



PLANNING COMMISSION MINUTES
Regular Meeting
May 16, 2013

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:** Chair Buckner called the meeting of the Planning Commission to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE:** Rob Bergstein led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Aghaei, Altschul, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

Commissioners Absent: None.

Staff Present: Jennifer Alkire, Associate Planner, Antonio Castillo, Associate Planner, Emily Stadnicki, Senior Planner, Bob Cheung, Senior Transportation Planner, Mellissa Hatcher, AECOM, Environmental Consultant, John Keho, Current and Historic Preservation Planning Manager, Stephanie DeWolfe, Community Development Director, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
Move agenda Item 11.A. (West Hollywood General Plan 2035 Annual Progress Report) to be heard after Consent Calendar Item 9.A. (Capital Improvements Plan 2012-2017).

ACTION: Approve the Planning Commission Agenda of Thursday, May 16, 2013 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**
5. **APPROVAL OF MINUTES.**

A. **April 18, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, April 18, 2013 as presented. **Moved by Commissioner Altschul, seconded by Vice-Chair DeLuccio and unanimously carried.**
6. **PUBLIC COMMENT.** None.

7. DIRECTOR'S REPORT.

Stephanie DeWolfe, Community Development Director provided an update of items related to the Planning Commission for the upcoming City Council meeting on Monday, May 20, 2013.

She stated the budget presentation will be made at City Council and is set for adoption on Monday, June 3, 2013. The Sunset Millennium mixed-use project will be on the consent calendar, regarding street and sidewalk closures during the demolition phase. The General Plan Annual Progress Report will also be on the consent calendar.

A Feasibility Study for the West Hollywood Park Master Plan Phase II will be going forward. The requested consideration is for direction to prepare a Request for Proposals (RFP) for the architecture and engineering work, and for staff to return with a community meeting engagement plan.

There will be a discussion regarding the Inclusionary Housing Ordinance In-Lieu Fee, and a discussion for multi-family residential building rehabilitation.

She confirmed Monday, June 24, 2013 for the joint hearing with City Council and Planning Commission regarding the discussion of the Housing Element.

The inter-active projects map has been launched on the City of West Hollywood's web-site. She encouraged participation and welcomed comments and suggestions for improvement.

8. ITEMS FROM COMMISSIONERS. None.

9. CONSENT CALENDAR.

A. Capital Improvement Plan 2012-2017:

Government Code Section §65401 requires that the city's Planning Commission examine the Capital Improvements Plan (CIP) for consistency with the General Plan. The CIP is a list of the proposed public projects recommended for planning, initiation or construction during the next five fiscal years. A finding of consistency is required for the City Council to be able to adopt the CIP.

ACTION: 1) Adopt Resolution No. PC 13-1048 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, FINDING, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION §65401, THAT THE CITY'S CAPITAL IMPROVEMENTS PLAN (CIP) FOR FISCAL YEARS 2012-2017 IS CONSISTENT WITH THE GENERAL PLAN, WEST HOLLYWOOD, CALIFORNIA." **Moved by Commissioner Altschul, seconded by Commissioner Huebner and unanimously carried.**

The following agenda item was heard out of order as part of the amended agenda.

11. NEW BUSINESS.

A. West Hollywood General Plan 2035 Annual Progress Report:

Bianca Siegl, Senior Planner provided oral background information as presented in the staff report dated Thursday, May 16, 2013.

She stated the report is required by the State of California Office of Planning and Research and is reviewed by the City Council prior to submittal. Office of Planning and Research uses these reports to identify statewide trends in land use and planning, and how these relate to statewide goals and policies.

For the City of West Hollywood, it allows a chance to assess how the city is doing with the General Plan and Climate Action Plan; if it's meeting the goals and vision that was set with the community, and whether any changes to the General Plan might be required in the future.

The report also includes the Housing Element annual progress report, which includes summary information about the status of each program in the Housing Element Report. This is provided to the State Department of Housing and Community Development each year.

The goal is to provide information about how the entire City organization is implementing the General Plan, not just the Community Development Department. It covers projects in every division. This report is an opportunity for the Planning Commission and the community to get an overall sense of our progress. Also it is a good reminder for each City department to review what's on their implementation lists.

Staff met with managers and directors in each division/department to review the General Plan and Climate Action Plan implementation items that fall within their purview and made note of the status of each items.

