

1 BEFORE THE PLANNING COMMISSION
2 OF THE CITY OF WEST HOLLYWOOD
3 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
4 In the Matter of Planning Commission Agenda Minutes

5
6 Address:)
7 West Hollywood Park Public Meeting Room)
8 625 N. San Vicente Boulevard)
9 West Hollywood, California)
10 _____)

11 DATE OF MEETING: April 16, 2015

12 PLANNING COMMISSION:	12 STAFF:
13 Roy Huebner, Chair	Stephanie DeWolfe, AICP, Director
14 Vice Chair is vacant	John Keho, AICP, Ass't. Director
15 John Altschul, Commissioner	David DeGrazia, (CHPP)Manager
16 Sue Buckner, Commissioner	Bianca Siegl, AICP, (LRMP)Manager
17 Donald DeLuccio, Commissioner	Christi Hogin, Assist. City Atty.
18 Sheila Lightfoot, Commissioner	David Gillig, Comm. Secretary
19 Heidi Shink, Commissioner	Christopher Corrao, Senior Planner
20 Marc Yeber, Commissioner	Georgia Sheridan, Senior Planner

21
22 Also present Councilmember Meister.
23 And Public Speakers.

24

1 **Planning Commission Meeting**

2 **Thursday, April 16, 2015**

3 **Huebner:** Okay, we're going to call the Thursday, April 16th,
4 2015, West Hollywood Planning Commission to order.
5 And I would have Councilmember Meister lead the
6 Pledge please.

7 **ITEM 2. PLEDGE OF ALLEGIANCE**

8 **Meister:** Sure. I pledge allegiance to the flag of the
9 United States of America and to the Republic for
10 which it stands, one Nation under God, indivisible
11 with liberty and justice for all.

12 **Huebner:** Roll call, David.

13 **ITEM 3. ROLL CALL**

14 **Gillig:** Good evening. I don't see Commissioner Yeber yet.
15 I'm assuming he will arrive and the minutes...

16 **Huebner:** Walking in.

17 **Gillig:** ...will reflect...

18 **Buckner:** As we speak.

19 **Gillig:** ...him as he comes in. Commissioner Altschul?

20 **Altschul:** Here.

21 **Gillig:** Commissioner Buckner?

22 **Buckner:** Here.

23 **Gillig:** Commissioner DeLuccio?

24 **DeLuccio:** Here.

1 **Gillig:** Commissioner Shink?

2 **Shink:** Here.

3 **Gillig:** Commissioner Yeber?

4 **Yeber:** Here.

5 **Gillig:** Chair Huebner?

6 **Huebner:** Here.

7 **Gillig:** And we have a quorum.

8 **ITEM 4.A. OATH OF OFFICE**

9 **Huebner:** So our first item for special order of business

10 oath of office for our new Commissioner.

11 **Meister:** Ready?

12 **Lightfoot:** I hope so.

13 **Meister:** Raise your right hand please. I Sheila

14 Lightfoot...

15 **Lightfoot:** I Sheila Lightfoot...

16 **Meister:** ...do solemnly swear...

17 **Lightfoot:** ...do solemnly swear...

18 **Meister:** ...that I will support and defend...

19 **Lightfoot:** ...that I will support and defend...

20 **Meister:** ...the Constitution of the United States...

21 **Lightfoot:** ...the Constitution of the United States...

22 **Meister:** ...and the Constitution of the State of

23 California...

24 **Lightfoot:** ...and the Constitution of the State of

1 California...

2 **Meister:** ...against all enemies...

3 **Lightfoot:** ...against all enemies...

4 **Meister:** ...foreign and domestic...

5 **Lightfoot:** ...foreign and domestic...

6 **Meister:** ...that I will bear true faith...

7 **Lightfoot:** ...that I will bear true faith...

8 **Meister:** ...and allegiance...

9 **Lightfoot:** ...and allegiance...

10 **Meister:** ...to the Constitution of the United States...

11 **Lightfoot:** ...to the Constitution of the United States...

12 **Meister:** ...and the Constitution of the State of
13 California...

14 **Lightfoot:** ...and the Constitution of the State of
15 California...

16 **Meister:** ...that I take this obligation freely...

17 **Lightfoot:** ...that I take this obligation freely...

18 **Meister:** ...without any mental reservation...

19 **Lightfoot:** ...without any mental reservation...

20 **Meister:** ...or purpose of evasion...

21 **Lightfoot:** ...or purpose of evasion....

22 **Meister:** ...and that I will well and faithfully...

23 **Lightfoot:** ...and that I will well and faithfully...

24 **Meister:** ...discharge the duties...

1 **Lightfoot:** ...discharge the duties...

2 **Meister:** ...upon which...

3 **Lightfoot:** ...upon which...

4 **Meister:** ...I'm about to enter.

5 **Lightfoot:** ...I'm about to enter.

6 **Meister:** Congratulations.

7 **Lightfoot:** Thank you. Do I go up there now?

8 **Meister:** Not yet. You need to sign this first. And then I
9 need to sign. And then I get to present the
10 Certification of Appointment. And now you can go.

11 **Lightfoot:** Thank you.

12 **Meister:** Get up there. Get to work.

13 **Huebner:** That's right. Welcome to the dias.

14 **Lightfoot:** Thank you.

15 **ITEM 4.B. ELECTION OF VICE-CHAIR**

16 **Huebner:** So our next order of business, 4B, is we need to
17 elect a Vice Chair. Open nominations for...

18 **DeLuccio:** I'll nominate Commissioner Altschul.

19 **Shink:** I'll second.

20 **Huebner:** A motion to second for Commissioner Altschul? Do
21 we have any other nominations? All right, so I'll
22 close the nominations and I move that we accept
23 Commissioner Altschul by acclimation.

24 **DeLuccio:** Okay.

1 **Huebner:** All in favor say aye.

2 **All:** Aye.

3 **Huebner:** Congratulations.

4 **Altschul:** Thank you.

5 **Huebner:** Mr. Vice Chair. You've arrived. All right and 5,

6 Approval of the Agenda. Do I have a motion?

7 **ITEM 5. APPROVAL OF THE AGENDA**

8 **DeLuccio:** I'll make a motion.

9 **Buckner:** I'll second.

10 **Huebner:** Motion made and seconded to approve the agenda.

11 Vote? Motion passes unanimously, agenda's

12 approved. The approval of the Minutes of the March

13 19th meeting?

14 **ITEM 6. APPROVAL OF MINUTES**

15 **DeLuccio:** I'll make a motion. If I can push the button fast
16 enough.

17 **Buckner:** Yeah, I can't press the button.

18 **Huebner:** And I need to ab-, I need to abstain on 10A.

19 **DeLuccio:** You have to abstain also. Where are the buttons on
20 this thing?

21 **Huebner:** Minutes are approved. Item 7, Public Comment.

22 **ITEM 7. PUBLIC COMMENT**

23 **Gillig:** The first public comment is Steve Martin.

24 **Huebner:** Steve Martin followed by?

1 **Gillig:** Jeanne Dobrin.

2 **Martin:** Steve Martin, West Hollywood, and congratulations
3 Sheila, Sheila Lightfoot on your endor-, on your
4 appointment. We look forward to great things and I
5 have to say I really appreciate the fact that
6 Lauren Meister is trying to expand, put more women
7 on the Planning Commission and bring in those
8 diverse voices. I'm sure Jeanne Dobrin's going to
9 tell you there's two things that you need to watch
10 out for. One is remember the use runs with the
11 land and the other is there's no such thing as a
12 stupid question. Adhere to those, you're going to
13 be a wonderful success. And I want to thank
14 everybody else. I know not everybody may not be
15 here in the next couple of weeks, but if you're
16 not, this has been one of the better Planning
17 Commissions and I really appreciate everybody's
18 efforts. It's very often a very thankless chore
19 and I know you're not always appreciated by the
20 public, certainly not always appreciated by some of
21 the people who appoint you, but congratulations,
22 and Sheila in particular, we're very proud to have
23 you up there. Thanks.

24 **Huebner:** Thank you Steve. Jeanne Dobrin.

1 **Dobrin:** I'm Jeanne Dobrin. Good evening Commissioners and
2 congratulations Commissioner Lightfoot. I am very
3 much in favor of the things that are on the agenda
4 tonight, but I wanted to speak about something that
5 might be sort of related to that. The developers
6 have been very lucky in our City. Why? Because a
7 one bedroom apartment or condominium needs one and
8 a half parking spaces. A two bedroom needs two
9 parking spaces. A three bedroom or four bedroom or
10 five bedroom condominium needs two spaces. Now I
11 know there are, there aren't a lot of that are
12 going to be built with five bedrooms, but I think
13 there will be some at three bedrooms. And I feel
14 that a three bedroom unit should require two and a
15 half parking spaces. That will make the developers
16 actually apply what they should be doing for
17 parking inside the building so that maybe a couple
18 that had a child and they had three cars, the other
19 one would have to park on the street. So this is
20 my suggestion that I would like it to be considered
21 that a two bedroom apartment from now and a three
22 bedroom...pardon me. A three bedroom, four bedroom
23 and five bedroom apartments should require one and
24 a half parking spaces at the very least, like the

1 one bedroom apartment requires one and a half.

2 Thank you very much.

3 **Huebner:** Thank you Jeanne. Genevieve Morrill followed by
4 Cole Ettman.

5 **Morrill:** Hi, good evening Mr. Chairman, Commissioners.

6 Genevieve Morrill, resident of Marina Del Rey and

7 President and CEO of the West Hollywood Chamber of

8 Commerce. I just want to congratulate Sheila

9 Lightfoot, Commissioner Lightfoot on your

10 appointment. We've always had a really good

11 relationship. You really respect the business

12 community and we are honored to have you up there.

13 And I wanted to thank David Aghaei for his service

14 who, if he's watching, did an excellent job as well

15 representing both the residential and the business

16 community. So, congratulations and to the Vice

17 Chair as well.

18 **Huebner:** Thank you. Cole Ettman followed by Stephanie
19 Harker.

20 **Ettman:** Good evening, Cole Ettman, City of West Hollywood.

21 Congratulations Commissioner Sheila Lightfoot.

22 Thank you to Lauren Meister for making a great

23 appointment. Someone who is very educated on the

24 issues and will bring a great amount of, wealth of

1 knowledge to the Commission and hopefully bring it
2 in the right direction. You know, West Hollywood
3 as a city, we, we're heading in the wrong direction
4 when it comes to what we decide to do and what we
5 decide to build and how we decide to build it. The
6 scale and the scope, parking, pollution, traffic
7 and most importantly, water. These are all issues
8 that I hope this new Commission will really take
9 into consideration. On tonight's agenda we talk
10 about entitlements, it's a good first step, but we
11 really need to look at the development agreements.
12 These development agreements are the ones that
13 brought us Sunset Millennium and Movietown Plaza
14 and it's really time to turn off the spigot,
15 literally, because there is no more water. So,
16 thank you very much and I look forward to hopefully
17 new and great things.

18 **Huebner:** Thank you, Cole. Stephanie Harker followed by
19 Michael Wojtkielewicz.

20 **Harker:** Good evening, Stephanie Harker, City of West
21 Hollywood. Congratulations Commissioner Lightfoot.
22 As I have been, become more, as I have become more
23 active in the community over the last four years I
24 thought I paid attention to detail and then I met

1 Sheila Lightfoot who really does know all the
2 details. I look forward to your Commissionership
3 and I thank Lauren Meister also for the great
4 appointment and then let's see, we have three
5 women, we're gaining on them ladies. It's really a
6 good thing to see the changes going on, the
7 positive changes. The City has done a lot of great
8 things in the past 30 years, but new blood has been
9 needed and I think it has arrived. Thank you very
10 much.

11 **Huebner:** Thank you Stephanie. Michael Wojtkielewicz.

12 **Wojtkielewicz:** Good evening, Commissioners and members of the
13 public, my name is Michael Wojtkielewicz, City of
14 West Hollywood. First and foremost,
15 congratulations Commissioner Lightfoot. The other
16 day the Santa Monica City Council publicly
17 discussed their controversial zoning ordinance
18 update that would allow for more dense housing
19 which is meant to increase the supply of housing
20 within the City of Santa Monica. I just wanted to
21 share one response from a longtime resident of
22 Santa Monica. Actually increased density will
23 change Santa Monica for the worse. As an almost 40
24 year resident, I've watched my lovely neighborhood

1 decline. Everything that made it unique has been
2 systematically eroded and destroyed. It may be the
3 panacea that development greedy investment
4 interests with towels on the City Council are
5 salivating over, rubbing their metaphoric hands ala
6 Uriah Heap. Witness the progressive destruction of
7 our neighborhoods all over Los Angeles as character
8 rich pockets have turned into blocks of tasteless
9 bunkers with no setbacks. Yes, toss out zoning and
10 this is what you get. Santa Monica will just be
11 another Hollywood by the sea. And I say that with
12 respect to West Hollywood because there has been a
13 Hollywoodification of this city and it really
14 seriously needs to be addressed, because the people
15 who have moved to the city years ago, decades ago,
16 did move to West Hollywood, they did not move to
17 Hollywood. Thank you.

18 **Huebner:** Thank you Michael. No more public comment.
19 Director's report. Stephanie?

20 **ITEM 8. DIRECTOR'S REPORT**

21 **DeWolfe:** Good evening members of the Commission, members of
22 the public. Congratulations to our newest
23 Commissioner and welcome. Since the last Planning
24 Commission meeting there have been two meetings of

1 the City Council. On March 16th there were three
2 Councilmembers sworn in. Mayor John D'Amico,
3 Councilmember Lindsay Horvath and Councilmember
4 Lauren Meister were all sworn in for a four year
5 term on that date. Councilmember Horvath was
6 appointed by the Council as the next Mayor and
7 Lauren Meister was appointed as the next Mayor Pro
8 Tem and you probably know this already, but in case
9 you don't, the installation of the Mayor will be at
10 the next Council Meeting on April 20th here in the
11 Council chambers. On April 6th, the other meeting
12 since we last met, there was a minor item, some
13 code amendments that were previously approved by
14 the Planning Commission had first reading. There's
15 also a discussion of the development at Sunset and
16 La Cienega, the annual review of their development
17 agreement was held with some discussion about
18 traffic impacts during construction. Those
19 conversations are ongoing as they move into other
20 phases of construction. And finally, I wanted to
21 make you aware for those that are following the
22 project at 826 North Kings Road that was previously
23 heard by the Planning Commission that appeal is
24 scheduled for hearing before the City Council on

1 May 4th. And that's all I have unless there's
2 questions for me this evening.

3 **Huebner:** Any questions for Stephanie? Okay, thank you very
4 much. Items from Commissioners. Commissioner
5 Yeber?

6 **ITEM 9. ITEMS FROM COMMISSIONERS**

7 **Yeber:** Sure, I'll start.

8 **Huebner:** You were anxious.

9 **Yeber:** First of all, welcome Commissioner Lightfoot.
10 You're in for an interesting ride but you'll find
11 it very fulfilling and meaningful and so I hope you
12 take advantage of every moment. I also want to
13 take, use this time to acknowledge our former
14 Commissioner David Aghaei. I want to thank him for
15 his service and his friendship. He certainly
16 showed all of us that he could be engaged in very
17 thoughtful and well informed testimony and
18 deliberation and do it without having any personal
19 agenda influence his decision. At the same time, I
20 wanted to express a bit of a disappointment for
21 that transition. I'm not sure why the transition
22 was so abrupt, it didn't give us, as a Commission,
23 opportunity to say goodbye and bid him farewell in
24 a proper fashion. The move came across as very

1 mean-spirited and, and illustrated to me that the
2 tenure of the third floor in City Council is going
3 to remain the same for the next four years. And
4 that concerns me. So I'd like staff to request of
5 Council that they develop a policy that would be
6 kinder and be more amenable to recognizing people's
7 longstanding service on the Commission by at least
8 having at least one day transition in which
9 Commissions can bring closure to outgoing
10 Commissions, so that it's a much more appropriate
11 transition. Thank you.

12 **Huebner :** Thank you Commissioner. Commissioner Buckner?

13 **Buckner :** Yes, I want to welcome our new Commissioner and
14 also tell Commissioner, ex-Commissioner Aghaei how
15 much I enjoyed serving with him and how well I
16 thought he was able to express a lot of, especially
17 the legal aspects of some of the matters that came
18 before Commission. I want to take an opportunity
19 to say goodbye to him, only for a moment because I
20 know I'll see him around because I've already ran
21 into him a few times actually, but I thank you and
22 I appreciate you being with us, look forward to
23 serving with you.

24 **Huebner :** Commissioner Lightfoot?

1 **Lightfoot:** Okay. All right, testing. I too would like to
2 thank Commissioner Aghaei for his service and I
3 will strive to follow his example to serve the
4 community with dedication and integrity.

5 **Huebner:** Commissioner Altschul?

6 **Altschul:** I too want to add my thanks to David Aghaei for his
7 extraordinary service to this Commission. I've
8 been on this Commission with the exception of a few
9 months for, it'll be 19 years I think in the fall
10 and David was one of the most congenial, bright and
11 sweet people that have served on it. And that
12 includes an awful lot of Commissioners who have
13 also been in those categories. He studied very
14 hard, he adapted to the concept and the ideas that
15 are discussed here in a very quick manner and all
16 of what Marc Yeber said was, I concur with
17 completely about his service and his personality
18 and his abilities on this Commission. So thank you
19 very much David and I'm so thrilled and proud to be
20 able to call you a friend.

21 **Huebner:** Commissioner Shink?

22 **Shink:** I want to welcome Commissioner Lightfoot. When I
23 first was appointed there was only one woman on the
24 Commission. That was Commissioner Buckner and it's

1 great to see qualified leadership no matter what
2 gender but it is nice to see the diversity up here.
3 So we welcome you. I want to congratulate my
4 cohort over here, Vice Chair Altschul for not only
5 his service that he's done for the City for so
6 long, but now for being our Vice Chair. He will be
7 a great leader. And I also want to say thank you
8 to David Aghaei. He too became a friend and he was
9 a sweet person no matter how contentious
10 deliberations became, or not. He always remained
11 very even keeled and he will be missed and his
12 service is greatly, greatly appreciated. So even
13 though we're changing and we have a new voice on
14 the Commission that's so welcome, we also have to
15 say goodbye to people who have given their time for
16 great service to our City. Thank you.

17 **Huebner:** Commissioner Deluccio?

18 **Deluccio:** You used to start with me first.

19 **Huebner:** I know. I just thought I'd go from right to left.

20 **Deluccio:** Anyway, I, what can I say? Welcome, Commissioner
21 Lightfoot. Welcome you to this Commission and I,
22 first I think I just met you this evening even
23 though you've seen me around I guess on television
24 and I look forward to working with you and maybe we

1 can have coffee one day soon. Commissioner, Vice
2 Chair Altschul, I'm so glad you're Vice Chair. You
3 haven't sat in the role of Vice Chair or Chair for
4 several years now and you've brought great
5 leadership to this Commission and as far as David
6 Aghaei goes, it was kind of short circuited. His
7 term just sort of abruptly ended but he did, he
8 served us well on this Commission for four years
9 and he was actually our Vice Chair before he left
10 and he actually fortunately had an opportunity to
11 be Chair for a few meetings when our Chair had to
12 recuse himself, and he showed his leadership and
13 how he's grown over the years and how he blossomed
14 and how terrific a job he did when he had to step
15 up to the plate and to be the Chair at some of our
16 meetings. So, we wish him the best and I know we
17 will see him around and maybe he'll serve on this
18 Commission or another Commission in the future
19 again.

