

Contact Information

Neighborhood Council: Studio City Neighborhood Council

Name: Lisa Sarkin

Phone Number: 818-980-1010

Email: lsarkin@scnc.info

Date of NC Board Action: 09/22/2010

Type of NC Board Action: Against Proposal

Impact Information

Date: 09/27/2010

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 10-0139-S1

Agenda Date:

Item Number:

Brief Summary: The Board of the Studio City Neighborhood Council opposes the City Council's proposal to offer/sell any leases to private firms allowing them to run any city-owned parking facilities.

Additional Information: Other Cities such as Chicago have sold or leased in whole or in part their parking facilities which have resulted in increased parking fees. Additionally, we don't see the wisdom of selling long term revenue producing assets to cover short term obligations. The City should balance its budget without selling assets.

SCNC BOARD

Jeffrey Carter
Ben Di Benedetto
Joshua Gelfat
Victor Helo
Wayne Kartin
Remy Kessler
Michael McCue
Ben Neumann
Richard Niederberg
Todd Royal
Lisa Sarkin
Lana Shackelford
Gail Steinberg
Ron Taylor
Rita Villa
John T. Walker



BOARD MEETING DRAFT MINUTES

Wednesday, September 22, 2010,
7:00pm

at

CBS Studio Center, Building 8, MPR-3,
4024 Radford, Studio City CA, 91604

PRESIDENT
John T. Walker

VICE PRESIDENT
TODD ROYAL

TREASURER
Remy Kessler

SECRETARY
Rita C. Villa

CORRESPONDING SECRETARY
Lana Shackelford

4024 Radford Ave.
Edit. Bldg. 2, Suite 6
Studio City, CA 91604
Phone (818) 655-5400
www.scnc.info

The public is requested to fill out a "Speaker Card" to address the Board on any item of the agenda prior to the Board taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. **Public comment is limited to three minutes per speaker, unless directed otherwise by the presiding officer of the Board.** The agenda is posted for public review at: Studio City Neighborhood Council website (www.scnc.info); as well as CBS Studio Center, Radford and Colfax gates; the Studio City Library, 12511 Moorpark St.; the Studio City Recreation Center, 12621 Rye Ave. and at Carpenter Avenue Elementary School, 3909 Carpenter Avenue, Studio City, CA 91604. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three (3) business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator (213) 473-5391 or by e-mail to Thomas.Soong@lacity.org. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at our website by clicking on the following link: www.scnc.info or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact office@scnc.info.

Agenda

1. Call to Order & Roll Call Jeffrey Carter – present, Ben Di Benedetto – present; Josh Gelfat – excused, Victor Helo – present, Wayne Kartin – present, Remy Kessler – present, Michael McCue – present, Ben Neumann – excused, Richard Niederberg – present, Todd Royal – present, Lisa Sarkin – present, Lana Shackelford – present, Gail Steinberg – present, Ron Taylor – late t, Rita Villa present, John Walker – present,. 13 voting members present. 7 votes required to pass a motion.
2. Approval of August 18, 2010 Minutes. **Moved:** Richard Niederberg; **Second:** Jeffrey Carter; **Vote:** 13:0:0; **Motion Carries**
3. Comments by the President. Deferred until later in the meeting.
4. Introduction of **Assembly Member Mike Feuer**, 42nd District. **Assembly Member Mike Feuer** thanked the SCNC for the opportunity to be here. It is a crucial time for the state on many levels. The budget is inexcusably late. He is on many committees. California needs to change the structure of the budgeting process. The 2/3rds requirement holds up the budget. We have disinvested in public education. There have been 100 hearings on the budget. We should have performance based budgeting in our state. Jobs are a top priority. California is experiencing 12.5% unemployment. He is championing small business proposals. Small Businesses need access to capital and small business owners need some training. Health insurers are not insuring kids with individual policies. He has bill to cause insurers to cover even sick kids. If insurers decide not to write insurance for kids then they cannot write insurance for individual markets in California. He governs through the eyes of a dad. He tries to determine how the legislation will affect people in their daily lives. He has proposed a bill for regulation of mobile billboards. **John Walker** asked how we can help. **Response:** Send a fax to the Governor asking him to sign AB 2244 kids health bill and AB 2765 - mobile billboards. **Assembly Member Mike Feuer** introduced Stephae Gelette from his office. **Richard Adams** asked about mobile billboard law. **Response:** Can regulate the time place and manner of signs. Joe Steinberg agrees that kids need to be insured. Was the profitability of this taken into account. In open enrollment period can charge twice what you charge a healthy kid. This is the first attempt to implement the national kids health reform law. **Victor Helo** – it is his understanding that nothing will be signed until the new government is elected. **Response:** The Governor only has to Sept 30 to sign the legislation

or it becomes law. **Ben Di Benedetto** inquired if it was possible for the sick children's health coverage to be modeled after the California Fair Plan used for fire insurance. **Response:** – His bill does not contemplate that and he does not think it is needed given the way the bill is drafted. **Michael McCue** thanked Assembly Member Mike Feuer for coming tonight. He also thanked him for attending the Love Honor Cherish event and the presentation he made there. He asked if there are any propositions that the Assemblyman feels strongly about. **Response:** Prop 23 which suspends the anti-global warming law. The major proponents of Prop 23 are out of state oil companies. He said vote no on 23 as it is bad for the economy. The other is Prop 25 which would change one aspect of the California budget structure requiring 50% +1 to pass the budget. Under that Proposition, people in power never get paid for any day the budget is late. He supports Prop 25. **Assembly Member Mike Feuer** said he has represented Studio City in various capacities since 1995 and he loves this area and appreciates our support.

5. Public Comments on non-agenda items within the Boards jurisdiction (2 min each speaker). **Richard Adams** said he is bringing motion to board as it is time sensitive. The motion is in favor of retaining the Neighborhood Prosecutor Program. **Barry Johnson** stated that having children here was nice but questioned whether the President was advised in advance so adequate food could be ordered. He also stated that all board members should attend the Republic Pictures Event. He reported that the pot shop at 11222 Ventura Blvd. next to The Oasis doubled the width of its driveway and paved over part of the park land property. CD2 is helping us get the encroaching pavement removed. The Studio City Beautification Association is also helping. **Brent Seltzer** said he was there speaking for the Fruitland Neighborhood Watch. In the area near the proposed Walgreens, three old growth trees are to be pulled out. He like many of his fellow neighbor threw away the flyers that had been placed on their door due to the high volume of advertisements/junk mail that they receive this way. He regrets that but feels strongly that these trees should be saved. He has already met with CD2 to see if they can help them. He wants the trees to be kept as it is an audio issue and these trees reduce the noise by 12 to 15 decibels. **Ray Caccioli** asked what the DWP is doing at Moorpark and Whitsett and how much longer it is going to take; **Barbara Monahan Burke** – reported on workshop held last Sunday by CD2. She was part of a presentation given at that meeting. She presented a proposal for restructuring the NC system. It was a four hour program and over 100 people were there. **Judy Price** said she likes the fact that all information was on the agenda for tonight's meeting. **Scott Ouelette** stated that with respect to the RFA, at the SCRA meeting many people said the community should communicate more. As a leader of the anti-RFA group, he send letter to Alan Dymond and they subsequently spoke. He believes that the 2 sides of the issue are not too far apart.
6. Responses to comments from the Board. **Lisa Sarkin** said that Board did not take a position on the trees in the Walgreens motion. She said she believes all permits were already issued. Additional trees were added to the back of the property. No one from neighborhood came to board meeting or land use meeting. **John Walker** said the gentleman was asking that the SCNC take a position. **Ben Di Benedetto** said he will look into the equipment at Whitsett. **Lisa Sarkin** reported that the Sunday meeting was a fantastic success and the NC system will work better as the result. **Michel McCue** said that ficus trees absorb sound and provide shade. In Beverly Hills they pulled out the ficus trees on Rodeo Drive and noise increased dramatically. He would like to make a statement in support of keeping the ficus trees. He suggested they go back to the Land Use Committee. **Gail Steinberg** said they were restructuring the sidewalk and the trees were in the way.

Report from Grievance Committee – **John Walker** clarified the purpose and manner for addressing this grievance based on comments he received from DONE and the City Attorney. They have advised board members to change how they introduce themselves and recommend that no one identify themselves as a board member. He further reminded everyone that a grievance is a means to complain about a governing body. There is no authority to hold a grievance against a board member.

