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2 Los Angeles California 90029
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CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

SEP 08 2014

4 Attorney for Petitioners, BEACHWOOD
CANYON NEIGHBORHOOD ASSOCIATION;
5 GEORGE ABRAHAMS; and DOUG HAINES

Sherril R. Carter, Executive Officer/Clerk
By Amber Hayes Deputy

6
7 *082 LUIS A. LAMIN*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10
11 BEACHWOOD CANYON
NEIGHBORHOOD ASSOCIATION, a
12 California nonprofit public benefit
corporation; GEORGE ABRAHAMS, an
13 individual; and DOUG HAINES, an
individual,

14 Petitioners,

15 vs.

16 CITY OF LOS ANGELES, a municipal
17 corporation; LOS ANGELES CITY
COUNCIL; and DOES 1 through 10,
18 inclusive,

19 Respondents

Case No. BS151004

PETITION FOR WRIT OF
MANDATE AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

[Brown Act, Govt. Code § 54950, et
seq.]

21 Petitioners, BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION,
22 a California nonprofit public benefit corporation; GEORGE ABRAHAMS, an individual;
23 and DOUG HAINES, an individual, ("Petitioners") seek a writ of mandate, a declaration of
24 the rights and duties of the parties, and preliminary and permanent injunctive relief against
25 Respondents City of Los Angeles and the City of Los Angeles City Council (sometimes
26 collectively the "City"), and allege as follows:
27
28

COPY

1 scheduled and supplied by the council member's staff, and his planning deputy creates the
2 agendas and serves as the committee's informal chair. Under prior CD13 administrations,
3 HDRC meetings were open to everyone.

4 7. Government Code § 54952(b) describes a "Legislative Body" subject to the
5 provisions of the Brown Act as "A commission, committee, board, or other body of a local
6 agency, whether permanent or temporary, decision-making, or advisory created by charter,
7 ordinance, resolution, or formal action of a legislative body."

8 8. On March 22, 2001, the Los Angeles City Council, in a formal action,
9 officially created the HDRC. A true and correct copy of the City Council Motion creating
10 the HDRC is attached hereto as **Exhibit 1**.

11 THE JUNE 26, 2014, HDRC PUBLIC MEETING

12 9. On Thursday, June 26, 2014, the HDRC held a meeting at the office of
13 Lehrer Architects, 2140 Hyperion Avenue to discuss various projects proposed for
14 Hollywood.

15 10. The agenda of the June 26, 2014 Hollywood Design Review Committee
16 meeting (attached at Exhibit 1) set forth the following major development projects for
17 review and discussion by committee members:

18 **6PM- Presentation of 1541 Wilcox, (west side of Wilcox, north of Sunset Blvd.)**

19 General Project Description:

- 20 -Hotel with 225 guest rooms
- 21 -11,797 sf lobby, restaurant, bar
- 22 -9,504 sf banquet meeting rooms
- 23 -4,433 sf roof top restaurant/bar
- 24 -171 auto parking spaces
- 25 -Minimum of 24 short term bike parking spaces
- 26 -Minimum of 24 long term bike parking spaces
- 27 -Project is expected to be complete in 2018

24 **6:30pm- Presentation of 4900 Hollywood Blvd. (southwest corner of Hollywood Blvd. & 25 Edgemont St.)**

26 General Project Description:

- 27 200 apartments, including 40 affordable units
- 28 -14,000 sf of ground floor retail
- 6,000 sf pedestrian plaza

28 **7pm- 5750 Hollywood Blvd. (southeast corner of Hollywood Blvd. & Van Ness Ave.)**

1 General Project Description:
2 162 apartments, including 14 affordable units
3 -5,000 sf of ground floor retail
4 -213 parking spaces

5 **7:30pm- 5600 Hollywood Blvd.**

6 General Project Description:
7 -80 room boutique hotel

8 **8pm- DRC discussion of each project and next steps**

9 11. Petitioners are informed and believe that, on or about June 24, 2014, a
10 member of the HDRC forwarded a copy of the committee's June 26th agenda to Mr.
11 Edward Hunt, President of the Melrose Hill Neighborhood Association, and a former Chair
12 of the Hollywood Studio District Neighborhood Council's Planning and Land Use
13 Management Committee.

14 12. Petitioners are informed and believe that, the person forwarding the Design
15 Review Committee's agenda to Mr. Hunt encouraged him and any other interested
16 members of the public to attend the committee's upcoming meeting, noting that major
17 projects being presented that evening included several controversial developments.

18 13. Mr. Hunt (who is an architect) has in the past been a frequent attendee of
19 HDRC meetings, and he in turn forwarded the June 26th agenda to neighborhood council
20 representatives, homeowners' associations, and other interested members of the public.

21 14. Among those receiving the agenda, were members of Petitioner,
22 BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION, including its directors:
23 Petitioner, GEORGE ABRAHAMS, and Ms. Fran Reichenbach, as well as Petitioner,
24 DOUG HAINES. Petitioner ABRAHAMS is also a member of the Central Hollywood
25 Neighborhood Council's PLUM Committee; and Petitioner HAINES is a board member of
26 the East Hollywood and Hollywood Studio District Neighborhood Councils, and the Chair
27 of the East Hollywood Neighborhood Council Planning Entitlements Review Committee.

28 15. At the June 26, 2014, HDRC meeting, Petitioner ABRAHAMS arrived at the
location well in advance of the scheduled 6pm meeting start time. In addition to Petitioners,
several other members of the public arrived to attend the meeting.

1 of life issues and oppose worsening environmental impacts such as increased traffic, land
2 use and planning issues, preservation of historic and cultural resources, increased noise,
3 negative impacts on aesthetics and scenic vistas, increased burdens on public services and
4 public safety, and unrestrained growth induced by placing oversized projects in the
5 Hollywood area.

6 23. Petitioner ABRAHAMS is an individual, and is a member of the Central
7 Hollywood Neighborhood Council's PLUM Committee

8 24. Petitioner HAINES is an individual and a board member of the East
9 Hollywood and Hollywood Studio District Neighborhood Councils, and the Chair of the
10 East Hollywood Neighborhood Council Planning Entitlements Review Committee.

11 25. Petitioners have a substantial interest in ensuring that the City's decisions are
12 in conformity with the requirements of law, and in having those requirements properly
13 executed and the public duties of the City enforced. Petitioners are and will be adversely
14 affected by impacts resulting from the City's actions described herein, and are aggrieved by
15 the past, present and continuing acts and omissions of the City in violating the Brown Act
16 as alleged in this Petition. Petitioners are suing on their behalf, and as applicable, on behalf
17 of all others, as well as all citizens of the City of Los Angeles, who are affected by the
18 City's past, present and future violations of the Brown Act.

19 26. Respondent City of Los Angeles is a California charter city located in Los
20 Angeles County, California. Hearings held by the City of Los Angeles and its constituent
21 bodies, commissions and agencies are governed by the Brown Act.

22 27. Petitioners are informed and believe, and based thereon allege, that
23 Respondent City of Los Angeles City Council is the elected legislative body for the City of
24 Los Angeles.

25 28. Petitioners are ignorant of the true names of respondents sued herein as
26 DOES 1 through 10, inclusive, and therefore sue said respondents by those fictitious names.
27 Petitioners will amend the petition to allege their true names and capacities when the same
28 have been ascertained. Petitioners are informed and believe, and based thereon allege, that

1 each of these fictitiously named respondents is in some manner responsible for the wrongful
2 conduct alleged in this petition. Petitioners are informed and believe, and based thereon
3 allege, that these fictitiously named respondents were, at all times mentioned in this petition,
4 the agents, servants, and employees of their co-respondents and were acting within their
5 authority as such with the consent and permission of their co-respondents.

