

**CITY COUNCIL
CITY OF WEST HOLLYWOOD
MINUTES
TUESDAY, FEBRUARY 16, 2010
WEST HOLLYWOOD PARK
647 N. SAN VICENTE BOULEVARD**

CALL TO ORDER: Mayor Land called the meeting to order at 6:33 P.M.

PLEDGE OF ALLEGIANCE: Marcy Norton led the pledge.

ROLL CALL:

PRESENT: Councilmember Duran, Councilmember Horvath,
Councilmember Prang, Mayor Pro Tempore Heilman, and
Mayor Land.

ABSENT: None.

ALSO PRESENT: City Manager Arevalo, City Attorney Jenkins, City Clerk West,
and Assistant City Clerk Schaffer.

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 were no public speakers. He stated that the City Council authorized one (1) Item of Initiation of Litigation. He stated that the closed session adjourned at 6:20 P.M with no reportable action taken.

APPROVAL OF AGENDA:

City Manager Arevalo requested that Item 5.A. be TABLED.

Motion by Councilmember Horvath, seconded by Mayor Pro Tempore Heilman to approve the February 16, 2010 agenda as amended, and unanimously approved.

ADJOURNMENT MOTIONS:

Councilmember Horvath requested that the meeting be adjourned in memory of Laurie Saltsman, the mother of Ben Saltsman, a deputy to Supervisor Zev Yaroslavsky. She requested that the meeting be adjourned in memory of Charmette Bonpua, Chief of Staff to Los Angeles City Councilmember Herb Wesson. She requested that the meeting be adjourned in memory of Melanie Shouse, a long-time healthcare reform advocate.

Mayor Land requested that the meeting be adjourned in memory of Frederick Benito Cordova, the father of Jeanne Cordova, a long-time community activist. She requested that the meeting be adjourned in memory of Susan Hill, a long-time reproductive rights activist.

Councilmember Duran requested that the meeting be adjourned in memory of the following soldiers who died in Iraq and Afghanistan since the last City Council meeting: Pfc. Adriana Alvarez, Army PFC Gifford E. Hurt, Navy PO2 Xin Qi, Marine LCpl Jeremy M. Kane, Marine Sgt Daniel M. Angus, Marine LCpl Timothy J. Poole, Marine LCpl Zachary D. Smith, Army SGT Carlos E. Gill, Army PFC Scott G. Barnett, Marine Sgt David J. Smith, Army CPT David J. Thompson, Army SPC Mar P Decoteau, Marine LCpl Michael L. Freeman Jr., Army SSG Rusty H. Christian, Army CPT Daniel Whitten, Army PFC Zachary G. Lovejoy, Army SFC David J. Hartman, Army SFC Class Matthew S Sluss-Tiller, Army SSG Mark A. Stets.

PRESENTATIONS:

Mayor Land presented a proclamation in recognition of the 3rd Annual International Networking Week.

Mayor Land presented commendations to the West Hollywood Sheriff's Station Volunteers.

1. PUBLIC COMMENT:

RUTH WILLIAMS, WEST HOLLYWOOD, spoke regarding an upcoming event in the City titled "Separation of Church and State."

JOHN D'AMICO, WEST HOLLYWOOD, spoke regarding the demographics of the General Plan Advisory Committee.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the demographics of the General Plan Advisory Committee and spoke regarding development issues in the City.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke regarding the task force which is being created to investigate a possible ban of smoking on outdoor patios in restaurants and bars in the City.

SVEN TOORVALD, WEST HOLLYWOOD, spoke regarding developer fees and legal fees regarding development projects in the City.

ANDREW RAKOS, WEST HOLLYWOOD, spoke in support of Item 3.D.

ESTHER BAUM, WEST HOLLYWOOD, spoke regarding the closure of Partners, a local social services agency.

NEAL ZASLAVSKY, WEST HOLLYWOOD, spoke regarding a petition being circulated by the League of California Cities to request the State to preserve funding to local governments.

COUNCILMEMBER COMMENTS:

Councilmember Horvath spoke regarding the upcoming "Girlfriend Party" event in the City as part of the Women's Leadership Conference. She spoke regarding her upcoming attendance at the California State University Northridge "Take Back the Night" program.

Councilmember Duran requested clarification regarding the task force which is being created to investigate a possible ban of smoking on outdoor patios in restaurants and bars in the City, and spoke in support of the task force being subject to the rules of the Brown Act. He spoke regarding a petition being circulated by the League of California Cities to request the State to preserve funding to local governments. He spoke regarding an upcoming series of events to introduce candidates for State office to West Hollywood residents.

