

Minutes
Planning, Zoning & Historical Preservation Committee
Monday, March 9, 2009

The regular monthly meeting was held on March 9, 2009, in the community room at 1965 Hillhurst Avenue pursuant to notice. Present from the committee were: Kenneth E. Owen, chair, Sorin Alexanian, Bruce Carroll, Rosemary DeMonte, Jacqueline Kerr, Richard Spicer, Richard Stanley and David Uebersax, Donna Kolb, co-chair of the Zoning committee of the Los Feliz Improvement Association, and Douglas Mensman, of Councilmember LaBonge's office, were also present. The meeting was called to order at 7:10 p.m.

1. The minutes of the meeting of the committee held February 11, 2009, were approved as circulated.
2. There was no public comment as to items within the purview of the committee but not on the agenda.
3. 2856 Glendower Avenue. Tony Moschella, of Cal to Cal Investments, Inc., represented the owner, Giamaica s.r.l. Mr. Saverio Principini also appeared to support the application. Mr. Moschella summarized the application to build a second story on the existing four car garage which is non conforming to current zoning requirements as it is built within the required set backs. The second story would rise to about 30 feet and would be used principally as a recording studio with completely sound proof walls to avoid sound coming in or out of the studio. The façade would have windows facing Glendower but there would be a very narrow void between the exterior windows and the interior sound-proofed wall. This site was chosen over an alternative area near the guest house away from the street because of the cost of construction. Mr. Principini stated that he was a music composer and he would be the principal user of the recording studio. He is not a shareholder of the Italian corporation which owns the house. He is an independent contractor long associated with Mr. Floriano Fini and his corporation, Giamaica, and permanently lives on the premises in the guesthouse, which has full kitchen and bathroom facilities. He has no lease. He maintains a recording studio in the San Fernando Valley but wants one at this location as well. He does not anticipate having a large number of people at the studio as much of his work is synthetic. He does however hire singers and others to record for him. Mr. Fini lives in Italy and visits the house only twice a year. Several neighbors, John Casey, Patricia Johnson, Jim Rogers, Ronald Paul spoke in opposition raising the following issues: (1) Glendower is a substandard street, being about 18 feet wide, there is very limited parking, some parts of the street have no parking at time signs and/or are painted red, while much of the remainder is posted no parking on red flag days. (2) Another recording studio, since ordered closed by the city, nearby brought many cars and people acting inconsistently with the residential character of the neighborhood. (3) The placing of a 30 foot tall structure at this part of the property facing neighbors and traffic would be visually akin to an over-height retaining wall. (4) The occupant of the premises has failed to act responsibly: leaving out trash cans, loud parties, having guests who park illegally and rudely respond to reasonable requests to comply with the parking restrictions. By consensus the committee resolved to recommend to the board that it advise the zoning administrator to deny the requested zoning administrator's adjustment as the development is incompatible with the neighborhood, both the size and placement of the structure and its use, and because there has been a failure to meet any of the required tests for granting such an adjustment.

Billboards. Alan Bell, Senior City Planner, presented the current status of the Department of Planning's proposed ordinance in response to the City Council's and the City Planning Department's instruction. Dennis Hathaway, of the Coalition to Ban Billboard Blight, commented on the proposal, which returns to the City Planning Department on March 18.

After questions to both gentlemen and a discussion among the committee, the committee, by consensus agreed to recommend that the GGPNC advise the City Planning Commission as follows:

1. We believe that the recommended regulation of signage as proposed by the Department under your direction is generally an excellent solution to the current problems of proliferation of illegal and offensive signs. We

congratulate both you and the Department in your leadership in this regard and urge you to continue the political process of substantial revision of the zoning and other codes regarding this problem.

2. We believe the distinction between “on site” and “off site” signs should be retained; however, a definition of “on site” sign should be adopted to truly reflect the common-sense distinction, such as providing that a sign which advertises a product or service sold on site must be for a product or service that provides no less than a certain percentage (e.g., 25%) of that business's monthly income during the period the product or service is advertised.

3. We believe the City must commit to providing a substantially larger number of employees to enforce the ordinance, which should be funded by effective collection of fines owed by violators. Thus, the fines should go first to fund enforcement and then to the extent the fines exceed the cost of enforcement they should go to general funds. Alternatively, inspection fees should be set at an amount to adequately fund the cost of enforcement.

4. We believe a private right of action should be available to all not just those living or owning property within a specific boundary. The ordinance should provide for the payment out of the administrative or court proceedings for legal and "bounty" fees for successful prosecution. This will encourage enforcement. The private right would arise only if the City fails to take prompt action first after notice of violation.

5. We believe fines should be imposed against the person or entity determining the message on the sign (i.e., advertiser) as well as the land owner and owner of the sign. Enforcement might include revocation of the offender's business license if there are any unpaid fines.

6. We believe there should be no new sign districts allowed. Moreover, we believe there should be no “grandfathering” of sign districts for which applications were filed after July 29, 2008. As to any sign district benefiting from grandfathering or if new sign districts are allowed such sign districts should be regulated so that (a) new signs in such a district will be offset by the removal of an equal number of square feet of signs in the area abutting the sign district, (b) provision shall be made that areas outside of the district will be protected from the effects of signs within the district and (c) notice of a proposed sign district be broadly provided to areas adjacent to the proposed district with full opportunity for those outside the district but potentially affected by it to be heard.

7. We support continued prohibition of super graphics, digital signs and new roof signs.

8. We believe the Department of Building and Safety should promptly perform its obligation of determining which of the signs in the City are now “illegal”, not having been constructed in accordance with a permit, and enforce the applicable current ordinances.

9. We believe there should be a special task force of representatives of the Department of Building and Safety, the Planning Department, the City Attorney, the Fire Department, the Department of Water and Power, the Community Redevelopment Agency and representatives of the public such as neighborhood councils to review and report to the City Planning Commission on a regular basis the effectiveness of the current ordinance and any new ordinance, with recommendation for modification. The cost of such a task force should be assessed as part of the business tax on billboard operators.

10. We believe proposed Section 14.4.20, relating to continuation of nonconforming signs, should be modified to incorporate an amortization schedule. Following the amortization period the nonconforming sign shall be removed, and signage shall conform to the sign ordinance then in effect.

11. With respect to appeals of an order to comply - we believe that notice should be given to abutting property owners and the neighborhood council for the area of the date, place and time of the hearing. Abutting owners as well as neighborhood councils have an interest in such matters and should have the opportunity to comment.

12. We believe the City should apply the principles adopted for signage on private property to their own property to the extent the signs and properties are comparable.

Home Restaurant, 1758-1760 Hillhurst Avenue. This application for an increase in the authorized seating capacity from 60 to 96 and the extension of service times from 11 p.m. to midnight was filed in September 2008. A similar request to increase seating to 112 was opposed by GGPNC and denied by the zoning administrator in 2007, which denial was confirmed on appeal to the Central Area Planning Commission. Elizabeth Peterson, the applicant's representative has twice appeared before the committee on this latest application. Ms. Peterson was asked to come back to the committee with a definite plan for resolving the issues which resulted in GGPNC's opposition to the earlier application. Neither Ms. Peterson nor her client appeared. However, one neighbor appeared in response to the agenda and spoke in opposition to the renewed request. She reported no apparent correction of the parking problems.

By consensus the committee agreed to recommend to the board that it reiterate its opposition to the renewed application on the same grounds as stated before.

The meeting was adjourned at 10:55 p.m.