

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, APRIL 2, 2012  
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS  
625 N. SAN VICENTE BOULEVARD**

**6:30 P.M. – REGULAR MEETING**

**CALL TO ORDER:** Mayor Duran called the meeting to order at 6:44 p.m.

**PLEDGE OF ALLEGIANCE:** Yola Dore led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Councilmember D’Amico, Councilmember Heilman,  
Councilmember Land, Mayor Pro Tempore Prang and  
Mayor Duran

**ABSENT:** None

**ALSO PRESENT:** Assistant City Manager English, City Attorney Jenkins,  
City Clerk Schaffer and Assistant City Clerk Quarker

**REPORT OF CLOSED SESSION AGENDA:**

City Attorney Jenkins reported that the closed session was called to order at 6:00 p.m. He stated that there was no public comment. He reported that no additional items were added to the agenda. He stated that the closed session adjourned at 6:30 p.m. with the City Council deciding to support the City of Santa Monica and the Santa Monica Rent Control Board’s request for depublication of the decision called *Santa Monica Properties v Santa Monica Rent Control Board*. The City will be filing a request with the California Supreme Court supporting Santa Monica’s position in that case.

**APPROVAL OF AGENDA:**

Councilmember Land requested that Item 5.A. be moved to the Consent Calendar as Item 2.M.

Councilmember D’Amico requested that Item 2.G. be moved to Excluded Consent.

**Motion by Councilmember Land, seconded by Councilmember Heilman to approve the April 2, 2012 agenda as amended. The agenda was unanimously approved.**

**ADJOURNMENT MOTIONS:**

Councilmember Land requested that the meeting be adjourned in memory of David Ross, a West Hollywood Sheriff volunteer. She asked that the meeting be adjourned in memory of long-time resident Andrew Lucas. She asked that the meeting be adjourned in memory of poet and feminist, Adrienne Rich. She asked that the meeting be

adjourned in memory of resident and member of the Transgender community, Alexis Rivera.

Mayor Pro Tempore Prang requested that the meeting be adjourned in memory of Charles McKain. He asked that the meeting be adjourned in memory of slain teen Trayvon Martin. He also asked that the meeting be adjourned in the memory of the following soldiers who died in Afghanistan since the last City Council Meeting: Specialist James E. Dutton, 25, Corporal Roberto Cazarez, 24, Specialist David W. Taylor, 20, Captain Francis D. Imlay, 31, Sergeant Joseph D'Augustine, 29, Sergeant William R. Wilson III, 26, Sergeant Daniel J. Brown, 27, Captain Aaron D. Istre, 37, Specialist Dennis P. Weichel Jr., 29, and Sergeant Jamie D. Jarboe, 27.

### **PRESENTATIONS:**

Councilmember Land presented a proclamation in recognition of Child Abuse Prevention Month.

Councilmember Heilman presented a proclamation in celebration of the Big Read: Ray Bradbury Month.

Councilmember D'Amico presented a proclamation in recognition of the Members of the Radical Faeries and the 100<sup>th</sup> birthday of Harry Hay.

Mayor Duran announced that the month of April is Earthquake Preparedness Month.

### **1. PUBLIC COMMENT:**

ERIK BARKER, WEST HOLLYWOOD, spoke in opposition to Item 2.G., and suggested further research and discussion on this issue.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in support of Item 2.D., in opposition to Item 2.G., and spoke in opposition to Item 2.H.

MICHAEL DONAHUE, LOS ANGELES, spoke regarding the history of The Lot and recommended that an application be submitted to the National Register of Historic Places for The Lot.

YOLA DORE, WEST HOLLYWOOD, spoke regarding the need to preserve the City's history.

DARREN GOLD, LOS ANGELES, spoke in support of Item 2.I.

DESIREE JADE SOL, WEST HOLLYWOOD, thanked the Council for adjourning the meeting in honor of Alexis Rivera. She spoke regarding an upcoming Senior Safety Meeting with the West Hollywood Sheriff's and a seminar with the Sheriff's Department and the FBI regarding fraud and crime prevention for retail businesses. She spoke

regarding an upcoming West Hollywood Cheerleader softball fundraiser game at Fairfax High School.

STEVE MARTIN, WEST HOLLYWOOD, thanked Mayor Duran for his work as Mayor.

ESTHER BAUM, WEST HOLLYWOOD, spoke regarding recent complaints regarding the proposed changes to Plummer Park.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke regarding traffic safety issues relating to tour buses stopping on Sunset.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding losing Henry Waxman as the City's representative, and the upcoming election.

ALEX COMISAR, LOS ANGELES, spoke in opposition to Item 2.G.

STEPHANIE HARKER, WEST HOLLYWOOD, spoke in opposition to the proposed changes to Plummer Park.