Councilmember Prang provided clarification of Item 2.E., and spoke regarding a similar bill being proposed in the State of Maryland.

Mayor Pro Tempore Heilman requested that the at-large Public Facilities Commission appointment in Item 5.B. be Tabled to a future meeting. He spoke regarding the task force which is being created to investigate a possible ban of smoking on outdoor patios in restaurants and bars in the City, and spoke in support of the task force being subject to the rules of the Brown Act.

Mayor Land spoke regarding Item 2.E. She spoke regarding a recent trip to New York City to promote tourism in West Hollywood. She spoke regarding the recent kick-off event for American Heart Month. She spoke regarding an upcoming "Meet the Mayor" event in the City. She congratulated Milt Young, a long-time resident and volunteer at the Saban Free Clinic, on his upcoming 96th birthday. She spoke regarding the task force which is being created to investigate a possible ban of smoking on outdoor patios in restaurants and bars in the City, and spoke in support of the task force being subject to the rules of the Brown Act.

CITY MANAGER'S REPORT:

City Manager Arevalo provided clarification regarding the task force which is being created to investigate a possible ban of smoking on outdoor patios in restaurants and bars in the City, and spoke in support of the task force being subject to the rules of the Brown Act. He spoke regarding public comment surrounding the demographics of the General Plan Advisory Committee.

He requested Andrew Campbell, Cultural Affairs Administrator, to provide an update on the upcoming "The Big Read" events in the City.

FISCAL IMPACT ON CONSENT CALENDAR:

City Clerk West stated that the fiscal impact on the Consent Calendar is \$41,905.00 in expenditures and \$0.00 in potential revenue.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as amended, 2.A.,B.,C.,D.,E.,F.,G.,H.,I.,J.,K.,L.,M.,N.,O. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Horvath and unanimously approved.**

2.A. POSTING OF AGENDA:

The agenda for the meeting of Tuesday, February 16, 2010 was posted at City Hall, Plummer Park, the Sheriff's Station and at the West Hollywood Library on Thursday, February 11, 2010.

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

2.B. APPROVAL OF MINUTES:

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

ACTION: Approve the minutes of January 25 and February 1, 2010. **Approved as part of the Consent Calendar.**

2.C. DEMAND REGISTER NO. 644, RESOLUTION NO. 10-3940:

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

ACTION: Approve Demand Register No. 644 and adopt Resolution No. 10-3940, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ALLOWING AND APPROVING THE PAYMENT OF DEMANDS ON DEMAND REGISTER NO. 644." **Approved as part of the Consent Calendar.**

2.D. CLAIMS ADMINISTRATION:

The City Council is asked to deny Claims filed against the City, as a routine administrative step in claims processing.

ACTION: Deny the claims of Mary Wilson and Richard Fox and refer to the City's claims adjuster. **Approved as part of the Consent Calendar.**

2.E. ORDINANCE NO. 10-836 (2ND READING), REGARDING THE RETAIL SALE OF DOGS AND CATS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-836, a proposed ordinance adding new Chapter 9.50 to Title 9 of the Municipal Code regarding the retail sale of dogs and cats.

ACTION: Waive further reading and adopt Ordinance No. 10-836, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING NEW CHAPTER 9.50 TO TITLE 9 OF THE MUNICIPAL CODE REGARDING THE RETAIL SALE OF DOGS AND CATS." **Approved as part of the Consent Calendar.**

2.F. ORDINANCE NO. 10-837 (2ND READING), AMENDING PREFERENTIAL PARKING REGULATIONS ON THE EAST SIDE LARRABEE STREET BETWEEN NELLAS AND HARRATT STREETS [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-837, a proposed ordinance amending preferential parking regulations on the East Side Larrabee Street between Nellas and Harratt Streets and amending the West Hollywood Municipal Code.

ACTION: Waive further reading and adopt Ordinance No. 10-837, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.200 OF THE WEST HOLLYWOOD MUNICIPAL CODE AMENDING PREFERENTIAL PARKING REGULATIONS ON THE EAST SIDE LARRABEE STREET BETWEEN NELLAS AND HARRATT STREETS AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE." **Approved as part of the Consent Calendar.**

2.G. ORDINANCE NO. 10-838 (2ND READING), APPROVING DEVELOPMENT AGREEMENT 2009-002, ASSOCIATED WITH A DOUBLE-SIDED 14 FT. WIDE x 48 FT. HIGH BILLBOARD ATOP A POLE, LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-838, a proposed ordinance approving Development Agreement 2009-002, associated with a double-sided 14 ft. wide x 48 ft. high billboard atop a pole, located at 9015 Sunset Boulevard, West Hollywood, California.

ACTION: Waive further reading and adopt Ordinance No. 10-838, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING DEVELOPMENT AGREEMENT 2009-002, ASSOCIATED WITH A DOUBLE-SIDED 14 FT. WIDE x 48 FT. HIGH BILLBOARD ATOP A POLE, LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Approved as part of the Consent Calendar.**

2.H. ORDINANCE NO. 10-839 (2ND READING), ADOPTING ZONING MAP AMENDMENT 2009-009, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT, FOR THE PROPERTY LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA [T. WEST, C. SCHAFFER]:

The City Council will waive further reading and adopt Ordinance No. 10-839, a proposed ordinance adopting Zoning Map Amendment 2009-009, in conjunction with the proposed development agreement, for the property located at 9015 Sunset Boulevard, West Hollywood, California.

ACTION: Waive further reading and adopt Ordinance No. 10-839, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, ADOPTING ZONING MAP AMENDMENT 2009-009, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT, FOR THE PROPERTY LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Approved as part of the Consent Calendar.**

2.I. COMMISSION AND ADVISORY BOARD ACTION REPORTS:

The City Council will receive reports from the Disabilities Advisory Board, Project Advisory Committee and the Transgender Advisory Board on actions taken at their recent meetings.

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

2.J. AMENDMENT TO AGREEMENT - CUSTOMER RELATIONSHIP MANAGEMENT PROCUREMENT [P. AREVALO, M. GERLE]:

The City Council will consider authorizing an Amendment to the Agreement with Stern Consulting in relation to the Customer Relationship Management Project procurement process.

ACTION: Authorize the City Manager to sign an Amendment to the Agreement with Stern Consulting in an amount not to exceed \$37,600 in relation to the Customer Relationship Management Project Procurement process. **Approved as part of the Consent Calendar.**

2.K. SUPPORT FOR STAFF AND THE RUSSIAN ADVISORY BOARD TO HOST AN "ECLECTIC TEA ROOM" [K. COOK, T. RODZINEK, H. GOSS]:

The City Council will consider authorizing staff to coordinate an "Eclectic Tea Room" series hosted by the Russian Advisory Board.

ACTION: 1) Authorize staff to work with the Russian Advisory Board to coordinate an "Eclectic Tea Room" series; and 2) Authorize Public Information staff to televise one "Eclectic Tea Room" event per year with the Mayor as a special guest. **Approved as part of the Consent Calendar.**

2.L. ANNUAL ACADEMY AWARDS VIEWING PARTY CO-SPONSORSHIP AND ASSOCIATED STREET/LANE CLOSURES REQUEST [S. BAXTER, N. BEARD]:

The City Council will consider co-sponsoring the Elton John AIDS Foundation Oscar Viewing Event and approve a road closure at San Vicente Blvd and a partial lane closure on Sunset Boulevard for the Vanity Fair Event.

ACTION: 1) Approve co-sponsorship of the Elton John AIDS Foundation Oscar Viewing Event; 2) Approve the closure of San Vicente Boulevard between Santa Monica Boulevard and Melrose Avenue and a partial lane closure at 8358 Sunset Boulevard; and 3) Approve waiver of permit fees including encroachment fees in the amount of \$4,305. **Approved as part of the Consent Calendar.**

2.M. SUPPORT OF S. 210 (BOXER), RIGHT START CHILD CARE AND EDUCATION ACT OF 2009 [L. HORVATH, I. PINE, A. LAND, C. PLANCK, C. LU]:

The City Council will consider adopting a resolution in support of S. 210 (BOXER), The Right Start Child Care and Education Act of 2009.

ACTION: 1) Adopt Resolution No. 10-3941 , “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF S. 210 (BOXER), RIGHT START CHILD CARE AND EDUCATION ACT OF 2009”; and 2) Direct Staff to send copies of the signed resolution to U.S. Senators Barbara Boxer, Dianne Feinstein and Kirsten Gillibrand and Representative Henry Waxman. **Approved as part of the Consent Calendar.**

2.N. WOMEN’S HISTORY MONTH 2010 [C. PLANCK, L. FOOKS]:

The City Council will consider approval of programming in celebration of Women’s History Month 2010.

ACTION: Approve programming for Women’s History Month 2010 and direct the appropriate City staff to work with the Women’s Advisory Board to coordinate the production and promotion of Women’s History Month. **Approved as part of the Consent Calendar.**

2.O. INSTALLATION OF WOMEN’S HISTORY MONTH BANNERS ALONG SANTA MONICA BOULEVARD [C. PLANCK, L. FOOKS]:

The City Council will consider a request from the West Hollywood Women’s Advisory Board to authorize the installation of Women’s History Month banners from March 1, 2010 to April 1, 2010, along Santa Monica Blvd between La Cienega and Crescent Heights.

ACTION: Direct staff to approve the installation of 37 pole banners on the north and south sides of Santa Monica Boulevard between La Cienega and Crescent Heights from March 1, 2010 – April 1, 2010. **Approved as part of the Consent Calendar.**

THE CITY COUNCIL RECESSED AND RECONVENED AS THE WEST HOLLYWOOD HOUSING AUTHORITY: 7:19 P.M.

The Housing Authority approved the minutes of the April 6, 2009 meeting and adopted an amendment to the Section 8 Administrative Plan for Fiscal Year 2009-2010. 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: 7:23 P.M.

3. PUBLIC HEARINGS:

3.A. BUSINESS LICENSE APPLICATION FEE AND RENEWAL FEE FOR NEW MARIJUANA COLLECTIVE LICENSE [O. DELGADO, J. AUBEL]:

The City Council will consider amending the Code Compliance Division’s fee schedule by adding the business license application fee and the renewal fee for the new Marijuana Collective business license type.

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

Jeff Aibel, Commercial Code Compliance Manager, provided background information as outlined in the staff report dated February 16, 2010.

Mayor Land opened the public hearing and no speakers came forward.

ACTION: Adopt Resolution No. 10-3942, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADDING THE APPLICATION AND RENEWAL FEE FOR THE MEDICAL MARIJUANA BUSINESS LICENSE AND AMENDING RESOLUTION NO. 09-3854".
Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Prang and unanimously approved.

3.B. APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST TO DEMOLISH THREE BUILDINGS AND CONSTRUCT A FIVE-STORY, 14-UNIT BUILDING WITH NINE CONDOMINIUMS AND FIVE AFFORDABLE HOUSING UNITS [A. MCINTOSH, J. KEHO, N. GAPPER]:

The City Council will hold a public hearing to consider an appeal by Ron Emmons, regarding the Planning Commission's approval of a request to demolish three buildings consisting of four residential units and construct in its place, a 20,536 square foot, 14-unit structure consisting of condominiums and affordable rental units. The subject site is located at 1216 North Flores Street, West Hollywood, California.

Councilmember Prang RECUSED himself from discussion of the Item due to the proximity of his residence to the proposed development.

Mayor Pro Tempore Heilman disclosed a recent site visit.

Councilmember Duran disclosed a recent site visit and a meeting with the developers.

Councilmember Horvath disclosed a meeting with the developer.

Mayor Land disclosed a recent site visit and a discussion with the developer.

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

Nathan Gapper, Contract Planner, provided background information as outlined in the staff report dated February 16, 2010.

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

RON EMMONS, THE APPELLANT, AND TINA NAIL, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

NICK HERTZ AND STEVEN KANNER, ON BEHALF OF THE APPLICANT, spoke in support of the Item and in opposition to the appeal.

LEWIS SOLOFF, SANTA MONICA, spoke in support of the Item and in opposition to the appeal.

LYNN PICKWELL, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

SALLY MARR, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

CLAY TOOMBS, WEST HOLLYWOOD, spoke in support of the Item and in opposition to the appeal.

LISA BEACH, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

MARY BETH DOLAN, WEST HOLLYWOOD, spoke in support of Tabling the Item.

MICHAEL ROCKETT, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

PETER DUDAW, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DAVID KATZMAN, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

DAVID GLOVER, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JAMES NOLLS, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

ROY SHELLLOW, ENCINO, spoke in opposition to the height of the proposed project and in opposition to the inclusion of both condominiums and affordable rentals units in the project.