She stated overall the City is doing pretty well. Implementing about 60% of the items in both the General Plan and the Climate Action Plan after only eighteen months. The City of West Hollywood has set a very ambitious General Plan and the majority of implementation items were designated for short term priority.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

10. PUBLIC HEARINGS.

A. 8120 Santa Monica Boulevard:

Jennifer Alkire, Associate Planner provided an oral presentation and background information as presented in the staff report dated Thursday, May 16, 2013.

She stated the applicant is requesting the subdivision of one mixed-use project into six (6) separate air-space parcels for parking, commercial spaces and apartment units.

The subdivision would divide the property into different air space parcels which would then be handled under separate ownership. This would allow the property owner flexibility of ownership for various purposes.

This request has nothing to do with the development project and would not change anything about the project's entitlements.

Chair Buckner requested clarification of "air space".

Chair Buckner opened the public hearing for Item 10.A.:

TODD ELLIOTT, LOS ANGELES, applicant's representative, presented the applicants report. He provided a history of the project and detailed the vertical air space lots (pads). He stated the developer would want one of those separate lots (parcels) to be able to be financed separately. He spoke regarding the square footage and detailed the discrepancies that were originally approved under the project plan. He stated there are eighty-seven parking spaces proposed, and there may be the possibility of including one more space. This is a tentative vesting map, which means the city engineer will need to review the final map and it will actually go before city council for approval.

Commissioner Altschul questioned how is it to be guaranteed that everyone concerned will be best served, as it would be under a common ownership.

TODD ELLIOTT, LOS ANGELES, applicant's representative, stated under Section 1.5, the conditions of Resolution No. 12-4300 are conditions of this permit, in the event there is any conflict. It is very likely the commercial space owner will retain the parking and maintain the entire structure, but for financing purposes, they will want to obtain a different loan for the affordable housing and the market rate housing.

Commissioner Altschul questioned if there is a policy or history to allow the financing or the potential future applications for financing drive whether or not we do things like this.

TODD ELLIOTT, LOS ANGELES, applicant's representative, stated the commission approved a similar application for both of the La Brea mixed-use projects with Monarch development.

Commissioner Altschul questioned if those approvals were not just tentative tract maps for condominiums

TODD ELLIOTT, LOS ANGELES, applicant's representative, stated he believes they have reciprocal easements for parking, so the commercial tenants and the residential tenants both have the rights to use parking. In this case, there will be reciprocal easements to allow that.

Commissioner Aghaei requested clarification of the parking parcels.

Commissioner Huebner questioned the funding process.

Chair Buckner questioned if there is a precedent for this type of request.

John Keho, Planning Manager clarified for the record, the city went through a subdivision ordinance change in which the whole concept of air-space subdivisions was brought to the planning commission and then taken to city council for approval. It is a relatively new tool that the development community is using and the city's ordinance didn't contemplate air-space subdivisions at that time. He believes the Monarch developments may have been the first to utilize the new ordinance.

DORY JAROS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding increased traffic, and accidents in the residential area.

TODD ELLIOTT, LOS ANGELES, applicant's representative, presented the applicant's rebuttal. He clarified the transportation commission just approved a four-way stop sign at the corner of Havenhurst Avenue and Romaine Street.

ACTION: Close public hearing for Item 10.A: **Motion carried by consensus of the Commission.**

Commissioner Altschul stated this is a recipe for conflict. It is an interesting tool for financing, but it is not an interesting tool for property ownership that includes rental property. He does not support the request.

Commissioner Yeber stated he does not see the conflict, since there are other developments that have utilized the air-space subdivisions.

Commissioner Altschul stated the Monarch development condominiums are not separated from the parking. Therefore, a condominium owner owns a condominium parking space.

Commissioner Altschul stated with this development, someone will own the parking floor(s) and someone else will own the residential floors. That is where the conflict arises. The parking owner is going to want to set a price that will maximize his profit.

Commissioner Aghaei questioned if the REA is subject to staff review. He commented it appears to make it easier for the applicant to finance each portion of the project. If the REA is in place and enforceable by city staff, ensuring parking is in place for each one of the other components, he does not see a problem with the application.

Vice-Chair DeLuccio stated based on the zoning ordinance, what the applicant has presented and what staff is recommending, he could support the request.

Commissioner Huebner stated his concerns with the parking and if it went to the free market.

John Keho, Planning Manager stated this is one of the items that can be looked at when they submit the documents for the association. There will have to be arrangements between the property owners on the maintenance of the building.

