

Contact Information

Neighborhood Council: Eagle Rock Neighborhood Council

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Date of NC Board Action: 11/11/2008

Type of NC Board Action: General Comments

Impact Information

Date: 01/25/2009

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 08-0923

Agenda Date: 01/27/2009

Item Number: 2

Brief Summary: The ERNC unanimously voted on 11-11-08 to make the following recommendations to the LA City Council for inclusion in the final ordinance controlling medical marijuana dispensaries (MMDs) in LA.1. A special commission (Medical Marijuana Control Board-MMCB) be set up to oversee operations of MMDs.

Additional Information: 2. Before opening all MMDs must have public hearings and be subject to a temporary operation license based on regular and ongoing community and MMCB findings.3. No more than one MMD per 3 mile radius and same zoning restrictions as under Ordinance 158579.4. No MMD may operate along LADOT "Safe Routes" to schools.

EAGLE ROCK NEIGHBORHOOD COUNCIL

Held at

The Center for the Arts
2225 Colorado Blvd, Los Angeles CA 90041

GENERAL BOARD MEETING

November 11, 2008

CORRECTED & APPROVED MINUTES

1. CALL TO ORDER/ROLL CALL

Stephan Early, President called the meeting to order at 7:05 p.m. with welcome and roll call.

Present: Stephan Early, Pres.; Phyllis Robbins, Vice Pres; Brian Heckmann, treasurer; Darryl Hunter, Virginia Paulson, Bob Arranaga, Osbaldo Luna, Phil Marr, Michael Nogueira, Michael Larsen. **Absent:** Meredith Brown, Secy; Mari Reyes, Communications, Craig Powell, Erin Campbell, Andrew Berk.

Seated: Pastor Jeff Howard, Faith Based director

1. PUBLIC COMMENTS

Bruce Redmond, stakeholder: My car was hit 3 times in a 3 year period, so I want speed bumps on Townsend. I was told they would impede emergency vehicles going down the street, but there is a middle lane. Also there is no cross walk for Valley Heights school kids. The light for a left turn on Colorado and Townsend does not come on very often. **Stephan:** Talk to our safety director Mike to put forth a motion for the board to consider. **Brian:** You have to get 94% of names of neighbors on a petition for speed bumps. **Darryl:** I did this in my area and after 18 months we are finally getting a speed bump. You only need names of 75% residents on a petition. I worked closely with Jim OmahaN, CD 14 Deputy and CD 14 to get it done. **Stephan:** consult with either one of these men to help you.

Fred Guabo, stakeholder: The ER Historical Society is having a PowerPoint slide presentation on Saturday 3 – 5 at Eagle Rock library presenting ER historical collection of floats. **Brian:** E-mail it to me and we will get it out to our mailing list.

2. APPROVAL OF OCTOBER MINUTES

Minutes tabled, Meredith absent

3. OPEN SEATS – NOMINATIONS

Open seats are for Business, Education, Faith-based directors and Parliamentarian.

Faith based seat opening

Bob: David Armitage is here to be considered for the faith-based seat. **Mike N:** I am waiting for a pastor to come who is also interested in the seat. **Stephan:** We will table and come back to this item.

Parliamentarian opening:

MOTION by Mike L that the ERNC approve board member Brian Heckmann as Parliamentarian.

SECOND: Phyllis

Stephan: (handout Roberts Rules books) I am asking everyone to read the rules, it will smooth over a lot of areas and keep things flowing

VOTE: Unanimous

4. LAND USE APPLICANTS AT BOARD MEETS:

Virginia: If we have business with the applicant at the land use level, then the applicant should come to the board meeting so we can ask questions. **Bob:** When they come to the board meeting it is voluntarily. Some of the things we ask them to do such as send out notices is also voluntary. **Brian:** The notices concern me. A stakeholder said he got a notice for the agenda item, the day of the meeting. Residents should be notified at least a week before the land use meeting. **Bob:** There is nothing we can do to force them to mail notices. I suggest the applicant come to us with

the postage and printing of these notices, but again it is voluntary. **Phyllis:** If we had a Community Plan rather than a Colorado Specific Plan, would it then be required for all these businesses to adhere to that plan? **Osbaldo:** You suggested they bring us postage, but we don't have proof that they sent out the notices. **Brian:** If they use a mailing house they will get a receipt of when it was mailed.

