

**MINUTES OF THE MEETING OF THE
BRENTWOOD COMMUNITY COUNCIL
Held at Brentwood Kaufman Library, 11820 San Vicente Blvd.
Tuesday, November 2, 2010**

CALL TO ORDER AND INTRODUCTIONS

Chairman Raymond Klein called the meeting to order at 7:08 p.m. Members of the Council introduced themselves and identified their representative capacity.

Present:

Representatives

Loretta Ditlow
Leonard Blum
Nancy Freedman
Roz Gamble
Bryan Gordon
Ray Klein
Jackie Raymond
Kathleen Garfield
Jenna Abouzeid
Said Jabbari
Larry Watts

Sue Casamassima
Eva Satori-McClane (Alternate)
Mary Sidell
Ike Cohen
Bob Berglass
Linda Taheripour
Flora Gil Krisiloff
Mary Helen Michel
Nancy Babcock
Tony Diamond (Alternate)
Kyle Kosloff (Alternate)

Alternates

Marylin Krell
Victoria Talbot
Flo Chapgier
Elin Schwartz
Cori Solomon

Dennis Hinman
Tom Pilla
Sam Yadegar
John Given

Legal Counsel

Larry Watts

Absent:

Representatives

Jennifer Wenger-Turchen
Rabbi Morley Feinstein
Gene Heller

Wendy-Sue Rosen
Dr. Mary Ann Lewis
Cory Buckner

Alternates

Tom Freeman
Mitch Feinman
Naomi Kageyama
Christina McIntosh

Tom Kalette
Barbara Bloom
Keith Allen-Niesen
Barbara Goldberg

APPROVAL OF MINUTES

The minutes of the October 5, 2010 meeting were previously distributed. The Chair asked for corrections; there were three corrections which involved typos and which would be corrected. Flora Gil Krisiloff noted that the minutes reflected the FARMShop vote passed when it was determined later that it had not. The Chair responded that the minutes reflected what actually happened and was said at the meeting, but that he would include the comment that the required vote according to the Bylaws had not been received. A motion was made and seconded and the minutes were unanimously approved as distributed with zero abstentions. The Chair welcomed Elin Schwartz as Alternate from BHA and John Given as Alternate from Brentwood Hills.

TREASURER'S REPORT

Bryan Gordon, Treasurer

- Receipts for October were \$1,100 in total, being \$200 for Dues, \$800 for the Business Directory, and a \$100 donation.
- Disbursements were \$570
- Net surplus for the year to date is \$210.54
- The balance on the Regular Checking Account is \$4,809.15
- The balance on the Business Directory Account is \$900.39
- The balance on the Street Furniture Fund is \$14,250.00

This concluded the Treasurer's report.

PUBLIC SAFETY REPORT

Officer Philip Enbody, Senior Lead Officer

Raymond Klein, BCC Public Safety Representative

Officer Enbody reported that year-to-date crime figures were 10% down in Brentwood. He warned everyone that with the coming holiday season, not to leave any items in cars. There was a recent shotgun robbery in Brentwood Village that was under investigation. It appeared to be an isolated crime. He also thanked the Brentwood community (homeowners associations and volunteers), for always responding to the LAPD's requests for donations and help.

Ray Klein reported on the CPAB meeting. The Captain noted the upcoming holidays and the anticipated increase in crime. He mentioned that people sit in their cars on cellphones and this provided an opportunity for theft. Lock doors and do not leave purses in shopping carts. Leave lights on in your home when you are out in the evening.

Ray Klein discussed the approximately dozen Neighborhood Watch programs that he and Officer Enbody started in Brentwood. Ray has the forms and if anyone wishes to host one on a Sunday afternoon, he and Officer Enbody will make a 10 – 20 minute presentation. Neighborhood Watch groups allow neighbors to get to know one another and share skills that are invaluable in the event of an emergency. See Ray Klein or Officer Enbody for more information.

Ike Cohen asked for an update on the radar guns furnished to citizens. Officer Enbody said the program was still in effect. Violations generate a letter to the registered owner of the car. Four to five people are required to start a group. Ike suggested reinstating it in certain streets in Brentwood where speeding is prevalent. Officer Enbody said he would obtain the appropriate contact names for Ike and anyone else that was interested. The Chair thanked Officer Enbody.

