will co-sponsor and promote EverWalk's monthly walk series at Pan Pacific Park, on the first Saturday of each month.

Nick Solish makes the motion, Susan Belgrade seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Liza Gerberding, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Joshua Paget, Tony Regenstreif, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Roque Wicker

NAYS: --

ABSTENTIONS: Michael Hilty

RECUSALS: --

Motion passes with 22 yeas, 0 nays, 1 abstention, 0 recusals.

c. 3rd and Fairfax Scramble Crosswalk.

Motion: Mid City West supports the implementation of a scramble crosswalk at West Third Street and Fairfax Avenue.

At the June 22, 2018 Transportation, Parking, & Streetscape Committee meeting, the motion was made by Solish and seconded by Bitterman. The committee voted 9 Yeas (Bitterman, Epstein, Gabbaian, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

Background: A scramble crosswalk is an intersection where an exclusive signal phase is dedicated to pedestrians crossing in each direction. By eliminating the conflict between crossing pedestrians and turning vehicles, scramble crosswalks can make intersections much safer. Scramble crosswalks are an important treatment in Vision Zero LA's toolkit and have been used successfully at Hollywood and Highland, 7th and Alvarado, Wilshire and Alvarado, and 6th and Alvarado, with more intersections to be added soon. Third and Fairfax is a good candidates for this treatment because 1) it experiences high pedestrian volumes, and 2) it experiences an unusually high number of collisions. In fact, a Berkeley study found that Third and Fairfax had the 3rd highest number of crashes of any intersection in the whole city (see <https://www.ocregister.com/2018/05/06/do-not-publish-questions-where-southern-californias-many-deadly-vehicle-crashes-occur/>).

MOTION: Mid City West supports the implementation of a scramble crosswalk at West Third Street and Fairfax Avenue.

Nick Solish makes the motion, Mehmet Berker seconds.

YEAS: Susan Belgrade, Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, David Mann, Andy Meselson, Paul Motschall, Joshua Paget, Tony Regenstreif, Richard Risemberg, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Roque Wicker

NAYS: --

ABSTENTIONS: Michael Hilty

RECUSALS: --

Motion passes with 20 yeas, 0 nays, 1 abstention, 0 recusals.

Scott Epstein: I have never seen anything receive so much support on facebook as this.

d. 714-718 Sweetzer Ave -- (VTT-74129-CN, ENV-2018-2721-EAF)

Project Description: Demolition of 14 RSO units and development of a 5-story condominium building

with 26 units (2 of which will be income restricted) and 44 parking spaces.

Requested Actions:

- Requesting a vesting tentative tract map pursuant to LAMC section 17.00 & 17.15 for a 26-unit condominium complex; and also requesting a waiver of dedication & improvement for the required widening & dedications for the subject site located in the Mid City West neighborhood of the city.

Motion: Mid City West Community Council opposes the tentative Tract Map for 714-718 Sweetzer due to: the loss of character-defining historic Rent Stabilized Ordinance housing; abuse of the Early Start apartment program with conversion to condominium as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return; and inconsistencies with the Hollywood Community Plan.

At the June 26, 2018 Planning and Land Use Committee meeting, the motion was made by Luftman and seconded by Gerberding. The committee voted 9 Yeas (Gerberding, Luftman, Nakata, Sale, Seamans, Uyeda Kantrim, Wayne, Wicker, and Wyman), 0 Nays, 1 Abstention (Berker). Motion passed.

Background: The PLUC discussion centered on the cumulative loss of rent-stabilized housing from a single developer with 3 projects (items 6a, 6b, 7) in close vicinity to one another, all in the same neighborhood.

By PLUC estimations, there was a loss of approximately 60 units of rent stabilized units in exchange for 2 new affordable units along with new condominiums, which is contrary to the MCWCC board's effort to create and maintain affordable housing within the neighborhood.

MOTION: Mid City West Community Council opposes the tentative Tract Map for 714-718 Sweetzer due to: the loss of character-defining historic Rent Stabilized Ordinance housing; abuse of the Early Start apartment program with conversion to condominium as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return; and inconsistencies with the Hollywood Community Plan.

Steven Luftman makes the motion, Liza Gerberding seconds.

YEAS: Doug Cullum, Dina Brown, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Joshua Paget, Patrick Seamans, David Sobel, Roque Wicker

NAYS: Susan Belgrade, Ravi Bhatia, Abraham Langer, Andy Meselson, Paul Motschall, Marc Sinnott

ABSTENTIONS: Mehmet Berker, Tony Regenstreif, Henry Van Moyland

RECUSALS: --

Motion passes with 13 yeas, 6 nays, 3 abstentions, 0 recusals.

PUBLIC COMMENTS

Afshin Etebar, owner: My intent was not to get three projects off the ground at once. We started with one of the properties on Sweetzer. The property was primarily vacant and was in a very rundown state. Then I was approached by the next door neighbor who also wanted to sell. There were many homeless people living in the units and them leaving helped clean up the community. I want to work within the zoning guidelines and I don't ask for any variances. We are adding housing that is being needed. We provide ownership for the price of renting. We will provide ample parking, which will help alleviate the

street parking issue in this area.

Carl Steinberg and Eric Lieberman answered questions from the board.

BOARD DISCUSSION

Abraham Langer: Rejecting this project feels reactionary. It feels like anything that is not affordable is just bad, and I know lots of people for whom this would be a great alternative.

Andy Meselson: More units available for sale makes it affordable for people who can buy something. If a developer is willing to build something, we should support it and he's following all the rules. We may not like some of the rules but they are the rules and he's following them. The more good quality building we can get the better it will be in the long run.

Doug Cullum: Was there any opposition from the community?

Mehmet Berker: We had one woman who spoke approvingly about the building on Croft but not on Sweetzer. My understanding of the committee's discussion is that we want these to be apartments for the reasons outlined, we are against the vesting tentative tract map. For my personal take I abstain from all of these motions because I have problems with the language. I don't know if it's abuse if they're just doing what the law says, I would prefer apartments but that is why I abstained.

Dina Brown: My understanding of the last homeless count is that 10,000 people fell into homelessness in the last year, many of them 60 years or older. We don't have a shortage of luxury houses. Yes we need more housing but we need the right kind of housing, and density doesn't mean affordability. Who are we trying to advocate for? I am always disappointed on these issues.

Steven Luftman: 60 families have lost homes from these three projects. We are destroying rental housing, what is the core of the community, for the greed of few. I hope this vote will help send a message.

Liza Gerberding: This language is consistent with others that have been brought to the board and been passed. This is in keeping with the stance of the board. We are very careful about deliberating about each project, and I think sometimes the board forgets the ones that we are 100% for. This is our voice about displacement of our neighbors. We're trying to be strong about what our values are.

Emily Uyeda Kantrim: This is how we communicate with city hall. We looked at each of these individually. We are continuing to work on how to phrase these motions carefully.

Scott Epstein: I struggle with these projects. I strongly prefer housing that does not involve displacement. On the other hand, I am troubled to see that it is too hard to build the displacement-free housing that we so desperately need. We need to think very strategically moving forward, because the car wash didn't displace a soul and it was downsized. I think we went the wrong direction on that one. We need to strongly embrace displacement-free housing and negotiate for it to be better: denser, more affordable components.

Abraham Langer: At this point, no one is going to step back and make these apartments. When projects come before us, let's try to make them the best projects possible because otherwise we won't have an impact. I personally think we would be more effective by filing community impact statements and then trying to make these individual projects as effective as possible.

Scott Epstein: Right now, those sites are not housing anybody. Is there an ask we want to make of these projects, because right now there isn't an ask.

Steven Luftman: We don't want those tract maps to happen. They have the right to build an apartment

complex.

Marc Sinnott: I'm a little unsettled that we're evaluating all three of these projects together. Once condo buildings are built, those units do often trickle back into the rental market.

e. 728-748 N Sweetzer Ave -- (VTT-74130-CN, ENV-2018-2175-EAF)

Project Description: New 4 story, 49 condominium complex with 2 levels of subterranean parking.

Requested Actions:

- A vesting tentative tract map for a new 4 story, 49 condominium complex with 2 levels of subterranean parking.

Motion: Mid City West Community Council opposes the tentative Tract Map for 724-728 Sweetzer due to: the loss of character-defining historic Rent Stabilized Ordinance housing; abuse of the Early Start apartment program with conversion to condominium as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return; and inconsistencies with the Hollywood Community Plan.

At the June 26, 2018 Planning and Land Use Committee meeting, the motion was made by Luftman and seconded by Wayne. The committee voted 9 Yeas (Gerberding, Luftman, Nakata, Sale, Seamans, Uyeda Kantrim, Wayne, Wicker, and Wyman), 0 Nays, 1 Abstention (Berker). Motion passed.

Background: The PLUC discussion centered on the cumulative loss of rent stabilized housing from a single developer with 3 projects (items 6a, 6b, 7) in close vicinity to one another, all in the same neighborhood.

By PLUC estimations, there was a loss of approximately 60 units of rent stabilized units in exchange for 2 new affordable units along with new condominiums, which is contrary to the MCWCC board's effort to create and maintain affordable housing within the neighborhood.

MOTION: Mid City West Community Council opposes the tentative Tract Map for 724-728 Sweetzer due to: the loss of character-defining historic Rent Stabilized Ordinance housing; abuse of the Early Start apartment program with conversion to condominium as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return; and inconsistencies with the Hollywood Community Plan.

Mehmet Berker makes the motion, Steven Luftman seconds.

YEAS: Doug Cullum, Dina Brown, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Joshua Paget, Patrick Seamans, David Sobel, Roque Wicker

NAYS: Ravi Bhatia, Abraham Langer, Andy Meselson, Paul Motschall, Marc Sinnott

ABSTENTIONS: Mehmet Berker, Tony Regenstreif, Henry Van Moyland

RECUSALS: --

Motion passes with 13 yeas, 5 nays, 3 abstentions, 0 recusals.

Afshin Etebar, owner: If you do keep them as apartments, they will come back to market rate. So yes everybody can come back, but they would be paying the same rates as any other market property. And

any of these people who were displaced did get \$20,000 to help them move.

f. 734 N. Croft Ave -- (VTT-82019, ENV-2018-2176-EAF)

Project Description: A 28 unit four story residential condominium with one level of subterranean parking containing 62 automobile parking spaces and 32 bike spaces in the Hollywood community plan area.

Requested Actions:

- Vesting Tentative Tract Map for a 28 unit four story residential condominium with one level of subterranean parking containing 62 automobile parking spaces and 32 bike spaces in the Hollywood community plan area.

Motion: Mid City West Community Council opposes the tentative Tract Map for 734 N Croft Ave due to: the loss of character-defining historic Rent Stabilized Ordinance housing; and abuse of the Early Start apartment program with conversion to condominium, as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return.

At the June 26, 2018 Planning and Land Use Committee meeting, the motion was made by Wayne and seconded by Luftman. The committee voted 8 Yeas (Gerberding, Luftman, Nakata, Seamans, Uyeda Kantrim, Wayne, Wicker, and Wyman), 0 Nays, 1 Abstention (Berker). Motion passed.

Background: The PLUC discussion centered on the cumulative loss of rent-stabilized housing from a single developer with 3 projects (items 6a, 6b, 7) in close vicinity to one another, all in the same neighborhood.

By PLUC estimations, there was a loss of approximately 60 units of rent stabilized units in exchange for 2 new affordable units, along with new condominiums which is contrary to the MCWCC board's effort to create and maintain affordable housing within the neighborhood.

There was some conversation regarding better aesthetic design than previous projects but the committee did not comment on the subject, due to the committee's previous approach of pursuing adequate affordable components to new-built projects.

MOTION: Mid City West Community Council opposes the tentative Tract Map for 734 N Croft Ave due to: the loss of character-defining historic Rent Stabilized Ordinance housing; and abuse of the Early Start apartment program with conversion to condominium, as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return.

Mehmet Berker makes the motion, Steven Luftman seconds.

YEAS: Doug Culum, Dina Brown, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Joshua Paget, Patrick Seamans, David Sobel, Roque Wicker

NAYS: Ravi Bhatia, Abraham Langer, Andy Meselson, Paul Motschall, Marc Sinnott

ABSTENTIONS: Mehmet Berker, Tony Regenstreif, Henry Van Moyland

RECUSALS: --

Motion passes with 13 yeas, 5 nays, 3 abstentions, 0 recusals.

10. Board Administrative Business

- a. Review and approval of outstanding minutes.

TABLED.

- b. Treasurer's Report

TABLED.

- c. Discussion and potential action regarding Neighborhood Council Self-Assessment for Fiscal Year 2017-18. The self-assessment is a tool for measuring how the council performed relative to the goals set forth in the council's 2017-18 Strategic Plan. A completed self-assessment is required to be submitted to EmpowerLA by August 1, 2018. A draft self-assessment prepared by the executive officers is posted on the Mid City West google drive and website along with this agenda.

MOTION: To approve the Neighborhood Council Self-Assessment for Fiscal Year 2017-18 with subsequent updates.

Scott Epstein makes the motion, Michael Hilty seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Paul Motschall, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Henry Van Moyland, Roque Wicker

NAYS: Liza Gerberding

ABSTENTIONS: Tony Regenstreif

RECUSALS: --

Motion passes with 18 yeas, 1 nay, 1 abstention, 0 recusals.

- d. Discussion and possible action regarding **2018 Neighborhood Council Election Information Worksheet** and formation of an **Ad Hoc Elections Committee**. The worksheet, also known as the Elections "Stip" Sheet, communicates the council's preferences on a variety of issues related to Mid City West's 2019 elections. A completed worksheet is required to be submitted to EmpowerLA by August 1, 2018. A draft worksheet, unanimously approved by the Executive Council at its June 18, 2018 meeting, is posted on the Mid City West google drive and website along with this agenda.

MOTION: To approve the 2018 Neighborhood Council Election Information Worksheet.

Scott Epstein makes the motion, Abraham Langer seconds..

YEAS: Ravi Bhatia, Doug Cullum, Dina Brown, Scott Epstein, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, David Mann, Paul Motschall, Joshua Paget, Tony Regenstreif, Patrick Seamans, Marc Sinnott, Roque Wicker

NAYS: Liza Gerberding

ABSTENTIONS: Mehmet Berker, Steven Luftman, Andy Meselson, David Sobel, Henry Van Moyland

RECUSALS: --

Motion passes with 15 yeas, 1 nay, 5 abstentions, 0 recusals.

e. Strategic Budget.

Discussion and possible action regarding strategic budget for the 2018-19 Fiscal Year. This year, EmpowerLA is recommending, but not requiring, a strategic budget.

Draft budget based on FY 2017-18:

- General and Operational Expenditures:
 - Office/Operational: \$24,500
 - Outreach: \$10,500
 - Elections: \$0
- Neighborhood Purpose Grants: \$3,000
- Community Improvement Projects: \$4,000

MOTION: To approve the following budget categories for fiscal year 2018-19.

- General and Operational Expenditures:
 - Office/Operational: \$24,500
 - Outreach: \$3,500
 - Elections: \$4,000
- Neighborhood Purpose Grants: \$3,000
- Community Improvement Projects: \$7,000

Scott Epstein makes the motion, Abraham Langer seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Joshua Paget, Patrick Seamans, David Sobel, Roque Wicker

NAYS: --

ABSTENTIONS: Andy Meselson, Paul Motschall, Marc Sinnott

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 15 yeas, 0 nays, 3 abstentions, 0 recusals, and 2 ineligible.