Christi Hogin, Assistant City Attorney, clarified the final map approval is of no concern to the planning commission. This is simply a technical, non-discretionary, mandatory check that the conditions have been met and that the map meets the requirements. Nothing can be deferred. The conditions you impose have to be satisfied now. There won't be an opportunity to fix it later.

Discussion was held regarding parking requirements within the entitlement process.

Chair Buckner questioned if conditions could not be imposed, if each parking space could be attached to the rental units, or not, approves a separation for the parking. She suggested some parking could remain attached to the residential and some parking attached to the commercial.

Christi Hogin, Assistant City Attorney, stated it is possible to deny that portion of the map that is separating out. It would more than likely have to be brought back with re-drawn maps.

Commissioner Altschul suggested a motion could read to bring back a resolution to divide the parking in an equitable fashion.

John Keho, Planning Manager stated Resolution No. 12-4300 reads “the parking shall be constructed with a total of eighty-six parking spaces. The following table indicates the amount of parking required for the proposed uses: residential – ten one-bedroom units; one space per unit, ten 2-bedroom units – 2 spaces per unit.” It does not indicate how much someone would have to pay for a space.

Vice-Chair DeLuccio stated he is hearing the discomfort about separating the parking out from where it belongs. The retail parking should go with the retail and the residential should go with the residential. He questioned why the parking is being separated out by itself, when it really belongs with the other entities. He could not support and approve this as requested.

Vice-Chair DeLuccio moved to: 1) continue the hearing; and 2) have the applicant come back with the parking with the residential components and parking with the commercial.

Seconded by Commissioner Huebner.

ACTION: 1) Bring back without showing the parking component not separated out; and 2) continue to Thursday, June 6, 2013. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Huebner and unanimously carried.**

B. 1156 N. Spalding Avenue:

Antonio Castillo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, May 16, 2013.

He stated the applicant is requesting to construct a new second-story addition and renovate an existing 736 square-foot, single-family dwelling. The request includes variances from Section §19.06.040 of the West Hollywood Municipal Code (WHMC) to exceed the maximum floor-area-ratio of 0.5 for the 2,000 square-foot lot and allow the addition to encroach into the side (north) and rear (east) minimum setbacks in order for the second floor addition to align with the existing walls on the ground floor.

He provided a history of the property, and spoke on neighborhood compatibility, architectural design, materials, variances, floor-area-ratio, setbacks, and the substandard lot size.

Staff believes the second story addition will modernize the structure in a way that is unique, but respectful to its context, while not being materially detrimental to the public welfare or injurious to the adjacent properties.

The request warrants the granting of the variances. Staff supports the project and requests approval.

Commissioner Huebner presented the design review subcommittee report. He stated the subcommittee made comments about the finish and thought it was interesting, architecturally profound and would be a great addition to the street.

Chair Buckner opened the public hearing for Item 10.B.:

MATTEO NURIZZO, WEST HOLLYWOOD, owner, presented the applicant's report. He spoke regarding the neighborhood, and detailed the requested variances, additional space, and neighborhood support.

PATRICK TIGHE, SANTA MONICA, architect, continued the applicant's report. He spoke on the design intensions, massing, second floor addition, setbacks, materials, building scale, neighborhood compatibility, and façade.

Commissioner Altschul questioned the square footage and floor-area-ratio.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. He stated his concern with the [possibility] of a conversion to a duplex in the future.

NO APPLICANT REBUTTAL.

ACTION: Close public hearing for Item 10.B: **Motion carried by consensus of the Commission.**

Commissioner Yeber disclosed for the record he made a site-visit of the project and surrounding neighborhood.

Commissioner Altschul stated the architecture for this project is spectacular. He commented on the small lot size in relation to the surrounding neighborhood lots. Adding the additional square footage, for a total of 1,325 square-feet is not excessive, and therefore constitutes the findings for the variance.

Commissioner Altschul moved to: 1) approve staff's recommendation of approval.

Seconded by Vice-Chair DeLuccio.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1044 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A DEVELOPMENT PERMIT FOR A SECOND-FLOOR ADDITION AND RENOVATION OF THE SINGLE-FAMILY DWELLING; AND VARIANCES TO ALLOW THE ADDITION TO EXCEED THE FLOOR-AREA-RATIO OF 0.5 FOR A 2,000 SQUARE-FOOT LOT AND ENCROACH INTO THE SIDE AND REAR SETBACKS, FOR THE PROPERTY LOCATED AT 1156 N. SPAULDING AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 10.B. **Moved by Commissioner Altschul, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

AYES: Aghaei, Altschul, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

NOES: None.