GOVERNMENT REPORTS

Ellen Isaacs for Assembly Member Mike Feuer

Ellen Isaacs reported that it was an important night for Assembly Member Mike Feuer and she hoped everyone had voted. She distributed the newsletter and a list of bills that were signed by the Governor. The budget that was signed was the latest in California history and, unfortunately, the structural issues that were the subject of much debate in the state were not addressed and we will have the same problems next year. It was a compromise budget. Following the signing, the Governor vetoed a couple of provisions, one of which was child care for about 56,000 children of newly employed mothers. Legislature will try to address this when it comes back into session in January.

Other items that Ellen mentioned included the Job Fair on November 3 – see details in the newsletter. Metro Board approved an alternative for the subway last week and left it to further study for the station location in Century City and Westwood.

Natural Gas Line Safety Committee (last item in the newsletter) will hold a meeting to discuss safety procedures and Ellen said she would report on it at the December meeting. The purpose of the meeting would be talk about the 405 gas lines.

Stephanie Molen, Field Representative, Senator Fran Pavley

Stephanie was absent so there was no report

Jennifer Badger, West Area Director, Mayor's Office

Jennifer was absent so there was no report

Jessyca Avalos, Field Deputy Councilman Rosendahl

The Chair presented a bouquet of flowers to Jessyca Avalos to thank her for her work as Councilman Bill Rosendahl's Field Deputy for a couple of years. She has been especially supportive of the BCC and the Chair thanked her for her work. Jessyca has been accepted by the Police Academy and wants to be a police officer. Jessyca expressed her gratitude for the flowers and explained that this has been in process for the past year and she received the call last week notifying her of her acceptance to the Academy. She introduced her replacement: Yoaquin Macias. Yoaquin starts on Friday and has spent the better part of the day getting up to speed on hot issues in the district. Yoaquin explained that he had worked previously in Council District 2 for 4-5 years under Wendy Greuel, and he worked for Councilman Paul Krekorian for six months and he helped train the staff. He felt he was very fortunate to find a new position with Councilman Rosendahl. His email is Yoaquin.Macias@LACity.org. The Chair welcomed him and said we all looked forward to working with him.

ANNOUNCEMENTS

Nancy Freedman announced that she and Keith Allen-Niesen had responded to the appeal for candy by WLAPD. They purchased and delivered the candy on behalf of BCC. Ray requested donations of \$5-\$10 to cover the cost. Donations were provided to Nancy on the spot and she thanked everyone.

Eva Satori-McLane announced the following events:

- St. Martin of Tours (11955 Sunset Blvd):_November 6 11:00 - 5:00: Fall Festival - Annual family carnival with games, rides, prizes, raffles, cake walk, great food, fun shopping.
- Brentwood Presbyterian Church (12000 San Vicente Blvd):
November 28 ADVENT SERVICE at 6:00 PM, Sanctuary – Annual service to decorate the big tree, sing traditional holiday songs and share the message of Advent – a time of waiting for Christ to come again.

December 5 Angel Store: 9:00 AM - 1:30 PM, Fellowship Hall. This wonderful annual event allows you to select gifts for loved ones and crafts from 10,000 Villages and international artisans; your purchases will provide much needed assistance to people locally and globally.
December 5 Christmas Choir Concert: 2:00 PM, Sanctuary. Annual holiday concert by the BPC Chancel Choir; this year, they will be performing Benjamin Britten's "Ceremony of Carols." The Angel Store will be open after the concert with a reception in Fellowship Hall.
December 9- 12 The Giving Spirit Project in BPC Fellowship Hall and other rooms. Each December, The Giving Spirit assembles and delivers survival kits to more than 2,000 children, women and men throughout the streets from Skid Row to the Westside, the San Fernando Valley and the Inland Empire. Volunteers needed: For more information, please visit their website at www.thegivingspirit.org
December 24 CHRISTMAS EVE SERVICES: 5:00 PM Family Service; 8:00 PM and 10:00 PM Traditional Candlelight Services, in the Sanctuary.
December 26 Day after CHRISTMAS: 10:00 AM service.