- f. Discussion and potential action regarding NCJW lease for Fiscal Year 2018-2019 (July 1, 2018 to June 30, 2019). Draft lease is posted on Mid City West's google drive and website along with this agenda.

MOTION: Mid City West approves the draft lease with NCJW-LA.

Scott Epstein makes the motion, Steven Luftman seconds.

YEAS: Mehmet Berker, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda

Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Roque Wicker

NAYS: --

ABSTENTIONS: Paul Motschall

RECUSALS: Ravi Bhatia

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 16 yeas, 0 nays, 1 abstention, 1 recusal, and 2 ineligible.

11. Committee Funding motions

a. Poinsettia Community Garden soil test.

Motion: Mid City West allocates \$85 towards having the soil at Poinsettia Park analyzed by Wallace Laboratories, in advance of beginning a community garden at this location.

On May 21, 2018, the Ad Hoc Sustainability Committee voted 3 Yeas (Epstein, Sobel, and Uyeda Kantrim), 0 Nays, 0 Abstentions. Motion Passed

Background: This motion was previously passed by the Mid City West board. It turned out, however, payment for the soil test could only be made by check. With the check deadline having passed for FY 2017-18 funds, the motion is now being re-introduced in order to access FY 2018-19 funds.

MOTION: Mid City West allocates \$85 towards having the soil at Poinsettia Park analyzed by Wallace Laboratories, in advance of beginning a community garden at this location.

David Sobel makes the motion, Scott Epstein seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Roque Wicker

NAYS: --

ABSTENTIONS: Paul Motschall

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 17 yeas, 0 nays, 1 abstention, 0 recusals, and 2 ineligible.

b. Garder Tree Canvassing Day.

Motion: Mid City West will allocate an amount not to exceed \$100 for food and refreshments for the planned Gardner Avenue Tree Canvassing event on July 22nd.

At the June 22nd, 2018 Transportation, Parking, and Streetscape Committee meeting, the committee voted 9 Yeas (Bitterman, Epstein, Gabbaian, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

Background: This event is the net in the board's continuous series of canvasses to obtain commitments by residents to water new street trees. Refreshments will help attract and energize volunteers.

MOTION: Mid City West will allocate an amount not to exceed \$100 for food and refreshments for the planned Gardner Street Tree Canvassing event on July 22nd.

Joshua Paget makes the motion, David Sobel seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Joshua Paget, Patrick Seamans, Marc Sinnott, David Sobel, Roque Wicker

NAYS: --

ABSTENTIONS: Paul Motschall

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 16 yeas, 0 nays, 1 abstention, 0 recusals, and 2 ineligible.

c. Mid City West 5th Annual Park(ing) Day Event.

Motion: Mid City West will allocate an amount not to exceed \$2000 to produce a Park(ing) Day event on September 21, 2018. The budget would be used for rental of fencing, furniture, flooring, and other items for the parklet locations.

At the June 22, 2018 Transportation, Parking, and Streetscape Committee meeting, the motion was made by Paget and seconded by Langer. The committee voted 9 Yeas (Bitterman, Epstein, Gabbaian, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

Background: Park(ing) Day is an international event taking place on the third Friday of September, during which urban designers and community groups create pop-up parklets in parking spaces for one day. Since 2014, Mid City West has participated in the events each year. Previous installations took place on Melrose Avenue, West Third Street, Fairfax Avenue, La Brea Avenue, Wilshire Boulevard, and Stanley Avenue. The event has offered Mid City West the opportunity to collaborate with local businesses, and has consistently attracted local print, broadcast, and digital press.

TABLED.

d. Post Office Clean-up Day.

Motion: Mid City West will allocate an amount not to exceed \$1000 to support a clean-up and planting day at the Bicentennial Post Office on Beverly Boulevard.

At the June 22, 2018 Transportation, Parking, and Streetscape Committee meeting, the motion was made by Solish and seconded by Bitterman. The committee voted 9 Yeas (Bitterman, Epstein, Gabbaian, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

TABLED.

e. Mid City West Tree Video Budget.

Motion: Mid City West will allocate an amount not to exceed \$1000 to create, promote, and distribute a

video about tree canvassing and planting in Mid City West.

At the June 22, 2018 Transportation, Parking, and Streetscape Committee meeting, the committee voted 8 Yeas (Bitterman, Epstein, Gabbai, Goldenberg, Howell, Paget, Rudoy, and Solish), 1 Nay (Langer), 0 Abstentions. Motion passed.

TABLED.

f. School Safety Panel.

Motion: The Mid City West Community Council allocates an amount not to exceed \$2,500 for the School Safety Panel Event to take place in September 2018.

At the Communications & Outreach committee meeting on July 3, 2018, the committee voted 6 Yeas (Cullum, Mann, McCallum, Risemberg, Sinnott, and Whitehead), 0 Nays and 0 Abstentions. Motion passed.

Background: This project was originally introduced in the previous fiscal year, and preliminary planning is already underway. It was decided that the event would take place in Fall of 2018 after the start of the school year, and as such that the funds required would be from the FY 2018-19 budget. The committee has been in talks with City Attorney Mike Feuer's office, and with the Greenway Arts Alliance at Fairfax High School. As of now the event is slated for the evening of Wednesday September 12th, 2018 at the Greenway Court Theater. It would include several blue ribbon panelists and an introduction from the City Attorney, and discussion would focus on issues including school safety, gun violence prevention, smart school design, etc. The approximate breakdown of the requested budget would be as follows: Venue - \$500; Outreach/Advertising - \$1,000; Refreshments - \$500; Signage/Printed Material - \$500.

MOTION: The Mid City West Community Council allocates an amount not to exceed \$2,500 for the School Safety Panel Event to take place in September 2018.

Marc Sinnott makes the motion, Doug Cullum seconds.

YEAS: Mehmet Berker, Doug Cullum, Scott Epstein, Liza Gerberding, Michael Hilty, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Patrick Seamans, Marc Sinnott, Roque Wicker

NAYS: Abraham Langer, Andy Meselson

ABSTENTIONS: Ravi Bhatia, Paul Motschall, Joshua Paget

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 12 yeas, 2 nays, 3 abstentions, 0 recusals, and 2 ineligible.

g. Tom Bergin's Historical Cultural Monument report.

Motion: Mid City West approved a \$2,500 community improvement project to contract with a vendor to produce a report/application for Historic Cultural Monument status for Tom Bergin's Tavern. After considerable effort on the part of Mid City West, City Clerk's office informed the council that the city rules would not allow Mid City West to contract with a private for profit vendor for these services. The projects now being re-structured as a Neighborhood Purpose Grant with the Los Angeles Conservancy as the grantee. Councilmember Ryu has introduced Council File 18-0650 to move the 2017-18 funds Mid City West allocated to this purpose to a special fund that Mid City West will use to complete the project in FY

2018-19.

MOTION: To approve the Neighborhood Purpose Grant to LA Conservancy for the purpose of producing a report/application for Historic Cultural Monument status for Tom Bergin's Tavern.

Mehmet Berker makes the motion, Patrick Seamans seconded.

YEAS: Mehmet Berker, Ravi Bhatia, Doug Cullum, Scott Epstein, Liza Gerberding, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, David Mann, Joshua Paget, Patrick Seamans, Marc Sinnott, Roque Wicker

NAYS: --

ABSTENTIONS: Michael Hilty, Andy Meselson, Paul Motschall

RECUSALS: Steven Luftman

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 13 yeas, 0 nays, 3 abstentions, 1 recusal, and 2 ineligible.

12. Informational updates from Standing Committees, Ad Hoc Committees, and Board Liaisons.

13. Motion to Adjourn at 11:32 p.m.

EXHIBIT H

May 28, 2019

Neighborhood Council Funding Program

POLICIES & GUIDELINES

1st Edition

February 1, 2018



Office of the City Clerk
Administrative Services

HOLLY L. WOLCOTT
CITY CLERK

City of Los Angeles CALIFORNIA

OFFICE OF THE
CITY CLERK

Executive Office
200 N. Spring Street, Room 360
Los Angeles, CA 90012
(213) 978-1020
FAX: (213) 978-1027

clerk.lacity.org



ERIC GARCETTI
MAYOR

Neighborhood Council Leaders,

The Office of the City Clerk would like to extend a warm welcome to all new board members and particularly the new financial officers in the Neighborhood Council (NC) system. The NC system is indeed one of the gems in the City of Los Angeles, and we are proud to be able to provide the administrative support for NCs to run their financial operations successfully through the Neighborhood Council Funding Program.

The NC Funding Program was transferred from the Department of Neighborhood Empowerment to the Office of the City Clerk in July 2016. At that time, our City leaders had a vision to expand and strengthen support to the NC system while simultaneously allowing the Department of Neighborhood Empowerment to focus its staffing resources on capacity building and technical assistance in the field.

At the core of the City Clerk's approach to working with our NC system and creating the Neighborhood Council Funding Program Policies and Guidelines is TASC: Transparency, Accountability, Simplicity and Consistency. TASC is also the lens utilized in the creation of the online NC Funding System portal.

With the support from Mayor Garcetti's Commission on Innovation, the Office of the City Clerk was able to bring **simplicity** to the execution of financial transactions by NCs. The NC Funding System portal is an easy to use online platform for the NCs to request funds, track expenditures, upload documents, and generate financial reports. Utilizing the online platform, anyone with computer access can view spending trends by budget categories in detail creating a new level of **accountability** and **transparency** required in the expenditure of NC funds.

The Office of the City Clerk is committed to developing and implementing funding policies and guidelines that mirror sound accounting practices and make sense for the NC system. The **consistency** with which we will administer these funding policies and guidelines will make them both predictable and easy to follow. We will continue to work in partnership with our NC system, the Mayor, City Council, Office of Finance, Controller's Office, Risk Management, City Attorney's Office and Department of Neighborhood Empowerment to ensure that we continue to innovate and provide excellent service to the NC system.

Sincerely,

Holly L. Wolcott
City Clerk

Neighborhood Council Funding Program

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Governance and Administration

The Office of the City Clerk, Administrative Services Division, Neighborhood Council Funding Program (NC Funding Program) is pleased to distribute our *“NC Funding Program, Policies & Guidelines, 1st Edition, February 1, 2018.”* It has been our goal since the NC Funding Program was transferred to our department to provide Neighborhood Councils (NC) with a fresh set of comprehensive policies that can be consistently applied and updated as necessary. These easy to follow guidelines build on the established financial management framework on which each NC is currently operating.

Background

On March 21, 2017, the Los Angeles City Council adopted ordinance 184835 which amended sections 5.517, 22.801(p), 22/810.1(g) and 22.815 of the Los Angeles Administrative Code in order to transfer administration of the NC Funding Program from Department of Neighborhood Empowerment to the Office of the City Clerk, and establish a trust fund for the City Clerk to administer NC Accounts. Said change came fourteen years after the inception of the NC Funding Program in March 2003 via Council File 02-0699.

Mission

Our Mission is to assist the NC System with its administrative needs as they relate to NC funding. Our philosophy in order to accomplish our mission is based on a two-pronged approach: 1) Facilitate access by the NCs to their annual budget allocation by making the process of spending public funds simple, while maintaining accountability and transparency, and 2) Ensure that public funds are spent appropriately following all City government laws, policies, rules, guidelines and expectations and that said regulations and policies are applied consistently across the NC System.

Administration of the NC Trust Fund

The Policies and Guidelines set forth in this set of documents (known as “policies”) are the governing rules for the NC Funding Program. The Policies and Guidelines are subject to revision at the discretion of the Office of the City Clerk, Administrative Services Division, NC Funding Program. The NC Funding Program may issue additional instruction(s) on NC Funding matters not addressed in these documents.

Authority to Administer the NC Trust Fund

Los Angeles City Charter Article IX Section 911.

Funds shall be appropriated into a special fund to be established by ordinance. The Mayor and Council shall thereafter appropriate funds for the department and NCs at least one year in advance of each subsequent fiscal year.

Los Angeles Administrative Code Section 22.810.1(g) Subsection (1) & (2)

Money appropriated in the budget of each year for certified NCs for the costs related to the functions, operations and duties of a certified NC shall be placed in the NC Fund. The functions, operations and duties of a certified NC include, but are not limited to, meeting and office space, office equipment, computers, supplies and communications, such as the costs associated with newsletters, postage or printing written materials. At the discretion of each NC, and as approved by the City Clerk, all or part of the money so appropriated may be used for neighborhood improvement projects. The City Clerk is authorized to promulgate all procedures, rules and regulations, as well as to issue any directives necessary for the administration of NC expenditures, including neighborhood improvement projects and Neighborhood Purpose Grants.

Plan for a Citywide System of NCs (the Plan)

The NC Funding Program derives additional guidance not already implicit in the City Charter or Administrative Code from the Plan, such as general financial accountability, funding responsibilities and expectations, including operations, outreach, neighborhood projects and grants, corrective actions and remedial measures.

NC Boards and Financial Officers

NC Funding Program Policy 1.0 NC Boards and Financial Officers

In 1999, voters in the City of Los Angeles approved changes to the City Charter which added Section 900 to create the NC System. With the creation of the NC System, the Plan for a Citywide System of NCs (Plan) was also drafted and adopted. The Plan discusses financial accountability relative to NCs and the requirements for proper spending of public funds. The Plan also discusses Funding in Article IX which explains the purpose of the funding appropriated to NCs.

Each Certified NC's Governing Body is comprised of elected, selected, and/or appointed stakeholders. Each NC is allocated funds for their Office, Outreach, Election, Neighborhood Purposes Grants, and Community Improvement Project expenditures. Since NCs are City bodies who are subject to local, state and federal laws, and who use public funds for their activities, all expenditures by NCs must be agendaized and voted on at a properly noticed public meeting.

1. Fiduciary Responsibility

- a. All NC Board Members have the responsibility of ensuring that the funding account activity of their respective Boards complies with established Policies and Guidelines prescribed by the Office of the City Clerk. All Board members voting on funding-related matters at official NC meetings must complete and abide by all required trainings.
- b. If a Board member thinks they may have a potential conflict of Interest, they must contact the Office of the City Attorney prior to engaging in discussion or voting on any matters that may pose a potential conflict of interest.
- c. All funding-related matters must be included on a board agenda, discussed and approved at a public meeting that complies with all Brown Act and other meeting notification requirements. The board should include enough information on the agenda regarding a funding matter so that the public can make a reasonable decision whether they would like to attend and provide their input on the matter.
- d. Treasurers are to report the Monthly Expenditure Report (MER) to the board and its stakeholders on a monthly basis regarding the status of its NC Funding Program account including expenditures, outstanding expenditures, and the total remaining balance for the fiscal year. If at any time a funding discrepancy is discovered, the board should be notified immediately so that it may be discussed and corrected. If the discrepancy cannot be resolved or is of a nature that may involve criminal activity, the board should notify the NC Funding Program immediately.

2. Eligibility to Vote on Financial Matters

- a. To be eligible to vote on any NC Expenditure, Financial Reports, and/or annual budgets, the board member must:

- i. Be an Elected, Appointed and/or Selected Board Member of the NC
- ii. Be 18 years of age or older
- iii. Have completed the California State Ethics Training Requirement for Local Officials (AB 1234)
- iv. Have completed the online NC Board Member Funding Training and obtain a passing score of 70% on any test associated with the online course.
 - 1. Board members may also, optionally, attend the in-person Funding Training required for NC Financial Officers.
- v. Have completed the Code of Conduct acknowledgement.

