

MOTIONS

Guidelines for the wording of typical PZHPC motions:

Motion: To support the application presented at this meeting in it's entirety.

Motion: To support the application presented at this meeting with an additional condition or additional conditions prohibiting or requiring...

Motion: To oppose the application presented at this meeting pending resubmittal addressing issues discussed at this meeting.

Motion: To oppose the application presented at this meeting in it's entirety.

POLICIES

1 Precedent

Each application is unique. Approval or opposition for an application does not create a precedent. Consideration of each application must be based on the issues and situations peculiar to that application.

2 Bars and Taverns

What is the difference?

3 Parking

4 Preferential Parking Districts

I support the right of residents to ask LADOT to implement and enforce a Preferential Parking District in their residential area. Our primary responsibility here may be to make sure resonable neighborhood opposition is considered by the City.

This is may be a Transportation and PZHP Committee issue.

5 Restaurant Hours of Operation

6 Over-height Fences

See Supplement II and on the website MLUP Applications: 2315 Vermont and Past Hearings: 2208 Catalina, 2223 Nottingham

7 Over-height Buildings

8 Density

9 Noise

10 Signs and Billboards

11 Filming

12 Sidewalk Dining

Should we rely on the decision of the Bureau of Engineering (see 1745 Vermont - Agave Cantina on website), or should we go visit the site and decide whether to appeal in 14 days?

13 Six-bed Care

14 Use Not Permitted In The Zone

Home recording studios, e.g. There are homes being used as recording studios. What should we do when they create excessive activity and neighbors complain?

15 Affordable Housing

16 Historic Preservation

17 Compliance to the Specific Plan

Some applications come to us with the Planning Dept. approval of compliance with the specific plan. We may object to some of the entitlements provided by the specific plan (parking), but what is our position on this by-right situation? We have to uphold the LAMC.

18 Wireless Telecommunication Systems

Antennas on roofs. Contribute to height of building. Definitive statement on harmlessness of radiation?

PROCEDURES

- 1 Applications to the Committee**

- 2 The Committee**

- 3 The Board**

- 4 City Planning Department Process**
Website links and website contact information.

- 5 Effect of Neighborhood Council Action**

- 6 CRA**

Frank Masi Comments on the Draft 2/14/10 Statement of Policies and Procedures of PZHPC – GGPNC Section C. Over-height Fences

I have used one issue from the Draft 2/14/10 Statement of Policies and Procedures of PZHPC – GGPNC to illustrate why I believe the entire document needs more work before it is considered as the statement of the GGPNC Board. I chose Section C. Over-height Fences, because in my mind, it is a straightforward issue that reasonable persons ought to be able to agree on.

The following text is copied directly from the Draft 2/14/10 Statement of Policies and Procedures of PZHPC – GGPNC that the committee asked the board to accept at the last board meeting.

C. Over-height Fences

The zoning code limits a fence (which includes a wall and a hedge) in residential zones to 42 inches within the required front yard area (which generally is the prevailing setback on the street) and fences on the side and back of a residential lot to six feet in the Hillside Ordinance Area and eight feet in other areas.

The neighborhood council believes that our community is generally safe and lovely. Therefore, the neighborhood council does not believe that over-height fences are necessary or appropriate as a general matter. Indeed, the police advise that over-height fences tend to increase the likelihood of burglary or other crime as they obscure the house from vision by vigilant neighbors or passersby. Special circumstances applicable to the current occupant are not the basis for such variance from the code as the variance runs with the land and will apply after the current occupant has left. Moreover, the fact there are over-height fences in the neighborhood is of only limited relevance, and the neighborhood council will only give consideration to such over-height fences as have been built pursuant to properly obtained variances.

My comments on Section - C. Over-height Fences follow.

1. I do not believe the statement “The neighborhood council believes that our community is generally safe...” is true. Also, I do not believe a subjective statement like this should be part of a policy statement. A lot of my neighbors subscribe to Post Patrol or ADT Security Patrol services to augment the LAPD services. This was the result of a troubling spree of vandalism, home invasions, restaurant patron robberies, and street muggings. I attended two community meetings with the LAPD where the topic of discussion was increased crime in Los Feliz. I am aware of the efforts of a couple of neighbors who have tried to establish Neighborhood Watch groups. I would say our neighborhood is not as safe as it could be, and I can understand how a home owner would want a front yard fence higher than 42 inches – especially in a neighborhood where the majority of home owners have fences higher than 42 inches.