20 **Huebner:**

And I'd also like to congratulate and welcome
21 Commissioner Lightfoot. It's, it's always nice to
22 have a, kind of a little, change is always good
23 whether we, you know, whether we agree with it or
24 not. I'd also like to personally thank Vice Chair

1 Aghaei. He was a really, really great wingman. I
2 thought he was very, very objective. He had a
3 freshness that I don't think a lot of us up here
4 had and he did, he studied the issues with great
5 detail and was very objective in his deliberations.
6 I'm also congratulating Commissioner Altschul as
7 being the new Vice Chair. I always appreciate his
8 sage advice and institutional knowledge so I'm
9 looking forward to a great Commission as we move
10 forward. And that's all I have to say for tonight.
11 Consent calendar, we have none. We'll move on to
12 Item 11, public hearings. Our first item, Item A,
13 1216 North Flores is...yes, Commissioner? Vice
14 Chair?

15 **ITEM 11.A. 1216 N. FLORES STEEET**

16 **Altschul:** John, on Flores is there no permit streamlining
17 issue with the continuance to a date uncertain?

18 **Keho:** They've given us a waiver so....

19 **Altschul:** What?

20 **Keho:** They've given us a permit streamlining waiver so
21 we, we'll be able to notice it within that time
22 period.

23 **Altschul:** Thank you.

24 **Huebner:** So that Item 11.A. will be continued and Item

1 12.B., Zone Text Amendments.

2 **Shink:** Can I say something about 11.A.?

3 **Huebner:** You can.

4 **Shink:** Thank you. I just want to acknowledge the letter
5 that we all received and read it into the record
6 from Victor Omelczenko, I think I'm pronouncing
7 that right. I think that there are very valid
8 concerns from the community. I think staff should
9 provide us with what he asked for in this letter.
10 Apparently, there was an e-mail that at least I
11 don't believe that I received and I just want to
12 acknowledge it and read it, you know, have this put
13 into the record that this was sent to us.

14 **ITEM 11.B. ZONE TEXT AMENDMENTS (MISCELLANEOUS CLARIFICATIONS)**

15 **Huebner:** Well, it will be in the record when the item comes
16 up, I'm sure. So Item B, Zone Text Amendments,
17 Miscellaneous clarifications. First one, we have a
18 staff report from Christopher Corrao.

19 **Corrao:** Good evening. Good evening Commissioners and
20 members of the public. I'm Chris, I'm a planner
21 with the City. Welcome to Commissioner Lightfoot.
22 Before I go ahead and get started with this
23 presentation on miscellaneous zone text amendment
24 that includes the execution requirements for

1 development agreements, and primary frontages of
2 corner lots, I just wanted to mention that last
3 week the long range subcommittee of the Planning
4 Commission met in a special meeting to discuss
5 these issues and they provided me with some
6 feedback on some of the language and so I've been
7 working with the City Attorney to craft this
8 language which is why you received a memo this
9 afternoon with updated language that wasn't in the
10 original packet. But it is in that memo, so I'm
11 going to go ahead and describe the details of those
12 changes. The first item is for development
13 agreements pertaining to how they are noted on the
14 zoning map. So you can see in blue the strike out
15 language. The strike out language is the existing
16 language and then the new language below basically
17 what it's saying is that in lieu of putting the
18 expiration of every development agreement on the
19 zoning map, which is quite difficult to see, as you
20 can see in this next slide, there's many...there's
21 a lot of information on our zoning map. We will,
22 the City will maintain a development agreement
23 master list that will...we will add development
24 agreements to it and remove it from it immediately

1 when they are approved. The other issue with
2 development agreements that, the other issue with
3 development agreements that this zone text
4 amendment addresses has to do with how they are
5 executed after City Council approves them. So
6 currently the language that's shown in blue text
7 again with strike through shows that in the current
8 way that zone text amendments are processed after
9 30 days they're automatically withdrawn. The new
10 language below changes that so that currently, so
11 that when a development agreement goes to City
12 Council, it will already be signed by the applicant
13 so that when City Council approves it and the city
14 signs it, it's effective. And so this is intended
15 to prevent litigation and streamline the process.
16 The other part of the zone text amendment pertains
17 to corner lots and how the primary frontage is
18 determined. The text in gray is existing text that
19 we are not planning on touching which is why it's
20 grayed out. The new text is underlined and this
21 first section appears in the section of the code
22 that discusses measurement of setbacks. So the
23 text would, the proposed text would add a section
24 that gives the planner some discretion in

1 determining what is the primary frontage for corner
2 lots. And this is the text that the long range
3 Planning Commission Subcommittee had some concerns
4 about that there was too much discretion so we
5 tweaked this quite a bit to add in that this
6 discretion would, specifically what's unique about
7 this discretion has to do with site planning and it
8 gives some criteria examples, setbacks, location of
9 building footprints, location of utilities, parking
10 ingress and egress. When changing that, we do have
11 to also change the definition of lot line, of front
12 lot line in the definitions so that it is
13 consistent and this sentence essentially just
14 references right back to the last section right
15 here. So then I just have a diagram to show what
16 this means. It's kind of hard to wrap your head
17 around it, so this is just an example of a parcel
18 at Fountain and Sweetzer. If you were to...in this
19 type of parcel, the reason I selected this, it's a
20 little uncertain which you, which area would become
21 the front setback or side yard setback because they
22 are relatively equal in length so the green area
23 could be the front setback and what that means is
24 that the area on Fountain and below would become

1 side yard setbacks. However, if you determine that
2 the area on Fountain were the front setback, then
3 the area on Sweetzer and to the other side of the
4 property become the side yard setbacks. And in
5 that situation you're creating, if you were to
6 construct a new project there, an example of how
7 that new project would be inconsistent with the
8 other properties in the neighborhood. So that's
9 why this discretion is necessary so that the
10 planner when doing site planning can make these
11 decisions that will impact the project. And so
12 that summarizes everything. I can now go back
13 through the slides if you have any particular
14 questions.

15 **Deluccio:** Chair?

16 **Huebner:** Yes, Commissioner Deluccio.

17 **Deluccio:** So actually we have two issues going on in this
18 zone text cleanup here. The first one, you sort of
19 skipped, glazed over part of the first one. The
20 first one introduced language in regards to
21 development agreements and the developer, or the
22 applicant would have to sign off on it before it
23 went to the City Council. Okay, how...there's
24 another portion of it. What happens if the

1 development agreement or the...it expires prior to
2 this, when it expired the directive would amend the
3 zoning map to delete the applicable DA overlay. I
4 noticed that you took that language out now and in
5 the new, and in looking at it and then you put new
6 language in that the DA overlay may, may is a very
7 passive word, may be removed from the property by
8 waiver zone map amendment. Why, we didn't discuss
9 that in our zoning, in our long range planning
10 meeting. All of a sudden I see this language in
11 this attachment.

12 **Corrao:** If I could allow the City Attorney to respond to
13 that.

14 **Hogin:** Good evening Mr. Chair and Commissioners. I'm
15 going to give a longish explanation so fasten your
16 seatbelts. A development agreement is a statutory
17 entitlement under the State Law the city may enter
18 into these development agreements and really the
19 only exchange is a vesting of the current laws for
20 a period of time in exchange for public benefits.
21 That's all the State law allows. So ordinarily a
22 property owner is subject to any changes in the
23 law, that just comes with owning property. If a
24 property owner has a proposal and they may take a

1 little longer than, to build it out and they want
2 immunity from the changes, future changes in the
3 law, they enter into these development agreements
4 in exchange for giving some public benefits.
5 That's kind of like the deal. The underlying
6 standards that are applicable and generally have to
7 be in the zoning ordinance. They're not, by State
8 law, they're not in the development agreement. In
9 West Hollywood, the Creative City, the City has
10 developed a mechanism for creating standards that
11 run with the development agreement. And the way
12 that that's accomplished legally is by an overlay
13 district. The overlay district is just like a type
14 of zoning. A zoning for R-1 or a zoning for multi-
15 family or zoning for commercial; all it does is
16 create the possibility, all the things that might
17 be in there. So if you're in the overlay zone for
18 development agreement but you don't have a valid
19 development agreement, all it means is that if the
20 City wanted to enter into a development agreement
21 it could because you're in the overlay zone that
22 allows it. It doesn't mean that you must. So the
23 difference is when you have a development
24 agreement, if it expires then this code section

1 gives the staff the ministerial duty of simply
2 making sure that the records, the master list
3 reflects the reality so now you're off the list
4 with your development agreement there, you have no
5 entitlements through development agreement.
6 Whether or not that property stays in the overlay
7 is a question of policy because it doesn't have
8 any...there are no, it doesn't give any
9 entitlements to be in an overlay district, it just
10 creates possibility. So there may be situations
11 where the City looks at a piece of property and
12 says you know now that that development agreement
13 has expired, we don't really want to consider any
14 development agreements in that area forever. Let's
15 go through the map amendment process that it takes
16 to enact that policy by removing the overlay or the
17 City may say you know what, who knows what'll
18 happen in the future, in the past we've had a
19 development agreement on that property, we may look
20 at one in the future, we can leave it there as a
21 possibility by, you know, just leaving the overlay
22 in place. Or they can just forget to think
23 anything and it would have no effect because it
24 would just be sitting there. It doesn't mean

1 anything until there's actually an agreement.

2 **Deluccio:** That's why we have the word may instead of shall
3 and...

4 **Hogin:** Exactly.

5 **Deluccio:** ...but this is not, what my, my little concern is,
6 we didn't...this is the first time, I'm on the long
7 range planning committee, so is Sue Buckner and
8 Marc also, Yeber, and this did not, we didn't
9 discuss this last week and this is the first time
10 I've seen this so, so that's...I just feel...that's
11 my, that is my concern.

12 **Hogin:** Right. No, I understand the...

13 **Deluccio:** Okay, thank you.

14 **Hogin:** ...procedural irritation but let me just add one
15 more thing. The way that the language was before
16 was odd because staff doesn't have the ability to
17 zone or rezone or designate zones, that is, those
18 are policy choices that are made by recommendation
19 to the Planning Commission and action by the City
20 Council. So it was odd, it was just an odd section
21 that seemed to suggest that the director had the
22 power to "remove" an overlay zone which is in
23 effect, like rezoning. And so we just, we're kind
24 of cleaning up procedurally to make it in line with

1 the legal and I know that doesn't....

2 **DeLuccio:** And I appreciate your comment but it wasn't even
3 brought up in the staff report this evening when
4 you read the staff report. So, I just want to put
5 this in the record. Okay, thanks.

6 **Corrao:** Okay, I do, since we're going to the record, I do
7 want to note that it is in the packet and it, and
8 it, that text wasn't changed from the subcommittee.
9 It wasn't discussed. It wasn't discussed, okay.

10 **Huebner:** Marc, did you...

11 **Yeber:** Well, no I just....

12 **Huebner:** Just because you are on the long range.

13 **Yeber:** Well, I was concerned too. I didn't recall this
14 was in the packet but I believe you. But it is,
15 but I sort of feel like it's the impetus for this
16 change really came out of Section II is what we
17 were really looking at was Section II and then when
18 the attorneys went back to look at Section II, they
19 went to the previous paragraph and said wait a
20 minute, that doesn't make any sense. You know,
21 from a framework standpoint so I, if I understand
22 how this occurred.

23 **Hogin:** Well, are you curious? I can answer your question
24 how it occurred.

1 **Yeber:** Yeah, I am curious. Sure.

2 **Hogin:** Is, we're...there was a lawsuit that involved this,
3 the implementation of this section in particular.

4 What happened is the City entered into a

5 development agreement and both parties, the City

6 and the, the other party believed that the

7 development agreement was in effect and in fact

8 there was a design review committee on the topic of

9 the development agreement and everyone was going

10 along and in the course of the lawsuit when we went

11 back and got the records, nobody could find the

12 executed copy of the agreement and it had slipped

13 through the cracks. Even though the parties

14 believed it to be executed, it hadn't physically

15 been executed. So the, the original impetus was

16 well, you know, we shouldn't be agreeing, we need

17 to figure out a way to, that, close that gap so

18 that doesn't happen and that was what brought in

19 the B. The other part of it is the same thing.

20 When we went back to look and say well, you know,

21 have to really take...the plaintiff was arguing

22 well now that you don't have a signed agreement,

23 you have a ministerial duty to take off the zoning

24 and we were arguing well the Director can't take

1 off the zoning because that's an act that has to be
2 done by ordinance. And so the cleanup from the
3 litigation point of view is the whole thing. We
4 were trying to...both of them were in our minds.
5 But I don't know what happened at the subcommittee
6 so.

7 **Huebner:** Commissioner Lightfoot?

8 **Lightfoot:** Yes, actually I had that question and I think you
9 explained it pretty well because I was, I was
10 really clueless about the may. My only other
11 questions are again, just about language. And this
12 might just be process. The, in the first sentence,
13 upon the effective date of an ordinance, placing a
14 property in the DA overlay district but then the
15 language is different, after execution by all
16 parties, the development agreement is added to the
17 master list. And I'm just wondering why the, why
18 the language is different upon the effective date
19 of an ordinance versus after execution of all
20 parties. Could you explain that?

21 **Corrao:** Sure, go ahead.

22 **Hogin:** Yes, I could. And it's...and I love how carefully
23 you're reading this because this is my life. What,
24 what the two sentences say are this. When the

1 zoning is changed and in effect, i.e., when the
2 ordinance takes effect, it's time to change the map
3 and when the development agreement is executed,
4 it's time to put it on the list. The list is a
5 list of executed agreements and the map is the
6 amendments to the map after they take effect, after
7 the ordinance is adopted. So the triggers are just
8 appropriate to what's happening. In order to have
9 the, all of the rights and responsibilities of a
10 development agreement, both things have to have
11 occurred. You have to have the executed agreement
12 and the rezoning has to have happened.

13 **Lightfoot:** Thank you.

14 **Hogin:** You're welcome.

15 **Huebner:** We have any other questions for staff? I'll open
16 the public hearing and we have one speaker. Ric
17 Abramson.

18 **Abramson:** Good evening Commissioners, Ric Abramson, 26 year
19 resident of City of West Hollywood. I'm, I want to
20 speak briefly about the corner lot question but now
21 I'm more confused about the development agreement
22 item so maybe I'll have, maybe I'll be able to get
23 to that in a minute. And welcome Commissioner
24 Lightfoot. Looking forward to seeing you in action

1 as well. So on the corner lot item, this I really
2 appreciate staff bringing this up because under the
3 current guidelines we end up sometimes in very
4 peculiar situations where lots actually turn 90
5 degrees from one street to another and in many
6 cases it results in pure interpretation of the
7 code, projects that are just completely
8 incompatible with the neighborhood and don't really
9 reflect the fabric. So I do encourage you to go
10 forward with the code change, however, the way it's
11 worded is not referring to both frontages and I
12 just want to make sure that there's an opportunity
13 to align and be compatible with both streets
14 regardless of what they're called. We tend to like
15 to call things front yards and side yards and rear
16 yards and, you know, when you have two front
17 corners, you're not sure which is front and which
18 is side. To me that's irrelevant. What is
19 relevant and important is the street and we have to
20 write the language in a way that gives the director
21 the power to make a great street by allowing
22 prevailing setbacks and urban frontages to align
23 with one another and that's what should be about.
24 On the development agreement, if I'm understanding

1 correctly we need a DA overlay in order to have
2 more flexibility on the time limits and put the
3 time, and maybe I'm wrong and maybe you can
4 correct, and so the time limits then are outside of
5 the projects that are within the code and under the
6 normal zoning, these get special treatment. And
7 then when that time limit that's negotiated
8 expires, then it's taken off the list but it's
9 still within an overlay so they can come back and
10 negotiate a new agreement I would suppose but it
11 seems like the whole thing is not needed if we just
12 say development agreements should have the same
13 time limits as all other projects in the City and
14 right now we're going to be talking about that
15 tonight but it looks like it's going to be at least
16 five years and for someone to stand up before you
17 and say I'm asking for this entitlement but I want
18 more than five years to do it is a little bit
19 strange to me. So, if there could be some
20 clarification as to why we need to set development
21 agreements outside of all other projects. The
22 other consideration is that they're very expensive
23 and so development agreements are really for those
24 who can afford them and the small property owners,

1 the smaller projects, really don't have access to
2 development agreements and I think we need to
3 consider not moving unintendedly towards a pay to
4 play which exasperates more or encourages more
5 development agreements.

6 **Huebner:** Thank you Ric. Jeanne Dobrin?

7 **Dobrin:** Jeanne Dobrin, resident of West Hollywood. I must
8 confess that I am not as informed on this as
9 probably I should be. Sometimes people accuse me
10 by saying you think you know everything and I say,
11 no, I don't know everything, I just know almost
12 everything. In this particular case, I really
13 don't know very much, but there is one thing that I
14 know. There is a property on Sunset Boulevard that
15 has been vacant for many, many years, Sunset and
16 Hilldale. And I believe that the development
17 permit was granted 16 years ago. I think we all,
18 and I think we all have to agree that our zoning
19 ordinance and our attitudes towards what is
20 happening in the City and the people who are on the
21 Planning Commission and City Council are changing.
22 That means that there have been such tremendous
23 changes in the 16 years that to me it is very, very
24 wrong to allow this project to go forward. And I

1 noticed in the report it compared our city to other
2 cities and it said that the time of extension after
3 the (INAUDIBLE) is unlimited. There is no other
4 city that has it. A friend of mine said to me, but
5 Jeanne, the State has mandated that if the city
6 wants to they can have these unlimited things
7 because of the economy. I hope that we would all
8 agree while the economy is not perfect it certainly
9 is a hell of a lot better than it was 10 and 16
10 years ago. So I am very glad to see that our city
11 and the Planning Commission and the department are
12 addressing this to some extent and I hope that
13 there will be a limit on extensions. I see Mr.
14 Huebner and Mr. Altschul exchanging glances. Maybe
15 they don't agree with me, but I love them still.

16 **Altschul:** No, what we're doing Ms. Dobrin is commenting on
17 the fact that you were talking about the next item,
18 not this item.

19 **Dobrin:** (INAUDIBLE).

20 **Altschul:** That's because you're not listening. What we said
21 was you're talking about the next item, not this
22 item.

23 **Huebner:** So noted though. Any other questions or
24 deliberation?

1 **Deluccio:** I do. I have a question of staff. Development
2 agreements are usually more than five years, aren't
3 they?

4 **Dobrin:** I apologize. (INAUDIBLE).

5 **Huebner:** Apology accepted.

6 **Deluccio:** So Jeanne you're eating into my time. Development
7 agreements are usually more than five years?
8 Generally speaking. Okay, they're longer than
9 that. I actually now understand what, thank you
10 Christi, I understand this language. What we're
11 saying is how can the director just come along and
12 remove an overlay zone, a development overlay zone.
13 I get it and now we're moving it down, we're
14 putting the language where it may, it's a may
15 because it could possibly happen in the future,
16 maybe when they're doing cleanups to the zoning
17 ordinance or whatever. Okay, so I understand that
18 and I get it. And I accept that. But the main
19 reason really was, brought before us was because of
20 the corner lot situation and that has been a
21 dilemma for many, many years. I know we had a
22 Commissioner, Vice Chair Altschul remembers when we
23 had the project on San Vicente and Cynthia come
24 before us. Exactly. We struggled with that one

1 where the, actually without this language in here
2 the front of that was on Cynthia and that was very
3 narrow and all of San Vicente is where the actual
4 building was, the build out was and that went for a
5 half a block, so we have struggled with this and I
6 want to thank staff for bringing this forward and
7 also for cleaning it up a little bit to actually
8 put some criteria in here of what the director
9 would use to make a decision if indeed you can turn
10 it around and use the other street for the frontage
11 instead of the, the street which is more narrow.
12 So I do want to hear what everybody else has to say
13 but in my mind, it raises something else actually.
14 A situation like this would almost say okay, the
15 lot, what's different about this lot versus other
16 lots? Maybe there's one particular lot on each
17 street where this would happen or, or wouldn't that
18 also edge onto them coming forward, the applicant
19 and asking for a variance?