3. Board Member Responsibilities

- a. Every Board member eligible to vote on funding items has a fiduciary responsibility and must ensure that proper procedures are followed when expensing public funds.
- b. Each board member is responsible for understanding the NC Funding Program and educate himself or herself on the rules and guidelines governing the use of public funds.
- c. Every board member is responsible for completing all required trainings and abide by Conflict of Interest Laws applicable to NCs.
- d. Each board member must seek advice from the Office of the City Attorney, NC Advice Division, when applicable, and *PRIOR* to any discussion and/or vote.
- e. Every board member is responsible for understanding the funding items up for discussion and action. Each expenditure should be evaluated on its merit, with all of the necessary supporting documentation.
- f. Every board member must know what is appropriate and inappropriate use of public funds.
- g. All board members must review, understand, inquire, discuss and ultimately vote on the Monthly Expenditure Report (MER) on a monthly basis.
- h. Every board member must visit the NC Funding Program Public Dashboard and stay current with their NC's financial activity.
- i. Every board member must feel free to speak with their vote anytime there is a disagreement on any financial matter.

4. Financial Officers

- a. Every NC must select, elect, or appoint the following Financial Officers from the NC Board:
 - i. Treasurer
 - ii. 2nd Signer
 - iii. Alternate Signer
 - iv. NC Bank Cardholder
- b. Financial Officers of the NC must meet the following criteria:
 - i. Fully eligible to vote on expenditures, financial reports, and annual budgets as listed above
 - ii. Completed the in-person NC Funding Program Training
 - iii. Completed the in-person NC Funding System Portal Training

- iv. Complete Funding Program bank documents, providing two forms of identification
- v. Have a level of comfort with technology and utilization of an online Funding system

5. Financial Officer Responsibilities

- a. The NC **Treasurer** is responsible for the following:
 - i. Operation of the online Funding System portal which includes:
 - 1. Submitting check payment requests within 45 days of the NC Board approval vote taken.
 - 2. Generating the Monthly Expenditure Reports (MER) and presenting them to the Board for review and action on a monthly basis.
 - ii. Submit requests for bank card limit increases, as needed
 - iii. Keep track of the NC's annual budget for revisions by the Board, as needed
 - iv. Maintain custody of financial documents - unless appointed differently by the Board
- b. The NC **2nd Signer** is responsible for the following:
 - i. Verifies Funding Program documents have been correctly and completely filled out before submitted for processing.
 - ii. Acts as the second signer as required on Funding Program documents
- c. The NC **Alternate Signer** is responsible for the following:
 - i. In the absence or unavailability of the Treasurer or 2nd Signer, the Alternate Signer can sign Board-approved funding documents to be submitted to the NC Funding Program.
- d. The NC **Bank Cardholder** is responsible for the following:
 - ii. Maintains secure custody of the NC's bank card
 - iii. Ensures card is used for payment transactions as approved by the Board only.
 - iv. Obtains itemized receipts or itemized paid invoices for every card transaction.
 - v. Submits (Uploads) itemized receipts or itemized paid invoices for card no later than 10 days after the date the transaction posts.
 - vi. Must not accept cash refund. All refunds must be made as a credit return.
 - vii. Notifies the Funding Program immediately of lost or stolen cards
 - 1. Bank must be notified immediately by the NC Bank Cardholder to block any further usage of the card.
 - 2. A new card can be ordered upon notification
 - viii. Notifies NC Funding Program upon resignation or removal as the NC Bank Cardholder.

Annual Budget and Fiscal Year

NC Funding Program Policy 1.1 Annual Budget and Fiscal Year

"The fiscal year of the City shall begin on July 1 or each year and shall end on June 30 of the following year." City of Los Angeles, Charter Sec. 310.

As an entity of the City of Los Angeles, the NCs adhere to the same fiscal calendar as the City of Los Angeles. Each fiscal year, the NCs will be given access to their annual allocation through the Office of the City Clerk's prescribed method.

1. Annual Budget

Pursuant to Los Angeles Administrative Code Section 22.810.1 (g), NCs are to spend the funds on the functions, operations, outreach, and projects of a NC. The budget is a plan for the utilization of resources and expenditures.

- a. The budget is comprised of three expenditure categories:
 - i. General and Operational Expenditures (comprised of three subcategories)
 1. Office/Operational
 2. Outreach
 3. Elections
 - ii. Neighborhood Purposes Grants
 - iii. Community Improvement Projects
- b. NCs must submit a budget to Department of Neighborhood Empowerment, with an electronic copy to the Office of the City Clerk, NC Funding Program.
 - i. NCs that have not submitted a Budget will be limited to \$333.00/month for General and Operational expenditures for 3 months. If a budget is not submitted by the 4th month of the fiscal year, the NC's funds will remain frozen.

2. Annual Budget Specific Line Items

- a. The Office of the City Clerk will not accept specific line items in the annual budget as authorization for payments except for monthly recurring Office/Operations-related expenditures. These may include:
 - i. Office rent and office equipment lease payments
 - ii. Storage facility rent payments
 - iii. Telephone and Internet services
 - iv. Meeting refreshments and snacks
 - v. Website hosting and maintenance
 - vi. Professional services, i.e. translators and minute-takers for monthly meetings
- b. Outreach, Election, Neighborhood Purposes Grants, and Community Improvement Project expenditures require individual approval by the NC and cannot be authorized for payment in annual budgets as specific line items.

3. Fiscal Year

- a. The Fiscal Year begins on July 1 and ends on June 30 of the following year.

Expenditures

NC Funding Program Policy 2.0 Expenditures

All expenditures made by a NC, or a board member on behalf of the NC, must be approved through action at a Brown Act compliant board meeting prior to the expenditure. Expenditures made by the NCs must abide by all laws, rules, and regulations applicable to NCs.

1. Expenditure Categories

The NC expenditures shall be categorized under one of the three budget categories and/or one of the three subcategories listed below, which are further explained in NCF Policies 2.1-2.5.

- a. General and Operational Expenditure (comprised of three subcategories)
 - i. Office/Operational
 - ii. Outreach
 - iii. Election
- b. Neighborhood Purposes Grant
- c. Community Improvement Projects

2. Prepayments/Advance Payments

- a. NCs are not authorized to make payments before services are rendered or goods are received. Payment for services and goods can only be made at the time of delivery of the services or goods. Any exceptions to allow for prepayments are made at the discretion of the Office of the City Clerk, NC Funding Program.

3. Fiscal Dates

- a. For the purposes of accounting and reconciliation, the following fiscal dates must be followed:
 - **May 20** - Final date to request an event approval for the current fiscal year using current fiscal years funds;
 - **June 1** - Final date to make a check request using current fiscal year funds;
 - **June 20** - Final day for any bank card transactions using current fiscal year funds.

4. Requirements for Check Payment Requests

- a. Check payments are issued to vendors as requested by the NC Treasurer. Check Payment requests must be submitted by the Treasurer within 45 days of the Board approval vote or before June 1 of the fiscal year, whichever is sooner. Check payment requests that are not submitted within 45 days, or by June 1, will not be processed by the NC Funding Program in the current fiscal year, and may need NC action to appropriate in the following fiscal year.

- b. The method of requesting a check payment is as prescribed by the Office of the City Clerk, Funding Program. The check payment request generally requires:
- c. Board Action Certification (BAC) form authorizing the requested payment, completed and signed by the NC Treasurer, 2nd Signer and/or Alternate Signer.
- d. Vendor invoice, which provides the following:
 - i. Vendor name
 - ii. Vendor address and contact information
 - iii. Invoice number
 - iv. Invoice date
 - v. Payment Amount due
 - vi. Description of purchase
 - vii. Name of the NC in the "bill to" section
- e. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests, such as, W-9 forms, IRS Letters of Determination, quotes, etc.
- f. Check payment requests, once submitted, may take 1 to 3 business days for staff review and authorization, depending on level of staff review necessary for requested payment and completeness of submission. Payment requests that are found to require contract considerations may take longer to process.

5. Requirements for Bank Card Payments and Cardholders

- a. The NC Bank Card is a credit-card based payment method to pay for low-value, non-contracted items less than one thousand dollars (\$1,000), including board or committee meeting incidentals, basic office supplies. NC Bank Cardholder usage is monitored through the NC Funding System portal by conducting daily and monthly reviews.
- b. The front of the card is printed with the City of Los Angeles seal and the board-appointed NC Bank Cardholder's name and respective NC name. The individual whose name appears on the card is the only individual authorized to use the card.
- c. Purchases made with a bank card must be approved by the board before the expenditures are made. NC Bank Cardholders must submit (upload) an itemized receipt or paid invoice by the 10th day after the transaction posting date, through the method prescribed by the NC Funding Program, which is currently to upload the receipt or invoice in the NC Funding System portal. Receipts must provide the following:
 - i. Vendor name
 - ii. Vendor address and contact information
 - iii. Receipt date
 - iv. Description of items for which payment was made
 - v. Price per item and total amount paid
- d. Payments made through PayPal or other non-descriptive payment methods are not allowed. Non-descriptive payment methods include those that do not provide necessary information as listed above in (c). NC Bank Cardholders are advised to check with vendors who accept bank card

payments to confirm if the method used to charge cards will be PayPal or another non-descriptive method. If so, payment to the vendor will need to be made through the check payment method.

- e. All expenditures paid through bank card may be subject to additional administrative procedures. NC Funding Program may request additional supporting documentation or information to further evaluate and account for transactions.
- f. NC Funding Program maintains the right to audit or revoke a bank card at any time.
 - i. Bank cards will be revoked automatically for the following:
 - 1. Someone other than the authorized user makes a purchase with the card
 - 2. Repeated infractions
 - 3. Prohibited uses

6. Bank Card Limits and Requests to Increase Limits

- a. Standard bank card limits are:
 - i. \$5,000.00 per month
 - ii. \$1,000.00 per transaction
- b. Any requests for increases to the above standard limits must be submitted in writing, via email, by the NC Treasurer to the Funding Program for review and approval. To request an increase, the Treasurer must provide the following:
 - i. Board Action Certification (BAC) authorizing the requested expenditure
 - ii. Vendor invoice/quote
 - iii. Project or Event budget, as necessary or requested by the Funding Program
- c. Once approved, the Funding Program will notify the Treasurer and the NC Bank Cardholder. There will be a limited amount of time to make the transaction with the authorized increase limit. Processing requests to increase bank card limits may take up to two business days.
- d. If the Funding Program considers that a NC is not in compliance with requirements of the Program, such as being delinquent with Monthly Expenditure Reports or with bank card transaction receipts or other necessary documentation, it may deny requests to increase card limits.

7. Lost or Missing Receipts

- a. When a required NC bank card receipt is lost or otherwise unavailable and all measures to obtain a copy have been exhausted, a Missing Receipt Affidavit should be completed and submitted.
- b. A Missing Receipt Affidavit should be used on rare occasions and may not be used on a routine basis. A maximum of two (2) Affidavit submissions are permitted during a fiscal year. More than 2 uses of the Affidavit during the fiscal year may revoke the privilege of providing a declaration in lieu of a receipt, lead to freezing of the NC bank card, and any further action by the Funding Program as deemed appropriate or necessary.
- c. A Board Action Certification (BAC) form authorizing the use of the Missing Receipt Affidavit must be provided when submitting the Affidavit in lieu of

the missing receipt. The Affidavit and BAC must be submitted through the NC Funding System portal

8. Accidental Payments

- a. In situations where a NC Bank Cardholder has accidentally or inadvertently issued a payment with the NC bank card which was not for the purpose of NC business, the NC Bank Cardholder will be required to either return the merchandise to the vendor for full credit returned to the bank card or reimburse the NC in the total amount spent, as prescribed by the NC Funding Program.
 - i. When reimbursing the NC:
 - 1. the Board member must do so using a personal check, money order, or cashier's check.
 - 2. The NC Board must approve the reimbursement to its funding account during a Brown Act-compliant and properly posted meeting.

9. Prohibited Usage of the NC Bank Card

- a. Expenditure Types
 - i. Personal purchases
 - ii. Transaction of product or vendor considered inappropriate (e.g. firearms, tobacco, alcohol, adult entertainment)
 - iii. Transactions of products or vendor not compliant with all applicable laws
 - iv. Cash-in-lieu of credit to card
 - v. ATM cash withdrawals
- b. Vendors
 - i. Bars
 - ii. Liquor Stores
 - iii. Travel Agencies
 - iv. Night Clubs
 - v. Cocktail lounges
 - vi. Casinos
- c. Products
 - i. Airline Tickets, event tickets, movie tickets, etc.
 - ii. Alcoholic beverages
 - iii. Gasoline, diesel fuel, propane gas (exceptions may apply)
 - iv. Jewelry
 - v. Flowers for individuals
- d. Services
 - i. Car Wash
 - ii. Cash Advance
 - iii. Dry cleaning for uniform and carpets
 - iv. Cleaning
 - v. Telecommunication
 - vi. Tuition reimbursements
 - vii. Vehicle leases
 - viii. Payments by "Paypal" or other non-descriptive payment services

10. Unacceptable Purchases/Transactions with NC Funds

- a. Below are transaction guidelines for the use of NC funds. Please contact the NC Funding Program in the event you are unsure of the proper transaction method for any expenditure. The following are prohibited:
 - i. Any purchases made without prior approval of the Board, and any purchases that are not identified in the NC approved budget.
 - ii. Payment for services over an extended period of time that may require a contract or services agreement executed by the Office of the City Clerk. Treasurers should consult with the Funding Program prior to using the bank card for this purpose
 - iii. Split charges - using multiple transactions for a single charge to circumvent the maximum single transaction amount allowed on the bank card.
 - iv. Donations of money or goods, i.e. flowers, gift cards, to individuals or groups. State law prohibits public funds from being given as a gift.
 - v. Any purchases and/or capital improvement projects that impact the value of private property or do not benefit the general public.
 - vi. Events or projects that do not have the required insurance and permits. Liability is always an important consideration with any project. Please contact the Funding Program for further information.
 - vii. Third-party payments. Payments must be made to vendors who have billed the NC directly, not to a third party who will then pay the vendor.
 - viii. Purchases of alcohol, tobacco, firearms, or adult entertainment products.
 - ix. Purchases that violate the constitutional separation of church and state (City funds cannot be used to endorse religion and/or interfere with free religious exercise)
 - x. Purchases that violate City and/or State conflict of interest laws.
 - xi. Supporting or opposing ballot measures or candidates, and political forums or debates unless following City Attorney guidelines.
 - xii. Lawsuits against the City or City agencies, and appeals against any discretionary decisions made by any City agency.
 - xiii. Payment by "Paypal" or other non-descriptive payment service
 - xiv. Personal vehicle parking fees and traffic tickets
- b. Exceptions to the items listed above may be granted if possible by the Funding Program with proper justification. The listing above serves as a guideline and should not be construed as an all-inclusive or all-exhaustive listing of prohibited card usages.

11. Tipping

- a. Under the LA Administrative Code, gratuities not exceeding 15 percent are allowable where reasonable and customary. For the NC Funding Program, fees and tips given to food delivery personnel, catering and service personnel, (up to 15 percent of the bill exclusive of taxes) are considered customary.
- b. Exception to exceeding the 15 percent will be allowed when there is a required gratuity and the amount is added on the bill by the service provider.