#### **COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:**

Councilmember Heilman spoke regarding the 6<sup>th</sup> Annual Women's Leadership Conference, which begins on April 13, 2012. He stated the event will be held at the Pacific Design Center and is free to the public.

Councilmember Land spoke regarding public comment surrounding public safety issues associated with tour buses and requested the City Manager to investigate the issue. She spoke regarding the recent Women's Leadership Awards event and thanked the Women's Advisory Board and the West Hollywood Chamber for organizing the event. She also spoke regarding the Friends of the Library Bookstore and their recent grand opening and book sale. She wished everyone a happy Passover and Easter.

Councilmember D'Amico spoke regarding the upcoming Lesbian Discussion Group meeting on May 9, 2012, where the topic will be "Sex in the City." He also spoke regarding the upcoming Gay Men's Discussion scheduled for April 12, 2012. He spoke regarding the upcoming Cal Arts Lecture Series, which will be a discussion on "Biology and Politics."

Mayor Pro Tempore Prang spoke regarding the late Andrew Lucas and expressed condolences to his family and friends. He also wished Marcy Norton a happy birthday. He spoke regarding the Stop Door Spam program and encouraged residents to get a door hanger from the City asking that no items be placed on their doors.

Mayor Duran spoke regarding the recent book sale at the Friends of the Library Bookstore. He spoke regarding the 40<sup>th</sup> Anniversary of the Rainbow Bar & Grill on Sunset Boulevard. He spoke regarding public comment surrounding public safety issues associated with tour buses and requested that the City also look at ways to get

visitors off of the buses and into the stores and restaurants. He spoke regarding the end of his term as Mayor, and spoke of his desire to hold an upcoming public health forum to encourage residents to make healthier life style choices.

### **CITY MANAGER'S REPORT:**

Acting City Manager English introduced Captain Frasier, who reported that property crimes have gone up and stated that the Sheriff's are working with the City to provide more funding for additional bike, vehicle, and foot patrols. She also spoke regarding various campaigns that will be rolled-out in the future to address quality of life issues and topics such as distracted driving.

City Attorney Jenkins spoke regarding an Item on the March 19, 2012 agenda regarding a Settlement Agreement with KLEAN W. Hollywood. He stated that the City met with the neighbors and a representative from KLEAN and there were two additional changes to the Agreement in the spirit of the Council's approval. He stated that the City has proceeded with completing the settlement agreement and executing the documents which will resolve the pending litigation.

### **FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$69,787 in expenditures and \$92,937 in potential revenue.

## **2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,H.,I.,J.,K.,L.,M.(5.A.) **Motion by Councilmember Land, seconded by Councilmember Heilman and unanimously approved.**

### **2.A. POSTING OF AGENDA:**

*SUBJECT: The agenda for the meeting of Monday, April 2, 2012 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, March 29, 2012.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

### **2.B. APPROVAL OF MINUTES:**

*SUBJECT: The City Council is requested to approve the minutes of prior Council meetings.*

**ACTION:** Approve the minutes of March 19, 2012. **Approved as part of the Consent Calendar.**

### **2.C. DEMAND REGISTER NO. 695, RESOLUTION NO. 12-4285:**

*SUBJECT: The City Council is requested to approve payment of bills due as presented by the Director of Finance.*

**ACTION:** Approve Demand Register No. 695 and adopt Resolution No. 12-4285, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 695". **Approved as part of the Consent Calendar.**

**2.D. ORDINANCE NO. 12-886 (2ND READING), TO LIMIT THE PERIOD FOR WHICH A TENANT MAY SEEK A REFUND OF OVERCHARGES FOR A LANDLORD'S FAILURE TO FILE A RE-REGISTRATION FORM [C. SCHAFFER, Y. QUARKER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-886, amending WHMC §§ 17.28.040 and 17.44.040 to limit the period for which a tenant may seek a refund of overcharges for a landlord's failure to file a re-registration form.*

**ACTION:** Waive further reading and adopt Ordinance No. 12-886, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING WHMC §§ 17.28.040 AND 17.44.040 TO LIMIT THE PERIOD FOR WHICH A TENANT MAY SEEK A REFUND OF OVERCHARGES FOR A LANDLORD'S FAILURE TO FILE A RE-REGISTRATION FORM." **Approved as part of the Consent Calendar.**

**2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

*SUBJECT: The City Council will receive reports from the Public Safety Commission, the Transportation Commission, the Russian Advisory Board and the Senior Advisory Board on actions taken at their recent meetings.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.F. RE-PROGRAMMING OF SOCIAL SERVICES CONTRACT SAVINGS [S. BAXTER, D. DENNIS]:**

