

Robert Blue

Council File No. 08-0454-S1
1001 N. Wilton Pl. #1
Hollywood, CA 90038

CITY COUNCIL 06/25/80
Item 19

June 24, 2008

Los Angeles City Council
C/O Office of the City Clerk
Room 360
200 N. Spring Street
Los Angeles, CA 90012

Honorable Council President and Councilmembers:

Subject: **Council File No. 08-0454-S1**

ORDINANCE SECOND CONSIDERATION relative to appeals on a Zone and Height District Change, Variances, Adjustments, Site Plan Review, and adoption of the Mitigated Negative Declaration for property at 5641-63 West Melrose Avenue and 5742-66 West Camerford Avenue.
Agenda Item 19, June 25, 2008 Los Angeles City Council

I am the chair of the Hollywood Studio District Neighborhood Council (HSDNC) and I am reporting to you on activities of the HSDNC following our May 12, 2008 Regular Board meeting regarding the Camerford Lofts Project Application (Council File No. 08-0454-S1).

After passing a motion for HSDNC Agenda Item 12.1 (Camerford Lofts Project) on May 12, 2008 and subsequently issuing a letter which was submitted to the Los Angeles City Council Planning and Land (PLUM) Use Committee, this item was placed on the next regular board meeting of the HSDNC for reconsideration. On June 9, 2008, Board member and Treasurer Glenda Kelley made a motion to reconsider Agenda Item 12.1 from the May 12, 2008 HSDNC regular Board meeting which was under Item 8 of the June 9, 2008 HSDNC regular Board meeting agenda. Ms. Kelley voted in favor of the motion under Agenda Item 12.1 of the May 12, 2008 HSDNC Board meeting. Corresponding Secretary Ziggy Kruse seconded this motion. After a discussion the motion was voted on—6 in favor, 2-No, 1-abstain, and 1-recusal.

Then a motion was brought to the Board to take a neutral position on the Camerford Lofts Project. This motion did not pass. Finally a motion was made to support the Los Angeles City Planning Commission's December 13, 2007 City Planning Decision regarding the Camerford Lofts Project (CPC-2006-6519) with one exception—use 15-foot setback in lieu of 10-foot under the City Planning Commission determination. This motion passed as follows: 5-Yes, 1-No, and 3-Abstain, 1-Recusal.

The action taken under Agenda Item 8 of the HSDNC regular Board meeting was challenged by the Applicant for the Camerford Lofts project in writing. The applicant contended that the HSDNC board did not follow its governing bylaws. Letters from attorneys of Allan Matkins, Leck, Gamble, Mallory, & Natsis, LLP (Allan Matkins) representing the Applicant are enclosed with this letter. Board members of the HSDNC also submitted challenges to the action taken under Agenda Item 8 of June 9, 2008. The Parliamentarian of the HSDNC brought up a bylaw issue related to the handling of items for reconsideration.

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June 24, 2008

After reviewing all challenges, I ultimately made the determination that Agenda Item 8 was not properly reconsidered because of a procedural issue. Under the HSDNC bylaws, a Board member who voted on the prevailing side of a motion wishing to have that item reconsidered must submit a request in writing to the Recording Secretary. That was not done. Therefore I determined that action taken under Agenda Item 8 of the June 9, 2008 Regular Board meeting of the HSDNC was not valid.

Sincerely,



Robert Blue
Chair, Hollywood Studio District NC (HSDNC)

RB:rb
Enclosures



Council File No. 08-0454-S1

Bob Blue <bob.b.blue@gmail.com>

Camerford Project

Gonzales, Michael <mgonzales@allenmatkins.com>

Tue, Jun 10, 2008 at 5:12 PM

To: Bob.B.Blue@gmail.com, Samantha.cav@gmail.com, ognimyellek@aol.com, ziggykruse2005@yahoo.com, hplapinger@yahoo.com, samir@absllc.org, mpchicago@aol.com, cdonovan5@hotmail.com, edvhunt@earthlink.net, hsdnc@yahoo.com, jrgroup@aol.com, chrisxshabel@aol.com, jett90004@sbcglobal.net, hsdnc@yahoo.com, broganlanedesign@hotmail.com