ABSENT: None.

RECUSED: None.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:30 P.M. AND RECONVENED AT 7:45 P.M.

C. 7141-7155 Santa Monica Boulevard (Domain Mixed-Use Project):

Emily Stadnicki, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, May 16, 2013.

She stated the proposed project involves the redevelopment of approximately 1.3-acres located on Santa Monica Boulevard between Formosa Avenue and Detroit Street, on the existing Faith Plating facility, a sound editing studio, and associated surface parking lots. This would be replaced with a six-story building containing 166 residential rental units (including thirty-three affordable inclusionary units), 9,300 square-feet of ground level retail and restaurant uses, 35,000 square-feet of open space, and ground-level and subterranean parking containing 260 parking spaces, fifteen more than required by code.

The proposal requires certification of the final Environmental Impact Report (EIR), along with adoption of a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations due to potential significant and unavoidable noise (construction), transportation and traffic, and air quality (construction) impacts.

She provided a history of the property, stating a similar mixed-use project was originally proposed on this site in 2006 by another developer. To implement the development, the project would have required a specific plan to permit greater height, greater floor area, and greater density, reduced parking requirements, and reduced open space requirements than permitted by the City regulations at that time. A draft Environmental Impact Report (DEIR) for the Formosa Specific Plan Project was circulated for public review in August 2008. There were two public comment meetings: one before the Planning Commission and one before the Historic Preservation Commission.

A final Environmental Impact Report (EIR) was prepared including responses to comments received on the Draft. However, the project was on hold for several years and the final EIR was not circulated for public review and was not brought before the Planning Commission or City Council for approval hearings. That original project was withdrawn in 2010.

In 2011, the new General Plan was adopted by City Council that called for increased density and height limits in major transportation corridors to encourage mixed-use projects like this one.

The zoning was changed to Commercial Arterial with a Mixed-Use Overlay zone. The mixed-use incentive provides an additional .5 FAR to projects that incorporate residential units in a commercial project, resulting in a 3.0 FAR.

Because the project provides 33 affordable dwelling units on-site, it is eligible for a 25% density bonus on the base FAR of 3 which is .75, and two concessions.

Stephanie Reich, Urban Designer, presented the design review report. She stated this is a very handsome building that fits well within its context. The design review subcommittee was effusive in its discussion about the design. The project is well scaled to all of the different edges, it has a bigger feeling along Santa Monica Boulevard, the residential units are framed with white plaster frames that gives it a big idea, and a big presence along Santa Monica Boulevard where it belongs.

The project then steps down along both residential streets and uses similar architectural ideas, but has a more playful and scaled down image along both Detroit Street and Formosa Avenue. The large opening on Santa Monica Boulevard has a red material that will visually connect Formosa Café to the Formosa Apartments, by architect Lorcan O'Herlihy in the distance. The building steps down significantly to the properties on the north, which makes it fit well within its context. Staff believes it is well designed and fits well for this particular place.

Commissioner Huebner presented the design review subcommittee report. He stated the subcommittee agrees with the recommendation of the urban designer. The subcommittee noted the finishing elements on the side of the building could have more wood elements added; canopies along Santa Monica Boulevard could be added, to make the building seem more continuous, signage could be of a more artistic element, and a drop off area inside the project was recommended. The subcommittee was in full support of the design.

Emily Stadnicki, Senior Planner stated In accordance with California State Senate Bill (SB) 1818 the applicant is eligible for and requests the following 2 concessions:

HEIGHT CONCESSION

The proposed project is seeking a concession to increase the height limit by twelve feet for the bulk of the building from 60' to 72' (excluding the portions of the project adjacent to northern residential zoning districts);

PRIVATE OPEN SPACE CONCESSION

The proposed project is seeking a concession to reduce the number of private open spaces and the total amount of private open space in exchange for increased common open space areas. The proposed project would require a minimum of 19,920 square feet of private open space and 2,000 square feet of common open space. The proposed project would provide approximately 5,000 square feet less private open space than is required, but would provide a surplus of approximately 14,000 square feet of common open space than is required by the Municipal Code.

The modification process outlined in the Zoning Ordinance permits adjustments of no more than ten percent to the development standards in the Zoning Code. The proposed project is seeking to modify the thirty-five foot height limit for the portion of the project adjacent to northern residential zoning districts. The project proposes a total height varying from approximately thirty-six and half feet to thirty-eight and a half feet along the northern portion of the site adjacent to the R3B and R3C zoning districts. While this is taller than the adjacent existing one- and two-story buildings, it is lower than the allowable height on the adjacent property fronting Detroit Street, which is forty-five feet (or fifty-five feet allowed by SB 1818) and the thirty-five feet (or forty-five feet with SB 1818) allowed for the property fronting Formosa Avenue.

