

SCNC BOARD

Barbara Monahan Burke
 Jeffrey Carter
 Ezra Dweck
 Victor Helo
 Wayne Kartin
 Remy Kessler
 Michael McCue
 Ben Neumann
 Richard Niederberg
 Todd Royal
 Lisa Sarkin
 Jeffrey Steinberg
 Gail Steinberg
 Ron Taylor
 John Walker

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SPECIAL BOARD MEETING Minutes

WEDNESDAY, March 17, 2010 7PM

at

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

The public is requested to fill out a "Speaker Card" to address the Committee on any item of the agenda prior to the Committee 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 Committee's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to two 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.

- 1. Call to Order and Roll Call.** Barbara Monahan Burke - present, Jeffrey Carter - present, Ezra Dweck - excused, Victor Helo - excused, Wayne Kartin - present, Remy Kessler - present, Michael McCue - present, Richard Niederberg - present, Ben Neumann - excused, Todd Royal - present, Lisa Sarkin - present, Jeffrey Steinberg - presents, Gail Steinberg - excused, Ron Taylor - arrived at 7:38, John Walker - excused, Rita Villa - present. 10 voting members present. 6 votes required to pass a motion.
- 2. Presentation, discussion and possible motion: Studio City Residential Floor Area.**
Lisa Sarkin. Lisa Sarkin reported that three documents were distribute: (i) the proposed motion, (ii) the "I am Opposed" letter and (iii) an email. There has been an effort to oppose the RFA. The information disseminated by those in opposition was incorrect and the SCNC believes the stakeholders should receive the correct information. 56 copies of petitions submitted to the Planning Department were, in fact, duplicates. The CD2 councilman, the planning dept, the south valley planning department, the SCRA and SCNC all support the RFA. **Lisa Sarkin** asked everyone to look at the motion and petition side by side. The RFA restricts to 40% of lot size as the max size of a house. If the owner wants more than that they need to have a hearing. If there is minimal articulation of the design the owner can get an additional 10% of lot size. BMO allows 50% lot coverage plus the 10% additional. The variance cost is minimal, and the additional time required to get the variance is not significant. The purpose of the motion is to bring to the attention of CD 2, the planning dept and city council that much disinformation has been disseminated. All of the properties being constructed now after BMO are 60% of the lot size. Property values in Sunland Tujunga where there is an RFA have not gone down as a result of the RFA limitation as documented by the letter from the real estate agent.

Moved: Lisa Sarkin; **Second:** Richard Niederberg. **Public comment:** Mark Haller stated that many people are against this RFA. He believes that many people are upset and believes that the SCNC is not listening to him. 4150 Beck is a home he built and the SCNC thinks that is a good home. He believes that this is a mess and that there is a smear campaign against him. **Barry Johnson** said that 4150 Beck was used in a presentation for the overlay not the RFA. That house was used as look that we liked because the driveway was retained and

that gave space between the houses. He believes that the planning commission needs to be aware of the misinformation that has been given out by those opposed to the RFA and that petitions are being gathered from outside the area. Those petitions should not be given the same weight as those signed by residents of Studio City. This requires clarification.

Jeff Carter was very concerned because Mark Heller stated that fake emails had been sent and would like clarification. Mark Heller said that Overbick lives on Lauren Canyon and his architect has gotten an inappropriate email and feels that this is not right. **Michael McCue** said that we are using Roberts Rules of Order and he feels that clarification questions should always be allowed. He commented that the stakeholder complaints during previous public comments regarding the use of emails that are improper concerns him and he would like to see the emails. **Michael McCue** said he has experience gathering petition signatures and does not believe that people sign petitions light-heartedly or "Willie Nilly." Lisa Sarkin fights for the rights of the stakeholders and she is the best LUC in the valley. He has seen email lists be used improperly in the past and he has questions. Lisa Sarkin reported that she reviewed the public files of the planning department on this matter and gave the statistics on petitions that they have received which resulted from that review. 88 opposing petitions were duplicates and there were 6 duplicates among the supporting petitions. She stated that no one at the SCNC did anything improper. There were 6 community meetings and the lead on the RFA was the SCRA. The Planning Department drafted the RFA. The Overlay was intended to keep the village atmosphere in Studio City. Hillside were not included. **Barbara Monahan Burke** said she was the first chair of the overlay committee which was formed because of huge outcry by stakeholders who wanted to keep the village feel in Studio City. Barry Johnson is now the chair of the Overlay Committee. There have been hundreds of people who have asked for this over the years. She believes that this RFA is what Studio City wants. **Brian Baker** gave public comment. He stated that he has moved here from Newport Beach. He believes that the last thing he thought would happen when he moved here was that there would be issues related to the size of the house. He is concerned that the RFA would not allow him to rebuild his current size house if his house was destroyed by fire or other disaster. He wants to be sure he has the right to rebuild what he bought if something happened to his home. His house should be grandfathered. **Richard Niederberg** reminded Brian Baker that as long as a part of the house is there his house would be allowed to be rebuilt. **Lisa Sarkin** stated that the planning department left his issue out and we have asked that a provision be added to the RFA to correct this.

Board Discussion: **Michael McCue** made a point of order. Roberts Rules of Order demand that the motion be read aloud for the vote to be valid, especially when a stakeholder questions the integrity of the board. **Michael McCue** requested that the motion be read into the record. **Remy Kessler** responded that the motion has been provided to everyone but he will read it into the record. He read the motion. See Attached motion. **Michael McCue** thanked Remy Kessler for reading the motion. **Richard Niederberg** stated that he has attended meetings on this issue for 5 years and the people of this area have expressed that they are in favor of the RFA. **Jeff Carter** states that the statements in the motion may not be the proper style or subject matter for a SCNC motion and is not in favor of the motion; and that motion is not related to the merits of the RFA. **Ron Taylor** responded by stating that the motion contains responses to the allegations and he believes the responses to be factual given the long experience of the land use committee in dealing with this matter. He feels it is essential that we step up and pass this motion. He was elected to this board in a wave of popular disgust in reaction to the oversized building that was going on in our community. There was a tremendous turn out in that election and he believes many of the board members ran on these issues. We represent the majority in Studio City who expressed support for what we are trying to do here. We are here to advise our city council. **Barbara Monahan Burke** stated that she has studied this matter extensively and she represented the SCNC at almost all of the meetings on the BMO as well as the hillside and overlay. She has studied the facts in this letter. They are not allegations. Rita Villa indicated that there are often times when special meetings are necessary and that the City Council does this all the time. She further indicated that she does not believe that anyone on the SCNC has done anything inappropriate. Jeff Steinberg understands the plight of gentleman who brought up the need for grandfathering. However, for new builders looking to build homes in excess of

the size permitted under the RFA - they should build somewhere else! **Remy Kessler** clarified that the April Board meeting of the SCNC would be too late for this issue to be addressed at that time. This was called a special due to that timing issue. He stated that the SCNC has already passed three motions in support of the RFA. He further indicated that when motions come out of the committees the items in the motion have been thoroughly discussed but on this occasion the proposed motion did not have time to come through committee. He has not had the opportunity to study the facts stated in the motion. He has concern about the first paragraph of the motion related to petition signers from outside the area. He is not certain the first paragraph is necessary. **Lisa Sarkin** stated that she only found out about the "I am Opposed" petition on Monday. She has attended all public meetings related to this matter and she does know that the items in this motion are correct. The SCRA felt that only the 3900 homes and those inside the 500 foot area beyond them should have standing in this matter. **Jeff Carter** stated that, if the Board believes the facts in the motion, the Board should word the motion as a finding of fact. In response to a comment that the RFA opposition petitions were signed by those who live outside the Studio City area, **Michael McCue** indicated that, according to the official definition of a "stakeholder," signatories to the petitions can live somewhere else and still have a stake in this community and are therefore legitimate. **Michael McCue** noted that several Board Members are missing tonight. He opposes taking the vote on this motion under these circumstances, and moved that the vote be tabled until there was a fuller compliment of the board present, especially the officers, and the stakeholders had a more reasonable chance to respond – even if a special meeting had to be called for the board. No second for **Michael McCue's** motion was heard. There should be proper time for the board to act. **Ron Taylor** stated that he has respect for the facts and what is in the motion is the truth. Property values have dropped nationwide but what is being addressed here is the allegation that the RFA has caused property values to decline. There is no evidence to prove that allegation here. The majority of the people in this neighborhood support the RFA. We have listened to the stakeholders for years and they support it. **Jeff Carter** again stated that, if the Board believes that the facts set forth in the motion are true, the Board should so state in the motion and repeated his opposition to the motion. **Rita Villa** asked Remy Kessler about her ability to propose an alternative motion. The vote was taken on the motion as originally read by Remy Kessler. **Vote: 6 yes, 2 no 2 abstain. Motion carries.**

Rita Villa read the following motion:

The Board of the Studio City Neighborhood Council reaffirms its support for the RFA and supports the transparent process of additional workshops being held by the Planning Department.

Moved: Rita Villa; **Second:** Lisa Sarkin. **Remy Kessler** asked if any board member wished to commend ton this motion. Their being none the vote was taken. **Vote: 7 yes, 1 opposed, 2 abstain. Motion carries.**

3. Public Comment as noted above.

4. Board Member's Responses to Public Comments as noted above.

5. Adjournment at 8:15 PM.

MOTION

The Board of the Studio City Neighborhood Council requests the City Planning Commission give proper weight to petitions, letters and emails from signatories within the Studio City Residential Floor Area District. Many petitions, letters and emails have been submitted by out of area signatories.

Further, the SCNC submits to the Los Angeles City Planning Commission the following **Rebuttal to the "I am Opposed Petition"** by Mr. Ofer Bick to the City of Los Angeles, Dept. of Planning, Attn: Priya Mehendale. Case # CPC-2009-3740-RFA: ENV-2009-3741-CE, items 1-6 rebuttal as numbered as follows:

1. **In Studio City, essentially, you can still build the same size home as before the Baseline Mansionization Ordinance (BMO), example 11614 and 11610 Chiquita [photo attached].** The BMO allows 50% lot coverage plus a 10% addition with a minimal design articulation that amounts to 60% lot coverage plus an additional 400 square feet for a two car garage. The Residential Floor Area (RFA) was added to the BMO to allow neighborhoods and communities to determine what lot coverage is right for them. "ONE SIZE DOES NOT FIT ALL." To date, all homes permitted after the enactment of the BMO (July, 2008) in Studio City received the 10% bonus.
2. Currently, the LAMC has no provision for appeal by adjacent home owners until an applicant requests a variance for more than 60% lot usage. The RFA allows 40% lot coverage, which does not include 400 square feet for a two car garage. The RFA retains the ability to request a variance. The use of the variance process assures that the adjacent home owners are notified if a home exceeds the RFA percentage of lot coverage and causes public hearings if the adjacent home owners do not want a larger home next to theirs.
3. The BMO only addresses single family lots thus the RFA can only follow the same example. The new Baseline Mansionization Ordinance – Hillside will address hillside lots. Apartment and commercial lots are fully addressed by the proposed Studio City Overlay.
4. Sunland-Tujunga was the first community to obtain an RFA. Real estate values have not dropped. In fact, local realtors there say it may have made single-family homes more valuable, because buyers know a huge box will not be built next to them someday. A local Studio City realtor confirms houses sold as "tear downs" sell for less than houses sold to families who buy and then live in the original home or add on. Over sized homes cause over-crowding of schools because new schools are not being built in Studio City. The same construction jobs could be available whether the house is 60% or 40% of lot size.
5. Four years of Overlay Committee meetings were noted in SCRA Newsletters. Two community meetings were hosted by the SCRA. Four SCNC meetings were noticed by posting of agendas in accordance with the Brown Act. This process was determined by Planning Director Gail Goldberg. Opposition petitions include out of area signatories, duplicates and presented incorrect facts and figures to the signers, such as "YOU CAN'T SELL YOUR HOUSE IF IT IS NON-CONFORMING" and "A 6,251 SQUARE FOOT LOT = A MAXIMUM 2,062 SQUARE FOOT HOME. ACTUALLY, THIS SHOULD BE A 2,500 SQUARE FOOT HOME + 400 SQUARE FEET FOR THE 2 CAR GARAGE = A 2,900 SQUARE FOOT HOME. Opposition to the RFA comes from developers, real estate agents, owners of multiple properties and those who have been incorrectly advised by those people. 3,900 single family properties were notified of the RFA by the Planning Department with about 60 email letters opposing the RFA from the affected area of Studio City.
6. All information for the RFA was compiled independently by the Planning Department following the example used for the Sunland-Tujunga RFA. The RFA only applies to single family non-hillside lots in Studio City because that is what the current BMO applies to. This RFA represents neighborhoods with uniform character throughout Studio City.