On November 9, University Synagogue has a Hannukah Boutique from 8:30 AM to 3:00 PM

Nancy Freedman announced the 5K Run for Prostate Cancer on November 21. San Vicente will be closed for 2 hours and will reopen at 10:30 AM. Nancy spoke to the organizer and he said it is hard working with the City. Nancy will work with him personally.

Nancy and Kathleen Garfield were at the State Home and if anyone is interested in volunteering, they are starting a volunteer program. You apply and go through the process and can also make donations – they need items such as computers, TVs and even holiday decorations. The Volunteer Coordinator is Brittney Thomas, State Veterans Home of California, and you can reach her at Brittney.Thomas@cdva.ca.gov Tel: (424) 832-8200.

The first Wednesday of Brentwood Village is November 3, 2010. It was originally November 2 and notice was sent out by email. The Chair said if Jennifer Wenger-Turchen lets him know about it, he will list it in the "Community Events" section on the BCC site.

The Chair noted that Flo Chapgier represented the BCC at the Mayor's Budget Day on October 16 and her notes were distributed to the council. The Chair asked for additional comments and Flo said the meeting was very interesting and she would like to represent the BCC at next year's meeting if no one else wanted to do it. The Chair thanked her for representing the BCC and for her report.

COMMUNITY CARE FACILITY ORDINANCE

Chris Spitz and Jennifer Malaret

The Chair reported that Pacific Palisades is one of the biggest supporters of this ordinance to regulate community care facilities and boarding houses but support has spread to Mar Vista and Bel Air Beverly Crest and others that surround Brentwood. A proposed Motion was attached to the information emailed to the council members. The Chair then invited Chris Spitz and Jennifer Malaret to discuss it. Chris Spitz introduced herself as Chair of the Pacific Palisades Land Use Committee and then handed it over to Jennifer Malaret. Jennifer discussed the position of Pacific Palisades and their wish to have an ordinance that would enable them to regulate group homes. They support sober living and it does not prevent sober living facilities from operating. She felt it was well drafted. They have three facilities in Pacific Palisades and one is a problem. Without this ordinance, there is no response or action from Building & Safety so they were asking Brentwood to support them and attend the meeting assuming the BCC passes the motion to do so.

The Chair read the motion into the record.

Resolved, that the Brentwood Community Council supports the proposed ordinance that is intended to protect the character of low density residential neighborhoods (CPC-2009-800-CA), and requests additional provisions to:

1. Restrict the location of community care facilities within 1,000 feet from schools and other such sensitive uses.
2. Impose limits to address over-concentration problems, in addition to the requirement that community care facilities not be located within 300 feet of each other in order to limit overconcentration.
3. Require a public hearing before the City may make a determination relative to the "Public Benefit" test and performance standards for licensed facilities of seven or more residents, and where an operator requests a "Reasonable Accommodation."
4. Prohibit Correctional or Penal Institutions, including group homes, from locating in residential zones, including pursuant to a conditional use permit or otherwise.

The Chair said the proposed additional provisions above have been revised compared with the Palisades motion as a result of the Palisades meeting with the City Attorney's office, and that if the BCC were to pass the motion, the Chair would draft a letter to the City Planning Commission for Jennifer or Chris to take with them to the hearing. Sue Casamassima asked what "reasonable accommodation" was. Jennifer responded that under the Fair Housing Act recovering alcoholics are considered disabled so they cannot discriminate against people recovering from drug and alcohol the same as they cannot discriminate against people with mental illness. The City is required to make a reasonable accommodation if they cannot comply with a comparable ordinance for non-handicapped persons, e.g. a fire permit. One of the houses in the Pacific Palisades has 11-14 people in a 4-bedroomed house. In an unlicensed facility there was no oversight for that use relative to procuring a fire permit. If city ordinance passes and the operator says he is housing handicapped persons under Federal law and requests a reasonable accommodation to waive the requirement for certain fireproofing because recovering drug and alcoholics can get out of a house as quickly as people that are not handicapped. Their concern is the ministerial process which requires no notice. They want notice and a hearing. Chris added that this applies to facilities with 7 or more residents.