7. **Stu Miller** read the report of the Grievance Panel included as Attachment 1 hereto. **Marlyn White-Sedel** very angry and has been involved with the SCNC since its inception. There is so much wrong with this whole thing. **Barry Johnson** was at every zoning hearing with the board member in question who clearly stated that she represented the board with respect to the motion only and after that said she was speaking personally. The other chairs did the same thing many times under the former President. **Barry Johnson** said he should have testified as these facts were not included in the grievance report. **Rita Villa** read her statement see Attachment 2; **Lisa Sarkin** submitted a written statement. See Attachment 3; **Judy Price** stated that she agrees with Barry Johnson. She has been to the hearings as well. A grievance is not to be about an individual and this one should have been thrown out. Anyone can go to a hearing and say that the SCNC passed a motion and submit the motion as an official statement of the SCNC. A person cannot be prevented from identifying himself by his title. Such an action does not imply that they represent the board. The past president never attended a hearing. New policy cannot be applied retroactively. Can't penalize someone when the policy was not in practice then. **Scott Ouelette** stated that he brought the grievance he is sorrowed to be here. See statement – Attachment 4. **Ron Roy** - yield time to Scott Ouelette; **Ben Forat** - Yield time to Scott Ouelette; **Barbara Monahan Burke** said she wishes she had been called by the grievance committee. She was a board member and cochair of the Gov Affairs. She always says when she is speaking personally. When there is a motion you can read this into the record. We were authorized by the former President said we could do this. No board member did anything fraudulent. The city attorney office has specifically said this was allowed in the past. There are people in the city that would like to mussel the NC's. She stands by the Board. She Lisa Sarkin and Rita Villa are always at City Council and various other meetings and when appropriate we say we are speaking for ourselves. **Mark Haller** Yield time to Ben Forat. **Ben Forat** said it is good to see children be here and speak for freedom and justice. He has audio tapes of what went down. Stu did a great job. What she told the planning department was not true. We denied him his mural. This is not right. Due process was taken away from him. **Mary Garcia** said everyone who wants to speak needs to identify himself at public hearings. She is the Midtown North Hollywood NC President. The speaker card asks at all City meetings ask for your affiliation. They want to know who is there and which NC's are active. It does not mean you are speaking on behalf of the NC. It is not a bad thing to say Midtown or Studio City. It is on the speaker card in every room in city hall. **Stu Miller responded** – affiliation is not the issue. It is acceptable to go and identify yourself. We are all members of the NC but we are not all board members. The panel believes there is a better way to educate every board in the City as to how to identify themselves in public. **Board Comments – Lana Shackelford** asked why prior to this point in time, wasn't it assumed that they had the authority to represent the SCNC since they were appointed as a chair of a committee by the President. **Stu Miller response** because it says so in the bylaws. **Richard Niederberg** questioned why we don't just accept receipt of the report and file it but indicate that the bylaws committee will look at the recommendations. **Jeff Carter** said the Bylaws Committee met a few weeks ago and the items in this grievance report are on the list of things the Bylaws Committee is considering. **Michael McCue** said he has a take on this. Judy price is right. Whenever he is downtown it is always Lisa, Barbara and Rita who are always there and he is also there. The former President was never there. NC's are maturing and growing each board has the job of finding consensus. We are not quite finding consensus. How do we get better at finding consensus and get better at informing the stakeholders. **Lana Shackelford** questioned why, going forward, would the President need to appoint over and over the same person to represent the Board at each committee or other meeting. **Response by Stu Miller** It is for transparency and to eliminate the question of whether the board member is authorized to speak on behalf of the SCNC. Volunteers are replaced on a regular basis. They need more guidance from the bylaws. **John Walker** said it is not appropriate to give carte blanche to anyone. He writes a letter every time someone is authorized to represent the SCNC. **Remy Kessler** said it is somewhat unfortunate that we are spending an inordinate amount of time on procedural issues. We need to get to issues that impact our community such as the ficus trees. Further he stated that unless a motion is passed there has been no official action. **Wayne Kartin** questioned the need for a separate stakeholder advocate. **Response:** we all advocate for stakeholders and that

is what the committees are for. Just because someone did not get what they want does not mean you come back and file a grievance. Elected officials are often actually required to identify themselves at meetings. **Stu Miller** said he does not agree about a stakeholder advocate. State or county government officials that are paid should identify themselves. **Mary Garcia** said we should identify ourselves as elected officials. **Ron Taylor** arrived at 8:40. He thanked Stu Miller for his hard work. He said political systems evolve over time. Some issues in the bylaws require greater clarify. He is inclined to agree with Remy Kessler that this matter is not worthy of the time we have spent on it. In drafting bylaws you can't anticipate every scenario that will arise. The Bylaws Committee will try to provide a framework for moving forward. **Michael McCue** attacked Ron Taylor verbally for saying the matter was not worthy of the amount of time spend on it. **John Walker** informed Michael McCue that he can't yell at a fellow board member and informed him that his point was not well taken. Michael Mc Cue abruptly left meeting at 8:55.

8. Presentation by **Kristina Hope** about an Animal Welfare Committee. Kristina Hope gave a presentation of the vision for the proposed Animal Welfare Committee. She stated that she was asked to chair the committee. She would like to give educational presentations to schools and to the community. The Committee will also publicize spay and neuter programs. Feral cats should not be eliminated. The Committee will inform the public about getting a pet from a shelter rather than a puppy mill at a pet store. There are breed specific rescues if you want a pure breed animal. There are many issues already to address and more will arise. She is looking for additional members. There are 4 people who have already agreed to be on the committee. **Barry Johnson** said that Feral cats are a good thing. The LAPD office needs a feral cat as rat went into their office while he was there working the other day. **Ron Taylor** asked if the committee will address animal control issues such as coyotes. Skunks need to be trapped but it is illegal. He would like to know how this happened. **Todd Royal** would like to ask the board to consider digesting matters for 3 months before starting a new committee. **Jeff Carter** said during April and May he met a business owner on Tujunga who is interested in this. He will get her name for Kristina. Jeff Carter thinks we are ready to roll and should move on new committees. **Richard Niederberg** would like to start the committee right away. We need to deal with all the animal issues and we should move forward immediately. **Kristina Hope** said she is ready to move.
9. Treasurer's Report: **Remy Kessler** requested that we adjourn to special meeting. **Return from special meeting.** **Remy Kessler** said the financial statement shows there is a remaining balance of \$43,000. The long sheets show the expenditures. We will approve this every month. **Rita Villa** thanked Remy for sending out the information before the meeting so board members could actually review them properly. **Barry Johnson** asked what the time lag is for reimbursement. It is awful to pay higher rates because we need to use the credit card. **Remy Kessler** said it is faster and simpler to use the credit card.
John Walker requested permission of the board to move to the Cultural Affairs Report and then to the Outreach Report.
10. Report from Land Use: **Lisa Sarkin** explained that there are two motions and we should go to them. **John Walker** read motion 10a.

- a. **Motion: The Board of the Studio City Neighborhood Council supports the application of Mare'ka, located at 12747 ½ Ventura Blvd., Studio City (ZA-2010-2328) as presented with the Proposed Conditions of Operations annexed hereto.**

Proposed Conditions of Operations
MARE'KA - 12747 ½ Ventura Blvd, Studio City CA. 91604

1. The authorized use shall be conducted at all times with due regard for the character of the surrounding district and the peaceful quiet enjoyment of the neighborhood, and/or users of the adjacent properties.
2. There shall be no more than one exterior sign posted that advertises the availability of beer or wine.
3. Any “door charge” collected for live entertainment shall be for the sole benefit and use of the entertainer.
4. All graffiti on the site shall be removed or painted over within 24 hours of its occurrence.
5. The use and development of the property shall be in substantial conformance with the floor plan submitted with these conditions and marked “Exhibit A”.
6. All employees involved with direct sales to customers shall enroll annually in ABC or Los Angeles Police Department approved alcoholic service training to monitor and identify potentially intoxicated patrons in order to prevent the over consumption of such beverages.
7. A menu shall be available daily during hours of sale, service and consumption of beer and wine.
8. On site sale service and consumption of beer and wine shall end at midnight on Sunday through Thursday and 2 am on Friday Saturday and legal holiday.
9. Beer and Wine sales shall not exceed 50% of the gross sales of food and nonalcoholic beverages during the same period.
10. Sale, service and consumption of beer and wine shall be allowed on the outdoor seating area during hours of operation.
11. The telephone number of a responsible party shall be available from staff in the event of a problem, disturbance or complaint regarding the operation of the subject facility.
12. Beer or wine coolers shall not be sold in single cans, nor wine in less than 750 ml bottles for off-site consumption.
13. The applicant shall consult with the Police Department and incorporate any feasible security measures recommended by that Department.
14. A copy of these conditions shall be maintained on the premises; the manager and all employees shall be made aware of the conditions.
15. No coverage of windows above three feet from the ground.
16. Trashcans and cigarette containers to e placed in front of location.
17. No music shall be audible beyond the property lines.