12. Custodial Payments

- a. In situations where a NC does not have access to its funds or does not have a Treasurer, 2nd Signer, or NC Bank Cardholder, due to action by the NC Funding Program or Department of Neighborhood Empowerment, or resignation or removal by Board action, the Funding Program will assist the NC in issuing custodial payments on behalf of the Board for Office/Operations-related expenditures only (office rent, storage space, P.O. boxes, phone/web service, professional temp services, etc.). This also includes Financial Officers who are unavailable to carry out their duties due to temporary causes as determined by the Funding Program. The NC will be responsible to provide necessary invoices to the Funding Program to ensure continuation of services.
- b. The Funding Program will issue custodial payments for a period of up to three (3) months.
 - i. If custodial payments are needed beyond 3 months, the Funding Program may take corrective action as set forth in NCF Policy 6.0, Corrective Measures.
- c. In situations where a NC has been placed in "Exhaustive Efforts" by Department of Neighborhood Empowerment, the NC Funding Program and Department of Neighborhood Empowerment will authorize and issue office/operational, outreach, and election payments as deemed appropriate and fiscally responsible.

13. Additional Provisions

- a. NCs expenditures may be subject to additional administrative procedures not outlined in this document.
- b. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests or transactions as deemed necessary by City standards.
- c. If in the situation when a NC violates any laws, rules, or regulations, the NC and/or members of the NC may be subject to corrective measures set forth in NCF Policy 6.0, Corrective Measures.

Office/Operational Expenditures

NC Funding Program Policy 2.1 Office Expenditures

Operational Expenditures are expenses made for the purpose of the NC's operations. As outlined under the Los Angeles Administrative Code 22.810 1 (g).

1. Office/Operational Expenditure

NCs may make expenditures for their functions, operations and duties.

- a. Office/Operational expenditures include but are not limited to:
 - i. Office leases
 - ii. Storage space leases
 - iii. P.O. boxes
 - iv. Office supplies and equipment
 - v. Printing
 - vi. Postage
 - vii. NC meetings and training-related expenses, i.e. light refreshments for meetings
 - viii. Temporary staffing
 - ix. Translation services
 - x. Internet service
- b. Office/Operational expenditures for a NC must be approved by the NC at a Brown Act compliant meeting. The expenditure must be approved as an individual agenda item. For certain monthly recurring operating expenses, specific line items may be created in the annual budget as payment authorizations, as described in NC Funding Program Policy 1.1.

2. Methods of Payment

- a. Check Payment
 - i. The NC must provide a Board Action Certification (BAC) Form and an itemized invoice, within 45 days from the date of approval vote taken. Check requests must be submitted through the NC Funding Portal as prescribed by the Office of the City Clerk.
- b. Bank card Payment
 - i. Purchases made with a bank card must be approved by the board before the expenditures are made. The NC Cardholder must submit (upload) an itemized receipt or itemized paid invoice by the 10th day after the transaction posting date, through the NC Funding System portal.

3. Additional Provisions

All Office/Operational expenditures may be subject to other administrative procedures. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests or transactions as deemed necessary by City standards.

Outreach Expenditures

NC Funding Program Policy 2.2 Outreach Expenditures

One of the core purposes of NCs is to promote its activities, including meetings, events, projects, etc., and engage its stakeholders to become involved in the NC and their communities.

1. Outreach Expenditure

Outreach expenditures for a NC must be approved by the NC at a Brown Act compliant meeting. Each outreach expenditure must be identified and approved as an individual agenda item.

As outreach items can be effective tools for advertising and promoting NCs, NCs may purchase outreach promotional items such as t-shirts, pens, pencils, refrigerator magnets, etc., for the purpose of advertising its presence in the community. The NC must have its name and/or logo clearly affixed to these items so that the item becomes outreach in nature rather than a gift of public funds or donation.

- a. When the NC plans to purchase items for distribution at public events (i.e. holiday community events), items purchased must have the NC name and/or logo clearly visible on the items identifying the NC so that the item becomes outreach in nature rather than a gift of public funds or donation.

2. Examples of outreach expenditures:

- a. Advertising
- b. Newsletters
- c. Promotional branded items
- d. Website hosting and maintenance
- e. Booth presence at a community event sponsored by another organization

3. NC Events

- a. A NC Sponsored / Co-sponsored event is where the NC is hosting or co-hosting the event, taking part in the event planning and implementation efforts, and contributing financially or in-kind for the event to occur.
 - i. Sponsored Events: Events solely organized, implemented, and paid for by the NC.
 - ii. Co-sponsored Events: Event partially organized, implemented, and paid for by the NC, that requires the NC's financial support for the event to take place
- b. The NC Funding Program's threshold to understanding whether a NC is or is not sponsoring/co-sponsoring an event can be determined by asking the following question:
 - i. "If the NC does not contribute to this event, will the event still continue?"
 - ii. If the answer is NO, the NC is considered a sponsor or co-sponsor, and must submit an event review and pre-approval request, using a NC Event Approval Form, to the NC Funding Program. If the answer

is YES, the event will continue without the NC's contribution, then the NC is not considered a sponsor or co-sponsor of the event, and no pre-approval is required.

- c. As public community events involve different factors that can create liability considerations for the City and the public, NCs are required to provide 30-days advanced notice to the NC Funding Program to address potential liability considerations and secure necessary insurance, permits, or agreements with parties involved in the event.
- d. The NCs must submit a complete Event Approval request packet 30 days prior to the event for proper review and approval. The event approval packet is comprised of:
 - i. NC Event Approval Form (as provided by the NC Funding Program);
 - ii. Board Action Certification Form (BAC);
 - iii. Event Budget; and
 - iv. Other supporting documentation as applicable such as, but not limited to:
 - 1. Invoices/quotes (Billed to the NC)
 - 2. Insurance certificates
 - 3. Permits
 - 4. Service agreements/contracts
 - 5. Flyers/promotional material
 - 6. Proof of artwork
- e. If a complete Event Approval request packet is submitted with less than 30 days for review, the application package will be rejected, and the NC will not be authorized to sponsor/co-sponsor the event.
- f. If a NC submits an incomplete event packet, or the event itself violates any rules, laws, or policies applicable to NCs, the event application packet shall be rejected.
- g. If a NC sponsors/co-sponsors an event without the approval of the Office of the City Clerk, the NC and/or individual members of the NC may assume personal responsibility and liability for the event, and additional corrective measures will be taken as outlined in NC Funding Policy 6.0.
- h. Under Article II of the Plan it is stated:
 - i. Certified NCs must encourage all Community Stakeholders to participate in all of their activities, and may not discriminate in any of their policies, recommendations or actions against any individual or group on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age disability, marital status, income, homeowner status, renter status or political affiliation. Therefore, all events sponsored or co-sponsored by a NC, must be open, accessible, and free of charge to the general public.
- i. All Sponsored and Co-sponsored event packets for the current fiscal year must be submitted for approval July 1 - May 20 of the same fiscal year. NCs may submit Event Requests for future fiscal years for review as necessary. However, funding is contingent upon receipt of a future fiscal year allocation and cannot be expended until the new fiscal year.

4. Methods of Payment

a. Check Payment

- i. To request a check payment for general outreach expenditures, the NC must provide within 45 days from the date of the vote approving the expenditure:
 1. itemized invoices
 2. Board Action Certification (BAC) Form;
- ii. Check payment requests for event-related outreach expenditures require the following documentation:
 1. Event Approval Form marked as “Approved” by NC Funding Program;
 2. Board Action Certification (BAC) Form;
 3. Itemized invoices
- iii. Check payment requests must be submitted through the NC Funding System portal.

b. Bank card Payment

- i. Purchase transactions made using the NC bank card must be approved by the board before the transactions are executed. The NC Bank Cardholder must submit (upload) an itemized receipt or itemized paid invoice by the 10th day after the transaction posting date, through the NC Funding System portal.

5. Additional Provisions

All outreach expenditures may be subject to other administrative procedures. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests or transactions as deemed necessary by City standards.

Election Expenditures

NC Funding Program Policy 2.3 Election Expenditures

Election expenditures are expenses made for the purpose of the NC's periodic general governing board Election process, including Selections. NCs can pay for expenses related to voter engagement and participation, such as election advertising, voter outreach events and activities, social media and print media expenses, etc.

1. Election Expenditures

Election expenditures for a NC must be approved by the NC at Brown Act compliant meetings. The expenditures must be approved as individual agenda items, not as part of the general Election category in the annual budget.

2. Methods of Payment

a. Check Payment

- i. The NC must provide a Board Action Certification (BAC) Form and an itemized invoice, within 45 days from the date of vote taken. Check requests must be submitted through the NC Funding System portal.

b. Bank card Payment

- i. Purchases made with a bank card must be approved by the Board before the expenditures are made. The NC Cardholder must submit (upload) an itemized receipt or itemized paid invoice by the 10th day after the transaction posting date, through the NC Funding System portal.

3. Additional Provisions

All election expenditures may be subject to other administrative procedures. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests or transactions as deemed necessary by City standards.

Neighborhood Purposes Grants

NC Funding Program Policy 2.4 - Expenditures for Neighborhood Purposes Grants (NPG)

Los Angeles Administrative Code 22.817:

NCs are authorized to make monetary grants to nonprofit corporation (excluding religious institution and private schools) organized under 26 United States Code Section 501(c)3 and to public schools pursuant to the criteria set forth in Article XI of the Plan for a Citywide System of NCs.

1. Neighborhood Purposes Grant

The Neighborhood Purposes Grant (NPG) program provides NCs with greater opportunity to benefit their communities while supporting and building partnerships with local public-benefit organizations. Eligible organizations include 501(c)(3) nonprofits and public schools.

- a. Grants cannot be issued to religious organizations or to private schools.
- b. NPGs must be approved by the NC at a Brown Act compliant meeting. The grant must be approved as an individual agenda item.
- c. Any NPG issued by a NC must be for a public purpose: How will the grant help the community? Please refer to document entitled, “What is a Public Benefit” of the application for Neighborhood Purposes Grant for more information.
- d. NPGs cannot be approved in an annual budget as a line item expenditure.
- e. NCs shall vote on a completed NPG application packets which include the following documents:
 - i. NPG Application Form as provided by the Office of the City Clerk
 - ii. 501(c)3 Letter of Determination from the Internal Revenue Service for a non-profit organization applicant; Or
 - iii. Letter from the school on the school's letterhead, signed by the school principal for a public school applicant.
- f. NPGs are primarily for prospective community-benefit projects, and NPG applications shall be approved by the NC before the Completion Date listed on the NPG application.
 - i. NPGs approved after the Completion Date shall not be authorized for payment by the Office of the City Clerk.
 - ii. Individual board members cannot commit NC funds without prior board approval.
 - iii. NPG funds may not be used for reimbursements for expenditures made in anticipation of the approval of an NPG
- g. NCs must submit (upload) the approved NPG application packet with a Board Action Certification to the Office of the City Clerk within 45 days from the date of the Board vote.
- h. Before funds are granted, NPG requests must be approved by both the NC Board and the Office of the City Clerk.
- i. The NC Funding Program may request additional information to further evaluate a proposed grant payment request.

2. NPG-Funded Events

- a. Article II Section (2) of the Plan states: "Certified NCs must encourage all Community Stakeholders to participate in all of their activities, and may not discriminate in any of their policies, recommendations or actions against any individual or group on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age disability, marital status, income, homeowner status, renter status or political affiliation." Therefore, all events funded by an NPG, whether in whole or partial funding support, must be open and accessible to the public and free of charge.

3. Eligibility to Award Neighborhood Purposes Grants

- a. Only NCs in good standing with the NC Funding Program will be eligible to participate in the NPG program. Good standing means the following:
 - i. NCs must have a current Fiscal Year budget on file with the NC Funding Program;
 - ii. NCs should ensure sufficient funds have been allocated within their annual budget for NPG awards;
 - iii. NCs cannot be delinquent with their Monthly Expenditure Reports submissions to the NC Funding Program (see NCF Policy 6.0.3 Corrective Measures);
 - iv. NCs must have an eligible Treasurer and 2nd Signer on the Board; and
 - v. NCs cannot be in Exhaustive Efforts.

4. Conflict of Interest Laws

- a. State and local conflict of interest laws that currently apply to the NC Funding Program also apply in the consideration of Neighborhood Purposes Grant requests.
- b. Should there be a conflict due to an affiliation with an applicant, board members should recuse themselves from the discussion and vote on an NPG request. Recusal means that a board member cannot participate in the presentation, discussion, and voting of the request and must leave the meeting room before any consideration on the request begins. Please refer to the document entitled, "*State and City Conflicts of Interest Laws for NCs*" of the application for Neighborhood Purposes Grant and/or Department of Neighborhood Empowerment's representative for more information.

5. Contract Requirements for Neighborhood Purposes Grants

- a. Through the Neighborhood Purposes Grant, NCs have the legal authority to issue grants of public funds in amounts up to \$5,000.00 without a written contract.
- b. Grants for amounts \$5,000.01 and over will require further review on a case by case basis for City contract considerations in coordination with the Office of the City Clerk so as to meet City contracting standards. NCs are not authorized to enter into contracts. When a contract is required, the City Clerk will enter into agreement on behalf of the NC.

6. Grant Project Completion Follow Up

- a. As a best practice, NCs are strongly encouraged to require the grantee to provide a Project Completion Report to provide accountability for the proposed project goals and use of the funds awarded and to demonstrate evidence of successful efforts benefiting the community. The Project Completion Report form is available online at clerk.lacity.org

7. Method of Payment

- a. Payment awards approved for Neighborhood Purposes Grants can only be issued through the check payment method:
 - i. The NC must provide a completed Board Action Certification (BAC) Form and a completed NPG application packet, within 45 days from the date of the board approval vote taken.
 - ii. Check payment requests must be submitted through the NC Funding System portal.
 - iii. Board-approved NPG applications submitted to the NC Funding Program after 45 days will not be accepted for processing. To be accepted:
 - 1. The Board will need to place the application on a Board meeting agenda again for approval, and submit (upload) the re-approved NPG within 45 days of the revote.
 - 2. Application must be approved before the Completion Date listed on the NPG application.

Community Improvement Projects

NC Funding Program Policy 2.5 - Expenditures of Community Improvement Projects

1. Community Improvement Projects (CIP)

CIPs include projects associated with beautification and capital improvement projects on public places such as, but not limited to:

- a. Street medians, parkways landscaping
- b. Neighborhood markers
- c. Street furniture
- d. Murals
- e. Tree plantings
- f. graffiti abatement
- g. Community gardens
- h. capital improvements on recreation centers, libraries, parks, fire stations, etc.
- i. Signage such as Neighborhood Watch signs

2. Review of CIPs

Community Improvement Projects are reviewed on a case by case basis, depending on the scope of work or services involved. Thus, the proposed project may require certain permits such as, but not limited to:

- Insurance certificates,
 - Authorizations from other agencies,
 - Contracts or agreements involving a number of public agencies, vendors, etc.
- a. Additional guidance from other City agencies and/or Departments may be necessary.

3. Submission Deadline

All Community Improvement Projects must be submitted to the NC Funding Program for review and approval no less than 30 days PRIOR to issuance of payment to involved vendors and commencement of project.

4. Unauthorized Projects

Capital improvement or beautification projects involving private property are not permitted under the NC Funding Program, except when permitted and authorized by applicable City Ordinance.