6 **FIRST CAUSE OF ACTION**

7 **(Violation of the Brown Act – Refusal to Allow Members of the Public to Attend the**
8 **June 26, 2014, HDRC Public Meeting**

9 29. Petitioners reallege and incorporate herein by reference the allegations of
10 Paragraphs 1 through 28, inclusive, of this petition.

11 30. Govt. Code § 54952(b) describes a “Legislative Body” subject to the
12 provisions of the Brown Act as “A commission, committee, board, or other body of a local
13 agency, whether permanent or temporary, decision-making, or advisory created by charter,
14 ordinance, resolution, or formal action of a legislative body.”

15 31. On March 22, 2001, the Los Angeles City Council, in a formal action,
16 officially created the HDRC. See **Exhibit 1** attached hereto.

17 32. Govt. Code § 54953 (a) provides that “All meetings of the legislative body of
18 a local agency shall be open and public, and all persons shall be permitted to attend any
19 meeting of the legislative body of a local agency, except as otherwise provided in this
20 chapter.”

21 33. At the June 26, 2014, meeting of the HDRC representatives of the City
22 refused to allow Petitioners, and other members of the general public – all of whom
23 explicitly came to the meeting location with the intention of attending the HDRC meeting –
24 to attend the public meeting, and instead physically removed Petitioners, and other
25 members of the general public from entering the meeting location.

26 34. On or about July 24, 2014, Petitioner, BEACHWOOD CANYON
27 NEIGHBORHOOD ASSOCIATION, sent a letter to the City Attorney’s Office and to the
28 City Clerk pursuant to the “cure and correct” provision of Govt. Code Section 54960.1, and

1 demanded, *inter alia*, that the City (1) reschedule and re-hear the June 26, 2014, HDRC
2 meeting; and (2) reopen meetings of the HDRC so as to allow full, complete, and unfettered
3 access to and by the public in compliance with the Brown Act. A true and correct copy of
4 the Cure and Correct Letter is attached hereto as **Exhibit 2**.

5 35. On or about June 27, 2014, Petitioner HAINES sent a letter to City
6 Councilmember, Mitch O'Farrell's, office protesting his office's decision to exclude
7 members of the public from the HDRC meetings. A true and correct copy of Petitioner
8 HAINES's Letter is attached hereto as **Exhibit 3**.

9 36. On or about June 27, 2014, Petitioner ABRAHAMS sent a letter to the State
10 of California Department of Justice describing the above-described conduct of the City's
11 representatives and detailing the City's decision to exclude members of the public from the
12 HDRC meetings. A true and correct copy of Petitioner ABRAHAMS's Letter is attached
13 hereto as **Exhibit 4**.

14 37. On or about July 21, 2014, Tereza Yerimyan, President of the East
15 Hollywood Neighborhood Council, sent a letter to City Councilmember, Mitch O'Farrell's,
16 office protesting his office's decision to exclude members of the public from the HDRC
17 meetings. A true and correct copy of The East Hollywood Neighborhood Council's Letter is
18 attached hereto as **Exhibit 5**.

19 38. On or about July 21, 2014, Bill Zide, Chair of the Hollywood Studio District
20 Neighborhood Council, sent a letter to the City Councilmember, Mitch O'Farrell's, office
21 protesting his office's decision to exclude members of the public from the HDRC meetings.
22 A true and correct copy of the Hollywood Studio District Neighborhood Council's Letter is
23 attached hereto as **Exhibit 6**.

24 39. On or about August 22, 2014, Deputy City Attorney, Dion O'Connell, in
25 response to Petitioner, BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION's,
26 Cure and Correct Letter (**Exhibit 2**) sent a letter to then-counsel for Petitioner stating,
27 among other things, that "the [HDRC] was not created by a formal action of the Los
28 Angeles City Council. Rather, this Committee was created by Councilman Mitch

1 O'Farrell." Deputy City Attorney, O'Connell, states further: "Thus, since the HDRC was
2 created by a single decision maker – Councilman Mitch O'Farrell – and not by a formal
3 action of the Los Angeles City Council, pursuant to Government Code section 54952(b),
4 the HDRC is not a legislative body. Therefore, the HDRC briefings of this single decision
5 maker are not required to be open to the public pursuant to the Brown Act (Gov. Code sec.
6 5490, et seq.)." As a result, the City and City Council have violated and have indicated their
7 intention to continue to violate their duties under the Brown Act, regarding meetings of the
8 HDRC. A true and correct copy of Deputy City Attorney, O'Connell's, Letter is attached
9 hereto as **Exhibit 7**.

10 SECOND CAUSE OF ACTION

11 (Declaratory Relief)

12 40. Petitioners reallege and incorporate herein by reference the allegations of
13 Paragraphs 1 through 39, inclusive, of this petition.

14 41. Petitioners allege that the City has deliberately failed and refused, and
15 continues to deliberately to fail and refuse, to allow members of the general public to attend
16 public meetings of the HDRC as required by the Brown Act. Petitioners allege that this is
17 done in order to discourage public participation at required hearings and to minimize
18 opposition to projects favorable to City Council members.

19 42. Petitioners allege that a present controversy exists between the City and
20 Petitioners regarding said failure and refusal to allow members of the general public to
21 attend meetings of the HDRC, in that the City has in the past violated the Brown Act,
22 continues to violate the Brown Act, and will continue to violate the Brown Act absent
23 judicial intervention as sought herein.

24 43. Petitioners seek a writ of mandate and injunctive relief, *inter alia*, compelling
25 the City to (1) reschedule and re-hear the June 26, 2014, HDRC meeting; and (2) reopen
26 meetings of the HDRC so as to allow full, complete, and unfettered access to and by the
27 public in compliance with the Brown Act.
28

1 44. The City had and continues to have a mandatory legal duty to refrain from
2 excluding the general public from the public meetings of the HDRC. The City's
3 circumventing of the democratic process by excluding the public from the HDRC meetings
4 denied Petitioners and other members of the public a meaningful opportunity to participate
5 in government decision making to which they were entitled under the Brown Act.

6 45. Petitioners were prejudiced by and continue to suffer prejudice by the City's
7 persistent and deliberate failure to allow the public access to the HDRC meetings.

8 46. Among other things, the failure to allow public access to the HDRC meetings,
9 while at the same time allowing lobbyists for developers of projects in Petitioners'
10 community deprived and deprives Petitioners of an opportunity to monitor those public
11 officials who are making decisions for Petitioners' community and to communicate with
12 additional persons who share their viewpoint in attendance at the public meetings of the
13 HDRC. By excluding the public from the meetings of the HDRC, the City prejudices
14 Petitioners and all members of the general public and deprives them of a meaningful
15 opportunity to participate in government decisions that directly impact their community.

16 47. Had the City properly allowed access to the HDRC meeting of June 26, 2014,
17 and all future meetings of the HDRC, the general public would have had notice of the issues
18 and decisions to be made, and other members of the public could and would have appeared
19 and/or presented objections and comments. By the City's frustration of public participation
20 through its failure to allow access to the HDRC meetings, the decision makers were and
21 continue to be denied information which might alter their decisions, and which Petitioners
22 allege, would have altered their decisions on June 26, 2014, by causing them to be more
23 responsive to public concerns.

24 48. Petitioners allege that they were prejudiced by and continue to suffer
25 prejudice by the City's failure to allow public access to the meetings of the HDRC as
26 described herein because the purpose of the Brown Act is to foster public participation in
27 and awareness of the actions of the government. Govt. Code § 54950. By the City's failure
28

1 to allow public access to the HDRC meetings, the City thwarted and continues to thwart
2 these goals of the Brown Act.