*SUBJECT: The City Council will authorize expenditure of \$11,987 in savings from 2010-11 social services contracts.*

**ACTIONS:** Approve a contract amendment with National Council of Jewish Women (NCJW) for \$11,987 to augment the urgent fund program to prevent eviction and homelessness. **Approved as part of the Consent Calendar.**

**2.G. THE CITY COUNCIL WILL CONSIDER REQUESTING THAT THE STATE SENATOR AND STATE ASSEMBLY MEMBER REPRESENTING THE CITY INTRODUCE LEGISLATION TO REPEAL THE COSTA-HAWKINS RENTAL HOUSING ACT AND THE ELLIS ACT [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK, D. MEGERDICHIAN]:**

*SUBJECT: The City Council will consider a request of the State Senator and State Assembly Member representing the City to introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act.*

**ACTION:** This Item was moved to Excluded Consent.

**2.H. SUPPORT SB 1229 (PAVLEY) PREVENTING LANDLORDS WHO ACCEPT ANIMALS FROM DEMANDING THAT THESE ANIMALS BE**

**DECLAWED OR DEVOCALIZED AS A CONDITION OF TENANCY [J. DURAN, H. MOLINA, J. HARRIS]:**

*SUBJECT: The City Council will consider adopting a resolution in support of SB 1229 (PAVLEY), which makes it illegal for a landlord to require declawing or devocalization as a condition of tenancy.*

**ACTIONS:** 1) Adopt Resolution 12-4286 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD SUPPORTING SB 1229 (PAVLEY) PREVENTING LANDLORDS WHO ACCEPT ANIMALS FROM DEMANDING THAT THESE ANIMALS BE DECLAWED OR DEVOCALIZED AS A CONDITION OF TENANCY"; and 2) Direct staff to send copies of the adopted resolution to Senators Fran Pavley and Ted Lieu, Assemblymember Mike Feuer, and other key legislators. **Approved as part of the Consent Calendar.**

**2.I. EXPAND CREDIT-CARD METERS THROUGHOUT THE CITY [J. HEILMAN, F. SOLOMON]:**

*SUBJECT: The City Council will direct staff to explore replacing existing non-credit card meters with single-space, credit-card meters throughout the City.*

**ACTION:** Direct staff to explore the feasibility of replacing all existing non-credit card accepting parking meters with the newer single-space meters which accept coins and credit cards. **Approved as part of the Consent Calendar.**

**2.J. A RESOLUTION OF THE CITY OF WEST HOLLYWOOD COMMEMORATING THE VICTIMS OF THE ARMENIAN GENOCIDE AND CONDEMNING MASS ATROCITIES AND HUMAN RIGHTS VIOLATIONS AGAINST ANY PEOPLE [J. PRANG, M. HAIBACH, A. LAND, C. PLANCK]:**

*SUBJECT: The City Council will consider a resolution commemorating the victims of the Armenian Genocide and condemning mass atrocities and human rights violations against any people.*

**ACTIONS:** 1) Adopt Resolution No. 12-4287, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD COMMEMORATING THE VICTIMS OF THE ARMENIAN GENOCIDE AND CONDEMNING MASS ATROCITIES AND HUMAN RIGHTS VIOLATIONS AGAINST ANY PEOPLE"; 2) Direct the Office of Public Information to issue a press release describing the City's decision; and 3) Lower the flags of all public facilities in West Hollywood to half-mast on April 24, 2012 in remembrance of the victims of the Armenian Genocide. **Approved as part of the Consent Calendar.**

**2.K. SUPPORT FOR COMMUNITY PARTICIPATION FOR 'WOMEN HOLD UP HALF THE SKY' EXHIBIT AT THE SKIRBALL CULTURAL CENTER [A. LAND, C. PLANCK, J. ERICSON]:**

**SUBJECT:** *The City Council will consider supporting community participation for the Women Hold Up Half the Sky exhibit at the Skirball Cultural Center on Sun., May 6, 2012.*

**ACTIONS:** 1) Authorize the allocation of funds to cover the costs of using City Line vans to transport residents to and from the exhibit; and 2) Direct Public Information Office to promote the City's support for community participation for the exhibit through regular City channels. **Approved as part of the Consent Calendar.**

**2.L. PARKING RATE REDUCTION FOR WOMEN'S LEADERSHIP CONFERENCE [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK]:**

**SUBJECT:** *The City Council will consider approving a reduced parking rate for attendees of the West Hollywood Women's Leadership Conference.*

**ACTION:** Approve the request for a reduced parking rate for Women's Leadership Conference. **Approved as part of the Consent Calendar.**

**2.M. (5.A.) ASSIGNMENT AGREEMENT BETWEEN THE CITY OF HIDDEN HILLS AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [S. BAXTER, P. SLOAN GOODMAN, A. GANDHY, D. HATCHER]:**