5. BELONGALS LOUNGE 2478 Colorado Blvd

Bob: The Land Use Committee saw this applicant in September asking for our recommendation on a beer and wine license for a game lounge; open 7 days a week; alcohol sales start at 10 a.m.; open from 7 – 11. Total of 22 interior seats 26 exterior patio seats. No outside loud music; they are securing additional parking. What has come up is a discussion of noise level in the area. There is something we need to add which is limiting any private parties and contain the noise. **Stephan:** In chapter 3 of Roberts Rules; someone has to open this up with a motion so we can begin discussion.

MOTION by Bob that the ERNC approve Belongals game lounge for limited alcohol sales and limited hours be recommended per land use for their project.

MOTION by Brian that the board approve that we open the floor for discussion first before a motion is made.

SECOND: Mike

VOTE: Unanimous

Stephan: As Chairperson I disagree with this ruling. **Phil:** I volunteer to dig into the unabridged edition of Roberts and get the interpretation.

Nicole Taylor Dixon and Tyrone Dixon owners: (handout) she explained the lounge (not a restaurant) and why they opened it. As for parking, we talked to Colorado Terrace and they offered to rent us 3 spaces. We did not sign a lease yet, we have to grade the space behind us as we think this might be a good solution to the 5 spots we need. We have an application in for our beer and wine license; we want to have it available if patrons want it. We have soft drinks as well. Main attraction is gaming-like board games. We did have a party there, it was loud, but it was only a one-time thing. **Brian:** What happened with the distribution of notices? **Nicole:** I was told on Tuesday we needed it for the Thursday meeting and my husband walked them to neighbors. **Tyrone:** On Wed and Thurs. **Mike N:** If you do get 3 spaces, what is going to get people to park there? Looking at your menu, it is not a full-on kitchen, it looks like microwave or pick up food. The name says restaurant on our agenda. **Nicole:** It is not a restaurant, but a lounge. It will be finger food. We would put a sign up to let people know to park there. **Mike:** Who will monitor the spots? **Nicole:** They have an attendant there who will let people know 3 belong to us. **Tyrone Dixon:** We have enough spaces at our place, and when we level it out we will have all 5 spots, and that's our plan A; plan B is to rent other spots. **Brian:** What sort of music? **Patrick Panzarillo, Belongals Consultant:** It is background music only, inside only. Correction; there are 16 exterior seats. But all gaming is inside only. No live entertainment or music, no tv; appetizers only- snack food. **Tyrone:** Open Thurs – Sunday in the beginning to start people coming in. Will go to 7 days when it grows. **Phyllis:** The handout says Sunday games 2 p.m. to 9 p.m. is this your site? **Nicole:** No. That's just a sample page. **Mike L:** If they get a beer and wine license and business fails, does license carry to next owner? **Bob:** No. The license can be bought or sold to someone else. In beer and wine you apply for a new one. So if they leave the license leaves with them. **Mike L:** Any prizes for games? **Nicole:** No prizes, but sometimes we will give someone the board game as a prize. **Patrick:** The applicants have to go to training for the license; if there are any complaints they can come back here. It is just a friendly place for people to gather. **Virginia:** Why do you have to be open at 7 a.m.? **Nicole:** We probably will not be open that early, but we would like to have the option to be open. **Virginia:** You didn't tell us at Land Use there was a charge. **Nicole:** You can come in for free, but you have to pay to play or eat. Otherwise we would not make any money. **Darryl:** The Colorado Plan says closings at 9 p.m. So land use made an exception? **Bob:** Colorado Specific Plan says 9 p.m. closing. It does limit the restaurants' evening hours but usually after 9 or 9:30 fewer customers; and they must stop serving at 10:30 pm to close at 11 p.m. **Darryl:** If approved as a game lounge and they have a private party what happens? **Bob:** I am going to say private parties close at 10 p.m. and limit 2 parties a month. If business doesn't go well, we don't want them having these parties disturbing neighbors. **Paxon Malloy, stakeholder:** We neighbors sent in an opposition and signed petition to ABC regarding their license. They said they wanted the community to come in to their private party but I was turned away at the door. There is a banner on their building advertising private parties, when they said they weren't going to be doing them. Whether it is a bar, restaurant or lounge, I want to see a business plan to say where their money will be coming from, which entity. We

