

**CITY COUNCIL
SPECIAL MEETING MINUTES
WEDNESDAY, APRIL 13, 2005
WEST HOLLYWOOD PARK AUDITORIUM**

CALL TO ORDER: The meeting was called to order at 6:38 P.M.

PLEDGE OF ALLEGIANCE: Tom Demille led the pledge.

ROLL CALL: PRESENT: Councilmember Guarriello, Prang, Mayor Pro Tempore Land and Mayor Duran.

ABSENT: Councilmember Heilman.

ALSO PRESENT: City Manager Paul Arevalo, City Attorney Michael Jenkins, City Clerk Tom West and Assistant City Clerk Gwen Peirce.

REPORT OF CLOSED SESSION AGENDA:

City Attorney Jenkins stated that the Closed Session convened at 6:00 PM. He stated that one item was added to the agenda, the case of Regency Outdoor v. City of West Hollywood. He stated that the Closed Session adjourned at 6:25 PM with no reportable action taken.

APPROVAL OF AGENDA:

Councilmember Prang requested that the meeting be adjourned in memory of Felipe Perez, the father of John Perez and Onna White, a choreographer who resided on Kings Road.

Motion by Councilmember Guarriello, seconded by Mayor Pro Tempore Land to approve the April 13, 2005 agenda as amended and carried unanimously.

PRESENTATIONS: None.

1. PUBLIC COMMENT:

EDWARD WESTRICK, RIALTO, spoke in support of Item 2.B., the co-sponsor of the 2005 AVER Convention.

TOM DEMILLE, WEST HOLLYWOOD, spoke regarding Onna White, national politics, and photo enhancement on Sunset Boulevard.

ED GARREN, WEST HOLLYWOOD, spoke in opposition to the proposed development at the Sunset Millenium.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar, 2.A.,B. **Motion by Councilmember Guarriello, seconded by Councilmember Prang and unanimously approved.**

2.A. POSTING OF AGENDA:

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

2.B. CO-SPONSORSHIP OF THE 20TH ANNIVERSARY 2005 NATIONAL CONVENTION OF THE AMERICAN VETERANS FOR EQUAL RIGHTS, AVER:

ACTION: 1) Approve co-sponsorship of the 20th Anniversary 2005 National Convention of the American Veterans for Equal Rights, AVER from June 30 – July 3, 2005; 2) Direct staff to work with the convention organizers, Public Information staff and the West Hollywood Convention and Visitors to maximize the exposure of West Hollywood through the national media; and 3) Approve wavier of all associated fees and in-kind services. **Approved as part of the Consent Calendar.**

3. CONTINUED PUBLIC HEARING:

3.A. REQUEST FOR APPROVAL OF AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE SUNSET MILLENNIUM TO DEVELOP TWO HOTELS WITH GROUND FLOOR RETAIL AND RESTAURANT SPACE ON SUNSET SPECIFIC PLAN SITE 4-C AND TWO RESIDENTIAL TOWERS WITH GROUND FLOOR RETAIL AND RESTAURANT SPACE AT SUNSET SPECIFIC PLAN SITE 4-D:

Councilmember Heilman was RECUSED from the meeting due to the close proximity of the project to his home.

Mayor Duran stated that the item was noticed as required by law.

CJ Amstrup, Senior Planner, Terri Slimmer, Transportation Manager and Bruce Lackow, EIR Consultant, Ed Sabins, Seismic Consultant, provided background information as outlined in the staff report dated April 13, 2005.

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

MR. KIM, representing the APPLICANT, spoke regarding the rooftop screening and parking concerns as well as other mitigation measures that were raised by the neighbors of the proposed project.

ED GARREN, WEST HOLLYWOOD, spoke in opposition to the proposed project.

JOYCE HEFTEL, WEST HOLLYWOOD, spoke in opposition to the proposed project.

SUSAN MARKHEIM, WEST HOLLYWOOD, spoke in opposition to the proposed project.

TERI GUSTAFSON, WEST HOLLYWOOD, spoke in opposition to the proposed project.

LIBBIE CHASE, WEST HOLLYWOOD, spoke in opposition to the proposed project.

BARBARA STONE, WEST HOLLYWOOD, spoke in opposition to the proposed project.

JOHN DILAZZARO, WEST HOLLYWOOD, spoke in opposition to the proposed project.

ROBERT SILVERSTEIN, LA CANADA, representing SOS, spoke in opposition to the proposed project.

GG VERONE, LOS ANGELES, spoke in opposition to the proposed project.

ROY OLDENCAMP, WEST HOLLYWOOD, spoke in opposition to the proposed project.

