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URBAN DESIGN AND PRESERVATION ADVISORY

Wednesday April 13, 2016 6:30 pm

Citibank Community Room

2450 Glendale Boulevard

Los Angeles, CA 90039

Meeting Minutes

1. CALL TO ORDER by Scott Plante at 6:31pm

2. GENERAL PUBLIC COMMENT

Comments from the public on non-agenda items:

Anne-Marie said it was too late to submit a motion but she had a concern that she wanted to bring to the committee about the owner of an adjacent property not participating in discussions about the encroaching of space on the Trader Joes parking lot. Trader Joes is asking for Building & Safety's help as well. A board member asked if there was anything they could do to help; another asked if this was a violation of landscape space. Anne-Marie said yes, it is but that Building & Safety said they would work with them.

Jerome wanted to let everyone know that the Griffith Park Adult Community Center would be holding a Spring Faire on Saturday April 16th. The event is put on by seniors but everyone is welcome. There will be food, entertainment, and a silent auction.

Another board member shared details about a memorial being held for David Ambrose, who was a parent of an Ivanhoe student and very involved in recreational programs for youth, particularly ultimate Frisbee. Information about the memorial can be found on the Parks & Recreation website under Silver Lake.

Heather Carson and Joseph Farrell said that they have three motions for the next general meeting regarding EIR vetting, P-zones, and construction commandeering space. Audience member asked for clarification. Asked if this was like Target taking up space on Hollywood. Scott clarified that the motion was created to require notification.

Robert said that at a city council planning meeting there was discussion about an ordinance to control billboards. Advocating for this ordinance would help do away with illegal billboards and stem their growth in the LA area, particularly the electronic ones.

An audience member asked if this is the same ordinance that had been written by Clear Channel. Rob said that the planning committee rejected two other versions of this ordinance. This is a good way to sequester electronic billboards to specific places. If it passes, it would disallow billboards such as the one at Silver Lake Blvd. and Effie.

Sabrina asked if they can email the motions that Joe circulated.

3. PRESENTATION (6:45PM)

Sabrina Venskus, tenant/landlord and environmental lawyer, gave a presentation on affordable housing and the Ellis Act:

Sabrina said that she worked for a law firm that works in these areas and that she frequently speaks to neighborhoods and communities to see how they can preserve their uniqueness and their affordable housing. She can go further into tenant- renter information if they would like. She wanted to discuss rent stabilization (which she distinguished from rent control, which has negative associations) because she is a big fan of rent stabilization and that it is good for communities and landlords. The law as it stands is holistically good but a later provision (Costa-Hawkins) detracts from much of the good accomplished by the rent stabilization act that was passed in the state legislature in 1979.

Rent Stabilization only covers multi-unit dwellings built before 1979. The problem is that communities are losing that housing stock because of Costa-Hawkins. She asked if people were aware of what a housing element was. It is a document that outlines the procedures, policies, and plans for cities. She said that laws need to be changed to make it easier to develop but keep what is good about communities. Said that there are a lot of ambiguities about what constitutes affordable housing and the document often doesn't give a good sense of how communities can maintain their affordable housing.

She detailed some of the information in the Element for Los Angeles such as the cost per lot and how much affordable housing is loosely required. Said that the Element allows for "constraints" to be done away with, such as parking requirements and open space. It's often all about increasing capacity, and often allows for regular laws to be superseded by what is in the Element.

Sabrina also discusses the Ellis Act. It is something that has been used in fraudulent ways. Landlords and developers collude through a sale to kick out tenants with buy-outs. Many Ellis Act evictions are actually a way for an investor to flip a property. It is also a way for a new owner to rent out via Airbnb, or to get much higher rents. It gets rid of affordable housing. Ellis Act requires good faith intent to go out of the rental business permanently. Kicked out tenants have recourse and the courts will penalize Ellis Act abusers. She mentioned a large payout (approx. \$2-3 million) to one tenant whose landlord made a bad faith use of the Ellis Act.

Sabrina added that this is now a business plan for developers. If residents can make it hurt then developers might think twice before coming into their neighborhoods. She advised the community to know their neighbors and to look into buildings that they see being emptied. She suggested taking pictures and checking Airbnb for listings in their area. Take screenshots if you see places being rented out because there are rules about that. "Make a bad actor hurt."