Cc: Darren.Martinez@lacity.org, "Neuman, Jerold" <jneuman@allenmatkins.com>, "Karlán, Alisa" <alisa@cerrell.com>

Dear HSDNC Board Members,

As you know, the Camerford project was reconsidered at last night's Hollywood Studio District Neighborhood Council meeting. We are currently in the process of contacting the City Attorney (copied on this email) to discuss a few procedural issues that must be clarified before your board may consider its decision final. First, we would like to clarify that a person who opposed the project in the first instance can second a motion for reconsideration. Second, we would like to clarify how abstention votes are counted per your bylaws. Third, we would like to clarify whether both the reconsidered project plus the project approved as a result of the reconsideration are required to be agenda items. We trust that you will not issue a letter until these questions have been clarified. If you have any questions, please do not hesitate to contact me.

Best,

Michael Gonzales, Esq.
Allen Matkins Leck Gamble Mallory & Natsis LLP
515 S. Figueroa Street, 7th Floor
Los Angeles, California 90071
Direct Dial: (213) 955-5578
Fax: (213) 620-8816
email: mgonzales@allenmatkins.com

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Council File No. 08-0454-S1

Bob Blue <bob.b.blue@gmail.com>

Camerford Lofts Project - Melrose Blvd. & El Centro Ave.

Hanks, Stephanie <shanks@allenmatkins.com>

Thu, Jun 12, 2008 at 4:07 PM

To: BOB.B.BLUE@gmail.com, Samanthacav@gmail.com, ognimyellek@aol.com, ziggykruse2005@yahoo.com, hplapinge@yahoo.com, samir@absllc.org, mpchicago@aol.com, cdonovan5@hotmail.com, edvhunt@earthlink.net, hsdnc@yahoo.com, jrgroup@aol.com, chrisxshabel@aol.com, jett90004@sbcglobal.net, hsdnc@yahoo.com, broganlanedesign@hotmail.com
Cc: Darren.martinez@lacity.org, "Gonzales, Michael" <mgonzales@allenmatkins.com>

On behalf of Michael Gonzales, attached please find a letter regarding the Camerford Lofts Project (which is within the Hollywood Studio District Neighborhood Council), the bylaws for the HSDNC and the HSDNC June 9, 2008 meeting agenda. Please feel free to contact Michael or I if you have any questions. Thank you.

Stephanie Hanks
Secretary to Isabel Birrueta, Alfred Fraijo and Michael Gonzales
Allen Matkins Leck Gamble Mallory & Natsis, LLP
515 S. Figueroa St., 9th Floor
Los Angeles, CA 90071
Phone: (213) 622-5555 ext. 317
Fax: (213) 620-8816

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3 attachments

 Letter.pdf
108K

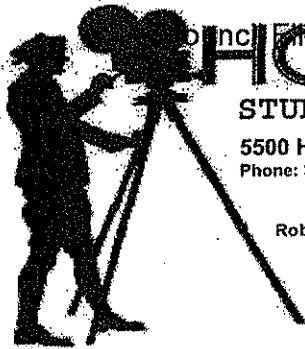
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1487K

 Agenda.pdf
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CITY OF
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CALIFORNIA



Mayor
Antonio Villaraigosa



HOLLYWOOD

STUDIO DISTRICT NEIGHBORHOOD

5500 Hollywood Blvd, 4th Floor, Los Angeles, CA 90028
Phone: 323-461-0773 - E-Mail: HSDNC@yahoo.com - www.HSDNC.org

Members of the Board:

Robert "Bob" Blue, Chairperson - Samir Srivastava, Vice Chairperson

Glenda Kelley, Treasurer - Harry Plapinger, Parliamentarian

Ziggy Kruse, Corresponding Secretary

Vacant - Recording Secretary

Chris Shabel - Cathy Donovan - Maripat Donovan -

Juri Ripinski - Ed Hunt - Aracely Ortiz - George Abou-Daoud

Brogan Lane - Cheryl Thomas

HOLLYWOOD STUDIO DISTRICT NEIGHBORHOOD COUNCIL (HSDNC) REGULAR MEETING AGENDA

Monday, June 9, 2008, 6:30 PM

GRANT ELEMENTARY SCHOOL - Auditorium 1530 N. Wilton Place (entrance on Harold Way)

