

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
MONDAY, NOVEMBER 4, 2013  
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS  
625 N. SAN VICENTE BOULEVARD**

**Mayor Abbe Land participated  
via telephone from the  
Trump International Beach Resort  
18001 Collins Avenue  
Sunny Isles Beach, FL 33160**

**6:30 P.M. – REGULAR MEETING**

**CALL TO ORDER:** Mayor Pro Tempore D'Amico called the meeting to order at 6:36 p.m.

**PLEDGE OF ALLEGIANCE:** James Mills led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT: Councilmember Duran, Councilmember Heilman,  
Councilmember Prang, Mayor Pro Tempore D'Amico and  
Mayor Land (via telephone)**

**ABSENT:**

**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 6:00 p.m. He stated that there was no public comment and one Item of pending litigation, Mayfair vs. City of West Hollywood, was added to the agenda. He stated that the closed session adjourned at 6:30 p.m. with no reportable action.

**APPROVAL OF AGENDA:**

Mayor Pro Tempore D'Amico requested that Item 5.A. be tabled.

Councilmember Duran requested that Item 4.A. be moved to the Consent Calendar as Item 2.Q.

**Motion by Councilmember Prang, seconded by Councilmember Heilman, to  
approve the agenda as amended, and approved.**

## **ADJOURNMENT MOTIONS:**

Mayor Pro Tempore D'Amico requested that the meeting be adjourned in memory of Mr. Estrada, the individual who died during the Halloween Carnival.

Councilmember Heilman requested that the meeting be adjourned in memory of Gerardo Hernandez, the TSA Employee who was recently killed at LAX.

Councilmember Prang requested that the meeting be adjourned in memory of Los Angeles County Firefighter Shawn Bayer, who served here in West Hollywood. Councilmember Prang reported that there has been no report of military casualties in Afghanistan since the last City Council Meeting.

Mayor Land requested that the meeting be adjourned in memory of Gerardo Hernandez, the TSA Employee who was recently killed at LAX.

## **PRESENTATIONS:**

The Transgender Advisory Board presented a proclamation to the City Council thanking the City for recognizing November as Transgender Awareness Month.

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

ATHENA MISON FULAY, WASHINGTON, D.C., spoke in support of Item 2.K.

CHARLES MCWELLS, LOS ANGELES, spoke regarding the observance of World AIDS Day on December 1, 2013 and an upcoming event on December 3, 2013. He spoke regarding the work of Councilmember Duran on this issue.

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding Mayor Pro Tempore D'Amico's recent appointments to Advisory Boards and Commissions. He also spoke in support of Campaign reform.

STEPHANIE J. HARKER, WEST HOLLYWOOD, spoke regarding her attendance at the new performing arts center in Beverly Hills, and spoke regarding Great Hall and Long Hall at Plummer Park.

GENEVIEVE MORRILL, REPRESENTING THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke regarding the Chamber's EAT, SHOP, PLAY program.

VICTOR OMELCZENKO, WEST HOLLYWOOD, expressed his condolences to Mr. Estrada and his family. He spoke in support of commercial property owners paying their fair share of taxes.

KARINA SAMALA, WEST HOLLYWOOD, spoke in support of Item 2.M.

The following individual did not wish to speak, but expressed her support for Item 2.K.:  
VIRGINIA GILLICK

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

Councilmember Duran spoke regarding his recent trip to Israel. He spoke regarding the event scheduled for December 3, 2013 in honor of World AIDS Day. He spoke regarding the upcoming Veterans' Day Event scheduled for November 11, 2013. He spoke regarding the various events the City will be hosting in honor of Transgender Awareness Month including the illumination of City Hall in pink and blue. He thanked the Sheriff's Department for their protection and their partnership with the Transgender Community. He spoke regarding public comment surrounding campaign reform and clarified that the maximum contribution amount to a candidate is \$500.00.

Councilmember Heilman spoke regarding the recent Halloween Carnival event and thanked everyone involved. He reported that he would be unable to attend the upcoming Veterans' Day event, due to work. He spoke regarding an upcoming event with the Williams Institute that will focus on the Criminalization of HIV around the world.

Councilmember Prang asked that Item 2.M. be amended to include the raising the Transgender Flag at City Hall in honor of Transgender Awareness Month. He spoke regarding the City being awarded a score of 100% from the Human Rights Campaign; who measures how well Cities treat their LGBT community.

Mayor Pro Tempore D'Amico spoke regarding the recent LGAB Community Forum regarding PRIDE. He spoke regarding an upcoming Forum on medications for HIV/AIDS. He spoke regarding the upcoming Go-Go Appreciation Day event and the upcoming Tom of Finland Exhibit. He reported that he would be traveling and unable to attend the upcoming Veterans' Day event. He spoke regarding Item 2.G. and requested that a report be brought to Council regarding the possibility of doubling the current amount allocated for Arts Grants. He spoke in support of Item 2.M.

Mayor Land spoke regarding the recent Halloween Carnival event and thanked all those involved. She spoke regarding the recent Transgender Remembrance March in the City. She spoke regarding the upcoming Veterans' Day event. She spoke regarding the recent LGAB Community Forum regarding the Gay PRIDE events.

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

City Manager Arevalo spoke regarding Mayor Pro Tempore D'Amico's request to provide an analysis regarding arts grants and stated that Staff will return to Council with a report. He reported that on November 12, 2013, the Griffith Company will begin work on the Sweetzer Avenue street-widening project. He reported that the City Hall parking lot and Sweetzer Avenue will remain open during the project. He also reported that construction on the Automated Parking Garage behind City Hall will begin early next year. He spoke regarding the City being a member of the Alliance for Innovation and

reported that the City, in partnership with the City of Santa Monica, participated in an event entitled "Visioning Cities 20-Years from Now."

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

City Clerk Schaffer stated that the fiscal impact on the Consent Calendar is \$1,002,950 in expenditures, \$ - 83,857 in potential revenue, and (\$5,202) in waived fees.

## **2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O.,P.,Q. **Motion by Councilmember Heilman, seconded by Councilmember Duran, and approved.**

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

*SUBJECT: The agenda for the meeting of Monday, November 4, 2013 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, October 31, 2013.*

**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 the prior Council meeting.*

**ACTION:** Approve the minutes of October 21, 2013. **Approved as part of the Consent Calendar.**

### **2.C. DEMAND REGISTER NO. 732, RESOLUTION NO. 13-4507:**

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

**ACTION:** Approve Demand Register No. 732 and adopt Resolution No. 13-4507, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 732". **Approved as part of the Consent Calendar.**

### **2.D. COMMISSION AND ADVISORY BOARD ACTION REPORTS:**

*SUBJECT: The City Council will receive reports from the Arts and Cultural Affairs Commission and the Disabilities Advisory Board on actions taken at their recent meetings.*

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

### **2.E. 2013/14 LEGISLATIVE SESSION STATUS REPORT AND UPDATE [P. AREVALO, S. BAXTER, C. SCHROEDER, H. MOLINA]:**

*SUBJECT: The City Council will receive a report on the status of legislation for which the City Council adopted positions during the first year of the 2013/14 legislative session of the California State Legislature and the U.S. Congress.*

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

**2.F. MILLS ACT CONTRACT FOR PROPERTY LOCATED AT 1400 NORTH HAYWORTH AVENUE (HOLLYWOOD RIVIERA) [S. DEWOLFE, E. STADNICKI]:**

*SUBJECT: The City Council will consider approving a Mills Act Contract with the owner of 1400 North Hayworth Avenue (Hollywood Riviera), a designated Cultural Resource of the City of West Hollywood.*

**ACTION:** Staff recommends that the City Council approve a Mills Act Contract between the City of West Hollywood and the owners of 1400 North Hayworth Avenue (Hollywood Riviera Homeowners Association), and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.G. ARTS AND CULTURAL AFFAIRS COMMISSION 2014 ARTS GRANT PROGRAM ANNUAL AWARDS [P. AREVALO, M. LOUIE, A. CAMPBELL]:**

*SUBJECT: The Council will consider the Arts and Cultural Affairs Commission's recommendation to award annual Arts Grant Program grants to 10 arts organizations in accordance with guidelines previously adopted by City Council.*