She said that there are plans to close Ellis Act loopholes at the state level. People are now demolishing buildings and turning them into subdivisions. The city is looking to amend the small subdivision ordinance. She showed a sale ad for someone explicitly advertising their property, formerly affordable housing, for luxury housing. The change will restrict small lots from being used for homes not multi-apartment dwellings. Encouraged people to keep an eye out for RSO buildings and SLSO—you can track how many people live on a small lot. She also advised them that if they see a lot sitting vacant or then rented out in spite of using the Ellis Act, they should contact a housing lawyer. She said that it is a good gamble for lawyers and many are willing to work on contingency.

Sabrina said that they should make developers do the work. If you are a tenant, hold on to your space as long as you can. Make the landlord prove that he/she is actually filing the paperwork for Ellis Act. She said that frequently, a landlord will buy out his/her tenants with the reason being that he/she is going out of the rental business, but then will never actually file the paperwork. Once they have gotten rid of all their tenants, they will not be bound by the restrictions of Ellis Act because they never actually filed for it. Once they are rid of tenants they can turn over apartments without restriction.

One of the things that affordable housing advocates are trying to get changed, is to make the current Ellis Act 5-year restriction on landlords re-entering the housing market into a 10-year restrictions. Important for the community to push back when developers try to get variances because then they will know where it is harder for them to accomplish these things.

Sabrina said that it is important to do the paperwork if you do get an eviction notice, because you have the right of refusal. She recommended paying for a consultation if you receive an eviction notice.

Questions for Sabrina (7:10PM)

Liza asked how people were trying to change the small lot ordinance and Sabrina said that they are trying to restrict number and sizing.

Anne-Marie said that Sabrina was “preaching to the choir.” She was concerned about the impact of rapacious developers on non-English speaking communities who are sometimes threatened with ICE. Sabrina encouraged lawyers to rally behind them. She said unfortunately there is currently a mayor and set of representatives who love every development.

Audience member asked question about parking minimums. Sabrina said that the state has told cities to identify constraints and often these requirements are done away with. Audience member added that there is no need for parking for low-income housing. Mentioned that 2 people in the community spent \$20,000 to fight a small lot subdivision. What should people do who can't make that kind of financial commitment? Sabrina encouraged people to pool money. If everyone can pitch in \$5,000-\$10,000 each to get lawyers, they can push back. Audience member asked, what should you do if you do not have money. Sabrina: it really takes money to do this, but you can get rid of council members.

Another board member asked if she could speak since she is directly affected by the issue she wanted to speak about. Anne-Marie clarified that she can speak as a board member, not a stakeholder. Board member asked how they can get back land that has been broken down and built on for multiple-use and is now occupied by a number of people.

Sabrina said that the state approves the housing Element. She said that cities have a lot of discretion in terms of compliance. There are a lot of gray areas and it is usually at the discretion of city agencies and thus difficult to win.

Where there is an amendment to the general plan, whether it is a big development or a small lot, make the case that it would be in conflict with the housing element. She emphasized the phrase “in conflict with” because that language is important. You can shut down an amendment if it goes to court. City will side with the developer so collect evidence and consider keeping a database.

Carol asked a question: can you still make a dent in the process if you don't have money? Sabrina said you can delay things. She would not advocate frivolous lawsuits. Attorney will only take on cases with a good chance.

Audience member asked a question about the Ellis Act: when a landlord says that they are going out of business, is it determined on a property by property basis? Sabrina said that a big problem is that there are no real published cases out to set precedent. We will finally see more of those as the Ellis Act is being challenged in courts.

Craig thanked Sabrina for speaking to them. He said that Costa-Hawkins passed when Republicans were in power. This is a big issue: re-elections are coming up and they should make their interests known. Also asked if Ellis Act landlords are making tenants sign waivers against future action, and if so, are they legal? Sabrina said yes it is an agreement.

Joe asked if she had seen cases being made against cities for failing to comply with ordinances. He mentioned the Jeff Palmer-owned properties downtown that ended up very close to freeways and required air filtration. Can people sue the city for failing to make developers comply with requirements? Sabrina said that that is more of a private action. If you have damage, that is a nuisance suit, not a city issue. Said that failure to implement mitigation measures requires subsequent action like environmental review. Joe clarified—so there is nothing you can do to hold the city accountable? Sabrina recommended that covenant agreement be written into the language of agreements.