2. Northeast Division Senior Lead Officer Leo Rey told me Tuesday morning, March 16, 2010, that although it is true that over-height fences may increase the likelihood of burglary or other crime as they obscure the house from vision by vigilant neighbors or passersby, the LAPD has no position on how high a fence should be. Captain Rey said the height of a fence is an LAMC and LA Department of Building and Safety issue.

If an applicant asks for a variance from the code to build an over-height fence, it is the applicant's own property that bears the potential increase in risk, not anyone else's. I believe this a decision that should be left to the applicant since it does not affect anyone else.

3. Captain Ullrich at Fire Station 35 told me Tuesday morning, March 16, 2010, that he has no fire fighting concern over a fence being reasonably higher than 42 inches, i.e., not 20 feet high. Captain Ullrich reinforced that the height of a fence is an LAMC and LA Department of Building and Safety issue.
4. On January 18, 2007, Ken Owen and I attended a meeting of the LFIA Zoning Committee.

In addition to members of the LFIA Zoning Committee, also present were:
Rory Fitzpatrick, Renee Weitzer, and Doug Mensman from CD4.
Ron Kidwell from LACBS Code Enforcement
Sorin Alexanian LA City Planning
Dennis Chew LA City Planning

I took the opportunity to ask members of this group to explain to me the reasons behind the following three requirements or restrictions: 42" limit on front lot fence height, Hillside Ordinance building height limits, and side wall setback requirements.

On the topic of over-height fences, pedestrian safety was the unanimous number one consideration:

- The 42" height limit contributes to a triangle of view that reduces the danger from a vehicle backing out of a driveway that could injure a pedestrian child. This was the number one consideration.
- Impeding fire fighting was mentioned, but in lieu of my visit to Station 35, I believe the comment was not based on input from the LAFD.
- Police protection was mentioned, but specific examples were not put forward.

Renee Weitzer said the vehicle code requires safety and visibility for driveways. The intent of the law is to provide that visibility.

5. I suggest that it should be the policy of the GGPNC - PZHP Committee to support every variance application for over-height fences if:
- The adjacent neighbors have no reasonable objections to the proposed or existing construction,
 - The proposed fence is consistent with the heights of other fences in the neighborhood, and not so unreasonably high that the LAFD would object, and,
 - The ZA is satisfied that the LA Department of Building and Safety reviewed the triangle of visibility and found the design and location of the fence to be safe.

STATEMENT OF POLICIES AND PROCEDURES OF PLANNING, ZONING
AND HISTORIC PRESERVATION COMMITTEE
OF THE GREATER GRIFFITH PARK NEIGHBORHOOD COUNCIL.
(as adopted by the board on _____, 2010.)

I. MISSION STATEMENT

The committee's mission is to review applications for special rights such as variances and adjustments to the limits prescribed by the Los Angeles Zoning Code and to recommend to the board of the neighborhood council advices to be given to the appropriate city agency regarding the same. The committee also considers more general matters affecting development in our area, such as the Hollywood Community Plan, city-wide plans, such as the General Plan and plan elements, and city-wide ordinances. The goal of the committee's work is to preserve the good aspects of our community and the city..

II. POLICIES

The committee considers requests for variances and adjustments as well as conditional use permits from the view of the community as a whole.

The committee may

1. decide to take no position and make no recommendation to the board,
2. recommend the board give no advice,
3. recommend the board oppose the application,
4. recommend the board oppose the application unless certain changes are made in the proposed project or certain conditions are imposed.

The committee will only recommend approval of a proposal if the benefit to the community as a whole from such proposal is clearly demonstrated.

Applicants must understand that the zoning code is designed to give the benefit to the use of land in an even handed manner, and, in the view of this neighborhood council, exceptions should be judged not simply by the need or desire of the applicant but the benefit to the community at large.

A. Conditional Use Permits

Conditional use permits to allow the service of alcoholic beverages are commonly reviewed. The neighborhood council's concerns are the effect of such service on neighboring businesses and residents.

Preference for restaurants rather than bars. Generally, this neighborhood council favors the service of alcoholic beverages only as a complement to a meal and not as the only item served. Our commercial areas already are designated by the Department of Alcoholic Beverage Control as having an over concentration of liquor licenses. We think the burden on an applicant of showing the public benefit from additional establishments serving liquor in our community is heavy.

Parking. All the commercial areas of our neighborhood are close to and integrated with our residential areas, many of which are predominately single family homes or small multiple family buildings, most of which have very limited off-street parking. A restaurant seeking to obtain (or to extend the scope of) a conditional use permit must address the issue of competition with residents and other businesses for street parking. In that regard, the neighborhood council favors a system of valet parking which is free or at very nominal charge to the patrons so as to discourage street parking by the patrons of a restaurant. Naturally, valets must not park cars on the street but in off-street lots provided by the permittee for such purpose. Such parking must be within a reasonable distance so as to allow valets a reasonable amount of time to deliver the cars to their owners. Many parts of our area are subject to the limited parking requirements (or limits) of the Vermont/Western Station Neighbor Area Plan (the "SNAP"). However, the neighborhood council's position is that those provisions have no application to conditional use permits, as the imposition of the special burdens on the community attendant to the service of liquor allows the Office of Zoning Administration to find that inadequate parking (without regard to the provisions of the SNAP) is enough to deny such a permit. The neighborhood council suggests that good business practice requires the provision of adequate parking for customers of all businesses.

Hours of operation. Given the preference for bona-fide restaurants and the difficulty of providing on-site parking, the hours of operation should reflect normal dining hours. Because many patrons will inevitably park on the street and valets will run along the sidewalks to retrieve cars from parking lots, the resulting inevitable

DRAFT 2/14/10

noise will burden the residents living near the commercial areas. Generally speaking, closing hours after 10 p.m. week nights and 11 p.m. on weekends are disfavored. This is particularly so when the restaurant seeks to have seats out of doors, whether on private property or on sidewalks, which should be done only with valid city permits when the sidewalk allows for the safe passage of pedestrians.

Character of operator. Naturally, the neighborhood council is interested in the character of the operator of an establishment serving alcohol and the operator's style of business. However, impressive character and business plan are not enough given that the permit goes not to the operator but to the property. Therefore the neighborhood council must consider more than the operator, it must consider the propriety of the sale of alcohol at that location assuming other operators.

B. Correctional Requests

The neighborhood council does not favor applications by persons who violate the zoning code and then seek permission retroactively. Any applicant falling into this category should be prepared to explain why permission was not sought before the action was taken.

C. Over-height Fences

The zoning code limits a fence (which includes a wall and a hedge) in residential zones to 42 inches within the required front yard area (which generally is the prevailing setback on the street) and fences on the side and back of a residential lot to six feet in the Hillside Ordinance Area and eight feet in other areas.

The neighborhood council believes that our community is generally safe and lovely. Therefore, the neighborhood council does not believe that over-height fences are necessary or appropriate as a general matter. Indeed, the police advise that over-height fences tend to increase the likelihood of burglary or other crime as they obscure the house from vision by vigilant neighbors or passersby. Special circumstances applicable to the current occupant are not the basis for such variance from the code as the variance runs with the land and will apply after the current occupant has left. Moreover, the fact there are over-height fences in the neighborhood is of only limited relevance, and the neighborhood council will only give consideration to such over-height fences as have been built pursuant to properly obtained variances.

D. Over-height Buildings

Much of the community is in the Hillside Ordinance Area, which generally limits the height of new structures to 36 feet (measured as set forth in the zoning code). The neighborhood council's policy is to recognize few exceptions to that limit given the purpose of the Hillside Ordinance is in part to preserve both the views from the hillsides and the views of the hillsides. The neighborhood council's policy is also to support the height limitations in the portion of our community not included in the Hillside Ordinance Area as higher structures tend to diminish the general wellbeing of the surrounding community.

E. Increased Density

Our neighborhood council area (excluding Griffith Park) has a density of 13,511 people per square mile, among the higher densities in the city. The neighborhood council is amenable to limited additional residential housing as part of a well-planned quality mixed use development consistent with the surrounding area along Hollywood and Sunset Boulevards. However, the neighborhood council's policy is generally to discourage additional density in the balance of our area. Moreover, the neighborhood council's policy is to preserve our neighborhood's older housing stock, which is the source of our most affordable housing in an area where both single family housing and apartment housing is at the high end. The older, less expensive housing stock also preserves the economic diversity of our neighborhood that ranges from homes selling for \$6 million to rentals as low as \$400 a month.

G. Architectural Excellence and Quality Construction

The neighborhood council does not propose to prescribe architectural styles. However, our community is known world wide for its significant architecture. All new projects will in part be judged by whether or not they contribute to that architectural reputation. Moreover, the neighborhood council is concerned that new construction be of the highest quality so that it will be viable for many decades.

H. Historic Preservation

DRAFT 2/14/10

One of the charges of the committee is historic preservation. Any new project which results in the destruction or alteration of a significant historic property will be very closely reviewed, and the burden on the applicant to show that the new project will enhance the community will be heavy. The neighborhood council encourages its stakeholders to bring to the committee's attention significant historic or cultural buildings deserving of official designation by the city.

III. PROCEDURES

The current practice of the Planning Department is to require any applicant for discretionary permission to send to the relevant neighborhood council a copy of the application simultaneously with its filing. Applicants are asked to ensure that the packet sent to us is inclusive. For example, we should receive the property owner/residents address lists as well as the floor plans and any renderings.

The committee will determine whether it wishes to take up the application. If it does it will advise the applicant's representative of the meeting at which it will be taken up. It is important that when the application is presented to the committee the owner appear along with his or her representative. This is so the owner may have the benefit of the committee's comments without filtering.

The committee consists of approximately ten members, and if the applicant wishes the committee to review anything at the meeting adequate copies should be provided for the committee and there should be a number of extra copies for interested stakeholders to review. As an alternative, large easel boards may be used. (Applicants should bring the necessary equipment.) Passing photos, sheets of papers and plans around is not conducive to careful review and is an unreasonable imposition on the committee's time.

When the committee takes up an application the procedure normally is: the applicant makes his or her presentation, responds to questions from the committee, followed by public comment from stakeholders (which should be to the committee rather than questions to the applicant). This is followed by additional comments from the applicant and additional questions from the committee. The committee then discusses the application and votes on a recommendation (or that no recommendation be given) to the board of the neighborhood council.

An applicant making a presentation to the committee should discuss the context of any project, whether it is new construction or a conditional use permit. That is, a project must be presented showing not simply the project itself but how it relates to the community and how its construction or the business will affect the neighboring properties and neighborhood generally.

If a recommendation is made by the committee it will usually be considered by the board at its next meeting (generally the following Tuesday evening). The matter will be on the agenda, and the applicant and stakeholders will be given an opportunity to speak to the committee's recommendation. However, the board's time is limited so the principal presentation should be to the committee.

Some matters are deemed of such importance to the residents and businesses surrounding a proposed site that the committee wishes to give special notice to those stakeholders. Therefore, applicants should be prepared to provide, if requested, the committee with stamped envelopes addressed to persons and entities on the list prepared for the Planning Department's notice of their hearing. The return address should be left blank for the neighborhood council to add its address label.

The chair does not meet with applicants privately; all discussions are in open meetings. All communications should be by letter or email.

Because of the press of matters the committee can rarely take up proposed projects until an application has been filed with the Planning Department.

IV. COMPOSITION OF THE COMMITTEE

The committee attempts to have members with a variety of experiences and skills to help it competently perform its function. The committee is a Standing Stakeholder Committee under the bylaws of the neighborhood council. Membership is open to stakeholders who make a request for membership and who are present during all of the discussions and deliberations of the two following regular meetings in order to understand the ongoing issues and the committee's process. Membership will terminate upon a member's failing to attend two consecutive meetings or three meetings in any one 12-month period, unless such absences are excused by the committee at the time of the meeting. Membership entails a significant amount of work, and each member is expected to become familiar with the zoning code and to do his or her share of the committee's work.

V. EFFECT OF NEIGHBORHOOD COUNCIL ACTION

Stakeholders and applicants should understand that neither the committee nor the board of the neighborhood council has the power to grant or deny any right to anyone. The purpose of the neighborhood council system is to allow neighborhood councils to advise the City (in this case generally the City Planning Department or City Planning Commission) on action it should take or refuse to take. The determinative action will be by the City Planning Department or other city agency, subject to appeal as provided in the zoning code and law. Our experience is the Planning Department listens carefully to the advice of our neighborhood council but does not always follow it. Therefore, applicants and other stakeholders are urged not to assume that advice given by the neighborhood council will be translated into action by the Planning Department or other city agency. The applicant and other interested stakeholders should proceed directly with asserting their positions at the Planning Department or other city agency level.