David Carall thanked the land use committee for all its work. He advised the Board that if you support the motion, Mare'ka will modify its application to conform to the conditions presented above. **Barry Johnson** thanked the committee for the efforts it made to address the sound issues. Many in Studio City have experienced the adverse impact of sounds from restaurants. **Scott Ouelette** stated that he drove by the location and thinks that the conditions will help to mitigate the sound. The LUC did a good job and he recommends passage of the motion. **Richard Niederberg** said the LUC thoroughly vetted this. **Ben Di Benedetto** asked how condition number 9 is monitored and enforced. **Response representative of owner:** - condition number 9 is required under ABC law. **Vote:** 12 -0-1; **Motion Carries.**

John Walker read motion 10b.

b. Motion: The Board of the Studio City Neighborhood Council opposes the three home subdivision to be built on a 50 X 135 foot lot at 4379 Kraft Ave., Studio City. It is not in conformity with the neighborhood and is opposed by a majority of the neighbors whom we represent as the Studio City Neighborhood Council.

Lisa Sarkin stated there is a small lot ordinance that allows this type of subdivision. The property is in an RD2 zone on Kraft. This lot had one 3 bedroom house with 1 bathroom. LUC feels this would be a terrible president. The representative of the developer said unless we have questions, she has nothing else to say. **Barry Johnson** said that in the mid 90's this block of Kraft only had 2 duplexes and this area was rezoned without knowledge of the homeowners. This would be an awful president. This is not a block in transition. All original houses are there except 1 that has been redone. There is both vehicle

and foot traffic. A great majority of the neighbors showed up at meeting because neighbors got flyers and read them. **Marlyn White-Sedel** agreed with Berry Johnson. The entire area is being impacted by traffic and parking. This would make her very sad. She has lived there 53 years and her neighborhood is changing not for the better and she opposes this. **Beth Schiffman** opposes this and has 34 signatures of people on Kraft opposed to this development. She submitted the signatures to the board. She stated that we should not desecrate the charm of this neighborhood. **Lisa Sarkin** said there would be 9 toilets where there is now 1. **Richard Adams** urges the board to look into whether the zoning changes were appropriate and can we get it changed back. This development is an abomination. **Josh Weinroth** lives on Kraft. He agrees with what has been said in opposition to the subdivision. **Terry Stone** opposes this development as it is too dense and there is not enough green space or set back. It will cause increased parking problems and adversely impacts the privacy of the neighbors. **Scott Oulett:** is opposed to this project it will put too much house on this lot. A small lot subdivision should not be allowed in this area. **Lisa Sarkin** clarified that we are opposing the subdivision but we can't do anything about the ordinance. **Lana Shackelford** asked the representative of the developer what plan b is if the developer is not allowed to build the subdivision. **The Representative** said that the owner said there is no plan b at this time. **Richard Niederberg** this is the wrong project at the wrong time. There is not enough frontage. He opposes this development due to mechanical issues. **Gail Steinberg** said the condo building across from her has huge parking problems as they have tandem parking spaces that no one uses. **Ron Taylor** said that many of us have fought flag lots and this has a flag lot feel. We have not allowed this type of thing in the past and we must continue to oppose this. **Wayne Kartin** asked if there are permits on this yet. **Response:** no. **VOTE:** 13:0:0-Unanimous. **Motion Carries.**

11. Report Government Affairs: **Barbara Monahan Burke** said in light of the hour no report will be given. Please look to minutes of the Government Affairs Meetings. She said that the committee has worked hard on these motions. She gave a few highlights from the letter. The citywide urban guidelines are for mixed use, industrial and commercial properties. Studio City is suburban and these guidelines are really for urban areas. Planning has been rushing everything through and there has been little opportunity to properly review these matters. We need to get the SCNC's comments in so that they are taken seriously by the CPC. There is no budget to enforce the guidelines.

John Walker read motion 11a.

- a. **Motion: The Board of the Studio City Neighborhood Council authorizes the issuance of a letter substantially in the form attached hereto transmitting our comments on the Urban Design Guidelines to the City Planning Department, the City Planning Commission and to the City Council.**

Barry Johnson thanked the chair and secretary for spending so many hours on this matter. He also thanked Lisa Sarkin who is adhoc to the GAC on this. **Richard Adams** said that the GAC should increase its outreach as he was not aware that the GAC was addressing this issue. He objects to the use of "California Friendly" and "other than native" plants. **Barbara Monahan Burke** stated that even along the river the County of Los Angeles uses California Friendly and Mediterranean plants. **Lisa Sarkin** stated that the deadline for these comments to be submitted is Sept 26. **Jeff Carter** supports this motion. He stated that the committee did a tremendous amount of work reviewing this proposal. He hopes that the board will support the motion. **Ben Di Benedetto** said that he thought the committee did an excellent job. **VOTE:** 13:0:0-Unanimous. **Motion Carries.**

Los Angeles City Planning Department
Attn: Michelle Sorkin (michelle.sorkin@lacity.org)
Alan Bell (Alan.Bell@lacity.org)
Michael J. Lo Grande (michael.logrande@lacity.org)

Los Angeles City Hall
200 N. Spring St., Room 621
Los Angeles, CA 90012

Subject: Comments on Citywide Urban Design Guidelines
Negative Declaration-NG-10-280-PL: ENV-2010-715
Comment period ends September 27, 2010

The Board of the Studio City Neighborhood Council has reviewed the Urban Design Guidelines for (i) Multi-family Residential & Commercial Mixed Use Projects, (ii) Commercial Design Guidelines for Pedestrian-Oriented Mixed Use Projects and (iii) Industrial Design Guidelines for Heavy Industrial, Limited and Light Industrial, Hybrid Industrial and Commercial Manufacturing. Please place our comments below in your formal record on this matter:

General Comments

The Citywide Urban Design Guidelines are proposed for adoption as an Appendix to the General Plan Framework Element for Multifamily Residential, Mixed-Use, Commercial and Industrial land uses. The Design Guidelines implement the 10 Urban Design Principles, a part of the Framework Element. They establish design expectations for new development based on Citywide goals, policies and objectives. The Planning Department's objective is for the Design Guidelines to promote walkability, maintain neighborhood form and character, and promote creative infill developments. They apply to all new developments and substantial building alterations that require discretionary approvals from the Dept. of City Planning.

The Design Guidelines represent a significant change in the documentation of City policy. They are based upon assumptions that are based on urban areas. Those assumptions are not in accordance with the reality of the suburban lifestyle that exists in Studio City and do not adequately protect either the suburban or rural areas of the San Fernando Valley.

The Guidelines encourage locating high density residential housing on top of retail establishments purporting that such mixed use will reduce traffic congestion. In the Cahuenga Pass, an area adjacent to Studio City, such development has not been successful. Particularly on Ventura Boulevard in Studio City such development would not be in accordance with our specific plan. Additionally, such development has not reduced traffic congestion at all on Ventura Boulevard in Encino, the area immediately to the west of our specific plan area.

The public, community associations and neighborhood councils should be provided with adequate time to review, analyze and comment on the proposed Guidelines. The Negative Declaration was released before the Guidelines and adequate time was not allowed for their review before the original comment period closed. Although the public comment period was extended to September 27, 2010, these changes are so fundamental that stakeholders have still not been given a sufficient opportunity for input. The stakeholders of this City must be given ample opportunity to fully review, analyze, and comment upon each of the proposed Guidelines. We recommend that City undertake additional outreach in the form of community meetings that are not held at the end of the summer when many people are on vacation and even the City Council was in recess.

With this ordinance, as with all ordinances, the most important issue is enforcement of the ordinance once it is passed. In this time of economic recession and the resulting extreme budgetary cutbacks, it is imperative that provision be made for adequate budgetary funding to insure enforcement of all existing ordinances. We have grave concern that these Guidelines will give zone code administrators and others in the Department of City Planning increased authority for discretionary approval of projects, as a cost cutting measure, at the expense of transparency and stakeholder input.

Attached are specific comments on each of the three Design Guidelines. Please note that although many of provisions in the Design Guidelines are good, failure to comment on any particular provision should not be deemed as approval of that provision by the SCNC.

John Walker, President
Studio City Neighborhood Council



URBAN DESIGN GUIDELINES EXECUTIVE SUMMARY

The Citywide Urban Design Guidelines are proposed for adoption as an Appendix to the General Plan Framework Element for Multifamily Residential, Mixed-Use, Commercial and Industrial land uses. The Design Guidelines implement the 10 Urban Design Principles, as part of the Framework Element. They establish design expectations for new development based on Citywide goals, policies and objectives. The Planning Department's objective is for the Design Guidelines to promote walkability, maintain neighborhood form and character, and promote creative infill developments. They apply to all new developments and substantial building alterations that require discretionary approvals from the Department of City Planning.