don't want a bar in the neighborhood. We did get a letter from them. There will be parking problems and loitering and vagrancy. If their current business model fails they might have to do other things to make a profit and it may be more bar like. I propose they open their lounge and suspend their license for one year to build their clientele, which would be a good move. **Ed Watts, stakeholder:** I've lived on that block for 40 years. There used to be a bar on the corner and we had problems with noise, etc. I understand that's not what they are doing, but we've heard before from owners that there would not be any noise. **Shirley Watts, stakeholder:** With these games is it family or adults? **Nicole:** It is geared toward adults; I am not a babysitter for parents. It is 8 years old and up. **Lupa Chang, stakeholder:** We have people who come and go and make a lot of noise. Are you prepared to sell food now? There are parking problems and drunk drivers to think about. **Nicole:** It is food I make, appetizers, snacks. **Patrick:** This location could not become a bar. ABC will assure this will not be a bar by asking for food receipts to be sure more food than wine is sold.

MOTION by Bob that the ERNC approve Belongal's request for a beer and wine license with the following conditions:

No live music

Hours 7 a.m. – 11 p.m.

Alcohol from 10 a.m. – 11 p.m.

Alcohol servers must be certified

Alcohol with food only (later amended)

5 spaces rented from Colorado terrace (later amended)

Contract must be in place by ZA

Private parties end at 10 p.m.

3 parties per month (later amended to 2 parties)

No live music at parties

Valet parking at private parties.

Private parties to stated occupancy of building

Beer and wine reviewed in one year by ER Land Use Committee

On menu state parking places as well as notice: "please leave quietly don't disturb neighbors." Also post on front door.

SECOND: Mike L.

Tyrone: Colorado Terrace parking is our plan b. We have extra room behind the location, which is 2 spots now. If we pave it, this will add 3 spaces. We don't want to be locked into Colorado Terrace if we use the paving option.

FRIENDLY AMENDMENT by Bob that Belongals secures 5 parking spaces with a rental agreement in place for the other 3.

SECOND: Mike.

Tyrone: Occupancy is 42 people. The cost of parking is expensive. Those private parties will be geared around games. We want to extend an invitation to other businesses to use our facility for team building. **Bob:** With private parties people come all at once and leave all at once. The host who pays for private parties picks up tab for all of them, including valet parking. **Mike N:** Where are they going to park extra cars with private parties? **Nicole:** Either on the street or on Colorado Terrace. **Phyllis:** How will you control your customer's parking outside the area we just spoke of? **Tyrone:** We can only have a limited number of people there. At Colorado Terrace and across the street. We have had 23 people at our previous parties and no one parked on College View. **Phyllis:** How close are you to a church; and are you working it out with them? **Tyrone:** about 500 feet. Yes we are working it out. **Phil:** My concern is with alcohol with food only, but I worry about this because you are playing table games; there should be the option to purchase it when playing.

FRIENDLY AMENDMENT by Phil that the alcohol and food provision be removed from the conditions.

Bob: I will accept if Belongals agrees to serve 51% food to 49% alcohol.

SECOND: Mike

VOTE (Phil's motion): yes: 5. Opposed- 3. Abstain -2. Motion passes.

VOTE: (Full motion): 5 yes. Opposed 4. Motion passes.

Brian: You have to have a majority vote of 6 to 4 for it to pass. **Phil:** read page 66 “only a majority of those actually voting is required.” Motion passes.

