

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
MONDAY, JUNE 4, 2012
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS
625 N. SAN VICENTE BOULEVARD**

6:30 P.M. – REGULAR MEETING

CALL TO ORDER: Mayor Prang called the meeting to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE: Sheriff Lt. Jim Farrell led the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: Councilmember Duran

ALSO PRESENT: City Manager Arevalo, 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 6:02 p.m. He stated that there was no public comment. He reported that no additional items were added to the agenda. He stated that one reportable action was taken by Council to authorize a defense against the litigation in the case, Fellas v. City of West Hollywood. He reported that the closed session adjourned at 6:30 p.m.

APPROVAL OF AGENDA:

City Clerk Schaffer stated that Staff is requesting that City Council TABLE Item 2.L.

Staff provided clarification regarding Item 3.A.: ASSESSMENT OF DELINQUENT SOLID WASTE FEES OWED TO ATHENS SERVICES ONTO THE PROPERTY TAX BILL OF ONE DELINQUENT ACCOUNT HOLDER, stating that all delinquent fees had been paid. Staff therefore requested that Council TABLE the Item.

City Clerk Schaffer stated that Staff is requesting that City Council CONTINUE Item 3.B. to the June 18, 2012 City Council meeting.

City Clerk Schaffer announced that a revised Ordinance and Resolution for Item 3.C. were provided to the City Clerk’s Office.

Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman to approve the June 4, 2012 agenda as amended. The agenda was approved with Councilmember Duran being absent.

ADJOURNMENT MOTIONS:

Mayor Pro Tempore Land requested that the meeting be adjourned in memory of actress and advocate Kathryn Joosten.

Mayor Prang spoke regarding the upcoming funeral services for the murdered MTA Driver Alan Thomas. He stated that the services will be held at the 2nd Baptist Church on June 9, 2012 located at 2412 Griffin Avenue, Los Angeles, CA.

Mayor Prang requested that the meeting be adjourned in memory of the following soldiers who died in Afghanistan since the last City Council meeting: Staff Sergeant Alexander G. Povilaitis, 47, Lance Corporal Joshua Witsman, 23, Petty Officer 2nd Class Sean E. Brazas, 26, Corporal Nicholas H. Olivas, 20, Sergeant Julian C. Chase, 22, Chief Warrant Officer John C. Pratt, 51, Captain John "Jay" R. Brainard III, 26, Private 1st Class Leroy Deronde III, 22, Specialist Kedith L. Jacobs, 21, Lance Corporal Steven G. Sutton, 24, Specialist Tofiga J. Tautolo, 23, Specialist Vilmar Galarza Hernandez, 21, Hospitalman Eric D. Warren, Age unreported, Staff Sergeant Roberto Loeza, 28, Private 1st Class Cale C. Miller, 23, Corporal Keaton G. Coffey, 22, 2nd Lieutenant Travis A. Morgado, 25, Specialist Arronn D. Fields, 27, Petty Officer 1st Class Ryan J. Wilson, 26, 2nd Lieutenant Tobias C. Alexander, 30, Captain Jesse A. Ozbat, 28, and Specialist Samuel T. Watts, 20.

PRESENTATIONS:

Mayor Prang presented plaques to outgoing Sheriff's Deputies, Lt. Jimmy Farrell and Lt. Gary Honings.

Mayor Prang presented a proclamation to the City's HIV/Substance Abuse Prevention Campaign participants in honor of HIV Prevention Month.

Councilmember Heilman presented a proclamation to Jules Seltzer Associates in recognition of their 75th Anniversary.

Mayor Prang reported that Congressman Adam Schiff sent a gift to the City in the form of a flag from the U.S. Capital in the name of the City of West Hollywood along with a certificate.

1. PUBLIC COMMENT:

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding Item 2.H. and public safety.

LUCAS JOHN, WEST HOLLYWOOD, spoke in support of Item 2.M and inquired about the status of a previously proposed Item regarding an entertainment shuttle.

MARTIN DUVANDER, VENICE, spoke in support of Item 2.M.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding outgoing Sheriff's Deputy Jim Farrell. She also spoke regarding the June 5, 2012 Presidential Primary Election.

LEE WALKUP, WEST HOLLYWOOD, spoke regarding the start of the AIDS Life Cycle Ride. He spoke regarding an announcement by the 9th Circuit Court of Appeals regarding Proposition 8, scheduled for June 5, 2012 at 10:00 a.m. He also encouraged everyone to vote in the June 5, 2012 Presidential Primary Election.

ALAN BERNSTEIN, WEST HOLLYWOOD, spoke regarding Family Quality Council and acknowledged Target for selling PRIDE t-shirts with 100% of the proceeds going to the Family Quality Council. He also spoke regarding Item 3.D. and the Planning Commission's decision to deny the Item.

CRAIG CHARLES, WEST HOLLYWOOD, spoke in support of Item 3.C. He also encouraged everyone to vote in the June 5, 2012 Presidential Primary Election.

STEPHANIE HARKER, WEST HOLLYWOOD, thanked Council for continuing the Item related to the proposed changes to Plummer Park. She spoke regarding the length of the City Council meetings. She also encouraged everyone to vote in the June 5, 2012 Presidential Primary Election.

CATHY BLAIVAS, WEST HOLLYWOOD, thanked Council for continuing the Item related to the proposed changes to Plummer Park and spoke in support of a single-item agenda to discuss Plummer Park. She spoke regarding repairs needed to the sidewalk surrounding the Council Chambers. She also encouraged everyone to vote in the June 5, 2012 Presidential Primary Election.

RODNEY SCOTT, LOS ANGELES, spoke in support of Item 2.M. He also spoke regarding the upcoming PRIDE events beginning on Friday, June 8, 2012 and thanked City Council for their continued support of PRIDE.

BRAD BURLINGAME, LOS ANGELES, spoke in support of Item 3.C.

COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:

Councilmember Heilman spoke regarding the public comment surrounding the previously proposed Entertainment Shuttle Item and asked City Manager Arevalo for an update. He thanked those that spoke during public comment regarding Item 2.M. and stated that the Item is remaining on the Consent Calendar for approval. He thanked Staff regarding the new scholarship program for teens who receive \$1,500 towards their education for performing 150 or more hours of volunteer work, and encouraged constituents to donate to this fund. He spoke regarding an upcoming College Prep Fair scheduled for June 30, 2012 at Plummer Park from 10:00 a.m. – 3:00 p.m. and encouraged young people to come out to learn more about getting prepared for college.

Councilmember D'Amico wished Elyse Eisenberg's Grandmother a Happy 100th Birthday. He spoke regarding his next "Coffee with the Councilmember" scheduled for

June 9, 2012 to discuss the City's Budget. He spoke regarding the upcoming PRIDE Event and thanked Rodney Scott for his hard work. He spoke regarding the next Lesbian Discussion group scheduled for Wednesday, June 13, 2012 where the topic will be "Come out, come out, wherever you are". He spoke regarding the next Gay Men's Discussion Group scheduled for Thursday, June 14, 2012, where the topic will be "Family." He spoke regarding the kick-off of the Sunset Strip Farmer's Market on June 14, 2012. He also encouraged everyone to vote in the June 5, 2012 Presidential Primary Election.

Mayor Pro Tempore Land thanked Richard Settle and Andy Harland for their work on Memorial Day. She also thanked Staff for their hard work on the Harvey Milk Day and the re-opening of the West Hollywood Park events. She congratulated Sibyl Zaden for being honored as the Senior of the Year by Supervisor Zev Yaroslavsky. She wished everyone a Happy PRIDE and encouraged everyone to attend the events. She also wished City Manager Arevalo a happy birthday.

Mayor Prang wished Staff member Olivia Walker and his Deputy Michael Haibach a happy birthday. He provided clarification regarding Item 2.M. He encouraged everyone to vote in the June 5, 2012 Presidential Primary Election and to attend the PRIDE Events. He spoke regarding the re-opening of West Hollywood Park and the addition of 2 ½ acres of open space. He acknowledged CSW for their work on the PRIDE events in the City. He spoke regarding emails from constituents requesting a single-item agenda to discuss Plummer Park, and reported that he will be out of the country for the first two weeks of July. He spoke regarding public comments surrounding the need to repair the sidewalk surrounding the Council Chambers and asked Staff to look into this matter. He spoke regarding his recent attendance at the RockStar Education Event held on the Sunset Strip.