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Comments on Residential Design Guidelines

Page Number	Statement in Guideline	Response to Statement
4 of 46	Preservation of Los Angeles’s character and scale, including its traditional urban design form, shall be given the highest priority in consideration of future development.	Although we agree that preservation of character and scale through out Los Angeles is of paramount importance, we do not agree with the assumption that all of Los Angeles is urban. Many areas of Los Angeles including the majority of the San Fernando Valley are suburban. Other portions are rural.
4 of 46	Maintain neighborhood form and character while promoting design excellence and creative infill development solutions.	Design excellence is subjective and the infill development solutions that are appropriate for urban areas may not be appropriate for suburban and rural areas. It is imperative that distinct solutions are specifically developed for each of these areas.
7 of 46	In cases where the Citywide Design Guidelines conflict with a provision in a specific plan or a community plan, the community-specific requirements shall prevail.	We agree with this provision of the design guidelines.
11 of 46	Central Courtyards	Central courtyards should be encouraged even though they can add to the cost of a building. They create real open space that does not impinge on the privacy of adjacent properties. Balconies and rooftop open space should be allowed only if they do not adversely impact the privacy of neighboring properties.
12 of 46	Activate mid-block passageways or paseos so that they are safe and visually interesting spaces, using water features, pedestrian-level lighting, artwork, benches, landscaping or special paving	Through out the city mid-block passageways have historically been areas where safety is not easily maintained and often end up needing to be closed. It is important to incorporate specific safety procedures into the design.
13 of 46	Use a 50 percent lot coverage ratio as a good rule of thumb for low-rise housing developments and townhomes, especially in primarily residential, low and low medium-density areas.	We recommend that 50% be a maximum percent lot coverage ratio. Additionally, the language in this section should be more specific and state that this applies to (for example) RD1.5, R3, and R4 lots.
15 of 46	Entryways below street level should be avoided.	We agree that entryways below street level should be avoided. They are often not safe due to obstructed visibility.

<p>15 of 46</p>	<p>Maximize a visual connection to the street by providing clear and unobstructed windows, free of reflective glass coatings and exterior mounted gates or grills.</p>	<p>When it is a matter of security grills should be designed in such a way that they add architectural interest to the building. Grill work may provide an important element of security for people living in multifamily properties.</p>
<p>18 of 46</p>	<p>Relationship to Adjacent Buildings</p> <ol style="list-style-type: none"> 1. Where a predominant, desirable architectural style or theme exists on the street, ensure that new buildings are compatible in scale, style, and architectural materials. In older neighborhoods respect the character of existing buildings. 2. For RD1.5, R3, R4 RAS 3 and RAS4 developments, apply additional setbacks in side and rear yards abutting single-family and R2 zoned lots. 3. Where multi-family projects are adjacent to single-family zones, maintain a height compatible with adjacent buildings and mitigate negative shade/shadow and privacy impacts by stepping back upper floors. 4. When a project is built over two or more lots, use vertical breaks, such as open space or architectural elements on the façade, to prevent monolithic “box-like” buildings. Designing large-scale developments with sufficient air space between buildings diminishes the scale and massing of a development, ensuring compatibility with surrounding buildings. 5. When designing small lot subdivisions provide sufficient space between buildings along the street frontage to diminish the scale and massing. 6. Plant trees, shrubs, and vines to screen walls between property lines. Use decorative walls that include a change in color, material, and texture. 	<p>We agree with each of these design guidelines and we draw attention to the importance of adequate subterranean setbacks.</p> <p>Adequate subterranean setbacks ensure that the roots of canopy trees have room to grow without disturbance to adjacent sidewalks. They also increase the opportunity for permeable surfaces enabling replenishment of the water table when it rains.</p>

<p>20 of 46 to 23 of 46</p>	<p>Twelve objectives</p>	<p>Although we agree with the twelve objectives for building facades it is important to insure that balconies are not placed in such a way that they invade the privacy of their neighbors.</p> <p>Windows and all other openings such as doors and balconies should be staggered from building to building.</p>
<p>22 of 46</p>	<p>Create open rather than solid fences. Long expanses of fences should incorporate changes in materials, texture, and/or landscaping. Avoid materials such as chain link, wrought iron spears....</p>	<p>Wrought iron fences are a part of the historic American style of residential, official, government and office building tradition. They should be incorporated in a way that adds architectural interest.</p>
<p>26 of 46 to 30 of 46</p>	<p>Special design guidelines for historic properties, building signage and lighting and utilities</p>	<p>We agree with the principles set forth in the design guidelines. However, it may be more appropriate to remove this section from the Design Guidelines and make it a stand alone document that is developed with the assistance of experts in the area of historic preservation of buildings and neighborhoods.</p>
<p>26 of 46 to 30 of 46 Continued</p>	<p>Special design guidelines for historic properties, building signage and lighting and utilities</p>	<p>Low energy green solutions should be encouraged specifically with respect to building signage and lighting.</p> <p>Permanent rental signs and ad banners are a blight and should be discouraged. All signage shall comply with the sign code ordinance.</p>
<p>33 of 46</p>	<p>Provide Pedestrian Connections Within and Around the Project</p>	<p>We agree with the design guidelines for sidewalks, however we do not recommend that newspaper racks and information kiosks should be used to create the buffer zone between pedestrians and traffic. Kiosks should be placed outside the buffer zones.</p>
<p>37 of 46 to 39 of 46</p>	<p>Minimize the Appearance of Driveways and Parking Areas</p>	<p>We agree with the design guidelines for minimizing the appearance of driveways and parking areas.</p>
<p>40 of 46</p>	<p>On-Site Landscaping</p>	<p>Although we agree with the design guidelines for on-site landscaping, drought tolerant plants should not be limited to native plants but should also include appropriate Mediterranean and California friendly plants.</p>

42 of 46	Provide balconies to augment, rather than substitute for, actively used common open spaces and recreational areas	Although we are in general agreement with the design guidelines for Open Space and Recreation Activities, placement of balconies should be done in such a way that they do not infringe on the privacy of neighboring properties. The use of opaque building materials for balconies must be encouraged. The use of barbeques and fire pits on balconies shall be prohibited.
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Comments on Commercial Design Guidelines

Page Number	Statement in Guideline	Response to Statement
4 of 51	The design program for the City is intended to embrace the variety of urban forms that exist within the city, from the most urban, concentrated centers to our suburban neighborhoods.	Many areas of Los Angeles including the majority of the San Fernando Valley are suburban while other portions of the City are rural. It is of paramount importance that the design guidelines clearly recognize and preserve the unique character of each such area.
7 of 51	However, in cases where the Citywide Design Guidelines conflict with a provision in a specific plan or a community plan, the community-specific requirements shall prevail.	We agree that specific plans, community plans and community-specific requirements should prevail over the provisions of the Commercial Design Guidelines.
11 of 51	Activate mid-block passageways, pedestrian walkways, or paseos using water features, pedestrian-level lighting, murals or artwork, benches, landscaping or special paving so that they are safe and visually interesting spaces.	Through out the city mid-block passageways have historically been areas where safety is not easily maintained and often end up needing to be closed. It is important to incorporate specific safety procedures into the design.
18 of 51 and 23 of 51	Be sensitive in transitioning between commercial districts and immediately surrounding residential neighborhoods with respect to building height, massing, and negative impacts of light and noise.	These two provisions of the commercial design guidelines are extremely important. Consideration should also be given to the placement of window and balconies in such a way that they do not infringe on the privacy of neighbors.

<p>18 of 51 and 23 of 51 continued</p>	<p>Where commercial or multi-family projects are adjacent to single-family zones, maintain a height compatible with adjacent residential buildings and mitigate negative shade/shadow and privacy impacts by stepping back upper floors.</p>	<p>Windows and all other openings such as doors and balconies should be staggered from building to building.</p> <p>The use of opaque building materials for balconies shall be encouraged.</p>
<p>31 of 51</p>	<p>Create a buffer zone between pedestrians, moving vehicles, and other transit modes by the use of landscaping and street furniture.</p>	<p>We agree with the design guidelines for sidewalks, however we do not recommend that newspaper racks and information kiosks should be used to create the buffer zone between pedestrians and traffic. Kiosks should be placed outside the buffer zones.</p>
<p>39 of 51</p>	<p>Select drought tolerant, native landscaping whenever possible.</p>	<p>Although we agree with the design guidelines for on-site landscaping, drought tolerant plants should not be limited to native plants but should also include appropriate Mediterranean and California friendly plants.</p>
<p>42 of 51</p>	<p>Shops and outdoor dining areas adjacent to pedestrian flow</p>	<p>The photo on this page shows tables and chairs for outdoor dining at the curb directly adjacent to on street parking. This is not safe for either those dining or passengers needing to exit their cars. Tables and chairs should not be located in the pedestrian areas. Wheel chairs must still be able to get past without interference.</p>

Comments on Industrial Design Guidelines

Page Number	Statement in Guideline	Response to Statement
7 of 46	However, in cases where the Citywide Design Guidelines conflict with a provision in a specific plan or a community plan, the community-specific requirements shall prevail.	We agree that specific plans, community plans and community-specific requirements should prevail over the provisions of the Commercial Design Guidelines.
27 of 46	Create a buffer zone between pedestrians, moving vehicles, and other transit modes by the use of landscaping and street furniture.	We agree with the design guidelines for sidewalks, however we do not recommend that newspaper racks and information kiosks should be used to create the buffer zone between pedestrians and traffic. Kiosks should be placed outside the buffer zones.
35 of 46	Select drought tolerant, native landscaping whenever possible.	Although we agree with the design guidelines for on-site landscaping, drought tolerant plants should not be limited to native plants but should also include appropriate Mediterranean and California friendly plants.