6. FAITH BASED DIRECTOR NOMINATION

Jeff Howard, Pastor ER Presbyterian Church: I have been at the church a year. I am active on the police clergy council, and have a ministry to the homeless and poor. **David Armitage, Pastor:** I am Pastor of church in ER, been here 3 years, I work in real estate development. Am interested in issues like I’ve heard tonight. I live in Mt. Washington.

VOTE: David Armitage: 1 vote. Jeff Howard: 6 votes– seated as faith based director.

Bob: Can we open up discussion for David to have another position. **Stephan:** Do you have a business or kids in school in Eagle Rock? **David:** No on both. **Bob:** There is shuffling going on at land use, please give me a call.

7. AT&T CELL TOWER 1453 Colorado Blvd.

Bob: (handout- gave background.) Their request is for increased height for better service on an existing site. AT&T gave us 3 options and Land Use picked the modification of one cupola in the middle. The rep, Edwin Kim of Bechtel Communications is here to respond to any questions.

MOTION by Bob that the ERNC board approves the recommendation of the Land Use Committee and approve AT&T’s request for increased cell tower height to 50 feet on the existing site with one cupola in the middle.

SECOND: Mike N.

Darryl: Why do they keep putting them on residential rather than commercial buildings? **Bob:** I can’t tell you that, but the City encourages co-locating rather than looking for new sites.

VOTE: 8 yes. 1 -Opposed Darryl

8. EAGLE ROCK BEAUTIFUL COLLABORATIVE

John Stillion, Collaborative: We would like for each sub-director to appoint someone in your sub-district to be a part of our collaborative to help develop the Master Plan. Showed PowerPoint presentation.

9. EXECUTIVE & COMMITTEE REPORTS

PRESIDENT REPORT:

Stephan: I wrote a draft regarding ER High School coach firing; I will bring it next meeting.

Treasurer’s Report

Brian: handout.

MOTION by Brian that the ERNC board accepts the budget and budget report.

SECOND: Osbaldo

VOTE: 8 yes. 0 opposed. 1 abstain - Darryl.

Brian: We resolved the claim brought by former board member Jim Perry. He found documentation and we will reimburse him approximately \$2,000. On the website is our full financial report back to the beginning of our formation.

Public Safety Committee

Mike Larsen: I spoke to Craig Orange our Sr. Lead Officer. In Occidental area home burglaries are being done by males in a van who pose as magazine salesmen. Watch out for this. There is increased drug activity in Eagle Rock. I spoke to Mari to do a blast e-mail on all of this.

Outreach Committee

Phyllis: (Outreach Committee Structure) We reviewed this PowerPoint presentation in executive board and it was approved.

MOTION by Osbaldo that the ERNC board adopts the draft structure of the Outreach Committee.

SECOND: Virginia

VOTE: Unanimous

10. MEDICAL MARIJUANA DISPENSARIES

MOTION by Mike L that the ERNC Board adopt and submit a CIS of the ERNC Public Safety Committee's Position draft, dated 11-11-08 to the City Council recommending conditions to the Council's final permanent ordinance regulating the distribution of medical marijuana in the City of Los Angeles (CF #8-00923) (handout)

SECOND: _____

VOTE Unanimous

MOTION by Mike L that the ERNC boards, opposes the following 3 applicants' hardship applications for medical marijuana facilities, and send a copy to the City Council:

Green Earth Collective, Highland Park LA 90042: They submitted a certificate of insurance late, so were not in compliance at the time of the ICO; thus there was no insurance. So please oppose their application

SECOND: Mike N:

VOTE: Unanimous

Northeast Collective Group 4253 ER Blvd

They noted a hardship; they said they came went on Monday to submit but due to long lines could not get to clerk on time and could not get insurance in, but the building owner had insurance. Please oppose this application.