CITY MANAGER'S REPORT:

City Manager Arevalo reported that the 2012-2014 Budget was given to the City Council for their review. He spoke regarding three critical areas in the Budget: 1) Enhanced public safety along the commercial corridors; 2) Reorganizational challenges due to the loss of Redevelopment; and 3) Additional resource allocation for our Social Service contracts to meet the increasing needs of the community. He spoke regarding the City being strategic when allocating dollars for long-range planning studies that are requested by City Council, due to the cost of approximately \$150,000-\$300,000 for each study. He spoke about an upcoming overview of the City's transit programs, which will include an update on the previously proposed "Entertainment Shuttle." He reported that Staff will be bringing an Item to the June 18, 2012 Council meeting to discuss the proposed idea of scheduling a meeting to discuss Plummer Park with only Consent Calendar Items included on the agenda.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$2,826,510 in expenditures and \$0 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,M. Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman, and approved with Councilmember Duran being absent.

2.A. POSTING OF AGENDA:

SUBJECT: The agenda for the meeting of Monday, June 4, 2012 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, May 31, 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 May 21, 2012. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 699, RESOLUTION NO. 12-4325:

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

ACTION: Approve Demand Register No. 699 and adopt Resolution No. 12-4325, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 699". **Approved as part of the Consent Calendar.**

2.D. ORDINANCE NO. 12-892 (2ND READING) AMENDING TITLE 5, CHAPTER 5.108. OF THE WEST HOLLYWOOD MUNICIPAL CODE COVERING TERM EXTENSIONS OF TAXICAB FRANCHISE AGREEMENTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will waive further reading and adopt Ordinance No. 12-892, amending Title 5, Chapter 5.108. of the West Hollywood Municipal Code covering term extensions of taxicab franchise agreements and amending the West Hollywood municipal code.

ACTION: Waive further reading and adopt Ordinance No. 12-892, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 5, CHAPTER 5.108. OF THE WEST HOLLYWOOD MUNICIPAL CODE COVERING TERM EXTENSIONS OF TAXICAB FRANCHISE AGREEMENTS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.E. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

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

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

2.F. ATTENDANCE REPORTS FOR CITY COMMISSIONS, ADVISORY BOARDS, AND THE PROJECT ADVISORY COMMITTEE [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will receive the attendance reports for City Commission and Advisory Board meetings convened between February 2011 - February 2012. The Council will also consider excusing absences of a commissioner due to personal reasons.

ACTIONS: 1) Receive and file the attendance reports; and 2) Excuse absences, due to personal reasons, for: Sofia Komskaya (*Public Safety Commission*) **Approved as part of the Consent Calendar.**

2.G. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH JOHN L. HUNTER ASSOCIATES [O. DELGADO, S. PERLSTEIN]:

SUBJECT: This item requests that the City Council approve a professional service agreement with John L. Hunter Associates for professional services to assist the City to implement programs for compliance with the National Pollutant Discharge Elimination System (NPDES) Permit.

ACTION: Approve a professional services Agreement in an amount not to exceed \$43,000 with John L. Hunter Associates and authorize the City Manager to sign the Agreement. **Approved as part of the Consent Calendar.**

2.H. AGREEMENT EXTENSION – STREET SWEEPING [S. BAXTER, S. CAMPBELL, H. COLLINS]:

SUBJECT: The City Council will consider approving a one-year extension to the Agreement with CleanStreet for street sweeping services.

ACTIONS: 1) Approve the Second Amendment to the Agreement with CleanStreet for the provision of street sweeping services including commercial, residential, alley, median, parking lot and special event sweeping in the amount of \$279,600 for fiscal years 2012-2013; 2) Approve CleanStreet to provide other related services in-line with the unit costs established in the Agreement as said services are required and funding is available; 3) Authorize the City Manager to re-open and negotiate service levels and associated costs as warranted by budgetary constraints; and 4) Authorize the City Manager to execute the Second Amendment to Agreement. **Approved as part of the Consent Calendar.**

2.I. AWARD OF CONTRACT, CITYWIDE JANITORIAL SERVICES [S. BAXTER, S. CAMPBELL, H. COLLINS]:

SUBJECT: The City Council will consider awarding a contract for Citywide Janitorial Services to Diversified Maintenance Services, Incorporated of Monrovia, California.

ACTIONS: 1) Accept the proposal dated May 1, 2012, and award a three-year contract for regular janitorial services, special events and urgency/emergency services in the amount of \$806,436.16 for FY 2012-2013, \$829,826.33 for FY 2013-2014 and \$854,727.88 for FY 2014-2015 as submitted by Diversified Maintenance Services, Incorporated; 2) Approve Diversified Maintenance Services, Incorporated to provide other related maintenance services and urgency/ emergency maintenance services at those unit costs established in the Agreement as said services are required and funding is available; 3) Authorize the City Manager to re-open and negotiate service levels and associated costs as warranted by budgetary constraints; 4) Authorize the City Manager to sign an Agreement with Diversified Maintenance Services, Inc. for Citywide Janitorial Services; and 5) Reject all remaining proposals and return associated Bid Bonds. **Approved as part of the Consent Calendar.**

2.J. ADDITIONAL INFORMATION RELATED TO THE 2013 IMPLEMENTATION OF THE REQUIREMENTS OF THE PARKING & BUSINESS IMPROVEMENT AREA LAW OF 1989 (HOTEL MARKETING BENEFIT ZONE) [P. AREVALO, J. HUFFER, M. LOUIE]:

SUBJECT: The City Council will receive additional information as requested at its meeting of May 21, 2012 as it relates to renewing the Hotel Marketing Benefit Zone of the West Hollywood Business Improvement Area for fiscal year 2012-2013 that funds the visitor marketing activities of the West Hollywood Marketing and Visitors Business Bureau (MVB). A public hearing has been set for June 18, 2012.

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

2.K. 2012-2014 OPERATING BUDGET AND CAPITAL WORK PLAN [P. AREVALO, D. WILSON, D. HATCHER]:

SUBJECT: The City Council will receive the City of West Hollywood Operating Budget and Capital Work Plan for Fiscal Years 2012-2014, which will be brought back for public comment and council adoption at the June 18, 2012 meeting.

ACTIONS: Receive and file the City of West Hollywood Operating Budget and Capital Work Plan for Fiscal Year 2012-2014. **Approved as part of the Consent Calendar.**

2.L. SPONSORSHIP AND CITY SUPPORT FOR PRODUCTION OF POP-LUCK CLUB'S "SOMETHING TO SAY" EVENT [J. DURAN, H. MOLINA]:

SUBJECT: The City Council will consider sponsorship of the West Hollywood Pop Luck Club's Family Festival and Community Blood Drive,

in partnership with Recreation Services and the American Red Cross on Friday, August 10, 2012 from 2:00 to 8:00 p.m. in West Hollywood Park.

ACTIONS: This Item was TABLED.

2.M. RAINBOW CROSSWALKS FOR GAY PRIDE MONTH AT SAN VICENTE & SANTA MONICA BOULEVARDS [J. PRANG, M. HAIBACH, J. DURAN, H. MOLINA]:

SUBJECT: The City Council will consider having the crosswalks at the intersection of Santa Monica and San Vicente Boulevards painted in rainbow colors in celebration of Pride Month in West Hollywood.

ACTION: Direct staff to proceed with the installation of the rainbow painting of the brick pattern area of the two crosswalks crossing on San Vicente Boulevard at Santa Monica Boulevard. **Approved as part of the Consent Calendar.**

3. PUBLIC HEARINGS:

3.A. ASSESSMENT OF DELINQUENT SOLID WASTE FEES OWED TO ATHENS SERVICES ONTO THE PROPERTY TAX BILL OF ONE DELINQUENT ACCOUNT HOLDER [S. PERLSTEIN, O. DELGADO]:

SUBJECT: The City Council will consider whether or not to request the County Auditor to assess the property tax bill of one delinquent solid waste account holder.

ACTION: This Item was Tabled.

3.B. COMMERCIAL PROJECT AT 8711 MELROSE AVENUE [A. MCINTOSH, J. KEHO, F. CONTRERAS]:

SUBJECT: The proposed project is the construction of an approximately 23,045-square-foot, two-story (with partial third story) commercial structure designed as retail and wholesale design showrooms. The project would also include a 9,677-square-foot outdoor terrace that would be designated as wholesale design showroom for outdoor furnishings. The project requires a Zone Map Amendment to include the property within the Avenues Bonus Overlay Zoning District.

ACTIONS: This Item was continued to June 18, 2012.

3.C. A REQUEST TO MAKE AMENDMENTS TO A 268,805 SQUARE FOOT MIXED-USE HOTEL PROJECT INCLUDING AMENDMENTS TO THE SUNSET SPECIFIC PLAN (9040-9056 SUNSET BLVD.) [A. MCINTOSH, J. KEHO, D. DEGRAZIA, B. CHEUNG]:

SUBJECT: The applicant is requesting amendments to a hotel Conditional Use Permit, Development Permit, Development Agreement, and the Sunset Specific Plan. They are also requesting a new Conditional Use Permit for a nightclub.

The Item was noticed as required by law.

David DeGrazia, Senior Planner, provided background information as outlined in the Staff Report dated June 4, 2012.

JAMES L. ARNONE, REPRESENTING THE APPLICANT, spoke regarding the project and the proposed changes that have been requested as outlined by Staff.

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

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

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

JOHN RODRIGUEZ, SAN FERNANDO VALLEY, spoke in support of the Item.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of the Item.

RICHARD MAGGIO, WEST HOLLYWOOD, spoke in support of the Item.

NIC ADLER, LOS ANGELES, spoke in support of the Item.

TODD STEADMAN, REPRESENTING THE SUNSET STRIP BUSINESS ASSOCIATION, spoke in support of the Item.

JOE CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the Item.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in opposition to the Item specifically the encroachment of commercial space into the residential area on Harratt Street.

TODD ELLIOTT, LOS ANGELES, spoke in support of the project in general, but spoke regarding concerns surrounding the proposed modifications; specifically the proposed fire lane access, and the encroachment onto the adjacent property.

City Clerk Schaffer read the name of the following individuals who wanted to express their support for the project but did not wish to speak: CATHY BLAIVAS and STEPHANIE HARKER.

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

STEVE MARTIN, WEST HOLLYWOOD, spoke in opposition to the Item; specifically regarding the parking and possible late night activities on the rooftop.

JAMES L. ARNONE, REPRESENTING THE APPLICANT, spoke regarding the Marriott's dedication to the brand and West Hollywood. He spoke regarding public comment surrounding the proposed condition regarding the fire access lane. He stated that there were discussions between the Fire Department, Marriott and the adjacent property owner and stated that the project will not encroach on the property next door.

Mayor Prang requested clarification regarding the height of the proposed glass wall for the roof on the south and west sides of the building and asked if the height could be increased to 8 feet.

Mr. Arnone stated that a study was done regarding increasing the height and stated that the developer is willing to consider an increase.

Mayor Pro Tempore Land spoke regarding the residential units being larger than what was initially approved. She requested clarification on the parking impact due to the increase in the size of the units. She asked for clarification regarding the change in location of the condominiums.

Mr. Arnone stated that the increase of the square footage for the residential units is an important value driver for the project, but that they meet the City requirements. Mr. Arnone spoke regarding the financial incentive to locate the condominiums where there is a view.

Councilmember Heilman disclosed that he met with representatives from Marriott and the development team, and that he spoke with a representative from the Law Offices of Truman and Elliott.

Mayor Pro Tempore Land disclosed that she met with the developers and visited the site.

Councilmember D'amico disclosed that he met with the applicants and attended a Marketing and Visitor's Bureau Board meeting where this project was presented. He disclosed that he spoke with residents regarding neighborhood concerns and visited the site. He disclosed that he also attended the Design Review Subcommittee Meeting when the project was initially presented.

Mayor Prang disclosed that he met with the applicant and members of the public. He disclosed that his husband owns a Marriott Timeshare, but he was assured by the City Attorney that he has no conflict with this Item. He expressed concerns regarding the parking.

Councilmember Heilman thanked everyone who spoke regarding the Item. He spoke regarding his previous concerns when the project was originally proposed and stated that he is now in support of the Item, but expressed some concerns surrounding the proposed changes; specifically the increase in the number of hotel rooms. He spoke in support of the decrease in retail space as it would have primarily serviced hotel guests, but expressed concerns regarding the increase in hours for the sale of alcohol on the roof deck and the possible noise issues that may arise. He suggested the possibility of having the roof deck completely enclosed. He expressed concerns regarding the encroachment onto the residential areas and the need to mitigate impacts on Harratt Street. He spoke in support of the location of the nightclub on the lower level, but expressed concerns about parking.

Councilmember D'Amico spoke regarding the design and spoke in support of the project being brought before the Design Review Subcommittee at a meeting that is noticed and scheduled to encourage residents to attend. He spoke regarding ensuring that the design meets the City's requirements, as the building will be around for many years. He spoke regarding the "Design Considerations" that were presented by the Applicant at the meeting, and spoke in support of ensuring the Marriott meets their design commitments for the project. He spoke in support of increasing the height of the wall on the roof deck and spoke regarding the possibility of modifying the design to use the walls surrounding the perimeter to help buffer the sound. He spoke in support of the Item.

Mayor Pro Tempore Land thanked everyone for coming out to speak on this Item. She spoke in support of the Item, especially the increase in meeting space, and the reduction in retail space. She spoke in support of the increase in the number of hotel rooms and their positive economic impact on the area. She expressed concern regarding the roof deck and the noise issues that may occur. She spoke regarding the design and agreed with Councilmember D'Amico's suggestion of having a Design Review Subcommittee Meeting that is promoted and noticed to discuss these concerns. She expressed concern regarding the hotel room balconies proposed along Harratt Street, and potential noise issues associated with hotel guests who only stay for a short period of time.

Mayor Prang expressed concerns regarding parking due to the increase in hotel rooms. He spoke regarding the project being a very significant project on Sunset, but he expressed concerns surrounding the possible noise on the roof deck and the additional hours of operation. He spoke in support of the increase in height for the roof deck wall as well as the suggestion to have the design discussed at a Design Review Subcommittee meeting. He spoke regarding the proposed hotel rooms on Harratt Street and suggested smaller balconies that would not include space for furniture.

Councilmember Heilman requested clarification from staff on how the parking was calculated. He spoke in support of smaller balconies along Harratt Street that would not include space for furniture. He spoke in support of having the Item go to the Design Review Subcommittee and then return to Council. He also spoke regarding including a condition that they obtain proper fire access that cannot be located on an adjacent property. He spoke regarding the possibility of requiring off-site parking spaces for a period of time until the City is satisfied that the reduction in parking is adequate.

Staff stated that the original calculation was one parking space per hotel room and they are now proposing .6 spaces per room. They spoke regarding the changes to parking requirements for retail and commercial uses as well.

Mayor Prang closed the public hearing.

ACTIONS: Hold a public hearing, consider all pertinent testimony, and approve the proposed project by the following actions: 1) Adopt Resolution No. 12-4326, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING SUNSET SPECIFIC PLAN AMENDMENT (SPA) 2012-001 IN CONJUNCTION WITH THE PROPOSED AMENDMENTS TO A MIXED USE HOTEL PROJECT LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA." (EXHIBIT A); 2) Introduce for first reading Ordinance No. 12-893, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT AMENDMENT (DVA) 2012-013 IN CONJUNCTION WITH THE PROPOSED AMENDMENTS TO A MIXED USE HOTEL PROJECT LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA."(EXHIBIT B); and 3) Adopt Resolution No. 12-4327, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING AMENDMENTS TO A MIXED USE HOTEL PROJECT LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA" (EXHIBIT C); with the following modifications: a) authorize the relocation of the condo units; b) require that the design on Harratt Street is consistent with residential area; c) increase the height of the roof deck to 8 feet, and request the applicant to explore a re-design to consider using the interior space to mitigate sound; d) require the Applicant to obtain fire access according to code without encroachment onto any adjacent property unless granted by the property owner; e) require the Applicant to provide off-site parking if the City determines that the reduced parking is not sufficient; f) require that the

project is reviewed at a noticed Design Review Subcommittee meeting prior to Council review; and g) require the Applicant to meet the list of "Design Considerations" presented by the Applicant on June 4, 2012. **Motion by Councilmember Heilman, seconded by Mayor Pro Tempore Land and approved with Councilmember Duran being absent.**

3.D. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY PARCEL MAP 71807 (TTM 011-004) TO ALLOW A PREVIOUSLY APPROVED FOUR-UNIT APARTMENT PROJECT TO BE SOLD AS CONDOMINIUMS AT 500 N. ORLANDO AVENUE, WEST HOLLYWOOD [A. MCINTOSH, J. KEHO, D. DEGRAZIA, E. VALENCIA]:

SUBJECT: The City Council will hold a public hearing to consider an appeal by DMS, LLC regarding the Planning Commission's denial of parcel map 71807 (TTM 011-004) to allow a previously approved four-unit apartment project to be sold as condominiums at 500 N. Orlando Avenue.

The Item was noticed as required by law.

David DeGrazia, Senior Planner, provided background information as outlined in the Staff Report dated June 4, 2012.

Mayor Pro Tempore Land disclosed that she met with one of the neighbors and visited the site.

Councilmember Heilman disclosed that he received a call from the Appellant.

Councilmember D'Amico disclosed that he spoke with the Appellant.

Mayor Prang disclosed that he spoke with the Appellant and visited the site.

IRA HANDELMAN, REPRESENTING THE APPELLANT, spoke in support of the Staff Report, and clarified that his client was not the original applicant for the site.

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

SVEN TOORVARD, WEST HOLLYWOOD, spoke in opposition to the project.

MARK HAMMER, WEST HOLLYWOOD, spoke in opposition to the project.

THOMAS THOMSON, WEST HOLLYWOOD, spoke in opposition to the project.

City Clerk Schaffer read the name of the following individual who wanted to express his opposition to the project but did not wish to speak: VICTOR OMELCZENKO.

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

IRA HANDLEMAN, REPRESENTING THE APPELLANT, spoke regarding the owner being a part of West Hollywood for many years. He reiterated that his client was not the property owner when the project was first approved. He requested that Council grant the Appeal.

Mayor Prang closed the public hearing.

Mayor Pro Tempore Land requested clarification on whether the four units being proposed would be market rate.

Staff confirmed that the units would be market rate.

Mayor Pro Tempore Land clarified that the originally proposed apartment units are not rent controlled so there are no affordable units being lost. She stated that the owners have met all of the City's requirements and stated that the project should be approved.

Councilmember D'Amico requested clarification from City Attorney Jenkins on why the Planning Commission denied this project. He expressed concerns regarding the decision by the Planning Commission and suggested that City Attorney Jenkins or the Assistant City Attorney provide some training surrounding this type of issue for the Planning Commission for future considerations.

City Attorney Jenkins stated that the project is a legally non-conforming building and that a change in ownership and a request for conversion from apartments to condominiums does not allow for a denial. He stated that State Law prevents the City from compelling the property owner from being in the rental business and the City must follow that law. He stated that the Planning Commission received training and a recommendation from the Assistant City Attorney and Staff, but decided to go against that recommendation. He further stated that City Council made the standards and zoning requirements the same whether the units are condominiums or rentals.

Councilmember Heilman thanked everyone who came out to speak on the Item. He spoke regarding the Planning Commission's decision and stated

that it is up to the Council to speak with their appointees and encourage them to listen to the advice of Staff and the City Attorney. He stated that the application meets the City's codes and the sub-division requirements have been met, so the Council is required to grant the Appeal. He spoke in support of the Item.

Mayor Prang spoke regarding the issues raised by residents not applying in this particular case and spoke in support of the Item.

ACTION: Adopt Resolution No. 12-4328, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, GRANTING AN APPEAL FILED BY DMS, LLC APPROVING PARCEL MAP 71807 (TTM 011-004) TO ALLOW A PREVIOUSLY APPROVED FOUR-UNIT APARTMENT PROJECT TO BE SOLD AS CONDOMINIUMS AT 500 N. ORLANDO AVENUE, WEST HOLLYWOOD." (EXHIBIT A) **Motion by Mayor Pro Tempore Land, seconded by Councilmember Heilman and approved with Councilmember Duran being absent.**

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. COMMISSION APPOINTMENT [C. SCHAFFER, Y. QUARKER]:

SUBJECT: The City Council will consider making an appointment to the Public Facilities Commission.

ACTION: This Item was TABLED.

EXCLUDED CONSENT CALENDAR: None.

6. LEGISLATIVE: None.

PUBLIC COMMENT:

STEVE MARTIN, CITY OF WEST HOLLYWOOD, spoke regarding the June 5, 2012 Presidential Primary Election.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 9:53 p.m. in memory of Kathryn Joosten and all the soldiers who died in Afghanistan since the last City Council meeting. The City Council adjourned to their next regular meeting, which will be on Monday, June 18, 2012 at 6:30 P.M. in the West Hollywood Park Public Meeting Room - Council Chambers, 625 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 18th day June, 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.

JEFFREY PRANG, MAYOR

ATTEST:

COREY SCHAFFER, CITY CLERK