John Walker read motion 11b.

b. Motion: The Board of the Studio City Neighborhood Council supports the issuance of the following Community Impact Statement to Council File # 08-1967-S2.

The SCNC supports the establishment of the Office of the Ratepayers Advocate which will be responsible to review and analyze the operations, finances and management, of the Department of Water and Power as well as other matters not explicitly excluded from its role in accordance with the provisions on the Ratepayers Advocate Term Sheet attached hereto.

Barbara Monahan Burke reported that she has been the representative to the DWP MOU Committee and the DWP advocacy committee which is a subcommittee of the city wide advocacy committee. The DWP has not listened to its ratepayers or the Energy and Environment Committee or to the City Council. In other cities there is a ratepayers’ advocate. There are many versions of this. The LA Coalition passed a motion supporting the attached term sheet this unanimously. **Lisa Sarkin** said we need this desperately because we have saved so much water that the DWP asked for an increase in water rates. The City Council did not approve it because they did not understand how the DWP can ask for more money for using less water. All other big cities have a Rate Payer Advocate or something similar. **Richard Niederberg** said this is the equivalent of the LA county ombudsman. **VOTE: 13:0:0-Unanimous. Motion Carries.**

Ratepayers Advocate Term Sheet

Role

The Office of the Ratepayers Advocate (the “Ratepayers Advocate”) will review and analyze the operations, finances, and management, of the Department of Water and Power as well as other matters not explicitly excluded from its role.

Such review and analysis will be done on a timely and continuous basis.

In addition to all matters relating to rates and the reliability and quality of service, the Ratepayers Advocate would have the right to review and analyze, among other matters, DWP’s credit rating; its long term strategy; the Integrated Resources Plan; the Urban Water Management Plan; the Recycled Water Master Plan; the state of its infrastructure and information technology systems; its Customer Relation Management systems; the implementation of the recommendations of the IEA Survey and Independent Fiscal Review; the efficiency of its operations; its procurement, contracting, and inventory policies; its relationship with the City and its departments; and all material contracts, including those with the Metropolitan Water District and its unions.

The Ratepayers Advocate will not set rates or policy, will not select the General Manager or any Commissioner, and will not determine the Transfer to the City, but may review, analyze, and comment on such matters. The Ratepayers Advocate will not make management decisions. The Ratepayers Advocate is not required to review individual customer complaints, but may so at its discretion.

The Ratepayers Advocate will not have the subpoena and prosecutor powers of an Inspector General; provided, however, that DWP provides the Ratepayers Advocate with all requested information on a timely basis.

The Ratepayers Advocate will have a “seat at the table” at any meeting of the Board of Commissioners or any of its committee and at any City Council meeting or any of its committees when the DWP is being discussed. The Ratepayers Advocate will be given equal time.

The DWP will cooperate fully with and assist as necessary the Ratepayers Advocate.

The Ratepayers Advocate will be a source of objective information for Ratepayers, the City Council, the Mayor, and other City officials and stakeholders.

Funding

The DWP will provide funding equal to 0.1% of annual revenues, payable quarterly in advance. Funds not used may be accumulated, but shall not exceed 0.3% of annual revenues.

Additional funds may be required based upon extraordinary requests by DWP or elected officials or their representatives. Such additional funds must be approved in advance by DWP.

Reporting

The Ratepayers Advocate will not report to any elected official or body consisting of elected officials or appointed by elected officials. The Controller, the City Council, the Mayor and the Mayor’s office, the City Administrative Officer, the Chief Legislative Analyst, the DWP Board of Commissioners, and Neighborhood Councils are therefore not eligible.

The Ratepayers Advocate will report to the Ratepayers Advocate Board of Commissioners on a frequent basis.

The Ratepayers Advocate Board of Commissioners will consist of five independent members: two homeowners, two from the business community, and one from the rental community.

Commissioners may not be a city, county, or state employee, consultant, lobbyist, or contractor, or any of their employees or union members; any elected politician (or candidate) who has been in office during the last 10 years; and any officer, past or present, of any political party.

Commissioners will be residents of Los Angeles and DWP customers whose obligations are current.

Commissioners will be chosen by the Mayor from a pool of qualified candidates determined by the Neighborhood Councils, the business community, and the multifamily community, subject to the approval of the City Council. There will be three candidates for each position.

Qualified candidates must demonstrate a level of knowledge and/or experience of large organizations, finance, management, and/or engineering.

The Commissioners will serve five year staggered terms. However, the initial commissioners will serve terms of one, two, three, four and five year terms. Commissioners may not be removed unless the removal is approved by the mayor and at least 11 Council Members.

The Commissioners will approve the selection of the Executive Director of the Ratepayers Advocate.

Commissioners will be consulted on the hiring of staff and any consultants.

The Executive Director may be removed if approved by four of the Commissioners and confirmed by the Mayor and a majority of the City Council

Ratepayers Advocate

The Executive Director of the Ratepayers Advocate will have the necessary expertise and experience to lead an organization charged with fulfilling the role of the Ratepayers Advocate.

The City will retain a qualified executive recruiter to assist the City in finding a qualified candidate.

Outreach

The office of the Ratepayers Advocate will maintain a fully functional website where it will post its findings on a timely basis.

The Ratepayers Advocate will meet at least six times a year with the Neighborhood Councils and other ratepayers in an effort to keep them fully informed about past, current, and future policies of the DWP, especially as it relates to rates and quality and reliability of service.

Location

The location of the Ratepayers Advocate will be determined by the Executive Director in consultation with the Commissioners.

Budget

The Executive Director will prepare an annual budget to be approved by the Board of Commissioners.

The Executive Director will also prepare a multiyear budget.

The compensation of the Executive Director and her/his staff will need to be adequate to attract personnel from the private sector that have the requisite skills.

The Ratepayers Advocate will be required to fund only the normal costs related to pensions and medical benefits.

Charter

The Ratepayers Advocate will part of the City Charter if approved by a majority of the voters in the March 2011 election.

There will be no sunset provisions.

The Ratepayers Advocate will not be subject to the competitive bidding policies of the City.

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12. Report Transportation Committee: **Ben Di Benedetto** reported that the committee had its first meeting. They are looking for more committee members.

John Walker read the motion.

- a. **Motion: The Board of the Studio City Neighborhood Council opposes, in the form of a Community Impact Statement attached to CF#10-0139-51, the City Council's proposal to offer/sell any leases to private firms allowing them to run any city-owned parking garages.**

TRANSPORTATION COMMITTEE MOTION – COMMUNITY IMPACT STATEMENT
Council File # 10-0139-51

Other Cities such as Chicago have sold or leased in whole or in part their parking facilities which have resulted in increased parking fees. Additionally, we don't see the wisdom of selling long term revenue producing assets to cover short term obligations. The City should balance its budget without selling assets.

Barry Johnson said he would like to add parking lots to the motion.

Amended motion read by Rita Villa:

Motion: The Board of the Studio City Neighborhood Council opposes, in the form of a Community Impact Statement attached to CF#10-0139-51, the City Council's proposal to offer/sell any leases to private firms allowing them to run any city-owned parking facilities.

TRANSPORTATION COMMITTEE MOTION – COMMUNITY IMPACT STATEMENT
Council File # 10-0139-51

Other Cities such as Chicago have sold or leased in whole or in part their parking facilities which have resulted in increased parking fees. Additionally, we don't see the wisdom of selling long term revenue producing assets to cover short term obligations. The City should balance its budget without selling assets.

VOTE: 13:0:0-Unanimous. Motion Carries.

John Walker read the motion 12b.

- b. **Motion: The Board of the Studio City Neighborhood Council supports, in the form of a Community Impact Statement attached to CF#10-1366 Councilmember Cardenas' motion instructing the City Administrative Officer (CAO) in coordination with the Los Angeles Department of Transportation (LADOT) to report on the feasibility of implementing a program that would share a percentage of parking meter revenues with local communities for neighborhood public improvements.**

Lisa Sarkin said this is too many words for a CIS. **Barry Johnson** said the council member would like to use the money for façade improvements. This could mean money would go to private business owners. We should clarify that we do not support the use of public funds to improve a private façade.

The motion was amended as follows:

Motion: The Board of the Studio City Neighborhood Council supports CF#10-1366 on the feasibility of sharing a percentage of parking meter revenues with local communities for neighborhood public improvements, excluding private property.