SECOND: Brian

VOTE: Unanimous

Hazelwood Patients Collective

Operator registered dispensary on York Blvd, but was forced to move after a letter from the DEA went to the landlord. Please oppose this application

SECOND: Brian

VOTE: 8 yes. 1-abstained - Phil

11. ARROYO SECO COLLECTIVE ARTS EVENT

Laurie Arroyo, Pres. (handout) The collective is requesting \$1,000 towards publicity expenses for our tour. We already put ERNC's logo on our card announcement for a tour. We have support of other NCs. We want you to pay for the tour maps. **Phyllis:** What percentage did other NC's give? **Laurie:** Each gave us \$1,000.

MOTION by Brian that the ERNC board approve \$1,000 funding to the Arroyo Seco Collective towards publicity for their rediscover tour

SECOND: Virginia

VOTE: Unanimous

12. EAGLE ROCK PLAZA ART EVENT

Gina Garay, ER Plaza: We are partnering with the Center for the Arts to do an art collaborative and part of it will be a kid's project of a Paper Mache cornucopia. Our request is for \$200 for decorations for the plaza. The check would be written to Center for the Arts.

MOTION by Mike L that the ERNC board approves \$200 for decorations for the ER Plaza and Center for the Arts' art collaborative.

SECOND: Phyllis

VOTE: Unanimous

Meeting adjourned at 9:36 p.m.

Joyce Clarke, Apple One Personnel Temp

ERNC position on Medical Marijuana distribution in Los Angeles.

Acknowledging that the State of California has legalized the sale, distribution and use of marijuana for medicinal purposes, and that by not taking a pro-active, community-driven, public safety-oriented regulatory stance, the City of Los Angeles has allowed the sale of marijuana to go almost entirely unregulated with no mechanism for local communities to have input as to their operations or existence within their neighborhoods.

To quote the LA City Council's own motion "Prop 215 has created confusion among the general public and law enforcement agencies as to what is legal because counties and cities have different regulations in place. As highlighted in a number of recent cases, marijuana dispensaries often operate for profit and are a magnet for crime."(Council File 05-0872-S1)

The ERNC respectfully ask that when drafting the final Permanent ordinance regulating the distribution of medical marijuana in the city of Los Angeles (Council File # 08-0923), the City Council include the following:

1. A special commission (Medical Marijuana Control Board) should be set up to oversee the operation of and be the main authority by which permission to operate Medical Marijuana Collectives and Cooperatives within the city is either granted or denied. That commission should work closely with community members, LAPD, Building and Safety as well as other LA City departments and LA county officials to ensure the lawful and safe operation of these facilities. The number one priority of this commission should be the safety and welfare of the community in which the facility operates as well as it's members.
2. Before opening or reopening, each collective or cooperative must have a public noticed hearing for community members within a 3 mile radius of the proposed operation. The public and or community groups may submit letters and or community impact statements in support or opposition to the applicants proposal. The city will consider these submissions before deciding on allowing the facility to operate. If it is determined by the commission that the proposed collective or cooperative should be allowed to operate, it will be issued a conditional operation certificate which will be reviewed automatically once every two years or if the facility reaches a predetermined number of community complaints.
4. One collective or cooperative may operate within any 3 mile radius with nearby access to public transportation. Collectives and cooperatives must operate under the same zoning restrictions as those business described under ordinance 158579 section 1(C) "No MM Collective or cooperative may operate within 500ft of "A", "R" or within CR, C1 or C1.5 zones."

5. Collectives and cooperatives may not be located along any of the LADOT recommended safe routes to public and private schools.

Unanimously Adopted

November 11, 2008

Eagle Rock Neighborhood Council Board Meeting

#3

461/2

ORDINANCE NO. 158579

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An Ordinance amending Section 12.70 of the Los Angeles Municipal Code and providing for an exception therefrom.

Section 1. Subsection C of Section 12.70 of the Los Angeles Municipal Code is hereby amended to read:

C. Prohibition. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business, or within 500 feet of a religious institution, school, or public park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in an "A" or "R" zone, or within the "CR", "C1", or "C1.5" zones in the City of Los Angeles.