5. Method of Payment

- a. Payments for CIPs are primarily issued through the check payment method, in particular when a contract is involved and stipulates check payments to be issued:
 - i. The NC must provide a completed Board Action Certification (BAC) Form and an executed contract.
 - ii. Check payment requests must be submitted through the NC Funding portal or prescribed method by the Office of the City Clerk.

b. Bank card Payment

In certain instances, CIP payments may be made through the NC bank card. Payment transactions made through the NC bank card must be approved by the board and the CIP approved by the City Clerk with all permits, insurance, etc. in place before the transactions are executed. The NC Bank Cardholder must submit (upload) an itemized receipt or itemized paid invoice by the 10th day after the transaction posting date, through the NC Funding portal.

6. Additional Provisions

All CIP expenditures may be subject to other administrative procedures. The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests or transactions as deemed necessary by City standards.

Board Member Reimbursement

NC Funding Program Policy 3.0 - Board Member Reimbursements

NC activities should be well projected, with necessary expenditures payments planned in advance to determine whether the NC bank card or a check payment request will be needed to make payments to vendors. As an option of last recourse, if regular NC payment methods are not available, a Board Member may spend his/her own funds to pay for NC activity expenses, for which the Board Member may be reimbursed from the NC's funds.

1. Maximum Allowed

The total allowable reimbursement amount cannot exceed \$1000 per Board Member per Fiscal Year.

2. Requirements

In order for the Board Member to be reimbursed for the expense, the following conditions must be met:

- a. The NC activity or purpose for which the Board Member incurred the expense must have been authorized by the Board prior to the expenditure.
- b. The NC Board must authorize the reimbursement payment to the Board Member.
- c. Board Member must provide proof of purchase in the form of an itemized receipt.
 - i. If necessary, NC Funding Program may request additional supporting documentation based on the type of purchase and payment made.
 1. For example, for a reimbursement of purchases for meeting refreshments, Program staff may request copies of the meeting agenda and/or other supporting documentation such as sign-in sheets, flyers, minutes, etc. If a payment was made by personal bank card transaction, staff may request copy of the bank card monthly statement.
- d. Only a NC Board Member, or Alternate acting as a Board Member, if applicable, will be reimbursed.
 - i. Expenses for NC activities incurred by an individual who is not a Board Member, or an Alternate acting as a Board Member, at the time of the expenditure, will not be reimbursed.

3. Additional Provisions

The NC Funding Program may request additional supporting documentation or information to further evaluate and account for payment requests as deemed necessary by City standards.

Contracts and Leases

NC Funding Program Policy 4.0 – Contracts and Leases

To ensure that NCs and City assets are protected and liability is minimized, contracts or leases may be required before a NC is able to purchase a good or service. Under Article IX, Section 902, NCs do not have the authority to enter into contracts, agreements, permits, and/or memorandums of understanding. With the transfer of the NC Funding Program and the administration of the NC Trust Fund, the Office of the City Clerk is granted the authority to enter into contracts on behalf of the NC.

1. NC Contracts

- a. Expenditures will require a contract if the expenditure falls under one of the criteria listed below:
 - i. Owner of the location/business requires a contract
 - ii. Expenditure for the service exceeds \$5,000 within a fiscal year
 - iii. Expenditure for the service exceeds three months (exceptions may include subscription services)
 - iv. The risk and liability exposure to the City, as determined by the NC Funding Program, is excessive
- b. The Office of the City Clerk will sign a contract on behalf of the NC or issue a Letter of Authority.
 - i. Letters of Authority grant the NC Presidents the ability to sign an agreement on behalf of the Office of the City Clerk. Letters of Authority are granted on a case-by-case basis for smaller expenditures such as:
 1. Storage Facilities
 2. Mail Boxes (PO Boxes)
- c. If the NC Funding Program determines a contract or a Letter of Authority is required, the items listed below may be requested:
 - i. The Board Action Certification of the Expenditure
 - ii. Itemized invoice(s) and/or Quotes from the Vendor
 - iii. Copy of the vendor's insurance
 1. Unless insurance information has already been uploaded by the vendor's insurance broker to <http://track4la.lacity.org/>,
 - iv. Additional supporting documentation or information at the request of the NC Funding Program
- d. NCs must abide by all provisions set forth in the contract. If provisions of the contract are violated by the NC, the NC may be subject to corrective measures set forth in NCF Policy 6.0, Corrective Measures.
- e. Once we have all required documentation a contract will be completed within 60 days.

2. NC Lease Agreements

- a. Office space always requires a lease agreement and should be within the NC's geographic boundaries, whenever possible.

- b. Meeting space lease agreements are required in the following instances:
 - i. If the owner of the leased facility requires an agreement;
 - ii. If the NC wants to secure the meeting venue for certain dates and times on an on-going basis.
- c. Types of Lease Agreement
 - i. Privately-owned - This is space that is privately owned by an individual, corporation or business that is charging the NC a fee to use their location.
 - ii. Donated-space - This is space that is privately owned by an individual, corporation or business that is not charging the NC a fee to use their location. This will require of the owner to provide the City with a letter each fiscal year and on business letterhead, identifying the exact items and space they are providing the NC along with the monetary value associated with said donation. Donated space will require City Council to accept these donations on behalf of the NC as NCs are not authorized to accept donations.
 - iii. Shared Space - This is an agreement between City Departments to allow NCs to use space with a building operated (and possibly owned) by a City Department.
- d. The NC shall provide a copy the following items for an Office or Meeting Space Lease Agreement:
 - i. The Board Action Certification of the Expenditure
 - ii. Completed On-site Assessment Checklist
 - iii. Completed Meeting and public Events ADA Accessibility Checklist
 - iv. Copy of the vendor's insurance
 - 1. Unless insurance information has already been uploaded by the vendor's insurance broker to <http://track4la.lacity.org/>
 - v. Additional supporting documentation or information at the request of the NC Funding Program
- e. Once we have all required documentation a lease will be completed within 60 days.

Expenditures During Declared Emergencies

NC Funding Program Policy 5.0 Expenditures of NC Funds in a Declared Emergencies

1. Emergency Authority

- a. In the event that imminent and immediate danger to community persons and/or property is reasonably foreseen as a proximate result of a declared emergency, determined as a state of emergency by a government agency, the NC President may, at his or her discretion, direct the immediate use of NC funds under the conditions listed herein.
- b. This emergency authority may remain in effect until the following Board meeting. It is expected that the Board will make efforts to hold a meeting as soon as reasonably possible.

2. Use of NC Funds

- a. The NC is hereby authorized to expend NC funds not exceeding \$1,000.00 total for emergency services and/or supplies under the circumstances described herein **without** prior board approval.
- b. With prior approval by the NC Board at a properly noticed meeting, the NC may authorize more than \$1,000.00 for emergency services and/or supplies under the circumstances described herein
- c. Expenditures during a Declared Emergency are categorized under the Outreach Subcategory
- d. NCs may expense funds for items such as:
 - i. Water and light refreshments for first responders
 - ii. Water and light refreshments for affected persons
 - iii. Emergency generators
 - iv. Flood lights
 - v. Shelter amenities
 1. Blankets
 2. Toiletries
 3. Pet food
 - vi. Communication equipment/services
 1. Walkie-talkies
 2. Radios
 3. Bull-horns
 - vii. Printing services
 1. Flyers
 2. Banners

3. Bank Card Use

- a. The NC President may authorize the NC Bank Cardholder to utilize the NC bank card to purchase items and services listed above. Purchases may not exceed \$1,000.00 unless previously authorized by the board, as prescribed under Section 2.b. of these policies. Such expenses are strictly for

emergency services and/or supplies under the circumstances described herein.

4. Board Member Reimbursement

- a. In the event the NC bank card is not available for use and with authorization from the NC President as described herein, a Board member may use his/her personal funds for emergency services and/or supplies under the circumstances described herein.
- b. Board member reimbursements under circumstances described herein are exempt from the reimbursement payment limits of \$1000 allowed per Board member per Fiscal Year.

5. Alternative Authority

- a. In the absence or unavailability of the NC President, the NC Vice-President or Treasurer, in successive order, may authorize use of the NC bank card herein.

6. Receipts and Invoices

- a. Receipts or paid invoices itemizing payments must be obtained from the vendor and uploaded to the NC Funding portal per standard operating procedures.

7. Report and Board Action

- a. At the next regular or special meeting of the NC, the President shall report the expenditure to the governing board, including the details surrounding the emergency which gave rise to the expenditure. The expenditure shall be ratified by the governing board through a Board Action Certification (BAC) entered into the minutes of the meeting.
- b. If a Board member reimbursement as described herein is requested, the Board must review and approve the request through a separate BAC and submit (upload) for payment through the NC Funding System portal.

Corrective Measures

NC Funding Program Policy 6.0 Corrective Measures

1. Preliminary Review of Expenditures

The Office of the City Clerk, NC Funding Program may make a preliminary review of any expenditure or financial transaction contemplated by a NC to ensure that it is acceptable, appropriate, and comports with the NC Funding Program guidelines and laws that pertain. Where a NC is unsure whether a proposed expenditure is appropriate, it shall make a written request for guidance from the NC Funding Program on the matter before any commitment to expend funds is made or the transaction is completed.

2. Expenditure Oversight

The NC Funding Program may monitor and review any and all financial transactions made by a NC as follows:

- a. Online review of any information concerning check payments, bank card transactions, or any other applicable method by which NCs may access City funds and make financial transactions.
- b. On-site review of any NC's accounts, statements, books, records, receipts, invoices, or any other document that evidences any financial transaction.
- c. A NC Funding Program in-house review of any NC's accounts and records prior to releasing funds to the NC for the conduct of its business.

3. Admonition

- a. When the NC Funding Program determines that a NC has failed to account for its funds or has misused its funds, then the NC Funding Program may issue a Fiscal Responsibility Admonition Notice informing the NC of the problem. Failure to account for or misuse its funds includes:
 - i. Delinquent Monthly Expenditure Reports (MER). Delinquent MERs is defined as:
 1. 3 cumulative missing reports during the Fiscal Year or
 2. 2 consecutive missing reports during the Fiscal Year.
 - ii. Bank card receipts not uploaded to the NC Funding portal within 10 days of the posting date of the transaction.
- b. Where the NC Funding Program deems it necessary, the Financial Responsibility Admonition Notice may require as follows:
 - i. That the NC take specific corrective action to comply with Generally Accepted Accounting Principles applicable to NCs or those prescribed by the NC Funding Program.
 - ii. That the Treasurer, or any other NC representative, shall meet with the NC Funding Program staff to discuss accounting practices or any other financial matter involving the NC and, thereafter, follow a remedial plan as prescribed by the NC Funding Program.
- c. Corrective Action and Remedial Measures

If the NC Funding Program determines that a NC has misused its funds, then the NC Funding Program may impose corrective action or remedial measures. The NC Funding Program's decision to impose corrective action or remedial measures, or both, is final.

i. Corrective Action

As outlined in the NC Funding Program's Fiscal Responsibility Admonition Notice, the corrective action prescribed by the NC Funding Program may include, but is not limited to, the following:

1. Denying funding requests for payment on purchases or transactions deemed unacceptable or a misuse of public funds.
2. Limiting or suspending (freezing) all access to and the use of NC funds, including any check payment requests and the bank card.
3. Reducing funding to a NC in amounts that equal or approximate the amount necessary to compensate for, or remedy, any unacceptable purchase or financial transaction, or to redeem misused public funds; including any administrative or incidental costs associated therewith.
4. Additional corrective measures the NC Funding Program may impose on NCs include, but are not limited to, the following:
 - a. Restricting available credit on the Purchase Card
 - b. Requesting repayment from the NC Board or individual members of the Board
 - c. Require additional training of the NC Board and/or the Financial Officers
 - d. Recommend Exhaustive Efforts to Department of Neighborhood Empowerment
 - e. Remove board members from serving in the capacity of Financial Officers or remove board member's eligibility to vote on any future financial matter

ii. Remedial Measures

The NC Funding Program is authorized to impose remedial measures on any NC when the Program determines that an unacceptable purchase, financial transaction, or misuse of public funds has occurred, or may occur, in violation of accounting principles, program guidelines, or laws that pertain. Additionally, remedial measures may be imposed when Department of Neighborhood Empowerment notifies the NC Funding Program of actions taken to place the NC in "Exhaustive Efforts". Any remedial measures imposed by NC Funding Program will be identified in a Fiscal Responsibility Admonition Notice and may include any combination of corrective actions and remedial measures that the NC Funding Program deems appropriate under the circumstances.

1. In an effort to ensure that NCs operate in a fiscally responsible manner and to support the financial integrity of

the NC Funding Program, the NC Funding Program may impose the following remedial measures:

- a. Require mandatory supplemental training for any Financial Officer of a NC or, if necessary, the entire governing board of the NC.
- b. Completely or partially freeze the NC funding account when the NC Funding Program determines that the NC has been repeatedly deficient in its accounting practices, has consistently mishandled or misused its funds, or is in Exhaustive Efforts as determined by Department of Neighborhood Empowerment.
- c. Suspend and/or remove Financial Officers from their duties with the NC Funding Program.
 - i. In situations where a NC does not have a Treasurer, 2nd Signer, or NC Bank Cardholder on its Board, due to NC Funding Program action, resignation of or removal by Board action of said Financial Officers, the NC Funding Program will assist the NC in issuing custodial payments on behalf of the Board for Operations-related expenditures only. This also includes Financial Officers who are unavailable to carry out their duties due to temporary causes as determined by the NC Funding Program.
- d. Require that the NC immediately relinquish all access to, and tender all control of, its funding records and funds to the NC Funding Program. The NC Funding Program may impose this measure when it determines that the NC has not complied with the corrective or remedial measures outlined in a previous Financial Admonition Notice, the prospect of rectifying the problem is unlikely, or the circumstances require immediate action to safeguard public funds.
- e. Request that the Department of Neighborhood Empowerment to further explore other applicable measures that may be taken per Department of Neighborhood Empowerment's authority, if necessary. This may include involuntary decertification, as set forth in section 22.810.1(e) (2) of the Los Angeles Administrative Code. Department of Neighborhood Empowerment may recommend decertification when it is determined that a NC is incapable of handling its accounts, its governing board refuses to follow the advice, corrective action, or remedial measures promulgated, or the

circumstances require immediate action to safeguard public funds.

- f. Refer the matter to the appropriate City department, commission, or law enforcement agency when the NC Funding Program has reasonable cause to believe that someone has engaged in unlawful or criminal activity involving a NC's public funds

NC Funding Program Forms

- Form 101 Board Action Certification (BAC)
- Form 102 Proxy Payment Form
- Form 103 Special Fund Allocation Form
- Form 104 In-Person Training Completion Form
- Form 105 Missing Receipt Affidavit
- Form 106 Event Approval Form
- Form 107 NPG Application
- Form 108 NPG Completion Report
- T7. A Meeting and Public Event ADA Accessibility Checklist

These documents are posted on our website at clerk.lacity.org.

Glossary of Terms

Budget Line Item

A line-item in a budget indicates specific types of expenses that the Neighborhood Councils plans on making expenses in a given FY funds during the fiscal year.

Exhaustive Efforts

Actions taken by the Department of Neighborhood Empowerment, per the Plan for a Citywide System of Neighborhood Councils, Article VI, Section 4, to remedy complaints that impact the operations and functions of a Neighborhood Council.