TRANSPORTATION COMMITTEE MOTION – COMMUNITY IMPACT STATEMENT
Council File # 10-1366

Since 2007, the Department of Transportation has been replacing and upgrading parking meter technology throughout the City. As part of this effort, demand-based parking pricing will be implemented through a pilot program. The right price for curbside parking is the lowest price that keeps a few spaces available to allow convenient access. The Department of Transportation is looking at various programs to “right price” on- and off-street parking.

Residents and businesses, however, are suffering from the current difficult economic times and many are concerned that parking meter rates are discouraging customers from patronizing their businesses. Using parking revenue to improve the surrounding community can attract customers, such as cleaning sidewalks, planting street trees, improving store facades and ensuring security. Dedicated parking meter revenue to finance public improvements in “Old Pasadena” played a major part in its revival. As the City of Los Angeles moves forward in re-examining parking pricing, it is important to offset the impacts to businesses by providing them with more resources to encourage customers to continue to patronize their businesses.

13. Report Cultural Affairs: **Christine From** reported that the Republic Pictures events have already started taking place. The one at the Egyptian Theater last week was a great evening. Last night was the presentation at the library. It was packed and the library would like to have Mark back after his book is completed. The Republic Pictures Program has now gone to the printers. We still need volunteers. The committee needs help Friday evening Saturday evening. We are expecting about 2,500 people. There is a huge following for Republic Pictures. **Wayne Kartin** said there would be fire department volunteers, what time for volunteers? **Response:** 8AM. The Colfax and Radford gates are to be opened at 8AM on Saturday.

Christine From indicated that they really need set up and tear down help.

14. Report Outreach: **Lisa Cahan Davis** reported that there has been lots of press for the event. They are guessing that there will 2,500 attendees. **John Walker** took posters to the BID. Some businesses cannot put up flyers in the windows on Ventura Blvd. due the corporate policies. Please visit the web site as it is a good tool www.republicpictures75.com. There will be a kids corner where there will be arts and crafts. **John Walker** said the link is terrific. **Lisa Cahan Davis** said that they worked the Studio City Farmers Market and got a lot of outreach. The next Outreach meeting will be on the 13th. She asked for board members to give their vision for outreach. **Richard Adams** stated that he is working on social networking. There are lots of questions as to who the SCNC is. **Lisa Cahan Davis** said they are looking into using empty retail space on Ventura Blvd for “pop-ups” to give a face to SCNC. **Jeff Carter** attended the last Outreach Committee meeting to try to get a jobs exchange started. **Michael McCue** wants more presence at the Studio City Farmers market, possibly quarterly. **Barry Johnson** asked if Outreach had gotten anywhere with KCAL. **Lisa Cahan Davis** said that the Farmers market will give us a space 4 times a year without charge.
15. Report Crime & Safety: **Wayne Kartin** reported that their first meeting was held at fire station 58. **Wayne Kartin** reported on person found burned in car in Studio City. It was not a homicide. Captain Hamel gave a presentation at the Crime and Safety meeting. This fire season may be worse because we had so much rain in the winter. Extra resources are being prepared. There will be another cert class soon. One of his members presented a motion. The Board voted to hear

the motion **11 0 2. John Walker** read the motion but then it was tabled and sent back to the committee. **Barry Johnson** said why would consider bringing a motion this way when a special land use meeting in the past resulted in a grievance. **Judy Price** said that John's explanation was correct. Asked if committee knew why where there are check points on the blind curves on Friday nights. The police have they been checking for drunk drivers. **Wayne Kartin** responded that people come over Lauren from Hollywood so they are targeting drivers coming from other places. There are 20 different areas where this is being done. There is federal money that has come in to do this. **Barry Johnson** feels that they have targeted Studio City because of bars and pot shops. **Rita Villa** asked about the NixelTeam emails and why they have not been including notices about the sobriety checkpoints in Studio City. **Richard Niederberg** stated that he got 4 reverse 991 calls last week. **Wayne Kartin** said that was the best response to the hundreds of calls that were coming in as a result of police helicopters over the area.

16. Report ByLaws & Procedures: **Ron Taylor** reported that the committee broke ground on several of the important issues raised by grievances. They also discussed how a business owner should be defined. They are received a letter from a board member addressing removal procedures. They also got a letter requesting revisions that are grammatical. The youth board member has submitted a proposal. The committee will also be addressing that proposal. **Ron Taylor** thinks that bylaws is a committee that needs to move slowly. **Barry Johnson** stated that he hopes that the bylaws committee can come up with something to prevent witch hunt grievances. **Lana Shackelford** stated that she concurs with Barry's statement. The grievance process has been a waste of valuable time. **Ron Taylor** said that her point was well taken. **Ben Di Benedetto** said the bylaws committee is taking the grievance committee recommendations very seriously. We must remember that this is a communication from the stakeholders. We owe it to the stakeholders to be diligent.

17. Comments from Board Members on subject matters within the Board's jurisdiction.
Comment of the President. John Walker read letter attached to the minutes as Attachment 5 regarding guest parking at city hall. **John Walker** read a statement regarding a violation of the operating procedures and bylaws by board member who extended an invitation to the school to be present tonight without authorization from the President. See Attachment 6. He then reported on the extensive series of meetings he has held with various politicians and community organizations over the last month. **Lisa Sarkin** said she is glad that the President let the board know all that he and the Vice President are doing to represent us. **Rita Villa** inquired if there would be any further action taken as a result of the violation of the bylaws and operating procedures by the board member. **John Walker** responded that at this point he will just document the violation.

18. Adjournment. **Moved:** Todd Royal; **Second:** Gail Steinberg. **Vote:** 13-0-0. **Motion Carries.**

ATTACHMENT 1

Report of Grievance Panel Dated 9/8/10

regarding

**Grievance/Complaint Related to the Studio City Hand
Car Wash Mural (ENV-2008-1721-MND aka APCSV-
2008-1722-SPE-ZV-SPP**

The Panel was comprised of stakeholders Ray Caccioli, Stuart Miller (Chair), Glenna Ratner, Marilyn White-Sedel and Denise Welvang (Secretary)

The Panel met five times; July 20, August 3, 12, 25 and September 1 and interviewed, either in person or by telephone SCNC Board members Lisa Sarkin, John Walker and Ben Neumann and met with Scott Oullette, the stakeholder who filed the Grievance. We also reviewed pertinent documents, including Board and Land Use Committee minutes, letters and emails and listened to audio recordings of two public meetings.

Our investigation leads us to conclude that the Grievance has merit in its claim of inappropriate public statements whereby a Board member has, or may have appeared to have misrepresented herself as speaking for the SCNC Board rather than as an individual stakeholder. It also raised questions about whether the Grievance itself was properly written and whether the Bylaws and Operating Procedures of the SCNC adequately convey the intended guidance which Boards and stakeholders should know and follow. Further, and perhaps more important, is the matter of the Board being educated and cognizant of which matters that come before it should to be decided by Board motions and those which should be handled by offering Board advice which doesn't rise to the level of an Official Action, as defined in the current Bylaws.

A good example of the ripple effect of not knowing and considering the consequences is the conflict between the passing of the August 20, 2008 motion which formalized a long-held SCNC position in support of the enforcement of the Specific Plan, as written, and the defeat of a June 17, 2009

motion which sought to, in the Panel's opinion, unnecessarily and inappropriately restate the Board position, but with slightly altered language and, at the same time, oppose the specific application of the Car Wash owner for an exception to the Plan. The motion even suggests "This matter should be referred to the City Council's Cultural Affairs Commission to rule whether this sign is deemed a fine art mural."

The Panel believes the suggestion could have been made without a motion and recorded in the minutes of that meeting and the matter would have been disposed of without further issue. The Board President would be the logical person to have the responsibility to establish the most effective, least divisive way to deal with issues and to instruct the Land Use Committee, or any other committee facing a similar issue in the future, on the correct way to handle it. We advise that the Bylaws be revised to make this responsibility clear.

As a result of the incorrect handling of this matter, it appears that if the current Board still supports the 8/20/08 position about enforcing the Plan as it is written, it will now need to pass another motion to counter the 6/17/09 motion and reinstate that position via an Official Act.

In the matter before us, the inappropriate use of a statement at a public meeting or in a written document by any Board member, Board office holder and/or Committee Chair holder which identifies that person as occupying such an official position and thus gives that person even the appearance of having a more valuable voice than that of others who are not holders of such positions, is a legitimate complaint and should be corrected by the Board. It should be accomplished by a consistent effort to instruct and remind all Board members of their obligation to identify themselves only as SCNC stakeholders unless they have been authorized, in writing, by the President, to speak for the SCNC.

We conclude that a Board member did identify herself in the meetings in question in a manner we now believe to be inappropriate although, to be fair, she is such a long time, high profile, active member of the community that she hardly has to identify herself other than by name. Of more concern is the issue of the Board member not having accurately stated the new "Official Action" of June 9, 2009 at the subsequent public meetings, which we think is a red flag to the Board to not take this issue lightly. There is nothing in the Bylaws or Operating Procedures on to how to deal with such an issue retroactively and the matter should, perhaps, be brought to the attention of D.O.N.E. and/or the City Attorney for resolution.