3 49. Petitioners have been prejudiced in that this lawsuit was required because of
4 the City's failure before, during and after the June 26, 2014, meeting of the HDRC, and
5 since, by the City's failure to allow public access to the HDRC meetings.

6 50. When the City has proceeded, and continues to proceed, in this manner, then
7 the entire public and the Courts are prejudiced because Petitioners have no other recourse to
8 rectify the wrong and eliminate the prejudice which is occurring other than to file lawsuits
9 such as the instant lawsuit. The City failed to cure and correct its Brown Act violations
10 upon notice of them. The public's interests were and are not served by the City's actions
11 and inaction to cure, and Petitioners and the general public have been prejudiced thereby.

12 51. Govt. Code Section 54960(a) provides that any interested person may
13 commence an action by mandamus, injunction or declaratory relief for the purpose of
14 stopping or preventing violations or threatened violations of this chapter by members of the
15 legislative body of a local agency or to determine the applicability of this chapter to actions
16 or threatened future action of the legislative body. The City and its constituent bodies,
17 commissions and agencies – including but not limited to the City Council, its committees,
18 and, specifically, CD13, and the HDRC -- have violated the Brown Act by the conduct
19 described herein, and have indicated, shown and otherwise demonstrated that they will
20 continue to violate the Brown Act regarding proper public access to meetings of the HDRC
21 if the Court does not prevent such future violations or threatened violations. Petitioners are
22 entitled, in addition to a writ of mandate, to an injunction requiring the City to comply with
23 the Brown Act as set forth herein.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioners pray entry of judgment as follows:

26 1. For a peremptory writ of mandate compelling the City to reschedule and re-
27 hear the June 26, 2014, Hollywood Design Review Committee meeting, to give proper and
28

1 timely notice to the public in full compliance with the Brown Act, and to properly agendaize
2 and schedule such meetings in the future.

3 2. For a peremptory writ of mandate compelling the City to allow full, complete,
4 and unfettered access to all future meetings of the Hollywood Design Review Committee, to
5 give proper and timely notice to the public in full compliance with the Brown Act, and to
6 properly agendaize and schedule such meetings in the future.

7 3. For a declaration by this Court that the City and the City Council violated the
8 Brown Act by excluding members off the general public from the public meetings of the
9 Hollywood Design Review Committee, and declaring null and void all actions taken at the
10 June 26, 2014, meeting.

11 4. For a declaration by this Court that the City and its constituent bodies,
12 commissions and agencies are required to allow the general public to attend all meetings of
13 legislative bodies in full compliance with the Brown Act, including providing in all agendas
14 a brief general description of the items of business to be transacted or discussed at the
15 hearings.

16 5. For preliminary and permanent injunctive relief prohibiting the City and its
17 constituent bodies, commissions and agencies from excluding the general public from
18 attending the meetings of the Hollywood Design Review Committee, a legislative body
19 within the meaning of the Brown Act. Such injunctive relief includes a request that this
20 Court prohibit future exclusion of members of the public from any and all meetings of the
21 HDRC, and that this Court order the City Council to place all public notices of HDRC
22 meetings at a proper location freely accessible to members of the public 24 hours a day in
23 full accordance with the Brown Act.

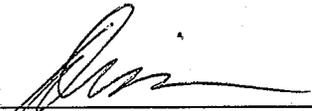
24 6. For costs of suit.

25 7. For an award of attorney fees, including pursuant to Government Code Section
26 54960.5 and Code of Civil Procedure Section 1021.5.

27 8. For such other and further relief as this Court deems just and proper.

28 Dated: September 8, 2014

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DAVID LAWRENCE BELL, Attorney for Petitioners,
BEACHWOOD CANYON NEIGHBORHOOD
ASSOCIATION; GEORGE ABRAHAMS; and
DOUG HAINES

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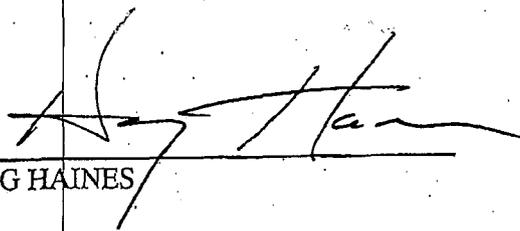
VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) .ss:

I, DOUG HAINES, declare as follows:

I am over the age of 18 and am a party to this action. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and am familiar with its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles California this 8th day of September 2014.


DOUG HAINES

VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

ss:

I, GEORGE ABRAHAMS, declare as follows:

I am a Director of the BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION, and, as such, I am authorized to execute this Verification on its behalf. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and am familiar with its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles California this 8th day of September 2014.


GEORGE ABRAHAMS for BEACHWOOD
CANYON NEIGHBORHOOD ASSOCIATION

EXHIBIT 1

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

00-2362

CD 13

March 22, 2001

Honorable Richard Riordan, Mayor
Council District 13
Chief Legislative Analyst
Office of Administrative
and Research Services
Community Redevelopment Agency
Admin. Office

Office of the
CITY CLERK
Council and Public Services
Room 615, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-8703
General Information - (213) 485-5705
Fax: (213) 847-0636
Fax: (213) 485-8044

HELEN GINSBURG
Chief, Council and Public Services Division

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

ACE 41 FILE 13

MAR 27 2001

[Handwritten signature]

RE: ESTABLISHMENT OF A HOLLYWOOD DESIGN REVIEW COMMITTEE

At the meeting of the Council held March 20, 2001, the following
action was taken:

Attached report adopted.....	_____
Attached motion (-) adopted.....	_____
Attached resolution (-) adopted.....	_____
Mayor concurred.....	_____
FORTHWITH.....	_____
Ordinance adopted.....	_____
Mayor approved.....	_____
Mayor vetoed.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve communication recommendation.....	_____ X _____
To the Mayor FORTHWITH.....	_____

J. Michael Carey

City Clerk
CRM

etono\002362

FF

3/27/01

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00-2362

HOLLYWOOD & COMMUNITY REDEVELOPMENT

NOV 29 2000

MOTION

The Council Office for the 13th District established an Ad Hoc Design Review Committee as part of its public participation efforts in the revitalization of the Hollywood Redevelopment Project Area.

This group has served as an effective vehicle to oversee how the Urban Design Guidelines are applied to redevelopment projects in the area, and in general has provided guidance on design issues as they apply to new construction, rehabilitation of existing structures, and changes to the streetscape of Hollywood Boulevard, particularly between Gower and La Brea. They would serve as an effective vehicle to oversee the implementation of the Hollywood Boulevard Streetscape Concept Plan, as well as continuing to provide design oversight on other redevelopment projects.

As envisioned, the Committee would meet on an as-needed-basis to review at the call of the Committee's chair design of new redevelopment projects, Concept Plan implementation and to review any other significant streetscape or construction activity as may be necessary.

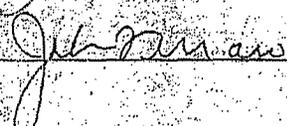
The Committee's composition should reflect the current members of the Ad Hoc Design Review Committee for CD 13 and any additional members the CRA Administrator selects to reflect diverse community participation.

ITHEREFORE MOVE that the Administrator, Community Redevelopment Agency, be instructed to establish a Hollywood Design Review Committee; the composition of such advisory Committee is to include the current members of the Ad Hoc Design Review Committee for CD 13 and any additional members selected by the Administrator to reflect diverse community participation; the Committee's chair shall be selected by its members.