1 Sec. 2. Subsection E of the Section 12.70 of the
2 Los Angeles Municipal Code is hereby amended by adding
3 Subdivision 4 thereto, to read as follows:
4

5 4. An adult entertainment business may be
6 established and maintained pursuant to Section
7 12.22-A,20.
8

9 Sec. 3. Subsection A of Section 12.22 of the Los Angeles
10 Municipal Code hereby amended by adding subdivision 20 thereto to
11 read as follows:
12

13 20. Adult Entertainment Businesses.

14 (a) Notwithstanding the prohibition contained in
15 Section 12.70-C, a person may establish or transfer
16 ownership or control of an adult entertainment
17 business on a lot within 500 feet of an "A" or "R"
18 zone, if a site consistent with Section 12.70-C is not
19 reasonably available elsewhere in the City for the
20 establishment of the subject adult entertainment
21 business. A site is "reasonably available" elsewhere
22 in the City if it satisfies all of the following
23 criteria:
24

25 (i) Its use as a proposed adult
26 entertainment business is consistent with all
27 applicable zoning regulations, including Section
28 12.70-C.

1 (ii) It is available for use, purchase, or
2 rental as an adult entertainment business.

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4 (iii) It has adequate street access, street
5 lighting and sidewalks.

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7 (iv) It is at least 500 feet away from any
8 uses which are or may become obnoxious or
9 offensive by reason of emission of odor, dust,
10 smoke, noise, gas, fumes, cinders, refuse matter
11 or water carried waste.

12
13 This exception shall not apply to massage parlors or
14 sexual encounter establishments.

15
16 b) Prior to the establishment, or transfer of
17 ownership or control, of an adult entertainment business
18 pursuant to this Subdivision, an application for an
19 exception shall be filed in the Office of Zoning
20 Administration upon a form prescribed for that purpose,
21 identifying the present or proposed location of the
22 subject adult entertainment business, and accompanied by
23 data supporting the exception request, and the fee
24 provided for in Section 19.01-N of this Code.

25
26 An application for an exception shall be reviewed in
27 accordance with the procedures described in Section
28 12.24-C,3 to the extent applicable. However, a hearing

1 shall be held and decision made within 60 days from the
2 date of filing of an application. An exception shall be
3 approved if it meets all the requirements of paragraph (a)
4 above. An appeal from the determination of the Zoning
5 Administrator on whether an exception meets all of the
6 requirements of paragraph (a) may be taken to the Board
7 and Council in the same manner as prescribed in Section
8 12.28 for appeals from Conditional Uses enumerated in
9 Section 12.24-C,1.1. However, decision on any appeal
10 shall be made within 30 days of the expiration of the
11 appeal period.

12
13 If the Zoning Administrator, Board or Council,
14 disapproves an exception request, then a finding of fact
15 shall be made showing wherein the proposed exception fails
16 to meet the requirements of paragraph (a).

17
18 Sec. 4. Section 19.01 of the Los Angeles Municipal Code
19 is hereby amended by adding a Subsection N to read as follows:

20
21 N. ADULT ENTERTAINMENT BUSINESS EXCEPTION.

<u>Type of Application</u>	<u>Filing Fee</u>	<u>Fee for Each Appeal</u>
22 Exception from the 23 Prohibition Against Adult 24 Entertainment Businesses 25 Within 500' of an "A" or "R" Zone.	\$200.00	One-half filing fee

26 Sec. 5. Severability.

27 If any provision or clause of this ordinance or the
28 application thereof to any person or circumstance is held to be

1 unconstitutional or otherwise invalid by any court of competent
2 jurisdiction, such invalidity shall not affect other section
3 provisions, clauses or applications thereof which can be implemented
4 without the invalid provisions, clause or application thereof, and to
5 this end the provisions and clauses of this section are declared to be
6 severable.

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Sec. 6. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 16 1983

ELIAS MARTINEZ, City Clerk,

By *Eduardo W. ...*
Deputy.

Approved DEC 16 1983

Dom Bradley
Mayor.

Approved as to Form and Legality

DEC 16 1983
IRA REINER, City Attorney,

By *Claudia m'Gee H*
CLAUDIA MCGEE HENRY ~~Deputy~~
Assistant City Attorney

File No. C.F. 81-3526

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as
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