Melissa Hatcher, AECOM, environmental consultant, presented the CEQA and environmental report. She detailed the CEQA process and noted the hazardous materials and compounds of the current site. Part of the project would involve removal of on-site soils and remediation of this contamination. This would occur under the supervision of the California Department of Toxic Substances Control (DTSC). The DTSC and applicant have entered into a voluntary clean-up agreement, and have

agreed to a removal action work plan. Remediation of the site and removal of on-site contamination would occur under state oversight. Testing would occur before the site would be determined to be clean or remediated and only at that time as a condition of approval would staff be able to then issue a building permit allowing construction to take place on-site. Groundwater monitoring would continue for an additional two years beyond that time.

She summarized the following: 1) no impacts; 2) less than significant impacts; 3) less than significant impacts with mitigation; 4) significant and unavoidable impacts with mitigation (which includes air quality, noise and traffic); and 5) alternatives to the proposed project.

Emily Stadnicki, Senior Planner reiterated, the EIR identified air quality (during construction), noise (during construction) and traffic impacts that cannot be mitigated to a level that is less than significant. Staff recommends planning commission approve the project as proposed, then make a finding that the benefits of the project outweigh the impacts at the time of approval. This is known as a Statement of Overriding Considerations.

Among the benefits, the project will implement many of the city's housing, mixed-use, and east-side revitalization General Plan goals, as well as the cleanup of the hazardous waste.

Staff made the following amendment to Resolution No. PC 13-1046, Condition 14.1.: add the word *initial* before referring to the letter of No Further Action. It will read as follows: *"The project site shall be remediated in accordance with the Removal Action Work Plan to the satisfaction of the DTSC, as evidenced by an initial letter of No Further Action submitted to the City, before issuance of a building permit for the new construction."*

At the request of the applicant, Condition 11.7 will be *deleted from the record*.

Condition 9.2: the parking ratios should be 9 per 1,000 square-feet for restaurant uses and 3.5 per 1,000 square feet for retail uses.

Staff recommends the commission certify the final Environmental Impact Report, adopt the Mitigation Monitoring and Reporting Program, and adopt the Statement of Overriding Considerations.

Staff also recommends approval of the proposed project because it will develop a prominent mixed use building at the eastern edge of the Santa Monica Boulevard Corridor that will enhance the major eastern gateway to the city.

Commissioner Aghaei disclosed for the record he spoke with Jeffrey A. Seymour, applicant's representative. They discussed matters contained in the staff report.

Commissioner Yeber had no disclosures.

Chair Buckner disclosed for the record she spoke with Jeffrey A. Seymour, applicant's representative. They discussed matters contained in the staff report.

Vice-Chair DeLuccio disclosed for the record he attended an open house and spoke with Jeffrey A. Seymour, applicant's representative. They discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he spoke with Jeffrey A. Seymour, applicant's representative and Alan Pullman, applicant's architect. They discussed matters contained in the staff report.

Commissioner Huebner disclosed for the record he made a site visit and spoke with Jeffrey A. Seymour, applicant's representative. They discussed matters contained in the staff report.

Commissioner Yeber requested clarification regarding the measurement of traffic and level of service and [possible] impacts for the intersection at Santa Monica Boulevard and La Brea Avenue.

Bob Cheung, Senior Transportation Planner, stated the thresholds the city adopts for significance criteria are different for signalized intersections versus un-signalized intersections. The level of traffic at the intersections of Santa Monica Boulevard and Detroit Street, Formosa Avenue and La Brea Avenue is at a level where it does not trip that threshold. However, because un-signalized intersections like Fountain Avenue and Detroit Street, are more susceptible to impacts it takes less traffic to trip the significance criteria. That is why you are seeing impacts there, instead of on Santa Monica Boulevard and La Brea Avenue.

Commissioner Yeber questioned the ingress and egress on Detroit Street and what mitigation measures are in place to handle a left turn onto Santa Monica Boulevard.

Bob Cheung, Senior Transportation Planner, stated the left turn onto Santa Monica Boulevard from Detroit Street could be problematic and challenging. That is why there is a higher propensity for traffic to travel north on Detroit Street causing a significant impact on those residential streets. He stated this intersection was not identified in the EIR, but staff can monitor this intersection to see if it's problematic and deal with potential mitigation measures at that time.