We also note that although we have been frequently informed that grievances cannot be brought against individual board members but only against the board as a whole, we were unable to find that specific language in Article XIV of the Bylaws which, if correct, is where it belongs. However, we also note the inconsistency of a stakeholder observing perceived misbehavior on the part of an individual board member but not being allowed to name the alleged offender in the filing of a Grievance. There is no guidance anywhere we could find which is to be applied. Since NC Boards are made up of individuals who may, from time to time, act inappropriately, even

illegally, how is a stakeholder to bring such behavior to the attention of the Board without identifying the individual involved?

Mr. Oullette also suggested the Board, through revised Bylaws, not allow the Recording Secretary to simultaneously be the chair of a committee as there is the appearance of a potential conflict of interest in the Recording Secretary having influence over the form and content of outgoing correspondence concerning matters before the particular committee chaired by the Recording Secretary. This suggestion deserves consideration by the Bylaws Committee and the Board.

Mr. Oullette further proposed, going forward, all SCNC official correspondence and documents be executed by hand, meaning full signatures, not initials and to disallow electronic signatures. The Panel has no recommendation about this but believes the Board should decide whether to implement this suggestion and, if so, advise the Bylaws Committee to draft appropriate language.

Conclusions and Recommendations

1. Every Board motion, passed or defeated, results in an Official Action. But not every matter brought to the attention of SCNC committees and the Board rises to the level of requiring a motion; there is sometimes a need for the Board to give advice and guidance without becoming overly bureaucratic. The Bylaws Committee, at the instruction of the Board, should develop new language in the Bylaws that gives guidance to the Board on how to decide what does, and does not, need to be dealt with in a motion.

2. Given the difficulty the SCNC Vice President had in finding five (5) available and willing stakeholders to make up this panel, we recommend the following new Grievance Procedure be enacted by the Bylaws Committee and the Board. Rather than convening an "Advisory Grievance Committee" each time a grievance is filed, the Vice President should form an Ad Hoc Grievance Committee comprised of not less than ten (10) nor more than fifteen (15) stakeholders at the beginning of each new Board term from which five (5) members can be appointed

to each Grievance Panel required during the term. Whether or not any grievances are filed and deliberated during the term, the Ad Hoc Grievance Committee should be disbanded and reformed after every Board election. This would require revising Article XIV of the current Bylaws with enabling

language and to correct the current language in the Article to reflect that the larger entity from which stakeholders will be chosen to address grievances will be known as the Grievance Committee and each of the smaller groups of stakeholders selected from the Grievance Committee to investigate and report on grievances will be known as a Grievance Panel.

3. The SCNC Vice President and the Bylaws Committee should create a **Grievance Form with attached directions for completion** that is accessible to, and easily understood by, all stakeholders. Such a form would standardize the grievance process and make the investigation of issues less complex.

4. Whenever Board members, Board office holders and/or Committee Chair holders are introduced by third parties at a public meeting as being a SCNC representative when they have not been authorized by the SCNC President to speak for the Board, the individual must state they are not at the meeting to represent the SCNC but are present only as a stakeholder. Article 12 of the Operating Procedures should be revised and expanded to add this, or similar, language to emphasize and clarify this requirement.

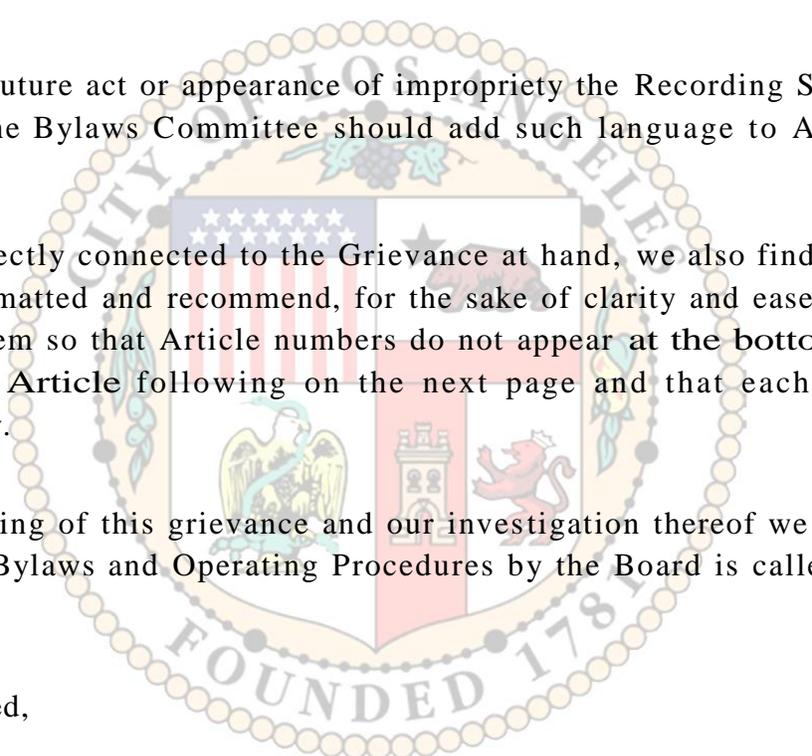
5. To eliminate any future act or appearance of impropriety the Recording Secretary should not chair a committee; the Bylaws Committee should add such language to Article IV F. of the Bylaws.

6. Although not directly connected to the Grievance at hand, we also find the written Bylaws to be improperly formatted and recommend, for the sake of clarity and ease of use, the Bylaws Committee revise them so that Article numbers do not appear at the bottom of a page with the content of the Article following on the next page and that each page be properly numbered sequentially.

As a result of the filing of this grievance and our investigation thereof we believe a close and careful study of the Bylaws and Operating Procedures by the Board is called for, taking these issues into account.

Respectfully Submitted,

Stuart M. Miller, Chairperson



ATTACHMENT 2

REPOSE BY RITA VILLA TO THE REPORT OF THE GRIEVANCE PANEL DATED 9/8/10

Thank the grievance panel for their service to the SCNC and our stakeholders. I greatly appreciate their efforts. In the third paragraph of the report the grievance panel:

- Indicates that a board member may have appeared to have misrepresented herself as speaking for the board.
- Questions whether the grievance was properly written
- Questions whether the bylaws and operating procedures of the SCNC are properly written
- Recommends that the board be educated on which matters should be decided by official motions and which should be handled by offering advice.

Having reviewed their report I have the following comments.

1. Paragraph 4 of Article XIV of the SCNC Bylaws states that the formal grievance process is not intended to apply to stakeholders who simply disagree with an Official Action taken by the Board. It further states that the grievance process is intended to address matters involving procedural disputes such as the Board's failure to comply with its rules, bylaws etc.

The grievance process is not intended as a vehicle to attack any particular board member. All of the members of the board are volunteers that give countless hours of their time for the betterment of our community. As such, the board member should be given the benefit of the doubt when there is the appearance that a mistake may have been made and the documentation that exists is incomplete. We should all make an effort to take everyone's actions in the kindest possible way.

2. With respect to the question as to whether the grievance was properly written, stakeholders should have equal access to DONE and they should be given advice and support to assist them in determining if a matter is appropriate for a grievance and how to properly draft their grievance.
3. The Bylaws Committee is currently actively involved in the process of reviewing the bylaws and is considering the extensive suggestions submitted by the grievant in this matter along with suggestions submitted by this and other grievance panels. The results of their work will be considered by the board when it is completed.
4. The bylaws and operating procedures clearly define and "Official Action." I do not agree that there should be further written guidance in either of those documents in an attempt to define situations where advice should be given in lieu of an official action. The Board can only speak through motions through its President. The board's flexibility should not be unduly restricted.
5. In the last paragraph on page 2 of the grievance report the grievance panel suggests a new motion to counter the 6/17/09 motion is needed. I do not agree. As the motion that was the subject of the special meeting on that date did not pass. There has been no subsequent Official Act and the motion passed on 8/20/08 still stands as the official position of the Board.

6. With respect to the statement in the first paragraph on page 3, the operating procedures provide that the President may authorize someone to represent the SCNC. Please note that they do not require that authorization to be in writing. This is one of the matters that the bylaws committee will be reviewing.
7. The current President of the SCNC has already stated very clearly that no board member is allowed to state that they represent the board without his specific authorization. As a result the issue raised in the second paragraph on page 3 has already been addressed.
8. The current Corresponding Secretary is not the chair of any committee. Accordingly, the suggestion of Mr. Oullette stated in paragraph 2 on page 4 has already been implemented.
9. In this electronic age, when we as volunteers are all so busy, it would be an unnecessary burden to require documents to be executed by hand rather than electronically. Electronic signatures should not be a problem as long as sufficient other safeguards are in place.