The public is requested to fill out a "Speaker Card" to address the Interim Board (Board) on any agenda item before the Board takes an action. Public comment is limited to 3 minutes per speaker, but the Board has the discretion to modify the amount of time for any speaker. The public may comment on a specific item listed on this agenda when the Board considers that item. When the Board considers the agenda item entitled "Public Comments," the public has the right to comment on any matter that is within the Board's jurisdiction. In addition, the members of the public may request and receive copies without undue delay of any documents that are distributed to the Board, unless there is a specific exemption under the Public Records Act that prevents the disclosure of the record. (Govt. Code § 54957.5) The Hollywood Studio District Neighborhood Council will announce at this meeting the location, day and time for its regular meetings and may also call any additional required special meetings in accordance with its Bylaws and the Brown Act. The agenda for the regular and special meetings is posted for public review at The Rockotitian Café, The Tidal Wave Restaurant, The Santa Monica Market, The Lemon Grove Park, and The Los Angeles Job Corps.

The Hollywood Studio District Neighborhood Council complies with Title II of the Americans with Disabilities Act and does not discriminate on the basis of any disability. Upon request, the Hollywood Studio District Neighborhood Council will provide reasonable accommodations to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure the availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting Amber Meshack of the Department of Neighborhood Empowerment (DONE) at (213) 485-1360, or please send an e-mail that states the accommodations that you are requesting to HSDNC@yahoo.com.

PARA ESPAÑOL, LEA ABAJO.

AGENDA ITEMS:

ALL ITEMS FOR DISCUSSION AND POSSIBLE ACTION OF THE HSDNC BOARD

Chairperson reserves the right to take items out of order

- 1) Meeting called to order, roll call
- 2) Approval of minutes from past meetings.
- 3) Brief community updates and crime statistics by Representatives of the Law enforcement (3 min. each up to a maximum of 10-minutes).
- 4) Brief community update and / or presentation by any City, County, State or Federal Government Agency (3 min. each up to a maximum of 10-minutes)
- 5) Public Comments (2 min. each speaker, up to a maximum of 15-minutes).
- 6) Committee Updates (up to 5 minutes each):
 - 6.1 Special Events and Outreach:
 - a. Status of the HSDNC.org Website
 - b. Elections Outreach status and recommendations.
 - c. The inclusion of Tree Handouts on the day of the NC Election (Ed Hunt).
 - 6.2 Elections Committee.
 - 6.3 Planning and Land Use Management (PLUM).
 - 6.4 Discuss refreshing and revising current committees.
- 7) Treasurer's Report regarding the Budget (up to 5 minutes).
- 8) Reconsideration of Agenda Item 12.1 regarding the Camerford Lofts Project from the regular HSDNC Board meeting of May 12, 2008. Requires a motion of reconsideration by a Board member who voted in favor of this item (up to 5 minutes).
- 9) Requests to consider funding and/or participation (up to 5 minutes each):

Department of Neighborhood Empowerment, 340 E 2nd St 4th Floor, Los Angeles, CA 90012
Phone: (213) 485-1360 - Fax: (213) 485-1836 - Toll Free: 311

The PROCESS FOR RECONSIDERATION and The PROCESS FOR FILING A GRIEVANCE can be found in the bylaws of the Hollywood Studio District Neighborhood Council. A copy of the bylaws will be made available upon request by e-mailing the HSDNC at HSDNC@yahoo.com