Fiduciary Responsibility

The obligation entrusted on Neighborhood Council board members to care for the use of the Council's allocated funds for the benefit of the general public

Good Standing

For general purposes of the NC Funding Program, a Neighborhood Council is considered to be in good standing when it is in compliance with the explicit obligations of the Program, while not being subject to any corrective measures per the Policies and Guidelines.

Itemized Invoice

A document provided by a vendor serving as proof of request for payment for goods or services listing the cost of each item purchased rather than just the total cost.

Itemized Receipt

A document provided by a vendor serving as proof of payment made for goods or services listing the cost of each item purchased rather than just the total cost. The document should provide the following information:

Monthly Expenditure Report (MER)

A document generated electronically by the NC Funding System portal that provides a record of the NC's bank account monthly transactions, including expenditures made, committed and outstanding expenditures, and total net balance for the remaining fiscal year.

Non-Descriptive Payment

payment made that does not provide necessary proof of payment information, i.e. itemized receipt, necessary to account for the purpose of the expenditure.

Prepayment/Advance Payment

Payment made before good or services are provided.

Public Benefit

An activity or project that builds community, enhances the neighborhood, and is open, accessible, and free of charge to the members of the community wishing to participate in or make use of the activity or project.

Recurring Expenditures

Expenses incurred by a Neighborhood Council on a repeating, periodic basis, particularly on a month-to-month basis, such as payments for office space and equipment leases, storage space rental, P.O. box rental, telephone and Internet service, website hosting, meeting-related expenses like printing, photocopying, minute-taker, refreshments. etc.

Contact Us

If you have any questions regarding the NC Funding Policies, how to complete, required funding documentation, or any general questions regarding the NC Funding Program

Please call us at: 213-978-1058

Or

Email us at: clerk.ncfunding@lacity.org

Please submit your comments and/or questions by clicking
[HERE](#)

EXHIBIT I

May 28, 2019

Item 1. Call to Order and Roll Call

Meeting called to order at 6:39 p.m. by co-chair Mehmet Berker.

Roll call: Present: Mehmet Berker, Keith Nakata, Liza Gerberding, Steven Luftman, Emily U. Kantrim, Rosalie Wayne, Roque Wicker, and Nora Wyman; Scott Sale (arrived 6:54 p.m., left at 9:46 p.m.), Patrick Seamans (arrived 6:42 p.m.); Absent: Ravi Bhatia (excused) and Heather Fox (excused).

Item 2. Review and Approval of Minutes from April 17, 2018 and May 15, 2018 Meetings

Minutes for both meetings were tabled.

Item 3. Public Comment Period

—Steve Luftman announced that CBS has become a historic landmark as of 06/26/2018.

—Emma Howard, senior planning deputy for Councilman David Ryu, spoke about the historic landmark.

—Patrick Seamans critiqued design of Micropolitan, north of Clinton on Fairfax.

Item 4. Announcement from Co-Chairs

Keith Nakata said he received a press release about the CBS building becoming a historic landmark; noted that BlackHeart, 7315 Melrose Ave., which was heard at PLUC, was approved and many of the committee's items of concern were incorporated, specifically the sound wall; said he attended a hearing on 1017-1027 N. Croft project, where tenants were harassed by the owner.

Item 5. Presentation of Transit Oriented Communities (TOC) Incentives

Matt Glesne, from the Housing Policy Unit in the Department of City Planning, made a presentation from the Los Angeles Department of City Planning on the recently instituted Transit Oriented Communities (TOC) incentives instituted as part of Measure JJJ. Glesne spoke about the current unaffordable status of housing in Los Angeles, Los Angeles Housing Strategy, TOC guidelines and eligibility, incentives and tier structures.

Committee discussion and questions for the presenter followed. Discussion included low-income, market rate, rent stabilized units, superseding TOCs (Glesne said affordable housing supersedes the Transit Neighborhood Plan), transitional heights R1, R2 and R3 (Glesne said there would be R1 and R2, but no R3), transportation demand management, bike parking, bus lines changing, longevity of program. Glesne noted further information is available at planning.lacity.org under affordable housing development guidelines section and FAQs.

Item 6. 714-718 Sweetzer Ave -- (VTT-74129-CN, ENV-2018-2721-EAF); and 728-748 N Sweetzer Ave (VTT-74130-CN, ENV-2018-2175-EAF)

a. 714-718 Sweetzer Ave:

Project description: Demolition of 14 RSO units and development of a 5-story condominium building with 26 units (2 of which will be income restricted) and 44 parking spaces.

Requested Actions:

- a. Requesting a vesting tentative tract map pursuant to LAMC section 17.00 & 17.15 for a 26-unit condominium complex; and also requesting a waiver of dedication & improvement for the required widening & dedications for the subject site located in the Mid City West neighborhood of the city.
- b. **728-748 Sweetzer Ave:**
Project description: New 4 story, 49 condominium complex with 2 levels of subterranean parking.

Requested Actions:

1. A vesting tentative tract map for a new 4 story, 49 condominium complex with 2 levels of subterranean parking.

Carl Steinberg of ETCO Homes (310-691-5500, carls@etchomes.com) made presentation on 714-178 Sweetzer Ave. and 728-748 Sweetzer Ave.

Eric Lieberman, representing the applicant with QES, also responded to questions and comments.

Committee discussion and questions for the applicant followed.

Item 6a

Steve Luftman made a motion to oppose the tentative Tract Map for 714-718 Sweetzer due to the loss of character defining historic, Rent Stabilized Ordinance housing, abuse of the Early Start apartment program with conversion to condominiums, and inconsistencies with the Hollywood Community Plan, as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return. Liza Gerberding seconded the motion.

The committee voted 9 Yeas (Nakata, Gerberding, Luftman, Sale, Seamans, Kantrim, Wayne, Wicker, and Wyman), 0 Nays, and 1 Abstention (Berker). The motion passed 9-0-1.

Item 6b

Steve Luftman made a motion to oppose the tentative Tract Map for 724-728 Sweetzer due to the loss of character defining historic, Rent SO housing, abuse of the Early Start apartment program with conversion to condominiums, and inconsistencies with the Hollywood Community Plan, as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return. Rosalie Wayne seconded the motion.

The committee voted 9 Yeas (Nakata, Gerberding, Luftman, Sale, Seamans, Kantrim, Wayne, Wicker, and Wyman), 0 Nays, and 1 Abstention (Berker). The motion passed 9-0-1.

Item 7. 734 N Croft Ave -- (VTT-82019, ENV-2018-2176-EAF)

Project Description: A 28-unit four story residential condominium with one level of subterranean parking containing 62 automobile parking spaces and 32 bike spaces in the Hollywood community plan area.

Requested Actions:

1. Vesting Tentative Tract Map for a 28 unit four story residential condominium with one level of subterranean parking containing 62 automobile parking spaces and 32 bike spaces in the Hollywood community plan area.

Carl Steinberg of ETCO Homes (310-691-5500, carls@etchomes.com) made presentation on 714-178 Sweetzer Ave. and 728-748 Sweetzer Ave.

Eric Lieberman, representing the applicant with QES, also responded to questions and comments.

Public Comment

- Temi Treibatch, property owner on street, noted neighbor concerns about losing integrity of neighborhoods, longtime neighbors being evicted, tearing down of existing buildings; said the building does meet Q conditions.

Committee discussion and questions for the applicant followed.

Rosalie Wayne made a motion to oppose the tentative Tract Map for 734 N Croft Ave due to the loss of character defining historic, Rent SO housing, abuse of the Early Start apartment program with conversion to condominiums, as this was an Ellis Act-evicted property and an apartment building would allow the tenants to return. Steve Luftman seconded the motion.

The committee voted 8 Yeas (Nakata, Gerberding, Luftman, Seamans, Kantrim, Wayne, Wicker, and Wyman), 0 Nays, 1 Abstention (Berker).

Item 8. Committee Discussion on 6330 W 3rd St -- Potential Town & Country Site Renovation and Redevelopment

The Committee discussed priorities for the Town & Country shopping center site and ideas on how to develop a community vision for the site.

Issues discussed were decoupling parking and three major rental corners, rent control, more open space in the project, ride share areas, smaller rental spaces, whether EIR will be done for project, timing of PLUC committee taking action, possible working group within PLUC.

Emma Howard from Councilman Ryu's office spoke. She said Ryu wants an EIR, time for community input, and that at this time the councilman was not supportive of the development.

An applicant representative said he would take suggestions to applicant.

Item 9. Standing Item on PLUC Member Updates, Concerns, or Questions

Berker and Nakata spoke about strategic budget place holding for July, funding for Bergin's historic cultural monument application, potential topics for July PLUC meeting.

Item 10. Adjournment

Berker adjourned meeting at 10:26 p.m.

EXHIBIT J

May 28, 2019

MOTION

I MOVE that the City Clerk, with assistance of the City Administrative Officer, be authorized to reappropriate \$2,500 in uncommitted prior year funds from the FY 2017-18 Mid City West Community Council, Fund No. 59B/14, Account 141248 to FY 2018-19 Mid City West Community Council, Fund No. 59B/14, Account 141248, for the purpose of community programs/improvements.

I FURTHER MOVE that the City Administrative Officer be authorized to make any technical corrections or clarifications to the above fund transfer instructions in order to effecuate the intent of this motion.

PRESENTED BY: 

DAVID RYU

Councilmember, 4th District

SECONDED BY: 

JUL 03 2018

cc



Office of the City Clerk, City of Los Angeles

This report was generated by the Council File Management System on 03/17/2019

Council File Number

[18-0650](#)

Title

Community Programs/Improvements / Council District Four / Fiscal Year 2017-18 Mid City West
Community Council Fund / Reappropriation

Last Change Date

07/03/2018

Expiration Date

07/03/2020

Council District

4

Pending in committee

Budget and Finance Committee

Mover

DAVID E. RYU

Second

MITCH O'FARRELL

Action History for Council File [18-0650](#)

Date

Activity

07/03/2018 Motion document(s) referred to Budget and Finance Committee.

EXHIBIT K

May 28, 2019



1. Call to order and roll call

Call to Order: 6:38 pm, 24 present, 2 absent, 6 excused

Present: Mehmet Berker, Ravi Bhatia, Dina Brown (left at 10:07pm), Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols (left at 9:59pm), Tony Regenstreif, Scott Sale (left 8:05pm), Patrick Seamans, Marc Sinnott (arrived 6:52pm), David Sobel (arrived 6:48pm), Nick Solish, Henry Van Moyland, Don Whitehead, Roque Wicker

Absent: Shem Bitterman, Laura Petry

Excused: Susan Belgrade, Doug Cullum, Michael Hilty, Karen Hollis, Paul Motschall, Richard Risemberg

2. General Public Comments

- a. **Mehmet Berker:** Disappointed with Councilmember Koretz's decision to call for a ban of scooters. This ban would be a blunt instrument that would not enforce riders or improve their behavior. This is not based on hard data, but rather anecdotal. This is a beginning of a relationship with transportation that can reduce and replace car trips and reduce our carbon footprint, how will we proceed?
- b. **Lucille Saunders, La Brea Willoughby Coalition:** City agencies are complicit and the department of planning grant project requests. The burden is left to citizens to fight to enforce the codes and protect our neighborhood. 836 N. Poinsettia project was unanimously opposed by MCW PLUC and the Board.
- c. **Ravi Bhatia:** A commercial development by romaine and Willoughby only has partially correct sidewalk closures. It is patently unfair that someone outside our area with no community interest can close down half a block on a major commercial street but when an organization within the community wants the same thing, they are unable to do so. How can we better address these issues?

3. Remarks and Question and Answer with Councilmember Paul Koretz. (30 minutes)

- a. Congratulations to Tony Regenstreif and Henry Van Moyland on your appointments. Let's recognize Josh Paget for all the great work he's done, a model of community service.
- b. **Bird Scooters:** I base my concerns on my own observations, and laws are being broken: no one is wearing helmets, many kids, everyone is on the sidewalks. We passed some tighter regulations like forbidding them to be on sidewalks. I have not heard of serious injuries yet, but I have heard of broken bones. But if we enforce these laws that Bird is breaking, they will have to close down.

c. Homelessness

- i. Poinsettia park has transformed from a space where people took a rest, to transients setting buildings on fire and stabbing a person. I have met with LAPD, I want a zero tolerance for criminal activity by the homeless. At the same time I want the benign people in that encampment to receive services and eventually be homed.
- ii. Looking into best programs to house people, and programs for Safe Parking for people living in their cars.
- iii. The number of homeless has gone down a tiny bit from previous years, the chronic homeless has gone down about 20%. However the overall homeless numbers are up, and offset the gains of the year. So we need to be more aggressive about inappropriate evictions. We are going to try to provide counsel for people being unjustly evicted who cannot afford a lawyer.
- iv. Carthay Circle/Square HPOZ will end up being a good thing. It will make things more streamlined and we have some really good people on the board.

d. Councilmember Koretz and his staff answer questions from the board and public.

4. Review and Approval of Outstanding Minutes

a. Motion to approve minutes from February 2018.

MOTION: Approve minutes from February 2018.

Emily Uyeda Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Patrick Seamans, Marc Sinnott, Nick Solish, Henry Van Moyland, Roque Wicker

NAYS: --

ABSTENTIONS: Tony Regensstreif, David Sobel, Don Whitehead

RECUSALS: --

Motion passes with 20 yeas, 0 nays, 3 abstentions, 0 recusals.

b. Motion to approve minutes from March 2018.

MOTION: Approve minutes from March 2018.

Emily Uyeda Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Patrick Seamans, Marc Sinnott, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Tony Regenstein, David Sobel, Henry Van Moyland

RECUSALS: --

Motion passes with 20 yeas, 0 nays, 3 abstentions, 0 recusals.

c. Motion to approve minutes from April 2018.

MOTION: Approve minutes from April 2018.

Emily Uyeda Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Patrick Seamans, Marc Sinnott, Nick Solish, Roque Wicker

NAYS: --

ABSTENTIONS: Tony Regenstein, David Sobel, Henry Van Moyland, Don Whitehead

RECUSALS: --

Motion passes with 19 yeas, 0 nays, 4 abstentions, 0 recusals.

d. Motion to approve minutes from May 2018.

MOTION: Approve minutes from May 2018.

Emily Uyeda Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Patrick Seamans, Marc Sinnott, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Tony Regenstein, David Sobel, Henry Van Moyland

RECUSALS: --

Motion passes with 20 yeas, 0 nays, 3 abstentions, 0 recusals.

e. Motion to approve minutes from May 2018 (special meeting).

MOTION: Approve minutes from May 2018 (special meeting).

Emily Uyeda Kantrim makes the motion, Scott Epstein seconds.

YEAS: Ravi Bhatia, Dina Brown, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, David Mann, Taylor Nichols, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Mehmet Berker, Scott Epstein, Heather Fox, Steven Luftman, Andy Meselson, Tony Regenstreif, Henry Van Moyland

RECUSALS: --

Motion passes with 16 yeas, 0 nays, 7 abstentions, 0 recusals.

f. Motion to approve minutes from June 2018.

MOTION: Approve minutes from June 2018.

Emily Uyeda Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Patrick Seamans, Marc Sinnott, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Liza Gerberding, Tony Regenstreif, David Sobel, Henry Van Moyland

RECUSALS: --

Motion passes with 19 yeas, 0 nays, 4 abstentions, 0 recusals.

g. Motion to approve minutes from July 2018.

MOTION: Approve minutes from July 2018.