Chair Buckner opened the public hearing for Item 10.C.:

JEFFREY A. SEYMOUR, WESTLAKE VILLAGE, Seymour Consulting Group, applicant's representative, presented the applicant's report. He provided a history of the project. He clarified the community open house, took place on April 18, 2013. The first community meeting was held in September, 2012. Since that time, they have met with all concerned individuals, organizations, and neighborhood watch groups. He stated this project successfully integrates all of its uses, and contributes to the implementation of the General Plan, and provides a significant public benefit by removing the hazardous waste on-site.

ALAN PULLMAN, LONG BEACH, Studio One Eleven Architects, continued the applicant's report. He stated the intent of the design was to try to build a building that did respond to the different context of the site. He spoke and detailed setbacks, street rhythm, heights, massing, ground floor plan, pedestrian streetscape, second floor amenities and open space, signage, and canopy elements.

JOE FREY, NEWPORT BEACH, Frey Environmental, continued the applicant's report. He spoke and detailed the remediation plan which included removal and disposal of the contaminated soil.

Commissioner Altschul questioned if there is a possibility of spillage or further contamination during cleanup. He also asked if any contaminants at the location have migrated.

JOE FREY, NEWPORT BEACH, Frey Environmental, stated there is no chance. He explained It is a simple excavation project with measures in place that minimize dust and removal of the soil to appropriate and licensed landfills. There has been some minor migration into the ground water outside of the project site, but it is being monitored. If left in place without removal of the source of contamination, it will continue. He affirmed once you remove the source, it will attenuate naturally.

JOHN PAYNE, NEWPORT BEACH, Senior Project Manager, Frey Environmental, continued the applicant's report. He stated the removal action work plan has been approved by the DTSC. He detailed the current state and source of contamination and spoke of the borings that have been put into place for monitoring. They will be present on-site during general construction activities to ensure that any other contamination that might be found will be dealt with appropriately. He confirmed a soil remediation compound will be put in at the base of the excavation (plating room), at the suggestion of the DTSC. A soil vapor barrier will be installed at the base of the excavation to prevent any potential for soil vapor migrating into the parking structure, or residential area. A human health risk assessment was conducted prior to preparation of the removal action work plan; it indicated through construction and project completion there should be no risk to the residents. There is a small risk to the workers, but precautions will be taken to ensure they are protected.

Commissioner Altschul questioned the success rate of cleanup without any incidents.

JOHN PAYNE, NEWPORT BEACH, Senior Project Manager, Frey Environmental, stated there would be zero percent chance of environmental release or threat to the community.

Vice-Chair DeLuccio requested clarification regarding the verbiage of the initial letter of no further action.

DARRYL BURNS, LOS ANGELES, has concerns regarding this item. He spoke regarding the removal of soil operations, and questioned the destination of contaminated soils.

ROBINA SUWOL, SHERMAN OAKS, on behalf of California Safe Schools and California Communities against Toxics, has concerns regarding this item. She spoke regarding ground water, gas monitoring, and public health issues and asked for the record to state that Jane Williams co-signed her comment letter.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

GUSTAV BROWN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MARLA FIDLER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding overdevelopment, massing and traffic.

HEATHER HINKEL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

CHAD BLOUIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

STEPHANIE HARKER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the project site clean-up and public safety.

CATHY BLAIVAS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the project site clean-up, dust and community outreach.

GENEVIEVE MORRILL, LOS ANGELES, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

AARON KRIECLIAC, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

EUGENE LEVIN, WEST HOLLYWOOD, Russian Community Center, spoke in support of staff's recommendation of approval.

LEON KUTINELSON, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

TROY LEGG, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

VIRGINIA GILLICK, WEST HOLLYWOOD, opposes staff's recommendation of approval.

BILLY RAY, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JEFF PALKEVICH, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MELANIE ELMAN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JOHN BAUMGAERTNER, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding additional development and spoke in support of the environmental cleanup.

ARTHUR SMOOKLER, Manager, Agency California, spoke in support of staff's recommendation of approval.

BRENT SWEER, LOS ANGELES, has concerns regarding this item. He spoke regarding the traffic impacts on residential streets, and commercial loading and unloading.

STEVE LEVIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the reduction of private space.

The following speaker was not present:

ALEX TURETSKY, LOS ANGELES, noted his support of staff's recommendation of approval.