Audience member asked if there is a metric that determines what affordable home ownership. Sabrina said not really and demonstrated by reading language that is very vague. There are metrics out there that determine the difference between very low-, low-, and moderate-income housing and they should be in the housing element. Said that the Housing and Community Development department at the City of Los Angeles has a lot of information and data.

4. MOTIONS & RESOLUTIONS

A. 2764 Rowena Avenue Gofkin
Case Number: ZA-2016-299-CUB-ZV NC Region 7

Conditional Use Permit: Allow the continued sale of beer and wine in conjunction with a restaurant. Zoning variance to allow 4 on-site parking spaces and 24 bike parking spaces.

Daphne introduced the item. A restaurant, Wolf Down, is currently moving into the old Nicky D's Pizza space. A plan and menu were passed around for audience perusal. An overview was given of what the space looks like and how it will be used. What they are asking for is what was already granted to Nicky Ds—beer and wine license and parking variance. These approvals have expired which is why they are before the committee asking for support of their renewal. The owners (Jason & Chrissy Kim) also run Forage on Sunset. Their requests are

- 1) Approval for beer & wine to be served 7AM-10PM Sun-Tues; 7AM- 11PM Wed-Sat. No alcohol will be sold for take-out, only on-site at restaurant.
- 2) Zone variance is being requested to allow them to meet parking space requirements by converting some of the required parking into bike parking. They are also requesting that they be allowed to have some of the parking off-site across the street at a small

shopping plaza (they have already made a lease agreement with the owners of that property for after hour use). They only have 4 on-site spots.

Jason noted that he moved to Silver Lake in 2006, his goal has always been to feed the neighborhood at an affordable price. Forage offers cafeteria-style space and is largely for families, this space will be different. Chrissy added that they assumed the lease of Nicky Ds, which already had these issues.

Anne-Marie made a series of points:

- 1) There are no prices on the menu and she is concerned about that.
- 2) Will they have valet? She lives nearby and is worried about the effect on parking.
- 3) Shag (one of the occupants of the plaza at which they are seeking after-hours parking), is open until 8PM so there will be overlap between their patrons and Shags.
- 4) Very limited street parking in that area.
- 5) They aim to be local for Silver Lake community but how can they ensure that?
- 6) Where will the employees park?

Anne-Marie concluded that she would not support the parking variance. Everybody parks on side streets and the neighborhood gets crowded.

Daphne reiterated that this is an existing use, not a new variance they are requesting.

Chrissy responded to the questions.

Regarding price, they will be charging \$10-20 a portion. "We are not here to charge obscene amounts for tiny portions." Anne-Marie asked if they will deliver and Chrissy said no.

A-M asked what about the bike stalls? And Daphne said that it is not something that needs approval, it's worked in.

Chrissy said that if it will make people happy they can add valet but it will affect the overall cost for patrons.

Regarding the issue of overlap with Shag in terms of parking lot use, Chrissy said that she made the plan with the optometrist who owns the property, and she said that Forage will only be doing dinner service.

Regarding the issue of neighborhood crowding, Chrissy said that they live on Waverly so they are sensitive to that issue.

John Shepherd said that he lives near site and he agreed with Anne-Marie. He reiterated her concern about parking. He said that people park on Ivanhoe and the situation is horrendous. Many homes only have one space for parking. Concern that many restaurant employees will arrive at midday when residents are at work. Then when residents return,

the parking spaces will be occupied. He is upset that they have not worked out a valet plan. Chrissy says that they will look into the valet.

Jerome said that he wanted to be blunt—Nicky Ds was not a popular place. Chrissy and Jason have a reputation and will draw people to the new restaurant. It is apples and oranges to compare their set-up with Nicky Ds. He said that he has no issue with them on the beer & wine permit but he does have reservations about the parking. Shag's parking lot is dark and might be a concern for women who will not feel comfortable parking there at night. Residential parking is a problem and he thought they should provide valet.

Another member of the audience responded critically to the concerns being raised—"we can't do things like regulate the prices they charge." Said that the committee tended to lose sight of how many great places they have in Silver Lake, and that they took the variety for granted. Wanted to know how they could help people taking a risks to provide these services.