Emily Kantrim makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Tony Regenstreif, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Roque Wicker

NAYS: --

ABSTENTIONS: Angela Guzman, Andrew Jhun, Don Whitehead

RECUSALS: --

Motion passes with 20 yeas, 0 nays, 3 abstentions, 0 recusals.

5. Treasurer's Report

a. **Motion** to approve Monthly Expenditure Report for June and July 2018.

MOTION: Approve MER for June and July 2018.

Patrick Seamans makes the motion, Marc Sinnott seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman,

Andrew Jhun, Emily Kantrim, Keith Kirkwood, Abraham Langer, Steve Luftman, David Mann, Andy Meselson, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Heather Fox

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 19 yeas, 0 nays, 1 abstention, 0 recusals, 2 ineligible.

6. Announcements from government agencies and elected officials. Announcements may include but are not limited to the following offices: City Council District 4 (David Ryu), City Council District 5 (Paul Koretz), LAPD, LAFD, Metro LA, County Supervisorial District 3 (Sheila Kuehl), County Supervisorial District 2 (Mark Ridley-Thomas), State Assembly District 50 (Richard Bloom), State Senate District 26 (Ben Allen), 33rd Congressional District (Ted Lieu), 28th Congressional District (Adam Schiff), and the 37th Congressional District (Karen Bass).

Received updates from Rob Fisher with Council District 4, Ned Racine with LA Metro, and Mario Hernandez with DONE.

7. **Motion** to accept the resignation of Board Member and Business Representative Joshua Paget. (5 minutes)

MOTION: Accept resignation of Board Member and Business Representative Joshua Paget.

Scott Epstein makes the motion, Taylor Nichols seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Tony Regenstreif, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: --

Motion passes with 23 yeas, 0 nays, 0 abstentions, 0 recusals.

8. **Motion** to accept the resignation of Board Member and Business Representative Dean Howell. (5 minutes)

MOTION: Accept resignation of Board Member and Business Representative Dean Howell.

Scott Epstein makes the motion, Taylor Nichols seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Tony Regenstreif, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: --

Motion passes with 23 yeas, 0 nays, 0 abstentions, 0 recusals.

9. **Motion** to accept the resignation of Board Member and Business Representative Christine Johnson. *(5 minutes)*

MOTION: Accept resignation of Board Member and Business Representative Christine Johnson.

Scott Epstein makes the motion, Angela Guzman seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Tony Regenstreif, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: --

Motion passes with 23 yeas, 0 nays, 0 abstentions, 0 recusals.

10. Message from Chair. *(5 minutes)*
11. Discussion of the formation of the Elections Committee and appointment of board members to that committee. *(15 minutes)*
12. Informational updates from Standing Committees, Ad Hoc Committees, and Board Liaisons. *(20 minutes)*
13. Planning and Land Use Committee Motions.
- a. 7250 W. Melrose Ave -- The Parlor -- (ZA-1993-0037-CUB-PA-4). *(20 minutes)*

Project Description: A Plan Approval for the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in a 5,370 square foot restaurant with proposed 115 indoor seats and 36 outdoor seats (151 total) and a 500 square foot covered patio. Modifications to Condition No. 10 and 21 to allow hours of operation from 9:00 a.m. – 1:00 a.m. Sunday– Thursday and 9:00 a.m. – 2:00 a.m. Friday-Saturday for the restaurant and patio, to allow a live entertainment DJ on the premises and a modification to Condition No. 36 to allow 126 indoor seats and 25 outdoor seats (151 total) are requested.

Requested Actions: Authorizing section: 12.24 M. Section from which relief is requested (if any):

Requests:

- An Approval of Plans to continue the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a 5,370 square foot restaurant with 115 indoor seats and 36 outdoor seats (151 total) and a 500 square foot covered patio.
- Modifications to Condition No. 10 and 21 to allow hours of operation from 9:00 a.m. – 1:00 a.m. Sunday–Thursday and 9:00 a.m. – 2:00 a.m. Friday-Saturday for the restaurant and patio, to allow a live entertainment DJ on the premises; and

- Modification to Condition No. 36 to allow 126 indoor seats and 25 outdoor seats (151 total) are requested.

Motion: Retain all of the existing conditions under (ZA-1993-0037-CUB-PA-3), with the addition of the modification to Condition No. 21: to allow hours of operation from 9:00 a.m. – 1:00 a.m.

Sunday–Thursday and 9:00 a.m. – 2:00 a.m. Friday–Saturday for the patio consistent with the interior hours of the restaurant with suggestion to examine sound absorption mitigations.

At the July 31, 2018 Planning and Land Use committee meeting, the motion was made by Bhatia and seconded by Luftman. The committee voted 7 Yeas (Bhatia, Fox, Gerberding, Luftman, Uyeda Kantrim, Wayne, and Wyman), 0 Nays, 1 Abstention (Nakata). The motion passed.

Background: The committee struggled to find a balance between numerous neighbor concerns, both written and voiced, over noise and customer and staff behavior, with the need of the operator to remain financially viable. The operators were unaware of several of the conditions imposed on them under the Zoning Administrator's Determination Letter, dated October 29, 2013. Previously noted violations included having a D.J. and dancing, during an unannounced inspection on July 5, 2016. The committee was not supportive of allowing a D.J. in the future. A suggestion was made by a committee member to do a walk through with LAPD Vice, Wilshire Division, prior to their Zoning Administrator Hearing. Operator/Expeditor did not seem to be in agreement on the need for the seating count change requested, so the committee remained silent on that issue.

AMENDED MOTION: Retain all of the existing conditions under (ZA-1993-0037-CUB-PA-3), with the addition of the modification to Condition No. 21: to allow hours of operation from 9:00 a.m. – 1:00 a.m. Sunday–Thursday and 9:00 a.m. – 2:00 a.m. Friday–Saturday for the patio consistent with the interior hours of the restaurant with suggestion to examine sound absorption mitigations, **and:**

1. That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building,
2. That trash and recycle bins be locked,
3. That valet service be provided until closing, and that the valet company use an exclusive leased lot or organized shared parking and not in the surrounding residential neighborhoods, and that any change of operator will require a new plan approval,
4. That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

Mehmet Berker makes the motion, David Sobel seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Scott Epstein, Heather Fox, Andy Meselson, Taylor Nichols, Marc Sinnott, David Sobel, Henry Van Moyland, Roque Wicker

NAYS: Dina Brown, Liza Gerberding, Angela Guzman, Andrew Jhun, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Tony Regenstreif, Patrick Seamans, Nick Solish, Don Whitehead

ABSTENTIONS: Emily Uyeda Kantrim

RECUSALS: --

Amended motion does not pass with 10 yeas, 12 nays, 1 abstentions, 0 recusals.

PUBLIC COMMENTS

- **Ajam Relan and Patrick Morgan, Representative and Manager of The Parlor:** Primarily a sports themed restaurant and bar. We run #lunchbag, a now global charity. We are the home to 14 colleges and alumni groups. Sports is a seasonal business so we look for alternative ways to maintain financial viability. We are trying to keep the patio opened the same time as our existing indoor hours to make sure that people know we are open. We have taken steps to communicate with the neighbors to make sure that if there is a noise complaint it is handled efficiently.
- **Lucille Saunders, La Brea Willoughby Coalition:** We oppose the Parlor's request. There have been numerous noise complaints. There is a history of requests for modifications in The Parlor history. They have not provided solutions to their problems, and their modification requests have continuously provided nuisances to the neighborhood.
- **Keith Nakata:** We have repeatedly tried to condition this business, but they are unenforceable so we need a simpler CUB for this operation. They have a history of not complying.

Ajam Relan and Patrick Morgan answer questions from the board.

BOARD DISCUSSION

- **Andy Meselson:** The Parlor has been good citizens in regards to being good to the community.
- **Ravi Bhatia:** In the past two weeks they have been addressing the issues of the community. The noise is something I have been able to get satisfaction in. I would rather approve this than have them close down and someone like the previous owners come in.
- **Taylor Nichols:** I enjoy the patio, it's one of the few places you can sit outside in that area, but I will defer to people who live closer to it.
- **Patrick Seamans:** I would suggest that the motion would be contingent on the Parlor hiring an expert.

AMENDMENT:

1. That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00am and 10:00pm to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00am to occur in the front of the building,
2. That trash and recycle bins be locked,
3. That valet service be provided until closing, and that the valet company use an exclusive leased lot or organized shared parking and not in the surrounding residential neighborhoods, and that any change of operator will require a new plan approval,
4. That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

Steven Luftman makes the motion to amend, Liza Gerberding seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Andrew Jhun, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Taylor Nichols, Tony Regenstreif, David Sobel, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Emily Uyeda Kantrim, Patrick Seamans, Marc Sinnott, Nick Solish, Henry Van Moyland

RECUSALS: --

Amendment passes with 18 yeas, 0 nays, 5 abstentions, 0 recusals.

b. Beverly Center Digital Sign Boards -- 8500 Beverly Blvd. (20 minutes)

Project Description: The Beverly Center has 3 Digital Sign Boards that have replaced 3 static signs as part of their renovation. MCWCC has been asked to comment by the community on the potential use of these Digital Sign Boards for off-site type advertising which is a non-allowed use.

Motion: Mid City West Community Council opposes that the three digital sign boards on the Beverly Center at 8500 Beverly Blvd be used for off-site advertising.

At the July 31, 2018 Planning and Land Use committee meeting, the motion was made by Luftman and seconded by Wyman. The committee voted 7 Yeas (Fox, Gerberding, Luftman, Nakata, Uyeda Kantrim, Wayne, and Wyman), 0 Nays, 1 Abstention (Bhatia). The motion passed.

Background: MCWCC to draft a Letter to Building and Safety, Department of City Planning, Councilmember Koretz and the City Attorney's Office to review this case and **not allow** the continued off-site advertising on these signs. The Beverly Center was cited for Off-Site Advertising on their 3 digital sign boards by a Building and Safety Inspector on May 7, 2018, case number 815719 with an "Order to Comply." The Beverly Center is currently appealing the case and continues to display these ads. Theatrically released Movie Ads, Streaming Television Shows and Universal Studio Tours amongst others, are displayed on these 3 sign boards. There is no Sign District in this area. The Beverly Center Management declined an invitation to attend the meeting to discuss.

AMENDED MOTION: Mid City West Community Council opposes the use of digital sign boards at the Beverly Center at 8500 Beverly Boulevard for off site advertising, and as such opposes the appeal to the Building and Safety Citation Case Number 815719.

Mehmet Berker makes the motion, Steven Luftman seconds.

YEAS: Mehmet Berker, Dina Brown, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Taylor Nichols, Patrick Seamans, David Sobel, Nick Solish, Henry Van Moyland, Don Whitehead

NAYS: Abraham Langer

ABSTENTIONS: Ravi Bhatia, Andy Meselson, Marc Sinnott, Roque Wicker

RECUSALS: Andrew Jhun, Tony Regenstreif

Motion passes with 16 yeas, 1 nay, 4 abstentions, 2 recusals.

PUBLIC COMMENT

- **Keith Nakata:** They have been showing off site advertisements. The manager for the Beverly Center was told not to come to the neighborhood council.
- **Andrew Jhun:** My property faces one of the signs and it is very bright. My understanding is that the Beverly Center found a workaround for digital billboards which were voted down legally.

BOARD DISCUSSION

- **David Sobel:** I would love to get rid of the digital sign but in terms of the content of the sign, I

don't care much.

- **Emily Uyeda Kantrim:** The reason that ad space is permitted is so that people can understand how to get into the mall. These ads are not doing that. Also we are agreeing with an already in place order to comply.
- **Ravi Bhatia:** Can we ask for a time that the ads go off at night?
- **Mehmet Berker:** We are responding to the fact that they are appealing their citation.
- **Abraham Langer:** We should be addressing the digital billboards, not the offsite advertising. We should not be punitive here, it is not our place to say we don't like the advertising on this board.
- **Steven Luftman:** I don't want to be the one deciding what is and is not off site advertising. But I do want to tell them that they have to follow the law. We don't want our neighborhood to be times square.
- **Andy Meselson:** I support the sentiment of this motion, we should tell our neighbors to comply, but I can't vote for this.

AMENDMENT: Mid City West Community Council opposes the use of digital sign boards at the Beverly Center at 8500 Beverly Boulevard for off site advertising, and as such opposes the appeal to the Building and Safety Citation Case Number 815719.

Steven Luftman makes the motion to amend, Liza Gerberding seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Scott Epstein, Heather Fox, Liza Gerberding, Angela Guzman, Emily Uyeda Kantrim, Keith Kirkwood, Steven Luftman, David Mann, Taylor Nichols, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Henry Van Moyland, Don Whitehead

NAYS: --

ABSTENTIONS: Dina Brown, Abraham Langer, Andy Meselson, Roque Wicker

RECUSALS: Andrew Jhun, Tony Regensreif

Amendment passes with 17 yeas, 0 nays, 4 abstentions, 2 recusals.

14. Committee funding motions

- a. **Motion** to approve Neighborhood Purpose Grant of \$2500 to the Los Angeles Conservancy to retain services to prepare a Historic-Cultural Monument nomination application for Tom Bergin's. This NPG is a replacement for the Community Improvement Project passed in the prior fiscal year, and if approved will utilize funds from the 2017-18 fiscal year that Councilmember Ryu's office is helping to place in a special account for this purpose. (10 minutes)

MOTION: Approve Neighborhood Purpose Grant of \$2500 to the Los Angeles Conservancy to retain services to prepare a Historic-Cultural Monument nomination application for Tom Bergin's.

Scott Epstein makes the motion, David Sobel seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Dina Brown, Scott Epstein, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, David Mann, Andy Meselson, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: --

RECUSALS: Heather Fox, Steven Luftman

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 18 yeas, 0 nays, 0 abstentions, 2 recusals, 2 ineligible.

b. Booth and increased sponsor placement at Tarfest. (20 minutes)

Motion: Mid City West Community Council allocates a sum not to exceed \$1,500 for a booth and increased sponsor placement at the 2018 TarFest event.

On August 1, 2018, the Communications and Outreach Committee voted 5 Yeas (Cullum, Mann, McCallum, Sinnott, and Whitehead), 0 Nays, 0 Abstentions. Motion passed.

Background: Since the board traditionally does not produce a festival-like "signature event" during election years, and since the outreach budget is significantly reduced due to the election - it was suggested to the committee that ramping up participation in this year's TarFest would be an effective way to leverage one of the largest public events in our district to engage with stakeholders in person, promote the MCW brand, and to gain exposure on festival materials. In the past, in exchange for an NPG, the festival has allowed MCW to share space at a public agencies booth. The purpose of putting increased funds towards the event would be to secure an exclusive booth for MCW, and to give MCW more prominent placement on marketing materials, cross-promotion on social media, etc. The committee would plan to present a more robust display at the MCW booth including signage, branding, giveaways, and activities for event guests.

MOTION: Mid City West Community Council allocates a sum not to exceed \$1,500 for a booth and increased sponsor placement at the 2018 TarFest event.

Marc Sinnott makes the motion, Keith Kirkwood seconds.