ATTACHMENT 3

WRITTEN STATEMENT SUBMITTED BY LISA SARKIN

I want to commend the Grievance Committee for volunteering and working on this issue. I regret there was a misunderstanding that led to this grievance and to the conclusion that there was the appearance that I may have misspoken.

The SCNC has already changed its procedures that contributed to the confusion. I have, and I fully intend to continue, to comply with the SCNC's Bylaws and operating procedures.

The matter took place more than two years ago. Unfortunately, the recorded minutes are not available and the minutes are lacking the discussion which would assist us in recalling what actually occurred. Some members of the SCNC board remember this meeting in a different way, so my conduct, as stated in the grievance, cannot be supported by facts.

In this matter, I followed the usual procedures as LUC chair and corresponding secretary. The Planning Department requests reissuing any documents from the SCNC when each hearing is scheduled and I did that.

The type of signage related to this issue was determined by the Planning Department to be a mural-sign. The DBS issued a citation. I did not personally bring any action against the applicant. In fact, the Land Use Committee suggested a remedy to the applicant, which was not used. The applicant postponed the Planning Department hearings for more than 2 years. The ultimate determination from the Planning Department did not include any mention of the SCNC nor the SCRA. The applicant did not appeal the decision, which could be appealed all the way to the City Council. At no time did the SCNC board vote to support the mural-sign.

Prior to this term, the common practice was that I represented the SCNC at the 11 hearings I attended during the 2008-2009 term. I took letters and/or motions passed by the board and presented them. The meeting in question was no different. President Neumann was aware that I was attending the hearings. The Operating Procedures do not state that written permission from the president is needed. At no time did I intentionally inflect my personal opinion.

I need to clear up the statement Ben Forat gave to the board at the meeting on September 22, 2010. He claimed that I cost him millions of dollars while he tried to develop a property on Laurel Canyon. He said I was on the SCNC board in 2005 which is not true. I was the secretary of the LUC, chaired by Remy **Kessler**. Forat came to the LUC requesting the waiving of a hearing for a subdivision. He claimed that he had the approval from the abutting properties. As secretary, it is very difficult to talk during the meetings and I had questions I was not able to ask. The LUC passed a motion supporting the waiving of hearings.

I contacted Art Howard (SCRA LUC chair and SCNC LUC member) and Dale Thrush of CD2 about whether this could set a precedent and I was told it probably would. Art asked me if I would like to view the file, so we made an appointment with Lynn Harper (City Planner). After reviewing the file, we discovered that Forat did not have all of the required signatures from abutting properties and that there was also a variance that would be needed to develop three houses on this property, as the lots would be split into smaller than 5,000 square feet. We asked Lynn about it and why she thought the waiver was requested. Upon our asking about the waiver, the planning department determined that it could not be granted. We didn't know that our inquiry would have that result, but the fact remains that the LUC was not given all of the information it should have been given by Forat.

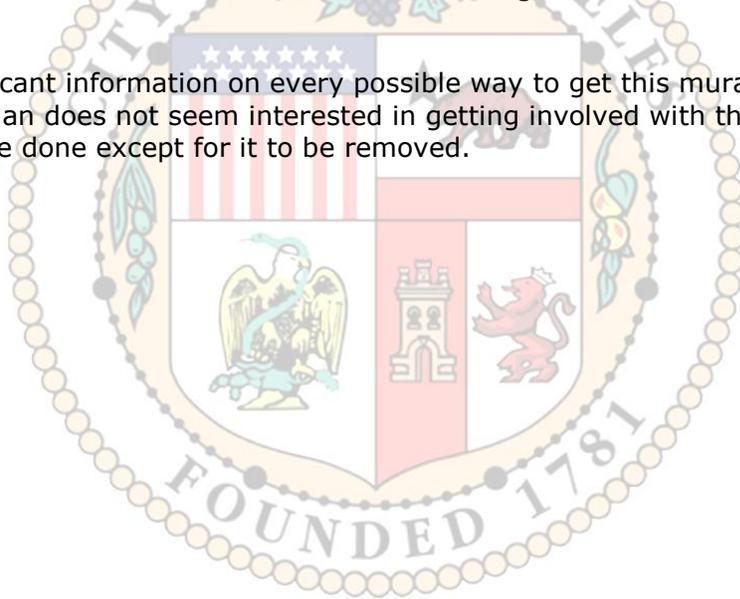
The Car Wash mural-sign was cited by the Department of Building & Safety after it was completed, unveiled and Greuel gave Forat publicity about it. Greuel's staff never bothered to find out if it was

allowed within the specific plan area or that the 2002 Sign Ordinance prohibited murals on private property. The only thing I did with this mural-sign was to ask the applicant to appear before the LUC after he filed an application for an exception to the specific plan. That was more than three years ago now. He did not attend the first two land use meetings where the issue was on the agenda. When he finally attended, I was attacked by him in such a manner that one of my committee members stood up and asked him to stop this show. The LUC members gave Forat information about the City Council Cultural Affairs Committee and that we thought that would be the only way he might be able to get a permit. The LUC sent the motion to the board opposing exceptions to the specific plan. The applicant changed his application requesting a variance, because the exceptions allowed under the specific plan did not apply to his mural. The LUC motion opposing the mural came again to the board in response to the change in the application.

More than two years of hearings were postponed by Forat from that time. He was cited for not removing the mural and at the very least, not covering it. He did not comply. Finally, it came before the Advisory Agency and they said there was no nexus to allow the mural-sign. The Car Wash had too many signs and they considered it to be an advertising sign.

The next hearing with South Valley Area Planning Commission was again postponed many more times until early this year. At this hearing, I represented the SCNC as I had at more than 50 hearings over the last three years. President Neumann was aware of these actions. The Planning Department determination letter did not refer to the information provided by either the SCNC or the SCRA as variances are not allowed within a specific plan area. I did not know that until this hearing. The Planning Department has ordered the removal of the mural-sign. This decision has not been appealed by the applicant.

The LUC gave the applicant information on every possible way to get this mural-sign approved. Councilmember Krekorian does not seem interested in getting involved with this issue, so there is nothing else that can be done except for it to be removed.



ATTACHMENT 4

Mural Grievance Presentation By Scott Ouelette
Neighborhood Council Board Meeting
September 22, 2010

I am a bit sorrowed to be before you tonight with this grievance. Sometime the truth is not pretty, but it needs to be told.

First I want to thank the grievance panel for their work. I thought the panel would be sympathetic to the Board, however they listen to what I had to say and treated me well. Generally I agree with the results of the finding of the grievance panel, in that, the grievance panel conceded to my findings, however certain issues were glossed over and sugar coated.

As for the panel recommendations:

1. I do not agree with recommendation #2 for an Ad Hoc committee for grievances. Because Ad Hoc committee members are appointed, establishing such a committee would likely result in members who are sympathetic to the beliefs and of similar mind sets of the person or persons making the appointment.
2. Rather than recommendation #3, perhaps the Board should appoint a Stakeholder advocate who can assist anyone who wishes to file a grievance. A Stakeholder Advocate may advise Stakeholders on other ways to resolve perceived grievances, and/or assist Stakeholders to file and resolve grievances.
3. At this point it would be inappropriate to for this Board to simply pass a motion to reverse the Official Act of the past without considering the substantial community support for Benny's mural, and without considering the merits of this grievance.
4. I have a few other thoughts regarding the panel recommendations which I will address with the bylaws committee.

Here is my bottom line on this grievance.....

Whether you like the mural does not matter.

Whether the mural is art or an illegal sign does not matter.

Whether you believe Benny has a history of doing what he wants and asking for permission later does not matter.

What does matter is the following:

1. The mural was declared to be an illegal sign, and a citation and order to comply was issued.
2. Pursuing an appropriate course of action to correct the matter, Benny filed for an exception to the specific plan to allow the mural to remain.
3. Along the way, Benny was the victim of dishonest and fraudulent acts which placed him in a position of disadvantage.
4. Absent the misrepresentation of the neighborhood council's position, Benny may have been successful in his efforts to keep the mural.
5. No business owner or stakeholder should suffer from dishonest and fraudulent acts by members or this board, no matter what the circumstances.
6. Two wrongs don't make a right.

Case in point, I call to your attention documents in front of you (all part of the grievance):

1. A planning file description of two letters submitted to the mural case file.
2. The letters reflect a false motion. Such letters do not appear to be authorized by the persons indicated.
3. The actual motion passed on August 20, 2008 is different than what is shown in the letters.
4. The last two documents show Benny was subject to prior inappropriate acts which disadvantaged his efforts to obtain prior approvals from the City.

In summary, this board cannot let anything like this happen again. This board must find a way to police itself so there is transparency and accountability. The greed for power and control is as bad as greed for money. Vigilante politics cannot exist in Studio City. This is not the City of Bell, and we need strong checks and balances on committee chairs and Board members. The neighborhood council expects accountability of the LA City Leaders, so SCNC better accept accountability as well.