Another audience member asked, can they incentivize walking or biking? Offer something like a free soda or appetizer?

Another member said they are a big fan of Forage and supported them coming to the neighborhood, but let's work out parking.

Anne-Marie said that she wants clarification on the trellis space.

Joe said he lived in the area and he has seen people frequently jaywalking on Rowena. People get hit on Rowena all the time because there are a lack of crosswalks and a lack of lighting.

Bob wanted to ask a question but it would be a Brown Act violation.

Anne-Marie asked about the hours, there are homes that abut the patio. They will be opening so early and there are families in that area. Jason said that it would only be for dinner right now, they are just asking for that time in case they serve brunch in the future.

Chrissy talked about the outreach they did—they went door to door and introduced themselves. They have met the patio neighbors and have given them their number. They do not want to upset them—they have 3 kids just like the neighbors who abut the restaurant site.

Jerome asked if they can commit to valet service and Chrissy and Jason agreed. Some discussion followed about other restaurants on that stretch, and where they park their valeted cars. Scott asked if they can use the Ivanhoe parking lot and Anne-Marie said that there are LAUSD issues. Jerome said what about the former church that has been converted into a play space/ preschool.

Rusty said that he was concerned about the lease agreement with the optometrist's property. What will happen if 1-2-5 years down the line, the agreement changed. How can they hold them to the agreement they make once this neighborhood council is gone and another one is instated. Board members may never learn about the pulling of permits. Daphne added that these things require re-voting.

Scott reiterated that they should talk to the play space/preschool, which will open in the fall. Forage is planning on opening mid-summer.

A motion is opened by Scott Plante with the following conditions (some of which were added by others, such as Heather): 1) implement valet. 2) pursue a crosswalk at Auburn. 3) verify Shag's hours and ask landlord about improving lighting. 4) consider incentives for visitors to walk instead of drive. Cliff Towne seconded the motion.

Anne-Marie requested a roll-call vote.

Motion passed 9 to 2

Yes (9):

Joe Farrell
Scott Plante
Jerome Courshon
Heather Carson
Carol Cetrone
Genelle LeVin
Liza Temple
Cliff Towne
Craig Collins

No (2):

Anne-Marie Johnson
Rusty Miller

B. Sunset Triangle Workgroup Peppey

Proposal to create a workgroup to address current and future issues regarding the Sunset Triangle.

Before discussion started, a resident of Ivanhill said that he wished that the NC would not just simply rubberstamp all development.

There is a letter from Mary Rodriguez who is working with LADOT to implement safety at the Sunset Triangle Plaza, SLIA is as well.

CD 13 held a preliminary meeting that happened in the DTLA office to consider what needed to be done to take down the temporary plaza to create a permanent one. Everyone is concerned about safety. This is a plan for the 21st century and could transform this space into one of LA's greatest street projects. Mentioned Quimby funds. Said it is time for Silver Lake to make this space permanent, an ad-hoc committee is imperative. Cost could be hundreds of thousands, perhaps millions, and they will need the help of council members. He does not want to disparage SLIA but the NC should have some say in this neighborhood issue.

Michael and Genelle have been waiting to see what comes out of that. They've done the research and want a group to help plan. Right now their hands are tied until the city approves the use. They are ready to go and welcome the participation of others.

Genelle said that a \$25,000 grant provided for the plaza change. Mary Rodriguez is trying to get more to pay for planning, and to get rid of the concrete barriers. Early on, they had water barriers there but they did not do enough to stop accidents. They wanted to make the barriers more attractive but they do not want to distract drivers either. They are considering whether putting up a wall will help. Issues of lighting are also being considered. Currently some money is coming in from filming, and the farmers market but they need more funding for maintenance.

Scott asked if they need a new committee. Someone asked if the SLIA meetings are open to the public and Genelle said yes, they hold informal meetings. They are a community ally.

Audience member said that it is a laudable movement. Pedestrian plazas in NYC are incredibly popular. He would like to stay informed. They may not need another committee.

Genelle said that to do what they'd like to do, they need a city agency to take over. For now that is LADOT street services but they need someone to take ownership of the space.