Len Blum moved the Motion and it was seconded. In response to the request for clarification on the difference between the two motions, Jennifer said the grandfathering language was the main difference and they did not want that responsibility. There was additional discussion regarding facilities behind gated communities. Jennifer confirmed it applied to those too. She continued it was not the licensed facilities that were causing the problems; according to LAPD 90% of complaints were about unlicensed facilities and the ordinance was aimed at them.

The Chair said the issues were complicated and there were federal and state laws. The BCC's primary purpose was to weigh in to the planning commission in support of this ordinance. Jennifer was not sure how many grandfathered homes there were in Brentwood. There was discussion about adding the grandfather clause to the BCC's motion.

Vickie Talbot said that the original flyer was discriminatory. She was concerned about over reacting and assuming all sober living houses were causing a problem.

There was discussion by John Given regarding the distinction between seven or more or six or less residents and that it might be against FHA. The Chair said that it would be decided by the City Attorney. John Given recommended making it seven or more residents.

Linda Taheripour asked if she could amend the motion to include the grandfather clause. The Chair said the vote would be taken first.

A vote was called for. The vote was 18 in favor with 2 abstentions. The Chair declared the Motion had passed. Linda Taheripour asked if there could be an amendment to add the grandfather clause. Wendy-Sue Rosen asked if anyone was opposed to the ordinance and Jennifer said the Sober Living Institute was opposed and the County of Los Angeles Mental Health had submitted a letter and the Corporation of Shared Housing had the same concern as they received county funds. The industry wants to self-regulate.

The Chair stated again that the Motion had passed and an amendment had been made to add “No legal non-conforming use will be created by the passage of the ordinance.” Larry Watts confirmed that the amendment meant it did not make anything legal that was illegal before. The Chair called for a vote and it was 16 in favor and 4 abstentions. The Chair declared the Motion had passed. He thanked Chris and Jennifer and they thanked everyone for the opportunity to present.

Sunset Safety Committee

Said Jabbari, Chair, announced Steve Gilbert had agreed to be the Co-Chair. Steve Gilbert recapped the Slow Down for Julia event on October 16, 2010. Jessyca Avalos had already reported on it at the previous BCC meeting, including the increased ticketing by police. The Chair reminded everyone of the list of items that the committee wanted to address regarding Sunset safety and Said confirmed he and Steve Gilbert would meet again and announce the next meeting of the committee and discuss the additional items.

Sign Violation Committee

Marylin Krell thanked Jessyca Avalos for putting her in contact with person who would be arranging training for those interested in learning about sign violations on San Vicente Boulevard. They are joining CD5 and the training will be November 17 at 6:00 pm. The training will last about one hour and will teach participants how to recognize and report sign violations on public property. Contact Marylin Krell at MKrell1026@aol.com for information on how to join the training. This training is not specific to San Vicente Boulevard. It is broadly based.

Larry Watts added to Steve Gilbert’s report that as a result of the campaign on Sunset on October 16, 2010, he had noticed that the observance by car drivers of bus stop signs had improved in the last month.

COMMITTEE REPORTS

Land Use Matters

Bryan Gordon, Co-Chair Land Use Committee

FARMShop

The Chair noted that although there had been significant discussion regarding this project, the restaurant had not presented to the BCC. Bryan Gordon reported that a public hearing was held before the ZA on October 27 at which many neighbors appeared and expressed their concern regarding the impact of serving alcohol, and many Brentwood residents spoke in support of the application and Country Mart. Over 600 letters in support from members of the Brentwood community were submitted and the ZA agreed to keep the record open until November 17, 2010 to allow the parties to complete their negotiations and to come to agreement on a set of conditions. Bryan then made the following motion:

I move that the BCC support the continuing dialogue between the Applicant and the Avondale neighbors with whatever advice and assistance is requested from the BCC by either stakeholder. I further move that the BCC advise the ZA that the BCC supports the granting of the CUB subject to fair and reasonable conditions that will permit the Applicant to operate a successful breakfast, lunch, and dinner business.

Absent a resolution on unified conditions prior to the close of the ZA record, the BCC is authorized to submit proposed conditions in substantial conformance with those circulated last month, and as shall be approved by the Land Use Committee and the Executive Committee.