**SUBJECT:** *The City Council will consider a General Fund trade agreement for Prop A Local Return Funds with the City of Hidden Hills.*

**ACTIONS:** 1) Approve a Prop A fund trade agreement with the City of Hidden Hills for \$57,400 West Hollywood General Funds in exchange for \$82,000 City of Hidden Hills Prop A Funds; 2) Authorize the City Manager to execute the agreement; 3) Authorize the Director of Finance to appropriate \$57,400 from the unallocated reserves in the General Fund to Expenditure for Traded Funds (100-1-03-31-531016); and 4) Authorize the Director of Finance to increase budgeted revenues in the Prop A Fund, Account No. 203-421001 by \$82,000. **Approved as part of the Consent Calendar.**

**THE CITY COUNCIL RECESSED AND RECONVENED AS THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION: 7:48 P.M.**

The Successor Agency to the West Hollywood Community Development Commission approved the minutes of the February 21, 2012 meeting and adopted a Resolution to establish a Conflict of Interest code and create designated positions and disclosure categories.

The actions are more fully described in the minutes of the Successor Agency to the West Hollywood Community Development Commission.

**THE SUCCESSOR AGENCY TO THE WEST HOLLYWOOD COMMUNITY DEVELOPMENT COMMISSION RECESSED AND RECONVENED AS THE WEST**

**HOLLYWOOD HOUSING AUTHORITY: 7:50 P.M.**

The Housing Authority approved the minutes from the August 15, 2011 meeting; and adopted a Resolution to adopt the Section 8 Administrative Plan for fiscal year 2012-2013.

The actions are more fully described in the West Hollywood Housing Authority minutes.

**THE WEST HOLLYWOOD HOUSING AUTHORITY RECESSED AND RECONVENED AS THE WEST HOLLYWOOD CITY COUNCIL: 7:54 P.M.**

**3. PUBLIC HEARINGS:**

**3.A. CONSTRUCTION OF A COMMERCIAL DEVELOPMENT AT 8801 SUNSET BOULEVARD [A. MCINTOSH, J. KEHO, A. GALLO]:**

*SUBJECT: The City Council will hold a continued public hearing to consider a 47,504 sq. ft. commercial development containing retail, gym/spa and office space at 8801 Sunset Boulevard. The project also integrates a new billboard and large screen video sign into the building facades and includes a development agreement and zoning map amendment.*

City Clerk Schaffer stated that the Item was noticed as required by law.

Councilmember Heilman disclosed that he visited the site.

Councilmember Land disclosed that she visited the site.

Councilmember D'Amico disclosed that he visited the site and met with Mr. Barket and Mr. Haber and members of the public.

Mayor Duran disclosed that he met with Mr. Haber and Mr. Afriat.

MICHAEL DARNER AND SOL BARKET, REPRESENTING THE APPLICANT, spoke in support of the project and spoke regarding the changes that were made at Council's direction.

Mayor Duran opened the public hearing and the following speakers came forward:

JOAN HENEHAN, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the project.

GENEVIEVE MORRILL, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the project.

JEROME CLEARY, WEST HOLLYWOOD, spoke in opposition to the project, specifically the increase in traffic.

DAVID WHEELER, WEST HOLLYWOOD, spoke in opposition to the project.

MARK MATHEWS, WEST HOLLYWOOD, spoke in opposition to the project, specifically the billboard.

JEFFREY S. HABER, LOS ANGELES, spoke in opposition to the project, specifically the billboard and the increase in traffic.

SALLY CARROCINO, WEST HOLLYWOOD, spoke in opposition to the project, specifically the billboard.

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the project.

STEVEN AFRIAT, LOS ANGELES, spoke in opposition to the project, specifically the increase in traffic.

EHREN BRAGG, LOS ANGELES, spoke in support of the project.

BRAD TORGAN, WEST HOLLYWOOD, spoke in opposition to the project.

MICHELLE BLACK, SANTA MONICA, spoke in opposition to the project.

BOE TRUMBULL, WEST HOLLYWOOD, spoke in support of the project.

STEVE PARGAMANICK, WEST HOLLYWOOD, spoke in opposition to the project.

MARK ZELLER, WEST HOLLYWOOD, spoke in opposition to the project, specifically the billboard.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke in opposition to the project.

CRAIG CHARLES, WEST HOLLYWOOD, spoke in support of the project.

PRISCILLA LONDON, WEST HOLLYWOOD, spoke in opposition to the project.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in opposition to the project.

SIBYL ZADEN, WEST HOLLYWOOD, spoke in opposition to the project.