-
- 9.1 Lemon Grove Park for assistance and support with their June Carnival.
 - 9.2 Outreach and participation with the Los Angeles Neighborhood Land Trust, CRA and CD-13 for the Sunset-Gordon Park Community meeting to be held on June 28.
 - 9.3 Request by the CHNC President to consider funding in the amount of \$1,000 that will be applied toward securing an area to store donated computers that will be used for students of the Hollywood Community Adult School.
 - 9.4 The Farmer's Market is moving its operation from the old Sears Site to Lemon Grove Park. Sustainable Economic Enterprises of Los Angeles (SEE-LA). SEE-LA is requesting funding participation by the HSDNC and has submitted a breakdown of costs associated with start-up at their new location.
 - 9.5 Jim Starr, "The Singing Cop" makes presentations to local schools teaching children about safety through a guitar musical presentation. The program cost is \$750 per school.
 - 9.6 Rick Stoff of the non-profit Chrysalis will discuss HSDNC's participation in cleanup/outreach proposals.
 - 9.7 Thai CDC Outreach Event - The 8th Annual Live, Work & Play in East Hollywood Consumer Resource and Health Fair.
 10. Old business.
 11. New business and recommendations for July 2008 Board agenda items.
 12. Adjourn.

Council File No. 08-0454-S1



Bob Blue <bob.b.blue@gmail.com>

Voting on Camerford

JRGroup@aol.com <JRGroup@aol.com>

Wed, Jun 11, 2008 at 4:52 PM

To: edvhunt@earthlink.net, hplapinger@yahoo.com, bob.b.blue@gmail.com, Ognimyellek@aol.com, samir@abslic.org, MPChicago@aol.com, cdonovan5@hotmail.com, hsdnc@yahoo.com, Chrisxshabel@aol.com, jett90004@sbcglobal.net

ALL:

I have read the below email from our Parliamentarian and I have to say the following:

1) I reviewed our By Laws and have to agree with Harry's assessment and his conclusions.

2) The motion for reconsideration was flawed, and the subsequent motion and vote was at best misconstrued, and at worst not permitted at all. The records of the By Laws are not clear as to what was approved and incorporated and this is confusing us all. If we are confused, then the public cannot possibly have confidence in what and why we are voting. I personally feel that we need to stop, put our house in order, create consistent records and rules, prior to taking formal action on agenda items. The best way forward is to recognize that with respect to Agenda Item #8, nothing happened at last Monday's meeting. To this end I would recommend that we set an agenda item for our next scheduled HSDNC meeting to address this matter and how to put it to bed.

3) I have also noted the decision of our Treasurer to withdraw the motion that was made, even if the motion made the evening of the hearing would have been considered proper. I will join in this, in as much as I was told that it would be a good idea to recuse myself from the vote on this matter. I did so and abstained from voting. I reviewed the ethics rules and now understand that there was no need to recuse myself.

4) There is too much confusion and controversy surrounding this matter. We have caused this tumult, and it needs to be straightened out. I am concerned about how the HSDNC will be perceived by the community. If the Board members of the HSDNC fail to follow the rules (their own rules that they established, I might add) then how can the Board expect any other community member to follow them or to respect the system.

Thank you,

Juri Ripinsky
Continental Development Group, LLC.
3851 Overland Avenue
Suite B - 2nd Floor
Culver City, California 90232

Tel (310) 253-9998
Fax (310) 253-9897
Vmail (310) 889-0100
Cell (310) 413-3179

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Council File No. 08-0454-S1



Bob Blue <bob.b.blue@gmail.com>

Comment About Monday's HSDNC Board Meeting of June 9th

JRGroup@aol.com <JRGroup@aol.com>
To: bob.b.blue@gmail.com

Thu, Jun 12, 2008 at 10:32 AM

Bob:

Yes - that is true, and it took me off guard, so I assumed that there was some sort of conflict because Jerry has represented us. However, in subsequently reviewing the conflict guidelines, that is not a premise which presents a conflict or calls for a recusal. The recusal would have been appropriate if the agenda item being voted on related to a property in which I have an interest (not who their attorney is) and I certainly have no interest in Camerford.

It's just good to know for the future. I realize that things were moving rapidly during our board meeting when this agenda item came up.