The Motion was seconded. The Chair passed around a copy of the motion so that the members would have it in front of them while FARMShop representatives made their presentation. Bryan said the presentation by the restaurant would be followed by a discussion and then a vote. Flora Gil Krisiloff had made a presentation on behalf of the Avondale residents at the last BCC meeting so the restaurant would be given equal time. Flora stated she did not speak on behalf of the Avondale residents; she did not live on the west side of Avondale so she did not know the impact on them and the neighbors had not actually spoken. Bryan said there would be time for the neighbors to speak after the presentation.

The Chair introduced Jim Rosenfield, who stated he was the master lease holder of the 60-year lease with 52 years remaining. He came to the BCC eight years ago to introduce City Bakery. The Country Mart presented a childhood dream to him to restore it to what he remembered in his youth. They have been able to withstand the economy and bring back some of those that have been long gone. They tend to be higher end, low impact as opposed to high volume, national advertising, chain stores. When the bakery failed, they went looking for a new market/bakery/café. They met with 30 or 40 possibilities from around the world and decided on Jeff Cerciello. Jeff is from Southern California and trained at the Culinary Institute of America at Hyde Park; he was chef at French Laundry, opened Bouchon Bakeries around America, Ad Hoc and Per Se in New York so he is a pro's pro. He came to Jim with the concept of FARMShop, an organic market, café/bakery. One of the original tenants in 1948 in the Country Mart was Farm House. The restaurant is "family-style" which means it is a set menu and the only choice is what wine you want with your meal. They have had several meetings with the residents over the last three or four months to agree on conditions. They have received 700 letters of support from members of the Brentwood community and 20 or 25 members of the community had accompanied them to the BCC meeting that evening. Jim then asked Jeff Cerciello to describe the restaurant in more detail.

Jeff Cerciello introduced himself as the chef-owner of FARMShop. He had spent the last 20 years practicing, teaching and honing his craft for an opportunity like this. FARMShop was a neighborhood restaurant serving breakfast, lunch and dinner. It will open at 7:00 am as City Bakery had, serving croissants, muffins, bakery items, coffee and teas. In the table-service restaurant, they will serve smoked salmon and scrambled eggs and waffles to bring the family together. Jeff said he knew where he was although his background has taken him around the country— his grandma lived in Pacific Palisades. He wanted to keep all these family elements and dinner was where he practiced his craft. Family-style dinner meant it was served as you would at home – a big dish and you all help yourself. Fall squash soup, a roast that is shared, cheeses were an important element. It might be three courses during the week or four courses. Beer and/or wine with the meal was appropriate. He did not mean "wine in a box;" it would be curated and well thought out using producers to the north and to Napa Valley and Sonoma – people Jeff has worked with. The wine will support the meal and complement it – it was not a bar.

Jeff discussed the market and said it reflected the elements Jim noted and will supply staples such as milk, butter, eggs. There will be a cheese department and a deli with cured meats, sturgeon, smoked fish. There will be a butcher and a prepared foods department where you can pick up prepared food for work or eat it in the courtyard. They will also sell Heath tableware. They want to have a lot of synergy and to showcase artisans as this was his inspiration for the market. Jeff noted the discussions Jim and he had with neighbors regarding the hours; in April they knocked on doors and also met with neighbors to discuss the restaurant hours and they listened to what they had to say. They asked for 10:00 pm and Jeff agreed. City Bakery was open at 7:00 am and they were proposing to open for breakfast at the same time;

they cannot open any later than 7:00 am or it would put breakfast in jeopardy. They cannot open at 9:00 am and close at 9:00 pm and expect to have a profitable business.