JOHN PAYNE, NEWPORT BEACH, Senior Project Manager, Frey Environmental, presented the applicant's rebuttal. He stated the level of VOC's in the soil at the site is not as extensive as once thought, visible emissions and visible dust will be monitored on all four sides of the property every day; several different landfills will be utilized depending on the concentration of the soils, with the DTSC will be approving the landfill facilities; and the DTSC will be monitoring the ground water.

Commissioner Yeber requested clarification regarding fragments of the contaminated soil.

Commissioner Aghaei questioned how confident the applicant is in cleaning up the site.

JOHN PAYNE, NEWPORT BEACH, Senior Project Manager, Frey Environmental, stated they are very confident. He stated the mechanics of doing this remedial effort is just digging out the soil and hauling it to an appropriate landfill. Nothing will be left.

Commissioner Yeber questioned the number of rental units and who the target audience is. He requested clarification of the affordable housing units.

JEFFREY A. SEYMOUR, WESTLAKE VILLAGE, Seymour Consulting Group, applicant's representative, stated there are a number of reasons, but the most palpable is making it financially feasible. He indicated all the affordable housing units are integrated into the project.

Vice-Chair DeLuccio questioned how the private open space would be dispersed amongst the affordable and market rate units.

LUKE DANIELS, LOS ANGELES, Managing Director Trammell Crow Residential, stated they have not increased the amount of net rental-able square feet. There is still 150,000 square feet of net rental area. The previous plan had an average home size of 1,100 square-feet; when estimated on market dynamics and trends, they decided this was too large. He stated they kept the building envelope the same, but reconfigured the unit mix to go from approximately 140,000 up to 166,000 square feet, which in turn, lowered the average unit size down from 1,100 square-feet to approximately 850 square feet. It is now 848 square feet. In terms of the mix and who the rental profiler is, it's a very deliberate renter profile, and a very deliberate mix. Most traditional projects have 50% two-bedrooms and 50% one-bedrooms. In this case, they are leaning towards a heavier percentage of one-bedrooms. So if you look at the studios, one-bedrooms and one-bedroom dens, it actually makes up 80% of the unit mix. He stated they believe it will be young people that enjoy an urban environment, they like to walk, and they like to enjoy the neighborhood. Due to the area it is in, this will not be an entry level rental. Every home has private open space. He also described the common open spaces.

Vice Chair DeLuccio requested clarification regarding the canopies and the drop off locations.

ALAN PULLMAN, LONG BEACH, Studio One Eleven Architects, stated the parking was designed with on-grade access from Formosa Avenue. Drop off will be inside the project with exits through Detroit Street or Formosa Avenue.

Commissioner Altschul suggested a carriage lane on Santa Monica Boulevard.

ALAN PULLMAN, LONG BEACH, Studio One Eleven Architects, stated this could be looked into, but cautioned that the city may not allow this. He indicated that the project has eliminated several curb cuts, thereby adding additional parking spaces. He noted some of those spots could be restriped for loading and unloading.

Stephanie Reich, Urban Designer, cautioned to take more space out of the pedestrian way would interrupt the tree rhythm and the generous design space for pedestrians.

Chair Buckner agreed a couple of the parking spaces could be used for loading and unloading.

John Keho, Planning Manager stated having a carriage lane on Santa Monica Boulevard would eliminate on-street parking, which would impact traffic congestion on Santa Monica Boulevard. Therefore, the idea was to get people off the street and onto the property. There is a direct entrance from the interior parking area that leads you directly to the entrance of the building.

Commissioner Yeber requested clarification regarding the loading zone on Formosa Avenue.

ACTION: Close public hearing for Item 10.C: **Motion carried by consensus of the Commission.**

Commissioner Huebner reiterated the design review subcommittee thought the design was exemplary, and the architect is definitely working to refine the design, especially with the canopy and trellis along Santa Monica Boulevard. This will reduce the mass of the building and make it more personalized. He supports allowing staff and the urban designer to continue to work with the architect to refine the design as it's developed. He spoke regarding traffic congestion and stated the environmental clean-up needs to be done. The longer it remains, the worse it will get. The mitigation plan that is in place will have enough oversight. He believes the drop off can be mitigated internally.

Commissioner Altschul stated the project is excellent. The environmental toxicity clean-up has to be done. He commented on the current construction activities in the area, and suggested there should be some type of staging plan. He requested staff look into this further.