SHEILA LIGHTFOOT, WEST HOLLYWOOD, spoke in opposition to the project, specifically the increase in traffic.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke in opposition to the project.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in opposition to the project.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in support of the project.

DAVID WEISSFELD, WEST HOLLYWOOD, spoke in support of the project.

WILLIAM MCNEELEY, WEST HOLLYWOOD, spoke in support of the project.

WYNTER MITCHELL, HOLLYWOOD, spoke in support of the project.

KATE NEVELS, WEST HOLLYWOOD, spoke in support of the project.

SPENCER VILLASENOR, WEST HOLLYWOOD, spoke in support of the project.

CARL HELMLY, WEST HOLLYWOOD, spoke in support of the project.

CHELSEA KMIEK, WEST HOLLYWOOD, spoke in support of the project.

JORDAN G., WEST HOLLYWOOD, spoke in support of the project.

DAVID COST, WEST HOLLYWOOD, spoke in support of the project.

MICHAEL GRIGORIAN, WEST HOLLYWOOD, spoke in support of the project.

NICHOLAS SHERMAN, WEST HOLLYWOOD, spoke in support of the project.

OMAR HUSSAIN, WEST HOLLYWOOD, spoke in support of the project.

ELIZABETH SCHWARTZ, WEST HOLLYWOOD, spoke in opposition to the project.

CAITLIN PUNSCHKE, WEST HOLLYWOOD, spoke in support of the project.

ASHLEY CAPPS, WEST HOLLYWOOD, spoke in support of the project.

BIANCA WEISER, WEST HOLLYWOOD, spoke in support of the project.

ALISON OCHMANEE, WEST HOLLYWOOD, spoke in support of the project.

LENA PRUSINARSKI, WEST HOLLYWOOD, spoke in support of the project.

NICK SATTLER, WEST HOLLYWOOD, spoke in support of the project.

ED BUCK, WEST HOLLYWOOD, spoke in opposition to the project.

SHAUNA AMENZADEH, WEST HOLLYWOOD, spoke in support of the project.

DANIEL LECLAIRE, WEST HOLLYWOOD, spoke in support of the project.

DEREK, WEST HOLLYWOOD, spoke in support of the project.

SARAH RAIMO, WEST HOLLYWOOD, spoke in support of the project.

ALEXANDRA LASKY, WEST HOLLYWOOD, spoke in support of the project.

CAITLIN RAFFERTY, WEST HOLLYWOOD, spoke in support of the project.

MANDY SAFENOUITZ, WEST HOLLYWOOD, spoke in support of the project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the project.

JON KOLBECK, WEST HOLLYWOOD, spoke in opposition to the project.

MATT KIRSCHNER, WEST HOLLYWOOD, spoke in support of the project.

ELMOR C. GARILITTOZ, WEST HOLLYWOOD, spoke in opposition to the project.

NICK SHAFFER, WEST HOLLYWOOD, expressed concerns regarding the project, specifically the parking.

CARA SPRUNK, WEST HOLLYWOOD, spoke in support of the project.

SALVADOR FLORES, WEST HOLLYWOOD, spoke in support of the project.

DAVID VANDERVELDE, WEST HOLLYWOOD, spoke in support of the project.

JESSIE CHANCEY, LOS ANGELES, spoke in support of the project.

MATT KHOURY, WEST HOLLYWOOD, spoke in support of the project.

Mayor Duran stated that the following people were in support of the project, but did not wish to speak: Katie Matson, Finnigan Jones, Dan Ville, Mark Roman, Samuel Boswell, Linda Kovals, Claire Zimmerman, Stephanie Perey, Sharon Golper, Jessica Bunge, Kirsten Heinle Benson, Michael Shuller, Megan Mitchell, Allegra Lucchesi, Rachel Zimmerman, Tammy Goodarzi, Andre Magnin, Robert Zatul, Rayn Winn, Adam Gleicher, Diana del la Torre, Avay Relan, Olina Heine, and Carter Magnin.

Mayor Duran stated that the following people were in opposition to the project, but did not wish to speak: Stephanie Harker and Laura Boccaletti

NICKI CARLSEN, REPRESENTING THE APPLICANT, provided a brief rebuttal and spoke regarding traffic, signage, and the revisions that were made at the direction of Council.

Councilmember D'Amico requested clarification regarding whether or not a stop light could be installed at Sherbourne, exiting to the West, and inquired about mitigation plans for that area. He also inquired as to how many cars would be turning left during peak hours. He asked whether exiting could be restricted to Sunset only.

Bob Cheung stated that the EIR did not require improvements on Sherbourne. He stated that the number of trips per hour that would be added to this location would be 38 in the morning, 56 in the evening and 36 at night. He spoke regarding the proposed widening of Horn Avenue to help mitigate traffic impacts. He stated that limiting the exits would have a significant traffic impact on the area.

Councilmember D'Amico requested clarification as to whether the billboard could be approved separately.

City Attorney Jenkins stated that the Development Agreement is only for the billboard signs, not the property.

Mayor Pro Tempore Prang requested clarification on whether the project meets the City's parking requirement. He also requested clarification on whether the billboard is contrary to the Sunset Specific Plan height allowance and would exceed the number of video signs allowed in the Plan.

Adrian Gallo stated that the project meets the parking requirement; however he stated that residents have expressed concerns over the calculation of parking as it relates to the proposed Gym/Spa at the site. Anne McIntosh stated that Staff disagrees with this assertion. Adrian Gallo stated that the proposed billboard would require a development agreement overlay zone.

Mayor Pro Tempore Prang asked for clarification from the City Attorney Jenkins regarding the section in the Development Agreement relating to voter actions.

City Attorney Jenkins clarified that this section assumes that the agreement has been approved; however if there is an Initiative that is placed on the ballot after this agreement has taken effect, it affords the investor the vested rights of the sign. The purpose of the section is to preclude the City or Voters from interfering with the vested rights of the developer as outlined in the agreement.

Councilmember Land requested clarification regarding whether the proposed parking includes employee parking.

Anne McIntosh stated that it does include employee parking.

Mayor Duran closed the public hearing.

Councilmember D'Amico spoke regarding the project being an important next step for West Hollywood, but expressed concerns over the impacts to the neighborhood; specifically the parking and traffic impacts. He spoke regarding the City working on a comprehensive parking plan for Sunset Boulevard. He requested that the Council vote on the building separately from the development agreement for signage. He spoke regarding the Council Subcommittee meetings that were held and some of the compromises that were reached to address the concerns of the residents.

Councilmember Heilman thanked all of the public speakers, the applicant and Staff. He spoke regarding the Council Subcommittee meetings and spoke in support of the changes made to the parking. He spoke regarding the applicant re-orienting the signage and making some improvements to

the design. He spoke regarding the size of the project, which the applicant has addressed by reducing 5,000 square feet from the project. He spoke regarding the traffic impacts on the neighborhood, and the need for an entrance on Horn. He spoke regarding the speakers in support of the David Barton Gym; however he stated that the approval of the project is for the applicant, not the prospective and future tenants at the site. He expressed concerns regarding the economics and long-term revenues for the City associated with the project. He spoke in support of the design and stated that traffic will be an issue and compromise has to be made. He expressed concern regarding not approving the development agreement for the signage, which will provide the most significant source of revenue to the developer and the City.

Mayor Duran spoke regarding West Hollywood being a City of renters, the potential reduction of rent controlled apartments in the City over time, and the resurgence of a younger generation in the City, particularly near the Sunset Strip. He spoke regarding the density in the City and the inevitable traffic and parking problems. He spoke in support of the project and stated that the suggestions to open up the plaza and the street were incorporated by the developer. He spoke in support of the David Barton Gym, but spoke regarding the need to consider the building and the project beyond the currently proposed tenants at the site. He expressed concern over voting for the project separately from the development agreement, as this is the assurance that some revenue will be coming into the City.

Councilmember Land thanked all of the public speakers. She spoke regarding David Barton and stated that the brand belongs in West Hollywood; however she expressed concerns regarding this project. She spoke regarding the vibrancy of Sunset Strip, but spoke in opposition to the project due to concerns over the potential traffic impacts and the signage. She spoke in support of something more compatible being placed at this site.

Mayor Pro Tempore Prang thanked the public speakers and expressed thanks to the neighbors and the developers for their ongoing dialogue regarding the project. He spoke in support of the design, but expressed concerns over the potential impacts to the Horn/Holloway/Sunset intersection. He spoke in opposition to the project and in opposition to the proposed Development Agreement Overlay Zone.

**ACTIONS:** 1) Direct Staff to return with a Resolution of Denial. **Motion by Councilmember Heilman, seconded by Councilmember Land and approved with Mayor Duran voting NO.**

**4. UNFINISHED BUSINESS: None.**

**5. NEW BUSINESS:**

**5.A. ASSIGNMENT AGREEMENT BETWEEN THE CITY OF HIDDEN HILLS AND THE CITY OF WEST HOLLYWOOD FOR THE EXCHANGE OF PROPOSITION A LOCAL RETURN FUNDS [S. BAXTER, P. SLOAN GOODMAN, A. GANDHY, D. HATCHER]:**

*SUBJECT: The City Council will consider a General Fund trade agreement for Prop A Local Return Funds with the City of Hidden Hills.*

**ACTIONS: This Item was moved to the Consent Calendar as Item 2.M.**

**5.B. DISCUSSION OF PROPOSAL TO PROTECT, PRESERVE AND PROMOTE HOUSING FOR ALL RESIDENTS OF WEST HOLLYWOOD BY REVISING MUNICIPAL CODE PROVISIONS RELATED TO THE PAYMENT OF ON-SITE AFFORDABLE HOUSING IN LIEU FEES AND ON-SITE AFFORDABLE HOUSING FOR NEW, MIXED-USE DEVELOPMENTS AND UTILIZATION OF AFFORDABLE HOUSING TRUST FUND MONIES [J. D'AMICO, M. REX]:**

*SUBJECT: The City Council will discuss the on-site affordable housing requirements and consider revising the requirement for new mixed-use developments by allowing for the payment of in-lieu fees in order to generate funds to promote and support the creation of new units and the renovation of existing rent stabilized units. This will create safer, healthier living environments and reduce the size and impact of overly large new construction on our commercial streets and neighborhoods.*

Councilmember D'Amico provided background information as outlined in the Staff Report dated April 2, 2012.

JOE PRAML, WEST HOLLYWOOD, spoke in opposition to the Item.

ALEX COMISAR, LOS ANGELES, spoke in support of the Item.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of the Item.

ESTHER BAUM, WEST HOLLYWOOD, spoke in opposition to the Item.

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in support of the Item.

ELYSE EISENBERG, WEST HOLLYWOOD, spoke in support of the Item.

RYAN LEADERMAN, WEST HOLLYWOOD, spoke in support of the Item.

SHEILA LIGHTFOOT, WEST HOLLYWOOD, spoke in support of the Item.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke in support of the Item.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in support of the Item.

STEVE WAYLAND, WEST HOLLYWOOD, spoke in opposition to the Item.

LINDSEY HORVATH, WEST HOLLYWOOD, spoke in opposition to the Item.

AGASSI TOPCHIAN, WEST HOLLYWOOD, spoke in opposition to the Item.

JAMES LITZ, WEST HOLLYWOOD, spoke in support of the Item.

ED BUCK, WEST HOLLYWOOD, spoke in support of the Item.

STEPHANIE HARKER, WEST HOLLYWOOD, spoke in support of the Item.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in support of the Item.

ALAN BERNSTEIN, WEST HOLLYWOOD, spoke in support of the Item.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Item.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of the Item.

Mayor Duran stated that the following people were in support of the project, but did not wish to speak: Laura Boccaletti.

Councilmember D'Amico provided clarification regarding the proposed use of in-lieu fees in the Item and stated that the fees would not be given to property owners, but would be used to fund a program that would provide loans to small property owners to revitalize the City's aging housing stock.

Councilmember Land spoke in support of continuing to create new affordable housing in the City. She expressed concerns over taking Affordable Housing Trust Fund dollars away from the building of new affordable housing. She spoke regarding the possibility of looking for other methods to create programs to assist in the upgrading of the City's existing housing stock. She spoke regarding the City's rent controlled housing not always being affordable, and that those living in these units are often on the waiting list for inclusionary housing.

Councilmember Heilman thanked Councilmember D'Amico for bringing the Item forward. He spoke in support of the concept of creating

programs to assist in improving the City's aging housing stock. He expressed concern regarding ensuring that once a loan has been given to upgrade a building, that the unit would remain under rent control and the current tenants would be protected. He spoke regarding the use of CDBG Funds to help property owners fund improvements, and spoke in support of looking at these types of funding instead of Affordable Housing Trust Funds. He spoke in support of exploring the calculation of in-lieu fees and the possibility of raising the fees. He spoke regarding State Law and the City's ordinance surrounding density and height requirements. He spoke in opposition to using Affordable Housing Trust Funds for repairs to current housing stock. He spoke regarding the City's Inclusionary Housing waiting list, and stated that the majority of individuals who get these units live in and around West Hollywood.

Mayor Duran spoke in support of the Item, but expressed concerns over using the Affordable Housing Trust Funds without some return value or benefit to the City. He spoke regarding the aging housing stock and spoke in support of a more in-depth discussion of the issue. He spoke regarding the possibility including a discussion surrounding issues that the urban poor face.

Mayor Pro Tempore Prang thanked Councilmember D'Amico for bringing the Item forward and spoke in support of preserving the existing housing stock. He spoke in support of further discussion at a later date, particularly in regards to exploring more options to create programs to renovate the City's aging housing stock and creating new affordable housing. He expressed concern over using the Affordable Housing Trust Funds for building upgrades, without a guarantee that the units would remain under rent control.

Councilmember Land spoke in opposition to Recommendations 1 and 2. She spoke in support of Recommendations 3, 4, and 5. She spoke in support of discussion regarding Recommendation 6 at a later date.

Councilmember Heilman spoke in support of Recommendations 3, 4, and 5. He spoke in support of having a separate, future discussion regarding the City's in-lieu fees.

Councilmember D'Amico requested that Council approve Recommendation 1. He spoke regarding his discussions with affordable housing non-profit groups, and their concerns regarding creating on-site affordable housing and the need it creates to provide ongoing maintenance and support for the tenants. He spoke in support of in-lieu fees that more closely match the cost of construction.

**ACTIONS:** 1) Direct staff to analyze the City's on-site affordable housing requirements, the City's collection of in-lieu fees paid into the Affordable

Housing Trust Fund, and possible amendments to include the collection of in-lieu fees to be paid into the Affordable Housing Trust Fund for mixed-use developments of all sizes as an additional option for satisfying the affordable housing requirement; 2) Direct the Community Development Department to work with the Division of Rent Stabilization and Housing to develop a program or programs that target the refurbishment and renovation of existing rent controlled housing stock. City staff will work with local non-profits to provide technical and financial assistance to property owners to upgrade mechanical, electrical, plumbing and structural systems. Additional work covered by City programs will include: energy efficient appliances, low flow water fixtures, low-water use landscaping, new windows and shades to reduce heat gain and heat loss. Programs should also be incorporated into the update of the Housing Element of the General Plan and the implementation of the Climate Action Plan. Research should be conducted into the best ways to ensure that renovated buildings remain permanently affordable, and program details such as how many units would be required to remain affordable should be determined; 3) Direct Staff to investigate all available options for rebates and funds available from local utilities, County, State and Federal sources for implementation of this program; 4) Direct staff to re-assess the fee structure for in-lieu fees to determine if they are currently sufficient to satisfy the affordable housing requirement or if staff recommends a re-assessment by Council of the current fee structure; and 5) provide additional direction to staff to evaluate the two alternatives provided in the staff report. Staff to report back to Council with findings and recommendations within 90-120 days. **Motion by Mayor Pro Tempore Prang, seconded by Mayor Duran and unanimously approved.**

#### **EXCLUDED CONSENT CALENDAR:**

**2.G. THE CITY COUNCIL WILL CONSIDER REQUESTING THAT THE STATE SENATOR AND STATE ASSEMBLY MEMBER REPRESENTING THE CITY INTRODUCE LEGISLATION TO REPEAL THE COSTA-HAWKINS RENTAL HOUSING ACT AND THE ELLIS ACT [J. HEILMAN, F. SOLOMON, A. LAND, C. PLANCK, D. MEGERDICHIAN]:**

*SUBJECT: The City Council will consider a request of the State Senator and State Assembly Member representing the City to introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act.*

Councilmember Heilman provided background information as outlined in the Staff Report dated April 2, 2012.

Councilmember D'Amico expressed concerns regarding this Item and what impacts it would have at the State level. He spoke in support of more City Council discussion regarding housing and tenants' issues before approaching the State.

Councilmember Land spoke in support of the Item and the need to let the City's residents know that Council is taking a stand on this issue. She spoke regarding the fact that this Item does not preclude the City from bringing future Items forward to the State.

JAMES LITZ, WEST HOLLYWOOD, spoke in opposition to the Item.

Mayor Duran spoke in support of the Item in concept, but spoke in support of further discussion regarding housing and tenants' issues.

**ACTION:** Direct the Department of Rent Stabilization and Housing and the city lobbyist to request that the State Senator and State Assembly Member representing the City introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act. **Motion by Councilmember Land, seconded by Councilmember Heilman and approved, noting the abstention of Councilmember D'Amico.**

**6. LEGISLATIVE: None.**

**PUBLIC COMMENT:**

RICK WATTS, WEST HOLLYWOOD, spoke regarding the upcoming Passover holiday and volunteer and donation opportunities in the City.

**COUNCILMEMBER COMMENTS: NONE.**

**ADJOURNMENT:** The City Council adjourned at 12:07 a.m. in memory of David Ross, Andrew Lucas, Adrienne Rich, Alexis Rivera, Charles McCain, Trayvon Martin, and all the soldiers who died in Afghanistan since the last City Council meeting. The City Council adjourned to the Mayoral Installation meeting, which will be on Monday, April 16, 2012 at 6:00 P.M. at West Hollywood Park Public Meeting Room - Council Chambers.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 16<sup>th</sup> day of April, 2012 by the following vote:

AYES:	Councilmember:	D'Amico, Duran, Heilman, Mayor Pro Tempore Land and Mayor Prang.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

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JEFFREY PRANG, MAYOR

ATTEST:

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COREY SCHAFFER, CITY CLERK