Jeff also discussed the square footage. The total area is 6,000 sq feet and it is zoned for 49 seats. FARMSHOP is in two phases: #1 is the restaurant and #2 is the market. The total square footage of 6,000 sq ft includes 1,600 sq ft of storage area in the basement. So phase #1 is 2,100 sq ft of which 515 sq ft is a waiting area, and accessory dining of 350 sq ft which is very small and the same as City Bakery. There is a service area/kitchen of 971 sq ft. So the actual restaurant area represents less than half of the total square footage. The market is an additional 1,500 sq ft with 875 sq ft of kitchen in the back. Jeff said he understood the concern about the square footage. Jeff then introduced his team: Josh Drew and Michael Darmo. They spoke to the character of Jeff and to the sensitivity to the neighbors regarding noise, garbage, glass and how they propose to handle it with organized and disciplined procedures. Josh said as members of the community, they respect the neighbors and they could be trusted to operate the facility in everyone's best interests. Michael then spoke briefly along the same lines and noted he was a colleague and good friend of Jeff Cerciello. He discussed training and alcohol awareness and said he was trained in the TIPS method. He has worked in five star hotels and strongly believed it filtered down from the top. He acknowledged the points made by the neighbors but said beer and wine were necessary for the restaurant. This concluded the FARMSHOP's presentation.

The Chair then asked Flora to designate someone to speak on behalf of the Avondale Residents. Flora said she represented Brentwood Terrace. The Chair asked if Brentwood Terrace had held a meeting to vote on this issue. Flora said they had not had a meeting or a vote but Avondale neighbors were here and Kilian Kerwin was here to speak on behalf of them.

Kilian Kerwin said he had lived in Brentwood Terrace for 15 years and there had never been an onsite CUB at the Country Mart during that time. The neighbors (Avondale Coalition) supported the FARMSHOP but they have concerns regarding the CUB and want to make an informed decision. Their concerns are parking and traffic circulation that affects the surrounding neighborhood, zoning issues, and a sound wall. Kilian then listed the neighbors' requests:

1. Mitigate noise, e.g. when workers arrive for the breakfast service
2. No special events or outdoor parties
3. Restaurant does not become a bar
4. Reduce noise when leaving at night; no parking in alleyway and no carts
5. Alleviate traffic and parking congestion; there is a discrepancy in the parking spaces
6. Mitigate noise due to trash collection.

These conditions made a difference if you live next door to the Country Mart. He quoted section 12.24 from the LA Zoning Code. He repeated that this affected the neighbors closest to the proposed restaurant. The neighbors believed they could settle this themselves in a timely manner. He referenced an email from the BCC LUC saying they were happy to let the residents take the lead. Kilian said that three BCC Executive Committee members accompanied the applicant to a meeting with Councilman Rosendahl on the 19th. He asked the BCC to refrain from undermining the residents' efforts.

Bryan Gordon noted two points of correction in Kilian's statement and they were that the BCC conditions did include the MND and police conditions whereas Kilian stated they did not. Kilian responded that he must have the wrong copy. Bryan continued that there were clearly many issues. The Chair said the FARMSHOP was now entitled to two minutes to respond.

Jim Rosenfield spoke in rebuttal and said that as far as a precedent for the last 62 years, beer and wines had been available before through previous tenants such as the Liquor Barrel, Briggs was also there, Fireside Market, Bristol Farms Market and even in some recent history, there was Chez George and Marjams Deli which he believed served beer and wine. One of the reasons City Bakery failed was that they did not have an alcohol license. Jim confirmed they will comply with all the city requirements regarding parking, zoning, hours of operation of 7:00 am – 10:00 pm same as City Bakery. They closed earlier and earlier because they had no business.

Bryan Gordon noted an additional clarification to Kilian Kerwin's statement which was that at the meeting at Dr. Mary Ann Lewis' house, he stated the BCC would stand back and let the residents and applicant negotiate their conditions without hindrance from the BCC and he also wrote that in his email. The resolution he was proposing was that we support the continuing dialogue between the neighbors and applicant and we will only provide advice and assistance as called upon by either applicant or the neighbors. The neighbors were not the only stakeholders, the Country Mart was also a stakeholder. Bryan continued that we were not proposing to get involved, it was only in the *absence* of a resolution between Avondale and Country Mart. It was then decided to allow the neighbors another 5-10 minutes to speak before it went to the board.