Commissioner Altschul moved to: 1) approve all of staff's recommendations, including the certification of the Environmental Impact Report, adopt the Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations; and 2) adopt Resolutions No. PC 13-1045 and PC 13-1046.

Seconded by Vice-Chair DeLuccio.

Vice-Chair DeLuccio stated his support regarding the clean-up of this site and the architecture of the building. He noted the project does step down on the north residential side. He has concerns regarding the non-mitigation of traffic concerns on Formosa Avenue, Fountain Avenue and Detroit Street. Once the project is built and if there are any issues with those intersections, he believes staff will explore those issues at that time.

Commissioner Aghaei stated this is an attractive project (design) and it activates a dormant site on the east-side. He commented on the environmental impacts and stated his support of the mitigation measures in place. He stated his support of the motion.

Commissioner Yeber stated he wasn't concerned about the size or scale of this project, however, with everything else going on in the neighborhood in such a small area, he is concerned it is too much too fast. He also had concerns with the increase in traffic, not just from this project, but from everything else that will be coming on-line in the future. However, the site is in dire need of remediation and development. It is a good solution and he appreciates the urban design strategy and the internal amenities of the project. He supports the project.

Chair Buckner suggested a construction website for the general public and surrounding businesses to utilize. It would be extremely helpful to know when certain elements of the project will be implemented. She had concerns regarding the environmental issues, but stated her support of the clean-up and mitigation measures in place. She stated it is a beautiful project. Once it is completed it will add a lot to the neighborhood and east-side. The east-side has always wanted and needed development, and now it is finally happening.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1045 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007081053, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE DOMAIN MIXED-USE PROJECT, LOCATED AT 7141-7155 SANTA MONICA BOULEVARD AND 1107-1121 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 13-1046 as amended: a) Condition 14.1.: *"The project site shall be remediated in accordance with the Removal Action Work Plan to the satisfaction of the DTSC, as evidenced by an initial letter of No Further Action submitted to the City, before issuance of a building permit for the new construction;"* b) Condition 11.7: *shall be deleted from the record;* c) Condition 9.2: *"the parking ratios shall be 9 per 1,000 square-feet for restaurant uses and 3.5 per 1,000 square feet for retail uses;"* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A DEMOLITION PERMIT TO DEMOLISH ALL COMMERCIAL/INDUSTRIAL STRUCTURES AND ASSOCIATED SURFACE PARKING LOTS ON THREE PARCELS, FOR THE CONSTRUCTION OF A SIX-STORY BUILDING CONTAINING 166 RESIDENTIAL RENTAL UNITS (INCLUDING THIRTY-THREE AFFORDABLE INCLUSIONARY UNITS), 9,300 SQUARE-FEET OF GROUND LEVEL RETAIL AND RESTAURANT USES, 35,000 SQUARE-FEET OF OPEN SPACE, AND GROUND-LEVEL AND SUBTERRANEAN PARKING CONTAINING 260 PARKING SPACES, FOR THE DOMAIN MIXED-USE PROJECT, LOCATED AT 7141-7155 SANTA MONICA BOULEVARD AND 1107-1121 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;" and 4) Close Public Hearing Item 10.C. **Moved by Commissioner Altschul, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

AYES: Aghaei, Altschul, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

NOES: None.

ABSENT: None.

RECUSED: None.

11. NEW BUSINESS.

A. West Hollywood General Plan 2035 Annual Progress Report:

The Planning Commission will receive the General Plan Annual Progress Report, covering the period since adoption of the General Plan and Climate Action Plan in September, 2011.

ACTION: This item was moved and heard after Consent Calendar Item 9.A. (Capital Improvement Plan 2012-2017): **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried as part of the amended agenda.**

12. **UNFINISHED BUSINESS.** None.
13. **EXCLUDED CONSENT CALENDAR.** None.
14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

John Keho, Current and Historic Preservation Planning Manager provided an update of upcoming current and historic preservation commission projects and long range and mobility planning projects.

He stated at the Director's Hearing on Tuesday, May 14, 2013, the Irish Coffee House, located at 8470 Santa Monica Boulevard received a permit to sell beer and wine. Sales would end at 11:45 p.m. and the business would close at midnight.

15. **PUBLIC COMMENT.** None.
16. **ITEMS FROM COMMISSIONERS.** None.
17. **ADJOURNMENT:** The Planning Commission adjourned at 9:50 P.M. to the next regularly scheduled meeting which will be on Thursday, June 6, 2013 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California.
Motion carried by consensus of the Commission.

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 6TH DAY OF JUNE, 2013.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY