

1 DAVID LAWRENCE BELL (State Bar No. 224667)  
4317 Kingswell Avenue  
2 Los Angeles California 90029  
Telephone: (213) 814-9127  
3 Facsimile: (213) 897-2877

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

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

FEB 17 2015

Sherri R. Carter, Executive Officer/Clerk  
By Judy A. Hernand, Deputy

6  
7  
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/Plaintiffs,

15 vs.

16 CITY OF LOS ANGELES, a municipal  
17 corporation; LOS ANGELES CITY  
COUNCIL; CRA/LA a Designated Local  
18 Agency and Successor for the former  
COMMUNITY REDEVELOPMENT  
19 AGENCY of the CITY OF LOS ANGELES;  
and DOES 2 through 10, inclusive,

20 Respondents/Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

Case No. BS151004

**FIRST AMENDED VERIFIED  
PETITION FOR WRIT OF  
MANDATE AND COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

(Assigned to Hon. Robert H. O'Brien,  
Dept. 82)

1. Violation of the Brown Act (Govt. Code § 54950, et seq.);
2. Violation of Procedural Due Process (U.S. Const. 14th Amendment; Cal. Const. Art. 1, § 7);
3. Violation of the Right to Free Speech and to Petition the Government for Redress of Grievances (U.S. Const. 1st Amendment; Cal. Const. Art. 1, §§ 2(a), 3(a) and (b));
4. Violation of Equal Protection of the Laws (U.S. Const. 14th Amendment; Cal. Const. Art. 1, § 7);
5. Government Estoppel;
6. Declaratory Relief.

COPY



1           4.     The City through its constituent bodies, commissions and agencies –  
2 including but not limited to the City Council and its committees, the HDRC – are  
3 “Legislative Bod[ies]” subject to the Brown Act. Govt. Code § 54952(b).

4           5.     CRA/LA is subject to the Brown Act Govt. Code § 54952(c)(1).

5           6.     The City of Los Angeles is a government entity acting under color of law in its  
6 official actions and CRA/LA is a quasi-governmental entity.

7           7.     The procedural due process component of the 14th Amendment to the U.S.  
8 Constitution and Art. 1 § 7 of the California Constitution prohibits government entities from  
9 depriving individuals of liberty or property without due process of law.

10          8.     Petitioners, as property owners and representatives of residents and property  
11 owners in the area encompassed within the purview of the Hollywood Design Review  
12 Committee have a liberty and/or property interest in land use and design review decisions  
13 regarding developments that occur in their neighborhood.

14          9.     A major purpose of the First Amendment to the U.S. Constitution and Art. 1 §§  
15 2(a), (a) and (b) of the California Constitution is to protect the free discussion of public  
16 issues and allow persons the right of access to government.

17          10.    The Equal Protection Clause of the 14th Amendment to the U.S. Constitution,  
18 and Art. 1, § 7 of the California Constitution protects, among other things, against  
19 government discrimination for the exercise of fundamental rights.

20          11.    The right to free speech, the right to express a particular point of view, the  
21 right to associate with like-minded individuals, and the right to petition the government for  
22 redress of grievances are all fundamental rights.

23          12.    The government may be estopped from asserting a fact as a defense to a claim  
24 when the government has acted contrary to that fact and others have relied upon the  
25 government conduct to their detriment.

26                           **THE HOLLYWOOD DESIGN REVIEW COMMITTEE**

27          13.    The HDRC exists to review major land use projects proposed for the  
28 Hollywood area, and for over 20 years it has served as an official advisory board for City

1 Council District 13 (“CD13”). Applicants are required to present their projects to the HDRC  
2 if they seek support from the Council District office.

3 14. The HDRC’s membership consists of architects and other professionals who  
4 are individually approved by CD13’s elected representative. The committee’s meetings are  
5 scheduled and supplied by the council member’s staff, and his planning deputy creates the  
6 agendas and serves as the committee’s informal chair. Under prior CD13 administrations,  
7 and for more than 20 years, HDRC meetings were open to everyone.

8 15. The HDRC considers issues related to the design of important development  
9 projects within the CD 13 area. Decisions made at HDRC meetings often have a profound  
10 impact on the ultimate design, look, size, and structure of a development. Decisions made at  
11 HDRC meetings are not subject to further administrative review, and are, therefore, in many  
12 respects, final. For more than 20 years, all CD13 stakeholders have had input into decisions  
13 made at HDRC meetings.

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

18 17. Government Code § 54952(c)(1) describes a “Legislative Body” subject to the  
19 provisions of the Brown Act as “A board, commission, committee, or other multimember  
20 body that governs a private corporation, limited liability company, or other entity that ... : ...  
21 Is created by the elected legislative body in order to exercise authority that may lawfully be  
22 delegated by the elected governing body to a private corporation, limited liability company,  
23 or other entity.”

24 18. The HDRC was originally created as an *ad hoc* committee to advise the City  
25 Council Member for the 13th Council District. The HDRC was originally so convened  
26 sometime in the 1980’s, and has continued in substantially the same form, composition, and  
27 meeting location, to the present day. The HDRC’s meetings have always been held open to  
28

1 all members of the public and the Committee has acted in substantial compliance with the  
2 mandates of the Brown Act.

3 19. Los Angeles City Council Member Mitch O'Farrell was elected to the City  
4 Council in 2013, more than 25 years after the original establishment of the HDRC and more  
5 than a dozen years after an official action of the City Council mandated the establishment of  
6 the HDRC. Councilmember Mitch O'Farrell did not create the HDRC.