Neil Harris wanted to illustrate what it was like to live behind the FARMShop with photographs. He distributed photographs of a garbage truck at 8:00 am. A comment was made that FARMShop was not yet open and Neil agreed. The Chair asked him if he would support FARMShop with any set of conditions. Neil continued with the trash cans and garbage collection, deliveries and carts. He noted lack of parking. He noted there were ways to mitigate all these issues if they worked together. He expressed concern regarding parking as the parking lot was full on Sunday and FARMShop was not even open yet. Cars used the alley and it was dangerous. He showed a photo of a car going the wrong way down the alley. He noted a new ice cream shop and coffee shop had opened recently and the ensuing increase in use and outside seating adjacent to his house was not up to code. He referenced the hours of A Votre Santé. They wanted to work together with the restaurant on the issues and welcome them to the community.

The Chair called for questions and comments on the motion that was on the floor by members of the council. He invited Sue Casamassima to speak and she said she lived in Brentwood Glen and her HOA group was voting against FARMShop; however, she was in favor so when she voted no, we would understand her position. She has shopped at Country Mart for 30 years and eaten at the Deli. The Deli used to be open at 7:00 am so how can the residents object to the FARMShop opening at 7:00 am? As far as noise, Sue said she lived a block and a half from the 405 and it was noisy and dirty but she knew that when she purchased her house. There was a public alley behind the Country Mart and the city was not going to stop the public using it. Regarding the proposed restaurant hours, Sue used to shop at Tanaka's and they were open early in the morning and the neighbors did not have a problem then. She felt the intensity of Bristol Farms Market was more than that of a 1 ½ hour-long dinner at FARMShop restaurant.

Said Jabbari said he was in support of the FARMShop and did not oppose the serving of beer and wine. He asked Jeff whether they were serving beer or wine in the waiting area. Jeff responded it was part of the restaurant so if you were waiting for your table, you could have a glass of wine. Said's other question was based on the resolution at the previous month's BCC meeting and why the BCC presented before the ZA. The Chair said if Said had read the supplemental information (and Said confirmed he had received it but not read it), at the hearing Ray Klein told the ZA the BCC was divided and under the bylaws no motion passed. He asked the ZA to hold the record open to allow negotiations and submit conditions prior to the record closing because the lawyer representing the Avondale residents had a duty to represent

only the interests of his Avondale resident clients and not the whole community. Ray said he did not present a position of the BCC on the FARMShop. Said confirmed he understood. Said then questioned the derogatory statements that BCC members were alleged to have said at the ZA hearing. Wendy-Sue Rosen said the comment regarding there being only 6 affected residents was derogatory. Bryan Gordon stated nothing derogatory was said. Said continued that he believed the Avondale neighbors should have the lead and BCC should have a supporting role. He believed that was what the BCC's motion meant but it needed an amendment. If an agreement was reached, then the BCC should support the agreement and all its provisions. He felt it was best to make it very simple so everyone understood the position of the BCC. Bryan agreed to amend his motion to remove "absent." The Chair then invited Flora to present.

Flora Gil Krisiloff said it was not about alcohol but it was about real impacts to neighbors of the Country Mart. She believed the BCC LUC had exceeded its responsibility. She discussed the meeting at Dr. Mary Ann Lewis' home and the BCC's conditions that were in the public realm. Bryan said FARMShop had not seen the BCC's conditions. She said the sound wall and moving the trash bins were not noted in the BCC conditions. These two items were a significant issue of quality of life. She did not think Bryan's comment regarding there being only six homes affected was derogatory but she felt it undermined the neighbors. She quoted from Section 12.24 of the Zoning Code. Bryan Gordon said no one was disputing that the Avondale residents were the immediate residents and most impacted. Flora said the motion had a bias against the neighbors and should include, "and protect the quiet enjoyment of neighbors."

Nancy Babcock stated it was not about beer and wine but it was about letting the residents negotiate. The vote last month was about letting the neighbors proceed independently. There was no harm in that and it sounded like everyone could come together. Nancy said she felt strongly empathetic to the Avondale neighbors but they chose to purchase homes there so there was a little antipathy.

Larry Watts said he reviewed the BCC conditions and the neighbors' conditions back in October and they were very similar. He said Bryan was expecting the sound wall to be part of the process. Flora said it was not there but Larry said it was and it was their intention. The trash cans issue he felt was something that could be worked out. He did not feel the hours of 7:00 am and 10:00 pm were unreasonable. If the community had a breakdown on conditions then they should come back to the BCC LUC. The Chair pointed out that the record was only open until November 17, 2010.