PRESENTED BY:


Jackie Goldberg
Councilmember, 13th District

SECONDED BY:


John Dawson

MOCD13.WPD

22

3-20-01

COMMUNICATION CLERK FOR PLACEMENT ON NEXT REGULAR COUNCIL AGENDA TO BE POSTED

MAR 16 2001 62

TO: LOS ANGELES CITY COUNCIL File No. 00-2362
FROM: COUNCIL MEMBER NICK PACHECO, Chair
HOUSING AND COMMUNITY REDEVELOPMENT COMMITTEE

Public Comments Yes No
_____ XX

COMMUNICATION FROM CHAIR, HOUSING AND COMMUNITY REDEVELOPMENT COMMITTEE relative to the establishment of a Hollywood Design Review Committee

Recommendation for Council action, pursuant to Motion. (Goldberg - Ferraro)

INSTRUCT the Administrator, Community Redevelopment Agency (CRA), or designee, to establish a Hollywood Design Review Committee with the composition of such advisory Committee to include the current members of the Ad Hoc Design Review Committee for CD13 and any additional members selected by the Administrator to reflect diverse community participation leaving the selection of the Committee's chair to its members.

Fiscal Impact Statement: None submitted. Neither the CLA nor OARS has completed a financial analysis of this report.

SUMMARY

RG

On March 17, 2001, the Chair of the Housing and Community Redevelopment Committee considered Motion (Goldberg - Ferraro) relative to the establishment of a Hollywood Design Review Committee. The CRA stated that there were certain legal constraints involved in setting up this Committee and that it would be conferring with the City Attorney on those issues.

The Chair of the HCR Committee concurred with the Motion's (Goldberg - Ferraro) recommendation and forwarded the matter to Council for its consideration.

Respectfully submitted,

Nick Pacheco

COUNCIL MEMBER NICK PACHECO, Chair
Housing and Community Redevelopment Committee

CD 13

CAL
2/1/01
#002362

MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

ADOPTED

MAR 20 2001
LOS ANGELES CITY COUNCIL

Rule 70

HOUSING AND COMMUNITY REDEVELOPMENT COMMITTEE
Report/Communication for Signature

Council File Number 00-2367
Committee Meeting Date 3-7-01
Council Date 3-20-01

COMMITTEE MEMBER	YES	NO	ABSENT
COUNCIL MEMBER PACHECO, CHAIR	✓		
Vacant			
COUNCIL MEMBER HOLDEN			✓

Remarks Motion (Goldberg - Finance)
Housing and Design Committee

Cynthia Landis, Legislative Assistant *** Telephone 485-5733

COUNCIL VOTE

20-Mar-01 11:32:57 AM, #5

Items for which Public Hearings Have Not Been Held - Items 21-25

Voting on Item(s): 21-25

Roll Call

BERNSON	Yes
CHICK	Yes
FEUER	Yes
*GALANTER	Yes
HERNANDEZ	Yes
HOLDEN	Yes
MISCIKOWSKI	Yes
PACHECO	Yes
PADILLA	Yes
RIDLEY-THOMAS	Yes
SVORINICH	Yes
WACHS	Yes
WALTERS	Yes
FERRARO	Absent
	Absent

Present: 13, Yes: 13 No: 0

EXHIBIT 2

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

July 24, 2014

VIA FACSIMILE 213-978-8090
AND U.S. MAIL

Terri Kaufmann-Macias, Esq.
Office of the City Attorney
City of Los Angeles
700 City Hall East
200 N. Main Street
Los Angeles, CA 90012

VIA FACSIMILE 213-473-7734
AND U.S. MAIL

Councilman Mitch O'Farrell
Council District 13
Office of Councilman Mitch O'Farrell
200 N Spring St, Room 450
Los Angeles, CA 90012

VIA FACSIMILE 213-978-1029
AND U.S. MAIL

Ms. Holly Wolcott, City Clerk
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Notice to City of Brown Act Violation
June 26, 2014 Hollywood Design Review Committee
1541 Wilcox Project
4900 Hollywood Project
5750 Hollywood Blvd. Project
5600 Hollywood Blvd. Project

Dear Ms. Kaufmann-Macias, Ms. Wolcott, and Councilman O'Farrell:

This firm and the undersigned represent the Beachwood Canyon Neighborhood Association.

By this letter, we protest the City's Brown Act violations regarding exclusion of members of the public and closed meetings of the Hollywood Design Review Committee, including but not limited to the refusal of representatives of Council District

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 2

13 to allow members of the general public to attend the Committee's meeting of June 26, 2014.

The Hollywood Design Review Committee is a Standing Committee of the Legislative Body.

Government Code Section 54952(b) describes a "Legislative Body" subject to the provisions of the Ralph M. Brown Act to include the following: "A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory..."

The Hollywood Design Review (HDR) Committee exists to review major land use projects proposed for the Hollywood area, and for over 20 years it has served as an official advisory board for Council District 13. Applicants are required to present their projects to the Committee if they seek support from the council office.

The HDR Committee's membership consists of architects and other professionals who are individually approved by CD13's elected representative. The Committee's meetings are scheduled by the council member's staff, and his planning deputy creates the agendas and serves as the Committee's formal or informal chair. Under prior CD13 administrations, Hollywood Design Review Committee meetings were open to everyone.

The agenda of the June 26, 2014 Hollywood Design Review Committee meeting (attached at **Exhibit 1**) set forth the following major development projects for review and discussion by Committee members:

6PM- Presentation of 1541 Wilcox, (west side of Wilcox, north of Sunset Blvd.)

General Project Description:

- Hotel with 225 guest rooms
- 11,797 sf lobby, restaurant, bar
- 9,504 sf banquet meeting rooms
- 4,433 sf roof top restaurant/bar
- 171 auto parking spaces
- Minimum of 24 short term bike parking spaces

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 3

- Minimum of 24 long term bike parking spaces
- Project is expected to be complete in 2018

6:30pm- Presentation of 4900 Hollywood Blvd. (southwest corner of Hollywood Blvd. & Edgemont St.)

General Project Description:

- 200 apartments, including 40 affordable units
- 14,000 sf of ground floor retail
- 6,000 sf pedestrian plaza

7pm- 5750 Hollywood Blvd. (southeast corner of Hollywood Blvd. & Van Ness Ave.)

General Project Description:

- 162 apartments, including 14 affordable units
- 5,000 sf of ground floor retail
- 213 parking spaces

7:30pm- 5600 Hollywood Blvd.

General Project Description:

- 80 room boutique hotel

8pm- DRC discussion of each project and next steps

Factual Summary.

On June 24, 2014, a member of the Hollywood Design Review Committee forwarded a copy of the Committee's June 26, 2014 agenda to Mr. Edward Hunt, President of the Melrose Hill Neighborhood Association, and the former Chair of the Hollywood Studio District Neighborhood Council's Planning and Land Use Management Committee. The person forwarding the Design Review Committee's agenda to Mr. Hunt encouraged him and any other interested members of the public to attend the

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 4

Committee's upcoming meeting, noting that major projects being presented that evening included several controversial developments.

Mr. Hunt (who is an architect) has in past years been a frequent attendee of Hollywood Design Review Committee meetings, and he in turn forwarded the June 26, 2014 agenda to neighborhood council representatives, homeowners' associations, and other interested parties. Among those receiving the agenda were members of the Beachwood Canyon Neighborhood Association, including its directors Mr. George Abrahams and Ms. Fran Reichenbach. Mr. Abrahams is also a member of the Central Hollywood Neighborhood Council's PLUM Committee, and upon reviewing the June 26, 2014 agenda, he noted that it included projects proposed for his district.

On June 26, 2014, Mr. Abrahams and Ms. Reichenbach arrived at the Hollywood Design Review Committee's meeting location at Lehrer Architects, 2140 Hyperion Avenue. Even though Mr. Abrahams and Ms. Reichenbach arrived well in advance of the scheduled 6:00 p.m. meeting start time, they were denied entry to the building by Ms. Marie Rumsey, the Planning Deputy for Council District 13. Ms. Rumsey informed Mr. Abrahams and Ms. Reichenbach and numerous other members of the general public arriving for the meeting that it was for "Committee members only," and that the public was prohibited from attending.

When my client group's representatives protested that Hollywood Design Review Committee meetings have in the past always been open to the public, Ms. Rumsey continued to refuse the public entry. When the Chair of the East Hollywood Neighborhood Council's PLUM Committee, Mr. Doug Haines, arrived with other members of his Committee to view a presentation of a project proposed for his community, he and his colleagues were also told to leave. Mr. Haines entered the room anyway, in order to speak with a friend of his who serves on the Committee. When Mr. Haines picked up a copy of the meeting agenda that had been placed on a table, Ms. Rumsey was observed pulling it from his hand before he could read it and shoving him toward the door. (See Mr. Haines' letter to Councilman Mitch O'Farrell, attached at **Exhibit 2**. See also the July 21, 2014 letter from the Board of the East Hollywood Neighborhood Council, attached at **Exhibit 3**.) While Ms. Rumsey was refusing entry to the meeting to both my client representatives and other members of the general public, Mr. Abrahams observed groups of lobbyists entering the building at will.

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 5

As noted previously, among those denied entry to the June 26, 2014 Hollywood Design Review Committee meeting was Doug Haines, who in his June 27, 2014 letter to Mitch O'Farrell notes that the public has never previously been prohibited from attending the Committee's presentations. While outside the meeting site, Mr. Haines and Mr. Abrahams approached several Committee members that Mr. Haines is friends with as they arrived for the meeting. Upon questioning, the Committee members all stated to Mr. Haines and Mr. Abrahams that they were unaware of the council office's new practice or policy of barring the public from HDR Committee meetings, and that none of the Committee members had expressed any objections to allowing the public to attend. Mr. Haines and Mr. Abrahams also approached other members of CD13's staff as they arrived for the meeting, who stated that it was Ms. Rumsey's decision as to whether or not to allow the public to attend.

The Brown Act has been violated.

The courts have liberally construed the terms of the Brown Act so as to effectuate its purposes. (See, e.g., Rowen v. Santa Clara Unified School Dist. (1981) 121 Cal.App.3d 231, 235; Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs. (1958) 263 Cal.App.2d 41, 48.)

The Hollywood Design Review Committee is a standing committee of the legislative body. (See 79 Ops. Cal. Atty. Gen. 69 (1996): "We note that a 'standing committee' is commonly defined as 'a committee to consider subjects of a particular class arising during a stated period; specifically a permanent committee of a legislative body.' (Webster's Third New Internat. Dict. (1971) p. 2224.) 'Permanent' may be commonly defined as 'to endure, remain.' (*Id.* at p. 1683.)")

The Hollywood Design Review Committee is an advisory board created over two decades ago to hear and comment upon presentations for major land use development projects in the Hollywood area. The *policy* for the Committee to exist renders irrelevant the issue of which elected representative continues to appoint its members or oversees its meetings, and subsequently whether or not the Committee must abide by the Brown Act. Frazer v. Dixon Unified School District (1993) 18 Cal.App.4th 781.

It is also irrelevant for the purposes of Govt. Code Section 54952 that the Committee is advisory rather than decision making, or that its meetings are called by an

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 6

elected representative rather than by formal action of the entire legislative body. The purpose of the Committee is to advise the legislative body when requested on those matters within its continuing subject matter jurisdiction.

No action is required of the HDR Committee in order for a gathering to be governed by the Brown Act as a "meeting." Subdivision (a) of Govt. Code Section 54952.2 makes it clear that the term applies even though the sole activity of Committee members may be to discuss, deliberate or hear a presentation on an item of business within their official jurisdiction.

Council District 13 retains the authority to choose HDR Committee members and conducts its meetings. If the Committee were instead a private organization not subject to the open meeting requirements of the Brown Act, then CD13's staff would be observers at the meetings without authority to set the agenda, conduct the meeting, or exclude the public. That authority would rest solely with the Committee members, who as previously noted were unaware that a policy of selective and discriminatory exclusion had been adopted by CD13.

Even if HDR Committee meetings were not subject to the Brown Act, and we strongly believe that they are, there is no plausible excuse to exclude the public from its meetings. As stated in Govt. Code Section 54950, the preamble to the Brown Act:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly... The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

Demand to Cure and Correct.

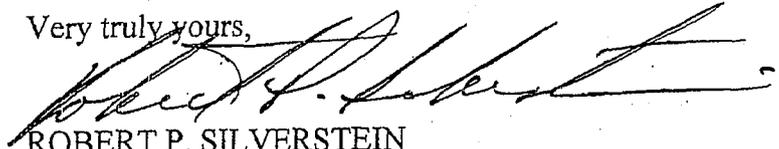
If the City does not both: (1) reschedule and re-hear the June 26, 2014 Committee meeting, and (2) reopen meetings of the Hollywood Design Review Committee so as to allow full, complete and unfettered access to and by the public, we will pursue all available remedies under the Brown Act and other laws, including the filing of a petition

Terri Kaufmann-Macias, Esq.
Ms. Holly Wolcott
Councilman Mitch O'Farrell
City of Los Angeles
July 24, 2014
Page 7

for writ of mandate.

Thank you for your courtesy and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert P. Silverstein", written over a horizontal line.

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM

RPS:gs

EXHIBIT 1

Hollywood Design Review Committee

June 26, 2014

6pm

LEHRERARCHITECTS LA

2140 Hyperion Avenue

Los Angeles, California 90027-4708

AGENDA

6pm- Presentation of 1541 Wilcox, (west side of Wilcox, north of Sunset Blvd.)

General Project Description:

- Hotel with 225 guest rooms
- 11,797 sf lobby, restaurant, bar
- 9,504 sf banquet meeting rooms
- 4,433 sf roof top restaurant/bar
- 171 auto parking spaces
- Minimum of 24 short term bike parking spaces
- Minimum of 24 long term bike parking spaces
- Project is expected to be complete in 2018

6:30pm- Presentation of 4900 Hollywood Blvd. (southwest corner of Hollywood Blvd. & Edgemont St.)

General Project Description:

- 200 apartments, including 40 affordable units
- 14,000 sf of ground floor retail
- 6,000 sf pedestrian plaza

7pm- 5750 Hollywood Blvd. (southeast corner of Hollywood Blvd. & Van Ness Ave.)

General Project Description:

- 162 apartments, including 14 affordable units
- 5,000 sf of ground floor retail
- 213 parking spaces

7:30pm- 5600 Hollywood Blvd.

General Project Description:

- 80 room boutique hotel

8pm- DRC discussion of each project and next steps

EXHIBIT 2

**EAST HOLLYWOOD
NEIGHBORHOOD COUNCIL**

GOVERNING BOARD OFFICERS
Tereza Yerimyan, President
Cheron McAleece, Vice President
Marcelo Cabral, Treasurer
Arasele Torrez, Recording Secretary
Jeff Zarrinam, Corresponding Treasurer
Donal Thoms-Cappello, Corresponding Secretary

**CITY OF LOS ANGELES
CALIFORNIA**



**ERIC GARCETTI
MAYOR**

**PLANNING ENTITLEMENT
REVIEW COMMITTEE**

COMMITTEE MEMBERS
Doug Haines, Chair
David Bell
Ed Hunt
Gwenn Godek
Dick Platkin
Armen Makasjian

POSTAL MAIL
P.O. Box 292359
Los Angeles, California 90029

June 27, 2014

Mitch O'Farrell, Councilman 13th District
City of Los Angeles, Los Angeles City Council
200 N. Spring Street, 4th Floor
Los Angeles, CA 90012

Dear Mitch:

Yesterday, Ed Hunt informed members of our neighborhood council and others that the 13th District's Hollywood Design Review Committee would be meeting that evening and receiving presentations for several key development projects proposed for East Hollywood. For over twenty years, the Design Review Committee has been an open and welcoming forum for community input regarding major Hollywood projects, and both Ed and I have frequently attended its meetings.

However, when I and several other residents and neighborhood council members arrived at the venue, your planning deputy, Marie Rumsey, stated that the public is now prohibited from Design Review Committee meetings. When I picked up a copy of the agenda, Ms. Rumsey pulled it from my hand and pushed me toward the door.

Is it by your directive that the public is now excluded from what has always been an open and very public process, and if so, for what purpose? In the past, your predecessors at CD13 went out of their way to encourage participation in Design Review Committee meetings, which have always been friendly and professional, and without any incidents that would merit restricting participation.

Barring the public from a traditionally public discourse is a questionable approach to transparency in the planning process. Please note also that your new ban on public attendance at Design Review Committee meetings apparently does not extend to lobbyists, who were not required last night to wait outside until their project was called, instead seeing presentations denied to the rest of us.

When you first announced your candidacy for CD13, I asked you what you would do differently from Eric Garcetti. Your response was: "Everything." Your staff's behavior last night was inconsistent with that promise, and I ask that the public again be encouraged to attend Design Review meetings.

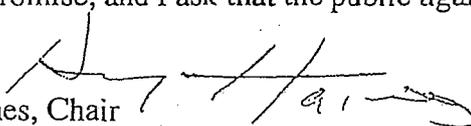

Doug Haines, Chair
Planning Entitlements Review Committee

EXHIBIT 3

CITY OF LOS ANGELES
CALIFORNIA

EAST HOLLYWOOD
NEIGHBORHOOD COUNCIL

GOVERNING BOARD OFFICERS

Tereza Yerimyan, President
Cheron J. McAleece, Vice President
Marcelo Cabral, Treasurer
Arasele Torrez, Recording Secretary
Jeff Zarrinam, Corresponding Treasurer
Donal Thoms-Cappello, Corresponding Secretary

GOVERNING BOARD MEMBERS

Matt Benton	Calixtho Lopes
Patrick Bustamante	Shaon Nichols
Craig Cox	Seta Panosian
Doug Haines	Bill Zide



ERIC GARCETTI
MAYOR

EAST HOLLYWOOD
NEIGHBORHOOD COUNCIL

POSTAL MAIL
P.O. Box 292359
Los Angeles California 90029

TELEPHONE
TBD

WEBSITE
www.easthollywood.net

July 21, 2014

Mitch O'Farrell, Councilman of the 13TH District
Los Angeles City Council
200 N. Spring Street, 4th Floor
Los Angeles, California 90012

COPY

Dear Councilman O'Farrell:

The Board of the East Hollywood Neighborhood Council voted at its July 21, 2014 special meeting to request that your office reverse its new policy of prohibiting the general public from attending meetings of the Hollywood Design Review Committee.

Our Board's request is especially pertinent since the Hollywood Design Review Committee is an official advisory committee of Council District 13, with its membership comprised of architects and other professionals who are individually selected by your office to review major development projects proposed for Hollywood. Its meetings are scheduled and conducted by your staff, and it was your planning deputy, Marie Rumsey, who prevented members of the public from attending the committee's most recent meeting, held June 26, 2014, at the offices of Lehrer Architects. Ms. Rumsey excluded the public without the consent or knowledge of committee members, who had no say in her decision.

The Hollywood Design Review Committee therefore conforms to the legal definition of a Standing Committee of the legislative body, created and controlled by your office and thereby subject to the open meeting requirements of the Ralph M. Brown Act. For the past two decades the committee has done precisely that, welcoming the community to its meetings while fostering public participation and transparency in the planning process. Excluding the public now from what has traditionally been an open forum for public discourse serves no beneficial purpose.

The Brown Act was created in part to ensure that the deliberations of public agencies be conducted openly. This simple principle cannot survive within a policy of exclusion, and there is no room in an open and honest government for policies that create obstacles to community participation. Holding closed meetings of the Hollywood Design Review Committee is both improper and an embarrassment, and we respectfully request that future meetings be open to everyone.

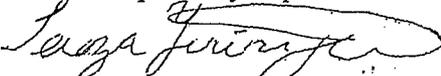

Tereza Yerimyan, President

EXHIBIT 3

**EAST HOLLYWOOD
NEIGHBORHOOD COUNCIL**

CITY OF LOS ANGELES

CALIFORNIA

**PLANNING ENTITLEMENT
REVIEW COMMITTEE**

GOVERNING BOARD OFFICERS

Tereza Yerimyan, President
Cheron McAleece, Vice President
Marcelo Cabral, Treasurer
Arasele Torrez, Recording Secretary
Jeff Zarrinnam, Corresponding Treasurer
Donal Thoms-Cappello, Corresponding Secretary



**ERIC GARCETTI
MAYOR**

COMMITTEE MEMBERS

Doug Haines, Chair
David Bell
Ed Hunt
Gwenn Godek
Dick Platkin
Armen Makasjian

POSTAL MAIL

P.O. Box 292359
Los Angeles, California 90029

June 27, 2014

Mitch O'Farrell, Councilman 13th District
City of Los Angeles, Los Angeles City Council
200 N. Spring Street, 4th Floor
Los Angeles, CA 90012

Dear Mitch:

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However, when I and several other residents and neighborhood council members arrived at the venue, your planning deputy, Marie Rumsey, stated that the public is now prohibited from Design Review Committee meetings. When I picked up a copy of the agenda, Ms. Rumsey pulled it from my hand and pushed me toward the door.

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Barring the public from a traditionally public discourse is a questionable approach to transparency in the planning process. Please note also that your new ban on public attendance at Design Review Committee meetings apparently does not extend to lobbyists, who were not required last night to wait outside until their project was called, instead seeing presentations denied to the rest of us.

When you first announced your candidacy for CD13, I asked you what you would do differently from Eric Garcetti. Your response was: "Everything." Your staff's behavior last night was inconsistent with that promise, and I ask that the public again be encouraged to attend Design Review meetings.

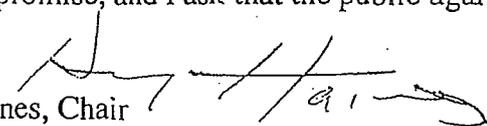

Doug Haines, Chair
Planning Entitlements Review Committee

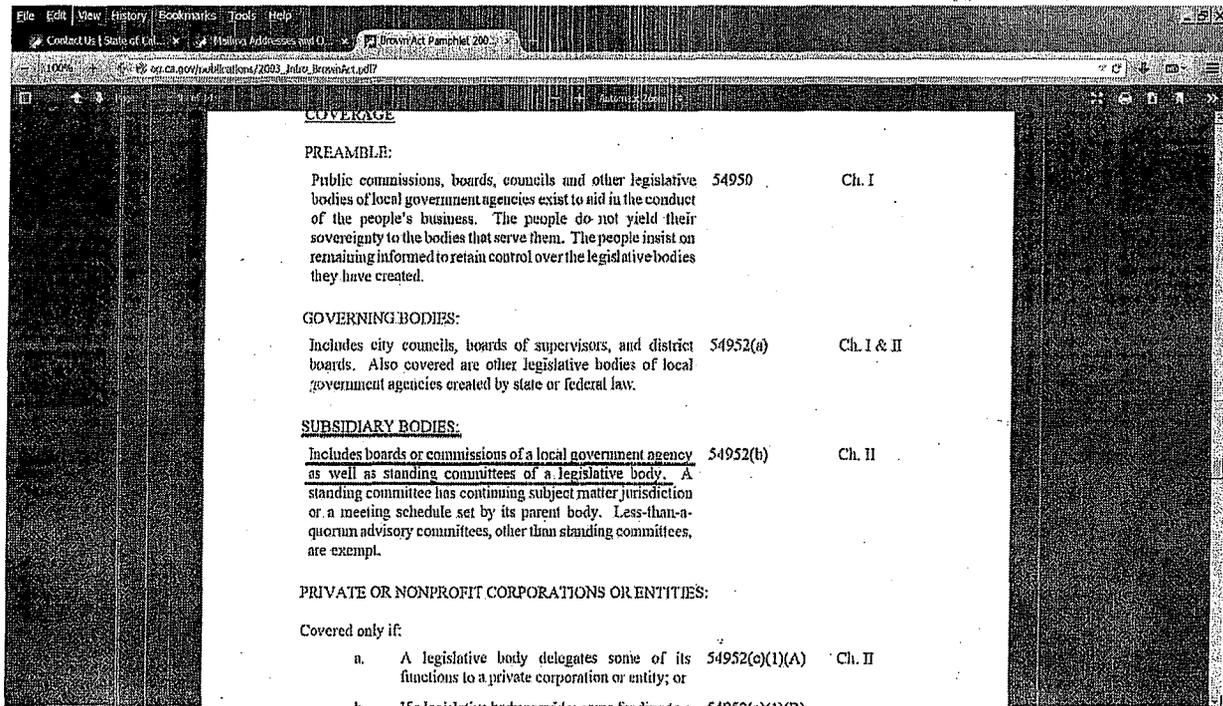
EXHIBIT 4

June 27, 2014

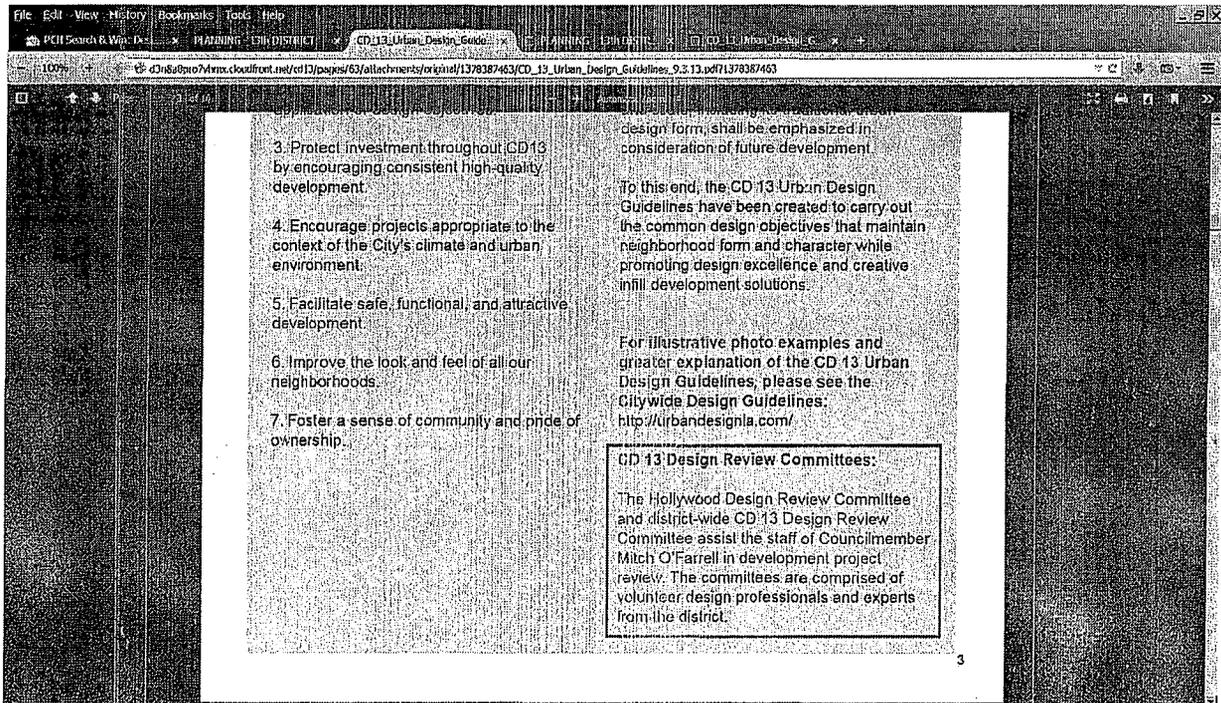
State of California Department of Justice
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

Dear Attorney General Harris,

According to the Ralph M. Brown Act standing committees of a local agency are required to hold open meetings.



Los Angeles City Councilman Mitch O'Farrell has established a district-wide CD 13 Design Review Committee.



On Thursday, June 26 at 6 PM a meeting of district-wide CD 13 Design Review Committee was held at:

LEHRER ARCHITECTS LA

2140 Hyperion Avenue
Los Angeles, California 90027-4708

to discuss several projects of interest:

6pm- Presentation of 1541 Wilcox, (west side of Wilcox, north of Sunset Blvd.)

6:30pm- Presentation of 4900 Hollywood Blvd

7pm- 5750 Hollywood Blvd. (southeast corner of Hollywood Blvd. & Van Ness Ave.)

7:30pm- 5600 Hollywood Blvd.

8pm- DRC discussion of each project and next steps

Six individual were told that it was not a public meeting and were denied entry to the meeting by three field deputies of Councilman Mitch O'Farrell:

Marie Rumsey, Daniel Halden and Gary Benjamin.

The individuals who were denied entry were:

George Abrahams, stakeholder member of the Central Hollywood Neighborhood Council Planning and Land Use Committee.

Annie Gagan, board member of the Hollywood Hills West Neighborhood Council and Youth Chair.

Doug Haines, board member of the East Hollywood neighborhood Council and Planning and Land Use Committee chair.

Abraham Soghomonian, stakeholder in the East Hollywood Neighborhood Council and resident who live nearby to 4900 Hollywood Blvd.

Lawrence Greenstein, stakeholder in the Los Feliz Neighborhood Council and resident who live nearby to 4900 Hollywood Blvd.

One other unnamed individual.

The meeting was attended by approximately 20 individuals, including Scott Campbell, former president of the Central Hollywood Neighborhood Council and Laurie Goldman, former vice president of the Central Hollywood Neighborhood Council.

Please investigate this violation of the law.

Very truly yours,

George Abrahams

3150 Durand Drive
Los Angeles, CA 90068

323 463 9209
ggg@copper.net

EXHIBIT 5

CITY OF LOS ANGELES

CALIFORNIA

EAST HOLLYWOOD NEIGHBORHOOD COUNCIL

GOVERNING BOARD OFFICERS

Tereza Yerimyan, President
Cheron J. McAleece, Vice President
Marcelo Cabral, Treasurer
Arasele Torrez, Recording Secretary
Jeff Zarrinam, Corresponding Treasurer
Donal Thoms-Cappello, Corresponding Secretary

GOVERNING BOARD MEMBERS

Matt Benton	Calixtho Lopes
Patrick Bustamante	Shaon Nichols
Craig Cox	Seta Panosian
Doug Haines	Bill Zide



ERIC GARCETTI
MAYOR

EAST HOLLYWOOD NEIGHBORHOOD COUNCIL

POSTAL MAIL
P.O. Box 292359
Los Angeles California 90029

TELEPHONE
TBD

WEBSITE
www.easthollywood.net

July 21, 2014

Mitch O'Farrell, Councilman of the 13TH District
Los Angeles City Council
200 N. Spring Street, 4th Floor
Los Angeles, California 90012

COPY

Dear Councilman O'Farrell:

The Board of the East Hollywood Neighborhood Council voted at its July 21, 2014 special meeting to request that your office reverse its new policy of prohibiting the general public from attending meetings of the Hollywood Design Review Committee.

Our Board's request is especially pertinent since the Hollywood Design Review Committee is an official advisory committee of Council District 13, with its membership comprised of architects and other professionals who are individually selected by your office to review major development projects proposed for Hollywood. Its meetings are scheduled and conducted by your staff, and it was your planning deputy, Marie Rumsey, who prevented members of the public from attending the committee's most recent meeting, held June 26, 2014, at the offices of Lehrer Architects. Ms. Rumsey excluded the public without the consent or knowledge of committee members, who had no say in her decision.

The Hollywood Design Review Committee therefore conforms to the legal definition of a Standing Committee of the legislative body, created and controlled by your office and thereby subject to the open meeting requirements of the Ralph M. Brown Act. For the past two decades the committee has done precisely that, welcoming the community to its meetings while fostering public participation and transparency in the planning process. Excluding the public now from what has traditionally been an open forum for public discourse serves no beneficial purpose.

The Brown Act was created in part to ensure that the deliberations of public agencies be conducted openly. This simple principle cannot survive within a policy of exclusion, and there is no room in an open and honest government for policies that create obstacles to community participation. Holding closed meetings of the Hollywood Design Review Committee is both improper and an embarrassment, and we respectfully request that future meetings be open to everyone.

Tereza Yerimyan, President

EXHIBIT 6

CITY OF LOS ANGELES

HOLLYWOOD STUDIO DISTRICT NEIGHBORHOOD

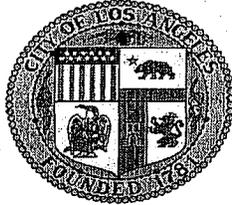
OFFICERS:

COUNCIL

Board Members:

CALIFORNIA

Bill Zide
Chair
Jennifer Barbosa
Vice Chair
Charles Puree
Treasurer
Drew Peterson
Secretary



ERIC GARCETTI
MAYOR



Alex Alferov	Maria Yepremian
Bill Zide	Charles Puree
Christina Derenthal	Drew Peterson
Efrain Gonzalez	Jennifer Barbosa
Jirair Tossounian	Jing Wan
Jose Torres	Christian A. Beck
Don Durkee	Doug Haines
Luke Vincent	Vacant 1
John Girodo	Vacant 2
Ben Adams	Vacant 3

5500 Hollywood Blvd. #406.
Los Angeles, CA 90028
admin@hsdnc.org
www.hsdnc.org

July 21st, 2014

Mitch O'Farrell – Council District 13
Los Angeles City Council
200 N. Spring Street
4th Floor
Los Angeles, CA 90012

RE: Design Review Committee

Dear Councilman O'Farrell:

I am writing on behalf of the Hollywood Studio District Neighborhood Council, who voted last Monday at our regular Board meeting to respectfully ask that you reconsider the policies of your Hollywood Design Review Committee, as it pertains to stakeholders and members of the community.

The HSDNC was informed by Doug Haines that on June 26th a number of stakeholders trying to attend a meeting of that Committee at the offices of Leher Architects were denied entry by your Planning Director.

We are informed that the Committee is comprised of architects and other professionals who were selected by your office to review major development projects proposed for the Hollywood area. We applaud this effort and intent, but without stakeholder and community participation it could seem to service only the interests of the developers, and call into question the issue of transparency.

Some have argued that it might be a violation of the Brown Act's open meeting provisions, because this is an official standing committee of your office that is run by your employees. However, your Planning Director, Marie Rumsey, has asserted that

this does not apply because the Committee meets irregularly and does not vote on any issues.

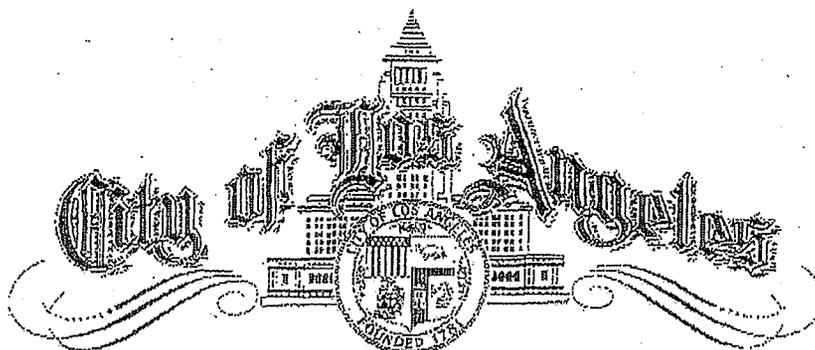
Whether it constituted a Brown Act violation or not, the more concerning issue is that it gives the appearance of stakeholder exclusion in favor developer interests. We are informed that under your predecessor this Committee's meetings were open to the public. This also seems to be the case with most of the other council office design review committees.

In light of all this, the HSDNC asks that the meetings of the Hollywood Design Review Committee be open to the public. In this way, you would involve the community earlier in the process and facilitate true transparency. This would best serve everyone and create a better lasting framework for meaningful collaboration of all the concerned and affected parties.

Sincerely,

Bill Zide
Chair
HSDNC

EXHIBIT 7



MICHAEL N. FEUER
CITY ATTORNEY

August 22, 2014

VIA FACSIMILE (626) 449-4205
AND U.S. MAIL

Robert P. Silverstein, Esq.
The Silverstein Law Firm
215 North Marengo Ave., 3rd floor
Pasadena, CA 91101-1504

Re: Alleged HDRC Brown Act Violation on June 26, 2014

Dear Mr. Silverstein:

This Office has received your correspondence dated July 24, 2014, in which you demand that the City correct alleged violations of the Brown Act during a briefing of the Hollywood Design Review Committee ("HDRC") held by staff of Mitch O'Farrell, Councilmember of the Thirteenth Council District, on June 26, 2014. Your citation of Government Code section 54952(b) is relevant, yet unfortunately incomplete. Near the top of Page 2 of your correspondence you write:

"Government Code Section 54952(b) describes a 'Legislative Body' subject to the provisions of the Ralph M. Brown Act to include the following: 'A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory...'"

However, the phrase that immediately follows that passage in that section of the Brown Act provides important qualifying language: "... created by charter, ordinance, resolution, or formal action of a legislative body." (Gov. Code sec. 54952(b); emphasis added.) This Hollywood Design Review Committee was not created by a formal action of the Los Angeles City Council. Rather, this Committee was created by Councilman Mitch O'Farrell.

Robert P. Silverstein, Esq.,
The Silverstein Law Firm
Page 2

"[T]he Act does not apply to multi-member bodies which are created by an individual decision maker. (75 Ops. Cal. Atty. Gen. 263, 269 (1992); 56 Ops. Cal. Atty. Gen. 14, 17 (1973).) ..." (*The Brown Act, Open Meetings for Local Legislative Bodies*, California Attorney General's Office (2003), p. 2.)

Thus, since the HDRC was created by a single decision maker -- Councilman Mitch O'Farrell -- and not by a formal action of the Los Angeles City Council, pursuant to Government Code section 54952(b), the HDRC is not a legislative body. Therefore, the HDRC briefings of this single decision maker are not required to be open to the public pursuant to the Brown Act (Gov. Code sec. 54950, et seq.).

Very truly yours,



DION O'CONNELL
Deputy City Attorney

Cc: Mitch O'Farrell, Councilman, Thirteenth Council District
Holly Wolcott, City Clerk
Terry Kaufman-Macias, Assistant City Attorney