LISA WEINBERG, LOS ANGELES, representing The Grafton Hotel, spoke in opposition to the proposed project.

HORACE BARBETTI, WEST HOLLYWOOD, spoke in opposition to the proposed project.

FRED BASSICK, WEST HOLLYWOOD, spoke in opposition to the proposed project.

JEAN MATHISON, WEST HOLLYWOOD, spoke in opposition to the proposed project.

BOB KNOTEK, LOS ANGELES, spoke in opposition to the proposed project.

JANET CUMMINGS, WEST HOLLYWOOD, stated the Mayor Duran had stated in a meeting that he had voted no in the past on this project and was now undecided.

MR. KIM, representing the APPLICANT, provided background information on how the developer came about with the changes to the proposed project and how the developer attempted to address important issues to the City in their changes to the project.

COUNCIL RECESSED AT 9:08 P.M. AND RECONVENED AT 9:24 P.M.

City Attorney Jenkins responded to a public speaker regarding a public records request and the potential recusal of three Councilmembers.

Councilmember Prang responded to the proposed recusal and stated that he can objectively deliberate on this project.

Mayor Duran stated that he can objectively deliberate on this project, as well.

Mayor Duran outlined the following eight categories of issues that need to be addressed: Seismic, Project Design, Traffic, Parking, Housing/Affordable Housing, Signage, Mitigation, and Misc.

SEISMIC:

Councilmember Guarriello spoke regarding the importance of public safety issues, especially earthquakes and that the Council considers the safety of the residents as their first priority.

Councilmember Prang stated that public safety is the Council's first priority and spoke regarding a study that was conducted in the Sunset Strip area on public safety issues. He stated that the standards that have been applied far exceed the expectations for seismic safety standards. He expressed concern over the issues raised by Dr. See in his letter and he recommended certain recommendations that he suggested, such as conducting additional tests of the buildings to ensure they are earthquake sound. He directed staff to consider how developments are done in and around Sunset Boulevard to ensure that future development does not create a public safety hazard.

Mayor Pro Tempore Land spoke in support of Dr. See's comments and issues. She directed staff to add Condition 12.4 to request an independent structural analysis of the design using 2002 California Code to ensure the structural integrity during an earthquake.

Mayor Duran spoke regarding the large volumes of information that the Council has reviewed. He spoke regarding additional borings and seismic tests that have been conducted. He spoke regarding the issues raised in Dr. See's letter and spoke regarding the importance of considering those issues in all developments in the future.

PROJECT DESIGN:

Councilmember Guarriello spoke in support of faux balconies and decorative windows.

Mayor Pro Tempore Land expressed concern that the project is too large and that it is covered in tall walls. She spoke in opposition to the box-like structure and massing of the building. She directed that the Design Committee and staff continue to attempt to mitigate the massing and structure of the building through the review process.

Mayor Duran spoke in support of the proposed open space. He spoke regarding his preference for Mediterranean design, rather than the modern structure proposed. He spoke about his previous concern regarding the massing and stated that this massing is better than on the original entitlements.

Urban Designer John Chase spoke regarding the architectural design of the project.

Councilmember Prang spoke regarding concerns over the outdoor advertising and that it not be offensive to the neighbors. He spoke regarding the massing and that it is more palatable than the original project.

TRAFFIC

Councilmember Guarriello spoke in support of the Transportation staff and their traffic study on the project. He expressed concern over the intersection of Sunset and La Cienega.

Councilmember Prang expressed concern over intersections that were deemed "unmitigatable" in the environmental impact report. He spoke regarding attempting to mitigate the intersection at La Cienega and Santa Monica Boulevard. He requested that staff return to Council after 6 months to determine whether the traffic studies are still applicable. He requested that the red curbs at Fountainview on Fountain be inspected to possibly be extended.

Mayor Pro Tempore Land requested information regarding money that the developer is giving to the City of Los Angeles for traffic mitigation. She expressed concerned over any left-hand turns into the hotel on La Cienega. She requested that protection of the entrance to Fountainview on La Cienega is an additional condition. She expressed concern over the potential impacts to the intersection at La Cienega and Santa Monica Boulevard. She spoke in support of adding another condition to ensure that the traffic studies continue after the project is completed.

Mayor Duran expressed desire that the hotel guests are educated or informed on how to enter the hotels in the Middle Parcel. He requested that signage be provided by the hotel. He requested that there be an attempt to coordinate with the City of Los Angeles to time signals further south into Los Angeles on La Cienega. He spoke regarding the trip

generations and that there is an improvement with this project proposal over the previous entitlement. He spoke in support of revisiting the issue of the vehicle access corridor off of Olive. He expressed concern over emergency vehicle access during construction and requested that this issue continue to be addressed.