Kyle Kosloff spoke and said he represented 300 homeowners within Crestwood Hills. He believed this resolution was something we could pass as written. The BCC represented the entire community. He recommended taking a step back from emotions. It should be simple to vote on.

Len Blum said we have to do this by November 17 so we need a trigger if the residents cannot come to an agreement. Many stakeholders he had spoken to were in favor of this. Kyle agreed with him. Len said the BCC did not have the opportunity for another meeting so we needed to decide now. Kyle agreed.

Ike Cohen said it was sad. FARMShop respects the neighbors and the neighbors understand FARMShop should go there and it is beneficial to the neighborhood and Country Mart. Each side agreed they needed to get together, the more you talk the more mistakes you make. But basically we agreed. The two sides needed to discuss and resolve differences. If they cannot agree, then something must be done.

Jenna Abouzeid believed that what was missing from the motion was a sentence at the end "to operate a successful breakfast, lunch and dinner business while simultaneously mitigating any and all negative impacts to surrounding neighbors." Bryan Gordon agreed to amend his motion along those lines. Jenna also added, "shall be approved by the Land Use Committee and the Executive Committee prior to

submission.” Several members objected and Flora noted the sound wall was not included as she was looking at the conditions from last month. The Chair corrected Flora and said the sound wall was part of the MND incorporated under #23. The Chair asked for anyone else on the council who wanted to speak.

Cori Solomon, Alternate and President of Brentwood Glen Association said she wanted to clarify that Brentwood Glen was not against FARMShop.

Tom Freeman said that the only way to have a successful negotiation was if you had two parties that negotiated and not have one party, FARMShop, think if they did not come to agreement they would have the explicit support of the BCC. The notion of the deadline of November 17 was bogus. There would be an appeal on this anyway and there was time to let the parties work it out.

The Chair commented that by the BCC staying out of it by November 17, we abdicated the BCC role as the voice of the community and that was what the BCC was supposed to be. Giving the lead to someone else was one thing, but staying out of the process reduced the voice of the community to only a very small group of people.

At that point Jim Rosenfeld said he had to interject and said that people were saying this was not about economics and the Country Mart survival, he wanted to make it clear that it absolutely was. People asked what killed Duttons and everyone had an opinion. His job for the past 8 years was to keep Country Mart alive and it had been unbelievably difficult. He had lost \$7 million. It did not mean they did not have to respond to the neighbors. The Chair thanked him and then asked John Given for his comments.

John Given proposed an amendment to the existing motion and that the only sentence to remain would be “we support a continuing dialogue” and the third sentence undercut that statement. So he was objecting to the last sentence. The Chair thanked him for the suggestion.

Flora asked to amend the motion. The Chair said we would vote first and then amend it. Flora continued she wanted to amend the motion to exactly what John Given said. She said it was not true that the community’s voice would be silent. What the community wants is for the FARMShop to go in there with a beer and wine license and for the survival of the Country Mart. We all want that and the two groups that can make that happen are the applicant and the Avondale residents. She said she did not represent just Brentwood Terrace - she has been an advocate for residential rights for many years. The Chair asked Bryan if he would accept that amendment and he said he had an amendment. Said Jabbari then suggested an amendment that included the BCC’s involvement if an agreement could not be reached but Len Blum argued that there was not an opportunity before November 17 for the BCC to meet again.

Bryan Gordon agreed to amend the motion as follows:

I move that the BCC support the continuing dialogue between the Applicant and the Avondale neighbors with whatever advice and assistance is requested from the BCC by either stakeholder. I further move that the BCC advise the ZA that the BCC supports the granting of the CUB subject to fair and reasonable conditions that will permit the Applicant to operate a successful breakfast, lunch, and dinner business and mitigate the impacts to the neighbors. Only absent a resolution on unified conditions prior to the close of the ZA record, the BCC is authorized to submit proposed conditions in substantial conformance with those circulated last month, and as shall be approved by the Land Use Committee and the Executive Committee.

The vote was taken and there were 15 in favor, 7 opposed, and zero abstentions. The Chair declared the Motion had passed.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:40 p.m.

NEXT BCC MEETING: December 7, 2010