Jerome asked why they don't have an ad-hoc committee under SLNC? Not saying they are being exclusive (SLIA), but why not have an NC-specific role. He wanted to make a motion to the board to create the committee.

Anne-Marie recommended that whatever committee is created, it should be provided for under the Brown Act. She wanted transparency and for them to provide minutes.

Mike wanted UDP to vote, then take it to the board. Anne-Marie adds that the representative to the regent 5 be a key player in any created committee.

Anne-Marie motioned that a committee under Brown be created with the participation of regent 5 representative to address issues specifically related to the Sunset Triangle Plaza. Jerome seconded the motion.

Motion does not carry: 5-Yes; 3-No; 2-Abstain

Yes (5):

Joe Farrell
Jerome Courshon
Heather Carson
Cliff Towne
Anne-Marie Johnson

No (3):

Craig Collins
Liza Temple
Genelle LeVin

Abstain (2):

Scott Plante
Carol Cetrone

C. Notice to Developers UDP Workgroup (8:33PM)

Review the workgroup recommendations for a Notice to Developers to be sent to applicants.

Liza presented: the purpose of the working group is to narrow down a few of the area's small lots so that they can present to developers before they come to them. It would gear the NC to help attract the kind of developers they want.

Jerome interjected a question about the vote to agenda item 4.b. Since we do not require quorum for this meeting shouldn't 50% consensus hold? Committee concurred that they are required to have over 50%.

Anne-Marie said that she wanted to see a more rigorous approach to compliance. She wanted developers to be mindful of area's style and be thoughtful about design. They do not want cookie-cutter buildings. She discussed setbacks and also the issue of open-decks versus rooftop decks. They should push for open decks over rooftop decks. FAR should not exceed over 75% of lot, but they should require a further reduction of 10%. She wanted to encourage smaller structures and smaller units.

Liza— they need to do outreach to confirm to developers that the community expected a great deal from them. The presentation would communicate to developers what the NC

wanted to see, especially renderings. The developers need to show that they are taking into account neighboring structures. Developers always cheat. She also wanted to make sure the developers communicated how they would be taking care of the lot/existing tenants/ structures in the meantime.

Scott asked if they could fix the “notice” word choice to make it more welcoming. Liza said that they want to be firm. Scott said that the developers may not be amenable, so phrase it differently. Developers know that they are an advisory committee. Anne-Marie mentioned the ABC Guidelines. They worked to make the language more warm and fuzzy. She recommended that they use the language from there.

One audience member mentioned that some developers are using prefabricated homes for the most part. Doesn’t this challenge the neighborhood style? Liza said this is not an issue in Silver Lake as it is in Atwater Village. Says that it is actually more environmental.

An audience member asked what the rule is for setbacks and Liza said that codes determine that.

Carol said that small lot ordinance is being reconsidered at the city level and what the SLNC requires is above and beyond. Craig asked that the language about decks be rephrased. It is too rigid. Scott agreed that the language should be changed to say that the community prefers one over the other. Jerome asked about language on hillsides and noise issues. Scott said that they want to leave that vague and Craig concurred. Jerome said there is a privacy issue with the roof decks. Jerome asked how Scott would rephrase the 2nd bullet point. Scott: “this committee favors open decks over roof decks in general.”

Liza asked, can they incorporate the rent stabilization issue into this? Craig said it might open up a can of worms. Another audience member said maybe add some information about the issue and mention that the committee keeps track of building use. Anne-Marie suggested adding that at the end: “the NC recognizes the need for affordable housing...” Scott suggested that it go under the Community and Affordable Housing section. Anne Marie agreed that Maintenance is not the right place for it. Liza said the issue is separate so why not give it its own subheading. Carol added that they wrote a paragraph because this is for developers. They are already going to be ripping down affordable housing. This is about habitability. Liza said that they will revisit the language and include an RSO statement—that it is the intent of the SLNC to watch these developments. Kent asked how many of these have come in? Heather added that they should document rental and marketing.

Craig took issue with the “quirky” descriptor in the introduction. Maybe change it to unique because this term is a cliché of how people perceive Silver Lake.

Joe motioned to adjourn the meeting and Scott seconded the motion.

5. ADMINISTRATIVE ITEMS (skipped)

- A. Review and Adoption of Minutes**
- B. Committee Business**

6. ADJOURNMENT 9:01PM