YEAS: Ravi Bhatia, Liza Gerberding, Angela Guzman, Emily Uyeda Kantrim, Keith Kirkwood, David Mann, Patrick Seamans, Marc Sinnott, Nick Solish, Don Whitehead, Roque Wicker

NAYS: Scott Epstein, Abraham Langer, Steven Luftman, Andy Meselson

ABSTENTIONS: Mehmet Berker, Heather Fox, Andrew Jhun, David Sobel

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 11 yeas, 4 nays, 4 abstentions, 0 recusals, 2 ineligible.

c. Park(ing) Day 2018 (Tabled at July 2018 board meeting). (15 minutes)

Motion: Mid City West will allocate an amount not to exceed \$2000 to produce a Park(ing) Day event on September 21, 2018. The budget would be used for rental of fencing, furniture, flooring, and other items for the parklet locations.

At the June 22, 2018 Transportation, Parking, and Streetscape Committee meeting, the motion was made by Paget and seconded by Langer. The committee voted 9 Yeas (Bitterman, Epstein, Gabbaiian, Goldenberg, Howell, Langer, Paget, Rudoy, and Solish), 0 Nays, 0 Abstentions. Motion passed.

Background: Park(ing) Day is an international event taking place on the third Friday of September,

during which urban designers and community groups create pop-up parklets in parking spaces for one day. Since 2014, Mid City West has participated in the event each year. Previous installations took place on Melrose Avenue, West Third Street, Fairfax Avenue, La Brea Avenue, Wilshire Boulevard, and Stanley Avenue. The event has offered Mid City West the opportunity to collaborate with local businesses, and has consistently attracted local print, broadcast, and digital press.

MOTION: Mid City West will allocate an amount not to exceed \$900 to produce a Park(ing) Day event on September 21, 2018. The budget would be used for rental of fencing, furniture, flooring, and other items for the parklet locations.

Abraham Langer makes the motion, David Sobel seconds.

YEAS: Mehmet Berker, Ravi Bhatia, Scott Epstein, Liza Gerberding, Angela Guzman, Andrew Jhun, Emily Uyeda Kantrim, Keith Kirkwood, Abraham Langer, Steven Luftman, David Mann, Andy Meselson, Patrick Seamans, Marc Sinnott, David Sobel, Nick Solish, Don Whitehead, Roque Wicker

NAYS: --

ABSTENTIONS: Heather Fox

RECUSALS: --

INELIGIBLE: Tony Regenstreif, Henry Van Moyland

Motion passes with 18 yeas, 0 nays, 1 abstention, 0 recusals, 2 ineligible.

15. Motion to Adjourn at 10:38 p.m.

Neighborhood Council Funding Program

APPLICATION for Neighborhood Purposes Grant (NPG)



This form is to be completed by the applicant seeking the Neighborhood Purposes Grant and submitted to the Neighborhood Council from whom the grant is being sought. All applications for grants must be reviewed and approved in a public meeting. Upon approval of the application the Neighborhood Council (NC) shall submit the application along with all required documentation to the Office of the City Clerk, NC Funding Program.

Name of NC from which you are seeking this grant: Mid City West Community Council

SECTION I - APPLICANT INFORMATION

- 1a) Los Angeles Conservancy 95-3273046 California 12/29/1978
Organization Name Federal I.D. # (EIN#) State of Incorporation Date of 501(c)(3) Status (if applicable)
- 1b) 523 West 6th Street, 826 Los Angeles CA 90014
Organization Mailing Address City State Zip Code
- 1c) _____
Business Address (if different) City State Zip Code
- 1d) **PRIMARY CONTACT INFORMATION:**
Adrian Scott Fine, Director of Advocacy, 213/430-4203, afine@laconservancy.org
Name Phone Email
- 2) **Type of Organization- Please select one:**
☐ Public School (not to include private schools) **or** ☒ 501(c)(3) Non-Profit (other than religious institutions)
Attach Signed letter on School Letterhead Attach IRS Determination Letter
- 3) _____
Name / Address of Affiliated Organization (if applicable) City State Zip Code

SECTION II - PROJECT DESCRIPTION

- 4) Please describe the purpose and intent of the grant.

The purpose is for the preparation of a Historic-Cultural Monument (HCM) nomination and make application for Tom Bergin's historic site. The City of Los Angeles' SurveyLA has identified Tom Bergin's as a eligible historic resource. HCM status will provide greater recognition for Tom Bergin's, build awareness, and provide a design review process should there be any proposed changes to the building in the future.

- 5) How will this grant be used to primarily support or serve a public purpose and benefit the public at-large.
(Grants cannot be used as rewards or prizes for individuals)

Funding will be used to retain professional services of an architectural consulting consultant to research, photograph and complete the HCM nomination and submit to the City's Cultural Heritage Commission. The research required for an HCM nomination includes comprehensive documentation of Tom Bergin's history, original plans and drawings (if available), historic photos, building permits, news clippings, etc. on the original design, as well as ownership history, structural alterations, previous tenants, and historically significant persons or activities associated with the building and site.

SECTION III - PROJECT BUDGET OUTLINE

You may also provide the Budget Outline on a separate sheet if necessary or requested.

| | | | |
|-----|-----------------------------------|------------------------|-----------------------------|
| 6a) | Personnel Related Expenses | Requested of NC | Total Projected Cost |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |

| | | | |
|-----|---|------------------------|-----------------------------|
| 6b) | Non-Personnel Related Expenses | Requested of NC | Total Projected Cost |
| | Expert architectural historic consulting services | \$2,500 | \$4,000 |
| | | \$ | \$ |
| | | \$ | \$ |

7) Have you (applicant) applied to any other Neighborhood Councils requesting funds for this project?

☐ No ☒ Yes If Yes, please list names of NCs: Westwood Neighborhood Council

8) Is the implementation of this specific program or purpose described in Question 4 contingent on any other factors or sources or funding? (Including NPG applications to other NCs) ☐ No ☐ Yes If Yes, please describe:

| Source of Funding | Amount | Total Projected Cost |
|---|---------|----------------------|
| Miracle Mile Residents Association (MMRA) | \$1,500 | \$4,000 |
| | \$ | \$ |
| | \$ | \$ |

9) What is the TOTAL amount of the grant funding requested with this application: \$2,500

10a) Start date: 8/14/18 10b) Date Funds Required: 9/1/18 10c) Expected Completion Date: 12/31/19
(After completion of the project, the applicant should submit a Project Completion Report to the Neighborhood Council)

SECTION IV - POTENTIAL CONFLICTS OF INTEREST

11a) Do you (applicant) have a current or former relationship with a Board Member of the NC?

☐ No ☒ Yes If Yes, please describe below:

| Name of NC Board Member | Relationship to Applicant |
|-------------------------|---|
| Heather Fox | Member of Conservancy and neighborhood advocate |
| Steven Luftman | Member of Conservancy and neighborhood advocate |

11b) If yes, did you request that the board member consult the Office of the City Attorney before filing this application?

☒ Yes ☐ No *(Please note that if a Board Member of the NC has a conflict of interest and completes this form, or participates in the discussion and voting of this NPG, the NC Funding Program will deny the payment of this grant in its entirety.)

SECTION V - DECLARATION AND SIGNATURE

I hereby affirm that, to the best of my knowledge, the information provided herein and communicated otherwise is truly and accurately stated. I further affirm that I have read the documents "What is a Public Benefit," and "Conflicts of Interest" of this application and affirm that the proposed project(s) and/or program(s) fall within the criteria of a public benefit project/program and that no conflict of interest exist that would prevent the awarding of the Neighborhood Purposes Grant. I affirm that I am not a current Board Member of the Neighborhood Council to whom I am submitting this application. I further affirm that if the grant received is not used in accordance with the terms of the application stated here, said funds shall be returned immediately to the Neighborhood Council.

12a) Executive Director of Non-Profit Corporation or School Principal - REQUIRED*

| | | | |
|----------------------|--------------------------|---|-----------------|
| <u>Linda Dishman</u> | <u>President and CEO</u> | <u></u> | <u>8.8.2018</u> |
| PRINT Name | Title | Signature | Date |

12b) Secretary of Non-profit Corporation or Assistant School Principal - REQUIRED*

| | | | |
|--------------------------|-----------------------------|---|-----------------|
| <u>Adrian Scott Fine</u> | <u>Director of Advocacy</u> | <u></u> | <u>8.8.2018</u> |
| PRINT Name | Title | Signature | Date |

* If a current Board Member holds the position of Executive Director or Secretary, please contact the NC Funding Program at (213) 978-1058 or clerk.ncfunding@lacity.org for instructions on completing this form

EXHIBIT L

May 28, 2019

From: kenhixon@pacbell.net
Sent: Wednesday, September 26, 2018 3:52 PM
Subject: Save Tom Bergin's

Hello,

Tom Bergin's Bar and Restaurant, a long time and historic part of Los Angeles, is threatened by demolition in the near future. The Miracle Mile Residential Association and the Los Angeles Conservancy (with the financial support of Mid City West Community Council) have sponsored Tom Bergin's Bar and Restaurant for Historic-Cultural Monument status. Here's a link to a story about it from the Larchmont Buzz:

<https://www.larchmontbuzz.com/featured-stories-larchmont-village/tom-bergins-nominated-as-historic-cultural-monument/>

We've created an email generator that makes it quick and easy for folks to send a message to Los Angeles City Councilmember Ryu and the Cultural Heritage Commission in support of landmark status for Bergin's: <https://support.miraclemilela.com>

So far it's been utilized to sent over 300 emails. Could you please share this link with fellow Bergin's fans? The more the merrier — and the better our shot at saving Bergin's.

Thank you,

Ken

Ken Hixon, Vice President
Miracle Mile Residential Association
kenhixon@pacbell.net
323-935-7227

Benjamin M. Reznik
BMR@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

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May 28, 2019

BY EMAIL ONLY (clerk.plumcommittee@lacity.org)

Honorable Marqueece Harris-Dawson, Chair
Planning Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012
Attn: Rita Moreno, Legislative Assistant

Re: Further Objections to Proposed Historic-Cultural Monument Designation
Case No. CHC-2018-5803-HCM; ENV-2018-2847-CE
Location: 840 S. Fairfax Avenue ("Tom Bergin's")
Council File No. 19-0293

Dear Chair Harris-Dawson and Honorable Members of the PLUM Committee:

In preparation for the Planning Land Use and Management ("PLUM") Committee hearing scheduled for this afternoon, we submit the following letter with further objections to the proposed designation of our client's property at 840 S. Fairfax Avenue (the "Property") as a Historic-Cultural Monument ("HCM"). Notwithstanding the fact that the property has absolutely no architectural significance – as determined by the City's Cultural Heritage Commission and the City's Office of Historic Resources – the nomination is nevertheless moving forward with a recommendation for HCM designation. The basis for this recommendation flows from the Commission's finding that the business that formally operated on the site, the "Tom Bergins" pub, "is considered a legacy business and a beloved community institution, earning it a reputation as one of Los Angeles's most iconic bar establishments." (Staff Report, Pg. 3). As detailed below, and in our previous correspondence, this nomination is flawed in multiple respects.

A. A "Legacy Business" is not a "site, building or structure" and thus cannot be designated as an HCM pursuant to LAAC Section 22.171.7.

The Cultural Heritage Commission's recommendation to designate the Property as an HCM is flawed because a business is not eligible for HCM designation under the Los Angeles Administrative Code ("LAAC") Section 22.171.7. The LAAC is explicit in reserving HCM status for "building[s]," "site[s]," and "structure[s]" of particular significance. Nothing in this section of the LAAC can be construed to authorize the designation of a "legacy business" as an HCM, as is being attempted here. In hearing the nomination, the Commission chose to knowingly ignore this,

choosing instead to circumvent the LAAC by recommending designation under a new and improper objective of preserving a "legacy business."

This intention was made explicit at the hearing. In speaking on his motion to recommend designation, Cultural Heritage Commission President Barron first acknowledged that "uses" – like a particular business - cannot be preserved on the site by designating it as an HCM. He then went on to instruct the Commission that "[o]ur business is to think about whether or not this is, as the application says, is a legacy spot, that should be saved. and I think in my mind, it is that." He then revealed his true interest in the designation, explaining that "[his] wish would be.. is that somebody will come in and take it over and rethink it and make it a business." In this vein, he then suggested that the audience consider "creat[ing] an LLC, and a go fund me page, [s] they could have a neighborhood bar again."

These types of statements, from a City Commissioner, are wholly inappropriate, and demonstrate a deliberate attempt to misapply the HCM standards as a means for undermining an owner's property rights. It also suggests that the Commission is explicitly attempting to use the HCM criteria to try and disadvantage one business/property owner, in the hopes that another would be more successful operating at that location. These are all completely inappropriate considerations, and there is simply no legal basis to permit the City to use the HCM standards as a means of encouraging a particular use, or to revive a "legacy business" through HCM regulations as is being attempted here.

B. Designation of the Property as an HCM for the benefit of a "legacy business" would constitute an unlawful taking without just compensation.

In this instance, the Commission's backdoor attempt to preserve the *business* of Tom Bergin's pub, by conferring HCM status upon the Property, constitutes an arbitrary abuse of discretion and a taking of private property without due process of law and fair compensation. This is because the Commission, and the City, are fully aware that by designating the Property as an HCM will allow the City to preserve the existing building's signage and interior bar, notwithstanding the fact that the Commission found these features did not contain any architectural significance. By preserving these features based on their connection to a "legacy business," the City fully understands that it will be impossible for any other use to operate at the Property, as the the "Tom Bergins" signage and the interior bar area included as part of the proposed HCM designation. By preserving the signage and the bar/restaurant layout, it forces any use located at the Property to operate as "Tom Bergins." As the Tom Bergins bar and restaurant use has been unprofitable for decades, this action will financially decimate the Property owner's investment backed expectation in the Property, and will constitute a regulatory taking which is prohibited under both state and federal law.

C. The City action of pursuing this HCM nomination is a clear violation of the owner's right to procedural and substantive due process.

In addition to the above, the owner object to this entire HCM process on the grounds that it is the result of an unlawful nomination which originated from City proceedings for which the owner was not provided notice of or provided an opportunity to participate in. As noted in our prior correspondence, and in a grievance we will be submitting to the Department of Neighborhood Empowerment, this nomination originated from multiple hearings and commitments by the Mid City West Neighborhood Council. Through the course of 2018, the City held no less than ten (10) hearings on this proposed nomination, none of which provided notice to the Property owner. Of these hearings, one of them was a hearing of the City Council, during which the Council may or may not have known that it was approving a motion to allocate money to fund the nomination which it is now considering here. Again, the owner was never provided notice of this action. Now, after nearly a year of hearings, the pre-commitment of City Council to fund the nomination, it is simply impossible for the owner to be provided with a fair hearing.

Accordingly, this entire nomination is tainted by the misuse of City funds, multiple due process and Brown Act violations, the violation of several City spending rules, and the clear abuse of the City's HCM criteria. Given the unacceptable history of this nomination, the City should not – and cannot – permit this process to go forward any further, as the entire process and nomination is tainted.

Sincerely,



BENJAMIN M. REZNIK of
Jeffer Mangels Butler & Mitchell LLP

Enclosure(s)

cc (via email):

Nicholas Greif, Chief of Staff, Councilmember Ryu
Rachel Brashier, Deputy Chief of Staff, Councilmember Harris-Dawson, Chair
Andrew Pennington, Director of Land Use & Planning, Councilmember Blumenfield
Sherilyn Correa, Director of Planning, Councilmember Price, Jr.
Gerald Gubatan, Planning Director, Councilmember Cedillo
Hannah Lee, Chief of Staff, Councilmember Smith
Terry P. Kaufmann-Macias, Deputy City Attorney, Office of the City Attorney