PARKING:

Mayor Pro Tempore Land spoke regarding Condition 10.21 and requested that the CC&R's contain that the new condo owners will not be allowed permit parking. She spoke in support of mitigation for the businesses for the loss of parking during construction. She spoke regarding the possibility of installing a validation system for Western Parcel structure. She directed staff to add "no new entries after 10:00 PM" to Condition 11.3.

Mayor Duran requested that Hornburg Jaguar store their additional cars at Santa Monica Jaguar during the construction phase in order to assist the other businesses in the area. He spoke in support of adding a second operator in the West Parcel's parking structure. He spoke regarding the parking demands on Sunset and spoke in support of the tunnel to shift the parking demands.

Councilmember Prang spoke in opposition to outdoor exposed parking and spoke in support of imposing restrictions on the employees arriving late.

Councilmember Guarriello spoke regarding the parking problems on Sunset and in support of the project's parking aspects.

HOUSING/AFFORDABLE HOUSING:

Councilmember Guarriello spoke regarding the timeline and number of units being built.

Councilmember Prang expressed concern over off-site affordable housing and ensuring that the off-site housing be built quickly. He spoke regarding the importance of disclosures to potential condo buyers about the impacts of living on the Sunset Strip. He expressed concern over building housing on Sunset Strip. He spoke in support of this project being a pilot project as opposed to setting a precedent of building housing on Sunset Blvd. He expressed concern over replacing office buildings with housing and requested information on economic impacts of building residential rather than commercial buildings on Sunset.

Mayor Pro Tempore Land spoke regarding the housing unit sizes and the fee that would be imposed if the units were not built on schedule.

Mayor Duran spoke regarding the broad issue of building housing on Sunset Boulevard. He spoke regarding the loss of jobs due to the replacement of office buildings for housing.

Mayor Pro Tempore Land spoke in support of placing measures in the conditions to mitigate for noise for the residents of the condominiums. She expressed concern over the density in that area and spoke in support of increasing density in other areas of the City rather than that area. She spoke in opposition to the loss of jobs due to the office buildings being replaced by the condominiums.

SIGNAGE/PEDESTRIAN BRIDGE

Mayor Pro Tempore Land spoke in opposition to building the pedestrian bridge. She expressed concern over the amount of signage attached to the project.

Councilmember Guarriello spoke in support of the tall walls and billboards due to the economic advantage to the City.

Councilmember Prang spoke in opposition to building the pedestrian bridge.

Mayor Duran spoke regarding the economic advantage of building the pedestrian bridge to the City, but spoke in opposition to building the pedestrian bridge. He spoke in support of considering alternatives to compensate for the shortfall due to not building the bridge. He directed the City Manager and staff to discuss with the developer these alternatives, such as converting some of the on-site signage to off-site and reducing or eliminating exactions and fees. He spoke in opposition to the proposed kiosks.

Councilmember Guarriello spoke in support of Mayor Duran's proposed revision to the recommendation of discussing alternatives to the pedestrian bridge.

Mayor Pro Tempore Land spoke in support of the alternative of reducing the project by 30% and placing further mitigations in the proposal in order to lessen the impacts.

Councilmember Prang spoke in support of Mayor Duran's proposed revision to the recommendation of discussing alternatives to the pedestrian bridge.

Mayor Duran spoke in opposition to proposing the alternative of reducing the project by 30% because the developer would more likely build their previous entitlement rather than that alternative.

MITIGATIONS ON CONSTRUCTION AND PROJECT

Mayor Pro Tempore Land spoke regarding including conditions to mitigate the following: include a validation system for parking from Olive to Alta Loma or in that area during construction period; use new porous asphalt in paving surface parking lots; landscaping that absorbs pollution and are drought tolerant; use "Green" materials whenever possible; when projects are fully developed that the owners of hotels and businesses work with City on Job Fairs and recruiting City residents for jobs; give 48 hour notice to neighbors within 500 foot radius if there are any extended hours with construction; condo owners should be notified that they are not eligible for parking permits; conduct an independent structural survey; signage or measures for driveway on Fountainview not being blocked.

Councilmember Prang spoke regarding large-scale, special events in the City and starting construction later in the day following the events. He expressed concern over impacts of other hotels in the area and requested that the developer and the City set aside money to mitigate problems or impacts with neighboring hotels. He added the condition to require that the businesses that are located in the facility state that they are in West Hollywood, not Los Angeles.

Mayor Duran closed the public hearing.

Mayor Pro Tempore Land spoke in opposition to the proposed project.

Councilmember Prang spoke in support of the proposed project and stated that he supports it more than the project that was previously approved.

Councilmember Guarriello spoke in support of the proposed project and spoke regarding the developer addressing the concerns of the community and the City.

Mayor Duran spoke in support of the decreased size, increased parking, decreased hotel rooms, increased housing, increased open space and additional revenues of this project.

ACTION: 1) Adopt Resolution No. 05-3208, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CERTIFYING THE FINAL EIR, ADOPTING A MITIGATION MONITORING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SUNSET MILLENNIUM PROJECT"

ACTION: Motion by Councilmember Prang, seconded by Councilmember Guarriello and approved on a ROLL CALL VOTE with Mayor Pro Tempore Land voting NO.

ACTION: 2) Introduce Ordinance No. 05-708, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT AGREEMENT 003-004 AND ZONING MAP AMENDMENT 004-001, CREATING A DEVELOPMENT AGREEMENT OVERLAY DISTRICT ON PARCELS 4-C, 4-D AND 5-C OF THE SUNSET SPECIFIC PLAN"

ACTION: Motion by Councilmember Guarriello, seconded by Councilmember Prang and approved, as amended, on a ROLL CALL VOTE with Mayor Pro Tempore Land voting NO:

- Add Paragraph 5 to Exhibit E-1, the list of extraordinary benefits, that the developer contributing \$500,000 and City contributing \$500,000 to address problems and inconveniences to the Mondrian, The Grafton and Sunset Marquis with any amounts not used being returned.
- Paragraph 3.2.1 of Version 1.5, to provide that if signage provisions of the SSP are amended to permit off-site advertising ("Offsite Signage") on the West Parcel, then this Agreement shall automatically be amended without any further action by the parties such that Offsite Signage rights shall be added to the uses permitted hereunder on the West Parcel.
- Delete all reference to the bridge in Exhibit B-1 and anywhere that it appears in the document, such as Exhibit E-1, Paragraph 5.

ACTION: 3) Adopt Resolution No. 05-3209, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT PERMIT 003-023, DEMOLITION PERMIT 003-030, TALL WALL CUPS 002-006, 007, 008, AND 009, CONDITIONAL USE PERMITS 004-016 AND 017, COMPREHENSIVE SIGN PROGRAM 004-003 (SSP AREA 4-C), AND DEVELOPMENT PERMIT 003-022, DEMOLITION PERMIT 003-029, TALL WALL CUP 002-005, BILLBOARD PERMITS 003-003, 003-004, 004-004 AND 004-005, TENTATIVE MAP 004-024, AND COMPREHENSIVE SIGN PERMIT 004-004 (SSP AREA 4-D)." **ACTION:** Motion by Councilmember Guarriello, seconded by Councilmember Prang and approved on a ROLL CALL VOTE with Mayor Pro Tempore Land voting NO with the following amendments:

5.6 The Applicant shall reimburse the city for a deputy inspector to monitor and enforce compliance with all construction related mitigation measures and conditions of approval.

15.18 Prior to sale of each condominium unit on the Middle Parcel, disclosure stating that Sunset Blvd is a lively urban environment shall be presented to each potential purchaser by the property owner.

- include a validation system for parking from Olive to Alta Loma or in that area during construction period;
- use new porous asphalt in paving surface parking lots;
- when projects are fully developed that the owners of hotels and businesses work with City on Job Fairs and recruiting City residents for jobs;
- give 48 hour notice to neighbors within 500 foot radius if there is any nighttime construction;
- repaint Fountainview if necessary (to be reviewed by City Manager)
- begin construction later in day following large-scale events;
- conduct an independent structural survey;
- landscaping that absorbs pollution and are drought tolerant;
- use “Green” materials whenever possible;
- condo owners should be notified in their CC&R’s that they are not eligible for parking permits;
- all businesses must use West Hollywood in their address and not Los Angeles
- include signage or measures for driveway on Fountainview not being blocked.
- add “no new entries after 10:00 PM” to Condition 11.3.
- adding another condition to ensure that the traffic studies continue after the project is completed.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:** None.

PUBLIC COMMENT: None.

6. **LEGISLATIVE:** None.

COUNCILMEMBER COMMENTS: None.

ADJOURNMENT: The City Council adjourned at 12:16 A.M. in the memory of Felipe Perez and Onna White to their next regular meeting, which will be on Monday, April 18, 2005 at 6:00 P.M. at West Hollywood Park, 647 N. San Vicente Boulevard.

APPROVED BY A MOTION OF THE WEST HOLLYWOOD CITY COUNCIL THIS 2nd DAY OF MAY, 2005.

ABBE LAND, MAYOR

ATTEST:

THOMAS R. WEST, CITY CLERK