**ACTIONS:** 1) Approve recommendations of the Arts and Cultural Affairs Commission to award 2014 annual Arts Grant Program grants and technical assistance totaling \$54,700 as outlined in Exhibit A; 2) Approve the waiver of fees for use of the West Hollywood Library Public Meeting Room (Council Chambers) and other City facilities for specific performances and presentations by grantees in fulfillment of their Art Grant projects as indicated in Exhibit A; 3) Approve the extension of free validated parking at the West Hollywood Park 5-level parking structure, from 2 hours to 3 hours, for those grant funded events scheduled for the Council Chambers; and 4) Allow grantee organizations to charge admission or accept donations to offset production costs for performances or projects while using City facilities. **Approved as part of the Consent Calendar.**

**2.H. AUTHORIZE SUBMISSION OF GRANT APPLICATIONS TO THE LOS ANGELES COUNTY ARTS COMMISSION TO SUPPORT FUNDING FOR 2014 PROGRAMS [P. AREVALO, M. LOUIE, A. CAMPBELL, M. CHE]:**

*SUBJECT: The City Council will consider authorizing the submission of grant applications to the Los Angeles County Arts Commission to support a Summer Sounds concert and Cultural Affairs Intern in the summer of 2014.*

**ACTIONS:** 1) Authorize the submission of a grant application to the Los Angeles County Arts Commission for support of a music concert as part of the City's Summer Sounds program; 2) Authorize the submission of a grant application to the Los Angeles County Arts Commission for support

of a Cultural Affairs Intern for a ten-week period of employment between June 2, 2014 and August 22, 2014; and 3) Authorize the Director of Finance and Technology Services to increase revenue in account 209-422001 (County Grants Fund) and expenditures in account 209-1-01-10-535013 (Special Events Programming, Public Art and Beautification Fund) by an equal amount not-to-exceed \$6,500, which will be determined upon the successful award of the grant. **Approved as part of the Consent Calendar.**

**2.I. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON CIP 1402, TRAFFIC SIGNAL COMMUNICATION UPGRADES FOR THE METRO RAPID TRANSIT PRIORITY SYSTEM PROJECT [O. DELGADO, S. PERLSTEIN]:**

*SUBJECT: The City Council will consider the approval of a professional services agreement with RBF Consulting for construction management and inspection services on CIP 1402, Traffic Signal Communication Upgrades for the Metro Rapid Transit Priority System Project.*

**ACTION:** Approve a professional services agreement in an amount not to exceed \$105,000 with RBF Consulting for construction management and inspection services on CIP 1402, Traffic Signal Communication Upgrades for the Metro Rapid Transit Priority System Project and authorize the City Manager to sign the agreement. **Approved as part of the Consent Calendar.**

**2.J. AMENDMENTS TO THE AGREEMENTS IMPOSING RESTRICTIONS ON REAL PROPERTY BETWEEN THE CITY OF WEST HOLLYWOOD AND ESSEX MONARCH LA BREA APARTMENTS, L.P. (1234 N. LA BREA AVENUE), AND ESSEX MONARCH SANTA MONICA APARTMENTS, L.P. (7111 SANTA MONICA BOULEVARD) [E. SAVAGE, P. NOONAN, A. LOVANO]:**

*SUBJECT: The City Council will consider amendments to the Agreements Imposing Restrictions on Real Property between the City and Essex Monarch La Brea Apartments, L.P., and the City and Essex Monarch Santa Monica Apartments, L.P., in order to comply with the Federal Low-Income Housing Tax Credit program.*

**ACTIONS:** 1) Approve the First Amendment to the Agreement Imposing Restrictions on Real Property between the City of West Hollywood and Essex Monarch La Brea Apartments, L.P.; 2) Approve the First Amendment to the Agreement Imposing Restrictions on Real Property between the City of West Hollywood and Essex Monarch Santa Monica Apartments, L.P.; and 3) Authorize the City Manager to take additional actions as needed to implement the Amendments. **Approved as part of the Consent Calendar.**

**2.K. RESOLUTION IN SUPPORT OF THE INTERNATIONAL DAY OF CITIES FOR LIFE – A CAMPAIGN FOR THE ABOLISHMENT OF THE DEATH**

**PENALTY [J. HEILMAN, F. SOLOMON, A. LAND, K. HASHMI, J. SCHWEIGERT]:**

*SUBJECT: The City Council will consider adopting a resolution in support of the International Day of Cities for Life – a global campaign for the abolishment of the death penalty to be held on November 30, 2013.*

**ACTIONS:** 1) Adopt Resolution No. 13-4508 “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF THE INTERNATIONAL DAY OF CITIES FOR LIFE – A CAMPAIGN FOR THE ABOLISHMENT OF THE DEATH PENALTY”; 2) Direct staff to send signed copies to the World Coalition Against the Death Penalty, Death Penalty Focus, Amnesty International, President Barack Obama, U.S. Senators Barbara Boxer and Diane Feinstein, U.S. Representative Adam Schiff, Governor Jerry Brown, California Senator Ted Lieu, and California Assemblymember Richard Bloom; 3) Approve the City in joining other municipalities across the world by lighting up City Hall; 4) Direct the Public Information Office to publicize the City’s sponsorship of this campaign; and 5) Authorize the Director of Finance and Technology Services to allocate \$250 from budgeted funds in the Special Council Programs account number 100-1-01-00-531001 for costs associated with the item. **Approved as part of the Consent Calendar.**

**2.L. CO-SPONSORSHIP OF THE LOS ANGELES CENTERS FOR ALCOHOL AND DRUG ABUSE LECTURE SEMINAR [J. DURAN, I. OWENS]:**

*SUBJECT: The City Council will consider approving the co-sponsorship of the Los Angeles Centers for Alcohol and Drug Abuse Lecture Seminar, "MEN ON FILM: How Media Depictions of Black MSM Impact HIV Infection Rates".*

**ACTIONS:** 1) Approve the City of West Hollywood’s co-sponsorship of the Lecture Seminar; authorizing the use of the City logo on printed materials advertising the Lecture Seminar; 2) Approve the use of the Council Chambers and Community Room at the West Hollywood Library; 3) Waive rental, parking, and associated fees; 4) Direct Public Information to utilize all appropriate communication tools to promote the event including, but not limited to, the City’s website and social media tools; and 5) Authorize the Director of Finance and Technology Services to allocate \$1,000 from budgeted funds in the Special Council Programs account number 100-1-01-00-531001 for costs associated with the Lecture Seminar. **Approved as part of the Consent Calendar.**

**2.M. WEST HOLLYWOOD CITY HALL GOES PINK AND BLUE FOR TRANSGENDER DAY OF REMEMBRANCE [J. DURAN, I. OWENS, J. D’AMICO, M. REX]:**

*SUBJECT: The City Council will consider lighting West Hollywood City Hall in pink and blue for the month of November in recognition of Transgender Day of Remembrance.*

**ACTIONS:** 1) Approve the lighting of West Hollywood City Hall in pink and blue for the month of November; 2) Direct staff to organize a lighting ceremony and assist with promoting the event; and 3) Authorize the Director of Finance and Technology Services to allocate \$250 from budgeted funds in the Special Council Programs account number 100-1-01-00-531001 for costs associated with the lighting. **Approved as part of the Consent Calendar.**

**2.N. WEST HOLLYWOOD CITY HALL HOLIDAY LIGHTING [J. DURAN, I. OWENS, J. D'AMICO, M. REX]:**

*SUBJECT: The City Council will consider lighting West Hollywood City Hall in red, green, and blue for the month of December in recognition of the Holiday Season.*

**ACTIONS:** 1) Approve the lighting of West Hollywood City Hall in alternating blue and white, red and green for the month of December; 2) Direct staff to organize a lighting ceremony and assist with promoting the event; and 3) Authorize the Director of Finance and Technology Services to allocate \$250 from budgeted funds in the Special Council Programs account number 100-1-01-00-531001 for costs associated with the lighting. **Approved as part of the Consent Calendar.**

**2.O. CO-SPONSORSHIP OF AIDS PROJECT LOS ANGELES' RED CIRCLE PROJECT "COMMUNITY AWARDS" [A. LAND, K. HASHMI, J. PRANG, M. HAIBACH, J. SCHWEIGERT]:**

*SUBJECT: The City Council will consider co-sponsoring AIDS Project Los Angeles' (APLA) Red Circle Project "CommUNITY Awards."*

**ACTIONS:** 1) Approve the City of West Hollywood's co-sponsorship of AIDS Project Los Angeles' Red Circle Project "CommUNITY Awards" to be held on November 15, 2013; 2) Approve the waiver of fees for room rental and parking validation required for the use of the Library Community Meeting Room; and 3) Authorize APLA's Red Circle Project to utilize the City of West Hollywood's name and logo on printed and online promotional materials. **Approved as part of the Consent Calendar.**

**2.P. CO-SPONSORSHIP OF THE BOB MIZER AND TOM OF FINLAND EXHIBIT AT MOCA AT THE PDC [J. D'AMICO, M. REX]:**

*SUBJECT: The City Council will consider co-sponsorship of the 'Bob Mizer and Tom of Finland' exhibit at the Museum of Contemporary Art, Los Angeles at the Pacific Design Center.*

**ACTION:** 1) Approve co-sponsorship of the 'Bob Mizer and Tom of Finland' exhibit at MOCA at the PDC and authorize the use of the City name and logo on invitations, programs, and other collateral materials; 2) Approve the use \$5,000.00 from budgeted City Council discretionary funds to support the 'Bob Mizer and Tom of Finland' exhibit at the Museum of Contemporary Art, Los Angeles at the Pacific Design Center; and 3) Authorize the City Manager to sign all required documents relating to this item. **Approved as part of the Consent Calendar.**



**2.Q. (4.A.) ALLOCATION OF FUNDS FOR PHASE II WEST HOLLYWOOD PARK IMPLEMENTATION PROJECT AND AGREEMENTS FOR SERVICES WITH HEERY INTERNATIONAL, INC. FOR VARIOUS CONSTRUCTION RELATED SERVICES FOR THE 25TH ANNIVERSARY CAPITAL PROJECT - CITY HALL AUTOMATED PARKING GARAGE AND COMMUNITY PLAZA PROJECT, AND PHASE II WEST HOLLYWOOD PARK MASTER PLAN IMPLEMENTATION PROJECT [P. AREVALO, S. BAXTER, J. HUFFER, O. DELGADO, D. UYENO]:**

*SUBJECT: The City Council will consider awarding various contracts to Heery International for Construction Administration Services for the City Hall Automated Garage and Community Plaza Project and Pre-Construction Services for Phase II of the West Hollywood Park Master Plan Implementation Project. The City Council will also consider allocating funds for other design related professional services for Phase II of the West Hollywood Park Master Plan Implementation Project.*

**ACTIONS:** 1) Approve an Agreement for Services with Heery International, Inc. in an amount not-to-exceed \$1,200,000 for Project Management/Construction Administration Management Services for the City Hall Automated Parking Garage and Community Plaza Project; 2) Authorize the allocation of \$830,000 from the Debt Funded Capital Projects Fund to account number 301-4-01-11-702211 to fund initial professional services related to Phase II West Hollywood Park Master Plan Implementation Project, including pre-construction project management services and other design related professional services; 3) Approve an Agreement for Services with Heery International, Inc. in an amount not to exceed \$580,000 for preconstruction project management services (design phases – bid award) for the Phase II West Hollywood Park Master Plan Implementation Project; and 4) Authorize the City Manager to execute and approve any minor modifications to all associated Agreements. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. APPEAL OF THE PLANNING COMMISSION'S APPROVAL TO AMEND THE DESIGN OF A TWO-STORY COMMERCIAL BUILDING LOCATED AT 8564 MELROSE AVENUE [S. DEWOLFE, J. KEHO, D. DEGRAZIA, A. GALLO]:**

*SUBJECT: The City Council will hold a public hearing to consider an appeal filed by Lauren Meister, neighboring residential property owner, regarding the Planning Commission's decision to approve amendments to the design of a previously approved two-story commercial building located at 8564 Melrose Avenue.*

The Item was noticed as required by law.

Adrian Gallo, Associate Planner, provided background information as outlined in the staff report dated November 4, 2013.