JETT THORSON, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

MERLIN THORSON, WEST HOLLYWOOD, spoke in opposition to the Item and in support of the appeal.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding parking issues on Flores Street and expressed concerns regarding the height and design of the proposed project.

RON EMMONS, THE APPELLANT, AND TINA NAIL, WEST HOLLYWOOD, provided rebuttal.

NICK HERTZ AND STEVEN KANNER, ON BEHALF OF THE APPLICANT, provided rebuttal.

Councilmember Duran requested clarification from staff regarding the determination to include affordable rental or condominium units in new development projects.

Mayor Pro Tempore Heilman requested clarification regarding providing priority for displaced residents at the current site to rent affordable units in newly developed project. He requested clarification from the City Attorney regarding CEQA requirements for the proposed project.

Councilmember Horvath requested clarification from staff regarding due process for the proposed development and opportunities for public comment.

Mayor Land requested clarification from the Applicant regarding the Shade and Shadow Study that was performed for the proposed property.

Mayor Land closed the public hearing.

Mayor Land thanked everyone who spoke regarding the Item.

Councilmember Duran provided clarification regarding the interaction between Council and their directly appointed Planning and Historic Preservation Commissioners regarding proposed development projects. He spoke regarding the former Interim Zoning Ordinance in the City. He stated that the proposed project meets the City's current zoning requirements. He provided clarification of Senate Bill 1818 and the Ellis Act, and their impacts on development projects in the City. He spoke regarding ongoing efforts of the City to protect historic properties, and stated that he believes the current structures at the proposed site do not meet historic designation requirements. He spoke in support of the project.

Mayor Pro Tempore Heilman thanked everyone who spoke regarding the Item. He spoke in support of the affordable units in the project, and spoke

in support of providing priority for displaced residents from the project to rent affordable units in the new building. He spoke regarding ongoing efforts of the City to protect historic properties, and stated that he believes the current structures at the proposed site do not meet historic designation requirements. He spoke regarding inevitable construction impacts for any development at the site. He expressed concerns regarding the design of the project and its compatibility with the neighboring structures. He expressed concerns regarding the height of the structure, but stated that the current proposed project meets the height requirements in the zoning code.

Councilmember Horvath spoke regarding the opportunities for public input during the approval process of the project. She spoke regarding inevitable construction impacts for any development at the site. She spoke in support of providing priority for displaced residents from the project to rent affordable units in the new building. She expressed concerns regarding the design of the project and its compatibility with the neighboring structures.

Mayor Land spoke regarding the preservation of historic properties in the City. She stated that the proposed project meets the City's current zoning requirements. She expressed concerns regarding the height of the proposed project, but spoke in support of providing priority for displaced residents from the project to rent affordable units in the new building. She expressed concerns regarding the design of the project and its compatibility with the neighboring structures.

Mayor Pro Tempore Heilman and Councilmember Duran spoke regarding the possibility of providing off-site affordable housing and reducing the height of the proposed project.

ACTION: 1) Continue the hearing to the date of Monday, May 3, 2010 and direct staff to work with the developers regarding the project design; and 2) limit the public comment during the meeting of Monday, May 3, 2010 to changes in the project design. **Motion by Councilmember Duran, seconded by Mayor Pro Tempore Heilman and approved with Councilmember Prang RECUSED.**

3.C. ZONE MAP AMENDMENT FOR A PARKING OVERLAY ZONE TO PERMIT A PARKING LOT WITHIN A RESIDENTIAL ZONING DISTRICT LOCATED AT 510 WEST KNOLL DRIVE [A. MCINTOSH, J. KEHO, M. BARNEY]:

The City Council will hold a public hearing regarding Zone Map Amendment 2009-004 to permit a Parking Overlay Zone and Parking Use Permit 2009-012 to permit a public parking facility for the property of located 510 West Knoll Drive.

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

Mayor Pro Tempore Heilman and Mayor Land disclosed a visit to the site.

Michael Barney, Assistant Planner, provided background information as outlined in the staff report dated February 16, 2010.

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

SHAHAB GHODES, THE APPLICANT, spoke in support of the Item.

JAMES KASHIAN, LOS ANGELES, spoke in support of the Item. He expressed concerns regarding the maintenance of the property.

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

SHAHAB GHODES, THE APPLICANT, provided rebuttal.

Mayor Pro Tempore Heilman requested clarification or ongoing maintenance requirements for the property.

Mayor Land closed the public hearing.