Thanks,
Juri

In a message dated 6/11/2008 5:37:12 PM Pacific Standard Time, bob.b.blue@gmail.com writes:

Juri,

Just to clarify--Before we voted on Agenda Item 8 related to Camerford, I asked if you wanted to recuse yourself since Jerry Newman was your attorney and there was a conflict of interest--You said "yes" to me.

Thank you, Bob.

Juri Ripinsky
Continental Development Group, LLC.
3851 Overland Blvd.
Suite B - 2nd Floor
Culver City, California 90232
(310) 253-9998 Tel
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Council File No. 08-0454-S1



Bob Blue <bob.b.blue@gmail.com>

Voting on Camerford

harry plapinger <hplapinger@yahoo.com>

Wed, Jun 11, 2008 at 1:56 PM

Reply-To: hplapinger@yahoo.com

To: Bob Blue <bob.b.blue@gmail.com>, Glenda Kelley <ognimyellek@aol.com>, samir@abslic.org, Maripat Donovan <mpchicago@aol.com>, Cathy Donovan <cdonovan5@hotmail.com>, Edward Hunt <edvhunt@earthlink.net>, Hollywood Studio_District <hsdnc@yahoo.com>, jrgroup@aol.com, chrisxshabel@aol.com, jett90004@sbcglobal.net

Dear Bob,

I've put some thought into the procedures we followed during Monday's Board Meeting when the vote was taken on the Camerford Lofts project. I know you've been in touch with the City Attorney about the letter from Michael Gonzales regarding procedural issues and plan to take some action today around 4:30. Therefore, as Parliamentarian I want to give you my thoughts on this matter to help you in your review.

In order to reconsider a motion previously taken, there must be two agenda items. The motion to reconsider must be requested by a Board Member who voted in favor of the item at the previous meeting. This then becomes the first of the two items. This motion to reconsider must be seconded and a vote taken. If this motion passes, the Board can then move on to the second of these items and discuss the previously approved agenda item, entertain a motion, second the motion and take a vote.

In the case of the Camerford Lofts, there was only one item (Item 8) on the June 9th agenda relating to reconsideration. It is possible the City Attorney may see Item 8 as having been written in such a way as to meet the requirements of the Bylaws, but I do not and am concerned that we did not "follow the letter of the law."

Michael Gonzales also questioned how abstention votes are counted per our Bylaws. As our Done-approved Bylaws currently read, after establishment of a quorum, a majority of the members present must vote in favor of a motion in order for that motion to be adopted. On Monday evening, when the vote was taken, the result was five (5) votes in favor, two (2) votes against and three (3) abstentions. We were in error to declare the motion had passed since five members voting in favor out of a total of ten members present is clearly not a majority. As a result, the vote to send a letter of "limited" support did not have the support of the majority of those present and should not be sent.

The only letter we can legally send is the one which was approved at the Board meeting of May 12, 2008. And if this letter has not yet been sent, I recommend it be sent without delay.

And if speaking publicly on behalf of the HSDNC about our vote on the Camerford project, our statements should reflect the Board's vote taken on May 12th.

Furthermore, our Treasurer, Glenda Kelley, who asked that the May agenda item be reconsidered, has advised me that she wishes to withdraw her request for reconsideration for the following reasons:

- There was no new information provided on the project to warrant a reconsideration.
- The reconsideration vote was flawed and not line with our Bylaws.

I hope you will seriously consider these thoughts when you review this topic later today.

As always, please do not hesitate to call me if you wish to discuss this further.

Sincerely,

Harry Plapinger

Council File No. 08-0454-S1

Parliamentarian
HSDNC
323/229-8094



Council File No. 08-0454-S1

Bob Blue <bob.b.blue@gmail.com>

Agenda Item 8 on the Hollywood Studio District's (HSDNC)'s Regular Board Meeting of June 9, 2008

