



Minutes

Regular Meeting, Thursday, November 7, 2013.

Socializing at 6:30 p.m., meeting 7- 9 pm

Montana Branch Library

1. The November 7, 2013 meeting was called to order at 7:05 PM by Albin Gielicz. Board members: Danilo Bach, Patricia Bauer, Todd James, Carol Landsberg, Evelyn Lauchenauer, and Mary Jo Stenger, were present. Victor Fresco, and Doris Sosin were absent. A quorum was present.

2. **Approval of the September 12, 2013 Minutes; adoption of the November 7 Agenda.** The September 12, 2013, minutes were approved as written and the Agenda adopted as proposed, with a two-minutes-per-speaker per-topic-provision. There was no Board Meeting in October. The meeting was cancelled to allow members to attend the city's public hearing on the draft downtown Environmental Impact Review, which took place on NOMA's regularly scheduled meeting night.

3. **Buy Local update.** Jennifer Taylor, SM Economic Development Administrator, said the "Buy Local" campaign is important to Santa Monica. It can be accessed at: buylocalsantamonica.com. NOMA has been awarded a \$1,000 grant to promote this campaign with re-usable bags that will be printed with the name of the campaign and NOMA logo, and possibly the Montana Merchants' as well. The city is surveying residents to see what types of goods and services residents think would be helpful to have in Santa Monica, and Jennifer asked that residents go to the web site to participate in the survey. She also said shoppers can get real-time parking information to help find parking spaces by going to the City web site to get the "park me" app. <http://www.parkme.com/widget/?lat=34.01680622427998&lng=-118.49805856483461&tracker=a6870aea-21dc-11e2-ba1b-12313d150ae9&zoom=17>

4. **Parking Lot Confidential.** A report by Tricia Crane, Vice-Chair, Northeast Neighbors. Tricia reported that members of Northeast Neighbors recently became concerned when they learned that a map used by the city planning department showed that numerous parcels throughout the city had been converted to commercial zoning without any public notification, discussion or vote. The situation came to light when developers proposed to build a five-story building on one of these lots, located behind 3032 Wilshire Blvd.

These lots, known as “A-lots,” are used as parking lots around town, and had for decades been zoned to protect residential neighborhoods from commercial intrusion. In the past, neighborhoods had been assured that these lots retained their underlying residential-only zoning, and would revert to residential use if they were no longer used as parking lots.

Northeast Neighbors filed a Public Records request to find out how the map was changed, but the records review did not revealed anything about the origin of the change. The group also raised concerns with the city administrator and members of the city council. Council Member McKeown and City Administrator Rod Gould have now indicated that they will work with neighborhood groups to restore the protected status of these lots. A change in the city’s map would require staff action, as well as approval by the Planning Commission and City Council.

Tricia urged NOMA to continue to be vigilant to assure that the A-lots are returned to their protected status. She said that a positive resolution of this issue and amendment to the L.U.C.E., assuming that it occurs would be the direct result of community action, and would demonstrate the strength of the neighborhood coalition. In order to be resolved, the matter must go through the Planning Commission and be voted on by the City Council, probably as part of the zoning code process. If the LUCE is amended, the continuation of A-lot residential protection would be part of the City’s General Plan.

- 5. Chain Reaction Sculpture preservation:** Danilo Bach, Board member, NOMA. Danilo reported that this anti-war sculpture, donated to the City by Pulitzer Prize winner Paul Conrad, is an important monument to peace and reminds us of the dangers of nuclear war. Although the City has not maintained it, it was officially deemed a public Landmark in 2012. It is now in danger of being removed from its location -- across from the Rand Corporation -- if \$400,000 is not raised for its repair and restoration by February 1, 2014. The motion was made by Danilo Bach, seconded by Pat Bauer and passed unanimously .
- RESOLVED: NOMA will endorse this campaign to repair and restore Chain Reaction and send an email notification regarding this issue to our members and friends.**

6. Commercial Fitness Trainers in City Parks.

City Council members Gleam Davis, Kevin McKeown, and Ted Winterer made short statements and received comments from NOMA members and friends.

Background: City Council recently approved a parks ordinance that permits private fitness trainers to use historic Palisades Park for commercial training. McKeown, Davis and Winterer voted with Mayor Pam O’Connor to approve the ordinance. Before Council voted to approve the measure, all seven of the city’s neighborhood groups had joined to oppose its passage, as did the city’s Recreation & Parks Commission and the Landmarks Commission.

NOMA members and friends rose to ask the Council Members to reverse their decision, saying that Palisades Park is a unique, tranquil and irreplaceable haven for quiet contemplation and the enjoyment of nature. Virtually everyone who spoke urged the Council to ban commercial trainers from the park. Among their other comments:

- The presence of commercial trainers in the park interferes with residents' quiet enjoyment of the views and nature, which was the original intent of the park since it was designated by the city's founders.
- The park is a unique and scarce resource that should be protected for the benefit of all, not just the people who are able to pay for commercial fitness classes.
- Commercial fitness classes will bring unacceptable traffic congestion and noise into the neighborhood.
- The start time of 6 AM is too early, and will disrupt the neighborhood with noise.
- The city must provide permanent personnel to supervise the trainers and enforce the new regulations.
- The ordinance does not provide an adequate mechanism for protecting the park's fragile ecosystem from the damage associated with widespread commercial training.