20 **Corrao:**

20 I'll let the City Attorney answer that but I would
21 hazard against it, because it's a corner lot and
22 there's corners to every block that there would be
23 no grounds for a variance. There's no hardship
24 because the parcel is a corner lot.

1 **Deluccio:** Have we done a survey?

2 **Corrao:** No, but I'll defer to the City Attorney if...about
3 the variance question.

4 **Hogin:** You know, as the Commissioner knows that variances
5 are fact intensive and site specific. As a general
6 rule, there are corners on every block, four of
7 them. And so, each of those corners would be
8 treated the same, so there wouldn't be...it's not
9 enough because it's a corner to be unique. And so,
10 you know, and I think the language as it's being
11 proposed is intended to create only those
12 circumstances where the outcome is more like the
13 rest of the block which requires it to be treated
14 differently in order to arrive at the same end.

15 **DeLuccio:** Yeah. I mean I just want to throw that out for
16 discussion and I mean I want to hear what everybody
17 else has to say, but I think staff has done a good
18 job in crafting this and we did sit in the long
19 range subcommittee, this came before us at least
20 once and I think this is something I'm, possibly
21 would recommend to try to Council because we've
22 been wrestling with this for a long time.

23 **Huebner:** Ms. Buckner?

24 **Buckner:** Yeah, we wrestled with it on the subcommittee

1 meeting and I think that it's pretty clear, it's
2 clearer now than it was then although I do think
3 it's quite complicated when you really think about
4 it and it really is intended for those unique
5 corner properties where if they didn't make these
6 adjustments for the front and the side that it
7 would be, it would be inconsistent or out of line
8 with the other neighbors on that block and that's
9 the purpose of this so that we can maintain those
10 setbacks when they're appropriate. So I'm okay
11 with it. I think it, it seems pretty clear to me
12 now.

13 **Huebner:** Marc? Commissioner Yeber?

14 **Yeber:** Yes, I didn't have any major issues with Section I
15 and II, I did have some concerns about the may but
16 I understand that and, and the rationale for it.
17 Going to Section III, two things. First I want to
18 focus on B, flag lots. The flag lots, do we know
19 how many of those we have in the City and if Chris
20 you could explain, I read through this language a
21 couple times and again, I know this was probably in
22 our packet, the materials that we received when we
23 were in long range subcommittee but we didn't bring
24 this particular item up.

1 **Corrao:** The flag lots is not changing.

2 **Yeber:** It's not changing at all?

3 **Corrao:** Only the underlying text changes.

4 **Yeber:** Got you, okay.

5 **Corrao:** But when I included, I make sure to insert it so
6 that code writers, the codifiers know to insert it
7 so that it's....

8 **Yeber:** That's right because it's not underlying risk.
9 Okay.

10 **Corrao:** Exactly, yes.

11 **Yeber:** It just threw me, like okay, wait a minute, we
12 didn't talk about flag lots and I'm thinking...do
13 we know how many flag lots we have in the city?

14 **Corrao:** I do not but I could find out.

15 **Yeber:** I know we have at least one.

16 **Corrao:** Yes.

17 **Yeber:** Anyways, but back to this overall, the setback, one
18 of the comments made was about the language of
19 defining front versus side yard setback and I was
20 thinking of a scenario in which, you know, you have
21 two very strong prevailing setbacks going on that
22 are perpendicular to each other. How do you
23 rectify that and does that give, if we were to take
24 out the word front, front yard and just say

1 prevailing, would that make it easier to make a
2 determination of what is most compatible for that
3 particular block?

4 **Corrao:** So instead of saying the primary frontage, if you
5 were to say the prevailing frontage?

6 **Yeber:** Whether it's, you know, on whatever street has the
7 prevailing frontage?

8 **DeLuccio:** Where's that language in here, Marc?

9 **Yeber:** What?

10 **DeLuccio:** Where's, where's the lang-, it's on II?

11 **Yeber:** Part A.

12 **Huebner:** Part A. Yeah, on Page 4.

13 **Yeber:** Talking about primary frontage.

14 **Corrao:** I think we would have to investigate it further and
15 also potentially come up with a definition for
16 prevailing in the definitions.

17 **Yeber:** We don't have that now? Do we not have a....

18 **Corrao:** I don't believe so.

19 **Yeber:** Do we not have a prevailing setback in some of the
20 district, in some of the areas?

21 **Corrao:** No, we use...to determine setbacks, we do the
22 average of the two neighboring properties. I don't
23 believe the word, I don't believe we have the word
24 prevailing in definitions.

1 **Yeber:** Okay. Wouldn't that be the same? If you're
2 averaging, wouldn't that be the prevailing?

3 **Corrao:** It would be but we still would have to add it to
4 the definition.

5 **Yeber:** Okay. I mean what if you get into a situation
6 where the staff decides that the front yard setback
7 is on one street and the applicant thinks the
8 better solution for the neighborhood, not
9 necessarily for the project itself, is on the
10 perpendicular street. How do you resolve that?

11 **Corrao:** I think in that type of situation we would probably
12 have to maybe bring...they're allowed to appeal
13 staff level decisions up the chain of the, to the
14 director and then up the Planning Commission if
15 they really want to, but that happens early in the
16 process before there's really a project so it's
17 probably less likely, but it is possible to appeal
18 that up to the Planning Commission.

19 **Deluccio:** (Talking over).

20 **Yeber:** They would appeal before they start the project?
21 Before they start designing the project?

22 **Keho:** John Keho, Assistant Director. So we would have to
23 make that, if there is a question about that, that
24 determination would be made very early. Real early

1 in the process because they're having to design it,
2 probably even before they make the application. So
3 most likely that would have been agreed upon before
4 they made an application that this is what the
5 primary frontage would be. If there was still some
6 disagreement on the rare occasion that that would
7 happen, they could apply for a Director's
8 interpretation for an official interpretation and
9 then if they still disagreed with that, they could
10 appeal it up the ladder to Planning Commission.

11 **Yeber:**

12 So, wait, let me ask you a question because that
13 brings a, an interesting challenge is typically an
14 applicant comes in, comes to you and has informal
15 meetings about what a applicant is proposing and
16 what the City thinks is appropriate for a site.
17 It's during that discussion that you would then say
18 well we think the frontage should be on, and we'll
19 use Sweetzer since that was one of the examples,
20 should be on Sweetzer and is that a hard fact, is
21 that, do they get that as a, we officially, without
22 a project actually in your pipeline, can you
23 actually make a determination at that point? I
24 mean is that document legally binding since nothing
has been submitted yet?

1 **Keho:** The answer would be no.

2 **Hogin:** Not binding on us.

3 **Keho:** Not binding on us. Just like when someone wants to
4 apply for a variance, they would ask us can we get
5 a variance from this and we would say, our
6 experience would say, you know, based on the
7 findings, it might be possible. And so then they
8 apply, but it's not binding. We didn't say that
9 yes, they get a variance. The same thing here, we
10 would say it looks like, most likely these things
11 would be brought to us by the applicant. They
12 would say they're designing a project and the
13 setback doesn't seem to work appropriately and they
14 would say can we do something else to make the
15 property work and then we would look at this
16 provision of code and we would say oh, that
17 provides us flexibility to make an alternative
18 interpretation and we believe that we agree with
19 you in the particular case and we would agree that
20 that's the setback it should be and so we would
21 suggest that and then they would move forward with
22 it. They would then submit the application but
23 then just with everything else, the application has
24 its own review process and public comment period.

1 **Yeber:** Right.

2 **Keho:** That the public could then take a look at it.

3 **Yeber:** So what you're saying though is the applicant would
4 initiate the determination of what that front
5 setback would be and you would either agree or
6 disagree?

7 **Keho:** That's....

8 **Yeber:** You would not initiate as fact?

9 **Keho:** Only in rare occasions would that happen, it might
10 happen, but most of the time people are coming to
11 us with requests.

12 **Yeber:** Okay, thank you.

13 **Huebner:** Commissioner Shink, did you get your question?

14 **Shink:** Yeah, I mean I think that the, I think that using
15 the word primary initially but listening to you
16 talk about the clarification will be made as the
17 process unfolds actually makes me feel better.
18 Because it was, again, one of the public speakers
19 was saying that had a concern and I actually had
20 that same concern myself when I was reading the
21 language. How do you make the determination of
22 primary frontage and what happens if we disagree?
23 But now that you've clarified it, I believe that my
24 question has been answered.

1 **Deluccio:** And I just made a motion.

2 **Shink:** Oh. Based on what I just said? Okay.

3 **Huebner:** No, I had the same concern, I think it just gives
4 them the flexibility to deal with alignment to make
5 sure that.

6 **Shink:** So that it matches the neighborhood?

7 **Huebner:** So it matches, so that it's...yeah, so it's
8 cohesive with the neighborhood and it doesn't....

9 **Shink:** Which is the most important thing.

10 **Huebner:** Right. Exactly.

11 **Shink:** So it gives the discretion then? Correct. Okay.

12 **Huebner:** And that flexibility and discretion. So we have a
13 mot-, do we have any more comments?

14 **Deluccio:** And I only made the motion because I know how to
15 push the buttons now.

16 **Huebner:** Well, we have a motion and a second so, motion by
17 Commissioner Deluccio and a second by Commissioner
18 Buckner, so call the question.

19 **Hogin:** For clarity, the motion is to adopt the resolution,
20 right?

21 **Huebner:** The staff, yes.

22 **Deluccio:** That you have the word may in it.

23 **Hogin:** Okay.

24 **Huebner:** With the word, yeah, may, not shall.

1 **Corrao:** Thank you.

2 **Gillig:** Commissioner Buckner?

3 **Huebner:** Is everyone voting here? All right, motion passes
4 [UNANIMOUS]. Thank you. Okay, moving on to Item
5 11.C., Zone Text Amendments entitlement limits.
6 Staff report from Georgia Sheridan.

7 **Dobrin:** (INAUDIBLE), I apologize (INAUDIBLE).

8 **Huebner:** We'll remember your comment for this item.
9 Georgia, you're on.

10 **ITEM 11.C. ZONE TEXT AMENDMENTS (ENTITLEMENT LIMITS)**

11 **Sheridan:** Good evening, everyone. I'm Georgia Sheridan, I'm a
12 planner in the long range and mobility planning
13 division and welcome public and welcome
14 Commissioner Lightfoot. This evening we are going
15 to be discussing changes to the zoning ordinance
16 regarding entitlements and their time limits,
17 extensions and any amendments to approved projects.
18 This is something that the City has struggled with
19 for some time. We already had a comment that noted
20 that we have unlimited entitlement periods, so
21 under our code today we have a two year entitlement
22 permit period. You can then get a two year
23 extension and after that extension you can apply
24 for another extension and another extension and

1 another extension and another extension. You get
2 the point, so we have an unlimited time period.
3 This is very...from looking at other cities, this
4 is not the norm and it has resulted in some
5 negative unintended consequences. Projects that
6 are entitled but unbuilt can have a number of
7 effects on our urban environment. Number one, we
8 can end up with land that's not developed and is
9 laying vacant and can be adding blight to our
10 community. We can end up with land that is
11 artificially inflated in terms of its values with
12 people selling entitled lots, but not really
13 intending to develop them. Projects that are
14 coming in and are looking at developing are then
15 incorporating entitled but unbuilt projects into
16 their own environmental analysis and so it's
17 distorting their analysis. Projects that have been
18 extended for a long time when they finally get
19 built, often the mitigation measures are not in
20 line with what we had initially approved, and
21 finally, just in terms of our City goals projects
22 that go on for many, many years when they're
23 finally built they're not always built with the
24 vision and the goals that we had approved them

1 under. So we'd like to propose a couple of changes
2 to bring our city in line with the other cities in
3 the Southern California region and really try and
4 get approved projects to be built within a
5 reasonable time frame. So I'm going to go over a
6 couple of the changes that we are proposing. The
7 first change is to extend the initial permit
8 period. Today it's two years, we are proposing to
9 extend that period to three years with the idea
10 being that we would give applicants an additional
11 year to get their project vested with the idea
12 being that perhaps we could eliminate the need for
13 extensions at all by giving them a little more time
14 upfront. We then propose reducing the extension
15 period which today is two years to one year so
16 we're going from two years to three; and then a two
17 year extension to one year and proposing two
18 extensions. So that gives you five years. Now
19 there are some projects which may come in and
20 request an additional time period because they made
21 a major change and that's allowed under our code.
22 However, when you come in and make a major change
23 to an approved project, there's not a clear
24 timeline for that right now so we would like to

1 kind of close that up, tighten it up to be a one
2 year time period for a major change and we would
3 like for those requests to be made within the
4 initial permit period. The idea being that we
5 don't want people coming in with an entitlement
6 permit going through three years and then asking
7 for a major change because then they might not end
8 up with enough time. So we want that, or sorry,
9 what I'm saying is we don't want someone to go
10 through three years, ask for an extension and then
11 ask for a major change because now they're almost
12 out of time. We want that major change to occur
13 within the first time period so that there's enough
14 time to review and get through the process. We're
15 also proposing a couple of minor tweaks to
16 streamline the process. One of them is to
17 eliminate the 30 day notice requirement. Currently
18 you're required to request an extension within 30
19 days of your permit expiring and we've had a couple
20 people that have forgotten the 30 days and then all
21 of a sudden they can't apply, so we want to
22 eliminate that so you can essentially apply up
23 until the last day for an extension. That was also
24 something we met with the Chamber and the long

1 range planning subcommittee and we've been going
2 kind of back and forth over some of these
3 provisions, so that was something that they liked.
4 The other thing that the Chamber of Commerce kind
5 of requested is a suspension or a tolling in our
6 legal language for the permitting process so when
7 we are processing an extension, we would allow that
8 permit time period to be suspended so essentially
9 our processing time is not counted against the
10 applicant. So here's a summary of our changes to
11 what we have today to what we're proposing so in
12 essence you kind of get two plus two plus infinity
13 today, and we are recommending that we would get
14 three, three years plus one year extension plus
15 another year extension and then you would have to
16 reapply. In terms of how this affects existing
17 projects, we recommend that approved projects under
18 today's standards would be allowed a two year
19 extension because we don't want to shortcut their
20 time. We also want to allow approved projects one
21 additional extension but we don't want to continue
22 the unlimited number of extensions. Someone
23 earlier mentioned development agreements and I
24 wanted to note that development agreement projects

1 are not subject to these time limits. They are
2 guided by the contract itself so typically
3 development agreements have much longer time
4 periods. That is something that if the City was
5 interested in looking at that, that would have to
6 be its own issue in itself. In some cases the
7 State governs certain permits such as the
8 subdivision map extension so in that case the State
9 law would govern the time period, not our City, and
10 then finally if we were to go through another
11 significant downturn or have a terrible earthquake
12 and across the board development opportunities were
13 threatened, the City could issue a temporary
14 extension ordinance to extend entitlements. So
15 while these changes today are proposed, if
16 something was to occur that was to dramatically
17 impact everyone, we could issue an ordinance to
18 kind of protect people during that time and the
19 City of Los Angeles did that during our most recent
20 recession. So, all in all, we are trying to create
21 a more predictable process by making it very clear
22 what time period you have, how many extensions you
23 get, reduce kind of the blight or the artificial
24 land values that can occur, but most of all to try

1 and assure that when we do approve projects as
2 staff, as Planning Commission, as City Council,
3 that these projects are built within a reasonable
4 time period under the premise that we've approved
5 them. So if you have any questions or...?

6 **Buckner:** Yes, may I?

7 **Huebner:** Sure, Commissioner Buckner?

8 **Buckner:** Thank you. Georgia, this didn't even occur to me
9 when we were in long range plan in the subcommittee
10 but what do you call a major amendment? What's
11 major? What would determine a major amendment or
12 change in the permit?

13 **Sheridan:** I'm just pulling up the....

14 **Buckner:** It says what it is?

15 **Deluccio:** It says on Page 4 of the resolution.

16 **Sheridan:** That's right. Yes, it's under our, just looking at
17 our....

18 **Deluccio:** Attachment A.

19 **Buckner:** Oh, I'm sorry I missed it, looking at that then.
20 So it's pretty clear what a major amendment is.

21 **Deluccio:** Yes.

22 **Sheridan:** Yes, so we have, we have a section in the code that
23 deals with what's major and what's minor.

24 **Buckner:** Oh, I see.

1 **Deluccio:** But that wasn't, initially you had not...for that,
2 you did not give us that?

3 **Sheridan:** No, initially we really were starting to look at
4 the entitlement time limits and as we looked into
5 that we realized well, people can also extend their
6 time period through the major amendment venue so
7 that was kind of what directed us to look at that
8 as well while we were doing this.

9 **Shink:** Which is why you gave the one year extension?

10 **Altschul:** Right.

11 **Shink:** On the one year extension for major.

12 **Sheridan:** Right. Correct.

13 **Huebner:** So to your point about the 30 day limit, does the
14 City give any notice to the applicant or is the
15 onus all on them? I mean do we tell them like in
16 60 days you're entitlement is going to expire?

17 **Sheridan:** I believe the onus is on the applicant.

18 **Deluccio:** Excuse me to interrupt, it used to be 60 days and
19 then they reduced it to 30, so obviously it hasn't
20 been working.

21 **Sheridan:** I think the idea is if you're going to get an
22 extension, let's allow them to request the
23 extension, you know.

24 **Huebner:** Until the 11th hour.

1 **Sheridan:** Sometimes that's what you need.

2 **Yeber:** Just for clarification, what it means when someone
3 has made it within that time frame meaning is that
4 construction documents have been submitted to the
5 City? Not that the project has broken ground.

6 **Sheridan:** The entitlement permit requires you to be vested
7 and the language for being vested is in the permit,
8 the development permit which requires some
9 significant construction to have begun.

10 **Yeber:** Okay, so shovel in the ground?

11 **Huebner:** Yep.

12 **Sheridan:** Shovel in the ground and I believe some kind of
13 concrete that's pouring.

14 **Yeber:** So a 60 day won't...I mean I raise that because you
15 guys were talking about alerting them, it sounds
16 like, you know, you would need at least six months
17 out, you know, to play it safe to get a set of
18 construction docs into the city and start review
19 and especially for larger projects.

20 **Keho:** Are you referring to when they need to submit the
21 request for the extension?

22 **Yeber:** No, what I'm trying to figure out is the time
23 period in which we give them if I understand
24 correctly is from the time we stamp this is now

1 entitled to three years out when they've already
2 started construction.

3 **Keho:** Correct. So they have to work backwards from that
4 date to make sure they're...

5 **Yeber:** Right.

6 **Keho:** ...under construction enough to qualify as a vested
7 project.

8 **Huebner:** By the time their entitlement runs out.

9 **Sheridan:** Right.

10 **Yeber:** Right, that's what I'm saying but somewhere, some
11 of the discussion was talking about a 60 day
12 warning. Well if they don't have the project in
13 the city, I mean if they don't have the documents
14 in the city, they're in trouble. They're not going
15 to make it.

16 **Huebner:** Correct. Correct.

17 **Keho:** There's two different things. I mean if they don't
18 have their documents into the city, they might be
19 just about to submit to us and that's why they ask
20 for the extension and they get...the permits are
21 submitted the day after the extension is approved,
22 we can then approve the construction documents and
23 then they get under construction.

24 **Yeber:** Got you.

1 **Deluccio:** We're talking about two different things here. One
2 would be you can get an approval on a project, now
3 it could be up to three years and you haven't even
4 started.

5 **Buckner:** Right.

6 **Deluccio:** And you're entitled, this would allow you to get an
7 extension for one year or two, two extensions.
8 That's what I was talking about and we used to have
9 the 30 day rule, you had to apply within 30 days in
10 order to do that and years ago it was 60 days and
11 now you're saying that it would be, it's up to them
12 to apply by the...before it expires. But no, no
13 time limit when they need to do that.

14 **Huebner:** But to that tolling time, I mean when they submit
15 for permit, if when they submit construction
16 documents for permit, does the clock stop for them?

17 **Keho:** No, it only stops for when planning is reviewing
18 the extension request.

19 **Huebner:** Only when planning is.

20 **Keho:** So, if they haven't submitted their plan, their
21 construction documents by the end of the three
22 years...

23 **Huebner:** They need an extension?

24 **Keho:** ...they need an extension of one year but you know

1 they're in real jeopardy of being able to get
2 everything accomplished in that last year.

3 **Huebner:** Thank you.

4 **DeLuccio:** And they have to make a reason why obviously, a
5 valid reason why they need an extension.

6 **Lightfoot:** I have a few questions. First of all, I'd like to
7 ask you, right now with the two year initial time
8 period, how many projects...what percentage of
9 projects don't have to ask for an extension? With
10 the way we have the two year primary period now.

11 **Keho:** We've never kept a list specifically of the
12 extension requests, that type of thing, but I will
13 say that during the recession, the State of
14 California kept approving extensions so everything
15 that was approved from about 2009 to 2012 got a
16 series of extensions that the State of California
17 granted to everybody in the State.

18 **Lightfoot:** But other than, you know, extraordinary
19 circumstances, I'm just talking about normally, on
20 a normal development, right now they've had an
21 initial period of two years that you're
22 recommending we extend to three years. So, I'm
23 wondering what percentage of projects now are
24 beyond the two and asked for at least one

1 extension.

2 **Keho:** So we probably get about maybe 10 extension
3 requests a year.

4 **Lightfoot:** For how many projects?

5 **Keho:** We issue...I guess I wouldn't know how many all
6 together but we issue way more than, it's not a
7 very large percentage of projects, but it's a
8 significant number. I don't have the actual
9 percentage of the permits.

10 **Lightfoot:** And also, right now the regular extensions, who
11 approves them?

12 **Sheridan:** Under the current code and what we would maintain
13 the first extension request may be approved by the
14 director and any subsequent extensions would be
15 approved by the approving, the original approving
16 body. So if it was the director, it would be the
17 director, if it was Planning Commission it would be
18 Planning Commission. I also wanted to note on your
19 earlier question, even though we have not been
20 tracking this, we recently introduced a new system
21 called TRACKiT which is basically an electronic
22 system that will track all of our applications, so
23 the types of questions that you're asking we will
24 be able to answer hopefully better in the future.

1 **Lightfoot:** Okay, now is that language for the director to
2 approve the first and the review body to approve
3 the second, is that in the language for the
4 changes? It isn't, is it?

5 **Sheridan:** We haven't changed...no, we're not proposing to
6 change that. That's the language today and that's
7 the....

8 **Lightfoot:** Is the language in there today?

9 **Sheridan:** Yes.

10 **Lightfoot:** Okay. Also, and some of these questions, for the
11 public's understanding, some of these questions are
12 questions that I asked of staff prior and I'm
13 asking them again for the benefit of the public.
14 One of the questions that I had was about tolling
15 but that is taken care of in a clarification that
16 you have in the amended resolution. As far as a
17 major amendment is concerned, how long when we have
18 a major amendment now, how long are we giving
19 people now on a major amendment? Does it
20 fluctuate? Does it go maybe between six years, a
21 year, a year and a half, two years?

22 **Sheridan:** It currently does not have a clear statement in our
23 code of how long major amendments may last. It
24 states that it follows other permit processes so

1 it's a little bit left to discretion.

2 **Lightfoot:** Is that decided....

3 **Sheridan:** Which typically means two, but....

4 **Lightfoot:** Two? Two years? And, and is that decided, if a
5 major amendment goes before the review body then is
6 the time allowed for the major amendment decided by
7 the review body?

8 **Sheridan:** It's typically...do you want to...?

9 **Keho:** So the time, once we put the time limits in the
10 code, those are usually a condition of approval
11 that are standardized and put into the permit and
12 so it's just one of the standard conditions of
13 approval that says how long the permit lasts.

14 **Lightfoot:** Oh, I was just referring to what we're doing now.

15 **Keho:** Right, so this would become standardized the same
16 way so if a major amendment gets the one year
17 extension that would be automatic.

18 **Lightfoot:** Okay. Another question, another question that I
19 have is on deciding, it says that the director
20 decides whether it's a minor or a major amendment
21 and I'm just, I'm wondering because the word
22 significant is used quite a bit and I'm just
23 wondering what actually qualifies as significant
24 because when someone, when a development is asking

1 for a major change in a project, to a lot of people
2 in the neighborhood, to a lot of adjacent
3 properties, people on the street, whatever; any
4 impact is considered a significant impact. So
5 these are impacts over and beyond what the review
6 body initially allowed for the development, so I'm
7 just wondering if you can give us a sense of what's
8 considered significant so what would be kept within
9 minor, a minor amendment versus what would be a
10 major amendment that would then have to be approved
11 by the planning body?

12 **KeHo:**

13 Sure, we deal with this all the time because people
14 are always coming and asking for changes to
15 projects. One of the key things that we look at
16 when we are determining major or minor is, you
17 know, what went to the Planning Commission, if it
18 went to the Planning Commission, what were...were
19 there comments by the Planning Commissioners on
20 certain things, did the Planning Commission make a
21 finding saying we're approving this project because
22 we like the red tile roof, just using as an
23 example. So if the Planning Commission said we're
24 making the findings that the project is compatible
and because of the characteristic design of the

1 tile work on the building and then the, someone
2 comes in and says we want to change the red tile
3 roof and make it flat, we would go well that was
4 part of the finding that the Planning Commission
5 made, so that's a major thing that the Planning
6 Commission really felt was important to the
7 project. If they come in to us and they're
8 changing the windows slightly, they're moving the
9 windows because the floor plan changed a little bit
10 and so the windows are moved, you know, a few feet
11 one direction or other, but it doesn't really have
12 any direct relationship with why the Planning
13 Commission approved the project then that would be
14 considered minor. So those are kind of two
15 examples.

16 **Lightfoot:**

17 Okay, and also in the comparison that you gave us
18 for the other cities, major amendments aren't there
19 for us to compare. All of the other items are
20 there. The initial period, the extension period,
21 the number of extensions and major, extensions for
22 major extensions aren't there. Do you have any
23 idea for even an example of one other city and how
24 they might handle their major amendments, whether
they automatically give a particular time period or

1 restrict them to a time period or whether it has to
2 be done within the scheme that is already in place?

3 **Sheridan:** That section of the comparison chart is not
4 something, as I mentioned before, we started
5 looking at entitlement periods originally and so
6 this chart was developed and we were not looking at
7 major amendments until eventually we came to that
8 section, so I don't have the data on other cities
9 for that.

10 **Lightfoot:** I think that, as far as just questions are
11 concerned.

12 **DeLuccio:** I know I have the same concerns about this and
13 that's why I think you actually elaborated, and we
14 haven't really changed the criteria right now
15 that's being used by the director to determine a
16 minor or a major but I noticed that you sent out
17 amendments earlier in the week and you put this in
18 here. I don't think this was in the original
19 document that we received in our packet. When you
20 talk about a major amendment, the director
21 determines when something is major, that would go
22 back to the original review body to look at. It
23 doesn't necessarily mean it would be the Planning
24 Commission. It could be the director, right? Or,

1 or the City Council, I don't know. But I mean so,
2 I'm hearing a major goes to Planning Commission, I
3 don't think it always comes to the Planning
4 Commission.

5 **Buckner:** It doesn't say that.

6 **Deluccio:** And also something else that triggers in my mind,
7 so the director makes the determination of minor or
8 major, the question we should really be asking then
9 is which is going beyond here this now, how is the
10 neighborhood noticed about the determination again?
11 Maybe someone can answer that.

12 **Keho:** The way the code is written now there is no
13 requirement for a notice on that. If it becomes a
14 major amendment, I mean for minor amendments. If
15 it becomes a major amendment then it has to go back
16 to the review authority, so if it's coming back to
17 Planning Commission then it's renoticed as a
18 Planning Commission.

19 **Deluccio:** It's always the Planning Commission?

20 **Keho:** Planning Comm-, no. If, if it was the Planning
21 Commission it would come back to the Planning
22 Commission and be noticed.

23 **DeLuccio:** If it was director, what would happen?

24 **Keho:** But if it's a director then we would have the

1 notice on the property just like we did the first
2 time around.

3 **Delucco:** A little tiny notice?

4 **Keho:** Right, it'll be the same, use the same process as
5 the first time around.

6 **Delucco:** I'm not going to belabor this now, but maybe that's
7 something in the future, that's something we should
8 think about at another time about the noticing.

9 **Huebner:** Commissioner Shink, do you have a question?

10 **Lightfoot:** And about the difference between major and minor
11 amendments.

12 **Shink:** Yeah, and to clarify that because there's
13 subjectivity to those words. Mine actually is
14 about the exceptions to time limits on Page 3 of 4.
15 It says should the City of West Hollywood
16 experience an economic downturn, earthquake or
17 some, I'm guessing you meant other event, as
18 opposed to over event, that significantly impacts
19 development opportunities. I'm wondering what
20 those other events can be and, and can it be an
21 unlimited again, when you find an exception can it
22 become unlimited? In other words, could that be a
23 loophole in what we're trying to actually close in
24 terms of a loophole?

1 **Sheridan:** Under the proposed changes today we are not
2 creating any type of provision for an emergency
3 ordinance in the staff report. We're merely
4 suggesting should we face a period where our
5 economic development opportunities are impaired in
6 such a dramatic fashion that we need to protect
7 people's entitlements, then the City could develop
8 an ordinance. So the details we would have to work
9 out at that time period.

10 **Shink:** So it's not here is what you're saying.

11 **Sheridan:** It's not here. It's not today. It's just to say
12 this doesn't prevent us from saving our
13 entitlements down the line if everything was to
14 fall apart in the City of West Hollywood and we
15 wanted to make sure that people's work was saved.

16 **Shink:** Okay, that's it.

17 **Keho:** And further, those type of actions would require
18 public hearings because we'd be making a major
19 change and so it would be a regular public hearing
20 to change all the ordinances.

21 **Shink:** Thank you.

22 **Huebner:** Any other comments? We'll open the public hearing
23 on this item and our first public speaker is Ric
24 Abramson.

1 **Abramson:** Hello again Commissioners. I haven't been here in
2 a while and then I have a lot to say tonight for
3 some reason.

4 **Huebner:** A free night.

5 **Abramson:** Okay, so first of all I want to thank staff in
6 particular Georgia, she always does an amazing job
7 graphically of explaining things and I really
8 commend you, it was very easy to understand. And I
9 think this is a very important item to clarify and,
10 and move forward. And the word unintended
11 consequences showed certain bullet points, some of
12 which I think were very intended. They weren't
13 necessarily unintended but I think there are a
14 couple of unintended consequences that we also want
15 to think through. And Commissioner Shink just used
16 the term loophole. There are two exceptions to
17 this. One, which was mentioned, development
18 agreements which are covered by a government
19 contract and others are subdivisions which we
20 commonly refer to as condominiums. And so,
21 condominiums are governed by State law that I
22 believe currently, I have to check, is a six year
23 time frame. So my concern is that in a city that
24 values rental housing, apartments in particular,

1 are we in fact encouraging property owners to enter
2 into development agreements and to build
3 condominiums to be accepted from this and so I can
4 imagine, you know, and I represent clients from mom
5 and pop shops and remodels of homeowner's all the
6 way to very large projects and I can see a scenario
7 where a client says well I'm going to do an
8 apartment but five years from now I'll come and
9 convert it to a condominium and now I have another
10 six years under condominium subdivision time frame.
11 Now, you're looking at 11 years potentially. So I
12 think we just as we go forward we need to look very
13 closely at both State time frames and these
14 exceptions. I'm not sure why Council couldn't say
15 that in any development agreements that are entered
16 into, they do under City Attorney clauses that are
17 inserted, have to conform to the same thing that
18 everybody else has to conform to. I understand
19 it's a privately negotiated agreement but that
20 doesn't preclude the same time frames and if we
21 don't address same time frames, there's going to be
22 an incentive, again, for those who have the
23 resources and can pay to secure certain things that
24 others can't get and so it's just an issue of

1 fairness that I think we want to really look at.
2 In terms of time frame really quickly, the one year
3 extension doesn't entirely reflect the reality of
4 construction and getting going so if we do get to
5 that point of that one year extension, we might
6 want to look at 15 months or 18 months because the
7 reality is if there's shoring and significant
8 public works issues to get permits and other
9 things, it's very difficult to get that shovel in
10 the ground at 12 months and so, you know, we like
11 round numbers but in this case one year may not be
12 the right one. And lastly, we should look at what
13 constitutes construction. And I'll finish up,
14 because when you start excavating and grading and
15 shoring, you are under construction but that can
16 take three months. So if that doesn't count, and
17 it's not until you build foundations, again we have
18 some issues with these time frames. So I think we
19 need to define what is starting construction as
20 well. Thank you.

21 **Huebner:** Thank you.

22 **DeLuccio:** (INAUDIBLE) a question?

23 **Huebner:** Sure.

24 **DeLuccio:** Can you maybe then tell us what you, in your

1 opinion, obviously you have a different, you have
2 different time frames. Can you maybe like tell us
3 what you're thinking?

4 **Abramson:** Well, I was just saying that the three year period
5 I think makes sense if it is to encourage not
6 burdening staff or commission or the review
7 authority to have to hear these extensions all the
8 time. So I think that, that's fine. It's that one
9 year additional that if there is economic change
10 and that was primarily the reason, was economic
11 change, then to get drawings and permits and
12 approvals and everything in one year is very
13 difficult at that....

14 **DeLuccio:** Two years is that what you're...

15 **Abramson:** I think probably 18 months is fine, but 12 months
16 is, you know, it's 15 to 18 months in real life.

17 **DeLuccio:** Did you...well, this is proposing like, you know,
18 three years and then you can get two one-year
19 extensions.

20 **Abramson:** Right.

21 **DeLuccio:** Your concern is about a one-year extension.

22 **Abramson:** I'm, I'm referring to the one-year time period.

23 **Huebner:** Then you can get one more. You can get one
24 more....

- 1 **DeLuccio:** Two one-year.
- 2 **Huebner:** Two one-year extensions.
- 3 **DeLuccio:** And you're...I think you're saying one-year in
4 itself is not enough, but you can get two of those.
- 5 **Abramson:** Right, if there was a reason why they didn't get
6 under construction and the three or the three plus
7 one, it's, it's when they finally get going, one
8 isn't reality.
- 9 **DeLuccio:** I understand. Thank you.
- 10 **Huebner:** And there's just a question for staff. Isn't like
11 substantial construction defined for just to kind
12 of answer Ric's question? I mean are they doing
13 demolition...I mean....
- 14 **Keho:** It can't just be demolition and it can't just be
15 digging a hole in the ground.
- 16 **Huebner:** Do they have to have foundation?
- 17 **Keho:** There have to be coming...construction coming out
18 of the ground.
- 19 **Huebner:** So they have to lay foundations.
- 20 **Keho:** Right.
- 21 **Huebner:** Okay.
- 22 **Abramson:** But that can take three months sometimes after
23 construction starts.
- 24 **Huebner:** Well I, I understand that part. But I mean I think

1 when they do come to, to us and ask for an
2 extension, if they're excavating and getting ready
3 to pour, we're not going to say you can't have an
4 extension.

5 **Abramson:** I would hope not.

6 **Huebner:** You know but I....

7 **Abramson:** It's still discretionary.

8 **Huebner:** Well, it is, it is discretionary, but if you know,
9 18...everything's discretionary. It can be 18
10 months and they can be...it can turn into 19
11 months. It's...I think if you see intent, I think
12 the Commission wouldn't deny an extension and leave
13 a hole in the ground. One would hope. Genevieve
14 Morrill.

15 **Morrill:** Good evening again, Vice Chairman, Commissioners,
16 Genevieve Morrill, resident of Marina Del Rey,
17 President of the West Hollywood Chamber of
18 Commerce. The Chamber of Commerce has been working
19 really hard with the businesses of whom this would
20 impact and the City staff and thanks City staff for
21 all their hard work and, and this is not
22 surprising. We're in full support of having some,
23 some limitations to this because people's EIRs and
24 different situations, it impacts all of us when

1 these things are not built. But there are some
2 concerns and the concerns we have worked very
3 diligently to provide some suggested amendments to
4 what staff is proposing for your consideration. We
5 want to recommend that the initial extension by the
6 Director be for 18 months and I think Ric Abramson
7 just did a good job of explaining that. We had a
8 lot of people in the room who do this for a living.
9 They do this construction. By the time plans and
10 different things that have to happen really take
11 longer than a year, so 18 months would be much more
12 appropriate. The second extension, and we also
13 would like to see that the second extension be made
14 by the decision making body...be by...be an
15 extension for a length of time at the discretion of
16 the decision making body. And we also would like
17 to add the tolling provisions, not just litigation
18 enforcement and I wasn't clear whether that had
19 been added, the tolling provisions as well. As we
20 know, there's many reasons why from our experience
21 in the past 20 years that projects can be delayed,
22 so this is pretty important because it really has
23 an impact to the community and would mean that a
24 developer would have to start all over and to that

1 extent and also the community would have to wait
2 another five or six years, so thank you for those
3 considerations.

4 **Altschul:** Ms. Morrill?

5 **Huebner:** Question for you, Genevieve.

6 **Morrill:** Mr. Vice Chair?

7 **Altschul:** So your members are the ones, are the one...or the
8 ones that you consulted with specifically, why in
9 the world would they think that an initial term of
10 three years would not be sufficient enough to get
11 construction plans together?

12 **Morrill:** Well it wasn't one member. It was many members, a
13 dozen or more. Yeah.

14 **Altschul:** And I said...I meant members.

15 **Morrill:** Yeah.

16 **Altschul:** Why was it...why is it that they would think that
17 three years....

18 **Morrill:** Many reasons. Mr. Vice Chair, you, you, you've
19 been around, like you said, 20 years. In terms of
20 this Planning Commission, you see different things
21 of (talking over).

22 **Altschul:** I don't know what their reasons are. I, I don't
23 want to...this isn't a test of my memory.

24 **Morrill:** Well we didn't get into specific project reasons.

1 **Altschul:** Best of my memory, this is an actual inquiry as to
2 what your members or your people that you're
3 representing need more time than the initial three
4 years to get their construction plans going were
5 thinking.

6 **Morrill:** I didn't say that they don't think that three years
7 is sufficient. I think that having the
8 extensions...no, we're in support of this.
9 We're....

10 **Altschul:** Oh good, thank you. No more. No more.

11 **Morrill:** I said that in the beginning. We're in support of
12 this.

13 **Altschul:** Thanks.

14 **Morrill:** Okay. Thank you.

15 **Huebner:** Our next speaker is Tiffany Nitche. Close, Nitche?

16 **Nitche:** Well yes, thank you. Well done. Hi, I'm Tiffany
17 Nitche. I live in Toluca Lake. I...most people
18 usually pronounce my last name really bad, so that
19 was really good. I have a question and really it's
20 probably just more of a clarification of if the
21 applicant is just the current owner or if the
22 extensions go with the project themselves, because
23 that was brought up. Extensions tend to go on
24 forever just because of change in ownership and

1 extensions are filed and then it sells and the new
2 owner extends it and then a new owner and it just
3 keeps going. So that's just a clarification for me
4 if someone could answer that.

5 **DeLuccio:** Jeanne Dobrin can answer that one. The use goes
6 with the land. The use, the use goes with the
7 land.

8 **Nitche:** Thank you. Okay. I support that there be a set
9 time limit on extensions and not up to discretion.
10 I really like that in the amendment text. And also
11 I have to agree with Ric on kind of fairness and
12 what's perceived 'cause it all is about perception.
13 Development agreements should be subjective to this
14 as well. If that could be a further discussion in
15 the future, I think that would be a really great
16 discussion to have for the public. That's all my
17 comments. Thanks.

18 **Huebner:** Thank you, Tiffany. Deliberation?

19 **Yeber:** I have a quick question.

20 **Huebner:** I'll start at your end.

21 **DeLuccio:** Well....

22 **Huebner:** Question? You have a question?

23 **Yeber:** Yeah, a question for staff.

24 **Huebner:** For staff? Okay, Commissioner Yeber.

1 **Yeber:** In a scenario where an applicant has to engage in
2 soil remediation, a good example is Crescent
3 Heights in Santa Monica, are those typically guided
4 by DAs or those sometimes just come in as regular
5 entitlement permits? I mean 'cause the remediation
6 can take a year or two years where nothing is
7 happening but the soil is actually being remed-, is
8 being cured and how does that impact those type of,
9 those type of projects?

10 **Keho:** The Walgreen's project is not a Development
11 Agreement so they're just under the regular
12 development time periods.

13 **Yeber:** Right. So do we, do...so in a project that
14 involves, a substantial project that involves not
15 only soil remediation but also found-...you know,
16 digging, digging out and building subterranean
17 parking, do you find in your experience that that
18 is adequate for what is being proposed here?

19 **Keho:** With five years? I think that could be done.

20 **Yeber:** Okay. I guess I just...I mention it 'cause those
21 are really special projects in terms of cleaning up
22 toxins from the ground and they...I don't know. I
23 don't know if they need extra time for that, so
24 that's why I'm just...it sounds like they're...it's

1 a little bit more of a crunch for them than it is
2 just someone who's coming in and building a
3 project.

4 **Keho:** An example of someone who came in with a situation
5 like that and is well under construction is the
6 Faith Plating site. That was a heavily polluted
7 site that had a lot of issues that they had to deal
8 with and they got under construction and come up
9 and everything is proceeding quickly on that
10 project.

11 **Yeber:** In that case though they removed most of the soil.
12 They had to.

13 **Keho:** Right.

14 **Yeber:** But in the Walgreen's there was...there's not a lot
15 of subterranean parking so that soil's staying in
16 place.

17 **Keho:** Correct, and Walgreen's has...might have other
18 issues with the Walgreen's Company and that site in
19 addition to the soils issue, so I don't think it's
20 just the cleanup that's causing problems on that
21 site.

22 **Yeber:** Yeah. Okay. Just wanted to make that distinction.

23 **Altschul:** I've heard that.

24 **Yeber:** Thanks.

1 **Altschul:** I've heard that too, Marc.

2 **DeLuccio:** That's a good question. Actually, has, has
3 this...is this...seems like the Chamber is in
4 agreement for three years. The, the...then there's
5 two extensions. We...currently, you're
6 recommending one year extensions. Have you heard
7 18 months before for one of those extensions? Is
8 that articulated or this the first time you're
9 hearing it this evening?

10 **Sheridan:** The Chamber had expressed longer extensions, but
11 this is the first time I've heard 18 months as a
12 specific recommendation.

13 **DeLuccio:** Right and then the second...and then they wanted
14 the second one to be up to the approving body and
15 put it up to discretion of the approving body, the
16 approval body, how long the second one should be.
17 But that...I think I'm hearing...I think Marc
18 raises actually a good question. What happens if a
19 site runs into, into a delay that would exceed the
20 five years? How do we, how is that dealt with?
21 Does it go back then to the approval body?

22 **Sheridan:** If you're, if you're...if you run out with all your
23 extensions and all of your approved amendments, you
24 would have to start at the beginning.

1 **DeLuccio:** Well say you were pretty far along and you ran into
2 some complications.

3 **Sheridan:** The intent is to provide a cap so there...right now
4 we have this unlimited, so one consequence is that
5 a project might run out and have to begin...reapply
6 for permits.

7 **DeLuccio:** Reapply to continue what they're doing. It could
8 be in that case. Okay.

9 **Sheridan:** They would, they would have to reapply for permits
10 and that would begin the review process again.

11 **DeLuccio:** I see some merit in the 18 months. I'm not so sure
12 about the...when it comes to the approval body for
13 the second extension. To have that discretion to
14 leave it, to leave it wide open, so I think there's
15 other things in the...this evening that came before
16 us that we had...that I think Commissioner
17 Lightfoot brought up some really good points and
18 I...about what significant impacts mean for
19 example. I don't know if that's...if this is the
20 place for that, for this, and within this...what
21 we're recommending this evening, but it should be
22 brought back at another time and I'm not sure, is
23 it in the definition section of the Ordinance, some
24 of these...some definitions for what a significant

1 impact would be?

2 **Sheridan:** Sorry, can you repeat the question of what is....

3 **DeLuccio:** Yeah, we're talking about amendments to an approved
4 project. You put this in later what a major, a
5 minor would be and when you get to major, have
6 words like significant impacts and those words can
7 be subjective what we're talking about. Is
8 there...we have in the Zoning Ordinance a
9 definition section. Do we have anything in that
10 definition section which would define what a
11 significant impact is? Maybe I'm just....

12 **Keho:** There's nothing specific that decides...that
13 defines significant impacts because we weren't
14 proposing to change any of the current language on
15 that.

16 **DeLuccio:** We understand that. So maybe we can...I guess we
17 can as a body give direction. You know, maybe at
18 some point you can come back and we can review the
19 amendments to an approved project a little more and
20 then...and maybe flush out what a significant
21 impact would mean and, and maybe it can...could it
22 be put in the glossary of definitions? I mean I
23 know that's not what's before us this evening, but
24 that's just some input I'm throwing out but other

1 than that, what we're recommending this evening to
2 Council, the only thing I'm hung up with right now
3 is, is the first extension going to be 18 months or
4 one year and I just want to hear what other people
5 have to say.

6 **Keho:** I think our original proposal that we took to the
7 Chamber was one extension for a total of two years.
8 So that was what you were just....

9 **DeLuccio:** You're giving them two years instead of 18 months
10 is what you're saying.

11 **Keho:** And then I think through some other input we
12 changed, modified that to still have the two years,
13 but breaking it up into two elements.

14 **DeLuccio:** Okay, thank you.

15 **Huebner:** Commissioner Altschul?

16 **Altschul:** I think when you're talking about significant
17 impacts, that's an intentionally broad statement,
18 an intentionally broad category. It's one of these
19 things that you'll know it when you...when it hits
20 you and I think if you attempt to make a list of
21 them, when something happens it won't be on the
22 list, but you'll have to, you'll have to include it
23 anyway. We don't have tornadoes here, but when one
24 does come, it won't be on the list and you'll have

1 to make a finding that it does qualify. So I think
2 there are certain times when we don't play
3 semantics and what we do is we take some
4 significant impacts term just as we find it and we
5 will know it when we see it.

6 **Huebner:** Commissioner Buckner?

7 **Buckner:** Yes, regarding the major changes, so the
8 significant things, on section 19.62.070, the first
9 under A, capital A, minor changes can be approved,
10 modified or denied by the Director. Major changes
11 shall be approved, modified or denied by the
12 original review authority. But part B says the
13 Director shall determine whether the change is
14 major or minor. So why wouldn't it be the
15 approving body?

16 **Huebner:** Well they have to bring it to us.

17 **Keho:** Then every single....

18 **Huebner:** They have to bring it to us. They have to figure
19 it out.

20 **Keho:** Then every single request would have to come to the
21 Planning Commission. Some things, some, they come
22 to us. People come to us and they say we need to
23 change the project for X, Y and Z, so if the person
24 who decided if it was major or minor was the

1 Planning Commission, then every request to change a
2 building would be coming to the Planning
3 Commission. So, so it's left up to staff to, to do
4 this and then when it's determined that it's major,
5 then it comes to the (talking over).

6 **Buckner:** It goes to the Director to determine, not staff.

7 **Keho:** The Director, correct.

8 **Shink:** But maybe if we had a glossary, maybe if we could
9 direct staff to have a glossary of what minor and
10 major actually encompasses so that there's less
11 ambiguity. Right now those words are...there's not
12 meaning. So if we could have a glossary and then
13 at least the public and the Planning Commission and
14 staff, everybody's on the same page and then we can
15 deliberate and discuss whether or not we actually
16 agree with what minor and major mean, but I think
17 that a starting place that would be healthy for the
18 City would be to at least know what the difference
19 between minor and major means 'cause right now
20 they're just wide open.

21 **Buckner:** I mean some...like item number three, a change to
22 the approved use or significant change to project
23 zone, that's pretty obvious, but the first two
24 words significant impacts and significant environ-,

1 you know, that...those words are pretty vague and
2 very discretionary.

3 **Keho:** Well significant environmental impacts relates back
4 to the environmental documents that we do, so
5 there's specific guidance on that because that's
6 through our CEQA process.

7 **Shink:** I was actually not talking about that. I was
8 talking about minor or major, not modifications.

9 **DeLuccio:** Yeah, now we're being more broad. Are those
10 defined in the glossary, the minor and the major?

11 **Keho:** No.

12 **DeLuccio:** So that's...this whole thing is...I don't think
13 this evening we're going to be able to resolve
14 this, but I think as a Commission we'd like the
15 opportunity to relook this at some point and maybe
16 make a recommendation to the City Council.

17 **Huebner:** Commissioner Lightfoot?

18 **Lightfoot:** Are we chiming in now as....

19 **Huebner:** We're deliberating.

20 **Lightfoot:** Yes.

21 **Huebner:** We're deliberating.

22 **Lightfoot:** Okay, first of all, I commend staff for, for
23 bringing this forward because I can see that it's
24 really a muddle right now and it must be a

1 nightmare for staff, but you know, you point out
2 that...you point out something significant, I mean
3 we've been talking mostly here about how it affects
4 developers, whether it's enough time, whether it's
5 not enough time, whatever, the difficulty of doing
6 the paperwork and for staff and so forth, but one
7 thing that you bring out in the very beginning of
8 the explanation here is one of the things that
9 we're trying to avoid and it should be one of the
10 major things we're trying to avoid which is
11 distressing our neighborhoods and causing blight in
12 our neighborhoods and we were talking about
13 Walgreen's and that's my neighborhood and we
14 are...you know, I mean it blights the area. So
15 think that one of our major considerations here
16 should be the impact that this has on the community
17 when these go on and on and on. So I like the idea
18 of having guidelines but I'm not sure it sends the
19 right message to start out by giving them
20 additional...an additional year for the initial
21 period when they've had a period of two years in
22 the past to say, you know, this isn't working,
23 you're taking too long, this is a mess, the
24 neighbors don't like it, oh and by the way, we're

1 going to start out by giving you more time instead
2 of less time. You know, so I really question the
3 three years. I think that that should be kept two
4 years and if the first of the two extensions was
5 maybe 18 months instead of one year, I might even,
6 you know, I mean maybe that would be some kind of a
7 compromise instead of just two one-year extensions
8 and I believe that when you first went to the
9 Chamber, you were originally thinking about only
10 one one-year extension and then it was modified to
11 two one-year extensions. So you know, I like what
12 you're trying to do, I like the guidelines, but I
13 think I'd be much happier if it was two years for
14 the initial and then the two one-year extensions
15 with a possible compromise of the first of those
16 being for 18 months and the major amendments, boy,
17 I like that they're in the initial period and I
18 guess if it's a major amendment, it pretty much has
19 to be a year. Let me ask you something, when it's
20 a major amendment, they would have to come under
21 all of the current codes, correct? So if the major
22 amend-, if some of the codes changed since the
23 project was originally approved, would the
24 major...the major amendment would have to be...meet

1 any current codes, correct?

2 **Keho:** Yes.

3 **Lightfoot:** Okay.

4 **Huebner:** Unless it was the D.A.

5 **Lightfoot:** Yeah. Yeah. So I mean basically I would recommend

6 two years and I'm fine with it not submitting a

7 request until right up to the end of the permit

8 period if it's okay with staff. I mean I don't

9 know what happens if they show up on the last day

10 of their entitlement and they've completely messed

11 stuff up and they don't have what they're supposed

12 to have, but I'm fine with that. I'd prefer to

13 see...I like the two one-year extensions. I'm okay

14 with the major entitlement, an additional one year.

15 **DeLuccio:** I thought you said the...I thought you...what I was

16 hearing was the first one you're recommending is

17 two years and then the second one, is it one year

18 or 18 months you would go for the...?

19 **Lightfoot:** Well I said as a compromise.

20 **DeLuccio:** Yeah, 18 months.

21 **Lightfoot:** If someone, you know, if some...if one of the

22 Commissioners thinks that, you know, two years

23 isn't long enough, something that I would be

24 willing to compromise on is maybe the first of the

1 two extensions being 18 months rather than one
2 year. So that was just something I went ahead and
3 tossed in as I would prefer two years, one year,
4 one year.

5 **DeLuccio:** See, I would prefer three but I could go for two if
6 we had the first one being 18 months and the second
7 one being a year and then there would be a total of
8 four and a half years instead of five.

9 **Huebner:** Well I kind of go back to...I mean I do this for a
10 living and I go back to what Ric said and what Marc
11 said. Three years goes by in the blink of an eye
12 and, you know, I can't even build some office space
13 in a year. California regulations continue to get
14 more onerous. I mean we have brand new Title 24,
15 which is an energy regulation which is LED switched
16 outlets, all kinds of extra infrastructure that
17 just went in last year and the plan checkers don't
18 even understand all the regulations yet so things
19 slow down and it's all to our benefit. I mean it's
20 all to the benefit, you know, of the public. I
21 mean we're saving energy and I'm sure there's going
22 to be some further legislation we'll go through
23 with respect to water as it should. So, you know,
24 I, personally I think three years and to Ric's

1 point maybe an 18 month second extension and the
2 last one a year and I also don't think it should be
3 discretionary. I think there needs to be some
4 impetus put on these developers to finish and not
5 think that they have....

6 **DeLuccio:** If we make it discretionary, then we're back to
7 where we started.

8 **Huebner:** We're, we're exactly back to where we started, so
9 that's just how I feel on that item. Commissioner
10 Altschul?

11 **Altschul:** It appears, John, that the jurisdiction closest to
12 what you're proposing is Beverly Hills, is that
13 right?

14 **Sheridan:** Yes, that's right.

15 **Altschul:** Do we know how long Beverly Hills has been living
16 with that structure?

17 **Sheridan:** I do not know.

18 **Altschul:** Do you know, John?

19 **Keho:** No.

20 **Altschul:** Okay. Pasadena has three to five. Do we know how
21 long they've been living with that? Do we know how
22 long any of these other cities have had these
23 particular....

24 **Keho:** I don't believe we asked that question when we were

1 calling them to see how long they've lived with
2 that.

3 **DeLuccio:** I find that Beverly Hills is backwards. It starts
4 with three, it goes to one and then it ends with a
5 two.

6 **Huebner:** No, it's number of extensions. That's what we
7 would be, three, one, one. We'd be like Beverly
8 Hills.

9 **DeLuccio:** But Beverly Hills is three, one, two.

10 **Huebner:** No, that's the number of extensions.

11 **DeLuccio:** Oh, (talking over) two extensions.

12 **Huebner:** Two one-year extensions. They have five.

13 **DeWolfe:** Commissioner, I can answer the question about
14 Pasadena. They've been living with that set of
15 rules for quite a long time.

16 **Altschul:** And it works?

17 **DeWolfe:** It works great.

18 **Altschul:** Thank you.

19 **DeWolfe:** And I should add that what we're recommending
20 tonight is not very different from what is very
21 typical and very standard in cities across the
22 country.

23 **Altschul:** Got it. So it really makes sense across the
24 region.

1 **DeLuccio:** Sounds like we should recommend this because
2 we...I'm hearing...this is five years we're talking
3 about. I know Commissioner Lightfoot you're
4 talking about four and a half. Well you're going,
5 you're thinking four, you could go with four and a
6 half. I know 18 months is kind of an oddball.
7 I've never seen things written that way before.
8 It's usually a whole year, so I think I'll make a
9 motion to recommend this to Council the way you're
10 presenting it this evening.

11 **DeWolfe:** As an alternative just....

12 **Altschul:** And I second that because I believe that people in
13 the development community should have a reasonable
14 expectation, that in this particular region they
15 should have reasonable expectations of uniformity.

16 **Lightfoot:** Okay, just...Donald, with, with the major amendment
17 extension as well, it would actually be...it would
18 be three, three and then two years for extension
19 and then possibly another year for anything that
20 was considered a major amendment, so that would be
21 six.

22 **DeLuccio:** It'd be six, six years total.

23 **Lightfoot:** Yeah.

24 **DeLuccio:** Yeah, I...yeah.

1 **Altschul:** Yeah.

2 **Huebner:** So we have a motion to adopt the resolution by
3 Commissioner DeLuccio, seconded by Commissioner
4 Altschul.

5 **Shink:** The amendment, but the...at least the guidance to
6 staff about that glossary in terms of the minor and
7 the major.

8 **Huebner:** Minor and major.

9 **Keho:** Yes, we heard, heard that direction.

10 **Shink:** So that's added as part of this motion, is that
11 correct?

12 **Keho:** I, I heard that you wanted us to....

13 **Altschul:** It suggests that the guidance with respect to the
14 glossary be there, but with a notation that it is
15 not all inclusive and just....

16 **Keho:** I heard that you wanted something to come back, not
17 to forward it on to Council.

18 **Buckner:** That's what I heard too.

19 **DeLuccio:** Yeah, you have a discussion about it. If it's part
20 of the long range planning, we...you know, when it
21 comes...and then we...an item what minor and major
22 means.

23 **Keho:** Right.

24 **DeLuccio:** (Talking over) to that a little bit.

1 **Sheridan:** All right, just to clarify. This evening you would
2 be considering the zone text amendment to approve
3 but then as an addition, you're directing us to
4 look into.

5 **DeLuccio:** Correct.

6 **Sheridan:** But we wouldn't be bringing the entitlement time
7 limits, okay. I just want to....

8 **DeLuccio:** Correct. All of this stuff from going to Council.

9 **Lightfoot:** I (talking over).

10 **Yeber:** Chair, can I....

11 **Lightfoot:** I also...I, I still have, I have a question about
12 the actual, the actual language of the amendment.
13 Under C, it says the review authority may grant an
14 extension for a period of time. In no event, more
15 than one, than one year per extension, but could we
16 specify there that the first one, that the first
17 one would be by the Director and the second would
18 be by the review body and not review authority to,
19 to be consistent with what, with what I thought it
20 was?

21 **Sheridan:** It does say that in the code. I need to find it
22 for a minute, but it does...we're not touching the
23 language that talks about the approval process
24 under the code today. The Director may approve the

1 first extension and then the original approval body
2 may approve any additional and because we have
3 unlimited additional, you know, but we're not
4 proposing to change that process though.

5 **Lightfoot:** No, this is not something that you change. This is
6 in the...I'm looking at 19.62.30 under C and it
7 says the review authority may grant an extension
8 for a period of time that is deemed commensurate
9 with the justification for the extension presented
10 by the applicant, but in no event for more than,
11 for more than two one-year extensions, but it says
12 the review authority may grant. So the review
13 authority that is...that could be the Director,
14 correct?

15 **Yeber:** It's, it's whoever the review authority was on the
16 original entitlement.

17 **DeLuccio:** Exactly.

18 **Lightfoot:** Okay, so when I, when I asked the original question
19 about who approves the extensions, you said that it
20 was the Director could approve the, the first one
21 and I thought you said the review body approved the
22 second one.

23 **Sheridan:** That's, that's correct.

24 **Lightfoot:** That's not the case?

1 **Sheridan:** There are a couple sections that aren't shown here
2 because we're only changing A and C and I, I would
3 have to look at them all but I...there is a section
4 in the code that does say the Director approves, so
5 I might need a minute to find that.

6 **DeLuccio:** And I would say in the meantime. I actually...for
7 the newer Commissioners, we have a lot of new
8 Commissioners, it's wonderful and when I was new a
9 long time ago, actually when we did stuff like this
10 and anything we did any time it referenced the
11 zoning ordinance or the General Plan, to take those
12 documents when they give you those, the General
13 Plan and the zoning, there's no way you could sit
14 there and actually...you could try to read it, but
15 it'll put you to sleep. The way you learn it is
16 when we...when the actual cases come before you and
17 then when you...and back then when they reference
18 the zoning ordinance or the General Plan, there
19 would be a...I think Christi remembers this, we
20 would put in the appendix, we would put the actual
21 section of the zoning ordinance. Here
22 we're...that's what the holdup is this evening.
23 We're getting bits and pieces of the zoning
24 ordinance because what we're actually changing and

1 I think for the newer folks especially if, as an
2 appendix, you could put the whole thing in there or
3 the...that would be really, really helpful and
4 that's the way you would actually get your learning
5 curve up.

6 **Buckner:** See what's happening is we don't see the context.

7 **Sheridan:** I understand. We can certainly do that. We're
8 happy to do that. The reason we only do it in the
9 attachment is that in the past when we have copied
10 the entire section, you can end up copying back in
11 sections that have always been...already been
12 changed, so this is actually something the City
13 Clerk has recommended that we only touch that one
14 piece, but we're happy to in the future include
15 that and we did identify the section. So after
16 Section C in 19.62.30, the next section is D and it
17 says review authority and it says upon good cause
18 shown the first extension may be approved or denied
19 by the Director. The Director may refer the
20 application to the Commission. Subsequent
21 extensions of permits approved by the Commission
22 may be approved, approved with modifications or
23 denied by the Commission. So that is that one
24 section that I knew I had seen a million times but

1 it wasn't on the paper (talking over).

2 **Lightfoot:** Just out of eyeshot . . .

3 **DeLuccio:** Can we call the question yet?

4 **Huebner:** Yes.

5 **Yeber:** Actually just I, I don't know if this would be
6 amendment, but someone did bring up and we've had
7 some discussion or some comment about folding the
8 DAs time extension and maybe it's not appropriate
9 for this particular item, but at least recommend
10 Council to at least visit that, that item.

11 **Keho:** The time....

12 **Hogin:** That's actually the opposite of what a Development
13 Agreement is. A Development Agreement, all it is,
14 as said in the beginning, is an allocation of a
15 relief from the possibility of being subject to
16 future zoning amendments for a certain period of
17 time. So it is, it is specifically....

18 **Yeber:** By its very nature....

19 **Hogin:** Right, exactly, not to have to have any extensions
20 'cause that's what it does. So it just goes until
21 whatever the extension is that you've agreed on in
22 the Agreement, it goes and that's that.

23 **Yeber:** Gotcha.

24 **Hogin:** It wouldn't make any sense.

1 **DeLuccio:** Ready to vote?

2 **Huebner:** So we have the motion made and seconded. Calling
3 the question.

4 **Buckner:** Can I...I'm a little confused, are we changing the
5 limits....

6 **Huebner:** No.

7 **DeLuccio:** No.

8 **Huebner:** No, it's as it's written here. (Talking over)
9 motion is as it's written here.

10 **Buckner:** As is written, as is, okay.

11 **Huebner:** As is.

12 **Buckner:** 'Cause there's been a lot of talk back and forth.

13 **Huebner:** As is, directing the staff to come back with major,
14 minor, significant and insignificant. Motion
15 passes [6 AYES; Lightfoot voting NO]. And we'll
16 close the public hearing on Item, what is that,
17 8.C. No, 11.C., sorry. And moving on to New
18 Business. 12.A., Creation of a Community Benefits
19 Framework. We're going to hear...get some input on
20 a proposed Community Benefits Framework and receive
21 comments. So who's got, who's got that item?

22 **ITEM 12.A. CREATION OF A COMMUNITY BENEFITS FRAMEWORK**

23 **Sheridan:** Okay, I'm back.

24 **Huebner:** Georgia again. You're back.

1 **Sheridan:** For those who have joined us, I am Georgia
2 Sheridan. I'm a Planner here at the City of West
3 Hollywood and tonight we wanted to talk about a
4 community benefits framework and to just clarify as
5 we begin. This is really the beginning of a
6 discussion. We are not bringing anything for
7 approval. We are bringing an idea forward for
8 comment. So currently in our city we often refer
9 to community benefits and different types of
10 projects that occurs in the General Plan and the
11 Municipal Code. Under some projects such as
12 Development Agreements, General Plan Amendments or
13 other bonuses in the Municipal Code like the
14 avenues district density bonus, we may request a
15 community benefit or a public benefit or a
16 significant benefit to the community. It's
17 referred to in different ways, but we do not have a
18 standard process or a program or policy for dealing
19 with projects that offer a community benefit and
20 that's something that has caused some problems for
21 the city as a whole. The community feels often
22 that there's a lack of transparency when it comes
23 to projects that are requesting changes to the
24 Zoning Code that are asking for increased density

1 or height and maybe offering a community benefit
2 but they don't know what that is. When negotiating
3 with the developer, the developer doesn't know what
4 type of community benefit the city is actually
5 looking for or what the scale of that benefit might
6 be. Often this is negotiated at the very end, so
7 there's not a role for the Planning Commission to
8 evaluate this and provide their input. There's not
9 a designated list or menu of community benefits
10 that have been agreed upon by the City Council and
11 when it gets to City Council, there's not an
12 evaluation method or matrix to compare kind of
13 apples to apples of what are the tradeoffs of a
14 community benefit when looking at a request for
15 increased height, density, FAR. So in general, I
16 would say our lack of standard is not benefitting
17 us as a city and we'd like to present an idea for a
18 framework for discussing community benefits. This
19 framework would really be a structure. It's not a
20 system of criteria where if you do this, then you
21 get approval. It's the beginning of a discussion
22 of how we could evaluate projects that are looking
23 at community benefit. So I want to clarify that if
24 you were an applicant and were providing a

1 community benefit, there may be some cases where
2 that community benefit is still not an effective or
3 appropriate tradeoff for the development changes
4 that are requested. So the framework that we'd
5 like your input on this evening really has two
6 components and one is a method for evaluating what
7 the economic value of a community benefit would be.
8 So some cities like the City of Santa Monica or
9 Culver City have consultants on board that
10 essentially pro forma projects and they look at
11 what is the development project value by right and
12 then what is the value with the increased height or
13 density and what is the differential and that helps
14 create a baseline for discussion of what that value
15 might be for the community. So we would like to
16 look at some economic method of determining the
17 value of requested zoning changes and then we'd
18 also like to develop a menu of community benefits
19 that the city as a whole agrees that these are
20 priorities and needs for the city as a whole. Now
21 again, this is a concept. We have not developed
22 this framework. We've just been looking at what
23 other cities are doing and starting to discuss if
24 this might be something that would be helpful for

1 the city and also looking at what some benefits
2 might be that are already discussed in the General
3 Plan and other adopted plans for the city. So some
4 of those might include affordable or work first
5 housing, parking, open space, the preparation or
6 the build out of city plans, cultural spaces or
7 community spaces like a theater, galleries, art
8 spaces, and then kind of a final category that is
9 an "other" category, which might be a very specific
10 community benefit that we couldn't envision at this
11 time, but might be appropriate in the future. So
12 we're here tonight to really begin the discussion
13 with you. We would like to get your input and then
14 we will be going to City Council in June and we're
15 going to bring this same concept to them and then
16 what we are asking City Council is, if they agree
17 that this is a good idea, then we would request
18 that they direct us to actually begin a study and a
19 formal process of creating that framework and that
20 economic tool and then new benefits to help us.

21 **Huebner:** Commissioner Altschul?

22 **Altschul:** We used to have a system for large developments
23 where there were, there were consultants brought in
24 to evaluate the economic values of what was

1 requested. Didn't we Christi?

2 **Hogin:** I believe we've done it on an ad hoc basis,
3 absolutely.

4 **Altschul:** Yes.

5 **Hogin:** In order to....

6 **Altschul:** Many times.

7 **Hogin:** Yes.

8 **Altschul:** So I think that should be at the top of the list
9 and I think also benefits like if we can
10 incentivize people to get cars off the streets and
11 into garages would be certainly a very big benefit
12 to the community. If we can look at one of
13 Jeanne's favorite....

14 **Sheridan:** I'd also like to make a clarification that
15 community benefit is different from mitigation
16 measures. All projects have mitigation measures.

17 **Altschul:** But getting cars off the streets and into garages
18 is a big community benefit.

19 **Sheridan:** No, and I'm not disagreeing. I just want to make
20 sure that the public understands that community
21 benefits are also different from mitigation
22 measures.

23 **Altschul:** I'm in full belief that clearing the streets for
24 visitor parking and getting the residents' cars off

1 the streets and into garages is a tremendous
2 community benefit. If...other people may not think
3 so, but I, I really think that this is one of the
4 important ones. I also think one of the lesser
5 priorities if you're talking about a benefit to the
6 existing community is an excess of the requirement
7 of affordable housing and that should in my opinion
8 be put at the bottom of the list rather than at the
9 top of the list.

10 **Yeber:** Georgia, these aren't in any specific order, right?

11 **Sheridan:** No, they're not. These are just a broad list of
12 categories that we think might be appropriate.
13 This is not in any way a final list. It's the,
14 like I mentioned before, the beginning of a
15 discussion of should we have a list as a city of
16 our priorities that would create a more clear and
17 transparent process so that when you come here, you
18 know that there are certain things that we need.

19 **Yeber:** Do...the two words keep being bantered around
20 interchangeably that is a community benefit versus
21 a public benefit. Are they one in the same or is
22 there a distinction?

23 **Sheridan:** They are the same, and that's something again in
24 different city documents sometimes it's called

1 public, sometimes it's called community, sometimes
2 it's significant benefit to the community, so some
3 kind of common language that we have in discussing
4 this is something we think is important.

5 **DeLuccio:** We...long range planning...are you finished Marc?

6 **Yeber:** Yeah. For now.

7 **DeLuccio:** Long range planning....

8 **Huebner:** Just questions before and then we'll hear from the
9 public.

10 **DeLuccio:** Long range planning met on this last...we met on
11 this last week. So you actually came to us with
12 these six examples. These are just examples at
13 this point, these six? Possible benefits?

14 **Sheridan:** These are benefits that we have seen in our plans
15 that are...that occur over and over in common
16 community discussions, but again, it's a draft
17 list.

18 **DeLuccio:** Right. And it looks like it's more flushed out
19 from last week also. You have....

20 **Sheridan:** We did make some minor tweaks based on your
21 feedback.

22 **DeLuccio:** I'm trying to ask questions. And also you have
23 another slide up there, if you can just go back.
24 You said the next step would be in...if directed by

1 City Council obviously, we're just discussing
2 tonight then it will go to Council in June.
3 Prepare policy and evaluation method. I guess I'm
4 more interested and I understand what it means to
5 prepare a policy. What criteria are you thinking?
6 Have you thought about what the evaluation method
7 would be? I know that Vice Chair Altschul alluded
8 to one possibility. Another would be what
9 community outreach to different stakeholders in the
10 community?

11 **Sheridan:** We haven't fully flushed that out but our first
12 kind of key tool is really the economic evaluation
13 tool, think is really important and then also the
14 menu would be the second counterpart.

15 **DeLuccio:** The what?

16 **Sheridan:** The menu of community benefits that you're
17 referring to, so....

18 **DeLuccio:** And before it came back to this body, would you be
19 flushing it out with stakeholders in the community?

20 **Sheridan:** We could.

21 **DeLuccio:** The developers and also the residents...

22 **DeWolfe:** Yes, we would.

23 **DeLuccio:** ...of West Hollywood?

24 **Sheridan:** Yes. So this is also something that we presented

1 to the Chamber of Commerce, so yes, we would be
2 going through the channels to get....

3 **DeLuccio:** But I would like to also when it comes back here
4 to...I know the public will come out, some members,
5 and testify but I'd like members of the
6 neighborhood, residents of neighborhoods to be
7 included on this as well.

8 **Shink:** Yeah, when it says next steps and it says gather
9 feedback from Planning and then present it, maybe
10 we could add in there community input. And just
11 put it in.

12 **DeWolfe:** Well first we wanted to get direction from Council
13 that we're going in the right direction. If we do
14 get that direction, then we'll go back and that
15 first bullet point when it refers to evaluation
16 method, that was specifically referring to the
17 mathematical equation that we would use to define
18 the economic benefit. That's something that we
19 really haven't gotten into yet. There's a thousand
20 different ways to do that and we didn't want to
21 spend the time refining the math until we knew that
22 this concept was going to be something the Council
23 directed us to do.

24 **DeLuccio:** Right, but with the second bullet point maybe when

1 you bring it to Council...

2 **DeWolfe:** Absolutely.

3 **DeLuccio:** ...evaluation method may be community....

4 **DeWolfe:** Absolutely. We, we will bring it back through a
5 process, yes.

6 **Sheridan:** Also just to make sure that you knew that it would
7 come back to you so that was....

8 **Shink:** There's the method to quantify the economic value,
9 but there's also devaluation. Right? So it's
10 both, like there could be a negative impact. So is
11 it possible that you're looking at it from both
12 perspectives, not just what the value is but also
13 that there are some projects that actually may
14 devalue. So are you going to quantify it in that
15 way?

16 **Sheridan:** That would be something that we would be looking
17 for consultant help to guide us on what the best
18 method is.

19 **Shink:** So it would include both?

20 **Sheridan:** It could. That's something that again we are just
21 beginning this process, but it could be looking at
22 the value...I mean it's....

23 **DeWolfe:** Are you referring to looking at impacts on the
24 surrounding neighborhood?

1 **Shink:** Yes.

2 **DeWolfe:** When you say devalue-....

3 **Shink:** Yes.

4 **DeWolfe:** So generally those kind of negative impacts would
5 be addressed under mitigation measures earlier in
6 the process and that's what Georgia, where it's,
7 it's important to clarify the difference between
8 negative impacts which receive mitigation measures
9 and then the public benefit which is in addition to
10 whatever mitigation would be proposed for those
11 negative impacts.

12 **Shink:** This is specifically fiscal.

13 **DeWolfe:** This is just the idea of, the mathematical equation
14 is to set a baseline for what the value of public
15 benefit should be.

16 **Shink:** I see.

17 **DeWolfe:** So right now we may have someone propose to build a
18 community swimming pool but if there's no math, if
19 there's no evaluation, we don't know if the value
20 of what they're building is somehow tied to the
21 value of what they're gaining through their
22 increase in height or density. So adding this
23 mathematical equation creates a baseline and it's
24 high so that we know what is being offered has some

1 value equivalency to what is being gained. In
2 other words, is it a fair tradeoff? Is what the
3 city getting a fair tradeoff for what the applicant
4 is getting?

5 **Shink:** Right, so if it falls below that threshold, then
6 obviously it doesn't meet that threshold.

7 **DeWolfe:** Exactly.

8 **Altschul:** Exactly.

9 **DeLuccio:** So the mitigation would be...mitigation I
10 understand is totally different. That's...

11 **DeWolfe:** Correct.

12 **DeLuccio:** ...part of the approval entitlement process. The
13 benefit is something above that and the benefit
14 could be something that actualizes not necessarily
15 in that particular neighborhood.

16 **DeWolfe:** It could but I think generally we would look for
17 things that impacted that neighborhood, yes. But
18 it wouldn't have to be. That's the important thing
19 about community benefit versus mitigation.

20 Mitigation is definitely focused where the impacts,
21 the negative impacts are from that project. Public
22 benefit could be broader than just the
23 neighborhood. I think generally the community
24 would expect that we would look for things that

1 would be sort of geographically regional but not
2 necessarily. It depends on, you know, each case
3 may be a little bit different.

4 **Huebner:** So do we have any other questions for staff before
5 we hear from the public?

6 **Lightfoot:** I have a question. You lay out Santa Monica's plan
7 as a comparison and I'm just wondering, it's
8 a...they have a three tier zoning system. So I'm
9 wondering if it's actually comparable to West
10 Hollywood. I mean when we're talking about these
11 community benefit, the community benefits here, I
12 mean we already have, you know, kind of a tiered
13 zoning system where there are all kinds of
14 incentives and bonuses. You know, whether you're
15 talking about the regular zoning, whether it's
16 arterial, regional, mixed use, transit, you know,
17 we've got all these things in place already for
18 incentives for the development to get more and so
19 I'm wondering is...does Santa Monica have all of
20 those things too comparable to what we have and
21 then this system is like kind of an extra system
22 for things over and beyond all the other
23 incentives?

24 **Sheridan:** So just to clarify, Santa Monica is included in

1 this report as an example, not because their zoning
2 system is like ours, but because they use a
3 mathematical economic tool to evaluate the value of
4 what the developer is requesting. But to answer
5 your question, yes, both West Hollywood and Santa
6 Monica have different zones so we have commercial
7 zones and residential zones and some residential
8 zones allow more density than others, have
9 different heights, and Santa Monica has in essence
10 created a city where the height and the FAR
11 depend...the, the tiers are different by
12 their...they still have the commercial and
13 residential and mixed use zones, but the height and
14 the density is where the tier comes in. So in
15 essence when they updated their General Plan, their
16 lane use element a couple of years ago, they
17 created a baseline of 32 feet as their height for
18 tier one, so anything above that height is required
19 to give a community benefit.

20 **KeHo:**

And to be clear, when it comes to West Hollywood,
21 so we frequently have developers who come to us and
22 they want to build a project and they include, you
23 know, the bonuses that might be eligible on that
24 particular site and then they ask...they say they

1 want additional height and density, so it's those
2 projects that we're talking about, people who want
3 to obtain additional height or density or something
4 else that's outside of what the rules and
5 regulations of the General Plan and the Zoning
6 Ordinance already have and that's typically done
7 through a Development Agreement or sometimes people
8 request to change the General Plan itself to change
9 it from one category to another and so this is the
10 case if they're wanting to change it from one
11 category to another, what's the benefit in that for
12 the city.

13 **Sheridan:**

14 And just to reiterate one more thing. The...just
15 because you've done the economic evaluation and
16 we've established the menu of community benefits,
17 it's not a required approval. So just because
18 we've established that this is how much the bonus
19 is worth and this is the benefit, it doesn't mean
20 that the city is going to approve this project.
21 It's really just a standard method for us to
22 discuss and evaluate is this a reasonable tradeoff?
23 Is this a project that even though it may not be
24 allowed under our code is a real value to the
community in some way and this additional height

1 that they're requesting would then be a fair and
2 appropriate tradeoff with the community benefit
3 that they might provide.

4 **Lightfoot:** Yeah, I was just trying to determine whether Santa
5 Monica was comparable to West Hollywood in that we
6 have so many incentives already with so many
7 different overlays and so forth and so on without
8 getting community benefit. So now we're talking
9 about after all of those other incentives are said
10 and done, we're talking about yet incentives for
11 things that they want over and beyond all of that.
12 So I was just trying to determine whether Santa
13 Monica...it sounds like Santa Monica gets a
14 community benefit for pretty much anything over
15 three stories.

16 **Sheridan:** That's what they decided when they did their
17 General Plan.

18 **Lightfoot:** Thank you so much.

19 **Huebner:** Any other questions for staff? Public com-, we'll
20 open the public hearing on 12.A. and Donald's not
21 supposed to be on there, is he?

22 **DeLuccio:** Actually when we speak, we're supposed to like
23 request to speak, but I already spoke.

24 **Huebner:** I was, I was like I...okay, good. Our first

1 speaker is Ric Abramson followed by Jeanne Dobrin.

2 **Abramson:** Good evening again, Ric Abramson, resident of West
3 Hollywood. I believe Commissioner Yeber brought up
4 the point that right now whether it's called
5 community benefits or public benefits, I believe
6 it's the same thing. Right now they are in our
7 code and the only place that I'm aware of is that
8 they're within development agreements and
9 development agreements mandate that before the City
10 can enter into an agreement, there must be a public
11 benefit. The problem is, it's never been defined
12 what is a public benefit. So I agree with staff
13 that starting to have a conversation about what
14 that should be, whether it's in menu form or other
15 is great. However, I would say that should be a
16 community discussion. I think the community should
17 start to define what is a community benefit,
18 whether it's dog parks or pocket parks or the
19 plazas, paseos, gateway markers, community gardens,
20 bike stations, you know, performance space in the
21 park. There's all kinds of things that this
22 community would love to have and I think it should
23 be a community driven visioning of what those are
24 as opposed to a developer who comes in and says if

1 I, you know, give you this, then I want that. The
2 other comment on this is that there's a reference
3 here to projects that request additional height,
4 density or intensity and that's not the spirit of
5 what public benefit related projects were
6 historically. They were for unusual circumstances
7 where a community really needed something, a park
8 or a plaza or something and it gave the city
9 flexibility to achieve certain things that weren't
10 in the baseline zoning and over the years it's
11 morphed into this thing about greater density and
12 intensity and height and that's not what the spirit
13 of it was. So I think in a way we need to have a
14 real conversation about why these would even be
15 important. The last thing we want is that it
16 becomes something like what is talked about all the
17 time, you know, the affordable housing bonuses that
18 result in, you know, projects that are perhaps not
19 to the scale or density that we would like and now
20 we're talking about creating something within the
21 regular zoning code, outside of a Development
22 Agreement that we can now say I don't want to
23 follow the zoning code because I'm going to offer a
24 community benefit and therefore get more and I

1 think it's not about getting more, it's about
2 making a better city and that should be the real
3 criteria with any community benefit frameworks
4 first and foremost and the value, yes, that has to
5 be part of the discussion but ultimately it's about
6 making a better city and the community should be
7 developing that menu through some sort of
8 mechanism. Thanks.

9 **Huebner:** Thanks Ric. Ric? Ric?

10 **DeLuccio:** Ric, you're always....

11 **Huebner:** Donald has a question for you.

12 **DeLuccio:** So anyway, when we talk about development
13 agreements, right, usually when somebody comes with
14 a Development Agreement, aren't they asking
15 currently for a change in the zoning or an increase
16 in height?

17 **Abramson:** No, we've had example, for example, on Havenhurst
18 there's a pocket park and the relief that they got,
19 I don't know if that was a Development Agreement or
20 not, but as an example, they may not have to build
21 common open space in a certain development or
22 private open space 'cause there's a public park
23 that has now been created. So....

24 **DeLuccio:** As a result of a Development Agreement?

1 **Abramson:** As a result of a Development, but it didn't
2 increase the density or intensity or height per se.
3 So there are a number of ways that as a community
4 when we say to the development community, these are
5 the things we're lacking here. These are the thing
6 we'd love to have and work with us and let's talk
7 about how your development could benefit and the
8 city could benefit.

9 **DeLuccio:** And I...we...I agree and Heidi agrees with you too,
10 get the community involved in that process and that
11 visioning I think we're saying. We're saying the
12 same things. But to me in my mind there's been a
13 lot of Development Agreements over the years and
14 they're not as benign as you're describing them.

15 **Abramson:** They morphed into more density, intensity. That
16 was never their intent. Yeah.

17 **Huebner:** Jeanne Dobrin followed by Cathy Blaiivas.

18 **Dobrin:** Jeanne Dobrin, resident of West Hollywood. West
19 Hollywood, a small city has problems quite
20 different from the nation as a whole. The nation
21 is a whole, bigger problems are over population.
22 That's a world problem. Disease and under-
23 developed countries, the Middle East war is real,
24 terrible weather changes, our problems are a little

1 different. As our wonderful new City Council
2 member Lauren Meister said, let's face it, the
3 biggest problem in West Hollywood is parking.
4 Parking. What does that mean? That means that the
5 more we build and requires parking for people and
6 as I spoke before, have to provide more parking
7 when you more...the more bedrooms and whatever you
8 build. Our residents can't find a place to park
9 let alone the people who visit here. Anyhow, that,
10 that is one of the benefits that we need to be able
11 to come home and park your car in a garage which we
12 need more than developers to give us or on the
13 street. Another problem that we have believe it or
14 not is the alcohol that is sold here and my census
15 has tracked one of seven in West Hollywood. The
16 alcohol beverage law calls for seven of eight on
17 sale licenses. When we started, there were 28 and
18 now in my census track there are 85 on sale.
19 Liquor lobby is very, very powerful. I think that
20 we have to think about the police. We have a
21 wonderful Police and Fire Department which we
22 contract with the County but those are some of the
23 big problems and coming from that, the residents of
24 our city, most of them, not all of them, don't want

1 to be up to two, three, four o'clock in the
2 morning. They need to have decent sleep. That's
3 another thing. We need to talk about benefit.
4 What is the benefit for a person like me for
5 instance? I don't have any trouble sleeping, but
6 everybody else I know has trouble and we need to
7 make sure that that is a benefit to provide it. I
8 seem to be screwing around here back and forth, but
9 I hope I got some of my ideas across and remember,
10 our biggest problem is parking and the things that
11 derives from the way the developers are building
12 and how many units and one thing, I am absolutely
13 opposed to five stories for residential
14 construction. Thank you.

15 **Huebner:** Thank you Jeanne. Cathy Blaivas followed by
16 Stephanie Harker.

17 **Blaivas:** Good evening, Cathy Blaivas, City of West
18 Hollywood. Since I didn't speak at public comment,
19 I'll take a moment to welcome Commissioner Sheila
20 Lightfoot. I'm really grateful that I got to speak
21 after Ric Abramson because he said much more
22 articulately and much more meaningful exactly how I
23 feel about this process. Community benefit, you
24 know, the first thing that came to my mind is the

1 problem we're having with the Detroit Bungalows and
2 the problem I see in terms of that is, is it a
3 community benefit to destroy a lifestyle that 11
4 people are living in to build more for more
5 affordable low income housing. That could be
6 conceived as a community benefit, but what about
7 the community that's living in the environment
8 they're living in. It's a different way of life
9 than a 22 or 44 or 66 unit building, which is now
10 what's on the table. We don't know what size that
11 will be. So define community benefit. Is it the
12 majority of the community or the community that's
13 living where they're living? In terms of community
14 benefit, any building that is being built that has
15 more than X amount of apartments should have guest
16 parking and not rely on street parking. Community
17 benefit, I wonder what happens if a community
18 benefit is not adhered to? Is there a compliance,
19 some kind of recourse? For example, on the east
20 side, all the new developments we've had there, all
21 our services have been taken away. There's no
22 laundry mat, there's no shoe repair, there's no
23 small, you know, little shops that were there. And
24 the promise that we would be getting better,

1 bigger, greater, well we have some restaurants
2 coming in. There's a couple of massage spas that
3 have opened. A beauty salon is opening. But
4 it...there's no more of the things that people who
5 aren't living in an amenity filled apartment have.
6 So what happens to those promises? Were they just
7 promises that can't be mitigated or is it back to a
8 Development Agreement? I don't really know, so I
9 would say the more the community can be involved in
10 this and not just being given unlimited amount of
11 stickers to put on. I could sit there and put all
12 my stickers on one thing. I applaud staff for
13 bringing this forward and I hope community gets
14 involved because this is huge. This is creating a
15 mini Manhattan as opposed to an urban village if we
16 don't do this right. Thank you.

17 **Huebner:** Thank you Cathy. Stephanie Harker followed by Cole
18 Ettman.

19 **Harker:** Good evening again, Stephanie Harker, City of West
20 Hollywood. I'm really happy this is coming
21 forward. I thank the staff for bringing it
22 forward. I had just read an article that I believe
23 the City of Detroit has just passed their first
24 community benefit agreement. And as Ric and Cathy

1 both have said that it really has to be about the
2 community and I'm hoping that the community will
3 take the time to get involved or don't complain
4 anymore. I think that...I think Ms. DeWolfe was
5 saying that, you know, it might not always be in
6 the neighborhood of the project but I think we
7 should look closely at that. When Casden was in
8 charge of, before they went under, in charge of
9 Movie Town Plaza, they were required to plunk down
10 a million dollars, I believe in that neighborhood,
11 something like that, and there was nothing saying
12 where that was going to go. But east siders who,
13 you know, felt that that money should be used on
14 the east side maybe to...we have a rise in crime
15 over there now from one of the new buildings and
16 maybe we can safeguard against that and somehow
17 have some kind of an area that that benefit would
18 be for the people who are being inconvenienced by
19 whatever building is that's going on. I think we
20 have to safeguard against this becoming paid to
21 play. And, and really somehow...I don't know, how,
22 how do you keep an eye on it? How do you police
23 this that, you know, we do get what they say
24 they're going to give us? I just feel that it's

1 really, really important and again, you know, we
2 have all the developer agreements and they get this
3 and they get that if they do this and that. The
4 community really does feel like they're left out.
5 Right down to the fact that we still are using the
6 scale of 1.5 cars when if there's two people living
7 in a one bedroom apartment or even in the studio,
8 you know that there are going to be two cars. We
9 are in Los Angeles, not everybody rides their bike
10 like Victor Omelczenko. So again, I hope that the
11 community will get involved, listen to you, out
12 there folks, come and speak. And that this does
13 not come, become pay to play. Thank you.

14 **Huebner:**

Thank you, Stephanie. Cole Ettman followed by
Cynthia Blatt.

16 **Ettman:**

Good evening, Cole Ettman, City of West Hollywood.
17 I just want to make sure that we're not putting
18 anymore lipstick on a pig with something like this.
19 We have to protect the residents that live near and
20 the ones that are impacted by a proposed project.
21 What we need are requirements, not entitlements.
22 We need parking as the previous speakers have said.
23 We need to increase the amount of parking necessary
24 and we need water conservation and instead of

1 making entitlements, let's make requirements. You
2 know, the previous Commission voted on the Kings
3 Row project and what entitlement is there? What is
4 that bringing the neighborhood? It can absolutely
5 destroy a city resource, a city historic landmark,
6 the Charlie Hotel. So let's start making
7 requirements, not entitlements. Thank you.

8 **Huebner:** Thank you, Cole. Cynthia Blatt is our last
9 speaker.

10 **Blatt:** Hi, first I'd like to say congratulations to Sheila
11 Lightfoot. I'm so glad to see you. This isn't
12 working...okay, sorry. I'm so glad to see you up
13 there and I did want to say that Lauren Meister did
14 what any good executive does, they come into a new
15 situation, they bring their own people into it. So
16 I just wanted to support her decision to bring her
17 own people in. It's normal. And I want to say
18 with respect to community develop-, community
19 benefit, it is important to realize that the people
20 that live in the community are very affected by
21 what goes on in the community and I don't know if I
22 have that much cogent to say, but I think that at a
23 time that we're facing the worst drought in what
24 Jay (INAUDIBLE) called a thousand years and he's

1 from NASA, we need to consider the cost benefit
2 analysis of continuing to build and build and build
3 and build when we're going to be facing fines and
4 decreased allocations and a decreased ability to
5 actually get the water supply to the developments
6 that we propose. So I think that there needs to
7 be...you know, you need to hit the pause button for
8 a minute on all of this and take a look at what
9 you're doing in the...what you're doing with land
10 use in the face of this drought, which there's no
11 end in sight to it. So I think that there hasn't
12 been much spoken about this evening about how we
13 have to address this new reality. What, what
14 Governor Brown called a new era, what Gil Garcetti
15 called the new normal. So I think these issues are
16 really important and should affect a cost benefit
17 analysis. Thank you.

18 **Huebner:** Thank you. So deliberation. Commissioner Shink?
19 What?

20 **Shink:** Oh, no, I was going to say that I couldn't agree
21 with public comment more. We have a terrible water
22 shortage which we have to deal with, so when we're
23 looking, we have over development problems, which
24 then impact traffic which then impacts parking. I

1 mean it...there's a synergy to all of this and when
2 we're looking...when I see something that says
3 economic value, I think that it's not...the scope
4 isn't actually large enough because the cost
5 benefit ratio has to include these, these
6 unquantifiable things that are not necessarily
7 fiscal and I think that's what the public was
8 talking about and I thank you so much for bringing
9 it up. So if we're making a recommendation
10 tonight, I think that that kind of language needs
11 to be included. There are problems that need to be
12 mitigated in this city and we're being tasked with
13 actually creating language that we're making a
14 recommendation to Council and it...I believe at
15 least and as we're deliberating that it should
16 include exactly the kinds of things that the public
17 was talking about. I wish that smaller less dense
18 and commensurate with neighborhoods were considered
19 a community benefit 'cause if they were, I'd say
20 let's put that in too. We need to make these
21 recommendations not in terms of what we will
22 necessarily get that may...I'm looking at the list.
23 You could go back to your slide. You know, when
24 you look at a public open space, we then have to

1 think about what that...and we want parks,
2 particularly dog parks, but what's amazing is that
3 you think about a lawn and you think about water
4 and how you have to water it. So I think that we
5 have to be very careful with the language and what
6 the recommendation is. These are like i.e.'s, but
7 when I hear the public speak and give very specific
8 detailed analysis of what's actually facing our
9 city which I think that we all know, I think that
10 language needs to be put in here. I want to vote
11 for this because I think it's a great start but I
12 think that if that language and particularly for
13 the next steps part, which is on the last page, it
14 just must include the community. Right now it
15 doesn't and that's just mandatory for me.
16 Otherwise, I would have to vote no on this and I
17 don't want to because I think it's a good start and
18 I think it's a necessary start that we have to
19 include the community.

20 **Huebner:** Are we voting? Do we need to vote?

21 **Yeber:** No, this is just, this is comments.

22 **Huebner:** This is just comment. It's just (INAUDIBLE) and
23 there's no....

24 **DeLuccio:** This is just a receive and file almost.

1 **Yeber:** Then there's no recommendation, nothing.

2 **DeLuccio:** Yeah, it's going to go to Council and you want our
3 input.

4 **Yeber:** Yes, there's no vote.

5 **DeLuccio:** I think we may have said it loud and clear already
6 that we want community...that the only thing I
7 found that was blatantly missing was that the
8 community needs to be involved in the process and I
9 think you'll...that's well noted, right, when you
10 go to Council with that. And also the whole
11 purpose of this is again we want a transparent
12 city, transparency, right? That's what we're
13 all...what we want going forward and, and this is
14 part of it 'cause in the past when development
15 agreements have come to this body, they were, they
16 weren't even spelled out. We were supposed to come
17 up and make a recommendation about a development,
18 with a development agreement to the City Council
19 and there's a hundred page document that had
20 nothing in it and there's going to...and we were
21 told oh, the City Attorney will work this out with
22 the, with the Applicant and then when it goes to
23 the City Council it'll all be flushed out. We
24 were...I mean we knew...we were blind sighted by

1 all that so, so this is an opportunity after the
2 process to come back with an agreed list between
3 the...all, all the stakeholders and when it comes
4 to this body, at least we'll know what is being
5 recommended to Council as part of a Development
6 Agreement and, and I think Development Agreements
7 are...I think, I hope Ric, Ric is still here, I
8 hope we end up with Development Agreements like
9 maybe they were meant to be. Now they seem to be,
10 Development Agreements seem to be wide open net for
11 everything instead of a Development Agreement that
12 would be more close ended and really benefit the
13 community. I was just going to say one more thing,
14 I think Cole made a comment actually. 826 is
15 not...it was approved by this body. I actually
16 voted against it and it has not gone to the
17 City...it's going to City Council on May 4th on
18 appeal.

19 **Yeber:** And it's not a Development Agreement.

20 **DeLuccio:** No, it's not a Development Agreement, but it....

21 **Yeber:** Not a Development Agreement.

22 **DeLuccio:** But Ric did make a comment about it and everybody
23 has these buttons on it and I just want to be clear
24 that it has not been decided on yet, the final

1 decision.

2 **Yeber:** Chair?

3 **Huebner:** Yes, Commissioner Yeber?

4 **Yeber:** So I have mixed feelings about this. You know,
5 I've never been a big fan of Development Agreements
6 especially if they're not carefully used because
7 essentially it's...it could be akin to spot zoning
8 and I'm always uncomfortable with that. I do
9 however have to say that if we're going to have
10 Development Agreements, I'm much more comfortable
11 going in this direction because as Commissioner
12 DeLuccio pointed out, in the past we would get
13 these big projects that would come with Development
14 Agreements and we just could not get our head
15 around the, the public benefit versus what the
16 applicant or what the project was getting. There
17 was no framework in which to evaluate it in any
18 rational way and it was very frustrating and so,
19 you know, it didn't go to a specific project. It
20 wasn't clearly evaluated, so I like where this
21 direction is going. What I'm concerned about is
22 that it opens the floodgates for even further
23 Development Agreements and so that's where I'm
24 concerned about and I would...I think I would...if

1 I had my druthers, I would like to see a full
2 analysis on how many Development Agreements we
3 have, we've approved or we have...that have come
4 before us in the City in the last, you know, 10
5 years, 20 years, whatever, compare it to what other
6 cities are doing with the same kind of legal
7 mechanism and just understand how we're using it
8 here and is it a rational way in which to use it.
9 I mean the comments from, you know, a lot of the
10 speakers tonight were very valid and so I would
11 like to tread carefully with this because I could
12 see how this could become something that was, you
13 know, not intended.

14 **Huebner:** Commissioner Altschul?

15 **Altschul:** Well the prior Development Agreements that the
16 commission has heard were rather heavy and thick,
17 but they did have all of the elements of a
18 Development Agreement except one and that was what
19 was the consideration and it was never considered
20 the Commission's purview to figure out whether the
21 consideration was worth it or whether it wasn't
22 worth it, so therefore it wasn't included in our
23 presentation. So we were never told the dollar
24 value or anything else and the original purpose as

1 I understood of Development Agreements was projects
2 that were intended to be completed over a longer
3 period of time such as the Millennium project on
4 Sunset, which was supposed to be phased in over say
5 a 10 year period with an east parcel, a middle
6 parcel and a western parcel, and the western parcel
7 was build almost immediately and the other two
8 parcels some 15 or so years later are going up as
9 we see it now. And the Development Agreement was
10 just for one particular reason and that was to
11 freeze the zoning requirements as was said before
12 at the time that the agreement was made and that
13 the entitlement was given so that if the parking
14 requirement was so many spaces per 1,000 for the
15 use that they contemplated then, that's what it
16 would've been today when it was being built even
17 though the parking standard may have increased,
18 that if the electrical pipes and the plumbing pipe
19 should be this big around then and this big around
20 now, they build it this big around as it was then.
21 So a Development Agreement is not a bad thing.
22 It's not something that is hideous or horrendous.
23 And, but it should bring a healthy public benefit
24 and it was usually considered money and most of the

1 times it was money and most of the times that...as
2 I understood it, the money was paid in phases or in
3 steps and so much was due at the beginning and so
4 much was due two or four or five years out and so
5 much was due toward the end and so much was due at
6 completion and they didn't get their certificate of
7 occupancy until it was all paid off. And sometimes
8 they had to wait for it if they didn't pay it off.
9 So it's truly a legitimate business situation which
10 has its benefits to the community and has its
11 benefits to a developer who's developing a huge
12 project which may take time to arrange financing
13 and which may take time to build to its best
14 economic advantage to fill up with tenants, i.e.,
15 across the street, which by the way I don't think
16 had a Development Agreement, did it? PDC?

17 **Keho:** Yes, it had a Development Agreement.

18 **Altschul:** Oh, okay. But it's not something that is designed
19 by the devil, something that's designed with a
20 specific purpose and it doesn't attach to an 18
21 unit condominium building on a residential street.
22 You're never going to find one of those. So it's
23 nothing to be afraid of because they've been
24 administrated properly and overseen very well by

1 our very able City Attorney and our very, very able
2 Senior Staff. But in now making it open to the
3 public as to what the consideration is and what the
4 consideration will be is a wonderful step. And the
5 consideration should be laid out for the public and
6 it should be laid out for developers and it should
7 be laid out for anybody who wants to know and this
8 I think is a very, very good step. I certainly
9 agree that there should be a community forum, a
10 community noticed forum where everybody can get
11 together and have their two cents put in just like
12 we have on many other occasions with respect to big
13 issues 'cause this is a big issue and everybody
14 should have their say but it should be again viewed
15 as something that can be a good thing in
16 development and not necessarily an adverse
17 situation or something that is going to lead to
18 hell. So I'm very much in favor of this.

19 **Huebner:** Commissioner Buckner?

20 **Buckner:** I had this week discussed this a little bit in long
21 range planning and I think that we had some
22 important input from staff with regard to how...and
23 particularly our Director on how difficult it is
24 sometimes to formulate what the benefit is and this

1 is an opportunity for our Planning Department to
2 have some kind of guidelines in helping them to
3 negotiate something that the community would want
4 as benefit, so absolutely, I agree with the rest of
5 the Commissioners that have spoken that we need to
6 involve the community in this process because I
7 think those are the people, the people are the ones
8 that are concerned about the lack of transparency
9 and that there's no benefit to many of the projects
10 that are impacting their neighborhoods. So I'm...I
11 think this is a good beginning and I welcome
12 further discussion on this and hearing from other
13 people other than the public that's here tonight,
14 other people who have important issues to raise
15 with regard to this process.

16 **Huebner:** Commissioner Lightfoot?

17 **Lightfoot:** Well I don't know. Talking about this as a
18 community benefit is a little bit difficult for me
19 because I, you know, I think that the average
20 person in the community would think that a real
21 community benefit was rolling back all the height,
22 all the density, all the intensity, that's what
23 they would think was a community benefit. I know
24 this situation is what it is and, you know, I do

1 like practicality, I do like streamlining things,
2 making it more transparent, making everybody's
3 lives a little easier, but you know what I worry
4 about is that defining the process like this gives
5 it a certain legitimacy so that developers
6 basically end up and I believe that Stephanie said
7 this, you know, it's a, it's a pay to play system
8 that we're outlining very carefully. If you give
9 us this, we'll let you do that. You know, we have
10 a General Plan and a Zoning Ordinance and, you
11 know, I think we have those for a reason and we
12 have very, very generous incentives within the
13 General Plan and the Zoning Code and can we really
14 just say, but you know what, if you pay us this
15 much money for this thing or that much money for
16 that thing, then guess what, the General Plan and
17 the Zoning Ordinance don't apply to you because you
18 can pay to be able to ignore it. So yes, I know
19 there are Development Agreements but I really am
20 concerned. You know, I mean if you really want an
21 honest answer from somebody, ask somebody if
22 something is right or if it's wrong or if it's good
23 or if it's bad only when they don't have a
24 financial gain either way. This, you know, yes, I

1 think the community must be brought in on this, but
2 I think that the first question is already answered
3 and that is whether we're going to do this. Right
4 now all we're doing is just putting guidelines on
5 it and yes, that's better than maybe what it is now
6 but we are really legitimizing this process now.
7 We're trying, I mean the words we use, we're trying
8 the value of community benefits to the value of
9 requested zoning changes. That's not what the
10 General Plan and the Zoning Ordinance is supposed
11 to be about. So anyway, I'm sorry, I'm sure that's
12 not very helpful to this discussion, but I think
13 that that's the way a lot of community, of the
14 community feel and at least we must take into
15 consideration the cumulative effects, not just one
16 Development Agreement, one project, one set of
17 gimmes. You know, I mean at the end of it, you
18 take a block and first this one gets it, then this
19 one gets it then this one gets it, you add them all
20 together and wow, you know, how much of a community
21 benefit is it now. No matter what it is, some
22 people are not going to think anything is enough
23 and that's where I guess this body and the City
24 Council just have to step up and say some things

1 just aren't worth anything you want to give us for
2 it, so I'm sorry, that's....

3 **Altschul:** Which by the way is always an option.

4 **Huebner:** Completely. And I just, I just want to thank staff
5 for bringing this forward. I think it's something
6 that we've talked about for a long time. It's
7 something that I've always wondered about with
8 Development Agreements and I know I always...I
9 think our decisions are best made when we have more
10 context and anything that we can do and bring into
11 the community and bring in what your consultants
12 have said, any way that we can better quantify,
13 qualitatively, quantitatively codify this and give
14 us some kind of context in order to evaluate the
15 value of added zoning or whatever exception is
16 being made in order to...for us to look at this
17 community benefit would be an immense help and so I
18 just kind of applaud you for finally bringing this
19 forward and I mean the one thing that I've been
20 thinking about with respect to water, since it's
21 been on everybody's mind with the development is I
22 just wonder why the state or who, whatever body it
23 is does not restrict hookups and give us some kind
24 of a guideline. It's just...I don't know if

1 anybody else knows that, but you know, you get
2 1,000 more hookups next year and that's all you get
3 and it just seems like at a statewide level they
4 just tell you to reduce it and they just let us
5 keep developing, so I don't know, it just seems, it
6 seems counterintuitive to me where they would just
7 say we just can't supply any more water except to
8 who's there now or a 10 percent increase and figure
9 it out, but that's certainly a benefit that we need
10 to look at because I'm tearing out a lawn just
11 because of that. It just makes you feel guilty and
12 we should feel guilty and responsible, so (talking
13 over). I'm not going to paint it green. Just
14 plant, artificial turf. Anyway, so do you have
15 enough comment and direction for us to....

16 **DeLuccio:** May I make one more....

17 **Huebner:** Before yes, you can, you want to push request to
18 speak on here again?

19 **DeLuccio:** May I have request to...I, and I think Marc asked
20 the question how many Development Agreements are
21 there and I think it's...we, you know, it's up to
22 the Council actually. We can give input. It's up
23 to the Council to set the policy of, if they want
24 Development Agreements or not, to encourage it or

1 not. That's definitely a policy decision of the
2 City Council. We can always give our input on it.
3 I think over the years we started with very, very,
4 very few Development Agreements and I think the
5 Development Agreement should've probably been an
6 exception to the rule and now it's been almost,
7 it's been almost made into, you know, something
8 that's very common and so, but again....

9 **Yeber:** But also too we haven't recommended every
10 Development Agreement that came before us. There
11 were a lot that just didn't, didn't meet our
12 expectations and we recommended denial.

13 **DeLuccio:** Exactly. So okay, so, so Commissioner Lightfoot,
14 thank you for your input this evening and I, and
15 I...we hear you. I hear you, what you're saying
16 but it's like....

17 **Yeber:** And just, just so we're clear, we are talking about
18 a mechanism that...all we're doing here, it's a
19 mechanism that's available to us and every other
20 municipality in the state in terms...it's a, it's a
21 mechanism that we're able to use. What we're doing
22 here is we're just trying to give it a bit more
23 structure that helps us evaluate whether a project
24 and its, and its Development Agreement makes sense

1 for the community. So, you know, it can only be a
2 good thing.

3 **DeLuccio:** Exactly.

4 **Yeber:** But....

5 **Huebner:** Right. Any more context and the way to codify this
6 would be an immense help.

7 **Shink:** Yeah, there may be projects where there's just
8 nothing.

9 **Huebner:** There's...yeah.

10 **Shink:** Right, like what you were saying, that there's just
11 not, just nothing that could be added where you say
12 this is good enough, enough of a public benefit to
13 actually pass it.

14 **Huebner:** Yeah.

15 **Shink:** But if there are guidelines that we have a
16 framework to work within.

17 **Huebner:** You can at least speak about it.

18 **Shink:** And say that these are the reason why it doesn't
19 need it.

20 **Huebner:** Exactly.

21 **Yeber:** I can actually think of, I can think of a recent
22 project within the last couple years where the
23 public benefit was interesting but the impacts were
24 so significant, there was just no way around it and

1 we, we recommended denial. So even if the benefit
2 is there, if the impacts aren't adequately
3 addressed, it doesn't mean it's a foregone
4 conclusion that it's going forward.

5 **Altschul:** What's he talking about?

6 **Lightfoot:** There is, there is one maybe a more helpful comment
7 that I can make. I believe that someone, somewhere
8 in here it does, it does discuss bringing the
9 Planning Commission into the, you know, into the,
10 the process. But I think that there's only one
11 item here that's like other community benefits and
12 I think that in many cases, if not most cases,
13 they're trying to...you know, I think we should
14 have as much flexibility as possible to address
15 things that are particular to a neighborhood. If
16 we really want the community to benefit, to be for
17 the neighborhood and it's the neighborhood that's,
18 that's going to take the hit of the impact, so I
19 mean the neighborhood should be like the first in
20 line for benefits. Then you know, I think that we
21 should leave some flexibility for there some
22 be...for there to be some innovative, some
23 innovative ideas as well as just, you know,
24 hitting, hitting one of the guidelines, so I think

1 that that's important as well.

2 **Yeber:** Roy, I have one more recommendation just for clar-,
3 (INAUDIBLE - MIC OFF). I think that has a big,
4 bigger (INAUDIBLE - MIC OFF), for example,
5 (INAUDIBLE - MIC OFF) commercial development and
6 it's private property, that value of that public
7 residence is much less and (INAUDIBLE - MIC OFF)
8 the public realm. So this (INAUDIBLE - MIC OFF).

9 **Huebner:** Good point.

10 **Altschul:** Very good.

11 **Huebner:** Yeah. Is that enough direction? Have you taken
12 enough notes?

13 **DeWolfe:** That was very helpful actually.

14 **Sheridan:** Yes, thank you. I mean the real goal is to begin
15 the discussion and find out if there's a reason to
16 begin the discussion. I think there's plenty of
17 reason.

18 **Huebner:** You think there's any interest in this item?

19 **Shink:** Clearly.

20 **Huebner:** Yeah.

21 **Sheridan:** Thank you.

22 **ITEM 12.B. DESIGN REVIEW SUBCOMMITTEE APPOINTMENT**

23 **Huebner:** So we'll close the hearing on 12.A. Item 12.B.,
24 Planning Commission Subcommittee Appointment. I

1 need to appoint a...one of the Commissioners to the
2 Design Review Subcommittee to replace outgoing
3 Commissioner Aghaei who is on the Design Review
4 Subcommittee and Commissioner Buckner, who has
5 served on the Design Review Committee in my stead
6 and I think other stead has expressed interest, so
7 I would like to appoint Sue, Commissioner Buckner
8 to serve out Commissioner Aghaei's team which ends
9 June 30th of this year. Congratulations and I look
10 forward to it. On to Item 13, Unfinished Business.
11 There is none. Excluded consent calendar, there is
12 none. Items from staff, do we have a Planning
13 Manager's update from the Assistant Director?

14 **ITEM 15. ITEMS FROM STAFF**

15 **Keho:** Other than, other than welcoming new Commissioner
16 Lightfoot to the Commission, I have nothing else to
17 add tonight.

18 **Huebner:** No more public comment? David? Okay. Items from
19 Commissioners? Commissioner DeLuccio?

20 **ITEM 17. ITEMS FROM COMMISSIONERS**

21 **DeLuccio:** We've had a very lively discussion tonight and
22 welcome Commissioner Lightfoot and I have no other
23 comment.

24 **Huebner:** Commissioner Shink?

1 **Shink:** None. I think we've said it all.

2 **Huebner:** Vice Chair Altschul?

3 **Altschul:** Thank you. I certainly want to add my welcome to
4 Sheila and to express very much delight and
5 enjoyment of tonight's very vibrant discussion. I
6 think you bring a very interesting and new
7 dimension to the dialogue here and I very much look
8 forward to continuing it and to having more of this
9 wonderful dialogue. There are seven Commissioners,
10 there's seven different approaches, and seven
11 different approaches that are unique and seven
12 different approaches that all add to the dynamic
13 and you're certainly going to do that. To those
14 people who had criticism over Ms. Meister's choice
15 of starting the people that she wanted to serve at
16 this particular point, I agree with whoever it was
17 that said that's her right and perhaps if the
18 goodbye and the thank yous to the Commissioners
19 that were retiring are made soon and significantly,
20 that would also be a nice thing but nevertheless
21 her choice of appointing her Commissioners when she
22 did is certainly appropriate and is certainly
23 something that is not to be criticized. And again,
24 welcome Sheila.

1 **Huebner:** Commissioner Lightfoot?

2 **Lightfoot:** Thank you, Mr. Altschul.

3 **Altschul:** You're welcome.

4 **Lightfoot:** And by the way, congratulations for being Vice
5 Chair.

6 **Altschul:** Thank you, ma'am.

7 **Lightfoot:** I left that out at the beginning. Sorry. Okay, I
8 know I've said a lot tonight. You're getting, you
9 know, another...you got a chatty catty here. But
10 there are a couple of things. I won't list all 10
11 items that I'd like the staff to maybe bring up at
12 future meetings but I will mention a couple of
13 them. For the, for the other Commissioners, I had
14 an inquiry about Assembly Bill 2222 that
15 Councilmember Meister's office forwarded to the
16 staff and I believe they're working on bringing
17 something to the Planning Commission, but I would
18 like to formally ask that the City Attorney's
19 office in combination with whomever put together as
20 soon as can be put on an agenda a summary and
21 interpretation how you suggest implementing the
22 changes that AB 2222 has made to the SB 1818
23 legislation and for the public, that's the density
24 bonus, the state density bonus law that now this

1 assembly bill has amended and I do believe there
2 are some things that will impact us here in West
3 Hollywood. So if you could please put it on an
4 agenda as quickly as possible.

5 **Altschul:** Could you tell us what it says?

6 **Lightfoot:** Pardon?

7 **Altschul:** What it...I don't know what it is.

8 **Lightfoot:** Yes, it, it definitely...and it went into effect on
9 January 1st and it definitely amends the density
10 bonus law, the California law that was created by
11 SB 1818.

12 **Altschul:** The Governor sign it?

13 **Lightfoot:** Yes. It went into effect January the 1st. It was
14 passed I think last September or October. But also
15 I would ask that any, that any developments that
16 might be coming before the Planning Commission
17 before the Planning Commission has a chance to be
18 thoroughly briefed and completely understands how
19 to implement it, that no development projects come
20 before the Planning Commission before we've got
21 that information at our disposal. But you know,
22 anything that might be affected by it. So I would,
23 you know, just...I don't know how I do that
24 officially, but I'm asking to have it on an agenda

1 as quickly as possible.

2 **DeLuccio:** I'd like to know about it too, but I think if
3 something did come before us then it had to do with
4 SB 22...is it AB 2222?

5 **Lightfoot:** AB 2222, yes.

6 **DeLuccio:** And the SB1818, obviously you would set it up in a,
7 a report that came to us with a project and explain
8 it, but now that you brought it up, can you maybe
9 at the next meeting, you know, give us an item on
10 it that we....

11 **Altschul:** What about now? Christi, could you give us just a
12 little overview? No?

13 **DeLuccio:** If you can....

14 **Keho:** We can certainly give you all a verbal update at
15 the next meeting.

16 **DeLuccio:** Yeah.

17 **Lightfoot:** And also, I promise just one more for tonight.
18 I'll save the rest for later. I've got plenty of
19 meetings. When, when comments, when comments or
20 recommendations or even votes come to this body
21 from other Commissions, I know they come from, for
22 instance Historic Preservation Commission, could we
23 at some point have from staff a presentation about
24 exactly how that works, you know, at some future

1 meeting, and kind of what the standard procedure is
2 whether it usually comes to us like with summarized
3 minutes or verbatim minutes, whether they normally
4 just give their comments or recommendations or
5 whether they usually vote on them or whatever, I
6 would really like to know if there's some kind of
7 standard when they make recommendations that the
8 Planning Commission can take into consideration.
9 So at some future meeting, thank you so much and,
10 and thank you to all my fellow Commissioners for
11 making me feel welcome and for making tonight a
12 little bit easier for me. Thank you.

13 **Huebner:** Commissioner Buckner?

14 **Buckner:** Thank you.

15 **Lightfoot:** Oh sorry, just one more thing. And thank you so
16 much to staff 'cause, you know, you've really been
17 helpful. Okay.

18 **Buckner:** Thank you. I wanted to express my congratulations
19 to our Vice Chair as well. I could address that
20 earlier, but we welcome you. You've had a lot of
21 experience in that seat, so we're looking forward
22 to your participation as that, in that capacity. I
23 think it was a really interesting meeting tonight
24 and I really appreciate staff having worked as hard

1 as they have to bring these items to us at this
2 point and I, I think it's looking forward to a lot
3 of very important changes that are going to help
4 the Commission and probably Council too to be able
5 to address some of these issues when they come
6 before our bodies. So thank you very much.

7 **Huebner:** Commissioner Yeber?

8 **Yeber:** Nothing more, thanks.

9 **Huebner:** I just always...I always want to thank the staff
10 for their work that they do and the public for
11 coming out and those people who any of them are
12 still watching at home. But again welcome
13 Commissioner Lightfoot. It's...I think like I
14 said, change is always good. It sparks dynamic
15 conversation. It, you know, it keeps us...it just
16 keeps us all I think on our toes and gives us
17 another point of view and a different way to look
18 at things and I always, I always appreciate that.
19 So with that, we'll adjourn. The next Planning
20 Commission meeting on the 7th is canceled and we'll
21 be reconvening on Thursday, May 21st

22 //km

23 *Certified transcription provided by Written Communications, Inc.*

24 *Certification by transcriber on file City of West Hollywood, Community Development Department*

Kimberly McVay May 12, 2015


1 **PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of
2 West Hollywood at a regular meeting held this 21st day of May, 2015 by the following
3 vote:

4 **AYES:** Commissioner: Buckner, DeLuccio, Lightfoot, Shink, Yeber,
5 Vice-Chair Altschul, Chair Huebner.

6 **NOES:** Commissioner: None.

7 **ABSENT:** Commissioner: None.

8 **ABSTAIN:** Commissioner: None.

9
10
11 
12 _____
13 ROY HUEBNER, CHAIRPERSON

13 **ATTEST:**

14
15
16 
17 _____
18 DAVID K. GILLIG, COMMISSION SECRETARY

19
20
21
22
23
24