Mayor Pro Tempore D'Amico opened the public hearing and the following speakers came forward:

LAUREN MEISTER, APPELLANT, spoke in opposition to the project and requested that Council approve her Appeal due to modifications made to the design and its impact on the neighborhood. She spoke regarding the project being changed from what was approved at the August 15, 2013 Planning Commission.

ANGELA MATT, REPRESENTING THE APPLICANT, spoke in support of the project and explained the design changes that were made since the August 15, 2013 Planning Commission meeting. She spoke regarding various conditions of use being placed on the project; which were all approved by the developer.

TIM AITKENS, LOS ANGELES, spoke in support of the Item and in opposition to the Appeal.

TOM WELCH, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

CHRISTOPHER KELLY, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

KAREN KUO, LOS ANGELES, spoke in support of the Item and in opposition to the Appeal.

MARY ANN COLLINS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

LARRY BLOCK, WEST HOLLYWOOD, spoke regarding campaign contributions.

GARRY GUERRIER, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

DAN GERSTNER, LA CANADA, spoke in support of the Item and in opposition to the Appeal.

TRACY EDWARDS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

TRENT SMITH, LOS ANGELES, spoke in support of the Item and in opposition to the Appeal.

STEVEN MCCRORY, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

SUMA LIPARI, BEVELRY HILLS, spoke in support of the Item and in opposition to the Appeal.

MILA SANTIAGO JONES, SANTA MONICA, spoke in support of the Item and in opposition to the Appeal.

LOGAN ROSS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

RICHARD DOMABAR, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

DAVID STOLTZ, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the Appeal.

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

LYNN HOOPINGARNER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

KIMBERLY WINICK, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

LAWRENCE CHAMBLEE, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

RICHARD GEISBRET, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

DAN SIEGEL, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the Appeal.

ROBERT KUHL, BEVERLY HILLS, spoke in support of the Item and in opposition to the Appeal.

**The following individuals did not wish to speak, but expressed their opposition to the Item and support of the Appeal:** Sandy Pollack, Marjorie Pollack, Brad Keistler, Cathy Blaivas, Nadine Bloemer, Ali

Behzad, Stephanie Harker, Martin Strudler, Debbie Meister, Victor Omelczenko, Richard Teeter, Michael Kevin Lee, Eric d'Arbeloff, Douglas Warde, and Rosemarie Zaffina.

**The following individuals did not wish to speak, but expressed their support for the Item and opposition to the Appeal:** Bob Burke.

CLARE BRONOWSKI, REPRESENTING THE APPLICANT, provided a brief rebuttal and emphasized that the issues surrounding the tenant and the type of use has not changed.

Councilmember Hielman requested clarification regarding whether the entire space will be rented to Restoration Hardware.

The Applicant affirmed that the entire space will be housed by Restoration Hardware.

LAUREN MEISTER, APPELLANT, provided a rebuttal and repeated that the development has changed since its initial approval and should not be approved.

Councilmember Heilman thanked everyone who spoke regarding the Item. He expressed concern over Items being changed during the approval process; however he spoke regarding this sometimes being part of the process. He spoke regarding the proposed project at the former Movie Town Plaza and the changes that occurred during the approval process. He spoke in support of the proposed changes and modifications to the project. He spoke regarding the success of the Restoration Hardware currently located on Beverly Boulevard, and spoke in support of the increase in size of this location. He spoke regarding the concerns surrounding the roof deck and his visit to a similar store with a roof deck and its limited impacts. He spoke regarding the original approval of the project and the fact that a significant percentage of the space was approved for retail during that process. He spoke regarding the fact that the use of the building is not being changed, the size is being reduced, and the fact there is no change to the parking from the original proposal. He spoke in support of the amount of parking spaces being proposed. He spoke in support of the conditions that were placed on the project regarding the use of the roof-top. He expressed his support for the project.

Mayor Land thanked everyone who spoke regarding the Item. She expressed support for the decision of the Planning Commission. She spoke in support of the conditions that were placed on the project regarding the use of the roof-top. She spoke in support of adding a condition to the Item to review the use if a new tenant is brought in. She expressed her support for the project.

Councilmember Prang spoke regarding his previous NO vote on the project, due to the neighborhood impacts. He stated that his position has not changed and he has concerns with the proposed roof-top garden, as it is a significant change. He expressed his opposition to the project.

Councilmember Duran spoke in support of the project. He spoke regarding the differences between the east end of Melrose near Fairfax and the west end of Melrose. He spoke regarding the changes to the economy and how it has impacted commercial financing; which often facilitates changes to projects. He spoke regarding the City being in competition with Hollywood, Culver City and Santa Monica as it relates to development. He spoke regarding this area representing a third of the City's revenue. He spoke in support of the project housing a single tenant. He spoke in support of the roof-top gardens. He spoke regarding the increase in property values in the area due to the increase in economic development. He spoke in support of the conditions that were placed on the project; including the roof-top.

Mayor Pro Tempore D'Amico requested clarification from the Architect regarding the Sound Study. He requested clarification as to why the mechanical units could not be placed on the adjacent building, and expressed concern over the quality of equipment over time.

The Architect, Angela Matt, responded that placing the mechanical units in that area would expose all of the duct work onto the roof. She spoke regarding one of the current conditions already in place to assess the levels of sound on an ongoing basis.

Mr. Yee, the Sound Architect, responded to the concerns surrounding possible noise from the mechanical units. He spoke regarding the research conducted and the measurements he has completed in the field. He spoke regarding reviewing these units at a location that has been in place for four years, and the noise levels were still the same.

Mayor Pro Tempore D'Amico spoke regarding the issues that arose during the process of approving this project and expressed concerns over some of the sales tax not going to West Hollywood. He spoke in opposition to the Item; especially due to its size.

**ACTION:** Staff recommends that the City Council hold a public hearing, consider all pertinent testimony, deny the appeal, and conditionally approve the project by adopting the following: Resolution No. 13-4509, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL OF LAUREN MEISTER AND CONDITIONALLY APPROVING AMENDMENTS TO THE DEVELOPMENT PERMIT REGARDING THE APPROVED TWO-STORY,

27,553-SQUARE-FOOT COMMERCIAL BUILDING LOCATED AT 8564 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA. (RESTORATION HARDWARE)" (ATTACHMENT A); with an additional provision to require review of the project upon a change of tenants at the location. **Motion by Councilmember Heilman, seconded by Councilmember Duran, and approved noting the NO votes of Mayor Pro Tempore D'Amico and Councilmember Prang.**

**4. UNFINISHED BUSINESS:**

**4.A. ALLOCATION OF FUNDS FOR PHASE II WEST HOLLYWOOD PARK IMPLEMENTATION PROJECT AND AGREEMENTS FOR SERVICES WITH HEERY INTERNATIONAL, INC. FOR VARIOUS CONSTRUCTION RELATED SERVICES FOR THE 25TH ANNIVERSARY CAPITAL PROJECT - CITY HALL AUTOMATED PARKING GARAGE AND COMMUNITY PLAZA PROJECT, AND PHASE II WEST HOLLYWOOD PARK MASTER PLAN IMPLEMENTATION PROJECT [P. AREVALO, S. BAXTER, J. HUFFER, O. DELGADO, D. UYENO]:**

*SUBJECT: The City Council will consider awarding various contracts to Heery International for Construction Administration Services for the City Hall Automated Garage and Community Plaza Project and Pre-Construction Services for Phase II of the West Hollywood Park Master Plan Implementation Project. The City Council will also consider allocating funds for other design related professional services for Phase II of the West Hollywood Park Master Plan Implementation Project.*

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

**5. NEW BUSINESS:**

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

*SUBJECT: The City Council will consider making an at-large appointment to the Public Safety Commission.*

**ACTION: This Item was Tabled.**

**EXCLUDED CONSENT CALENDAR: None.**

**6. LEGISLATIVE: None.**

**PUBLIC COMMENT: None.**

**COUNCILMEMBER COMMENTS: None.**

**ADJOURNMENT:** The City Council adjourned at 8:46 p.m. in memory of Mr. Estrada, Gerardo Hernandez, and Shawn Bayer. The City Council adjourned to an adjourned regular meeting, which will be on Monday, November 18, 2013 at 5:00 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 18<sup>th</sup> day of November, 2013 by the following vote:

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

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ABBE LAND, MAYOR

ATTEST:

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COREY SCHAFFER, CITY CLERK