Bob Blue <bob.b.blue@gmail.com>

Fri, Jun 13, 2008 at 9:15 AM

To: Robert Blue <bob.b.blue@gmail.com>, Samir Srivastava <samir@absllc.org>, Ziggy Kruse <ziggykruse2005@yahoo.com>, Juri Ripinsky <jrgroup@aol.com>, Harry Plapinger <hplapinger@yahoo.com>, Ognimyellek@aol.com, MPChicago@aol.com, Cathy Donovan <cdonovan5@hotmail.com>, Chris Shabel <chrisxshabel@aol.com>, Cheryl Thomas <jett90004@sbcglobal.net>, Brogan Lane <Broganlanedesign@hotmail.com>
Cc: hsdnc@yahoo.com, Robert Nudelman <preservation@hollywoodheritage.org>, hsdncplum@yahoogroups.com

Dear HSDNC Board members,

I am writing to you in regard to Item 8 (Re-consideration of Camerford Project) on our Agenda for HSDNC's June 9th Regular Board meeting. I want to share with you the issues brought up, my interpretation of them, and in the end, my decision.

I want to express my appreciation for your patience and your service to the community. I have tried my best to weigh in on the facts.

My interpretations listed below can be challenged by anybody including the representatives of the Camerford Lofts project, our Board members, members of the public, etc.

ISSUES & MY RESPONSES

1. Issues brought up by the developer's (Camerford Team) representative regarding our bylaws and notification:

Our bylaws do not specifically require that a person seconding a motion under reconsideration be one those who voted in favor of the item being reconsidered. Abstention votes are partially addressed under "2" below.

However, one issue brought up by the Camerford Team may be relevant. An excerpt from our bylaws read: "If the motion to reconsider an action is to be scheduled at the next meeting following the original action, then two items shall be placed on the agenda for that meeting: (1) A Motion for Reconsideration on the described matter and (2) a (Proposed) Action should the motion to reconsider be approved."

2. Issue brought up by our Parliamentarian regarding our bylaws and the interpretation of the vote (did it carry?):

An important piece of information was not included in the tally of the vote. The vote should have read: 5-Yeas; 1-Nay; 3-Abstain; 1-Recusal.

The Board member who agreed to recuse himself stated later (beyond 24-hours) that he didn't feel it was necessary to recuse. But that cannot be changed after the vote, although it can be applied to all future Board meetings.

3. Issue brought up by the Board member who originally made the motion for reconsideration on June 9, 2008:

One Board member wanted to "undo" her original motion because there was "no new information" brought up. But as in "2" above, this cannot be changed after the vote.

4 Issue brought up by our Parliamentarian regarding our bylaws and how Reconsiderations are brought to the Board:

Our Parliamentarian brought up a procedural issue in our bylaws that states in part: "If the motion for

Council File No. 08-0454-S1

reconsideration is not made on the date the action was taken, then a Board Member on the prevailing side of the action must submit a memorandum to the Recording Secretary identifying the matter to be reconsidered and a brief description of the reason(s) for requesting reconsideration at the next regular meeting."

This would have required that a person who voted in favor of Agenda Item 12.1 from our May 12th agenda to submit a request in writing. I believe that email would have been sufficient.

However no request was sent or made.

DECISION:

Based on Item 4, we did not have the right to reconsider Agenda Item 12.1 from the May 12, 2008 HSDNC Regular Board meeting since no one on the prevailing side submitted a request in writing to have this item reconsidered.

ADDITIONAL ACTION:

There are only two opportunities to reconsider an item: Immediately following the original action or at the next regular board meeting.

Portion of Bylaws Related to Reconsideration:**Article VIII, Sub article G:**

The Board may reconsider and amend its action on items listed on the agenda if that reconsideration takes place immediately following the original action or at the next regular meetings. The Board, on either of these two days, shall: (1) Make a Motion for Reconsideration and, if approved, (2) hear the matter and Take an Action. If the motion to reconsider an action is to be scheduled at the next meeting following the original action, then two items shall be placed on the agenda for that meeting: (1) A Motion for Reconsideration on the described matter and (2) a (Proposed) Action should the motion to reconsider be approved. A motion for reconsideration can only be made by a Board Member who has previously voted on the prevailing side of the original action taken. If the motion for reconsideration is not made on the date the action was taken, then a Board Member on the prevailing side of the action must submit a memorandum to the Recording Secretary identifying the matter to be reconsidered and a brief description of the reason(s) for requesting reconsideration at the next regular meeting. The aforesaid shall all be in compliance with the Brown Act.

Thank you,
Bob Blue, Chair, HSDNC

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
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Michael Gonzales
E-mail: mgonzales@allenmatkins.com
Direct Dial: 213.955.5578 File Number: H3229-004/LA798164.01

Via Email and Registered Mail

June 12, 2008

Hollywood Studio District Neighborhood
Council
5500 Hollywood Boulevard, 4th Floor
Los Angeles, CA 90028

Re: Camerford Lofts Project

Dear Members of the Board:

As you know we represent the developer of the Camerford Lofts Project (the "Project") located at the corner of Melrose Boulevard and El Centro Avenue within the boundaries of the Hollywood Studio District Neighborhood Council ("HSDNC"). On Monday June 9, 2008 the HSDNC Board made a motion to reconsider the Project during its regularly scheduled meeting. On Tuesday June 10, 2008 we transmitted an email to you and the City Attorney requesting clarification of three issues:

1. Whether a person who opposed the Project in the first instance could second a motion to reconsider the Project;
2. Clarification of how abstention votes are treated pursuant to HSDNC's bylaws; and
3. Whether HSDNC bylaws require that both the Project's reconsideration and the proposed newly defined project must be agendized.

We have obtained a copy of HSDNC's bylaws, which I've enclosed for your convenience. After reviewing the bylaws, there are significant procedural errors with Monday's motion to reconsider the Project. The bylaws permit the scheduling of a motion to reconsider for the next meeting following the original action. But, in this instance "two items shall be placed on the agenda for that meeting: (1) a Motion for Reconsideration on the described matter and (2) a (Proposed) Action should the motion to reconsider be approved."¹ The motion for reconsideration can only be made by a Board Member who previously voted for the prevailing side. When the motion for reconsideration is not made on the date of the original action, the moving Board Member must submit a memorandum to the HSDNC's Recording Secretary identifying the matter to be reconsidered and a brief description of the reasons for

¹ HSDNC Bylaws, Article XIII Section G.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Hollywood Studio District Neighborhood Council
June 12, 2008

Page 2

reconsideration.² The bylaws also state that "the HSDNC shall take any and all official action by a vote of majority of Board Members *present*..."³

The motion to reconsider was made on June 9th almost one month after the HSDNC Board approved the Project. The moving Board member should have delivered the memorandum described to the HSDNC's Recording Secretary. It is not clear if this memorandum was delivered prior the motion for reconsideration. Therefore, the motion to reconsider was not properly before the HSDNC Board.

Nevertheless, the HSDNC Board meeting agenda for June 9, 2008, enclosed for your convenience, itemized a motion to reconsider the Project. The agenda also contains a second procedural flaw. The agenda did not itemize a proposed action in the event the motion to reconsider was approved. Yet, the HSDNC board considered a motion to support a reduced project. The motion to support a reduced project was not agendized and was not properly before the board. Therefore, the board was precluded from acting on the matter because it lacked jurisdiction.

Furthermore, even if the motion to support a reduced project were properly before the board, that motion failed. The bylaws unequivocally state that an item can only be approved if a "...majority of Board Members *present*..."⁴ support approval. Ten HSDNC Board members attended the June 9, 2008 meeting. Under the bylaws approval of an item at the June 9, 2008 meeting required six favorable votes. The motion to support a reduced project was supported by five members, one voted against and 4 abstained. Accordingly, because the motion to support a reduced project did not receive a majority of Board Members present, the motion failed.

Pursuant to Article XVI we submit this formal grievance on behalf of our client, and request that this grievance be heard as required by HSDNC's bylaws. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Michael Gonzales

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Enclosures

cc: Darren Martinez, Esq.
Mr. Justin Barth
Jerold B. Neuman, Esq.

² *Id.*

³ HSDNC Bylaws, Article XIII Section F (emphasis added).

⁴ *Id.*