NOMA resident and attorney Stan Epstein said the ordinance approved by Council was poorly drafted ordinance and would not be able to effectively regulate the use of the park without extensive revisions. See Bill Bauer's column outlining Epstein's objections: <http://www.smnoma.org/1/post/2013/11/column-commercial-training-ordinance-is-deeply-flawed-ineffective.html>.

Epstein made the following comments:

- The ordinance as written does not grant Community & Cultural Services Director Karen Ginsberg the authority to formulate regulations limiting to 20 the number of permits for Palisades Park.
- Equipment. Council members were never told that equipment over 25 pounds is allowed under the ordinance except in cases in which the city chooses to press criminal charges.
- Sound: The ordinance as written does not grant staff the authority to ban PA systems, whistles, bull horns, boom boxes, and amplified sound in the park.
- Hours. The ordinance allows city staff to allow 5 AM classes in Palisades Park.
- Reimbursement for park damage: The ordinance permits this to be obtained only through criminal proceedings, not administrative ones.
- Number of trainers. The ordinance is not specific enough to effectively limit the number of trainers using the park. It does not contain precise definitions, leaving it unclear whether a "trainer" is an individual, a corporation, a team, or something else.
- Annual use charges: Council simply adopted the same numbers as charged in Fort Lauderdale, Florida. Council and staff never examined the income of trainers or City costs incurred from the training, including park maintenance and replacement.
- Suggested action: Get a fourth Council member to exclude Palisades Park from use by Trainers; or immediately amend the ordinance to cure all of the above problems.

Phil Brock, Recreation and Parks Commission chair, said recent changes in city staffing make it unlikely that the ordinance will be effectively enforced because park rangers have been assigned other duties that keep them away from Palisades Park.

Council Members Davis and Winterer urged residents to give the ordinance a chance to work. They said they anticipate the ordinance will give the city an opportunity to impose order on the iconic gateway. Councilmember Davis also said she felt it would be impossible to ban commercial fitness trainers from the park as there are other commercial uses in the park. She said she has observed movie shoots and a recent children's birthday party held there. McKeown said he opposed the use of Palisades Park by trainers, but supported the ordinance because he felt that some regulation would be better than nothing at all.

Board members said they would continue to work with other neighborhood groups to seek solutions to citywide concerns about commercial use of scarce park land.

7. Treasurer's Report: Co-Treasurer, Evelyn Lauchenauer reported that NOMA has a balance of \$7,103.28. Expenses for the month were: \$981 for the CPA and \$400 for an advertisement about NOMA in the Santa Monica Daily Press special Montana Avenue edition.

8. Committee Updates:

a. Land-use Committee

- 1) Zoning Ordinance: – to be addressed in the next two months.
- 2) Community Benefits Proposal for Tier 2 Approval: Land Use committee member Jane Koehler presented a draft proposal that has been developed by representatives of the city's seven neighborhood organizations. The proposal is intended to end the confusion over what constitutes a community benefit and what does not. These Community Benefits have not yet been sufficiently defined by the staff, Jane said.

Tier 2 permits are not subject to City Council approval. Tier 2 does not apply to buildings North of Montana where there is R-1 zoning. Jane said that developers often designate things as community benefits which are not, such as: fees mandated by the Santa Monica Municipal Code for any site alteration; site amenities that are essential for the project's design and purpose; and required traffic mitigation measures to offset the increased traffic that will be generated by the project itself. However, none of these things are considered community benefits under the LUCE. [Per LUCE 3.2-2]

The proposal by the Neighborhood Associations recommends that Tier 2 community benefits:

- Be transparent in the Zoning Code and subject to resident oversight;
- Be linked with measurable standards to assure accountability for fees collected and tangible benefits implemented;
- Be enforced on an ongoing basis;
- Include an additional increase of 50 percent over any and all existing fees/benefits;
- Require that affordable housing be built on site and be increased by 50 percent;

- Encourage adaptive reuse of existing structures by allowing payment of Historic Preservation fee only for new construction;
- Improve traffic congestion management;
- Provide direct benefits to the neighborhood(s) impacted by the proposed development.

Recommended action: NOMA's Land Use Committee recommends that NOMA support the adoption of Tier 2 community benefits proposal from the Neighborhood Council's Community Benefits Committee, as described by Jane Koehler. The motion was made by Albin Gielicz, seconded by Carol Landsberg, and passed unanimously.

RESOLVED: NOMA supports the adoption of the Tier 2 Community Benefits Proposal from the Neighborhood Council's Community Benefits Committee for Tier 2.

b. Nominating Committee: The slate of candidates for the NOMA Board of Directors will be presented at the December 5, 2013 Board Meeting.

9. Board Actions taken since the last meeting: All actions are posted at smnoma.org:

- October 2, 2013 -- Letter to the City Council regarding the environmental impact of prospective downtown development
- October 8, 2013 -- Letter to City Council opposing the use of Palisades Park by commercial fitness trainers.
- October 16, 2013 -- Letter to City Council opposing the use of Palisades Park by commercial fitness trainers.

10. Announcements:

NOMA Meetings:

- December 5, 2013- Regular Meeting NOMA Board- Montana Branch Library: Socializing 6:30 PM, Meeting from 7 PM - 9 PM
- Annual Meeting; January 18, 2014. Aero Theater from 3 PM - 5 PM
- Small Business Saturday – Montana Avenue- Saturday, November 30, 2013
- Holiday Walk on Montana Avenue- Friday, December 6, 2013 from 5 - 9 PM

11. Adjournment: The meeting was adjourned at 8:55 PM

Carol Landsberg, Secretary