7 20. Other areas of the City have Design Review Committees, which Petitioners  
8 are informed and believe were established by the City Council, and which comply with the  
9 mandates of the Brown Act.

10 **THE MARCH 22, 2001, CITY COUNCIL ACTION**

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

14 22. The City Clerk Cover Letter accompanying the City Council Motion  
15 referenced the City Council's action as "ESTABLISHMENT OF A HOLLYWOOD  
16 DESIGN REVIEW COMMITTEE." (See Exhibit 1.)

17 23. The City Council Motion provides as follows:

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

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

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

1 The Committee Composition should reflect the current members of the Ad Hoc  
2 Design Review Committee for CD 13 and any additional members the CRA  
3 administrator selects to reflect diverse community participation.

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

10 (Emphasis added.) (See Exhibit 1.)

11 24. Subsequent to the City Council's official action establishing the HDRC, the  
12 HDRC ceased to be an ad hoc committee and became an official committee of either the  
13 City of Los Angeles, the Community Redevelopment Agency of the City of Los Angeles,  
14 or both. The City's action created an official design review committee for Hollywood  
15 similar in nature to the other design review committees for other areas of the City, and  
16 subjected the HDRC to the mandates of the Brown Act. It is irrelevant whether the HDRC  
17 is under the authority of the City or of the Community Redevelopment Agency of the City  
18 of Los Angeles, and its successor agency CRA/LA. The Brown Act mandates that the  
19 public's business be conducted in the open, and the Brown Act applies to the public entity  
20 known as the Hollywood Design Review Committee.

### 21 THE JUNE 26, 2014, HDRC PUBLIC MEETING

22 25. On Thursday, June 26, 2014, the HDRC held a meeting at the office of  
23 Lehrer Architects, 2140 Hyperion Avenue to discuss various projects proposed for  
24 Hollywood. This is the same site where the HDRC meeting has been held for more than 20  
25 years.

26 26. The agenda of the June 26, 2014 Hollywood Design Review Committee  
27 meeting (attached at Exhibit 1) set forth the following major development projects for  
28 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

- 1 -9,504 sf banquet meeting rooms
- 2 -4,433 sf roof top restaurant/bar
- 3 -171 auto parking spaces
- 4 -Minimum of 24 short term bike parking spaces
- 5 -Minimum of 24 long term bike parking spaces
- 6 -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:

- 7 200 apartments, including 40 affordable units
- 8 -14,000 sf of ground floor retail
- 9 -6,000 sf pedestrian plaza

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

General Project Description:

- 10 162 apartments, including 14 affordable units
- 11 -5,000 sf of ground floor retail
- 12 -213 parking spaces

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

General Project Description:

- 13 -80 room boutique hotel

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

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

20 28. Petitioners are informed and believe that, the person forwarding the Design  
21 Review Committee's agenda to Mr. Hunt encouraged him and any other interested  
22 members of the public, as well as members of certified Neighborhood Councils, to attend  
23 the committee's upcoming meeting, noting that major projects being presented that evening  
24 included several controversial developments.

25 29. Mr. Hunt (who is an architect) has in the past been a frequent attendee of  
26 HDRC meetings, and he in turn forwarded the June 26th agenda to neighborhood council  
27 representatives, homeowners' associations, and other interested members of the public.  
28

1           30.    Among those receiving the agenda were members of Petitioner,  
2    BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION, including its directors:  
3    Petitioner, GEORGE ABRAHAMS, and Ms. Fran Reichenbach, as well as Petitioner,  
4    DOUG HAINES. Petitioner ABRAHAMS is also a member of the Central Hollywood  
5    Neighborhood Council's PLUM Committee; and Petitioner HAINES is a board member of  
6    the East Hollywood and Hollywood Studio District Neighborhood Councils, and the Chair  
7    of the East Hollywood Neighborhood Council Planning Entitlements Review Committee.

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

11          32.    At that time, Petitioner ABRAHAMS, and the other members of the public  
12   who had arrived to attend the HDRC meeting, were denied entry to the building by Ms.  
13   Marie Rumsey, the Planning Deputy for CD13. In addition to Ms. Rumsey, Mr. Daniel  
14   Halden and Mr Gary Benjamin, CD13 Field Deputies, also denied those members of the  
15   public who attempted to attend the meeting access. In addition, Ms. Rumsey informed  
16   Petitioners, and the other members of the public present, that the HDRC meeting was for  
17   "committee members only," and that the public was prohibited from attending.

18          33.    When Petitioner ABRAHAMS protested that HDRC have always been open  
19   to the public, Ms. Rumsey continued to refuse the public entry.

20          34.    When Petitioner, HAINES, arrived with other members of the public to view  
21   a presentation of a project proposed for his community, he and his colleagues were also told  
22   by Ms. Rumsey to leave. Petitioner HAINES entered the room anyway, in order to speak  
23   with a friend of his who serves on the HDRC.

24          35.    When Petitioner HAINES picked up a copy of the meeting agenda that had  
25   been placed on a table, Ms. Rumsey pulled the agenda from his hand and physically shoved  
26   him toward the exit.

1           36. While Ms. Rumsey was refusing entry to the meeting to Petitioners and the  
2 general public, Petitioner ABRAHAM observed groups of lobbyists entering the building at  
3 will.

4           37. On information and belief, Petitioners allege that the meeting was attended by  
5 approximately 20 individuals, including Mr. Scott Campbell, former president of the  
6 Central Hollywood Neighborhood Council, and a lobbyist for developers in the Hollywood  
7 neighborhood, and Ms. Laurie Goldman, former vice president of the Central Hollywood  
8 Neighborhood Council, and also a lobbyist for developers in Hollywood.

9           **PUBLIC STATEMENTS BY LOS ANGELES CITY COUNCIL MEMBER**

10           **MITCH O'FARRELL RELATIVE TO THE HDRC**

11           38. Los Angeles City Councilmember Mitch O'Farrell is an elected official and  
12 the member of the City Council with jurisdiction over Council District 13, including the area  
13 overseen by the HDRC. Councilmember O'Farrell is a public official and a final  
14 policymaker for Respondent/Defendant THE CITY OF LOS ANGELES. It is, ultimately,  
15 Councilmember O'Farrell's decision as to who is allowed to attend the HDRC, and his  
16 decision is not subject to further review. As such, Councilmember O'Farrell's decisions  
17 with respect to the HDRC are official City policy.

18           39. On or about September 17, 2014, Councilmember O'Farrell attended a  
19 meeting of the Los Angeles Police Department, Latino & Hispanic Community Forum, at  
20 Emerson College in Hollywood. In attendance at that meeting was Aaron Epstein, a  
21 member of Petitioner BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION.

22           40. At the September 17, 2014, LAPC Latino & Hispanic Community Forum  
23 meeting, Councilmember O'Farrell made a statement to the effect that he believed all  
24 voices in the community should be heard.

25           41. Following Councilmember O'Farrell's public statements, during the meal  
26 break at the September 17, 2014, LAPD Latino & Hispanic Community Forum meeting,  
27 Mr. Epstein approached Councilmember O'Farrell and asked him, if he was so committed  
28 to transparency, why did he not allow members of the public to attend the HDRC meetings.

1 Councilmember O'Farrell responded that he was not going to open the HDRC meeting to  
2 people who just wanted to oppose development and to litigate over issues concerning  
3 development in Hollywood. Petitioners are informed and believe that Councilmember  
4 O'Farrell was referring to the fact that Petitioners have, in the past, taken positions contrary  
5 to the City on issues regarding development in Hollywood in public forums, and have been  
6 involved in litigation against the City of Los Angeles related to development and land-use  
7 issues, and that Councilmember O'Farrell was expressing his intention to exclude members  
8 of the public from the HDRC meetings on the basis of their prior and future exercise of  
9 their fundamental right to free speech, access the courts and to petition the government for  
10 redress of grievances.

11 42. On or about January 19, 2015, Los Angeles City Council Member Mitch  
12 O'Farrell attended a meeting of the East Hollywood Neighborhood Council. At that  
13 meeting, a member of the Neighborhood Council asked Councilmember O'Farrell why he  
14 would not open the meetings of the HDRC to the general public. Councilmember O'Farrell  
15 responded at that time that certain people had tried to "crash" the HDRC meeting, and that  
16 such people would not be allowed to attend the meetings in the future. Petitioners are  
17 informed and believe that Councilmember O'Farrell, when referring to individuals  
18 "crashing" the HDRC meetings was referring to Petitioners, and singling them out because  
19 of positions they have previously taken on matters of public concern, and because they have  
20 previously been involved in litigation against the City of Los Angeles.

#### 21 PARTIES

22 43. Petitioner BEACHWOOD CANYON NEIGHBORHOOD ASSOCIATION is  
23 a California nonprofit public benefit corporation. Its members include residents and  
24 residential property owners in the City of Los Angeles who advocate for residential quality  
25 of life issues and oppose worsening environmental impacts such as increased traffic, land  
26 use and planning issues, preservation of historic and cultural resources, increased noise,  
27 negative impacts on aesthetics and scenic vistas, increased burdens on public services and  
28

1 public safety, and unrestrained growth induced by placing oversized projects in the  
2 Hollywood area.

3 44. Petitioner ABRAHAMS is an individual, and is a member of the Central  
4 Hollywood Neighborhood Council's PLUM Committee

5 45. Petitioner HAINES is an individual and a board member of the East  
6 Hollywood and Hollywood Studio District Neighborhood Councils, and the Chair of the  
7 East Hollywood Neighborhood Council Planning Entitlements Review Committee.

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

16 47. Petitioners, as homeowners, property owners, and representatives of resident  
17 stakeholders in the community, have a liberty and/or property interest in maintaining input  
18 and communication in the land use and design decisions which are made at HDRC  
19 meetings. Decisions made at these meetings relate to major development projects in  
20 Petitioners' community, and, as such, have a direct impact on their property rights.  
21 Decisions made at the HDRC meetings are not otherwise subject to administrative or  
22 judicial review, and are, therefore, in some respects final.

23 48. Respondent/Defendant City of Los Angeles is a California charter city located  
24 in Los Angeles County, California. Hearings held by the City of Los Angeles and its  
25 constituent bodies, commissions and agencies are governed by the Brown Act.

26 49. Petitioners are informed and believe, and based thereon allege, that  
27 Respondent/Defendant City of Los Angeles City Council is the elected legislative body for  
28 the City of Los Angeles.



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

5           55.    Govt. Code § 54952(c)(1) further describes a “Legislative Body” subject to  
6 the provisions of the Brown Act as “A board, commission, committee, or other  
7 multimember body that governs a private corporation, limited liability company, or other  
8 entity that ...: ... is created by the elected legislative body in order to exercise authority that  
9 may lawfully be delegated by the elected governing body to a private corporation, limited  
10 liability company, or other entity.”

11           56.    On March 22, 2001, the Los Angeles City Council, in a formal action,  
12 officially created the HDRC. In its formal resolution, the City instructed the then  
13 Community Redevelopment Agency of the City of Los Angeles to establish the HDRC.  
14 Petitioners are ignorant of whether the City of Los Angeles, the Community  
15 Redevelopment Agency of the City of Los Angeles, or both, officially established the  
16 HDRC, but, at that point, the HDRC ceased to be an ad hoc committee for Los Angeles  
17 City Council District 13 and became an official committee of either the City of Los  
18 Angeles, the Community Redevelopment Agency of the City of Los Angeles, or both.  
19 Councilmember Mitch O’Farrell, who became a member of the Los Angeles City Council  
20 in 2013, more than a decade after the official establishment of the HDRC did not create the  
21 HDRC. See **Exhibit 1** attached hereto.

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

26           58.    At the June 26, 2014, meeting of the HDRC representatives of the City  
27 refused to allow Petitioners, and other members of the general public – all of whom  
28 explicitly came to the meeting location with the intention of attending the HDRC meeting –

1 to attend the public meeting, and instead physically removed Petitioners, and other  
2 members of the general public from entering the meeting location.

3 59. On or about July 24, 2014, Petitioner, BEACHWOOD CANYON  
4 NEIGHBORHOOD ASSOCIATION, sent a letter to the City Attorney's Office and to the  
5 City Clerk pursuant to the "cure and correct" provision of Govt. Code Section 54960.1, and  
6 demanded, *inter alia*, that the City (1) reschedule and re-hear the June 26, 2014, HDRC  
7 meeting; and (2) reopen meetings of the HDRC so as to allow full, complete, and unfettered  
8 access to and by the public in compliance with the Brown Act. A true and correct copy of  
9 the Cure and Correct Letter is attached hereto as **Exhibit 2**.

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

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

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

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



1 Decisions made at the HDRC meetings are not otherwise subject to administrative or  
2 judicial review, and are, therefore, final.

3 68. By refusing to allow Petitioners their right to attend meetings of the HDRC,  
4 both in the past, and continuing into the future, Respondents/Defendants, and all of them,  
5 have deprived Petitioners of their liberty and/or property without the minimum due process  
6 requirements of notice and an opportunity to be heard.

7 69. Respondents/Defendants, and all of them, have injured Petitioners as  
8 individuals as well as the general public by depriving Petitioners of their right to due  
9 process of law with respect to the public meetings of the HDRC.

10 **THIRD CAUSE OF ACTION**

11 **(Violation of the Right to Free Speech and to Petition the Government for Redress of**  
12 **Grievances – Refusal to Allow Members of the Public to Attend HDRC Public**  
13 **Meetings)**

14 **(Against All Respondents/Defendants)**

15 70. Petitioners reallege and incorporate herein by reference the allegations of  
16 Paragraphs 1 through 69, inclusive, of this petition.

17 71. The First Amendment of the United States Constitution, and Article 1,  
18 sections 2(a), 3(a) and (b), prohibit government interference with the rights to free speech,  
19 assembly, association, and the right to petition the government for redress of grievances.

20 72. Petitioners, as homeowners, property owners, and representatives of resident  
21 stakeholders in the community, have a First Amendment right to attend, the public meetings  
22 of the HDRC in order to communicate their concerns and interests to government decision  
23 makers who make land use and design decisions with respect to major developments in  
24 Petitioners' community at HDRC meetings. Decisions made at HDRC meetings are not  
25 otherwise subject to administrative or judicial review, and, as such, are final. Issues raised  
26 at HDRC meetings are matters of public concern, and Petitioners have a First Amendment  
27 right to be heard on such issues.



1 expressed disagreement with government positions regarding major developments and have  
2 resorted to litigation on certain matters regarding development in their community.

3 80. Such discrimination by a government policymaker constitutes discrimination  
4 against Petitioners because of the positions they have taken on matters of public concern in  
5 their communities and because they have been involved in litigation over such issues in the  
6 past. This discrimination on the part of Respondents/Defendants, and all of them, is  
7 designed to discriminate and retaliate against Petitioners for their exercise of fundamental  
8 rights and to chill Petitioners in the exercise of such fundamental rights.

9 81. By refusing to allow Petitioners to attend meetings of the HDRC, both in the  
10 past, and continuing into the future, Respondents/Defendants, and all of them, have  
11 deprived Petitioners of their Fourteenth Amendment right to equal protection of the laws.

### 12 **FIFTH CAUSE OF ACTION**

#### 13 **(Government Estoppel)**

#### 14 **(Against All Respondents/Defendants)**

15 82. Petitioners reallege and incorporate herein by reference the allegations of  
16 Paragraphs 1 through 81, inclusive, of this petition.

17 83. For more than 25 years meetings of the HDRC have been open to the public.

18 84. In 2001, the City officially established the HDRC as a committee of the Los  
19 Angeles City Council, thus subjecting the meetings of the HDRC to the requirements of the  
20 Brown Act.

21 85. Petitioners have acted in reliance on this official City action for more than ten  
22 years, and, for more than 25 years, have acted in accordance with the City's conduct of  
23 holding HDRC meetings open to the public in accordance with the Brown Act.

24 86. The City now contends, for the first time, that the Brown Act does not apply  
25 to HDRC meetings. Because of the vagueness of the City's 2001 motion creating the  
26 HDRC, the applicability of the Brown Act has been thrown into doubt for the first time in  
27 more than 25 years.



1 opposition to projects favorable to City Council members and to discriminate and retaliate  
2 against Petitioners for their exercise of their fundamental rights to free speech, assembly,  
3 association, and to petition the government for redress of grievances. Petitioners allege that  
4 Respondents/Defendants, and all of them, have acted to chill Petitioners in the exercise of  
5 their fundamental rights, and to deprive Petitioners of liberty and/or property without due  
6 process of law.

7 93. Petitioners allege that a present controversy exists between  
8 Respondents/Defendants, and all of them, regarding said failure and refusal to allow  
9 members of the general public to attend meetings of the HDRC, in that the City has in the  
10 past violated the Brown Act and the United States and California Constitutions, continues to  
11 violate the Brown Act and the United States and California Constitutions, and will continue  
12 to violate the Brown Act and the United States and California Constitutions absent judicial  
13 intervention as sought herein.

14 94. Petitioners seek a writ of mandate and injunctive relief, *inter alia*, compelling  
15 the Respondents/Defendants, and all of them, to (1) reschedule and re-hear the June 26,  
16 2014, HDRC meeting; and (2) reopen meetings of the HDRC so as to allow full, complete,  
17 and unfettered access to and by the public in compliance with the Brown Act and the  
18 United States and California Constitutions.

19 95. Respondents/Defendants, and all of them, have and continue to have a  
20 mandatory legal duty to refrain from excluding the general public from the public meetings  
21 of the HDRC. Respondents/Defendants' circumventing of the democratic process by  
22 excluding the public from the HDRC meetings denied Petitioners and other members of the  
23 public a meaningful opportunity to participate in government decision making to which  
24 they were entitled under the Brown Act, deprived Petitioners of liberty and/or property  
25 without due process of law, violated Petitioners' rights to free speech, assembly, association  
26 and to petition the government for redress of grievances, and discriminated against  
27 Petitioner based upon their exercise of their fundamental rights to speak on matters of  
28

1 public concern and to petition the government for redress of grievances, including access to  
2 the courts.

3 96. Petitioners were prejudiced by and continue to suffer prejudice by  
4 Respondents/Defendants' persistent and deliberate failure to allow the public access to the  
5 HDRC meetings.

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

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

23 99. Petitioners allege that they were prejudiced by and continue to suffer  
24 prejudice by Respondents/Defendants', and all of their, failure to allow public access to the  
25 meetings of the HDRC as described herein because the purpose of the Brown Act, as well  
26 as the First Amendment to the United States Constitution, and Article 1, sections 2(a), 3(a)  
27 and (b) of the California Constitution, is to foster public participation in and awareness of  
28 the actions of the government. Govt. Code § 54950. By Respondent/Defendants', and all

1 of their, failure to allow public access to the HDRC meetings, Respondents/Defendants, and  
2 all of them, thwarted and continues to thwart these goals of the Brown Act and the United  
3 States and California Constitutions.

4 100. Petitioners have been prejudiced in that this lawsuit was required because of  
5 Respondents/Defendants', and all of their, failure before, during and after the June 26,  
6 2014, meeting of the HDRC, and since, by Respondents/Defendants', and all of their,  
7 failure to allow public access to the HDRC meetings.

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

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

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray entry of judgment as follows:

1. For a peremptory writ of mandate compelling the City and/or CRA/LA to reschedule and re-hear the June 26, 2014, Hollywood Design Review Committee meeting, to give proper and timely notice to the public in full compliance with the Brown Act, and to properly agendaize and schedule such meetings in the future.

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

3. For a declaration by this Court that the City, the City Council, and CRA/LA violated the Brown Act and the United States and California Constitutions by excluding members of the general public from the public meetings of the Hollywood Design Review Committee, and declaring null and void all actions taken at the June 26, 2014, meeting.

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

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

6. For costs of suit.

1           7.     For an award of attorney fees, including pursuant to Government Code Section  
2 54960.5 and Code of Civil Procedure Section 1021.5.

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

4 Dated: February 17, 2015

5  
6   
7 \_\_\_\_\_  
8 DAVID LAWRENCE BELL, Attorney for Petitioners,  
9 BEACHWOOD CANYON NEIGHBORHOOD  
10 ASSOCIATION; GEORGE ABRAHAMS; and  
11 DOUG HAINES

VERIFICATION

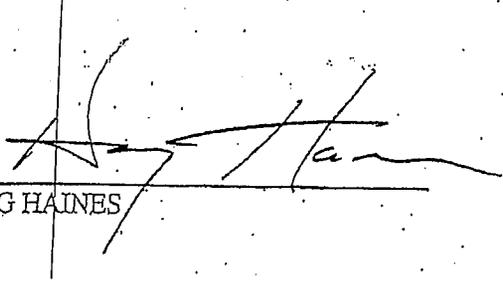
STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES }

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 First Amended Verified 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 17th day of February 2015.

  
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 First Amended Verified 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 17th day of February 2015.

\_\_\_\_\_  
GEORGE ABRAHAMS for BEACHWOOD  
CANYON NEIGHBORHOOD ASSOCIATION

VERIFICATION

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

I, GEORGE ABRAHAMS, declare as follows:

I am over the age of 18 and am a party to this action. I have read the foregoing First Amended Verified 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 17th day of February 2015.

\_\_\_\_\_  
GEORGE ABRAHAMS

**EXHIBIT 1**

J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiry  
relative to this matter,  
refer to File No.

00-2362

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RORDAN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 615, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 485-5703  
General Information - (818) 485-5705  
Fax: (213) 347-0936  
FAX: (213) 485-6044

HILLEN GINSBURG  
Chief, Council and Public Services Division

CD 13

March 22, 2001

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

FILED

MAR 27 2001

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 \_\_\_\_\_

City Clerk

City  
0609002362

EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recycled and made from recycled waste



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.

IT HEREBY 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*  
\_\_\_\_\_  
Jackie Goldberg  
Councilmember, 13th District

SECONDED BY:

*J. Williams*  
\_\_\_\_\_  
J. Williams

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. 00-2352  
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

RC

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,

MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATION

*Nick Pacheco*  
COUNCIL MEMBER NICK PACHECO, Chair  
Housing and Community Redevelopment Committee

ADOPTED

CD 13  
CAL  
2/1/01  
#002352

MAR 20 2001  
LOS ANGELES CITY COUNCIL

Page 70

HOUSING AND COMMUNITY REDEVELOPMENT COMMITTEE

Report/Communication for Signature

Council File Number 00-2362

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 (Galloway - Pending)*

*Withdrawal from Committee*

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

COUNCIL VOTE

20-Mar-01 11:52:57 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
- GALLANTER Yes
- HERNANDEZ Yes
- HOLDEN Yes
- MISCIKOWSKI Yes
- PACHECO Yes
- PADILLA Yes
- RIDLEY-THOMAS Yes
- SVORINICH Yes
- WACHS Yes
- WALTERS Yes
- FERRARO 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.

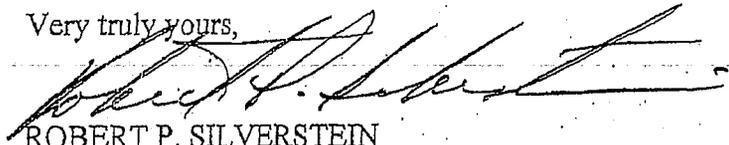
If the City does not both: (1) reschedule and re-hear the June 26, 2014 Committee meeting, and (2) reopen meetings of the Hollywood Design Review Committee so as to allow full, complete and unfettered access to and by the public, we will pursue all available remedies under the Brown Act and other laws,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

# CITY OF LOS ANGELES

CALIFORNIA

EAST HOLLYWOOD  
NEIGHBORHOOD COUNCIL

**GOVERNING BOARD OFFICERS**

Tereza Yerimyan, President  
Cheron McAleese, Vice President  
Marcelo Cabral, Treasurer  
Arasela Torrez, Recording Secretary  
Jeff Zarrinam, Corresponding Treasurer  
Donal Thoms-Cappello, Corresponding Secretary



PLANNING ENTITLEMENT  
REVIEW COMMITTEE

**COMMITTEE MEMBERS**

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

ERIC GARCETTI  
MAYOR

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

June 27, 2014

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

Dear Mitch:

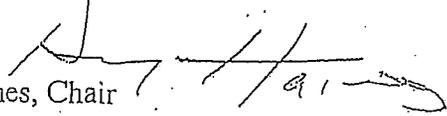
Yesterday, Ed Hunt informed members of our neighborhood council and others that the 13<sup>th</sup> District's Hollywood Design Review Committee would be meeting that evening and receiving presentations for several key development projects proposed for East Hollywood. For over twenty years, the Design 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**

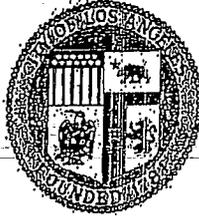
CITY OF LOS ANGELES  
CALIFORNIA

EAST HOLLYWOOD  
NEIGHBORHOOD COUNCIL

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



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

TELEPHONE  
TBD

WEBSITE  
[www.easthollywood.net](http://www.easthollywood.net)

GOVERNING BOARD MEMBERS

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

ERIC GARCETTI  
MAYOR

July 21, 2014

Mitch O'Farrell, Councilman of the 13<sup>TH</sup> District  
Los Angeles City Council  
200 N. Spring Street, 4<sup>th</sup> 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.

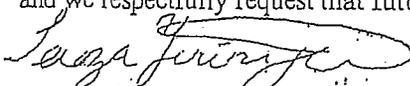
  
Tereza Yerimyan, President

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 Zarrinam, Corresponding Treasurer  
Donal Thoms-Cappello, Corresponding Secretary



COMMITTEE MEMBERS

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

ERIC GARCETTI  
MAYOR

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

June 27, 2014

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

Dear Mitch:

Yesterday, Ed Hunt informed members of our neighborhood council and others that the 13<sup>th</sup> 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.

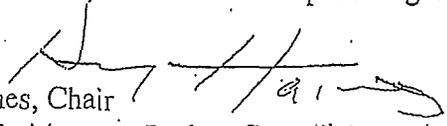
  
Doug Haines, Chair  
Planning Entitlements Review Committee

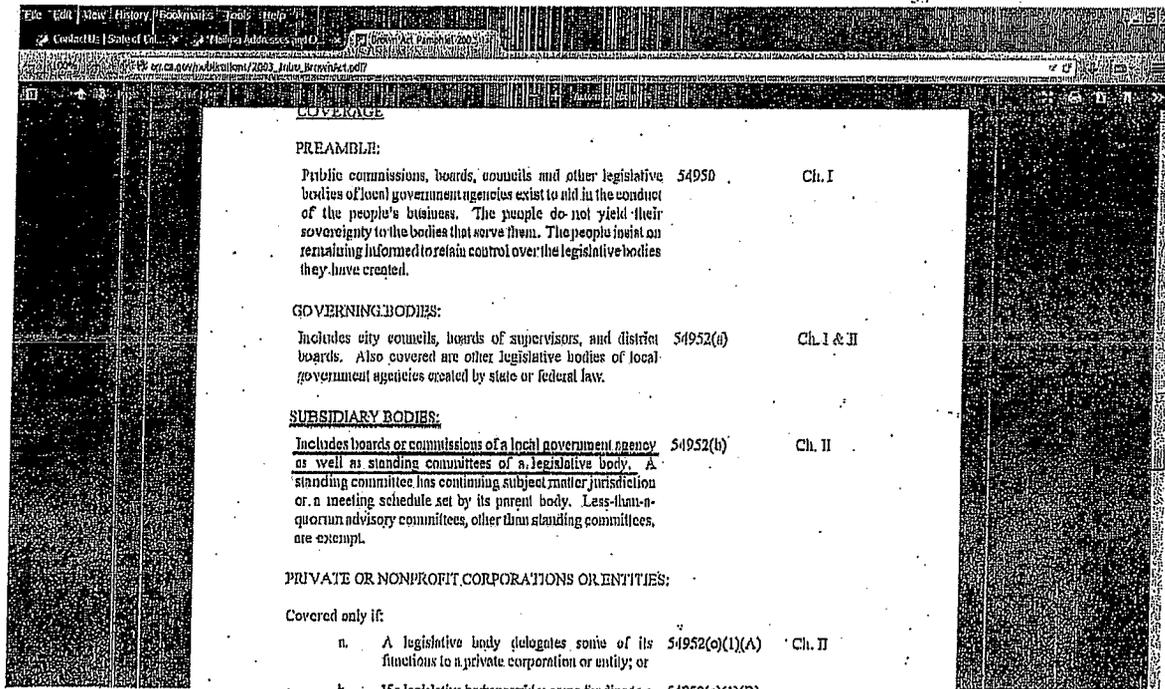
EXHIBIT 4

June 27, 2014

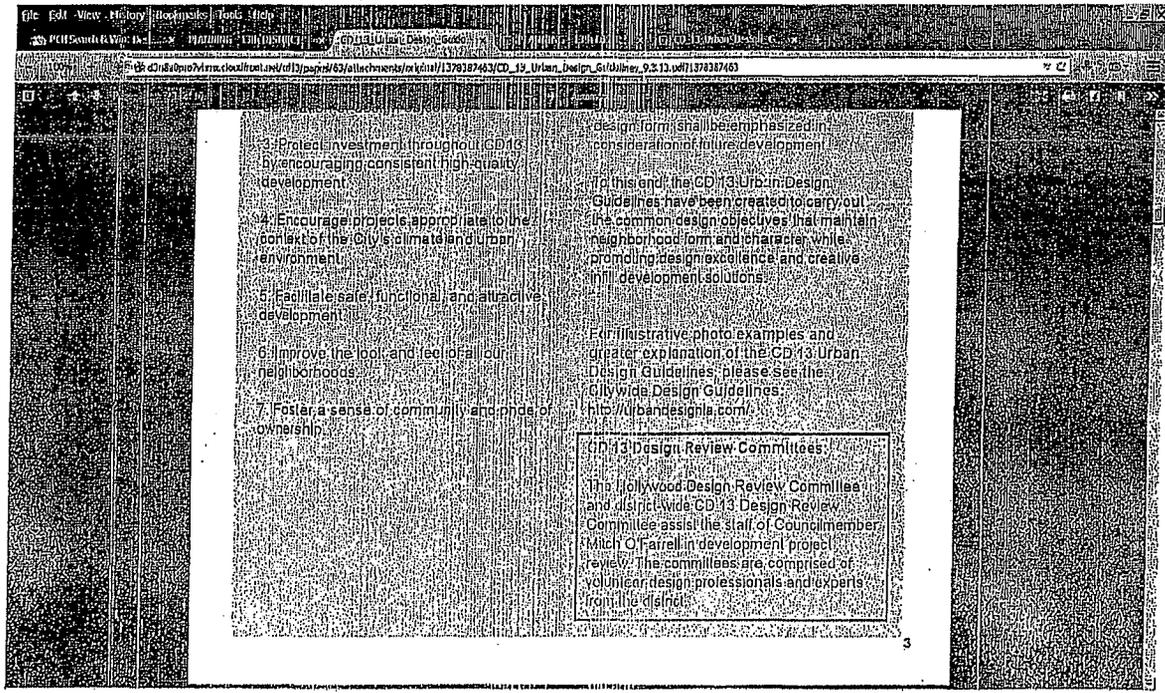
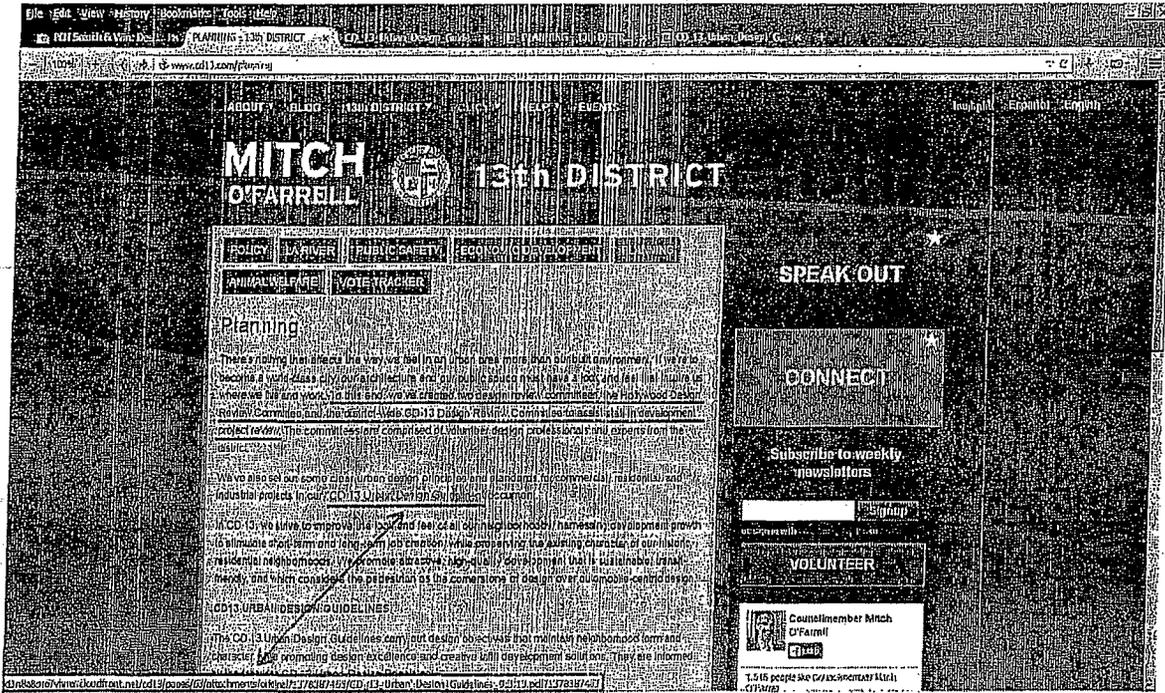
State of California Department of Justice  
Office of the Attorney General  
300 South Spring Street  
Los Angeles, CA 90013-1230

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

EAST HOLLYWOOD  
NEIGHBORHOOD COUNCIL

GOVERNING BOARD OFFICERS

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



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

TELEPHONE  
TBD

WEBSITE  
[www.easthollywood.net](http://www.easthollywood.net)

GOVERNING BOARD MEMBERS

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

ERIC GARCETTI  
MAYOR

July 21, 2014

Mitch O'Farrell, Councilman of the 13<sup>TH</sup> District  
Los Angeles City Council  
200 N. Spring Street, 4<sup>th</sup> 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.

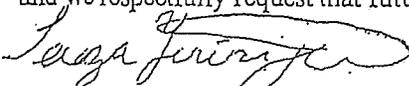
  
Tereza Yerimyan, President

EXHIBIT 6

CITY OF LOS ANGELES

HOLLYWOOD STUDIO DISTRICT NEIGHBORHOOD

OFFICERS:

COUNCIL

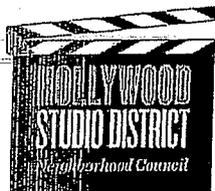
Board Members:

CALIFORNIA

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



ERIC GARCETTI  
MAYOR



Alex Alferov  
Bill Zide  
Christina Derenthal  
Efrain Gonzalez  
Jirair Tossounian  
Jose Torres  
Don Durkee  
Luke Vincent  
John Girodo  
Ben Adams

Maria Yepremian  
Charles Puree  
Drew Peterson  
Jennifer Barbosa  
Jing Wan  
Christian A. Beck  
Doug Haines  
Vacant 1  
Vacant 2  
Vacant 3

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

July 21<sup>st</sup>, 2014

Mitch O'Farrell - Council District 13  
Los Angeles City Council  
200 N. Spring Street  
4<sup>th</sup> 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 26<sup>th</sup> 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.

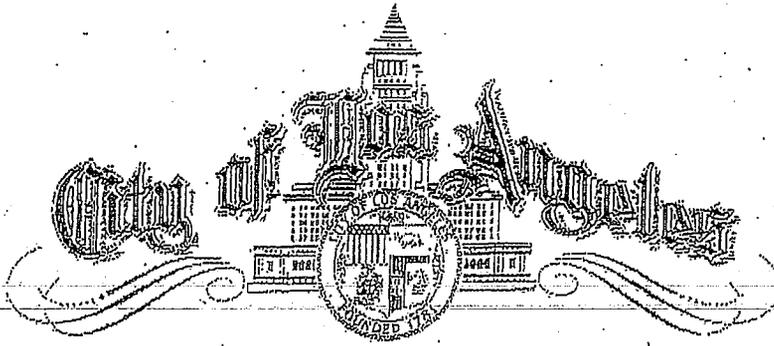
Whether it constituted a Brown Act violation or not, the more concerning issue is that it gives the appearance of stakeholder exclusion in favor developer interests. We are informed that under your predecessor this Committee's meetings were open to the public. This also seems to be the case with most 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., 3<sup>rd</sup> 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

1 **PROOF OF SERVICE**

2 I, David Bell, declare:

3 I am a resident of the state of California and over the age of eighteen years, and  
4 not a party to the within action; my business address is 4317 Kingswell Avenue, Los Angeles  
CA 90027. On February 17, 2015, I served the within document(s):

5 **FIRST AMENDED VERIFIED PETITION FOR WRIT OF MANDATE**  
6 **AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE**  
7 **RELIEF**

8  
9  
10  by placing the document(s) listed above in a sealed envelope with postage  
thereon fully prepaid, in the United States mail at Los Angeles, California  
addressed as set forth below.

11 I am readily familiar with the firm's practice of collection and processing  
12 correspondence for mailing. Under that practice it would be deposited with  
13 the U.S. Postal Service on that same day with postage thereon fully prepaid  
14 in the ordinary course of business. I am aware that on motion of the party  
served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after date of deposit for mailing in affidavit.

15 MICHAEL N. FEUER, City Attorney  
16 RONALD S. WHITAKER  
17 GAIL D. PETERSON  
DION O'CONNELL  
200 N. Main Street, 900 City Hall East  
Los Angeles CA 90012-4131

21 **CASE NAME: CITY OF L.A. et al. v. BEACHWOOD CANYON**  
**NEIGHBORHOOD ASSOCIATION, et al.**  
22 **CASE No.: BS151004**

23  
24 I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

25 Executed on 17th day of February, 2015, at Los Angeles California.

26  
27   
28 David Bell