ACTION: 1) Introduce for the first reading Ordinance No. 10-840, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD, APPROVING ZONE MAP AMENDMENT 2009-004 TO PLACE A PARKING OVERLAY ZONE ON THE PROPERTY LOCATED AT 510 WEST KNOLL DRIVE, WEST HOLLYWOOD, CA." (ATTACHMENT 1); and 2) Adopt Resolution No. 10-3943, "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD APPROVING PARKING USE PERMIT 2009-012 TO PERMIT A PUBLIC PARKING FACILITY AT 510 WEST KNOLL DRIVE, WEST HOLLYWOOD, CA." (ATTACHMENT 2). **Motion by Councilmember Duran, seconded by Councilmember Horvath and unanimously approved.**

- 3.D. A REQUEST TO CONSTRUCT A MIXED-USE PROJECT INCLUDING AMENDMENTS TO THE GENERAL PLAN, ZONING ORDINANCE, AND ZONING MAP TO PERMIT INCREASED HEIGHT AND DENSITY IN A NEW SPECIFIC PLAN AREA [A. MCINTOSH, J. KEHO, D. DEGRAZIA]:**
The Council will consider an application to construct a large mixed-use community known as Movietown Plaza. The project will include 371 residential units and 32,300 square feet of retail space. Of the 371 units, 294 would be market-rate condominiums and 76 would be affordable senior rental units. Of the affordable units, 38 would be reserved for very low income households with the remaining 38 units reserved for

households with low incomes. One manager's unit would be provided for the affordable building.

Councilmember Duran disclosed meetings with the applicants.

Councilmember Horvath, Mayor Land, Councilmember Prang, and Mayor Pro Tempore Heilman disclosed site visits and meetings with the applicants.

Mayor Pro Tempore Heilman disclosed a previous class he participated in with the architect.

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

Anne McIntosh, Deputy City Manager and Director of Community Development, and David DeGrazia, Senior Planner, provided background information as outlined in the staff report dated February 16, 2010.

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

DARREN EMBRY, THE APPLICANT, AND JOHANNES VANTILBURG, THE ARCHITECT, spoke in support of the Item.

RUTH WILLIAMS, WEST HOLLYWOOD, spoke in support of the Item.

MICHAEL POLES, WEST HOLLYWOOD, spoke in opposition to the Item.

BOB ABRAHAMS, LOS ANGELES, spoke regarding traffic mitigation issues in relation to the proposed project.

LUCILLE SAUNDERS, LOS ANGELES, spoke regarding traffic mitigation issues in relation to the proposed project.

NEAL ZASLAVSKY, WEST HOLLYWOOD, spoke in support of the Item.

STEVEN AARON, WEST HOLLYWOOD, spoke in support of the Item.

PAUL MICHELSON, WEST HOLLYWOOD, spoke in support of the Item.

VAUGHAN RIDER, WEST HOLLYWOOD, spoke in opposition to the Item.

SHARON SANDOW, EXECUTIVE DIRECTOR OF THE WEST HOLLYWOOD CHAMBER OF COMMERCE, spoke in support of the Item.

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

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

FRIDA YUFA, WEST HOLLYWOOD, spoke in support of the Item.

TAMARA GUREVICH, WEST HOLLYWOOD, spoke in support of the Item.

JULIE SUMMERS, WEST HOLLYWOOD, spoke in support of the Item.

LYNDIA LOWY, WEST HOLLYWOOD, spoke in opposition to the Item.

KEVIN HEYWOOD BEER, LOS ANGELES, spoke in opposition to the height in the proposed project.

WERNER HAAS, WEST HOLLYWOOD, spoke in support of the Item.

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

JOANNE PALMER, LOS ANGELES, spoke in support of including park space in the proposed project.

MARCY NORTON, WEST HOLLYWOOD, spoke in support of the Item.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of the Item.

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

IGOR DVORSKIY, TARZANA, spoke in support of the Item.

SOFYA DAVIDOVICH, ENCINO, spoke in support of the Item.

LEON SHPARAGA, WEST HOLLYWOOD, spoke in support of the Item.

PAUL LERNER, LOS ANGELES, spoke regarding traffic mitigation issues in relation to the proposed project.

BERNICE LEVIN, WEST HOLLYWOOD, spoke in support of the Item.

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

SOFIA GELMAN, WEST HOLLYWOOD, spoke in support of the Item.

ROB ELLIS, SAN DIMAS, spoke in support of the Item.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of the Item

INNIS BRUNER, WEST HOLLYWOOD, spoke in support of the Item.

JOEL MARK, WEST HOLLYWOOD, spoke in support of the Item.

SCOTTMAN WALL, WEST HOLLYWOOD, spoke in support of the Item.

LORI LANDRIN, LOS ANGELES, spoke in opposition to the height in the proposed project.

HILDA GOLDSMITH, LOS ANGELES, spoke in opposition to the Item.

DONNY CACY, WEST HOLLYWOOD, spoke in support of the Item.

AGASSI TOPCHIAN, WEST HOLLYWOOD, spoke in support of the Item.

NINO LINSMAYER, WEST HOLLYWOOD, spoke in support of the Item.

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

RAY JAFFE, LOS ANGELES, spoke in opposition to the Item.

ELENA GOLDENBERG, WEST HOLLYWOOD, spoke in support of the Item.

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

KENNY TASHMAN, LOS ANGELES, spoke in support of the Item.

EUGENE LEVIN, SHERMAN OAKS, spoke in support of the Item.

CARLOS FLOREZ, WEST HOLLYWOOD, spoke in support of adding a bike lane to the proposed project.

HELEN LEVIN, WEST HOLLYWOOD, spoke in support of the Item.

ANSON SNYDER, WEST HOLLYWOOD, spoke in support of the Item.

STEPHEN REIS, LOS ANGELES, spoke regarding traffic mitigation issues in relation to the proposed project.

ROXANNE MCBRYDE, WEST HOLLYWOOD, spoke in support of the Item.

CHAD BLOUIN, WEST HOLLYWOOD, spoke in support of the Item.

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

DAVID AGHAEI, WEST HOLLYWOOD, spoke in support of the Item.

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

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

MARVIN GREENHOUSE, WEST HOLLYWOOD, spoke in opposition to the Item.

MARYANN SZYSKOWSKI, WEST HOLLYWOOD, spoke in support of the Item.

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

HOWARD KATZ, ON BEHALF OF THE APPLICANT, provided rebuttal.

Mayor Land thanked everyone who came to speak on the Item.

Mayor Pro Tempore Heilman requested clarification from staff regarding traffic impacts on the neighboring residential sections of Los Angeles. He requested clarification from staff regarding ongoing maintenance of the property after construction.

Mayor Land closed the public hearing.

Mayor Pro Tempore Heilman thanked everyone who came to speak on the Item, and thanked the developers and the staff for their work on the project. He spoke in support of the project, and in support of the number of affordable senior housing units in the development. He spoke in opposition to a four-story alternative project at the site. He spoke in support of including a condition to ensure quality building materials during the construction of the project. He spoke in support of requiring a security and maintenance plan for the project after construction is completed. He expressed concerns regarding the paving material in the project. He expressed concerns regarding the design of the service road, and spoke in support of the inclusion of more outdoor dining in the project. He spoke in support of requiring a larger dollar amount for a post construction study of traffic impacts on the surrounding neighborhoods.

Councilmember Duran spoke in support of the project, and in support of the number of affordable senior housing and regular housing units in the development. He spoke in opposition to a four-story alternative project at the site. He spoke regarding the changes in economic pressures and property values on the East side of the City with the approval of the

proposed project. He spoke in support of including a condition to ensure quality building materials during the construction of the project.

Councilmember Horvath spoke in support of the project, and in support of the number of affordable senior housing units in the development. She spoke regarding public comment surrounding the impacts on existing businesses during construction, and spoke in support of looking for possible ways to mitigate those impacts. She spoke in support of retaining funds received from the project in the City's redevelopment funds.

Councilmember Prang spoke regarding past campaign contributions received from the applicant, and stated that they were within the City's campaign contribution limits. He spoke in support of the project and in support of the design elements. He expressed concerns regarding the height of the proposed project and compatibility with the neighborhood. He spoke regarding other major upcoming development projects in the area, and the cumulative impacts on the neighborhood. He spoke regarding traffic impacts associated with the project, and other developments in the area. He spoke in opposition to a four-story alternative project at the site.

Mayor Land spoke in support of the project, and in support of the number of affordable housing units in the development. She spoke in support of the increased pedestrian activity in relation to the project. She spoke in support of requiring a security plan for the project during and after the construction. She spoke in support of ensuring that utility boxes and lines are not located in the right of way whenever possible. She spoke in support of traffic mitigation measures to discourage cars leaving the site from going into residential neighborhoods. She spoke in support of including a provision to encourage the return of Trader Joe's, or a similar grocery store, to the finished project.

ACTION: Hold a public hearing, consider all pertinent testimony, approve the application request and adopt: 1) Resolution No. 10-3944, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR), ADOPTING A MITIGATION MONITORING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, IN CONJUNCTION WITH THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" (ATTACHMENT A); 2) Resolution No. 10-3945, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING GENERAL PLAN AMENDMENT 2007-005, IN CONJUNCTION WITH THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD,

CALIFORNIA;” (ATTACHMENT B); 3) Introduce on first reading Ordinance No. 10-841, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING SPECIFIC PLAN 2007-001, ESTABLISHING THE MOVIE TOWN SPECIFIC PLAN AREA, AND ZONE TEXT AMENDMENT 2009-010, ADDING A NEW CHAPTER 19.16 TO TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE (W.H.M.C.);” (ATTACHMENT C); 4) Introduce on first reading Ordinance No. 10-842, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONE TEXT AMENDMENT 2007-14, IN CONJUNCTION WITH THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” (ATTACHMENT D); 5) Introduce on first reading Ordinance No. 10-843, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING ZONE MAP AMENDMENT 2009-11, IN CONJUNCTION WITH PROPOSED DEVELOPMENT AGREEMENT 2008-001, SPECIFIC PLAN 2007-001, AND ZONE TEXT AMENDMENT 2009-010, FOR THE PROPERTY LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” (ATTACHMENT E); 6) Introduce on first reading Ordinance No. 10-844, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT 2008-001, IN CONJUNCTION WITH THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” (ATTACHMENT F); 7) Resolution No. 10-3946, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEMOLITION PERMIT 2007-039, DEVELOPMENT PERMIT 2007-062, CONDITIONAL USE PERMIT 2009-011, AND VESTING TENTATIVE TRACT 2007-023 (MAJOR LAND DIVISION NO. 68962) FOR THE PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 7300-7328 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.” (ATTACHMENT G); and 8) with the following additional conditions: a) require a security and maintenance plan during and after construction; b) require the developer to use quality construction materials during construction; c) direct staff to work with the developer to improve the design of the service road; d) direct staff to work with the developer to enhance the commercial activity in the paseo and increase the amount of outdoor dining spaces and move them closer to Santa Monica Boulevard; e) increase the dollar amount to \$100,000 to provide for a traffic mitigation study and traffic mitigation measures in surrounding residential neighborhoods of Los Angeles following the completion of the project; f) require funds received directly from the project to be utilized in the City’s redevelopment area; g) require one of the tenants of the new development to be a Trader Joes or equivalent level grocery store; h) ensure that utility boxes are not located in the right of way subject to any legal rights of utility providers. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran and unanimously approved.**

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. ART SELECTION PROCESS FOR CITY CAPITAL PROJECTS [J. HUFFER, A. CAMPBELL]:

The City Council will consider approving a process for selecting art for City capital projects.

ACTION: This Item was TABLED.

5.B. COMMISSION AND ADVISORY BOARD APPOINTMENTS [T. WEST, C. SCHAFFER]:

The City Council will consider making direct and at-large appointments to City Commissions and Advisory Boards.

ACTION: 1) Councilmember Horvath made the following direct appointment: Karen Eyres - Public Facilities Commission.

5.C. CITY COUNCIL MEETING SCHEDULE AND RESCHEDULING OF THE ELECTION OF MAYOR AND MAYOR PRO TEMPORE [T. WEST, C. SCHAFFER, G. VESPOINT]:

The City Council will consider cancelling or rescheduling the meeting of March 15, 2010 and will consider rescheduling the election of Mayor and Mayor Pro Tempore.

ACTION: 1) Reschedule the election of Mayor and Mayor Pro Tempore to March 1, 2010. **Carried by Consensus of the Council.**

EXCLUDED CONSENT CALENDAR: None.

PUBLIC COMMENT: None.

6. LEGISLATIVE: None

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 12:04 A.M. in memory of Laurie Saltsman, Charmette Bonpua, Melanie Shouse, Frederick Benito Cordova, Susan Hill, and all the soldiers who died in Iraq and Afghanistan since the last City Council meeting. They adjourned to their next regular meeting, which will be on Monday, March 1, 2010 at 6:30 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 1st day of March, 2010 by the following vote:

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

ABBE LAND, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK