

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: July 16, 2015

12 PLANNING COMMISSION:	STAFF:
13 Roy Huebner, Chair	Stephanie DeWolfe, Director
14 John Altschul, Vice Chair	John Keho, Asst. Director
15 Sue Buckner, Commissioner	Adrian Gallo, Assoc. Planner
16 Donald DeLuccio, Commissioner	Scott Lunceford, Assoc. Planner
17 Sheila Lightfoot, Commissioner	Jennifer Alkire, Senior Planner
18 Heidi Shink, Commissioner	Christi Hogin, Asst. City Atty.
19 Marc Yeber, Commissioner	David Gillig, Comm. Secretary

20  
21  
22 And Public Speakers.

23  
24

1 **Planning Commission Meeting**

2 **Thursday, July 16, 2015**

3 **Huebner:** We'll call the regular meeting of West Hollywood  
4 Planning Commission meeting of July 16, 2015 to  
5 order. Can I have Larry Block do the pledge?

6 **ITEM 2. PLEDGE OF ALLEGIANCE**

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

11 **Huebner:** Thank you, Larry. Roll call, David.

12 **ITEM 3. ROLL CALL**

13 **Gillig:** Good evening. Commissioner Yeber?

14 **Yeber:** Here.

15 **Gillig:** Commissioner Shink?

16 **Shink:** Present.

17 **Gillig:** Commissioner Lightfoot?

18 **Lightfoot:** Here.

19 **Gillig:** Commissioner DeLuccio?

20 **DeLuccio:** Here.

21 **Gillig:** Commissioner Buckner?

22 **Buckner:** Here.

23 **Gillig:** Vice Chair Altschul?

24 **Altschul:** Here.

1 **Gillig:** Chair Huebner?

2 **Huebner:** Here.

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

4 **ITEM 4. APPROVAL OF THE AGENDA**

5 **Huebner:** Can I get an approval of the Agenda for this  
6 evening?

7 **DeLuccio:** I made a motion.

8 **Huebner:** And we have approval of the Agenda. Move on to  
9 Approval of the Minutes of our previous meeting.

10 **ITEM 5. APPROVAL OF MINUTES**

11 **Yeber:** Chair, I just...I have one modification which I've  
12 already discussed with our secretary and that's on  
13 page 10 of 20, just a clarification of a sentence  
14 at the end regarding being in line with similar  
15 projects as catch 22.

16 **Huebner:** Okay, so noted. And I have to abstain since I was  
17 not here. And we have approval of the Minutes of  
18 the last meeting. Public comment.

19 **ITEM 6. PUBLIC COMMENT**

20 **Gillig:** We have three, the first one is Roy Oldenkamp  
21 followed by Dan Morin.

22 **Oldenkamp:** Good evening, Roy Oldenkamp, City of West  
23 Hollywood. I wanted to just mention that we have  
24 an upcoming event sponsored by the City of West

1 Hollywood, the Los Angeles Conservancy and also the  
2 West Hollywood Preservation Alliance. It's called  
3 Landmark This, how to nominate the local landmark  
4 designation. So if anybody in this room or if  
5 anybody has friends that would like to learn how to  
6 landmark a building for, for designation, please  
7 come to this event. It's Saturday, the 25<sup>th</sup>,  
8 starting at 9:00 in the morning. Registration is  
9 at 9:00. The event starts at 9:30. I think it's  
10 about 10 bucks. That includes refreshments and  
11 you'll have a chance to have the L.A. Conservancy  
12 tell you the best way to actually nominate and  
13 designate a building. So this would be a good time  
14 for you to...if you are interested at all, just  
15 head on over to Plummer Park. It'll be in Fiesta  
16 Hall. Okay, so we hope to see you there. Thank  
17 you.

18 **Gillig:** Next is Dan Morin.

19 **Morin:** Dan Morin...oh God. Something hit those doors.  
20 Dan Morin, resident of West Hollywood. Actually I  
21 wanted to...and maybe I'm out of order, but I  
22 wanted to speak about two things that are on the  
23 agenda. May I speak about them now or do I have to  
24 wait 'til both of them are discussed before the

1 Commission?

2 **Huebner:** You have to wait.

3 **Morin:** I have to wait? I shall wait then. Thank you.

4 **Gillig:** Stephanie Harker followed by G. Credle.

5 **Harker:** Gridlock at the podium. Stephanie Harker, City of  
6 West Hollywood. Good evening. We haven't seen you  
7 for a while. About half a year ago, I attended a  
8 community meeting presented by a developer. It was  
9 a very, very small room in a public place and there  
10 were...it was packed with about 150 community  
11 members and who were not happy about possibly six  
12 stories going in on an already congested corner.  
13 And he was shocked, the developer was shocked. He  
14 said, "I, I feel a lot of people are upset", and he  
15 didn't understand why. I, I think again we need to  
16 continue what's happening with the community  
17 showing up and voicing their opinion, but I think  
18 that the developers need to come to the community  
19 first before they try and cram oversized, unwanted  
20 developments into our neighborhoods. Everybody  
21 who's here tonight, more and more people have been  
22 showing up as you probably noticed. There were  
23 times I'd come to these meetings and me and Kathy  
24 Blavis were sitting out here. We, we are concerned

1 about our neighborhoods and we need your support  
2 from the Commission to really turn this around. If  
3 this is such a desirable place to build, we're not  
4 sure why we keep giving concessions and, and  
5 helping the developers get what they want. We need  
6 to start helping the community get what they want.  
7 And I have an announcement as well. The Historic  
8 Preservation Commission is holding its annual event  
9 on July 22<sup>nd</sup>, Wednesday night, from 6:30 to 8:30,  
10 and it is a fiesta celebrating 30 years of Historic  
11 Preservation in West Hollywood. So we hope you'll  
12 all come. It's being held in Historic Great Hall  
13 Long Hall and there will be the unveiling of the  
14 National Register plaque that evening. So it's  
15 very exciting for all of us and community who are  
16 interested in preservation. Thank you so much.

17 **Huebner:** Thanks Stephanie.

18 **Gillig:** G. Credle followed by Genevieve.

19 **Credle:** George Credle, City of West Hollywood. I want to  
20 speak in general terms tonight on a subject which  
21 recurs as various developments come before you and  
22 that is the cumulative effect. I received it in  
23 the staff reports you receive each project is  
24 considered in isolation as if they were on separate

1 planets and it is we in the neighborhoods who bear  
2 the brunt of this after the projects have been  
3 completed. In particular, the subject of traffic,  
4 which I'm sure is something that always frustrates  
5 you, me, everyone who is in West Hollywood or goes  
6 through it. Our own traffic study threshold  
7 suggestion as of October 19<sup>th</sup>, 2009 is that it  
8 requires City staff to capture the change in travel  
9 patterns and land use interaction when multiple  
10 developments take place and thus demonstrate how  
11 further projects would interact with each other.  
12 So this is something that is clearly left out of  
13 the reports and it's a service to the developers  
14 but it's certainly not a service to those of us who  
15 live in the various communities and if we're not  
16 following our own directives, then what chance do  
17 we have to see that development proceeds in a  
18 reasonable way. There's always going to be  
19 development, but see that it proceeds in a  
20 reasonable way in a manner in which we can all at  
21 least live with on some level, even if it doesn't  
22 meet our perfect expectations. Thank you very  
23 much.

24 **Huebner:** Thank you George. Genevieve Morrill.

1 **Morrill:** Hi, Chairman and Commissioners, good evening.  
2 Genevieve Morrill, CEO of West Hollywood Chamber of  
3 Commerce and resident of Marina del Rey. I, I  
4 really just wanted to give Commissioner Yeber a  
5 send off and thank him for his years of service and  
6 we've appreciated your thoughtful due diligence on  
7 projects and just wanted to recognize that from the  
8 Chamber and we haven't always agreed, but I think  
9 that, you know, what you put into it as a  
10 Commissioner is commendable and we thank you for  
11 all the years of service that you've provided, so  
12 thank you. And then reach out, West Hollywood,  
13 we're on Twitter, Instagram, we have a Facebook  
14 page, so we're growing by leaps and bounds and we  
15 have a big billboard and advertising all  
16 contributed by members launch that's happening this  
17 month and so you'll see us out there with a big, a  
18 fantastic ad campaign. It's a very luxury, with  
19 real models and, and everything. It was all  
20 contributed by local businesses here in West  
21 Hollywood, so thank you.

22 **Huebner:** Thanks Genevieve. And our last speaker is Michael.

23 **Wojtkielewicz:** Good evening, Commissioners and members of the  
24 public. My name is Michael Woutkielewicz, City of

1 West Hollywood. I think it was in front of this  
2 Commission back in December of 2014 where I  
3 addressed the issue of potential cell towers for  
4 AT&T on top of a mixed use building on the 7500  
5 block of Santa Monica Boulevard and I spoke in  
6 terms of the fact that because it's commercial,  
7 because there is 50 feet, no public outreach, no  
8 public disclosure had to happen. I'm happy to  
9 report to everyone in this room that last week in a  
10 brief moment where I found myself without my dog  
11 because he was having minor surgery, I walked over  
12 to City Hall, second floor, Planning counter and I  
13 found out that on February 2<sup>nd</sup> of this year AT&T  
14 pulled their submission. AT&T pulled the  
15 submission. WHCHC which disclosed to a number of  
16 people in the community that their board voted no  
17 against the cell towers at the start of this year  
18 is factually incorrect. They did not vote no.  
19 They put it on hold. They put it on hold because  
20 AT&T was not completing their package. The members  
21 of the public of West Hollywood, of West Hollywood  
22 was lied to. About a month or two ago, I also  
23 appeared in front of this Commission. I invited  
24 all of you a chance to talk with me on anything

1                   regarding affordable housing and specifically with  
2                   issues of a building that was built 20 years after  
3                   the ADA Act of 1990. I've heard in the past week  
4                   or two that at least one of you have questioned how  
5                   could that possibly be? How could there possibly  
6                   be violations? I'm here to tell you there are  
7                   violations. More than a week ago a certified  
8                   accessibility specialist was brought to the  
9                   building. I believe by now I would have known if I  
10                  was in the wrong. I still stand where I stood  
11                  before, where I stood last year, the year previous,  
12                  where I stood one week after I moved into that  
13                  building in March 2010, when I asked, how could  
14                  this possibly have happened? How could a building  
15                  that was designated specifically for a demographic  
16                  of those who are disabled, how could it be that  
17                  areas within the common spaces of that building are  
18                  inaccessible? They are inaccessible and I cannot  
19                  wait for the final reports issued. Thank you.

20 **Huebner:**

And our last one is Larry Black. The last, last  
21 one.

22 **Block:**

Larry Black, West Hollywood. I just wanted to talk  
23 about the two small things, big things. One of  
24 them is the upcoming item on Monday, City Council

1                   Agenda, about cameras (talking over).

2 **Yeber:**           Larry, can you speak into the mic so everyone can  
3 hear?

4 **Block:**          Yeah. Larry Black, West Hollywood. I wanted to  
5 speak about the upcoming item on the agenda for  
6 cameras in public places in...at certain places in  
7 Boys Town, which I very much support. We have a  
8 lot of crime that's happened, three attacks over  
9 the last month and I can't tell you how many times  
10 over the past couple of years that the police have  
11 come to my store to try to get video footage of  
12 what's going on in the street. And at the, at the  
13 Commission the other night, there were a lot of  
14 concerns echoed about the privacy rights. But I  
15 really think we need those cameras 100% so...and  
16 even special in that town at the center of Santa  
17 Monica Boulevard and San Vicente, which in essence  
18 is the...almost the gay capital of the world or our  
19 universe as John Duran would say. The specialness  
20 of that and any kind of 911 attacks that may happen  
21 in L.A. are prone, maybe to the Pacific Design  
22 Center or close to our neighborhood. So that, that  
23 item, that Lindsey Horvack is bringing forward for  
24 cameras, it's so...it's important to approve that

1 and even go deeper and look at other places in the  
2 City that have that, but also in essence to just  
3 build upon that is that magic specialness of that  
4 special intersection as West Hollywood grows and  
5 gentrifies and, and becomes some Beverly Hills East  
6 and how we can commemorate that special  
7 intersection and been working on that perhaps, are  
8 we San Vicente West Hollywood or are we San Vicente  
9 Brentwood. Couldn't we rename that Weho way and  
10 couldn't we create our little magical city a little  
11 bit better and more as we grow and never forget  
12 where we came from by naming that intersection LGBT  
13 square and an item is working its way through LGAB  
14 that has LG...lesbian history and to be able to use  
15 and mark the intersection with special components  
16 to really create that rainbow city and I guess I  
17 want to create that city. I don't want to let that  
18 city go, so thank you very much.

19 **Huebner:** Thanks, Larry. That concludes public comment.

20 Item 7, Director's Report. Ms. DeWolfe?

21 **ITEM 7. DIRECTOR'S REPORT**

22 **DeWolfe:** Good evening, Commissioners, members of the public.

23 I am Stephanie DeWolfe, I'm the Community

24 Development Director. Since your last Planning

1 Commission meeting there has not been a City  
2 Council meeting because of the holidays. So I'll  
3 give you a brief update on what's coming up on  
4 Monday's agenda that relates to the Commission and  
5 the CDD Department. On the consent calendar is an  
6 item regarding studying multi-family zoning  
7 districts. As you may recall, this was on a prior  
8 City Council agenda. They tabled the item and it  
9 is now coming back on Monday. It will direct staff  
10 to reexamine housing policies within the R2, R3 and  
11 R4 multi-family residential districts. Also on the  
12 consent calendar on Monday there will two...will be  
13 two items coming from City Council Offices that  
14 will be providing direction to the Community  
15 Development Department. Those items include  
16 direction to update the green building ordinance  
17 and also an item to direct staff to start looking  
18 at design guidelines and creating a resource center  
19 for architectural excellence to inspire a higher  
20 level of architectural quality throughout the  
21 community. So we're looking forward to receiving  
22 both of those items. During the public hearings on  
23 Monday's meeting, there are two important items  
24 that have come through this Commission. The first

1 has to do with placing limits on the extension  
2 period for entitlements. That was supported by  
3 this Commission and will be heard by Council on  
4 Monday. Also an item regarding short-term rentals,  
5 otherwise known as the Airbnb issue that also came  
6 before you. That will be heard by Council on  
7 Monday. And a third item relating to Westside  
8 crosswalks will be heard on Monday. As you know,  
9 crosswalks have been discussed many times. This is  
10 specifically related to crosswalk improvements on  
11 the Westside of town. And then finally under new  
12 business, there are two items that may be of  
13 interest. One has to do with the public benefits  
14 framework. This is another item that was reviewed  
15 by the Planning Commission and was supported. That  
16 will be heard by Council on Monday. And finally,  
17 an interesting item, the Walgreen's site down the  
18 street on Santa Monica Boulevard, there is an item  
19 on Council agenda on Monday regarding the purchase  
20 of that site by the City. So you might be  
21 interested to hear that. Those are my points of  
22 interest for Monday's agenda unless there's any  
23 further questions?

24 **Huebner:** Any questions for Stephanie? Thanks very much.

1 Items from Commissioners. Commissioner Yeber?

2 **ITEM 8. ITEMS FROM COMMISSIONERS**

3 **Yeber:** (INAUDIBLE). Can everyone hear me? As many of you  
4 know, this is my last Commission meeting. I did  
5 not request to be reappointed, so...and I, I  
6 believe there will be a new person in my seat at  
7 the next meeting, so this was a good time for me to  
8 exit. So if you'll indulge me, I have a few pre-  
9 prepared remarks 'cause I thought it'd be a lot  
10 easier. After 12 years as a public official in the  
11 City, it's time for me to close this chapter so  
12 that I can focus on the needs of my son and career  
13 opportunities that await. My decision to become a  
14 Planning Commission official more than a decade  
15 ago, I can't believe it's that long, had less to do  
16 with politics and more to do with contributing my  
17 planning and design skills as well as a community  
18 voice to...meaningful discussion about how we shape  
19 our city. Two local issues especially were the  
20 impetus for my engagement. One was policy towards  
21 real preservation and not just historic  
22 designation. And the second was the quality of  
23 living and safety along Fountain Avenue.  
24 Unfortunately, both these items have not been

1 resolved, but I do find some comfort knowing that  
2 these issues are starting to be addressed and  
3 hopefully effective and innovative solutions will  
4 be implemented in the near future. I'm incredibly  
5 grateful for the opportunity to have served at the  
6 pleasure of the Council and the community at large.  
7 It's been enlightening, educational and at times  
8 rather entertaining. As a professional planner and  
9 designer, the experience in participating in this  
10 process has been invaluable and has certainly  
11 advanced my knowledge as I navigate my career's  
12 future path. There have been many indelible  
13 moments, a few are worth noting. Jeanne and her  
14 penchant for liquor licenses and parking policy.  
15 And I do miss her tonight. It's unfortunate she's  
16 not here but if she's watching, Jeanne, thank you.  
17 I will miss you and I wish you a speedy recovery.  
18 Also the, the community member, a community  
19 member's auditory demonstration dragging in Hefty  
20 bags of glass bottles and aluminum cans to  
21 demonstrate what it sounded like when people went  
22 around to the different recycling bins collecting.  
23 And then the recent grand accusation that was  
24 lodged at us Commissioners as an election ploy.

1           That, that was just perfect. Without these  
2           moments, the opportunity to be at this table so to  
3           speak, I'm not sure I would've fully understood the  
4           nexus between Planning policy, the entitlement  
5           process and of course local politics that influence  
6           our development. Regardless, my gaze towards  
7           decision making has always been rooted in a larger  
8           context, good policy and the opportunity to build  
9           consensus. So I first want to offer my sincere  
10          thanks to my Commissioners, my fellow  
11          Commissioners, present and past, for indulging me  
12          in what at times have been perceived as detailed  
13          discussion about feasibility, construction and ADA  
14          items. Thank you to the residents, business  
15          owners, and community stakeholders for all the kind  
16          compliments and continued support even when I  
17          disagreed. Of course, I would not be here without  
18          the trust and confidence of City Council. Mainly  
19          Council members Horvach, Heilman and Duran, and of  
20          course former Council member Abbe Land who I am  
21          eternally grateful for, for in regards to my  
22          appointment. Lastly and certainly not the least, I  
23          offer my heartfelt gratitude towards staff who work  
24          enthusiastically to make this City what it is

1                   today, but especially Planning staff who not only  
2                   made my job easier, but have become career long  
3                   planning colleagues and part of my professional and  
4                   personal network regardless of where my career  
5                   takes me. I look forward to working with you all  
6                   through APA and/or in some capacity in the near  
7                   future. So with that, I bid you all a farewell.  
8                   Thank you.

9 **Huebner:**           Commissioner Buckner?

10 **Buckner:**          Awe, is right. Marc, first I want to thank you so  
11                   much for your friendship and for your mentoring and  
12                   guidance, especially in the beginning of my place  
13                   on this Commission. And I know that we're gonna  
14                   still have contact so I'm not gonna really say  
15                   goodbye. I'm just gonna say farewell and, and have  
16                   a great, great future and you're great with your  
17                   son and I know that's really important to you, so  
18                   I, I honor that for you.

19 **Yeber:**            Thank you.

20 **Huebner:**          Commissioner Lightfoot?

21 **Lightfoot:**       Well Marc, I feel like I hardly got to know you.  
22                   But I do want to thank you because in the very  
23                   short period of time since I've been here, I've  
24                   learned some very valuable things from you and for

1                   that I thank you very much and I thank you for your  
2                   service on this Commission.

3 **Huebner:**           Commissioner DeLuccio?

4 **DeLuccio:**        (INAUDIBLE) what I'm gonna say.  Actually we'll  
5                   still be friends and I...you've been here a long  
6                   time, almost...I think I'm longer, but you've been  
7                   here a long time and, and one thing about Marc,  
8                   he's been very supportive.  He's given me very  
9                   positive input and privately he's given me...and  
10                  sometimes we don't always agree, he's been a  
11                  gentleman about it and privately you've given me  
12                  some constructive criticism and I really appreciate  
13                  you for that and, and I, I know we will continue to  
14                  be friends.  And thank you for your service to the  
15                  City of West Hollywood.

16 **Huebner:**        Commissioner Shink?

17 **Shink:**           We used to sit closer.  Now we're so far away.  I  
18                  want to thank you for your service as well.  I've  
19                  learned so much from all your detail.  And I think  
20                  that all of us have.  And I know that we'll run  
21                  into each other on Sundays like we always do.  So I  
22                  wish you the best and I think everyone in the City  
23                  thanks you for your service.  So good luck.

24 **Huebner:**        Vice Chair Altschul?

1 **Altschul:** And with pleasure. It's been a wonderful  
2 experience knowing you and I think we've disagreed  
3 on several things but not on principle and not on  
4 the basic ideas of what the City needs and what  
5 makes the City tick and what makes the City go,  
6 grow. I think your, your heartfelt wishes and your  
7 heartfelt ideals for the City are wonderful and I  
8 think they're very, very well expressed. I think  
9 that good dialogue and good challenge is acceptable  
10 and wonderful between people who have the best  
11 interest of everybody else at heart. And I think  
12 you demonstrate that marvelously. I think the fact  
13 that you chose and followed your, your heart to go  
14 and become active in the overall planning community  
15 of the State of California is wonderful and to  
16 represent West Hollywood in that, and to become  
17 involved in that is wonderful for our City and our  
18 community and I thank you for doing that on all of  
19 our behalf and I think you got a lot out of it and  
20 I know that because of that, we got a lot out of  
21 it. So it's been a pleasure working with you.  
22 It's been a pleasure exchanging a little bit of  
23 conversation with you on, on some of these forest  
24 of the trees items and I really appreciate having

1 served with you and thanks a lot, Marc.

2 **Huebner:** And I just, just to echo what the other  
3 Commissioners have said, it's, it's been a pleasure  
4 working with you. You were, you were here for me  
5 when I first stepped on the Commission and were  
6 available to mentor me and kind of help me along,  
7 help me learn the, learn the ropes as a, as a  
8 fellow professional and I also appreciated your  
9 attention to detail at times. You were also a  
10 really fun roommate in Chicago at the James for  
11 APA. I will always remember Skyping with your son  
12 that one night. It was just like...it was a riot.  
13 Anyway, you've...you know, your dedication and to  
14 the City and to this Commission is just admirable  
15 and you will be sorely missed and best of luck in  
16 your future endeavors. Thanks, Marc. Now let's  
17 get the meeting going. We have a lot of business  
18 before us.

19 **Altschul:** I have one more thing.

20 **Huebner:** You have one more thing?

21 **Altschul:** One more thing. Just to let everybody know that  
22 Jeanne is home from her month long stay in the  
23 hospital and rehab and getting along fine.

24 **Huebner:** Thank you, Vice Chair. Consent calendar, we have

1 none. And we'll move on to public hearings. Item  
2 10A, 8228 Sunset Boulevard. Any disclosures?

3 **ITEM 10.A. 8228 SUNSET BOULEVARD**

4 **Altschul:** Yes.

5 **Huebner:** Well, Commissioner DeLuccio?

6 **DeLuccio:** You want to start with me?

7 **Huebner:** Yeah, I'm gonna start with you.

8 **DeLuccio:** I met with the, the Applicant, Applicant  
9 representatives. We discussed what was in the  
10 record and I also had a conversation with the owner  
11 of The Den. I know his first...I don't recall his  
12 name at the moment.

13 **Altschul:** Brett.

14 **DeLuccio:** Brett, what's his name? Brett? Brett and, and I  
15 also went out there and did a side visit, not only  
16 where the proposed tall wall will be but also of  
17 The Den next door. And we discussed everything  
18 that's in the record before us this evening.

19 **Huebner:** Commissioner Shink?

20 **Shink:** I e-mailed with the applicants everything that's in  
21 the record and that's it.

22 **Huebner:** Vice Chair Altschul?

23 **Altschul:** I had conversations with the applicant's  
24 representatives about the application and

1 everything that's in the record.

2 **Huebner:** Commissioner Lightfoot?

3 **Lightfoot:** I had communications with the applicant's  
4 representative and also the adjacent property owner  
5 regarding items in the staff report.

6 **Huebner:** Commissioner Buckner?

7 **Buckner:** Yes, thank you. I did have a meeting with the  
8 applicant's representatives and we discussed the  
9 matters that were contained within the report. I  
10 did receive an e-mail from the owner of the,  
11 the...operator of The Den. Unfortunately and I do  
12 apologize, I wasn't able to get back to have a  
13 conversation with that person.

14 **Huebner:** Commissioner Yeber?

15 **Yeber:** Yes, I had a, I had a brief conversation with the  
16 applicant's representative and I too did get an e-  
17 mail from the operator of The Den which is adjacent  
18 to this property and I apologize for not getting  
19 back to them. And the items that were discussed  
20 with the applicant were contained in the staff  
21 report.

22 **Huebner:** I also met with the applicant's representatives and  
23 received this same e-mail as Commissioner Buckner  
24 and Commissioner Yeber and I also apologize, I

1                   wasn't able to get back to the owner of The Den, so  
2                   and we discussed items that were contained in the  
3                   staff report. So we'll now move on to the  
4                   applicant's presentation. Oh, staff report, I'm  
5                   sorry. How did I miss that?

6 **Gallo:**           It's okay.

7 **Huebner:**       One meeting and it just all goes to hell.

8 **Gallo:**           Good evening Chair Huebner, Commissioners. I'm  
9                   Adrian Gallo and the current Planning Division. On  
10                  the screen is an aerial overview of the subject  
11                  property which is located in an unknown portion of  
12                  the city on Sunset Boulevard between Harper Avenue  
13                  and Havenhurst Drive. The applicant is requesting  
14                  the conditional use permit to erect a new 3,159  
15                  square foot tall wall sign on the east side of an  
16                  existing three-story commercial building located at  
17                  8228 Sunset Boulevard. The applicant also proposes  
18                  lighting to illuminate the tall wall during the  
19                  evening hours. The request is accompanied by a  
20                  Development Agreement which includes a significant  
21                  and ongoing financial benefit to the City. The  
22                  tall wall operates in a manner similar to a  
23                  billboard however a tall wall image is applied  
24                  directly to the exterior wall of an existing

1 structure, rather than being affixed to a  
2 freestanding pole like, like a traditional  
3 billboard. Under the proposed project, the tall  
4 wall would extend to the top of the building and  
5 would cover the top half of the building. New  
6 light fixtures would be installed to illuminate the  
7 sign. The lighting scheme consists of LED versions  
8 of billboard floodlights and nine LED floodlights  
9 would be installed above the tall wall sign  
10 approximately 37 feet above the sidewalk elevation.  
11 Additionally, the nine LED floodlights would be  
12 installed at the base of the tall wall sign  
13 approximately 10 feet above the sidewalk elevation.  
14 The proposed new light fixtures would be directed  
15 towards the tall wall surface and shielded to avoid  
16 spillover light onto adjacent properties. An  
17 initial study and mitigated negative declaration  
18 were prepared regarding this project. The primary  
19 concern was the potential for the project to create  
20 a new source of substantial light or glare that  
21 would trespass onto neighboring properties. A  
22 lighting report, lighting impact report was  
23 commissioned by the environmental consultant. Eric  
24 Wilson from Dudek will present a summary of the

1 light and glare impacts analysis and then turn it  
2 back over to me to conclude staff's recommendation.

3 **Wilson:**

4 Good evening, Commissioners, Eric Wilson, principal  
5 at Dudek and Project Manager for the mitigated  
6 negative declaration that was prepared for this  
7 project and as Adrian mentioned, the impacts in the  
8 mitigated negative declaration, speaking of  
9 lighting, focused on issues related to light and  
10 glare. The document did evaluate all 18 required  
11 CEQA Appendix G questions, environmental topics and  
12 only one of those topics required mitigation which  
13 was the category of aesthetics and specifically the  
14 topic of light and glare, and the CEQA significance  
15 criteria that we're evaluating in this context  
16 indicates would the proposed project create a new  
17 source of substantial light or glare that would  
18 adversely affect day or nighttime views in the area  
19 and this is an CEQA Appendix G threshold checklist.  
20 As you probably noticed, it does not provide a  
21 quantitative lighting threshold, it just indicates  
22 substantial light or glare to that and a quantified  
23 lighting study was prepared. Francis Krahe &  
24 Associates was retained to prepare a lighting study  
for this project. It would actually, and I'll walk

1 through the results in a moment, it would actually  
2 quantify the exact impacts of the proposed light,  
3 as Adrian mentioned nine lights on top, nine lights  
4 on bottom of the 8228 building and those, those  
5 calculations were evaluated directly in the MND.  
6 To begin that process, the lighting consultant  
7 actually visited the site and obtained lighting  
8 measurements in the field, at the parking lot of  
9 The Den and along Sunset Boulevard. I'll talk a  
10 little bit about the existing conditions in a  
11 moment. And again, we used an AGI, 32 computer  
12 software model to calculate the lighting impacts of  
13 the project. The significant thresholds discussed  
14 in the document pertain not only to the City of  
15 L.A., I'm sorry, the City of West Hollywood's  
16 Municipal Code requirements related to light  
17 trespass, but also to the City of Los Angeles'  
18 threshold since the City of L.A.'s Municipal Code  
19 actually has a quantitative threshold for spillover  
20 light impacts of three foot candles, so that has a  
21 similar municipality with a, with a relevant more  
22 quantified Municipal Code requirement that was used  
23 as a surrogate for the analysis in the MND and the  
24 mitigation measures were provided when the impacts

1                   were determined to be potentially significant. So  
2                   what you can see here, if you have a chance to see  
3                   the screen, there's an image of the proposed tall  
4                   wall, that's the east facing side of the 8228  
5                   building on Sunset, so we're facing south across  
6                   Sunset here and the two sensitive receptors  
7                   identified on this map are the two residential  
8                   structures you can see in the background, 17...I'm  
9                   sorry, 1475 Havenhurst and 1477 Havenhurst. These  
10                  are two multi-family residential units on the  
11                  southern property line and eastern property line of  
12                  the...abutting the parking lot of The Den, and  
13                  given the significant thresholds that I mentioned,  
14                  the three foot candle increase is related to  
15                  sensitive light uses specifically residential  
16                  properties. So the analysis evaluates the  
17                  quantitative impact on light sensitive land use  
18                  which are determined to be residential uses in this  
19                  case, not commercial uses, and just one final point  
20                  on this slide. The existing light measurements  
21                  that were taken along Sunset Boulevard along the  
22                  sidewalk there you see in front of you, at the  
23                  newsstand, the light measurements were 31 foot  
24                  candles and the average light intensity

1 illumination along the south sidewalk of Sunset in  
2 this area was 9.3 foot candles. Just for a frame  
3 of reference as we move on to the next slide. So  
4 you see here, this is the output from the light,  
5 from the lighting study itself indicating the  
6 vertical illuminant summary, so essentially to put  
7 it into simple terms, the lighting study looks at  
8 not only horizontal illuminants, so if you imagine  
9 horizontal illuminants being the light that falls  
10 on a horizontal plane, in this case the ground  
11 plane, the lighting study did not indicate that the  
12 proposed tall wall lighting would increase the  
13 horizontal illuminance by more than three foot  
14 candles at any location. So we were only dealing  
15 with a potentially significant impact related to  
16 the vertical illuminance, so if you imagine that  
17 plane shifting to the vertical plane, that's what  
18 we're looking at here. This...the image you see on  
19 the top of the screen is at the property boundary,  
20 the western property boundary of the 1475  
21 Havenhurst Drive property and as you can see, one  
22 of the measurement locations of all the measurement  
23 locations of the...I'm sorry, the model locations,  
24 lighting locations on the screen does exceed the

1 three foot candle increase. Those are all...those  
2 small numbers you see there are all the increase in  
3 light that would be attributable to the sign at  
4 that nearest property line and so because in one  
5 location at the southeastern portion of the 8228  
6 building, light would increase by 3.5 foot candles.  
7 That did indeed trigger that significant threshold  
8 and required us to identify mitigation measures in  
9 the MND to address those impacts. And what you see  
10 here on the last slide is the language of that  
11 mitigation. Essentially in shorthand, this  
12 mitigation is requiring the lighting to be shielded  
13 and what that means is essentially by installing  
14 visors or other mechanisms to physically block the  
15 light source so that you can no longer see the  
16 actual light bulb from the, from the adjacent  
17 residential property. That would be field verified  
18 by a lighting consultant that appropriate lighting  
19 shields were installed and that the impacts would  
20 not increase light levels at that adjacent property  
21 by more than three foot candles or 30-1 contrast  
22 ratio which is a measure of glare. So essentially  
23 this measure requires, before this tall wall is  
24 operable requires a lighting study to be prepared

1 to confirm that those thresholds are not...in real  
2 life are not triggered. And that is the conclusion  
3 of the impact summary for the visual resource  
4 impacts. Thank you.

5 **Gallo:**

6 This project is different in that it does not  
7 entirely comply with the standards for new tall  
8 wall signs. The proposed project has an image area  
9 smaller than the minimal size required. However,  
10 a development agreement and zoning map overlay is  
11 proposed that would place the property in a  
12 development agreement overlay that allows different  
13 development standards than required by the zoning  
14 ordinance. The development agreement contains  
15 conditions and terms as well as the financial  
16 component, all of which bind future City Councils  
17 and owners of the subject property to the terms and  
18 obligations specified in the agreement. Details of  
19 the terms are available in the development  
20 agreement and in the staff report. The proposed  
21 development agreement will provide an ongoing  
22 public benefit to the City. The development  
23 agreement also furthers the goals of the Sunset  
24 Specific Plan by encouraging the construction and  
operation of the tall wall signs as a major urban

1 design feature of the Sunset Strip. The  
2 significant impact identified light impacts to  
3 neighboring properties can be mitigated to less  
4 than significant. Consequently, staff concludes  
5 that the proposed project is consistent with the  
6 goals, objectives and policies of the General Plan  
7 and Sunset Specific Plan. I am available for  
8 questions along with the lighting consultant from  
9 Dudek and the marketing consultant from Premier  
10 Partnerships. Thank you.

11 **Huebner:** Thanks. Thanks Adrian. Any questions for staff?  
12 Donald?

13 **DeLuccio:** I always have questions. I thank you for the  
14 report, Eric. You talk of a residential and you  
15 talk about the...this using the City of L.A.'s, it  
16 has a 3.0 foot candles as, as a mitigation measure.  
17 Does L.A. have a mitigation measure for commercial  
18 properties 'cause I'm looking at Table 5 and it  
19 shows that the foot candles at The Den of  
20 Hollywood, the max is 12.5 and that seems really,  
21 really high. And I don't see in the mitigation  
22 measure any mitigation that refers to 8226 Sunset  
23 Boulevard.

24 **Wilson:** Right, the City of Los Angeles, from a CEQA

1 context, it's...the impacts are determined based on  
2 light sensitive land uses and residential uses are  
3 considered a light sensitive land use. There are  
4 some commercial land uses in our experience that  
5 we've seen treated similarly, hospitals for  
6 example, and hotels, places where people reside.  
7 Typically, we don't see numerical standards  
8 outlined in that manner for traditional commercial  
9 uses.

10 **DeLuccio:** But there is a possibility this evening if, if we  
11 did recommend this to the City Council to put  
12 some...to modify the mitigation measure to, to  
13 include something, some mitigation for 8226 Sunset  
14 Boulevard? Would that be a possibility?

15 **Gallo:** It would be a condition added to the recommendation  
16 you make.

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

18 **Huebner:** Commissioner Yeber?

19 **Yeber:** Yeah, I have a couple questions. We're in the  
20 middle of...or we had done a survey of all the  
21 billboards on Sunset and part of that study was to  
22 determine saturation level, a visual saturation.  
23 How does this play into that study or is that  
24 information available?

1 **Gallo:** This item was pulled out of that study so it wasn't  
2 included within what was coming forward to you next  
3 year for the overall analysis on Sunset. I don't  
4 have the findings. We don't have findings yet to  
5 determine the saturation level regarding outside  
6 advertising on Sunset today.

7 **Yeber:** Do we know...I know it was presented to us at some  
8 point, a preliminary report, do we know what was  
9 said about the signage, the outside signage in this  
10 particular area of Sunset? Can anyone speak to  
11 that? No? Okay.

12 **Gallo:** The study hasn't been completed yet to determine  
13 that answer.

14 **Yeber:** All right. My next question is, I had heard that  
15 the City is about to undertake a study of  
16 commercial historic buildings. Has anyone looked  
17 at the historic nature of this particular building?  
18 Because this would impact, would impact that.

19 **Wilson:** Yes, as part of the mitigated negative declaration,  
20 an architecture historian did evaluate this  
21 building and found that it was not eligible.

22 **Yeber:** It was not eligible, okay.

23 **Wilson:** Correct.

24 **Yeber:** And then lastly, and I spoke to you about this

1 earlier, Adrian and some other staff, were we able  
2 to find out what the intent of this policy  
3 framework was in regards to using the term tall  
4 wall?

5 **Gallo:** The code didn't require a specific size of building  
6 when they came up with the regulations for tall  
7 walls. Initially when it was part of the Sunset  
8 Specific Plan, correct, the intent was it to  
9 be...for it to be on taller buildings but as the  
10 years moved on, it's morphed into what we have  
11 today.

12 **Yeber:** But do we have any buildings currently, any tall  
13 wall buildings that are at this height, at three  
14 feet? What's the lowest....

15 **Wilson:** Three stories.

16 **Yeber:** Three, I'm sorry, three stories. Three feet. If  
17 only...that would solve our, our, our development  
18 issues.

19 **Gallo:** The, the current tall walls on Sunset are all on  
20 buildings that are above three stories. This would  
21 be the first at this level.

22 **Yeber:** Okay. Thank you.

23 **Huebner:** Commissioner Altschul? Vice Chair.

24 **Altschul:** In, in just sort of mentally reviewing the history

1 of tall walls, at first I seem to recall they were  
2 for giving some interest to tall walls that had no  
3 interest and that were supposedly to give the  
4 public something interesting and something vibrant  
5 to look at and they required 5,000 square feet of  
6 interest to look at. Then they got a little bit  
7 more, more venturesome and the buildings could have  
8 separated walls. In other words, the walls didn't  
9 have to be one flat surface with a flat, with and a  
10 flat height. Then the windows got scrimped. I'm  
11 not sure what happened next but there were a couple  
12 of other major components that make up what we now  
13 call tall, call tall walls. But never up until  
14 this moment have we had a three story tall wall  
15 which really isn't a tall wall. It's, it's a  
16 midget. And the requirement that you be able to  
17 see all of the aspect of the tall wall from at  
18 least one vantage point on Sunset probably would  
19 make...would be made possible by standing at the  
20 corner of this building either on your head or at  
21 some ridiculous point that people are not usually  
22 prone to do. And all this is made possible by a  
23 development agreement. So it leads me to consider,  
24 do you anticipate...here comes the question, you

1                   were wondering where it was. Do you anticipate as  
2                   I would consider doing that everybody with a three  
3                   story building or anything from one and a half  
4                   stories up to the current actual 5,000 square foot  
5                   requirement entering into this what looks like,  
6                   feels like and smells like, so therefore it  
7                   probably is a pay for play scheme to give tall  
8                   walls where they wouldn't ordinarily be allowable.  
9                   You see a tendency here? I see a rush of  
10                  applications if this were approved coming in  
11                  tomorrow morning.

12 **Gallo:**           True. But in this case....

13 **Altschul:**       Thank you.

14 **Gallo:**           We are, we are no longer accepting applications for  
15                  outside advertising with DAs. We are waiting for  
16                  the policy analysis to come forward next spring to  
17                  Coun-, Commission and Council at that point will  
18                  know the thresholds that are gonna be set for tall  
19                  walls and for billboards. This is one of the  
20                  initial six applications that started the outside  
21                  discussion and it was allowed to move forward and  
22                  see, see its process through.

23 **Altschul:**       But letting this move forward at this particular  
24                  time, I...wouldn't this appear to just sort of set

1                   this pay for play aspect to it and would also  
2                   appear to put the cart before the horse. Errant  
3                   horse. Jennifer?

4 **Alkire:**           Hi, Jennifer Alkire with Current and Historic  
5                   Preservation Planning Division. We're working on  
6                   the study to do more comprehensive ordinance for  
7                   all of these signs. These, as Adrian said, were  
8                   allowed to go forward, so once we have a better  
9                   framework to go through, we'll know...we'll have  
10                  more of an idea of what can come in and not...what  
11                  won't be able to come in.

12 **Altschul:**       That's my point.

13 **Alkire:**           So that's why we're here tonight to get a  
14                   recommendation on this particular one and then  
15                   follow through with the ordinance.

16 **Altschul:**       Well it seems that you're getting...we're here  
17                   tonight to, to classify and identify this building  
18                   as the most favored nation and an ability...and  
19                   give this building an ability to enter into this  
20                   pay for play arena and then start over again once  
21                   this building is in the front door. I'm not saying  
22                   it's wrong, I'm just saying this is the perception.

23 **Alkire:**           Okay.

24 **Altschul:**       Okay.

1 **Huebner:** Commissioner Shink?

2 **DeWolfe:** (INAUDIBLE).

3 **Huebner:** Oh, you may.

4 **Altschul:** Please.

5 **DeWolfe:** Thank you. I just want to clarify that first of  
6 all right now we do have a moratorium on new signs,  
7 so we're not accepting any new applications until  
8 such time that this study is finished and there's  
9 new policies in place. So there need not be any  
10 concern that there will be more applications  
11 processed. Nothing will happen until those  
12 policies are reviewed and improved by City Council.  
13 Further, I wanted to clarify that the reason this  
14 was pulled out of the study was City Council  
15 directed that six signs be exempted from the study  
16 because they were submitted so far prior to when  
17 this study began. The Council felt that it was not  
18 fair to make them wait through the duration of this  
19 study. It's a fairly lengthy study, so Council  
20 directed that there were six signs to be pulled out  
21 of the study. This is one of those six and that's  
22 why it's in front of you tonight. So I hope that's  
23 answered a couple of your key questions.

24 **Altschul:** Are the other five short tall walls?

1 **DeWolfe:** No, I don't believe so. I believe this is the  
2 shortest one and in response to that concern, we're  
3 absolutely looking at this issue as part of the  
4 signage study. We're looking at whether we want to  
5 allow any additional tall walls at all, whether  
6 they are tall or short. We're looking at whether  
7 or not we should allow any additional in any shape  
8 or size. And there will be no more applications  
9 received or approved until those policies are  
10 adopted by City Council.

11 **Altschul:** Okay, so you say. And so I'm sure you are  
12 wholeheartedly going to pursue that, that point of  
13 view. However, Ms. Hogin, is that defensible, if  
14 we approve this?

15 **Hogin:** Well you haven't done anything yet, so don't ask me  
16 (talking over).

17 **Altschul:** No, if it's approved (talking over), if, if it's  
18 approved, is that point of view defensible?

19 **Hogin:** Is the point of...well here's the answer to your  
20 question. You're raising important policy  
21 questions that you could answer by making a  
22 recommendation one way or the other to the City  
23 Council. This proposal is different than all of  
24 the other proposals you've seen in the past and

1           it's up to you to decide whether or not you want to  
2           recommend that deviation from what they have. The,  
3           the moratorium on new applications was imposed at a  
4           time when there were some pending applications and  
5           the Council made not an uncommon type of decision  
6           to grandfather in or to allow those pending  
7           applications to go forward. They were not...that  
8           doesn't mean that they have to be approved. It  
9           doesn't mean that they have to...they can't be  
10          conditioned. It doesn't...it just means that they  
11          are not subject to the moratorium on applying. So  
12          here we are tonight with a, a perfectly lawful  
13          application that is proposing a treatment of tall  
14          walls, we were calling them wide walls, that are  
15          different than any other walls that you have and  
16          you're being asked, you know, do you want to go  
17          forward with this policy. It's a policy question  
18          and you...it isn't like a variance where you're  
19          just looking at it as evidence and facts. This is,  
20          this is legislative in nature and you can make that  
21          policy recommendation. You can like it or you  
22          cannot like it. It's up to you.

23 **Altschul:**

But I think that doesn't answer my question. The  
24          question, my question is, if we accept the

1 recommendation of the staff and approve this under  
2 the fact that it is a development agreement with an  
3 economic benefit to the City and 17 people come  
4 with applications tomorrow morning, if we say yes  
5 and say we'll give the City X amount of dollars for  
6 our wide wall or our three story or four story not  
7 tall-tall wall, and we'll pay to play like you let  
8 these people do and we say no, we're not taking  
9 applications and they go to court and file, are we  
10 in good, in good shape?

11 **Hogin:**

Yes, because the rules as they exist today are  
12 there's a moratorium on any new applications after  
13 a certain date and the City is entitled to set that  
14 moratorium in order to conduct a study to set  
15 policy going forward. It is also entitled to deal  
16 with the pending applications that came before the  
17 Council initiated the study to make future policy.  
18 So that, it's okay to have somebody in the queue  
19 and deal with that queue. It's like, you know,  
20 when you're in line and the polls close, you take  
21 all the voters that are in the line and then that's  
22 the end of that.

23 **Altschul:**

Got it. So who else is in this same line?

24 **Hogin:**

I'm pretty sure this is the last one. We've got

1 three that are now in litigation.

2 **DeWolfe:** Right, this is, this is the last one at this time  
3 that'll come before you.

4 **Altschul:** But there are three currently in litigation.

5 **DeWolfe:** I think the first two have already been approved.  
6 So two have been approved, this is the third and  
7 then there's three pending litigation.

8 **Altschul:** And the three pending litigation, is their position  
9 in your opinion improved if this were to be  
10 approved?

11 **Hogin:** This, there, there...you know, it's...this is a,  
12 you know, a big business and, and it's....

13 **Altschul:** That's why I'm asked.

14 **Hogin:** Most of, most of these litigations deal with  
15 competitors' issues, not so much land use, you  
16 know, traditional land use issues.

17 **Altschul:** Okay for the moment. Thank you.

18 **Hogin:** Can I just say something else? I, I know I, I'm,  
19 I'm Irish, so I love a good shorthand just as much  
20 as the next girl, but I do just need to make one  
21 comment and I understand and I don't mean to step  
22 on your expression of your viewpoint. Pay to play  
23 is a term that is usually used in the context of  
24 making a contribution to a politician who then gets

1 a personal benefit from that, that contribution and  
2 then, then the politician turns around and uses  
3 their good offices to assist the person who's made  
4 the contribution. We're...when you use it, you're  
5 talking about it much more broadly. You're talking  
6 about whether or not the idea of using money as a  
7 public benefit and that's what these development  
8 agreements have. The California Courts have  
9 accepted that money can be a public benefit...money  
10 into the general fund can be a public benefit  
11 legally. It doesn't have to be acceptable as a  
12 policy matter and you can...and you, you point out  
13 I think rightly that, you know, that it's...there  
14 are two sides to that question, but just as a  
15 matter of facts using pay to play, it's using money  
16 as a public benefit instead of other.

17 **Altschul:**

18 I, and I accept that and I understand that. It's  
19 just that from perception point of view, it would  
20 appear that if this were to be passed, that I think  
21 there would be a lot of people lined up at the  
22 front door, maybe 300 tomorrow morning with the,  
23 the intention of giving the City a cut of whatever  
24 they can get out...from a sign company out of  
getting their permission to do one of these on a

1 short building.

2 **Hogin:** Right and I think that's exactly the circumstance  
3 that caused the City Council to say well wait a  
4 minute, we shouldn't be doing this one at a time  
5 because there seems to be a long line forming. I  
6 think you're exactly right. That's the idea that  
7 we stop here, we'll deal with the ones we had in  
8 the queue and make a broader policy choice after we  
9 do a study.

10 **Altschul:** Right, but it just seems a little awkward to be  
11 dealing with this one and perhaps entitle this one  
12 and give other people the, the perception or the  
13 hope that they can come up and offer money and a  
14 cut of what they hope to get and then be told maybe  
15 no and then they go and line up at Superior Court  
16 and come at us and even if our position is  
17 what...such as we deem it safe, we still have to  
18 defend.

19 **Hogin:** Right, I'm only telling you what's legal. You're  
20 gonna decide what's fair.

21 **Altschul:** Good answer.

22 **Huebner:** Commissioner Shink?

23 **Shink:** Well piggyback me on that. So you say that, this  
24 isn't necessarily your words, in the staff report

1 precedent setting, but wouldn't it be precedent  
2 setting? Because we're putting...we're making a  
3 legislative decision.

4 **Hogin:**

Well precedent has a particular meaning. It  
5 essentially means that similarly situated  
6 applications would have, you know, similar results.  
7 In land use there are always unique circumstances  
8 that inform any particular decision. So whereas  
9 you've got for example this proposed wide wall that  
10 has a certain proximity to some residential uses,  
11 but the light maybe can be mitigated so that it  
12 doesn't disrupt it. There might be another three  
13 story building that's differently aimed at an  
14 adjacent hospital or residential use where they  
15 couldn't mitigate that and it would be just a  
16 different...so there's...yes, it's precedential in  
17 the broadest sense that if you approve this or  
18 recommend that it be approved, you're accepting the  
19 notion of a wide wall, not just a tall wall, that  
20 you, that you see an application of the tall wall  
21 policy to walls that are on three story buildings.  
22 That would definitely be...you're saying we accept  
23 that, but it wouldn't mean that every single three  
24 story building would then be entitled to it because

1                   they might be differently situated once you take a  
2                   hard look at what those surrounding land uses are.

3 **Shink:**           So is that why there's ambiguity in the language in  
4                   the staff report? Why not say it's not precedent  
5                   setting or that it is precedent setting as opposed  
6                   to not necessarily? I mean it seems to me that it  
7                   is precedent setting.

8 **Hogin:**           Well it isn't precedent setting in, in the sense  
9                   that nobody can walk in and say, you know, I have  
10                  the exact same circumstances as this building,  
11                  therefore you must give me a permit. The question  
12                  is, is they'll come in and they'll say I have a  
13                  similar circumstance to this building, let me show  
14                  you how it's similar. Those would be the  
15                  proponents and the opponents would say no, it's  
16                  different in these other ways and then you would  
17                  make that determination. So I think it might be  
18                  that the staff was resisting that technical idea of  
19                  precedent being that it compels you to approve  
20                  others (talking over).

21 **Shink:**           Or not.

22 **Hogin:**           Right, but it would def-, I mean let's not...I  
23                  know, I don't want, I don't want to mince words.  
24                  Let's walk away with the same understanding. If

1                   you recommend approval of this, you are putting the  
2                   policy (INAUDIBLE) of the Planning Commission on  
3                   the idea of a tall wall applied sideways.

4   **Shink:**            Okay.

5   **Hogin:**            If you're against that, then, you know.

6   **Altschul:**         And, and...but I think it's the duty or the, the  
7                   privilege and the right and the duty of the Council  
8                   to do that rather than for us to do it. I think  
9                   they should have that, that obligation.

10   **Hogin:**            And so they do. They've...and this has to  
11                   ultimately go to the Council because of the  
12                   development agreement, so ultimately you're making  
13                   a recommendation but our process requires that you  
14                   give them your best advice.

15   **Huebner:**         But if this were, I don't know, a four-story  
16                   building and it were 5,000 square feet and there  
17                   were no light trespass, does it get through?

18   **Gallo:**            It would've be....

19   **Huebner:**         If it's hor-, if it's horizontal.

20   **Gallo:**            It wouldn't need a development agreement. It would  
21                   be only a CUP that would come before the Planning  
22                   Commission.

23   **Huebner:**         So there's be no variance, I mean there's nothing,  
24                   there's nothing wrong with the horizontal tall wall

1 if that's, that's 5,000 square feet in, in size and  
2 it doesn't have any light trespass issues.

3 **Gallo:** Correct.

4 **Huebner:** Okay.

5 **Altschul:** This is sort of like an Afriat/Altschul wall rather  
6 than a Seymour wall isn't it?

7 **Huebner:** Anything down here?

8 **Yeber:** Yes. Wait, just a question. (Talking over).

9 **Huebner:** Before we hear from the applicant?

10 **Yeber:** On page seven of nine (talking over) under Impact  
11 on Development, you talk about other situations  
12 where there's been some conflict between a tall  
13 wall and a proposed development, and then in the  
14 last line you say a tall wall sign could hinder the  
15 development of adjoining property, and if I  
16 understood correctly, that somehow has been worked  
17 out in the development agreement, but could you  
18 explain...I mean has that been, has that been  
19 mitigated in this particular situation? I guess  
20 you were referring to the Sunset/Doheny project.

21 **Gallo:** Correct.

22 **Yeber:** And the 9000 building, right.

23 **Gallo:** Right.

24 **Yeber:** So this has that potential. Has that been

1 resolved?

2 **Gallo:** It's been resolved in that situation.

3 **Yeber:** In?

4 **Gallo:** The 9000 Sunset and Doheny.

5 **Yeber:** (Talking over) in this situation?

6 **Gallo:** The owners of the billboard, or sorry, tall wall  
7 are aware that they're not guaranteed the rights of  
8 this, to not have obscurity for the sign and if the  
9 developer, the owner of The Den wishes to develop  
10 it, they lose that right.

11 **Yeber:** So it has been...you, you anticipated that  
12 potential conflict and added the mitigating measure  
13 in a condition.

14 **Gallo:** Correct.

15 **Yeber:** Or in the development agreement, okay. Thank you.

16 **Buckner:** Could you show us where that is in the development  
17 agreement please?

18 **Gallo:** In the DA, it's section 3.3.5.

19 **Buckner:** 3.3.

20 **Gallo:** Oh, in staff report page eight of nine, the second  
21 point that's highlighted.

22 **Buckner:** Obstruction, okay. Okay.

23 **Huebner:** Okay. Commissioner Lightfoot?

24 **Lightfoot:** Yes, first of all, can you, can you confirm this

1 picture that we're looking at right now, can you  
2 please confirm that roof over the area where you  
3 see the red curtains hanging down which is the  
4 patio, can you please confirm that there is no roof  
5 there?

6 **Gallo:** Correct.

7 **Lightfoot:** Okay, because that, you know, that tends to put a  
8 whole different light on things as it were. Also,  
9 I don't know which picture it was, but you had  
10 arrows going down to the properties on Havenhurst  
11 that are referred to in the, in the mitigation and  
12 I just...you know, I want to look at those again  
13 because that's not what I was thinking the  
14 addresses were. It's blocked. You can see above  
15 the little newsstand a white roof. Now I'm not  
16 sure that's the property or not, but there is a  
17 property that goes along that north/south wall of  
18 the parking lot. I thought that was 1477 and the  
19 blue building in the center of the picture was  
20 1475. Can somebody either correct the picture or  
21 correct me? And the mitigation is called out for  
22 1475. And the 1477 is referred to as having most  
23 of the view blocked by trees. So I just want to  
24 make sure we're on the same page here.

1 **Gallo:** We'll clarify that. I'll have the answer for you  
2 right now.

3 **Lightfoot:** Okay. And I mean that, you know, that can probably  
4 wait until, you know, until we deliberate. There's  
5 a, there's a question that I have for Dudek. I'm  
6 sorry, what is your name?

7 **Wilson:** Eric, Eric Wilson.

8 **Lightfoot:** Eric. Okay, I read the, the lighting, you hired a  
9 lighting company...

10 **Wilson:** Correct.

11 **Lightfoot:** ...when you did the, the mitigated negative  
12 declaration because you wanted someone with the  
13 expertise in that. And I was just wondering when I  
14 look at the mitigation why you decided for a less  
15 robust mitigation than what was, what was  
16 recommended by the lighting company. And  
17 specifically, specifically the lighting company  
18 recommended that once, you know, once the, the  
19 lighting was verified, that the top lights would be  
20 either shielded or removed in order to...for the  
21 mitigation and when I look at the mitigation, it's  
22 in the negative declaration and also in the, in the  
23 resolution, you dropped the word removed and I'm  
24 just wondering if you can explain why you did that?

1 **Wilson:** Upon asking the lighting consultant if indeed  
2 shielding could resolve the issue at that property,  
3 the answer back was yes, it could. The measure  
4 could still stand and could be revised to indicate  
5 that shielding or removed, it could be added to the  
6 mitigation measure if that was a recommendation  
7 tonight.

8 **Lightfoot:** Oh, okay, so you're saying after you get the  
9 lighting study you just verbally asked them...

10 **Wilson:** Correct.

11 **Lightfoot:** ...if it could be done just by shielding  
12 and...okay, 'cause it wasn't in the staff report or  
13 there was no notation made of that conversation or  
14 whatever. Okay, thank you. Thank you very much.

15 **Buckner:** Mr. Chair?

16 **Huebner:** Yes. Commissioner Buckner?

17 **Buckner:** My question is for Christi. The 20 year period  
18 that this would remain in effect should  
19 the...should we make a recommendation to Council to  
20 approve this, is...and then at the end of the 20  
21 years they have an option to renew it. Is that on  
22 the same terms and conditions or is that open to  
23 renegotiation because the resolution doesn't state  
24 how that's gonna be handled. 'Cause 20 years from

1 now the situation could be quite different.

2 **Hogin:** It looks to me like it's, and I'm sorry for not  
3 having studied this more carefully for the hearing,  
4 but it looks to me pretty clearly that it's the  
5 owner's option and so it wouldn't be an...the  
6 parties could always agree to renegotiate but it  
7 looks like the 6.1 gives the owner an opportunity  
8 to extend it assuming that they're not in default  
9 and they've otherwise complied with the conditions  
10 of the agreement.

11 **Buckner:** That troubles me somewhat because the valuation  
12 and, you know, the whole public benefit is why we  
13 have...they do these development agreements and the  
14 public benefit is based on present day market value  
15 and 20 years, five years from now, 10 years from  
16 now, it could be...have a much better...more value.  
17 So what this...what is the City really getting on,  
18 on...in this and it also is even during the 20  
19 years, it's supposed to be based on 15% of the  
20 sign's total value, 15% in 2020 is not gonna be the  
21 same value in 2021, 22, 23, you know, whatever. So  
22 why not just make it 15% and have the owner have to  
23 provide an accounting and the City gets 15% because  
24 it only increases based on the cost price index and

1 the value of that sign to the owner is much greater  
2 than that, so what is the City bargaining for?

3 **Hogin:** Well let me start with the term issue because you,  
4 you know, you make a valid point. It's a  
5 negotiated term and the City...you could certainly  
6 as the Commission if you were to recommend this at  
7 all, recommend that it only be for the first term  
8 or that there be a renegotiation of the condit-,  
9 the consideration if there's an extension of the  
10 term. There's...and it's...it doesn't preclude you  
11 from making that recommendation. As...in terms  
12 of...and I'll let the applicant speak to it, but in  
13 terms of the amount, you know, I think there  
14 was...has been some effort to sort of standardize  
15 that and so I...you know, again it's a negotiated  
16 agreement and you can make your recommendations.  
17 That I imagine you may have less success in moving  
18 the parties than you would with the term, but  
19 there's nothing that prevent you from making those  
20 recommendations.

21 **Buckner:** Thank you.

22 **Lightfoot:** I have one more quick one. On the, on the miti-,  
23 mitigated negative declaration, boy that is  
24 so...I've got to learn how to say MND. That's so

1 much easier. What kind of notice...I noticed that  
2 there was a comment period, what kind of public  
3 notice was given to afford people the opportunity  
4 to comment?

5 **Wilson:** It was a notice in accordance with CEQA. CEQA has  
6 several notification requirements and a 20 day  
7 review period was initiated with the publication of  
8 a notice in the newspaper.

9 **Lightfoot:** Okay, so it was just a notif-, a notice in the,  
10 like the La Brea/Beverly Hills Press and the  
11 Independent?

12 **Gallo:** Additionally we noticed residents within 500 feet  
13 of the project site.

14 **Lightfoot:** All the, all the bus-, the businesses and the  
15 residents?

16 **Gallo:** Correct.

17 **Lightfoot:** Okay, thank you.

18 **Wilson:** Would you like me to go back and show you the  
19 aerial photograph to answer your original question?  
20 Adrian, so, so if you look at the image here in  
21 front of you, you can see what, what really gives  
22 it away is the colors of the two roofs there and  
23 when we switch over to the next image, which is an  
24 aerial photograph...actually go back, Adrian. I'm

1                   sorry. The...you can see there's a white roof  
2                   there on 1477 and a red color roof on 1475.  
3                   Adrian, if you switch back to your presentation  
4                   earlier you had an aerial photograph that provided  
5                   an overview of the site and we can just show you.  
6                   It's a little misleading from this angle, but when  
7                   you see it from an aerial photograph, I think it'll  
8                   be clear. Yeah. So that...the, the quite large  
9                   building there is 1475 with a red roof and you see  
10                  how the corner...and it tucks there underneath the  
11                  tree. And then the white roof is 1477, so that's  
12                  Adrian's...yeah, it's 1477 there, which on the  
13                  other photograph had the white roof and I think the  
14                  buildings you were referring to are much...are  
15                  north of that.

16 **Lightfoot:**       (Talking over).

17 **Wilson:**           Right, which there's....

18 **Lightfoot:**       North of that with like a little bit of orange on  
19                   the, on the top. Okay, so then on the north side  
20                   of this larger building, which is the blue one that  
21                   we saw in the picture, those are the trees that  
22                   were referred to as mostly...

23 **Wilson:**           Yes.

24 **Lightfoot:**       ...as mostly blocking any, any problem?

1 **Wilson:** In between the red colored project site and the  
2 large rectangular red building.

3 **Lightfoot:** Okay. This, this one is the one that he's saying  
4 is, is 7, is.7.b.?..

5 **Huebner:** It be 7.

6 **Lightfoot:** ...7. And the part of it that's actually facing  
7 the sign isn't blocked by trees at all. It's  
8 blocked by trees on the north side of it. The one  
9 that appears as the blue building in the, in the  
10 picture.

11 **Wilson:** That's correct, the trees are, are, are more  
12 prominently positioned in front of 1475.

13 **Lightfoot:** Okay, and 1475 is the one that's the large with the  
14 open courtyard?

15 **Wilson:** Yes, ma'am.

16 **Lightfoot:** Huh. Okay. Thank you.

17 **Yeber:** Which, which is the Andalusia.

18 **Wilson:** Huh?

19 **Yeber:** It's the Andalusia. It's the historic property in  
20 the City of Los Angeles.

21 **DeLuccio:** Is that potentially affected?

22 **Yeber:** (Talking over) Los Angeles.

23 **DeLuccio:** The historic...it's not the historic building that  
24 you're talking about is it?

1 **Yeber:** Yeah. That is the historic building. It's the  
2 Andalusia.

3 **DeLuccio:** That's 1475.

4 **Huebner:** 1475.

5 **DeLuccio:** But which one are you trying to mitigate, 1475?

6 **Wilson:** 1475, correct.

7 **Huebner:** Yeah.

8 **Yeber:** Yeah. Also understand that there is a jog in the  
9 City boundary, so the Andalusia, the boundary goes  
10 to the south of the Andalusia and then heads up  
11 north.

12 **Huebner:** All right then. Let's hear from the applicant.

13 **Lightfoot:** Are you too tired to get up and, and present now?

14 **DeLuccio:** Break?

15 **Huebner:** Do you want to take a break?  
16 (INAUDIBLE)

17 **Altschul:** Let's take a five minute break.

18 **Huebner:** Let him present. let's go ahead. Aaron Green, ten  
19 minutes.

20 **Green:** Thank you.

21 **Huebner:** But I'm sure a lot has been answered so you can  
22 make it shorter.

23 **Green:** I'll, I'll be as brief as I can. There's maybe a  
24 PowerPoint. So I'm Aaron Green, I'm with the

1 Afriat Consulting Group. I'm representing the  
2 applicants at 8228 Sunset. I really appreciate the  
3 time, especially Commissioner Yeber at your last  
4 meeting. Thank you very much. So we talked about  
5 a lot already, so fortunately I don't have to talk  
6 about everything. One thing I do want to mention  
7 is that some of you do know the history of my  
8 clients and their time in this community. The  
9 Leggs who are 50% owners of the site, wherever this  
10 goes. Oh, maybe it's not turned on. There we go.  
11 Okay, so they started in West Hollywood in the  
12 1940's by owning the property which is now the  
13 Apple sign and the Marlboro Man. Elmo Legg started  
14 the business of E. T. Legg & Associates and this is  
15 Elmo and some of his partners in the 50's. He  
16 actually came up with the Marlboro Man  
17 advertisement. It wasn't the ad companies. It  
18 was Elmo and he had his own ad company. This is  
19 some of the other fun stuff that they've done and  
20 they owned the Players Club and everything to today  
21 where it was Pink Taco. I asked my client Demetri  
22 Samaha who's been in West Hollywood since the 80's  
23 to give me a picture of him in the 80's, but he was  
24 not willing to do so. Really quickly, a history of

1                   this application and Commissioner Altschul was  
2                   talking about putting the cart before the horse,  
3                   this horse is far before the cart. We've been  
4                   deemed...this application was deemed complete in  
5                   2009, in December of 2009, long before a signed EIR  
6                   or a moratorium was ever contemplated. Because of  
7                   a threat of litigation against the City, this  
8                   application sat for several years and we have been  
9                   working with staff who's been really helpful as  
10                  we've gone through this very long process to  
11                  prepare an MND which has taken over a year. We've  
12                  had to switch consultants again and, and it's been  
13                  a long process, but we're here today and we're  
14                  really grateful to be here today, the last of these  
15                  six signs that had been extracted from the EIR. I  
16                  want to note the MND and I want to note that during  
17                  the MND process, we actually had the comment period  
18                  open for 30 days, not the required 20 days, and we  
19                  did receive one comment. It was from County Fire.  
20                  They asked us how our windows are gonna work and we  
21                  told them that they're gonna open and people are  
22                  gonna be able to see through them and they said  
23                  that that was just fine and that's what they wanted  
24                  to see. This is our project site and sort of

1 taking in the context, I know many of you, most of  
2 you know this but this is the gateway to West  
3 Hollywood. The gateway and West Hollywood's  
4 property line is where the pavement changes color.  
5 On the left hand side, you can see the building.  
6 This is slightly zoomed in. And as we noted  
7 before, this is the project. This is the image  
8 that we submitted back in 2009, when we submitted  
9 the application and as Commissioner Lightfoot  
10 noted, The Den's patio has changed. They have  
11 removed the cover for their smoking patio and so  
12 that is different than the situation that it finds  
13 itself in now and, and again we made no...this is  
14 just the rendering that's been on file since that  
15 time. We've talked a lot about the MND for this  
16 site, so I'm not gonna get into it a lot other than  
17 to say that we have a very strong process for  
18 mitigating lighting on this site. Commissioner  
19 Lightfoot, you asked if there could be an addition  
20 to our mitigation measures where in addition to  
21 just shielding we would actually be willing to  
22 remove lighting if it proves that we're having an  
23 impact beyond a certain threshold and so we've  
24 talked with our next door neighbor and I want to

1 note that we have recently in the last week reached  
2 out to our neighbor at The Den. I was of the  
3 understanding that we had reached out to him long  
4 before and we did not and I apologize to him and I  
5 apologized when we first spoke. We have reached  
6 out to him, spoken several times. We're willing to  
7 limit the entry of, or any egress of light off of  
8 the signage to the same threshold that would be the  
9 property line of a residential property. So that's  
10 three foot candles. That's the same level of  
11 effectual protection that a residential property  
12 would receive. If I'm standing at my apartment  
13 window, that's the exact same type of effect that I  
14 might receive. And as staff noted, there are  
15 varying levels of light impact on Sunset Boulevard  
16 anywhere from .31 light...foot candles to 31 foot  
17 candles at the newsstand. This is just an excerpt  
18 from Francis Krahe's lighting study and again when  
19 looking at the proposed, they call them the  
20 modifications, but again those are the proposed  
21 shieldings or removals which we are comfortable  
22 with doing and we're happy to volunteer. There is  
23 not gonna be a negative lighting impact. Again,  
24 these findings are found throughout the light study

1                   and I just want to note that my client has every  
2                   incentive to make sure that there is no negative  
3                   light trespass on any neighboring resident or  
4                   business in the adjacency to this project. If he  
5                   does, he risks losing this sign application and  
6                   we've been working since 2009 to achieve this sign  
7                   application. There's a lot riding on it and we  
8                   certainly want to maintain it, if we're fortunate  
9                   enough to receive it. There's a small part right  
10                  above the sign where currently this is a building  
11                  parapet that does not run parallel with the rest of  
12                  the parapet. It's part of our very old buildings  
13                  architecture, which is not amazing architecture but  
14                  it's what exists there and we didn't include it in  
15                  our sign area because it just didn't fit with any  
16                  copy or advertising. But several people have  
17                  commented that it kind of sticks out like a sore  
18                  thumb, so we proposed and we've spoken with staff  
19                  about a potential condition where we would cover  
20                  this triangular area in a color that is akin to the  
21                  background color of the advertising copy at the  
22                  site. It wouldn't be advertising copy. It would  
23                  be conditions not as advertising copy. It's 32  
24                  square feet and so I wanted to present that as an

1           item for your consideration this evening. That's  
2           been something that's been raised during our  
3           outreach. To mention our outreach, you may  
4           have...you should've received 21 letters of support  
5           for this project from the tenants in the building,  
6           both on the east and on the west side. The tenants  
7           in the building whose windows will be covered with  
8           this advertising are in support of it. We work  
9           very closely with our tenants. We have a good  
10          relationship with them. There is a lot...this sign  
11          and I would say we've talked a lot about short  
12          walls, tall walls, fat walls, skinny walls and  
13          round walls tonight. This sign stands on its own  
14          merit. This sign is a strong improvement over the  
15          otherwise unappealing building that we have as we  
16          drive into West Hollywood. There is nothing  
17          remarkable about this building. In fact, it's  
18          completely unremarkable and if we think about  
19          what's going to be happening here at this gateway.  
20          On the right-hand corner, the City is proposing the  
21          first of the seven gateways to be revitalized as  
22          part of its gateway revitalization plan. It's  
23          possibly going to be a multimillion dollar plan.  
24          E. T. Legg & Associates which owns that property

1 and the Pink Taco building and the parking lot  
2 right behind it is investing more than half a  
3 million dollars in a streetscape improvement, a  
4 landscape improvement and a revitalization plan  
5 that is totally gonna remake this sub-, this  
6 northern part of the gateway. The Public  
7 Facilities Commission and the City Council approved  
8 a re-designation of this tree district from a  
9 flowering tree district to, to bring back the  
10 historic palm trees and we're gonna have...this  
11 building currently sticks out like a sore thumb.  
12 We think that this application can change that. It  
13 can incorporate it into what is happening and is  
14 going to be happening in the years to come in...at  
15 this gateway. Possibly the most traversed gateway  
16 in the City. This will, as staff has said, deliver  
17 significant amounts of revenue to the City to  
18 provide for public benefits. The Legg Family has  
19 been in West Hollywood since the 40's. They have  
20 been committed to creative advertising and Outfront  
21 has said that they are committed to creative  
22 advertising at this site. I want to ask for your  
23 recommendation of approval of what we have before  
24 you today and I'm here to answer any questions.

1 Thank you.

2 **Huebner:** Thanks Aaron.

3 **Altschul:** I have a question. Mr. Green? There appears to be  
4 a billboard on top of the building.

5 **Green:** Yes.

6 **Altschul:** That's outside advertising?

7 **Green:** Yes, sir.

8 **Altschul:** You planning to keep that in addition?

9 **Green:** Yes, sir.

10 **Altschul:** Okay.

11 **Green:** We are, if I may, planning to green screen that  
12 building. It was something we actually looked at  
13 as part of an incorporation into the tall wall,  
14 potentially making it a two plane tall wall. We  
15 really wanted to cover up that ugly back of the  
16 billboard but there was not a good way to do that  
17 because the face of the back of that sign was so  
18 set back from the plane on which the other...on  
19 which the main advertising of the tall wall would  
20 be placed.

21 **Altschul:** You're talking about gateway. You guys brought us  
22 the myriad addition for the western gateway...

23 **Green:** We did.

24 **Altschul:** ...and this for the eastern gateway. There's a

1 difference.

2 **Green:** There is a difference. This one is going to be and  
3 is being driven in large part by the City and what  
4 is happening with a design team Selbert Perkins.  
5 In fact, there is as part of the entitlement and  
6 re-designation of the street trees north or on the  
7 north side of the street and the half million  
8 dollar Legg revitalization there, the  
9 reconstruction of the gateway signage, there is a  
10 commitment too of \$50,000.00 to pay Selbert Perkins  
11 to provide some...essentially a creative template  
12 and how they would like to go forward in that  
13 designation. The....

14 **Altschul:** Thank you, thank you.

15 **Green:** Okay.

16 **Huebner:** Any questions?

17 **DeLuccio:** A quick question, how come you're proposing tonight  
18 that you want to cover that 32 square feet? How  
19 come you just didn't make that as part of your  
20 recommendation to begin with?

21 **Green:** We didn't receive...we weren't aware that that was  
22 going to be an issue that somebody want...or folks  
23 walked us to address until we began our outreach.

24 **DeLuccio:** Yeah, but don't...wouldn't you think if we made a

1 recommendation this evening to City Council that  
2 yes, we know what goes on around here, that at some  
3 point that would become an issue and somebody would  
4 be using that as advertising space.

5 **Green:** It can and we're proposing that it should be  
6 conditioned specifically not as advertising space,  
7 if it does go forward that way.

8 **DeLuccio:** What are you proposing that it be conditioned as?  
9 If not advertising space.

10 **Green:** It's color...excuse me. I want to make sure I  
11 (INAUDIBLE). It's a background material with a  
12 similar color and aesthetic, but it's specifically  
13 not advertising space. Its purpose is to blend in  
14 without providing any sort of advertising copy or  
15 revenue.

16 **DeLuccio:** Okay. You know where I'm leading with this.

17 **Green:** I do.

18 **DeLuccio:** Okay.

19 **Green:** Yeah.

20 **DeLuccio:** 'Cause everything...eventually it could be, if we  
21 were to move forward, what's a reality? It  
22 probably will become advertising space.

23 **Green:** One thing that could be done is it could be  
24 required to only be presented in plain color, so

1 not in a blend of color. That would make it  
2 blend...that would make it a less seamless  
3 transition. But that way it could be clear that  
4 there would be no advertising copy there. If it  
5 was purely a color, like one of 10 colors and again  
6 we can...our intention is not to create advertising  
7 here, but to....

8 **DeLuccio:** Today it's not your intention.

9 **Green:** I'm sorry?

10 **DeLuccio:** Today it's not your intention.

11 **Green:** Today it's not our intention.

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

13 **Green:** Yeah.

14 **DeLuccio:** I'm...you...I think you get my point.

15 **Green:** Yes.

16 **DeLuccio:** Okay.

17 **Huebner:** Commissioner Buckner?

18 **Buckner:** What about the back of that billboard? Since it's  
19 gonna be drawing even more attention to the ugly  
20 back of that billboard, what can you or what are  
21 you willing to do to improve that, improve that  
22 'cause it's pretty awful.

23 **Green:** It's an unsightly billboard. There's no question  
24 about it. Part of what we are constrained by is

1 the existing structure, so we can't put just  
2 anything on it. We...our client has looked at a  
3 green screen and unfortunately that's more weight  
4 than the structure can support. So we're looking  
5 at other sorts of things. Again, whether it's a,  
6 an attractive mesh wall of some sort, if there's a  
7 way for it to be a mural that's not art that  
8 requests...and again, we run into different issues.  
9 We're looking at ways that we can cover it, but not  
10 running into issues where there becomes a concern  
11 about it being another face for advertising 'cause  
12 it's not our client's intention and they  
13 actually...again, we looked at that as a second  
14 plane and, and we don't desire for that to be  
15 advertising at this time.

16 **Buckner:**

And what was the reason to not as part of your  
17 proposal increase that wall taller so that you  
18 would have 5,000 square feet?

19 **Green:**

Sure and I'm actually really glad that you asked  
20 that. The image area on this sign is approximately  
21 3,200 square feet and the wall area is 5,800 square  
22 feet, so we could have clear-, easily applied for a  
23 sign that's 5,000 square feet and technically  
24 according to the letter of the Code met the

1 requirements for a tall wall. What our client  
2 wanted to do and what the advertiser wanted to do  
3 at the time Van Wagner then CBS and now Outfront.  
4 It's been with us for a while. They wanted to be  
5 transparent about what advertising was actually  
6 going to be taking place here on the wall and so if  
7 they applied for 5,000 square feet, there's  
8 essentially 1,800 square feet at the bottom that  
9 they wouldn't be using. The same with extending or  
10 rehabilitating the parapet. We looked at that and  
11 we decided that that wasn't the intent of the tall  
12 wall code to actually extend the parapet. We had  
13 discussions with staff about that and extending the  
14 parapet's height purely to place advertising copy  
15 on it is different than covering an unsightly wall  
16 for the visual enhancement of Sunset Boulevard as  
17 called for in the Sunset Specific Plan.

18 **Buckner:** Thank you.

19 **Huebner:** Commissioner Lightfoot?

20 **Lightfoot:** Yes, in the, in the lighting study it says that  
21 there are no other tall walls or billboards in that  
22 area with top lighting. And I took the little  
23 Google man and looked at, you know, a lot of other  
24 stuff. It seems to be a very rare instance for

1                   there to be top lighting. Particularly because  
2                   this is such a small sign, why was it that you felt  
3                   it was necessary to apply to have top lights at all  
4                   since that seems to be the biggest issue with  
5                   glare?

6 **Green:**           When our lighting experts looked at this and they  
7                   prepared this application, they looked at not just  
8                   putting the most intense lights that could possibly  
9                   be put there, because if we put search lights at  
10                  the bottom of that sign, they could light up the  
11                  night sky and reflect light in a lot of different  
12                  directions. They chose to put lights both at the  
13                  bottom and at the top because it would provide  
14                  proper illumination without providing any  
15                  unnecessary glare. It was one of those things that  
16                  they looked at closely. They actually looked at a  
17                  number of different configurations and they found  
18                  and this is again what was reinforced in the MND  
19                  that with shielding it's not going to create glare,  
20                  it's going to be down facing as opposed to facing  
21                  inward and bouncing back out.

22 **Lightfoot:**     But you, you are volunteering to add that to the  
23                   condition to remove those if that's necessary to  
24                   reach the, the lighting levels that are called for,

1 correct?

2 **Green:** Yeah, we don't believe it's gonna be necessary,  
3 which is why we're happy to condition it.

4 **Lightfoot:** Yeah. And I just want to ask you one other  
5 question. I've read, I've read the, the letter  
6 from the adjacent property owner with the outdoor  
7 patio, and if something...I, I recognize that this  
8 is a pretty rare situation because there are  
9 probably a lot of patios that are, you know, right,  
10 right out on the street and have lots of light and  
11 stuff like that and they're like down steps and,  
12 you know, it's very dark and romantic. If they  
13 required something else minor to help them keep the  
14 ambiance that they have, you know, that they have  
15 established for their patio, something like, you  
16 know, maybe a, you know, a mesh, you know, mesh  
17 screening at the top or something like that, would  
18 you be diametrically opposed to possibly going  
19 along with that in helping to defray the costs of  
20 that?

21 **Green:** Certainly not.

22 **Lightfoot:** Okay, thank you.

23 **Huebner:** Thank you, Aaron.

24 **Green:** Thank you.

1 **Huebner:** Thanks. We're gonna take a quick five minute break  
2 before we have public comment and...what's the  
3 matter?

4 **Hogin:** I just want to admonish you that you're in the  
5 middle of a hearing and that you can't talk to  
6 anybody in the audience about this.

7 **Huebner:** Yes. Everyone is admonished. All right, we'll  
8 call the meeting back to order. And we'll move on  
9 to public comment. Our first public speaker is  
10 Brett Latteri. You have two minutes. Please state  
11 your name and city of residence.

12 **Huebner:** Can we all take our seats please?

13 **Hogin:** May I correct something?

14 **Huebner:** Yes you may.

15 **Hogin:** Commissioner Buckner had asked me ..

16 **Huebner:** Excuse me, can we all keep it down.

17 **Hogin:** Well, you quieted them down. I was going to tell  
18 them, tell you I was wrong about something. You  
19 could have let them talk till I was done.

20 **Huebner:** Your never wrong, you just maybe misspoke.

21 **Hogin:** Well no. I didn't read the whole paragraph. But I  
22 just wanted to correct this, because Commissioner  
23 Buckner had asked whether or not the term had to be  
24 extended, and when one reads the entire paragraph,

1                   which I apparently didn't do. It is clear that  
2                   the, after the term the City has in its sole and  
3                   absolute discretion the right to turn down a  
4                   extension of the term. So, that's better.

5 **Buckner:**           But does the City also have a right to, if they  
6                   want to continue it, to renegotiate the public  
7                   benefit portion?

8 **Hogin:**            Yes, because they could withhold the extension  
9                   without the renegotiation. So that's the purpose  
10                  of that kind of a reservation of right.

11 **Buckner:**         Okay. Thank you.

12 **Huebner:**         Okay. We'll call the meeting back to order. And,  
13                  we will move on the public comment. Our first  
14                  public speaker is Brett Latteri. You have two  
15                  minutes. Please state your name and city of  
16                  residence.

17 **Latteri:**         Hi, my name is Brett Latteri, I'm the owner of The  
18                  Den located at 8226 Sunset. I submitted a detailed  
19                  letter this afternoon via the Planner. I hope you  
20                  had time to read it as it clearly outlines some  
21                  points I'm going to touch, touch on briefly. The  
22                  Den is a neighborhood restaurant established in  
23                  2009. We have an amazing patio. I'm worried about  
24                  the effects of light from this sign on my patio

1                   impacting my business. The major cause for concern  
2                   with the proposed signage is the nine top row  
3                   lights that face down called down lighting. This  
4                   type of lighting is rarely seen along Sunset or in  
5                   West Hollywood. When it is utilized, the  
6                   conditions are vastly different than this project,  
7                   mainly significant height, which this project does  
8                   not have. I would like to see the down lights  
9                   removed from the lighting plan. The lighting plan  
10                  for this project is out of scale for what the area  
11                  can handle. Additionally, the Municipal Code  
12                  protects residential properties much more precisely  
13                  by adding a value of how much light can approach  
14                  property boundaries. For commercial properties,  
15                  the Code does not specify a value. We need to  
16                  address that before moving forward, not just for  
17                  this specific instance but for all businesses going  
18                  forward. The light effect on The Den would be  
19                  precedent setting. A few key items and quotes from  
20                  the staff report that I want to bring to the  
21                  surface. Page five of nine, Exhibit A, the report  
22                  found that the proposed new light fixtures along  
23                  the top wall of the sign would be the specific  
24                  cause of significant light impacts to the

1 neighboring properties. Light study, page four,  
2 Section 11, clearly states in multiple paragraphs,  
3 the down lights will cause visual distraction and  
4 the highest glare impact would be from the surface  
5 of the down lights themselves. I feel it would be  
6 premature for the Planning Commission to vote on  
7 this today as mitigation needs to be addressed  
8 further and the applicant needs to come up with a  
9 plan that satisfies all parties and has a process  
10 clearly defined on how they plan on remedying any  
11 issues in the future going forward and a plan with  
12 the City that holds them accountable to the  
13 mitigation plan. I'd be open to doing a site visit  
14 with any of you. It'll explain everything.

15 **Altschul:** Question.

16 **Huebner:** Commissioner Altschul?

17 **Altschul:** This is Brett Latteri?

18 **Latteri:** Yes.

19 **Altschul:** Mr. Latteri, I keep hearing your, your patio  
20 referred to as a smoking patio. Is that correct?

21 **Latteri:** Yes, sir, it is. It's one of the only legal  
22 smoking patios in the city.

23 **Altschul:** How is it legal?

24 **Latteri:** We went through this process in 2011.

1 **Altschul:** Does...huh?

2 **Female:** (INAUDIBLE).

3 **Altschul:** Oh, it's a bar?

4 **Latteri:** The patio is, is legally considered a bar.

5 **Altschul:** So it complies with both state and city  
6 requirements for smoking?

7 **Latteri:** Yes, sir.

8 **Altschul:** Thank you.

9 **Huebner:** Thank you, Brett.

10 **Lightfoot:** I have, I have a question for you as well. Okay,  
11 you heard the, you heard the applicant in the  
12 presentation and the applicant said that they were  
13 willing to basically give you the same, the same  
14 mitigation as the residential properties. It's a  
15 little bit different because with residential  
16 properties it would be three, three foot candles at  
17 the property line and since you're right under the  
18 sign...

19 **Latteri:** Yes.

20 **Lightfoot:** ...it would basically be an increase of three foot  
21 candles on your, on your patio, but then I asked if  
22 he would be willing to defer the, the cost of some  
23 other mitigation for you like possibly mesh roofing  
24 or something like that to possibly bring you down

1 even farther to keep your mode of operation the  
2 same. How do you feel about that? Is that  
3 something that would satisfy you?

4 **Latteri:** I'm not 100% opposed to it. It's a new idea. I'd  
5 have to look into it. Obviously, the way we have  
6 our patio designed since we are 100% legal smoking  
7 patio, the smoke does need to escape and there's  
8 all...there's our factors that would have to be  
9 looked into. I don't have the answer at the  
10 present time.

11 **Lightfoot:** Okay, thank you.

12 **DeLuccio:** How many square feet is your smoking patio?

13 **Latteri:** I think it's...

14 **DeLuccio:** About?

15 **Latteri:** ...600 and some change.

16 **DeLuccio:** Oh, it's pretty, it's pretty big.

17 **Latteri:** Yes.

18 **DeLuccio:** 'Cause I, I was actually, actually there last  
19 evening.

20 **Latteri:** Yeah.

21 **DeLuccio:** Yeah, okay, thank you.

22 **Altschul:** You don't smoke.

23 **DeLuccio:** I may take it up.

24 **Altschul:** Huh?

1 **Huebner:** You just secondhand. Dimitri Kermani followed by  
2 Joseph Emerani. Dimitri Kermani....

3 **Kermani:** Good evening, Chairman Huebner and members of the  
4 West Hollywood Planning Commission. My name is  
5 Dimitri Kermani and I'm here as the landlord  
6 representative for 8218 to 8226 Sunset Boulevard.  
7 As a proud landlord in the City of West Hollywood,  
8 I'm excited with the forward progress we've made  
9 over the last five years. Our community and the  
10 City came together to adopt a vision for the future  
11 that has effectively and sensibly guided us to  
12 create one of the most sought after destinations  
13 for investors, developers and businesses alike,  
14 Sunset Boulevard. We continue to work together to  
15 ensure that West Hollywood maintains its reputation  
16 as a sustainable community, one with an active and  
17 informed citizenry, effective and a responsive  
18 leadership in caring and healthy community  
19 institutions, services and businesses. This  
20 evening I stand before you with the desire to make  
21 a resolution that will satisfy the needs and  
22 encourage the future success of our tenant, The Den  
23 of Sunset, our neighbor, neighboring landlord, Mr.  
24 Demetri Samaha, and our partnership as landlords at

1           The Den. As a firm supporter of the growth of  
2           Sunset Boulevard we are more than happy with the  
3           City accepting Mr. Samaha's request for a  
4           billboard. However, we request that this is done  
5           on a conditional basis. Mr. Latteri is the owner  
6           and operator of The Den of Sunset, has invested  
7           time, money and energy into creating a beautiful  
8           and successful business. The requested billboard  
9           illumination will virtually destroy the ambiance  
10          Mr. Latteri has put so much effort into creating.  
11          It would be a nuisance to his clients and  
12          potentially damage the success of his business. We  
13          request that a modified version of the proposed  
14          billboard be submitted with the Planning Commission  
15          for review. Additionally, we are requesting that  
16          the City guarantee any billboard installed by Mr.  
17          Samaha does not interfere with our future desire at  
18          8218 to 8226 Sunset. The results of this decision  
19          influence the very success of our tenant and his  
20          ability to operate his establishment successfully.  
21          On another note, we just acquired a house which is  
22          mentioned in the key map analysis horizontal  
23          illuminance and vertical illuminance calculation,  
24          however it is not on the calculation study. That's

1 1481 Havenhurst. And as a resident, I was never  
2 notified nor as a business as a landlord was I  
3 notified that they had any prior drafting that  
4 was...or proposition that was gonna be done for the  
5 development of any type of billboard.

6 **Huebner:** Thank you.

7 **Altschul:** Question. When did you acquire the house?

8 **Kermani:** About six months ago.

9 **Altschul:** Is it...to your knowledge is it within 500 feet of  
10 the proposed building?

11 **Kermani:** I would believe so because it is listed in the  
12 actual calculation study.

13 **Altschul:** Are you David Kermani's son?

14 **Kermani:** I'm his son, yes.

15 **DeLuccio:** So you made a...alluded to a comment about a  
16 modification to the billboard?

17 **Kermani:** Right.

18 **DeLuccio:** DO you have anything specific you can say about  
19 that?

20 **Kermani:** The modification would be in, in conversation with  
21 Mr. Latteri, the removal of the top nine lights.

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

23 **Kermani:** Correct.

24 **Huebner:** Thank you.

1 **Kermani:** Thank you very much.

2 **Huebner:** Joseph Emerani followed by Anthony Leonard.

3 Emerani left? Anthony Leonard followed by Dan  
4 Morin.

5 **Leonard:** Good evening Commissioners, Anthony Leonard, an  
6 escrow officer and a manager of West Coast Escrow  
7 in West Hollywood, the 9000 Sunset building. I'm  
8 also a resident of West Hollywood. Just a few  
9 words tonight. Sunset Boulevard, I am coming in  
10 support of the proposed tall wall. Sunset  
11 Boulevard is known as a worldwide place to come for  
12 entertainment, for its glamorous nature, hotels,  
13 infrared iconic signs. People drive specifically  
14 down that boulevard just to see the signs. This  
15 particular building as you've already said is  
16 rather unremarkable and we could do something  
17 special with it. I don't see why not. As a real  
18 estate professional, I believe that this would  
19 truly enhance that site. I think it's strategic on  
20 its...on the east corridor of West Hollywood and  
21 would be...greatly enhance the neighborhood and I  
22 do support it and I wish you would support it as  
23 well. Thank you.

24 **DeLuccio:** I have a question, Anthony. Isn't the rear

1 building's 9000 that has the nine top lights? Is  
2 it, is it...

3 **Leonard:** That's, that's correct.

4 **DeLuccio:** There's a tall wall.

5 **Leonard:** That's, that's correct.

6 **DeLuccio:** And, and so if you visualize it, can you visualize  
7 that onto...how that would look on...you know, if  
8 that building when it...can you visualize three  
9 story building having that lighting compared to how  
10 many stories is 9000?

11 **Leonard:** Sixteen floors.

12 **DeLuccio:** Okay, so it's the same type of lighting.

13 **Leonard:** It's actually a really tall wall.

14 **DeLuccio:** Maybe the applicant can address this when he comes  
15 up. Is this gonna be as...is the lighting gonna be  
16 as powerful? 'Cause I went over there last night  
17 and I rode over to the 9000 building, it's pretty  
18 strong, the lighting.

19 **Leonard:** I think the nature of this project is far less than  
20 the 9000 building, so I don't think they're really  
21 comparable in that respect.

22 **DeLuccio:** Well, well they're different but I mean the  
23 lighting impact of the lighting and how much  
24 lighting there is. Maybe the applicant

1 representative can address that when they, when  
2 they come back (talking over).

3 **Leonard:** I'm not a professional on lighting, so I....

4 **DeLuccio:** Thank you. Okay.

5 **Huebner:** Thank you, Anthony. Dan Morin?

6 **Morin:** Dan Morin, resident of the City of West Hollywood.

7 I disagree with the previous comment that people  
8 drive down Sunset to look at the billboards. I  
9 think there are very few iconic billboards left on  
10 Sunset. More than likely they're assaulted with  
11 them and where do you draw the line? The applicant  
12 seems to think that any blank wall should be  
13 enveloped with some commercial advertising. I  
14 totally disagree. By that logic, then any building  
15 in West Hollywood on Sunset or not that doesn't  
16 have something on it, but it's commercial in nature  
17 is an eyesore and that is far from the truth. We  
18 have very interesting in this creative city artwork  
19 on this very building, on the south wall, on the  
20 west wall and on the north wall. Maybe the  
21 applicant can do a favor if he thinks this building  
22 is an eyesore and fund some starving artist to  
23 create a beautiful mural on the side of that  
24 building instead of an ad for Audi and I was

1                   curious to see that Audi was noted in this ad that  
2                   makes me wonder, does Audi have a financial  
3                   interest in this project as opposed to just having  
4                   a generic car, vehicle or whatever the commercial  
5                   happens to be. I think that there is a saturation  
6                   point. We have buses covered with advertisements,  
7                   we have buildings covered with advertisements,  
8                   where does it all end?

9 **Huebner:**           Victor Omelczenko. I see you on my screen.

10 **Omelczenko:**       Oh good evening Commissioners. I'm Victor  
11                   Omelczenko, a long time resident of West Hollywood  
12                   and you know, to me this whole thing about it being  
13                   a tall wall, it looks like a billboard to me and I  
14                   really would like to see an informed discussion  
15                   about what the rules are, you know, related to  
16                   billboards. When, when I...when we talk about the  
17                   building sort of being ugly, ugh, I don't think the  
18                   apartment building, you know, is ugly. What I  
19                   think is truly ugly is that billboard that's on top  
20                   of the roof that faces with its picture to the west  
21                   but the back of it is like this, you know, it looks  
22                   very industrial to me and not pleasant and here we  
23                   are talking about the Samaha Family and the  
24                   longstanding Legg Family and they care about, you

1 know, our gateway into the City and I was at the  
2 meetings when the Public Facilities Commission was  
3 looking over changing the landscape there to the  
4 more original type palm trees and the fact that the  
5 north side of our iconic Sunset Boulevard is like  
6 being beautified to this extent and then the south  
7 side is remaining with this tall billboard on top  
8 and then this thing that's trying to pass itself  
9 off as a tall wall, it, it's just very  
10 disconcerting to me and you know, I...with Afriat  
11 Consulting, you know, we may...we agree to disagree  
12 and...but with the company, they've done in the  
13 past such excellent outreach to the community and  
14 the fact that they hadn't reached out to Mr.  
15 Latteri who is a small businessman who's been there  
16 since 2009 at The Den to include him in this  
17 process, that's a bad, bad oversight and it really  
18 makes me concerned so for all of these reasons, at  
19 this time I urge you as our Planning Commissioners  
20 to not approve staff's recommendation. Thank you  
21 for your consideration.

22 **Huebner:** Thank you, Victor. Applicant's rebuttal, I'll give  
23 you five minutes.

24 **Green:** Eric Wilson talked a lot about lighting during his

1 presentation and I didn't talk as much about it but  
2 we just heard a number of comments about it and  
3 there is some concern, some very understandable  
4 concern from Mr. Latteri about how this sign might  
5 impact his business and we understand and if I were  
6 a business owner, I too would be understand about  
7 that position. That's why we have a lighting  
8 study. That's why we have professional consultants  
9 and that's why we have mitigation measures and  
10 that's why they're enforceable in this development  
11 agreement. If we don't have them, if we don't  
12 agree or don't believe that they're going to be  
13 followed and that the city can't enforce them, then  
14 there's no point in putting them in. We have  
15 conditions, we have regulations in the Code, in  
16 this development agreement, we have mitigation  
17 measures, because my client's gonna be obligated to  
18 follow them and if they're not followed, they...my  
19 client loses his sign. We're even willing to go  
20 above and beyond and add additional conditions to  
21 make sure that Mr. Latteri's concerns are  
22 addressed. If there are other things, we've asked  
23 what else can we do? And we're still waiting for  
24 the feedback as to exactly what we can do other

1 than remove the lights. Removing the lights is  
2 putting the cart before the horse. We don't know  
3 if the top lights are a problem. All of the work  
4 of our expert team who spent more than a year  
5 working on this project have said the top lights  
6 aren't gonna be a problem, but for, for us to  
7 ignore that would be a waste of a year's work and  
8 my client's resources and the City's resources. In  
9 this development agreement and in this MND, there  
10 is a firm commitment that if the top lights are a  
11 problem, they're gonna go. We just offered that  
12 and they're gonna go and we'll work that into our  
13 binding commitments. So lighting shouldn't be an  
14 issue for consideration because it's legally  
15 binding in this document. And I want to talk about  
16 the issue of precedent. This is not a precedent  
17 setting sign. This is the last sign like this that  
18 might or probably could ever be entitled on Sunset  
19 Boulevard. There is not another wall like this on  
20 Sunset Boulevard. I know because I've driven it  
21 lots of times and all of you know because you've  
22 driven it lots of times and because you live here.  
23 There are plenty of things that could have happened  
24 in the past that can't happen in the future and

1           that doesn't mean we shouldn't allow them to happen  
2           now. As your City Attorney said, this application  
3           was perfectly legal and well within, and was  
4           accepted by staff when we applied for it in 2009.  
5           Now there is a pause as we're looking at, as the  
6           City is looking at a larger sign policy. There's  
7           some EIR that's going on. Our MND specifically  
8           looked not only at our sign but also citywide  
9           signage to find out if we had a...if they...we had  
10          a cumulative impact on signage, which we don't. If  
11          we were to assume that this sign was precedential,  
12          it would assume that there's going to be a flood of  
13          new signs coming in and new applications coming in  
14          tomorrow morning and that can't happen.  
15          There...the City won't...these guys won't accept  
16          new applications tomorrow because the Council has  
17          told them they can't and they're not going to be  
18          accepting them for years to come because they have  
19          a directive from the Council not to accept them  
20          until a new EIR is complete, until a new policy is  
21          created, and that's been...that's years in the  
22          making and it may well be more years in the making  
23          and at the end of that process they may...the  
24          Council may decide that there are no new signs.

1 Just because something is approved once doesn't  
2 mean it has to be approved again and doesn't mean  
3 just because the next person comes along that he or  
4 she has a right to it. Every single applicant's  
5 application is discretionary. That's why I always  
6 come to you and my firm comes to you with our  
7 clients because we have to ask you and the Council  
8 for permission. So if you recommend this  
9 application and if the Council approves it, it  
10 doesn't open up the floodgates 'cause the next  
11 person still has to come and ask for permission.  
12 It doesn't mean that the next person with the same  
13 application gets approved because they have a  
14 similar wall or a similar application. Thank you.

15 **Huebner:** Thanks, Aaron. Sure.

16 **DeLuccio:** (INAUDIBLE) but, you may not know the answer. I'm  
17 not...I don't mean to put you on the spot but the  
18 9000 building, do you know how many foot candles  
19 that is? The, the (talking over) facing east?

20 **Green:** You know, they're not required to measure. To the  
21 best of my knowledge, I've looked at their CUP.  
22 We're volunteering the measure and to stand by our  
23 measurements, but I don't know if they've ever been  
24 measured. I know that in their entitlements

1 they're not required to.

2 **DeLuccio:** 'Cause the conditions in the resolution, you're...I  
3 guess you, you guys are willing to add 8226 into  
4 that resolution as part of the, the mitigation  
5 measures. It's include-...besides the residential  
6 neighborhood, you're willing to put the commercial  
7 next door to get it to three foot candles.

8 **Green:** Yeah, we're, we're willing to make sure that the  
9 patio gets the same treatment.

10 **DeLuccio:** Okay, but you're not willing to put the  
11 word...obviously if you can't get on the three foot  
12 candles, they would have to remove the top lights.

13 **Green:** We don't know. We think that with shielding and  
14 our technical consultants have told us with  
15 shielding that there's not gonna be a significant  
16 impact.

17 **DeLuccio:** We don't know that but it could be.

18 **Green:** If there is....

19 **DeLuccio:** We, we don't know...we never did any measurements  
20 on it, I believe, for that...for The Den, have we?

21 **Green:** Okay, I, I was of the understanding based on our  
22 in-house technical lighting consultants at Outfront  
23 that they think that they're not gonna cross three  
24 and if they cross three, we'll take off the top

1 lights (talking over).

2 **DeLuccio:** Then why...then would your applicant be amenable to  
3 put "or removal" into this mitigation measure?

4 **Green:** Yeah, removal of the top lights. If they cross  
5 three at the patio, on the patio.

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

7 **Huebner:** (INAUDIBLE). We haven't closed it yet.

8 **Lightfoot:** I'd like to ask a question of either Brett or the  
9 owner of the building, which, whichever or  
10 together. I'd just like to know if, if this  
11 Commission made a recommendation to Council because  
12 it seems like you're very hesitant because you  
13 don't really know and I know you're not a lighting  
14 expert. Between now and the time that the City  
15 Council hears this, if we, you know, whatever  
16 happens here tonight, would you be able to do a  
17 little research and come up with some kind of plan  
18 if you think that, you know, that what has been  
19 discussed tonight is not sufficient for your  
20 restaurant? Do you think that you could come up  
21 with something to recommend to City Council by  
22 then?

23 **Latteri:** I, I can definitely give it some thought.

24 **Lightfoot:** Would you like the opportunity to do that?

1 **Latteri:** I would...I'd, I'd like the opportunity to do that,  
2 yes.

3 **Lightfoot:** Okay, all right, thank you.

4 **Latteri:** Yes, thank you.

5 **Huebner:** Any more questions? Oh, you want to read...oh,  
6 does he want to speak?

7 **Gillig:** No, no.

8 **Huebner:** Oh.

9 **Gillig:** This is (INAUDIBLE).

10 **Huebner:** Okay, Michael....

11 **Altschul:** Yes, (INAUDIBLE) the people who agreed with one  
12 side or the other.

13 **Huebner:** No, just says opposed to staff and that's Michael  
14 Wojtkielewicz, opposes staff's recommendation.  
15 That's...we'll read that into the record.

16 **Gillig:** It's...yeah, that'd be read into the record.

17 **Huebner:** Anything else? Okay. So we'll close the public  
18 hearing and go into deliberations. Marc, you want  
19 to start?

20 **Yeber:** Sure.

21 **Huebner:** Make your mark, Marc.

22 **Yeber:** Make my mark, my last mark. So when I saw this  
23 application, you know, one of the issues...I wanted  
24 a little more research about the whole policy

1 framework of tall walls and interesting enough,  
2 it's not really outlined in any adequate fashion in  
3 the Zoning Ordinance and so I had...that's why I  
4 had asked further about the intent of the  
5 discussion when this policy framework was being  
6 developed and adopted. But you know, it ultimately  
7 comes back down to the application overall and I  
8 sort of find that this application is a significant  
9 deviation from the spirit intent of the policy  
10 framework. You know, we have a wall that's wide,  
11 not tall. We have a wall that's not blank, which  
12 was outlined in the staff report. We have a wall  
13 that does not lack detail, it has fenestration.  
14 The fenestration has substantial wood windows with  
15 molding. It has a wood, wood sill. So it doesn't  
16 lack detail. Is it the best looking façade that  
17 we've seen? Probably not, but it's not a bad one  
18 either. It's not like the 9000, the brick wall  
19 that's on the west side of the 9000 Sunset  
20 building, or some of the other tall wall  
21 situations. The other thing that, you know, if you  
22 add to it is that this sign, you know, it  
23 essentially looks like a billboard plastered on  
24 top, on the side of a building, a side of a

1 building and I don't think that was the intent when  
2 they originally came up with this framework. And  
3 then on top of it, the sign is about 30% below the  
4 minimum threshold, so I...there isn't anything that  
5 I have heard tonight that gives me pause or allows  
6 me to make a finding in support of staff's  
7 recommendation for us to recommend to Council. So  
8 I don't think I can support this at this time, but  
9 I am anxious to hear comments from my fellow  
10 Commissioners to see if there's something that I  
11 missed. Thank you.

12 **Huebner :** Commissioner Buckner?

13 **Buckner :** Yes, thank you, Chair. Well, the first thing that  
14 I look at is tall wall standards on page six of  
15 nine and it says very clearly, "The Zoning  
16 Ordinance requires that tall wall signs shall not  
17 be approved unless all of the following standards  
18 outlined are met," and that includes a tall wall  
19 sign should have a minimum area of 5,000 feet.  
20 That's the first thing that's on the list. To me,  
21 you know, I'm...my background is in law and words  
22 like shall, shall not, pops out to me. It's pretty  
23 clear that that's the law and makes it very  
24 difficult for me to even move past that. So I'm

1 willing to listen and hear what fellow  
2 Commissioners are saying. It's, it really, really  
3 sort of impedes me from going any further. That's  
4 where I'm at.

5 **Huebner:** Thank you, Commissioner. Commissioner Lightfoot?

6 **Lightfoot:** Well, as...just in principle, I am not opposed to a  
7 tall wall sign in this particular area or even on  
8 this particular building. I think there are some  
9 problems. I mean certainly they, they pointed out  
10 some of the major ones, which are just the basics,  
11 the basic standards and the deviation from that.  
12 That aside, the, the billboard that's facing the  
13 other direction is pretty ugly and, you know, any  
14 more attention toward there and I think with those  
15 top lights, that's even more highlighting the back  
16 of that billboard even more. But if we, you know,  
17 if we move, if we move beyond the basic standards  
18 and say we are willing to actually make an  
19 exception here, I think it's almost a no-brainer to  
20 say that the top lights would have to go. I mean  
21 in the lighting study, they specifically point out  
22 that those top lights are the source, are the  
23 biggest source of the glare. This is a small sign.  
24 I, you know, I don't even see the point of that,

1           you know, that being there to begin with and then  
2           trying to maybe they will go away to mitigate. And  
3           of course, a thriving business is there adjacent,  
4           directly under, directly under this sign that has  
5           built a reputation for having a certain ambience  
6           and, you know, protecting our thriving businesses  
7           is really important. So I mean I'm not absolutely  
8           against this. I think there is a possibility but I  
9           think that there would have to be a lot of  
10          mitigation and possibly a recommendation to the  
11          Council to, to carefully consider a plan that the,  
12          that the business owner and the build-, and the  
13          building owner at 8226 might come up with between  
14          now and then, because I just don't think that this  
15          can have a negative impact on them, let alone the  
16          residents. I do have some question about the, the  
17          addresses on the residents. I think that needs to  
18          be expanded for mitigation if we were to go forward  
19          to include the additional addresses as well. So  
20          off the bat, that's kind of what I'm thinking.

21 **Huebner:**           Commissioner DeLuccio?

22 **DeLuccio:**         Still here.

23 **Huebner:**           You are.

24 **DeLuccio:**         I'm still here. Actually I think way back when

1                   these were called creative billboards. They  
2                   weren't even called tall walls. And if you go way  
3                   back, I recall the first ones, I think perhaps were  
4                   on tall buildings obviously, but they were called  
5                   creative billboards and remember the Lucy and Desi  
6                   one, which was on a...almost...remember that one?  
7                   Everybody remembers that one. That was almost a  
8                   horizontal building.

9 **Huebner:**           It was, yeah.

10 **DeLuccio:**        It's more horizontal probably than tall, but it was  
11                   a tall building. It was high. It was raised high  
12                   up. Getting back to this one, obviously  
13                   Commissioner Buckner just, you know, shared your  
14                   issue obviously about less...when you look at the  
15                   criteria or the...that you need to meet all the  
16                   criteria for it to be a tall wall for us to approve  
17                   it and, and the one that really sticks out is the  
18                   less than 5,000 square feet and that's the reason  
19                   they need a development agreement, correct? In  
20                   order to...'cause they're gonna offer a benefit to  
21                   the City in exchange for having the tall wall. I  
22                   am...and also Commissioner Lightfoot, I think you  
23                   and I sort of agree, I actually don't think it's up  
24                   to the burden of The Den. I don't think...you

1 know, it's...I think it's good you asked them, what  
2 would you...you know, what would you bring to the  
3 table? I don't really think it's their  
4 responsibility to bring something to the table.  
5 If, if the applicant wants this tall wall, it's up  
6 to them to come up with the mitigation and it's  
7 interesting in this case we're not even  
8 talking...usually our issues here are with the  
9 residents come here...you know, mitigations for  
10 residents. Here we...it's kind of reverse,  
11 mitigation for the commercial business. That's...I  
12 went over there yesterday and I, I just can't see  
13 looking at the 9000 Sunset building with the, with  
14 the foot candles, if that's gonna impose on  
15 this...on The Den, oh my God. You know? But I  
16 think if it...the foot light...if the top lights  
17 were not there, I'm gonna ask this of Eric, if the  
18 top lights were removed, then it prob-, then you  
19 probably wouldn't even need the mitigation measure,  
20 is that correct? Then it wouldn't even be an issue  
21 for the residents, residences as well as this  
22 particular business?

23 **Wilson:** The, the 3.5 foot candle increase that I mentioned  
24 earlier for the residential impacts, that's pre-

1 shielding. So, because of the orientation of the  
2 site, the top lights are what's visible. The  
3 bottom lights simply aren't visible....

4 **DeLuccio:** Yeah, if the top lights are removed, would you need  
5 the mitigation measure at all?

6 **Wilson:** The mitigation measure addresses both light and  
7 glare impacts.

8 **DeLuccio:** Uh-huh (AFFIRMATIVE). Is that coming from the top  
9 lights or...?

10 **Wilson:** The glare impacts would come from the wall itself.

11 **DeLuccio:** Okay, could...so some of the down...the lights on  
12 the bottom could also create....

13 **Wilson:** Could create...

14 **DeLuccio:** Okay.

15 **Huebner:** ...bounce light.

16 **DeLuccio:** (Talking over) but without the top...'cause I...I  
17 mean at the end of the day, we could, you know...I  
18 mean I kind of would like to rec-, make a  
19 recommendation on this tall wall to Council but I  
20 don't know, like I'm very concerned about the top  
21 lights and I feel like if we put this in as a  
22 condition about oh, the shielding and then removing  
23 the, the top lights and I just feel just at the end  
24 of the day that in order for there to be mitigation

1 for The Den, you probably need to remove the top  
2 lights. I can't imagine how three...I can see  
3 bringing it down to three foot candles in the  
4 residential neighborhood. I just don't know...I  
5 would think you would have to bring the candles  
6 down even more in order...if it's closer to, to  
7 where The Den is. And then, then again that  
8 might...then does that mean that you would have top  
9 lights at all?

10 **Wilson:** I think it would be up to the, ultimately up to  
11 field verification because essentially when you  
12 install a shield, you can provide zero...you can,  
13 you can provide zero candelas from 180 degree arc  
14 across the face of the light, so you physically  
15 can't see the bulb, which is the source of the  
16 light impact. So it's possible to shield those up  
17 lights (talking over).

18 **DeLuccio:** It's the top....

19 **Wilson:** It's possible. It would just need to be bared out  
20 (talking over).

21 **DeLuccio:** When the...when you're talking about the up lights,  
22 you're talking about the top lights?

23 **Wilson:** The top lights.

24 **DeLuccio:** Okay. Okay, that's where I'm coming from. I'd

1                   like to see us make a recommendation to Council but  
2                   I don't want to put the burden on the, on the, on  
3                   The Den. The burden does belong on the applicant  
4                   to come up with a, a proper mitigation.

5 **Huebner:**           Commissioner Shink?

6 **Shink:**            Yeah, I mean clearly the lighting is the problem.  
7                   We have a thriving business there. It seems to me  
8                   that we would have to put so much mitigation into  
9                   this and you're saying that it would come from  
10                  field, but would that then be sufficient for the  
11                  owners of The Den? So in other words, I think  
12                  we're, we're shifting the burden actually to the  
13                  owner of The Den as opposed to the applicants. I  
14                  agree with Commissioner Yeber in that we...it's not  
15                  outlined in Zoning. And so I feel like we're  
16                  putting the cart before the horse. We're sort of  
17                  making policy recommendation and legislative  
18                  decisions, which I think are precedent setting and  
19                  ultimately a precedent doesn't have to be a  
20                  precedent used tomorrow. It could be used two  
21                  years from now or five years from now. So if we're  
22                  making a policy recommendation and entitling this,  
23                  ultimately it can be used in the future. In fact,  
24                  we're...that's the recommendation we would be

1 making and, and I have difficulty with that. I  
2 think that there's so much work that we'd have to  
3 do to go into mitigating this that again, then it's  
4 putting the burden on us. I wish that the  
5 applicant had done that prior to this so that we  
6 didn't have to sort of navigate not just  
7 residential but also commercial. So I too am  
8 leaning towards not making a recommendation and not  
9 supporting this at this time. If the applicant  
10 comes back with a more mitigated and clearer  
11 definition for the impact that it's gonna have on  
12 the surrounding businesses and neighborhood. You  
13 also mentioned by the way on page seven of nine  
14 that the placement of the tall wall side could  
15 hinder the development of the adjoining property.  
16 So I think that there's so much here that needs to  
17 be mitigated that I'm not sure that I would be  
18 willing to support this at this time.

19 **Huebner:** Vice Chair Altschul?

20 **Altschul:** Well I, I think that it's all been said. The crux  
21 of the matter for me is that it isn't a tall wall.  
22 It doesn't have the square footage of the tall  
23 wall. The image does not comply with the square  
24 footage necessary for the tall wall. In order to

1           come to a creative approach to even try to sell  
2           somebody that it does, you have to lie on your side  
3           and, and stand on your head to, to get there. But  
4           the, the main aesthetic impact here is, if you're  
5           looking at 20 years at this building that is  
6           basically nondescript, not exciting, in fact the  
7           opposite of not exciting, it's, it's rather  
8           unexciting. If you're looking at having this  
9           building there for 20 years just to hold up a  
10          billboard and to support a nonconforming tall wall,  
11          I don't think it's worth it. So that's...and it  
12          gives not only hope but it gives the impetus to  
13          everybody on Sunset who is the owner of a small  
14          building to go and say I'll pay the City a  
15          development agreement to get what these people are  
16          getting and why can't I? And I think it's gonna  
17          create a run to, to try to get something like this  
18          when it should not be possible.

19 **Huebner:**           Anybody want to make a motion or...?

20 **DeLuccio:**         (INAUDIBLE). I just want to make a....

21 **Huebner:**           Before I....

22 **DeLuccio:**         Yeah. (INAUDIBLE) motion or....

23 **Huebner:**           You know, I just...I...it's been...I just think  
24           we've had a really interesting discussion tonight.

1           It's probably better than we've had on billboards.  
2           I mean just the whole tall wall signage saturation,  
3           what do billboards...you know, what does signage up  
4           on Sunset look like. I just found it really  
5           interesting. I mean I think this is a horizontal  
6           tall wall. It's an interesting concept and I think  
7           it should definitely be looked at as part of this  
8           overall Sunset billboard study and I think a lot of  
9           issues were brought up tonight about photo metrics  
10          and the fact that the 9000, you know, the 9000 sign  
11          doesn't have any light limitations. I mean we  
12          should be considering all the...I think all those  
13          issues on how bright things can be and what...where  
14          does...is it lit from the top, is it lit from the  
15          bottom, is it LED, I mean there's just, just  
16          numerous things that, you know, that came forward  
17          tonight. But I also don't think this is kind of in  
18          the intent of a tall wall. It's just kind of  
19          putting advertising on a building. Although  
20          it's...it, it could enhance it and I...in some  
21          ways. There's also that impact on the, on the  
22          neighboring business, which in some ways can be...I  
23          mean you remember the Falcon Restaurant which is  
24          down on, on Sunset near, near La Brea that

1 was...they had an outdoor patio and there was an  
2 enormous billboard above it and it was actually  
3 kind of spectacular to look at as you sat out there  
4 dining but, you know, that's, that's a per-, a  
5 personal taste, but I just, I just...and I applaud  
6 the applicant for all the efforts that they've made  
7 in trying to mitigate this, but I just don't think  
8 it's far enough along for us to try to just take  
9 this one and put it forward to...before this...a  
10 comprehensive study is done and we can give a  
11 little bit of more definition and structure on what  
12 these things should, should and shouldn't look like  
13 and where, and where they should and shouldn't go.  
14 So....

15 **Green:** Mr. Chair?

16 **Huebner:** Yes, Aaron?

17 **DeLuccio:** (INAUDIBLE) we actually closed the public hearing.

18 **Huebner:** Yeah.

19 **DeLuccio:** But I do want to, I do...maybe we....

20 **Huebner:** You want to turn your mic on?

21 **DeLuccio:** Sorry. (INAUDIBLE), does it work now? Can you  
22 hear me?

23 **Huebner:** No.

24 **DeLuccio:** Can I borrow your mic? So, before we open...maybe

1 first of all, the Council did, did pick this one  
2 out for us to, to move forward on or not, so I  
3 think we may...obviously we're gonna come up  
4 tonight with a recommendation perhaps to, to  
5 recommend it or not. Or the other thing is....

6 **Yeber:** They didn't pull just this one out. I think they  
7 pulled all of them out that were on hold.

8 **DeLuccio:** Oh, six, six of them, but this is one of them.

9 **Yeber:** Yeah. This is the last one.

10 **DeLuccio:** This is...exactly, but this is one they did ask us  
11 to, to consider and to...and then to make a, to  
12 make a recommendation perhaps or not a  
13 recommendation on and before we, we do that this  
14 evening, so I think we need to focus on this  
15 application. I think we also...we're  
16 actually...we've had really good discussion tonight  
17 on, on things that, well should go into the study  
18 that they're...that's, that's going on right now.  
19 However, we need to focus on this one this evening  
20 and so where I'm leading with this, maybe we need  
21 to reopen the public hearing. Does the applicant  
22 want us to make a recommendation this evening or do  
23 they want to spend...want us to continue this to a  
24 date uncertain and maybe they want to spend a

1                    little more time thinking this through and coming  
2                    back to us in the future. So can I entertain  
3                    reopening the public hearing for a moment to hear  
4                    from the applicant?

5 **Altschul:**        I don't think so. I don't think that's necessary.

6 **Huebner:**        I don't, I don't think it's necessary either.

7 **Yeber:**            You know, remember we're only a recommending body.

8 **Huebner:**        We're only...yeah.

9 **Yeber:**            Right, we're only making a (talking over).

10 **Altschul:**        (Talking over) it's up to them anyway. What we  
11                    say, what we say is...

12 **Yeber:**            Just it's a recommendation.

13 **Altschul:**        ...a small bit of the, of the...of what's going to  
14                    go in on this. They need to go, they need to go to  
15                    the Council and get their, get their weigh in on  
16                    this totally.

17 **Huebner:**        I mean they asked us for our recommendation. I  
18                    think we've had, I think we've had a very  
19                    insightful and very comprehensive discussion and I  
20                    think we can certainly send a recommendation based  
21                    on that.

22 **DeLuccio:**        Okay.

23 **Altschul:**        And then you wanted to make a motion, Donald?

24 **DeLuccio:**        Well my, my recom-, my motion would've been to

1 continue the public hearing.

2 **Altschul:** Your motion is....

3 **DeLuccio:** I'm not making a motion.

4 **Yeber:** I can make a motion.

5 **Huebner:** Okay, Commissioner Yeber.

6 **Yeber:** So I'm gonna go, I'm going to go against staff's  
7 recommendation and propose that we recommend denial  
8 of this application for the reasons that I had  
9 outlined previously and some of the reasons that  
10 were outlined by other Commissioners. Do you want  
11 me to reread those or...?

12 **Hogin:** We, we have a good list and we have the recording.  
13 We have the minutes.

14 **Yeber:** Okay, but....

15 **Hogin:** We...I just want to know, can we reduce that to a  
16 written resolution for the future of the chair or  
17 do you want that to come back to you?

18 **Yeber:** I'll leave that to....

19 **Hogin:** The Code requires that you make your  
20 recommendations to the Council by resolution.  
21 We've been taking notes and we've got the  
22 assistance of the recording to make sure that we...

23 **Huebner:** That's fine.

24 **Hogin:** ...include them all. (Talking over).

1 **Huebner:** (Talking over) come back to us. I'll just, I'll  
2 just see it.

3 **Hogin:** Okay, so then the motion would be to direct staff  
4 to prepare a resolution...

5 **Yeber:** Okay, direct staff to prepare....

6 **Hogin:** ...recommending denial based on the....

7 **Yeber:** Right. Direct staff to prepare a motion denying  
8 the...a resolution denying recommendation to City  
9 Council.

10 **Huebner:** Push your button.

11 **Hogin:** This is how you've described.

12 **Yeber:** Yeah.

13 **DeLuccio:** And I'm gonna...and I'm, I'm putting...not gonna  
14 vote for that only because I felt we should do a  
15 continuation just for those reasons. Not that I'm  
16 opposed to what we discussed this evening and I  
17 want mitigation. I think is necessary but I just  
18 wanted the appli-, we didn't give the applicant an  
19 opportunity to reopen the hearing to see if they  
20 wanted to continue it, so I will vote no for that  
21 reason.

22 **Huebner:** Okay. Here comes your mic. So we'll call the  
23 question.

24 **Gillig:** Motion passes to deny, best recommendation is the

1 recommendation to City Council. There is no appeal  
2 process. This is a recommendation directly to City  
3 Council.

4 **Huebner:** Thank you, David. We'll now move on to Item 10 B.  
5 1028-1030 North King's Road. Do we need to shift  
6 staff around?

7 **Shink:** Want to take a break?

8 **ITEM 10.B. 1028-1030 N. KINGS ROAD**

9 **Huebner:** No, we just took a break 20 minutes ago. While  
10 they're doing that, do you want to do disclosures,  
11 Donald?

12 **DeLuccio:** Does my mic work?

13 **Huebner:** It does.

14 **DeLuccio:** I actually had a phone conversation with the  
15 applicant's representative Todd Elliott and we  
16 discussed everything that's in the resolution and  
17 in the staff report this evening.

18 **Huebner:** Commissioner Shink?

19 **Shink:** None.

20 **Huebner:** Commissioner Altschul?

21 **Altschul:** I had originally been told and thought that I would  
22 have to recuse myself because I own a condominium  
23 in the 900 block of King's Road. However, when  
24 this packet came out, I looked at the radius map

1 and it shows that the condominium I own, the radius  
2 map cuts short of the building that I own just to  
3 the north of it so I will participate.

4 **Huebner:** Thank you. Commissioner Lightfoot?

5 **Lightfoot:** None.

6 **Huebner:** Commissioner Buckner?

7 **Buckner:** None, Mr. Chair.

8 **Huebner:** Commissioner Yeber?

9 **Yeber:** I had a brief conversation with the applicant's  
10 consultant about items contained within the report.

11 **Huebner:** And I just had a brief e-mail exchange with the  
12 applicant's representative asking if I had any  
13 questions and things concerned, only  
14 concerned...covered in the staff report. So now we  
15 will...oh, okay. Can we...do you mind speaking  
16 while they're setting up?

17 **Lunceford:** Sure, not a problem.

18 **Elliott:** (Talking over) Respectfully, can we set up...while  
19 you're speaking.

20 **Lunceford:** Yeah, not a problem.

21 **Huebner:** He, he said he's fine.

22 **Elliott:** Okay, thank you.

23 **Lunceford:** Thank you, good evening Chair Huebner and members  
24 of the Commission. My name is Scott Lunceford,

1 Associate Planner in the Community Development  
2 Department. The proposal is a request to construct  
3 an approximately 58,930 square foot four-story, 30-  
4 unit condominium building over a fully subterranean  
5 parking garage. The project site is comprised of  
6 two separate adjacent parcels located on the east  
7 side of Kings Road between Romaine Street and Santa  
8 Monica Boulevard. The site currently contains two  
9 one-story single family residences. The combined  
10 parcels have a total lot area of 20,038 square  
11 feet. This portion of Kings Road is developed with  
12 mostly three and four story multifamily structures  
13 over subterranean parking. Neighboring uses  
14 include a mixture of residential and commercial  
15 land uses including the...directly to the north of  
16 the subject site is Gelson's Supermarket.  
17 Immediately to the south is a three story  
18 condominium complex with subterranean parking. To  
19 the west across Kings Road is a four-story  
20 condominium complex with subterranean parking and  
21 immediately east of the subject site fronting on  
22 Sweetzer is a two-story apartment complex. The  
23 site is zoned R4B which is high density multifamily  
24 residential which permits up to 22 base units

1 before taking into account additional affordable  
2 and density bonus units. The project includes two  
3 one-bedroom units and 28 two-bedroom units. The  
4 units range in size from 741 square feet to 1,369  
5 square feet with an average unit size of 1,105  
6 square feet. A total of 58 parking spaces are  
7 required for this project. One space for each one-  
8 bedroom unit and two spaces for each two-bedroom  
9 unit. No guest spaces are required when affordable  
10 housing units are included on site. The project  
11 provides the required 58 parking spaces in the  
12 subterranean garage which includes two spaces set  
13 aside as handicapped accessible spaces, six non-  
14 tandem spaces and 50 tandem spaces. Based on the  
15 City's affordable housing requirements, the project  
16 is required to have five affordable units of  
17 comparable size and finish quality to the non-  
18 inclusionary units, the market units, to be...which  
19 are needed to be also reasonably disbursed  
20 throughout the project. The proposed five  
21 affordable units included in the project do satisfy  
22 this requirement. The specific location and  
23 distribution of the affordable units shall be  
24 determined by housing staff prior to completion of

1 the inclusionary housing agreement required prior  
2 to the issuance of building permits. The five on-  
3 site affordable housing units earn the project two  
4 concessions and the applicant has elected to use  
5 both of those. The two concessions being requested  
6 are use of 15 compact parking spaces instead of all  
7 standard parking spaces, excuse me, and relief from  
8 the required additional six foot front setback for  
9 the second and upper stories in addition to the  
10 required first story setback. Additionally, two  
11 modifications are being requested as allowed by the  
12 Zoning Code. The requested modifications are a 10%  
13 reduction of the required private open space per  
14 unit for 12 of the 30 proposed dwelling units and  
15 the 10% reduction in the minimum private open space  
16 dimension, again for 12 of the 30 proposed dwelling  
17 units. On May 28<sup>th</sup>, 2015, the project was reviewed  
18 by the Planning Commission Design Review  
19 Subcommittee. Since the City's urban designer  
20 Stephanie Reich is on a vacation, I would like to  
21 defer to Chair Huebner and the other Commission  
22 members present at the Design Review Subcommittee  
23 meeting to elaborate more on the design and perhaps  
24 the outcome of that meeting.

1 **Huebner:** Yeah, I think what was in the staff report from  
2 Stephanie Reich, I think when it came before the  
3 Design Review Committee it was, the building was  
4 rather, well we thought it was very, very  
5 industrial, kind of cold and hard and really didn't  
6 fit in with the vocabulary of the rest of the  
7 architecture or the neighborhood. We had some  
8 concerns about the entrance on Kings Road since  
9 they're asking not to set back the second and the  
10 third floors but the building has been opened up  
11 and materials have been changed and softened and  
12 the...it certainly greets the street much more  
13 gracefully than it, than it did previously and I  
14 think they've...there was a lot of public comment  
15 at the Design Review Meeting and I think the  
16 architect and the applicant have certainly taken  
17 our comments to heart and have made significant  
18 changes to the design that we think certainly has  
19 addressed our, our comments and so I think the  
20 urban designer supports the design and is very  
21 happy with the changes as I think the rest of you  
22 will be this evening. And I don't know if  
23 anybody...John do you want anything?

24 **Altschul:** I wasn't there. Sue was.

1 **Buckner:** Yeah, I wasn't there. Marc was there for me.

2 **Huebner:** Oh, Mark was.

3 **Altschul:** No, David was.

4 **Huebner:** No, Marc was.

5 **Yeber:** Yeah, I was. Who else was there though?

6 **Buckner:** Marc was there.

7 **Huebner:** And Marc was.

8 **Yeber:** Was it just you and I?

9 **Huebner:** It was just you and me.

10 **Yeber:** Yeah, I mean just to, to maybe a little bit more  
11 detail on the materiality of it. The materiality  
12 actually worked against it and it made the project  
13 look much more bulkier and imposing than probably  
14 was intentional, then was intended. I don't think  
15 from my standpoint it was necessarily that it  
16 looked too industrial, it didn't fit in with Kings  
17 Road from the materiality standpoint because Kings  
18 Road is a wide range of different materiality,  
19 materials on the different projects but the  
20 material is all metal clad worked against it in  
21 terms of its massing and how it's perceived from  
22 the street. And it does look like the architect  
23 and his team did make some significant changes and  
24 is definitely a much different building, especially

1 the Kings Road façade or the west façade than it  
2 was when it was originally presented.

3 **Huebner:** Thank you. Back to you Scott.

4 **Lunceford:** Thank you. So overall the proposal, this proposal  
5 is well suited for the site and the surrounding  
6 neighborhood. The development is designed with  
7 exceptional architectural qualities and is  
8 complimentary to the context of the neighborhood  
9 and meets the development standards and  
10 modification requirement. Therefore, staff  
11 recommends that the Planning Commission approve the  
12 project request subject to the findings and  
13 conditions set forth in the draft resolutions  
14 before you. However, before I conclude I would  
15 like to mention that the standard conditions for  
16 affordable housing were inadvertently omitted from  
17 the draft resolution you currently have, Number  
18 PC15-1136, so I'd like to submit and recommend for  
19 Commission consideration an amended draft  
20 resolution which includes a Section 11 on Pages 15  
21 and 16 of 17 that contains nine standard affordable  
22 housing conditions. Also I can read those two  
23 conditions to you if you'd like. This concludes my  
24 presentation. I am available for questions, thank

1                   you.

2 **Huebner:**       Any questions for Scott? No? Okay, we'll hear  
3                   from the applicant. Ten minutes.

4 **Elliott:**        Good evening Chair Huebner and members of the  
5                   Commission and Mr. Yeber on your final night here,  
6                   Todd Elliott of Cumin & Elliott practicing law at  
7                   626 Wilshire Boulevard in Los Angeles representing  
8                   the applicant 1028 Kings Road LLC. A brief  
9                   introduction of the project before I turn it over  
10                  to the talented Mr. Lorcan O'Herlihy. In 2011, the  
11                  City enacted a new general plan as the framework  
12                  for the next 20 years of development in West  
13                  Hollywood. 1028 to 30 Kings Road has always been  
14                  zoned R-4 high density residential. Our task in  
15                  looking at the City's general plan and zoning code  
16                  was to determine how to create a...sorry I got  
17                  interrupted there, our task was how to, looking at  
18                  the City's general plan and zoning code was to  
19                  determine how to create a quality project that is  
20                  compatible with the neighborhood. Notable  
21                  components that we studied included the fact that  
22                  this is a key lot or the lot, two lots immediately  
23                  next door to commercial and predominantly the area  
24                  is three and a half and four story buildings. With

1                   these issues and contexts in mind, we allowed LOHA  
2                   to bring forward the project that is before you  
3                   which complies with West Hollywood's Municipal Code  
4                   and State Law. Most importantly we found a way to  
5                   design a four story building that would fit within  
6                   the context of the neighborhood. With direction  
7                   from the Design Review Subcommittee we refined the  
8                   materials to utilize the pallet range that includes  
9                   wood, metal and glass, all high quality elements.  
10                  These housing units once finished will indeed be 30  
11                  beautiful new homes with very low, moderate and  
12                  market rate residents, reflecting the type of  
13                  diversity which West Hollywood is known for. We  
14                  are very excited to bring this project forward to  
15                  you and we request your approval of the demolition  
16                  and development permits in the tract map and I will  
17                  now turn it over to Mr. O'Herlihy, however I will  
18                  be available to answer any and all questions that  
19                  the Commission has. Thank you so much.

20 **Huebner:**           Thank you Todd.

21 **O'Herlihy:**        Hi, Lorcan O'Herlihy of LOHA and located on La  
22                   Cienega and Glorified. Just wanted to start with  
23                   the initial kind of images here showing the project  
24                   site which we all know so I'll go through these

1                   briefly and get to some...primarily this is looking  
2                   at the site which, of course, the condition from  
3                   Gelson's is the commercial zone ending and then to  
4                   residential. Of course the white massing shows the  
5                   location of the building. In effect, this is the  
6                   actual allowable building envelope within the  
7                   setbacks which you're seeing there in the massing.  
8                   This represents some of the reduction of the mass  
9                   that we tackled. The mass was condensed to provide  
10                  additional relief on all sides of the project. We  
11                  felt it was very important to push it back so that  
12                  we could start to activate the edges. So we don't  
13                  end up with a solid mass, so that was crucial to  
14                  this so we ended up pushing it back to allow that  
15                  opportunity. This looks at the mass which  
16                  partitions into residential units for allowable  
17                  density. So this shows the allowable density. We  
18                  started to, and in looking at this idea of common  
19                  green space, so starting from the street level we  
20                  felt it was critical to kind of expand the  
21                  bandwidth of the sidewalk. So you have much more  
22                  activated space, created more pedestrian friendly  
23                  so that when you're walking next to the building  
24                  you begin to have some depth to there so it's

1                   dimensioned to it but you're not right to the edge  
2                   of the property. We extended that idea throughout  
3                   the building and also cuts from the outside so it  
4                   breaks the scale down by having these cuts that  
5                   fold right to the outside perimeter of the  
6                   building. These are very important in terms of  
7                   they are kind of critical issues of the building.  
8                   And these are very, very important to all  
9                   architecture. It can't be autonomous, it can't be  
10                  just a solid mass. It has to have these conditions  
11                  that break the scale down. This is also an idea of  
12                  looking at these push idea where we extended  
13                  certain zones to articulate the massing to provide  
14                  unique indoor/outdoor areas. Again, indoor/outdoor  
15                  is very important in terms of climate and the kind  
16                  of culture of Los Angeles. The climate allows for  
17                  that type of condition. We also looked at views  
18                  but we looked at views also, we also wanted to  
19                  control privacy and undesired kind of views as well  
20                  as sensitive views. In effect we really want to be  
21                  conscious of views from the building and also from  
22                  the views from the adjacencies as well. This is  
23                  looking at the outdoor balconies, which is again  
24                  showing opportunities to articulating the massing

1 so the outdoor spaces provide shared social  
2 amenities. And that's again a way of breaking down  
3 the scale and the exterior. There's a layering to  
4 the building which is really important in addition  
5 to folding the building back as you can see on  
6 Kings Road. All those play an important role in  
7 the variation of material, passivity, and  
8 transparency is very important as well. So again,  
9 this idea about layers, which is very important to  
10 this. This is also looking at light, of course.  
11 Architecture is very important to have light so  
12 that played a big role as well and also began to  
13 break the scale down again. When you start to  
14 think of light filtering into the middle of the  
15 buildings you start to cut away, not only on the  
16 edges and perimeters but also in the middle. This  
17 is also looking at the driveway condition. The  
18 driveway was placed on the south side to protect  
19 street trees and avoid conflict with the adjacent  
20 Gelson's traffic so that was the reason why we  
21 were...put the driveway on the south side. As you  
22 can see, you can see it on the right hand side.  
23 This is also important in terms of neighboring  
24 balconies. It is very important in terms of

1 layering, in terms of where you put balconies and  
2 outdoor spaces so what's going to happen on the  
3 adjacent building and our building is we're going  
4 to calibrate that edge so that the balconies and  
5 open spaces address the balconies and open spaces  
6 in the adjacent building and we're going to  
7 carefully look at that and that's how we've  
8 designed the building. So it's very important to  
9 address that issue. Buildings have adjacencies.  
10 We've done a number of buildings next to very, very  
11 important projects and we really look at the nature  
12 of the...how one sees the building from the  
13 adjacent buildings. Very, very important component  
14 of all the work that we do. This is a view with  
15 the trees in place. These are existing trees that  
16 will be there so this shows the density and also  
17 the depth of the experience as you're walking on  
18 the sidewalk, and those trees are there. This is  
19 if we...if all the buildings are cut away so that  
20 you can see that the nature of the building.  
21 Again, these elevations and renderings show the  
22 kind of grain of the building, the idea of the wood  
23 balanced with the other materials, it shows a  
24 quality to all the buildings so it doesn't read as

1 a box. That's really, really important. Again, a  
2 view with the trees which are all staying and  
3 that's the view looking from the Gelson's side  
4 looking back to the building. And that's with all  
5 the trees gone. Again, the layers is very  
6 important. The idea of the nature of the windows  
7 have also been reduced in scale, pedestrian scale  
8 so all the elements that we did from the previous  
9 time we looked...met with you, was to start to  
10 really address that issue of pedestrian scale and  
11 the nature of the building to actually reflect that  
12 in terms of the design. And this is looking back  
13 the other way. As you see, the building had become  
14 very deeper, it has a kind of expanded bandwidth so  
15 to speak, it doesn't push back so as you're walking  
16 by you begin to see the kind of depth of the  
17 project. You can see the nature of the materiality  
18 as well. And that's a view from across the street.  
19 And there you can see also in terms of the walkway  
20 as you're walking past. Again, crucial for it to  
21 be pedestrian engaging and that's what we did. We  
22 pushed the building back, we provided benches, we  
23 have done this in previous projects where it's okay  
24 on private land to provide public space in a sense

1 and effect, semi-quasi public space. These ideas  
2 of these benches can be utilized. And that's very  
3 important. It's not pri-, it's not essentially  
4 just for the building, it's for the public to walk  
5 by and use as well. So that's very important in  
6 all buildings and how they engage streets and  
7 sidewalks. And this is materiality that we've  
8 looked at carefully. We looked at bringing Epay  
9 wood siding to the project. In addition to that we  
10 have the flush metal which is painted as well white  
11 which is an optimistic color so the balance of the  
12 two, wood and the lighter colors really makes the  
13 building resonate. That was very important to us.  
14 So this is the balance of materials that we  
15 selected. And that's reflected in the rendering as  
16 well. We have wood trellises, we have the Epay  
17 siding, we do have guardrails which is a wire mesh  
18 which is also important, stainless steel mesh which  
19 has a high refinement to it. In addition to that we  
20 do have the metal elements as well which we think  
21 is extremely important to the project as a balance.  
22 And this is also looking at a landscape proposal  
23 where you can see it's all obviously landscape  
24 elements which are indigenous to this area. It's

1 zero scape components, elements that are really  
2 reflecting the issue of the climate that we have  
3 right now in addition to the idea of a drought that  
4 we're dealing with. These are very important  
5 elements to address to place elements that can at  
6 least tackle that issue that's coming up and that's  
7 we're in exist...what we're in right now, the  
8 decomposed granite, we have elements of plants that  
9 have little water that's necessary and that was an  
10 extremely important element to bring to the project  
11 as well, recognizing that. This is a section we  
12 want to show to recognize that from the street  
13 level where you see Kings Road the openness of the  
14 carved out open spaces which it's very important to  
15 these projects. It brings light through it. So  
16 when you're walking by the building, you're not  
17 looking at just a solid wall. You're seeing light  
18 that's filtering through the building and that's  
19 very important if you imagine that if buildings  
20 kind of address this issue, I think cities would be  
21 better. You don't feel this idea of this  
22 compression where here's your sidewalk, here's the  
23 private space, this is the public space but this  
24 blurring of edges and boundaries and so extremely

1                   important to this project and we really tried to  
2                   address this in all the projects. And that's the  
3                   presentation.

4 **Huebner:**           Thank you.

5 **Altschul:**           Thanks, Lorcan.

6 **Huebner:**           Questions for the applicant or the architect?

7                   Okay. Commissioner Lightfoot?

8 **Lightfoot:**        Yes, I have a question. Yes. A shade study is  
9                   normally done when a development is causing shade  
10                  on an adjacent building. I'm wondering if any  
11                  shade studies were done regarding the impacts of  
12                  shade on your own building from the existing  
13                  building to the south. That's a very narrow  
14                  corridor so I'm just wondering if that was  
15                  considered.

16 **Elliott:**           I'm not sure I understand your question when you  
17                  say your own building, shade from your own  
18                  building? I'm not, that's not a sensical question.

19 **Lightfoot:**        Yes, onto your own building from the existing  
20                  structure to the south. Was that taken into  
21                  consideration?

22 **Elliott:**           No shade studies were performed for this project.

23 **Lightfoot:**        Okay.

24 **Huebner:**           Any other questions? I just thought we'd take

1                    maybe a quick five minutes before we go into public  
2                    comment, so people could take a, get up and take a  
3                    look at the boards and the model and we'll  
4                    reconvene. Five minutes. And I admonish the other  
5                    commissioners.

6 **Huebner:**        Due to the extent of our meeting tonight, in our  
7                    By-Laws, we are not supposed to start another item  
8                    after 10:30 p.m. and we have a significant number  
9                    of speakers, public speakers on this item, and we  
10                   will be deliberating so we will be continuing Item  
11                   C. the West Knoll item until, what is it? August  
12                   6<sup>th</sup>. So, if you're here to speak on that item,  
13                   thank you for your patience, and we're very sorry  
14                   that you .. hopefully you learned something while  
15                   you .. this evening.

16 **Hogin:**            Mr. Gillig. The minutes will ..

17 **Huebner:**        Reflect ..

18 **Hogin:**            ..reflect that the Chair, without objection has  
19                   continued Item C. to August 6<sup>th</sup>.

20 **Huebner:**        Thank you everyone for coming out and we'll now  
21                   reopen the public hearing and call our first  
22                   speaker. Ilan Gorodezki followed by Roy Oldenkamp.

23 **Gorodezki:**      Good evening everyone. I would like to show my  
24                   support for the project. Project is beautiful.

1 **Huebner:** Can we keep it quiet in the back please.

2 **Gorodezki:** The project is beautiful. There's enough parking.  
3 I love the presentation. The colors are wonderful  
4 and it will raise the roof in the neighborhood for  
5 the other condos. I don't think you can ask more.  
6 It's, it looks good. Me personally I love it and I  
7 support it. I own properties in West Hollywood. I  
8 think it's great. There's parking. When you walk,  
9 you can see, it's not...you're not touching the  
10 building. You can walk your dog over there. Looks  
11 good, feels good. Thank you very much.

12 **Huebner:** Thank you Ilan. Roy Oldenkamp followed by Barbara  
13 Rubin.

14 **Oldenkamp:** Hello again, Roy Oldenkamp, City of West Hollywood  
15 and Vice President West Hollywood Preservation  
16 Alliance. I wanted to discuss the Sosin House at  
17 1030 Kings Road. We as an organization have found  
18 that the Sosin House is worthy of State Historic  
19 Designation as a key intact example of the  
20 transition from California International  
21 Architectural style to our own Southern California  
22 mid-century modern. Built for Max B. Sosin by  
23 master architects Kemper Nonlin Jr. and Sr., both.  
24 They are the architects of the case study house #10

1 in Pasadena, also the Anais Nin apartments which  
2 are on Silverlake Boulevard, and this one of their  
3 finer buildings. It's in good to excellent  
4 condition. If you have not been to the house, go  
5 knock on the door. It's quite amazing. It's a  
6 1957 house of the future. There's walls of glass,  
7 clear story windows, accordion pleat room dividers,  
8 there's a blender built into the counter of the  
9 kitchen, there's a rotisserie that's electric  
10 that's right next to the fireplace so it's got all  
11 these modern conveniences in the first generation.  
12 We would suggest that we request the Planning  
13 Commission deny the staff recommendation and/or  
14 delay further decision pending State office of  
15 Historic Preservation designation. This could take  
16 six to nine months further, okay? Because they  
17 meet quarterly. So just mentioning that there  
18 would be a time delay before we get any result back  
19 from the state office. Thank you.

20 **Huebner:** Thank you Roy.

21 **Altschul:** I have a question. Roy?

22 **Huebner:** Mr. Oldenkamp? The Vice Chair has a question for  
23 you.

24 **Altschul:** When was the application for this designation

1 filed?

2 **Oldenkamp:** It's, it's still being filed right now. We're  
3 still working on the application. It was filed 10  
4 years ago and was denied and we've taken the  
5 information done by the by the late Bruce Kaye and  
6 his partner in this project and we had to revise it  
7 and we had to redo all the photography and other  
8 aspects to it as well.

9 **Altschul:** So it has not been filed?

10 **Oldenkamp:** Not yet.

11 **Altschul:** Well don't we have some kind of a rule or some kind  
12 of a...the legislation that says that once a  
13 project has been filed that you can't file for  
14 designation?

15 **Oldenkamp:** Local designation only to that I believe. This is  
16 not local designation. The City of West Hollywood  
17 is not involved directly in this. This is for  
18 State designations which is a separate issue, with  
19 separate rules.

20 **Altschul:** But there is as I understand it, Ms. Hogin, there's  
21 no stay or any impediment to continuing with this  
22 item, is that correct?

23 **Hogin:** Right, that's correct.

24 **Altschul:** Thank you very much.

1 **Yeber:** Mr. Oldenkamp I believe you were in, you were  
2 around when that house and several houses came  
3 through Historic Preservation and you actually  
4 mentioned it was denied. What changed in 10 years  
5 that, that you think that it's eligible now?

6 **Oldenkamp:** Well, I think it was wrongfully denied originally,  
7 in my personal estimation. I also believe that our  
8 culture has changed and I think mid-century modern  
9 architecture has not peaked in its interest. It's  
10 gotten much more respect. I think its influence is  
11 pervasive and I think that this building is perhaps  
12 the only intact single family residence that  
13 personifies this mid-century modern look in the  
14 flat areas of the City of West Hollywood. It's  
15 also one of the hallmarks of a master architect so  
16 we would be in fact...we have ironically a very  
17 excellent architect taking down and destroying the  
18 property of the design of a previous architect who  
19 might have influenced his own work. So I think the  
20 culture has shifted now and we're finding much more  
21 interest in mid-century architecture. Look at the  
22 Ed Thickett buildings in town that now are all  
23 considered landmark building except for one, Sunset  
24 Lanai. So I think there's been a cultural shift in

1 the last 10 years that speak to this property.

2 **Yeber:** Thank you.

3 **Huebner:** Barbara Rubin followed by Sharon Lavery.

4 **Rubin:** Hi, my name is Dr. Barbara Rubin and I'm a resident  
5 of West Hollywood and I am adamantly opposed to the  
6 oversized development at 1028-30 North Kings Road.  
7 It creates a danger to the community as it is only  
8 one of four oversized projects slated for  
9 development on this residential side street. It  
10 will contribute to more than five driveways  
11 spilling out onto Kings Road in approximately a 45  
12 foot radius. Two of the driveways are for  
13 commercial uses and the congestion caused by this  
14 confluence resulted from the City's consistent  
15 failure to assess cumulative impact. This failure  
16 will inevitably lead to potential traffic hits  
17 between both cars and pedestrians. This creates a  
18 distinct failure by the City to ensure the public  
19 safety. In addition, the staff report for this  
20 project failed to recognize that 15 people attended  
21 the Design Review Meeting for the proposed  
22 development and at least 10 West Hollywood  
23 residents voiced their opposition to the project.  
24 The City's consistent failure to report on public

1 comment and input at its Design Review Committee  
2 hearings caused the Planning Commission to receive  
3 incomplete and inaccurate staff reports on this  
4 project. This failure violates general plan code  
5 GA-1. I spoke out in opposition to the project at  
6 the Planning Commission Design Review Subcommittee  
7 and my comments were not recorded in the staff  
8 report. In addition I was told that the community  
9 development department never includes public  
10 comment in its staff report. The consistent failure  
11 of City Staff to include input from the public  
12 causes the reports going to both Planning and City  
13 Council to be both incomplete and inaccurate.  
14 Therefore, the Planning Commission should not make  
15 a determination to either approve or disapprove  
16 this project until a complete staff report can be  
17 delivered to the Planning Commission.

18 **Altschul:** Madam, may I ask a question of you?

19 **Rubin:** Yes.

20 **Altschul:** You're here making your comments and expressing  
21 your feelings tonight at the Commission Hearing,  
22 right?

23 **Rubin:** Yes.

24 **Altschul:** Does that not cover what you're objecting to?

1 **Rubin:** I'm trying to be specific here. I also want to say  
2 that the building is one story too tall for the  
3 neighborhood.

4 **Altschul:** But your complaint was that you did not have an  
5 opportunity to express to the Planning Commission  
6 your objection?

7 **Rubin:** That's another issue. Yes, that is correct.

8 **Altschul:** But you are now here....

9 **Rubin:** And therefore....

10 **Altschul:** You are now here expressing your objections which  
11 we are hearing and are very pleased to accept your  
12 comments.

13 **Rubin:** Thank you.

14 **Altschul:** So that has been resolved, correct?

15 **Rubin:** Thank you.

16 **Altschul:** Thank you.

17 **Huebner:** Sharon Lavery followed by Joseph Volpe.

18 **Lavery:** Good evening. My name is Sharon Lavery, I am a  
19 resident of West Hollywood and I am adamantly  
20 opposed to the oversized development of 1028-1030  
21 North Kings Road. The City's failure to take into  
22 consideration the cumulative impacts of all four  
23 developments on Kings Road including the mixed use  
24 development at the corner of Santa Monica and

1 Kings, whose parking garage entrance will be on  
2 Kings Road, the 1028-1030 North Kings Road project  
3 just south of Gelson's, the 17-unit development on  
4 Willoughby and Kings, and the 826 North Kings Road  
5 development threatens the public safety because the  
6 increased traffic and lack of parking combined with  
7 construction traffic will block access to the  
8 street by firefighters, ambulances and police  
9 struggling to reach emergency situations. And  
10 naturally emergency situations will increase due to  
11 inevitable increases in traffic accidents and  
12 pedestrian hits caused by the overdevelopment of  
13 this one side street. The potential of which the  
14 City cannot accurately assess because in violation  
15 of its own traffic threshold memo of October 2009,  
16 and its general plan goals, it refuses to conduct a  
17 traffic impact study. Therefore, we ask the  
18 Planning Commission refuse to approve or disapprove  
19 these permits until City staff can deliver a fully  
20 informative staff report in compliance with the  
21 governing authorities. If this project does  
22 happen, I would like the Planning Commission to  
23 consider protecting the privacy of our community  
24 members, consider planning some tall trees or

1                   Ficuses before construction begins so that those of  
2                   us facing north directly into the site can have our  
3                   privacy protected and I would like the Planning  
4                   Commission to please consider beginning  
5                   construction at 8:00 a.m. instead of the typical  
6                   7:00 a.m. Thank you very much.

7 **Altschul:**       Madam, are you a resident of Kings Road?

8 **Lavery:**        Yes.

9 **Altschul:**       Which building? 950?

10 **Lavery:**        1010.

11 **Altschul:**       1010.

12 **Lavery:**        Thank you for your time.

13 **Huebner:**       Thank you.

14 **DeLuccio:**     I'm not clear what, excuse me, I have a question.  
15                   What...you said you want some landscaping, some  
16                   trees? Where are you...?

17 **Lavery:**        I'm just...my, my particular unit along with some  
18                   of my friends here tonight looks directly into what  
19                   will be the construction site and I'm hoping that  
20                   just to protect my privacy and my neighbors'  
21                   privacy that we don't have to look at this const-,  
22                   frankly construction workers while, you know, while  
23                   I'm trying to get ready for work in the morning and  
24                   if there is some sort of trees, something....

1 **DeLuccio:** Some kind of mitigation during the construction.

2 **Lavery:** To protect our privacy, I would really appreciate  
3 that.

4 **DeLuccio:** Thank you.

5 **Lavery:** Thank you.

6 **Huebner:** Joseph Volpe followed by Susan Pinkus.

7 **Volpe:** My name is Joey Volpe and I'm a resident of West  
8 Hollywood. I'm opposed to the oversized  
9 development at 1028-1030 North Kings Road because  
10 this development with its decreased parking  
11 requirements and compact parking spaces will have a  
12 distinctly damaging and dangerous effect on Kings  
13 Road when assessed as one of four large  
14 developments proposed for this two block area  
15 between Waring and Santa Monica Boulevard. City  
16 staff wrongly states that this project will have no  
17 impact on the traffic on Kings Road as it did not  
18 trigger a traffic impact study. This is wrong  
19 because City staff has consistently failed to  
20 upload, uphold the requirements of its own traffic  
21 study thresholds memo approved by City Council on  
22 October 19<sup>th</sup>, 2009. This memo requires City Staff  
23 to "capture the change in travel patterns and land  
24 use interaction when multiple developments take

1 place and thus demonstrate how future projects will  
2 interact with each other." Immediately after  
3 gaining City Council's approval, the Planning  
4 Department started ignoring the requirement to  
5 assess the interaction of multiple developments  
6 such as the four developments proposed for North,  
7 for Kings Road between Waring and Santa Monica  
8 Boulevard. The statistical model now used by the  
9 City is accurate only when the interaction of  
10 multiple developments is assessed. The City's  
11 refusal to assess these cumulative impacts on Kings  
12 Road and require a traffic impact study is in  
13 direct violation of its own code and policy.  
14 General Plan goals LU-1.19, LU-1.2, LU-1.3, LU-  
15 1.11, LU-1.18 and Vision 20/20. City Staff  
16 therefore should be made to conduct a full traffic  
17 impact study in order to come into compliance with  
18 the requirements of the City's general plan and its  
19 own traffic thresholds memo.

20 **Huebner:** Thank you.

21 **Volpe:** Thank you.

22 **Huebner:** Susan Pinkus followed...this isn't a performance.

23 Susan Pinkus followed by Tony Arn.

24 **Pinkus:** Good evening Commissioners. My name is Susan

1 Pinkus, I'm a resident of West Hollywood and I live  
2 on Kings Road. I am adamantly opposed to the  
3 oversized development at 1028-1030 North Kings  
4 Road. City staff has refused to investigate or  
5 even consider the fact that although the LADWP will  
6 supply well served letters that guarantee utility  
7 hookups to new construction, they will not  
8 guarantee delivery of water as a result of the most  
9 severe drought in the history of the Southwest.  
10 Until a complete EIR is conducted to assess the  
11 potential of a refusal by the LADWP to deliver  
12 water to a completed development on this site, the  
13 Planning Commission must not make a determination  
14 to either approve or disapprove this development.  
15 City staff's refusal to assess this potential  
16 impact is in direct violation of SB226 Urban Infill  
17 Projects which requires an EIR in unusual  
18 circumstances such as the worst drought in  
19 California history, exacerbated by frequent water  
20 main breaks on Kings Road and throughout the City  
21 and the January 2015 sewer main break that flooded  
22 the garage of 850 North Kings Road with a foot and  
23 a half of raw sewage. The City has the  
24 documentation concerning the seriousness of that

1 break. In violation of California Government Code  
2 Section 65302(d) and the City's General Plan goals  
3 IRC-2-1 and IRC-2-2, 1.1, 1.2, 1.7, City staff has  
4 made absolutely no investigation or report that  
5 takes into account these potential effects on the  
6 community. The Planning Commission must not make a  
7 determination to either approve or disapprove this  
8 project until a complete staff report including the  
9 results of an ERE can be delivered to the Planning  
10 Commission. Thank you.

11 **Huebner :**

Thanks Susan. Tony Arn followed by Darlene Chan.

12 **Arn :**

13 Good evening or good night almost. I'm Tony Arn,  
14 I'm a 29 year resident of West Hollywood. I live  
15 at 1010 Kings Road and I strongly oppose this  
16 development. I think that there are a lot of  
17 problems with the staff report that have  
18 been...well they haven't been glossed over by the  
19 people here but I just don't think that it  
20 adequately represents the potential problems with  
21 this project so I'm asking that you send this  
22 report back to Planning staff for further revisions  
23 and especially allow time for written comments from  
24 the many West Hollywood residents who are opposing  
this project. The report was not available to us

1                   until last Thursday, which makes it impossible for  
2                   us to meet the eight day deadline before this  
3                   meeting to get you written responses. I can't  
4                   speak to all of the problems I see in the staff  
5                   report in the short time limit but I particularly  
6                   want to disagree with Commissioner Altschul that it  
7                   is all right to say that because we get to get up  
8                   here tonight and make comments, it's all right for  
9                   the staff report to have a paragraph that is headed  
10                  public comment and those 10 people that spoke at  
11                  that Design Subcommittee meeting are not included  
12                  in public comment. I don't know what else that can  
13                  be considered. Not all of those people could be  
14                  here tonight. Only two of you were at that meeting  
15                  so I don't think that you can adequately judge what  
16                  our objections to the project are until we can  
17                  express it in writing. I also think you must  
18                  consider the cumulative problems created by these  
19                  four projects on Kings Road. Thank you.

20 **Huebner:**

Darlene Chan followed by Bob Bishop.

21 **Chan:**

22 I've been a homeowner on North Kings Road for 26  
23 years, a landlord of a Kings Road condo the last  
24 four years and a local small business owner for  
five years. I'm adamantly opposed to the oversized

1 development at 1028-1030 North Kings Road,  
2 specifically and in general the ongoing plans for  
3 overdevelopment up and down my street. This trend  
4 creates a danger to the community and it is only  
5 one of four oversized projects slated for  
6 development on Kings Road. It will contribute to  
7 more than five driveways spilling out onto Kings  
8 Road in an approximately 45 foot radius. Already  
9 when I pull out of my driveway it is often like  
10 navigating a mine field between the foot traffic,  
11 delivery trucks and double parked cars as well as  
12 the ever increasing through traffic between Santa  
13 Monica Boulevard and Melrose Avenue. It's  
14 distressing to me that citizens have to beg for the  
15 City to consider the cumulative effect of these  
16 four buildings on our streets, resources and  
17 capacity. It's clear to the residents that our  
18 street is becoming overburdened. Future large  
19 developments will only make it worse. Therefore, I  
20 respectfully ask that the Planning Commission  
21 refuse to approve or disapprove these permits until  
22 City staff can deliver a fully informative staff  
23 report in compliance with the governing  
24 authorities. I am not anti-development, I just

1 want responsible and judicious development that  
2 keeps an eye out for the total effect of all these  
3 projects on our street. Thank you.

4 **Huebner:** Thank you Darlene. Bob Bishop followed by Bruce  
5 Lessinger.

6 **Bishop:** Yes, good evening. Thank you for the opportunity  
7 to speak. I'm Bob Bishop, I've been a resident at  
8 850 North Kings Road for more than 20 years now.  
9 I'm coming at this from a slightly different angle  
10 than some of my neighbors. I see that you have a  
11 copy of like a history of Kings Road that I put  
12 together recently and I'm sure that like myself,  
13 the first question you ask yourself when you wake  
14 up every morning is why do some of these people on  
15 Kings Road think they know so much about  
16 architecture. The reason is because we live next  
17 door to the Shindler House and the impact and the  
18 legacy from that is just absolutely overwhelming.  
19 And as I was looking into it, I realized or came  
20 across the information that when Shindler first  
21 presented his request for, you know, to build his  
22 house, his iconic modernist residence, the Planning  
23 authorities in place at the time rejected his  
24 application and he had to fight really hard to get

1 a building permit to build a house and today it's  
2 something that West Hollywood is proud of and shows  
3 it off to the whole world as often as they can. So  
4 the point that I learned from all this was that you  
5 know not everybody gets it right all the time,  
6 residents don't get it right, the planners don't  
7 get it right, the developers don't get it right, so  
8 this is a plea to work together. Because all of us  
9 together are smarter than one of us individually  
10 and for the record I'm opposed to the project as  
11 outlined here this evening for the same reasons  
12 that my neighbors have already mentioned. Thank  
13 you very much.

14 **Huebner:** Thank you. Bruce Lessinger followed by Cynthia  
15 Blatt.

16 **Lessinger:** Good evening, my name is Bruce Lessinger. I'm a  
17 resident of West Hollywood and I strenuously object  
18 to the proposed project at 1028-1030 North Kings  
19 Road. I think that there is a fatal flaw in the  
20 whole process here based on the fact that it seems  
21 as if staff or the Commission or the City has the  
22 luxury of looking at this project in an isolated  
23 way when directly across the street there's a mixed  
24 use project currently being done on the corner of

1 Willoughby and Kings is another project and at the  
2 location 828 North Kings is still another. I don't  
3 believe that the rules and regulations as I read  
4 them, and I'm certainly not an expert, gives you  
5 that luxury of just looking at the project all by  
6 itself. I think theoretical items that are pointed  
7 out in the report such as a trip generation report  
8 talking about the theoretical number of trips that  
9 will be increased on Kings Road is indeed just that  
10 theoretical. I've been living on that block for 25  
11 years, I know over that period of time the traffic  
12 has increased steadily. I know that when I look to  
13 make a turn into my driveway I now have to wait for  
14 many cars to pass before I can access the driveway.  
15 I also realize that you've exempted by law the  
16 project from guest parking and that will only  
17 exacerbate the situation in terms of parking and  
18 there's virtually none at night on the street. I  
19 thank you very much.

20 **Huebner:** Thank you. Cynthia Blatt followed by William  
21 Peris.

22 **Blatt:** Hi I'm Cynthia Blatt, longtime resident of West  
23 Hollywood and I am opposed to the project at 1028-  
24 1030 North Kings Road. I believe that the City has

1 consistently misrepresented the requirements of the  
2 State density bonus law SB-1818 and SB-226 by  
3 stating that because of these laws they have no  
4 choice in granting various concessions. Staff  
5 claims categorical exemption Section 15332 infill  
6 development supports their decisions. However this  
7 exemption only applies when a project is consistent  
8 with applicable zoning and regulations 15332(a),  
9 where it will not have significant impacts on  
10 traffic 15332(d), and where the site can adequately  
11 be served by required utilities and public services  
12 15332(e). In the case of Kings Road these criteria  
13 are not met and there are several areas where  
14 significant impacts are likely, thus rendering an  
15 exemption from CEQA inapplicable. The cumulative  
16 impact resulting from three other similar  
17 developments on this same site render it  
18 inconsistent with the West Hollywood General Plan  
19 EIR's analysis. City staff asserts that the  
20 traffic generated by projects on Kings Road has  
21 been accounted for as part of the general plan  
22 effort, however the development throughout the city  
23 exceeds projections in the general plan analysis.  
24 Therefore we ask that the Planning Commission

1                   refuse to approve or disapprove the development at  
2                   1028-1030 North Kings Road until staff can give  
3                   them an actual full and consistently informative  
4                   report. I also want to say that I too was disturbed  
5                   by the fact that public comment, that in the staff  
6                   report public comment did not include any comments  
7                   made by the 10 residents of West Hollywood that  
8                   spoke at that time. And that should have been  
9                   done. Thank you very much.

10 **Huebner:**       Thank you. William Peris followed by Stephanie  
11                   Harker.

12 **Peris:**        Good evening, my name is William Peris. I'm a  
13                   resident of West Hollywood and I'm opposed to the  
14                   approval of this development at this time. I am the  
15                   designated representative of the Board of Directors  
16                   of our Homeowner's Association at 1015 North Kings  
17                   Road. I and our 62 homeowners are, have a number  
18                   of concerns about this project. I'm going to echo  
19                   tonight the concerns of my neighbors about the  
20                   impact of traffic, both from this unit as well as  
21                   the multiple other units that are being developed  
22                   on our street. Kings Road is a fairly busy street.  
23                   It is frequently being used, more so every day as a  
24                   thoroughfare between Melrose and Santa Monica

1 Boulevard. It's...the density of traffic going  
2 through that neighborhood is very high and this is  
3 only going to increase it significantly. As I  
4 understand it, there has not been a traffic impact  
5 study which doesn't seem to make any sense given  
6 that we're going from two units to 30 and that's  
7 just in this one development. There is a park  
8 frequented by children and families at the corner  
9 of Romaine and Kings Road and frequently we see  
10 vehicles passing through this area at high rates of  
11 speed, not stopping fully at the stop sign at  
12 Romaine. So it's already a relatively dangerous  
13 place. I think we should actually be considering  
14 traffic calming measures on Kings Road based on the  
15 traffic that we have there now. And this is only  
16 going to exacerbate that problem so on behalf of  
17 the residents of 1015 North Kings Road we would  
18 like you to not approve this development at this  
19 time and complete a thorough traffic study, the  
20 impacts of all of these developments. Thank you.

21 **Huebner:** Thank you. Stephanie Harker followed by Herb Tums.

22 **Harker:** Good evening, Stephanie Harker, City of West  
23 Hollywood. I'm just wondering why, why don't we or  
24 why are we unable to as a community begin to

1                   require EIRs for projects of this size particularly  
2                   taking into consideration the four large scale  
3                   developments in a small stretch of one road. I do  
4                   not feel the staff report has adequately considered  
5                   traffic impacts and water usage impacts. And I  
6                   hope you will consider sending the report back to  
7                   the drawing board and have the staff also include  
8                   the impact of the new 200 car space, or 200 car  
9                   garage that will soon open behind City Hall which  
10                  is directly behind this project. There's no left  
11                  turn onto Kings Road from Santa Monica Boulevard  
12                  going south, if you're going west at this time and  
13                  I feel that again the impact on Orlando and Romaine  
14                  with the four new projects, the 200 spaces at the  
15                  city, you can't turn left down there and the next  
16                  street you can turn left on is Orlando and then you  
17                  have to come back around on Romaine. So I, I just  
18                  feel like many of my fellow community members that  
19                  the traffic which is a nightmare already as we all  
20                  know and we all know yes there's going to be  
21                  development but really something has to be done in  
22                  terms of the mitigation for that when we consider  
23                  this many projects and this many cars, this many  
24                  people in a small space. Thank you.

1 **Huebner:** Thank you. Herb Tums followed by Carole Pipe?

2 **Female:** Prop.

3 **Huebner:** Prop, thank you.

4 **Tums:** Hi, Herb Tums, West Hollywood. I actually live at  
5 1025 North Kings Road. I'm adamantly opposed to  
6 this development as well. As beautiful as I think  
7 it is, the...sometimes I feel like we really need  
8 to just have a basic high school urban geography  
9 class and recognize that we don't develop cities  
10 for developers, we develop cities for people to  
11 live in and to be comfortable living there. And  
12 these developments are doing the exact opposite.  
13 We're so overdeveloped right now. We have almost  
14 19,000 people living per square mile in West  
15 Hollywood. You cannot tell me that...I mean I  
16 don't...when I read this approval would not result  
17 in any significant effects relating to traffic,  
18 noise or air quality, it's like you cannot tell me  
19 that 30 units replacing two houses. The houses  
20 that had plenty of room in their parking for their  
21 guests suddenly there's no guest parking in a 30  
22 unit structure? And that's in addition to the  
23 three other developments that are going up? Of  
24 course it's gonna affect traffic. I mean it's just

1                   logical. You cannot not tell me that it's not  
2                   going to affect traffic because it already is  
3                   affecting traffic. It is making it harder and  
4                   harder and harder to be a comfortable resident of  
5                   the City of West Hollywood. And I, I beg of you as  
6                   a body to please recognize our needs and not just  
7                   look at the overall picture. Like that is a  
8                   beautiful development. It absolutely is a  
9                   beautiful development. I will not argue that but  
10                  does it belong in this area and that is what I  
11                  adamantly object to. And I please, I beg of you to  
12                  hear us. Thank you.

13 **Huebner:**           Thank you. Carol Prop followed by Dan Morin.

14 **Prop:**                These are very old fashioned figures already. The  
15                   reason that I wasn't going to speak tonight, but I  
16                   am speaking now because I have lived at 1025 North  
17                   Kings Road for 28 years. That project is exactly  
18                   what I'm gonna be looking at. I wanted to say that  
19                   basically Kings Road, one of the reasons I wanted  
20                   to live on Kings Road when I moved here was the  
21                   historical value. And the value was all those  
22                   beautiful houses that were owned by all of the  
23                   wonderful writers and directors who had come from  
24                   show business, from the East Coast to come out here

1 and have these wonderful huge houses. Which have  
2 now all become condominiums, one of which I live  
3 in. That's fine. But it's a beautiful street and  
4 it's a street full of houses, buildings that are  
5 three stories, possibly a little four story with  
6 like you know two different penthouses on top,  
7 which is still basically a three story building.  
8 You let us have this wonderful park at 1000 Kings  
9 Road. There is a beautiful park and it's filled  
10 every single day with children and it's filled with  
11 dogs and it's filled with old people who are  
12 sitting there. Some of whom speak Russian, some of  
13 whom speak English, some of whom barely speak. But  
14 the point is that we have this wonderful  
15 opportunity that we've had this wonderful  
16 opportunity. It's getting so overcrowded on our  
17 street and so dangerous. I don't know what the  
18 statistics are crime-wise but our crime has gone  
19 up. I know that because people I know have been  
20 robbed and the underground have gone into for the  
21 people have gone for the cars. It's getting tough  
22 over there. We have so many people coming in. I've  
23 spent the last two years listening to the  
24 construction for the City Hall. Now we've got the

1 corner. Now we've got a building that does not fit  
2 into our world as you can tell by the 800 block if  
3 you look at it and see that constructed by the  
4 same, sure looks like the same architect, built  
5 both of those buildings. Please come and visit  
6 Kings Road and see what we all love about living  
7 there, because we do and this is not going to help.  
8 Nor is going to help to have that many more people  
9 there. It's dangerous. So....

10 **Huebner:** Thank you. Dan Morin followed by Victor  
11 Omelczenko.

12 **Morin:** Dan Morin, resident of the City of West Hollywood.  
13 I love these fantasy images over here of two cars  
14 in front of this building which of course is  
15 ridiculous and also the model indicates that there  
16 is a building at the southwest corner of Kings and  
17 Santa Monica. That is now a hole in the ground and  
18 that is going to be replaced by, as far as I know,  
19 by a mixed use facility which will create more  
20 traffic on Kings Road. You also have Kings Road  
21 Park where there are public gatherings, especially  
22 on the weekends. You have semi-trailer tractors  
23 going in and out of that side entrance from Kings  
24 Road into Gelson's. I don't know who's going to

1 pay six or seven figures for the privilege of  
2 overlooking the parking lot of Gelson's but God  
3 bless them. The other thing that I find interesting  
4 is that the 1028 North Kings will have to Ellis out  
5 the resident and there are no rental records for  
6 the single family residence at 1030 which I find  
7 odd. As far as I know under the Ellis Act when a  
8 building or edifice is Ellised out, that structure  
9 and that, the ground that it is on has to be laid  
10 fallow for at least five years. So as far as I  
11 know, nothing can be constructed on that site for a  
12 five year period. And that, this would be  
13 incorrect in direct contradiction to what the Ellis  
14 Act says. And I think research has to be done by  
15 the staff to give us the correct answer on this  
16 because I really do feel that this cannot be built  
17 for at least a five year period, at least at 1028  
18 and if 1030 has a record of a resident that also  
19 has to be Ellised, then both of those lots are  
20 under the Ellis Act and must not be touched.

21 **Huebner:** Can you...can staff answer that?

22 **Lunceford:** There's no records because it's owner occupied. So  
23 it's not, it's not in the rental market.

24 **Altschul:** Are these single family homes?

- 1 **Lunceford:** They both are, yes.
- 2 **Altschul:** They both are. They're not under the rent control  
3 only?
- 4 **Lunceford:** One, one is rented and one is not.
- 5 **Shink:** Are they being Ellised out, the rent control?
- 6 **Lunceford:** That is part of the process that's required, yes.
- 7 **Yeber:** Can you speak though to the procedure for Ellis?  
8 There's a misunderstanding about when someone's  
9 Ellised out, what can be done following that  
10 action.
- 11 **Alkire:** Let me take a stab at answering that question.  
12 Thank you. So if someone complies fully with the  
13 Ellis Act and compensates someone for being removed  
14 from the sites and follows the period of time that  
15 they need for notification, then they can, then  
16 they wouldn't be able to reintroduce that unit into  
17 the market but they could demolish it and build  
18 another building and introduce those units to the  
19 market.
- 20 **Yeber:** So the five year is for?
- 21 **Alkire:** The same building.
- 22 **Yeber:** Same building, same unit being emptied out and then  
23 returned to the market in the same condition.
- 24 **Alkire:** Same units, yes, exactly.

1 **Yeber:** Such as the El Mirador.

2 **Alkire:** Exactly.

3 **Yeber:** Right.

4 **Huebner:** Victor Omelczenko followed by Michael  
5 Wojtkielewicz.

6 **Omelczenko:** What is this here?

7 **Altschul:** Rearrange the furniture Victor.

8 **Huebner:** Careful. Careful. No.

9 **Omelczenko:** Don't time me yet. Okay, Victor Omelczenko, City  
10 of West Hollywood longtime resident. You know,  
11 we're...I'm gonna do a preview. On Monday the City  
12 Council is gonna be looking over an enhanced City  
13 staff report at R2, R3 and R4 zones and maybe what  
14 needs to be done given the uproar that you've been  
15 hearing all along over time with all of these  
16 developments that item had been tabled at the last  
17 City Council meeting and was expanded upon.  
18 Councilmember Heilman asked to look at it more and  
19 now the City Council will be looking at that. So I  
20 know you can't stop things because that process is  
21 just starting but I really hope you stop this  
22 project because Kings Road is under attack. I mean  
23 it's really, I think you as our Planning  
24 Commission, you should really start looking into

1 cumulative impacts of what's being planned and not  
2 treat every project, every new project in this  
3 stovepipe type of fashion without analyzing and  
4 questioning what all of these individual projects,  
5 thank you John, combined are doing to the fabric of  
6 our small city. You know I really believe that the  
7 recommendations that are now being considered go  
8 against the spirit and the intent and the substance  
9 of the City's adopted general plan and many of us  
10 in the audience here worked on that general plan  
11 years ago and we were there and we encourage smart  
12 development but not unrestrained growth. You know  
13 I have friends who live on Kings Road and 850 North  
14 Kings Road suffered a sewage main break. There was  
15 raw sewage in the garage. The infrastructure was  
16 affected there. I worry about the infrastructure  
17 on that street. I worry about what's happening  
18 with our infrastructure on Ferosa where there have  
19 been three breaks and you know when infrastructure  
20 breaks, that affects public safety and you know in  
21 terms of our vision 20/20 plan, our goals are  
22 responsiveness to the public, public safety and  
23 quality of residential life and I hope you will  
24 consider all of those factors and not approve this

1 project and ask for an EIR that looks at cumulative  
2 impacts. Thank you.

3 **Huebner:** Thanks, Victor. Michael Wojtkielewicz followed by  
4 Cathy Blaivas.

5 **Wojtkielewicz:** Good evening once again, Michael Wojtkielewicz,  
6 resident of West Hollywood. I voice opposition to  
7 yet another oversized development project proposed  
8 for Kings Road. The city has failed yet again to  
9 take into consideration cumulative impacts of four  
10 pending projects on Kings Road including this 30  
11 unit agenda item along with 34 units at 826 Kings  
12 Road, the 17 unit development at Willoughby and  
13 Kings Road and the 48 unit mixed use development  
14 now under construction at the corner of Kings Road/  
15 Santa Monica whose parking garage access daylights  
16 onto Kings Road. All truck, and not only the  
17 quality of life but public safety resulting from  
18 increased traffic and further lack of adequate  
19 parking. I originally moved into this neighborhood  
20 of Kings Road and Sweetzer a few years after  
21 independence was declared from Los Angeles County  
22 as West Hollywood established itself as its own  
23 city. At that time the City was a model for the  
24 protection of its existing residents, many of them

1                   renters, and in doing so the city demonstrated a  
2                   concern for preserving and protecting the scale,  
3                   the shape, the ambience and character of its  
4                   residential areas. Through this neighborhood,  
5                   though this neighborhood may be R-4 high density,  
6                   what benefits this stretch is the ever increasingly  
7                   endangered mix of single family residents amongst  
8                   the multi-unit buildings. This project in itself  
9                   and in conjunction with others is evidence of the  
10                  city's bigger failure which has been to take into  
11                  consideration a different future. That failure was  
12                  to upgrade infrastructure that would serve what is  
13                  now the seemingly new model for this city,  
14                  currently being served up continually at Planning  
15                  Commission after Planning Commission after Planning  
16                  Commission. This proposed development along with  
17                  the other three projects on Kings Road is a  
18                  testament to this new model. A model that tears  
19                  away at the thinning fabric of the single family  
20                  homes and whose impact singularly and jointly  
21                  overburden the existing framework of streets,  
22                  sidewalks and over-quality of life that was  
23                  indicative to our beloved neighborhoods. The  
24                  inclusion of this project's wire mesh guardrail

1                   alone which resembles chain link fencing not  
2                   allowed by West Hollywood design standards should  
3                   be grounds to deny the applicant. Thank you.

4 **Huebner:**           Thank you. Our last speaker is Cathy Blaivas.

5 **Blaivas:**           Good evening, Cathy Blaivas, City of West  
6                   Hollywood. Ditto everything that's been said in  
7                   the room tonight. I ditto and it's interesting, I  
8                   went to the ethical reform, the ethics reform  
9                   review the other night and what strikes me tonight  
10                  are two words, ethics and precedent setting from  
11                  the previous item. This could be precedent setting  
12                  tonight and ethical at the same time. The ethics  
13                  is about the community that lives here now. All  
14                  these buildings are being built for people that are  
15                  coming to West Hollywood which I understand. But  
16                  there really seems to be regardless of the edict  
17                  amount of input from community and outreach  
18                  regardless of mitigations, regardless of coming  
19                  down from five stories to four. The impact on  
20                  community is real. It is real and especially if  
21                  this block doesn't show this Commission and staff  
22                  that a cumulative effect is real, then we might as  
23                  well close the city for five years, scrape the  
24                  city, get it all done at one time and then come

1 back to the new, to the new West Hollywood. I'm  
2 being facetious. I'm emotional about this because  
3 this is just the beginning. It really is just the  
4 beginning. And it's an opportunity as I said to  
5 set a precedent that from now on the cumulative  
6 effects and I don't know how many blocks that has  
7 to take into account, has to be considered for the  
8 well-being, the welfare, the happiness of the  
9 community who live here now. Thank you.

10 **Huebner:** Thanks, Cathy. And David, do you have a list here?

11 **Gillig:** Oh, yes we have several. The following people  
12 chose not to speak but their view is to oppose  
13 staff's recommendation. Denise McCanles, Francoise  
14 Lazard, Steve Sylvester, Ernest Back, Robert Cefai,  
15 Bruce Gilbert, Andrea Ferretti, Robert Gurval,  
16 Karen Bennett, George Credle, Andrew Davis,  
17 Jennifer Loew, Norman Hartstein, Robert Switzer,  
18 Khaled Ammari, Alexander Perrinelle, Jerry  
19 Toadvine, and Melina Seminora, and Nancy Bleier.  
20 That's all.

21 **Huebner:** Thank you. Applicant's rebuttal. Five minutes.

22 **Elliott:** Good evening, Todd Elliott. I'll try to be as  
23 quick as I can. I feel like I'm giving a CEQA  
24 lesson. So the big elephant in the room is, do you

1           prepare an EIR for these types of projects and I  
2           think you have to step back and say, okay. Do I?  
3           And the staff has adequately determined and made  
4           appropriate findings in the staff report and as  
5           part of the evidence in the record that this  
6           project is categorically exempt. What does that  
7           mean? Well, that's, that's pretty simple. That is,  
8           that means that the State of California has  
9           determined that certain projects including infill  
10          projects are exempt under CEQA. That sounds kind  
11          of, you know, what does that mean exactly? Well,  
12          that means if you're following the process of  
13          looking at your general plan and you have an R-4  
14          designated property and that property doesn't have  
15          habitat, is less than an acre, is, and the staff  
16          finds which they have here that there's no traffic  
17          impact, that is categorically exempt. And there is  
18          substantial evidence in the record to support that.  
19          There's a recent case called Berkeley Hills  
20          Preservation v. City of Berkeley. It's the  
21          Commission that determines whether there is unusual  
22          circumstances to determine if a site is, has  
23          unusual circumstances. Not the opinions of  
24          proponents or the opinions of opponents. That's

1 the job of this Commission. And that must be based  
2 in substantial evidence. What we've heard here  
3 this evening is nothing but substantial evidence  
4 from the staff to support the project and  
5 speculation and opinion from the opposition. And I  
6 hear their heartfelt commentary but it is all  
7 speculation and opinion and from Mr. Oldenkamp's  
8 idea that this should be a historic building based  
9 on a culture change to the notion that driveways  
10 are impacted, and that the property can't be served  
11 by utilities, that the city is not following the  
12 Ellis Act, these are all opinions. There's no  
13 evidence in the record, no substantial evidence to  
14 support these opinions. So we respectfully request  
15 that you make a finding that the, this project is  
16 subject to a categorical exemption. And there is  
17 no unusual circumstance of this particular  
18 property. This is a garden variety site. It's not  
19 a fault zone, it's not a liquefaction zone, it's  
20 not a hillside zone. There's not unusual about  
21 this site. Respectfully we request that you  
22 approve this project before you. The development  
23 permit, the demolition permit and the track map.  
24 And I'm very happy to answer any specific questions

1                   that the Commission has along with the architect.  
2                   Thank you.

3 **DeLuccio:**       I have a question.

4 **Huebner:**       Commissioner DeLuccio?

5 **DeLuccio:**       Thank you. Is there any way to do any mitigation  
6                   for 1010 Kings Road during construction? Any kind  
7                   of screening?

8 **Elliott:**       The City has standard mitigations and that is  
9                   contained in the proposed resolution. And I did  
10                  forget to mention that we would accept the  
11                  conditions that staff proposed for the affordable  
12                  housing conditions. We would just like to read  
13                  them and have them in a resolution that comes back  
14                  to the Commission.

15 **DeLuccio:**      Well, there's a resolution before us this evening  
16                  that has those in them.

17 **Elliott:**       But we have not seen that.

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

19 **Lunceford:**     It is available in the back of the room.

20 **Huebner:**       Any other questions? No? Thank you, Todd.

21 **Elliott:**       Thank you.

22 **Yeber:**         I, I do have a question of staff.

23 **Huebner:**       That's fine.

24 **Yeber:**         May I ask?

1 **Huebner:** Yes.

2 **Yeber:** So this is a question for Christi. So, since as  
3 Mr. Elliott mentioned the big elephant in the room  
4 or at least the reoccurring theme was this  
5 cumulative impact, can you for our education and  
6 the public, can you again take us through what we  
7 can and cannot do regarding requiring an EIR and  
8 then hopefully touch on the whole cumulative impact  
9 EIR suggestion that was raised many times tonight.

10 **Hogin:** I'm gonna give you the 10:30 at night very  
11 abbreviated version of this.

12 **Yeber:** Good. Thank you.

13 **Hogin:** Because sometimes we talk past each other, we as a  
14 community learn some lingo about CEQA and then it  
15 starts to dictate how we view things. CEQA is  
16 only, the California Environmental Quality Act is  
17 really only there to identify whether there's going  
18 to be a significant impact, the level of  
19 significant means that there has been some  
20 objective standard that's triggered. If that's  
21 triggered, you can cross that standard a certain  
22 number of trips are generated or an impact on a  
23 intersection then there would be a traffic study.  
24 The traffic study isn't going to dictate that the

1 project can or can't go forward. It's just gonna  
2 be more information so that you'll be well informed  
3 about what the potential environmental impacts are  
4 if you were to approve it. It's also an opportunity  
5 to identify if there are significant impacts what  
6 kind of mitigation measures can be imposed to  
7 reduce the impact to a level of less than  
8 significant below that trigger. That's CEQA.  
9 There's a whole corollary analysis that goes on  
10 that isn't involved with, complying with CEQA that  
11 has to do with the land use issues of trying to  
12 make sure that these projects that are built are  
13 compatible with the neighborhood. It's one of the  
14 things that you have kind of instinctively done  
15 along the way for example is where there's already  
16 a lot of competition for parking on a street,  
17 you've started to impose a condition that new  
18 development wouldn't be entitled to have parking  
19 permits in the neighborhood. Because even though  
20 that's not a CEQA issue, that's not something you  
21 need a study for, you're not mitigating an impact  
22 caused by the project that's an existing condition  
23 in the neighborhood but you're trying to impose  
24 conditions on the project to make it compatible

1 with the existing neighborhood so to some extent  
2 staff can use their professional judgment to help  
3 you ferret out what are the kinds of conditions  
4 that are actually mitigating impacts that are  
5 caused by the development and require a study under  
6 CEQA and other times where you're simply imposing  
7 conditions as a matter of land use law to try and  
8 make sure that the ultimate project that you  
9 approve is compatible with the neighborhood. So I  
10 know that wasn't exactly what you're looking for.  
11 The cumulative impact, that's another thing. A lot  
12 of times what people mean when they say that is  
13 that this project is just going to have more  
14 traffic and whenever you add more traffic to what  
15 we already have, you know, look now it's more than  
16 it was before, that must be a cumulative impact. In  
17 fact it's a term of art that looks at when  
18 there...a project has a, a share of traffic, for  
19 example, that's added to the streets but that that  
20 share itself is not significant but when it's added  
21 together to the shares that are coming from other  
22 uses that are being developed, that overall is  
23 significant. With respect to the zoning,  
24 theoretically that kind of impact is looked at at

1 the time when it's decided to create an R-4 zone  
2 for example and so that when the EIR that's done  
3 for the general plan or for the zoning ordinance  
4 that's where you're kind of looking in that big  
5 picture way about what kind...if we make this kind  
6 of a zone, what kind of reasonable traffic impacts  
7 are going to be and are they going to be  
8 significant and is this zoning worth it. That kind  
9 of is done on that level. When we're looking at  
10 this project, a particular project that complies  
11 with the zoning the chances are it's not going to  
12 trigger the CEQA. It doesn't mean that there isn't  
13 going to be additional traffic, obviously more  
14 people living on the lot than you do when you've  
15 got two single family homes. There's going to be  
16 more traffic. From a CEQA point of view, it may  
17 not warrant technically a traffic study at an  
18 environmental impact but from a land use it may,  
19 you know, warrant your consideration to figure out  
20 if there's anything you can do to help make sure  
21 that that project fits within the neighborhood like  
22 you not allowing guest permits or not  
23 allowing...help me I'm getting...I'm going to fall  
24 asleep on you. On permits for the restricted

1 zones. Thank you.

2 **Altschul:** Just permits.

3 **Hogin:** Thank you.

4 **Yeber:** Let me clarify if I heard you correctly. I think  
5 you answered the question but it was kind of hidden  
6 in there. When you determine, when the general  
7 plan determined that a particular block was going  
8 to be R-4, the EIR that was undertaken for that  
9 general plan looked at that particular block and  
10 assumed that that entire block would be full of R-4  
11 buildings, looked at the impact cumulatively there.

12 **Hogin:** Yeah, they may not have assumed that every single  
13 one of them would be maximum built out but they  
14 would make the reasonable projected assumptions.

15 **Yeber:** Right.

16 **Hogin:** And there would be, and you know those things, and  
17 that satisfies CEQA. It does the mass but it's  
18 different because it's theoretical. That's very  
19 different than when you find out somebody is going  
20 to be build it right next door to you. That's a  
21 whole, you know....

22 **Yeber:** Right.

23 **Hogin:** So you can't blame people for not having been  
24 activated when it was in theory, because now....

1 **Yeber:** But Staff can't require the applicant to do an EIR  
2 if it hasn't, (a) because it's categorically exempt  
3 by the State and (b) because it hasn't exceeded any  
4 of those thresholds. I mean Staff can't just  
5 arbitrarily say you know what we've heard enough  
6 from the community, we can't...you know, we're  
7 going to do an EIR. The staff can't do that. I  
8 mean they're bound by State policy framework.

9 **Hogin:** Right. That's, that's right. But I would go on to  
10 say that I think when peo-, when some people are  
11 saying that, you know, unless somebody just wants  
12 to, you know, delay the project or run up the bill  
13 for the project which I don't think is the case  
14 here at all, that the plea is framed in terms of do  
15 an EIR, do a traffic study. But I think what it  
16 really is getting at is take into account the fact  
17 that we are now adding a lot more parkers, and  
18 drivers on our street and see if you can't...

19 **Yeber:** Mitigate it.

20 **Hogin:** ...address that. Exactly.

21 **Yeber:** And then Jennifer, you can answer this 'cause  
22 you've been here longer and so nothing against you,  
23 Scott. Is this staff report or the analysis  
24 connected to this report any different from a

1 similar project on this street or any other street  
2 in West Hollywood?

3 **Alkire:** The analysis that was done for this project?

4 **Yeber:** Yeah, there, you know there was a lot of comments  
5 about the staff report neglected to do this, the  
6 staff report didn't do that, it didn't have all the  
7 comments on there. There were a lot of accusations  
8 that the staff report was inadequate.

9 **Alkire:** Right.

10 **Yeber:** I personally after 12 years of reading staff  
11 reports, I didn't see anything out of the ordinary  
12 and as you all know I do pick up some extraordinary  
13 things here and there, so my question to you is...

14 **Altschul:** That's a good sign.

15 **Yeber:** ...did you treat this any differently?

16 **Alkire:** No, the procedure for this project was the same or  
17 similar as all the other projects that we bring  
18 forward.

19 **Yeber:** Thank you.

20 **Altschul:** I think, I think the comments were addressed to the  
21 fact that the staff report did not include the  
22 dozen or so comments made by the people that were  
23 at Design Review.

24 **Yeber:** That was some of it, that was some of it, yes.

1 **Altschul:** That was most of it.

2 **Yeber:** Yeah, right.

3 **Altschul:** And that was never done because Design Review is  
4 only comments about the design. It's not how you  
5 feel about the project as a whole, has nothing to  
6 do with traffic and has nothing to do with any  
7 other elements of the entire process with regard to  
8 the process other than the design itself. So  
9 therefore it was made perfectly clear at the Design  
10 Review hearing that that's all it is to address and  
11 that these comments are strictly about design and  
12 therefore they are never carried over into the  
13 staff report with respect to how any individual or  
14 group of individuals feels about the project. This  
15 is the place to convey your, your feelings about  
16 that and I think everybody has quite successfully  
17 and while I'm expanding a little bit. I've been a  
18 Kings Road property owner for 35 years. Bought  
19 the, my mother bought the apartment for herself to  
20 live in in 1980.

21 **Huebner:** Do you want me to close the public hearing?

22 **Altschul:** Yes.

23 **Huebner:** We'll close the public hearing and start  
24 deliberations. John can continue.

1 **Altschul:** My mother bought the property and my mother lived  
2 in it from 1980 until she passed away in 2011, four  
3 years ago. So I saw Kings Road expand. Kings  
4 Road, which all of you who live there know, is  
5 still not permit parking. I go there frequently.  
6 I've gone there frequently for 35 years. I can  
7 always find a parking space. I don't have to walk  
8 very far. It's a very wide street. From the single  
9 family Dodge house which is right across from where  
10 I own the property I own, it has this enormous  
11 condominium complex and the Courtyard which is  
12 quite nice and which some of you live in.  
13 Unfortunately, the buildings that some of us live  
14 in that I, that I own and that those of you who  
15 live in the Courtyard live in, can't hold a candle  
16 to the look of Mr. O'Herlihy's work, 825 and now  
17 this. I only wish that what I had been able to  
18 purchase in 1980 had the look of what Mr. O'Herlihy  
19 is giving us and has given us at 825. Wow. And  
20 you know as I know the values on Kings Road have  
21 done wonderfully for all of us that have had the  
22 good fortune to live there. As all of West  
23 Hollywood has done for those of us that are  
24 fortunate enough to invest here and to live here.

1 We live in the second most populous metropolis in  
2 the United States of America. We enjoy the fruits  
3 of that growth and the fruits of that economic  
4 wonder and we suffer sometimes the traffic. I never  
5 have any traffic problems from one end of Kings  
6 Road to the other, but when I turn on Santa Monica  
7 to go either east or west it takes me longer than  
8 it did in 1980 to get to where I'm going.

9 Absolutely. But I'd rather live here than in  
10 Agoura Hills, so I stay. And I stay and I still  
11 enjoy it. And I hope you do too.

12 **Huebner:** Commissioner Shink, do you want to go next?

13 **Shink:** Sure, I'll go next. First of all I want to thank  
14 the public for coming out tonight. Someone said  
15 are we listening and I want to say that I don't  
16 know if I could speak for all of my commissioners  
17 but I will, we are listening. And many of us share  
18 exactly the same concerns about what's happening to  
19 West Hollywood in terms of development. When is  
20 development too much development? Are we being  
21 overdeveloped? And I think that Kings Road  
22 actually represents a micro chasm of what is  
23 happening to our City. The density, the traffic,  
24 the parking, these are all extremely important

1 issues that we have to look at and when people talk  
2 about cumulative effects of what's happening  
3 particularly on Kings Road with all the building  
4 that's going on there, its undeniable there's a  
5 impact. The Planning Commission actually we are on  
6 the one hand bound by the zoning codes which I  
7 believe need to change but we also have discretion.  
8 And we can use that discretion in terms of the  
9 compatibility of a building and while this building  
10 is a beautiful building I also have to look at as a  
11 Commissioner what it's going to do to the people  
12 that live on that block. I've spent a lot of time  
13 as many of you know these last months talking to  
14 people on Kings Road and I know that their quality  
15 of life has been impacted and will be impacted by  
16 the four buildings that are proposed or starting  
17 construction already on a very small street, a  
18 residential street and I think it is our obligation  
19 as a Planning Commission to take that into account  
20 and to use our discretion wisely, but affirmatively  
21 when we feel that the impact on a neighborhood is  
22 being changed radically and when the quality of  
23 life for the residents that live there will be  
24 impacted in a very big way. That's how I see this

1 project. I agree with the public wholeheartedly, I  
2 unequivocally cannot support this because I believe  
3 that it is completely incompatible with the quality  
4 of life for the residents that live there and that  
5 is the oath that I took when I became a Planning  
6 Commissioner is to make sure that we protected the  
7 residents, us, we, West Hollywood first and  
8 foremost in exactly this type of problem. Thank  
9 you.

10 **Huebner:** Commissioner DeLuccio?

11 **DeLuccio:** So did we get our answer? This does not trigger a  
12 traffic study?

13 **Lunceford:** That's correct.

14 **DeLuccio:** Okay and in turn by not triggering a traffic study  
15 we're not going to know the cumulative impacts of  
16 all the projects in the surrounding neighborhoods.  
17 It's not required? It's not required. I was a  
18 little....

19 **Huebner:** But don't we know, don't we know the cumulative  
20 impact of the three or four developments? I mean  
21 if we...additive on those four are we still  
22 reaching some, are we pushing over some threshold?  
23 Do we know?

24 **Hogin:** (INAUDIBLE).

1 **Altschul:** Okay. You can always find a parking place at  
2 Gelson's. Well, you can always find....

3 **Lunceford:** If I can just...actually I did an informal....

4 **Huebner:** Didn't you do a little quick study?

5 **Lunceford:** Yes. Just a quick study of, not of 826 Kings  
6 because I didn't know what was going to be coming  
7 next from that but for Willoughby, the 1028 Kings  
8 and then also for the project at the corner of  
9 Santa Monica and Kings. I did just based on the  
10 traffic study that was done for the Santa Monica  
11 and Kings and then just the ITE calculations done  
12 for this project and for the Willoughby project and  
13 all three of them combined were still less than the  
14 500 daily trips and the 600...or and the 60 peak  
15 hour trips that trigger...

16 **Huebner:** That trigger an EIR?

17 **Lunceford:** ...that trigger...well trigger a traffic study.

18 **Huebner:** Trigger a traffic study, okay.

19 **Lunceford:** But again I didn't take 826 into account because I  
20 don't know what that's going to be.

21 **Huebner:** We're still below.

22 **DeLuccio:** Thank you for inquiring further about that. If I  
23 can just continue, I was a little disturbed, I  
24 haven't been to Design Review, I used to be on that

1                   years ago and is, is my understanding, that's  
2                   not...are the minutes...David, do...we don't do  
3                   minutes for the Design Review Subcommittee? Do we  
4                   do recordings?

5 **Gillig:**           There are no official minutes or recordings  
6                   although staff does take notes.

7 **DeLuccio:**       Okay so I understand, I think everybody understands  
8                   when you go to Design Review, that's to look at the  
9                   design of the building. The other issues of  
10                  traffic and et cetera is addressed at this body.  
11                  That's an advisory body, that is not a decision  
12                  making body. However, if...I'm just making a  
13                  suggestion for the future, at those meetings if  
14                  public comes out and they're making, you know,  
15                  concerns, suggestions about the design, I think  
16                  they should, we should have that record in front of  
17                  us. They...I should know, we should know maybe  
18                  it's an attachment to the staff report or  
19                  something, if 10 people come out, I want to know  
20                  the 10 people that came out. I want to know their  
21                  names and I know, and I do want to know what they,  
22                  they have to say again in...how it relates to  
23                  design. If they come out and make other comments  
24                  about the project, that is not what Design Review

1 is, I'm not, at that time, interested in those  
2 comments but I am interested in design comments by  
3 the public as much as I'm interested in hearing  
4 from my fellow Commissioners about design comments.

5 **Huebner:** Didn't I say that?

6 **DeLuccio:** Didn't I...I'm sorry?

7 **Huebner:** Didn't I say that when I reported out?

8 **DeLuccio:** About what?

9 **Huebner:** That there was a significant number of people at  
10 Design Review that shared our same feelings?

11 **DeLuccio:** But that's, that's just a general statement. I  
12 would like to, I would like to....

13 **Altschul:** That always happens, either Stephanie does it or  
14 one of the Commissioners.

15 **Huebner:** Either Stephanie does it or we always say who, if  
16 there were a lot of people.

17 **DeLuccio:** But we don't say, you're not naming who those  
18 people are.

19 **Yeber:** Well, Donald you're actually requesting staff  
20 to....

21 **DeLuccio:** Do speaker slips. To formalize it.

22 **Yeber:** No, you're asking them to basically change their  
23 procedure and I think that's a different discussion  
24 for a different time.

1 **DeLuccio:** Okay, but I just want....

2 **Yeber:** Okay, but the typical procedure wasn't anything out  
3 of the ordinary for this report. Okay?

4 **DeLuccio:** Okay but I'm just making that comment.

5 **Yeber:** If you would like to discuss that a change in the  
6 future, you know, I welcome that. Even though I'll  
7 be on that side.

8 **DeLuccio:** I'm just giving that into the staff, okay? I just  
9 think that's, I think I want to know what the  
10 public has to say. I don't want general  
11 statements.

12 **Huebner:** And I was, and I was hoping that I conveyed that  
13 when I, when Scott passed off to me that I said  
14 there were numerous people there.

15 **DeLuccio:** But I didn't, you didn't elaborate on what their  
16 concerns were and I'm....

17 **Huebner:** Design concerns that we had that were, that were  
18 answered ..

19 **Altschul:** .. and it's always, the Design Review summary is  
20 always in the staff report and the urban designer.

21 **DeLuccio:** We're beating about the bush here. I think....

22 **Altschul:** Urban designer always gives her report.

23 **DeLuccio:** Okay, let's move on. I think my, I think staff  
24 understands what I'm saying. I'd like more

1 information on what the public has to say. I think  
2 also everybody should come out Monday night 'cause  
3 R-2, R-3 and R-4 are on the agenda and they're  
4 going to be doing some work in those designs in  
5 those areas and, and you also come out...that's the  
6 time you should come out and make your input known.  
7 As far as this project goes, I think we all can  
8 agree it's well designed. It's a well designed  
9 project. And again, our...the compatibility I had  
10 that issue on the other project further down the  
11 street when they were putting the fifth story on  
12 and I had a compatibility issue. On this one I  
13 don't know why I couldn't make a compatibility  
14 finding. This is a well designed project and  
15 they're doing everything whether you agree with it  
16 or not, that they're permitted to do under SB-1818.  
17 They are taking the incentives that they can take.  
18 In fact, they're not even taking the, they're not  
19 doing an additional story here. They're not doing  
20 a fifth story. They are limiting it to four  
21 stories and, and I do like the way they've taken  
22 the massing of the building and the...it's not one  
23 box. I like the articulation of, of the, of the  
24 building. So I, I'm having a hard time not voting

1 for this project but I understand everybody else's  
2 concerns about relooking the Zoning and relooking  
3 the design, design and maybe even looking,  
4 relooking the density, but I don't think that's  
5 before us this evening, so for those reasons I  
6 would need to support the project.

7 **Huebner:** Commissioner Yeber?

8 **Yeber:** Okay.

9 **Huebner:** I'll go to you.

10 **Yeber:** Well as I was mentioning earlier to my colleagues,  
11 a few colleagues and staff, it's interesting that  
12 this project came before me tonight on my last  
13 night because I believe Kings Road and the other  
14 Larkin project was the project, one of the first  
15 projects that came before me when I started on  
16 Historic Preservation. So I'm full circle back to  
17 Kings Road. So you know, I'm quite familiar with  
18 Kings Road. I used to live on Kings Road. You  
19 know, there, there is a typical...there are a lot  
20 of comments about oversize and, you know, I, I  
21 don't know if I have it, I kept looking at this  
22 diagram, the massing diagram of the community and  
23 so the building in question or the building  
24 envelope is in white of our project and I'm looking

1 at all the other buildings that are on that block  
2 and I'm fully aware even if you go further down and  
3 I just don't see how this qualifies as an oversize  
4 design. You know, we've talked about Kings Road  
5 numerous times, whether it's on Historic  
6 Preservation, Council, on Planning Commission.  
7 There was an estate elegance of Kings Road at one  
8 time, but unfortunately that was lost many, many  
9 years ago. There was unfettered development when  
10 Kings Road was part of L. A. County, unincorporated  
11 L. A. County and I haven't yet to see a project  
12 that's un-, that's been proposed on Kings Road that  
13 is "not compatible" because I wouldn't know what  
14 that is in terms of massing and scale, which seems  
15 to be the biggest issue that comes up considering  
16 that the block consists of buildings that are  
17 bigger in massing, taller in scale. So I have  
18 trouble understanding that. I do understand the  
19 traffic or the potential for traffic problems. I  
20 don't know what the issue is...I don't know what  
21 the answer is or how to address that. Parking, you  
22 know, we could look...it is a wider...someone said  
23 this was a smaller street, but it's actually one of  
24 our wider ancillary streets, if that's the right

1 designation. Local streets. It's wider than, you  
2 know, Sweetzer, it's wider than a lot of the other  
3 streets and so maybe there's a possibility that  
4 traffic could look at reconfiguring the parking.  
5 Instead of parallel parking, maybe one side is  
6 angle parking to provide more parking if, if that  
7 truly is a parking issue. As my fellow  
8 Commissioner DeLuccio said, there really isn't  
9 anything in here and I haven't heard anything  
10 tonight that would compel me to have second  
11 thoughts about moving this forward. It seems to  
12 meet our general plan objectives. It meets our  
13 Zoning. It's providing affordable housing, which  
14 is, which is advocated by the state. It's doing  
15 everything it needs to do and it's supposed to do  
16 and I think it's done it in a very artful way. I  
17 appreciate all the comments tonight. They were  
18 enlightening as usual, but as it was pointed out, a  
19 lot of them were simple opinions based on ancillary  
20 observations. They weren't done...they aren't  
21 grounded at anything that, you know, you could, you  
22 could see as clear cut evidence of a problem. So  
23 again, I too am leaning towards supporting this  
24 project.

1 **Huebner :** Commissioner Buckner?

2 **Buckner :** Thank you. I think Marc has said about everything  
3 that I would say. I am concerned about what  
4 everybody sees as cumulative impacts. I think that  
5 part of what's going on over there is that there's  
6 a lot of development all over the City and the  
7 reason why we're experiencing so much of it right  
8 now is that there was a period of time when  
9 our...when...yeah, there were some, some...freezing  
10 of some of it, but more importantly I think it was  
11 we're in a slump in our economy and the developers  
12 weren't getting funding to be able to do projects.  
13 These projects have been sitting in Planning for  
14 many, many years waiting to be developed and  
15 waiting until they could get funding to actually do  
16 it and all of a sudden things started to open up,  
17 things got better, our economy's better and so a  
18 lot of these projects are now being built and while  
19 this is all going on, it has an impact on our  
20 traffic and building. I live closer to Sunset and  
21 what's going on up there is a nightmare really and  
22 it's because all this development that's been  
23 waiting and, you know, to, to happen is all  
24 happening at the same time and I don't know how the

1 City can stop that. Actually they, you know, when  
2 the funding comes and they've got their  
3 entitlements, it pretty...and they've got all their  
4 permits and everything, it goes forward. So that's  
5 part of what's going on. I also would want to  
6 condition that there be no street permits, parking  
7 permits (talking over). I know, I know, but you  
8 can't do that because it's not permit parking  
9 there. Otherwise, I would say that would be a good  
10 condition as to them. We've done that with many of  
11 the new developments that have been on our  
12 congested streets because of the parking issue. So  
13 I also believe that this is a very well thought out  
14 designed building. They've certainly made  
15 improvements from the time that it came before the  
16 Design Review and have done everything that they  
17 could do to improve the project. I think it's very  
18 well designed and I like the fact that there is  
19 some movement in the building. It's not a big  
20 block. There's space in front and I think it's  
21 going to be a very pretty building once it's built.  
22 I do apologize to the neighbors that will have to  
23 deal with all the building and all the traffic and  
24 all that that goes on and I do hear you about that

1 and I appreciate you all coming out to discuss it  
2 and to let us hear what you're saying, what your  
3 concerns are and they are very real. So I just  
4 cannot find any reason at this point not to support  
5 this project as it moves forward, so that's my  
6 position.

7 **Huebner:** Commissioner Lightfoot?

8 **Lightfoot:** Well first I'll address a couple of things about  
9 the individual project in isolation that fall in  
10 line with what's compatible, open space, so on and  
11 so forth. The one good thing that I can say about  
12 this project is that it's four stories and not  
13 five. The, the concentration of the open space on  
14 the north side understandable now, they're facing a  
15 big open space of Gelson's, they're facing the  
16 hills, you know, so it's, it's all well and good  
17 and I can understand for marketability why they  
18 might be doing it, but what they're doing on the  
19 south side is creating a very, very narrow, narrow  
20 space between that and the building to the south of  
21 us, to the south of it. I, you know, I was asking  
22 facetiously about a shade study because if it was  
23 the building to the south being built, the...and  
24 this is, this is an established building. The

1 people in this building would be complaining  
2 because the, the bottom part of this building on  
3 the south side is probably going to be in constant  
4 shade and it's a very narrow space. So in order to  
5 shift all that space to the north, you know, it  
6 could've been spread out a little bit more  
7 throughout the building and if Gelson's is  
8 redeveloped, all that open space is going to be  
9 staring at the straight wall of another  
10 development, you know, which won't do very much  
11 good possibly in the future. The other thing that  
12 I'd like to point out is the, the additional  
13 request for compact on top of tandem. Tandem is  
14 required by the state law. Compact is not and at  
15 some point somebody has to...you know, understand  
16 that we can wish all we want but certain things are  
17 going to be the case, like people are gonna drive  
18 smaller cars or they're not going to drive cars or  
19 you know, even if it's inconvenient for them to  
20 park with their living mate in tandem parking,  
21 they're gonna do it. You know, it...that's not  
22 always the reality. So adding compact to the  
23 tandem simply makes more of a problem that does not  
24 have to be accepted by the Commission, according to

1 the rules, it's an added thing. So you know,  
2 it...unfortunately livability is not in the Zoning  
3 Code. The developers are going to build  
4 square...they're gonna look at square footage,  
5 staff is gonna look at square footage. Everybody  
6 is going to look at all these things. What we need  
7 is a Zoning, is an item in the Zoning Code that has  
8 to do with livability. I, I am going to vote no on  
9 this project because I am not convinced and  
10 Christi, you did a very good explanation but it's  
11 a, you know, it's a very, it's a very big law and  
12 there are lots of things in it and I am not  
13 convinced because there are exceptions to us giving  
14 the CEQA, the CEQA exemption because of cumulative  
15 effects. And that CEQA exemption relies on the EIR  
16 that was done for the General Plan and that General  
17 Plan, everything was built around the idea that  
18 they were looking at an anticipated build out of a  
19 little over 4,200 units. Not the maximum build out  
20 that they put in the zones, but they anticipated a  
21 build out and everything in that EIR was based on  
22 it. And that build out is an increase of a ratio  
23 of .17 to 1 existing property and when you take a  
24 small area like this and especially one section of

1 one street and you build it, you know, at the ratio  
2 of 14 to 1, and in some cases bigger and then you  
3 have four of those projects on one street, if that  
4 is not cumulative, I don't know what is. We...you  
5 know, it, it...that exception, nothing about  
6 cumulative or that we have taken care of it in the  
7 General Plan EIR should even exist because this is  
8 the kind of project that's supposed to take into  
9 consideration. So that's...I'm gonna have to vote  
10 no because of that.

11 **Huebner:**

12 I have to...I'll just have to agree with...I don't  
13 need to go on and on, but I kind of agree with  
14 Commissioners Yeber and, and Commissioner Buckner.  
15 I, I just think...I did the same thing. I was  
16 looking at the aerial view and that this was an  
17 oversight project then it looks kind of small when  
18 you look at the other buildings on Kings Road. I  
19 just think, I think it's, I think it's a beautiful  
20 building. I think it's one of Larkins' best. I  
21 just think it's really gonna be spectacular and I  
22 commend you for all the adjustments you made from  
23 Design Review. I think it's, it's a very different  
24 building. It is gonna look really remarkable  
from...on the north side and seeing it from Santa

1 Monica Boulevard. I think it's interesting  
2 visually. I think you've done a great job, its  
3 attractive design, the push and pull and the  
4 articulation. It's...I mean every, everything  
5 else, it's like they talk about compatibility and  
6 all that and compatibility I guess if it's...I mean  
7 to your point, Commissioner Yeber, if it's, it's  
8 hard to tell what's compatible if it's not beige, I  
9 guess. I'm, you know, I'm...but I, I just...I, I  
10 really like the building and I under-, I understand  
11 everyone's concern about traffic. I live in the  
12 neighborhood as well and it's much worse than it  
13 was when I moved here in 1986 and I live a block  
14 off of...lived a block off of Santa Monica and La  
15 Cienega for that many years and it's  
16 definitely...Santa Monica Boulevard is not fun to  
17 drive on a Sunday afternoon anymore to make a loop  
18 from La Cienega to San Vicente and back. But the  
19 side streets are, you know, they're...they are what  
20 they are. Traffic is bad. I mean it's interesting  
21 that Kings Road isn't permit parking. I mean I  
22 never have a problem finding a parking place there  
23 either. Not that I go over there that much, but I  
24 just...they've...the applicant's done everything

1                   that they are supposed to do when planning a  
2                   project like this. It could be bigger. It's not  
3                   bigger, it's really well thought out. I think it's  
4                   gonna be one of the, one of the nicer things on the  
5                   block and I do...like I said, I appreciate everyone  
6                   coming out. We do listen, we do hear you. I'm  
7                   very encouraged that City Council is gonna start  
8                   listening. I mean looking at zoning R2, R3 and R4  
9                   is something that, that needs to be, needs to be  
10                  looked at, but again it's, you know, there was,  
11                  there was pent up demand for development. It sat  
12                  quiet for a long, long time and we're not sitting  
13                  quiet right now and in three years we could be  
14                  sitting very, very quiet again. That seems to be  
15                  cyclical and you know, I mean I had these  
16                  conversations...this isn't quite the urban...I was  
17                  up in...the reason I missed the last meeting is I  
18                  had a personal business in San Francisco and I was  
19                  up there and I...we're not quite as, as dense, but  
20                  we just don't have the public transportation that  
21                  they have and there were a lot of conversations  
22                  about in 10 years will people even have cars or,  
23                  you know, will transportation be on demand? Will  
24                  we have all these empty parking lots and people

1                   won't need...won't want to afford cars. Do they  
2                   want them, they'll be a complete luxury and they'll  
3                   be an application on your phone and they'll be a  
4                   fleet of cars circling that will never park. So  
5                   you know, I just...like I said, I'm, I'm  
6                   sympathetic with what all your concerns but I, I  
7                   just feel I really have to support this project. I  
8                   think it's come a long way and I think it's gonna  
9                   be a great addition. Commissioner...Vice Chair  
10                  Altschul?

11 **Altschul:**       I move the staff recommendation.

12 **Yeber:**         I second.

13 **Huebner:**       That motion made and seconded. We'll call the  
14                  question.

15 **Gillig:**         And motion passes, five ayes, two nos. The  
16                  resolution of the Planning Commission just approved  
17                  memorializes the Commission's final action on this  
18                  matter. This action is subject to appeal to the  
19                  City Council. Appeals must be submitted within 10  
20                  calendar days from this date to the City Clerk's  
21                  Office. Appeals must be in writing and accompanied  
22                  by the required fees. The City Clerk's Office can  
23                  provide appeal forms and information about the  
24                  waiver of fees.

1 **Huebner:** Thank you. Thank you, David. And just as a  
2 reminder, Item 10 C. was continued until August  
3 6<sup>th</sup>. New business, we have none. Unfinished  
4 business, we have none. Excluded consent calendar,  
5 we have none. Items from staff. Jennifer?

6 **ITEM 14. ITEMS FROM STAFF (PLANNING MANAGER'S UPDATE)**

7 **Alkire:** Yes, thank you. Just really fast wanted to address  
8 a few things that are on the agenda for August 6<sup>th</sup>.  
9 Two Zone Text Amendments for your consideration.  
10 The first is the permit streamlining for solar  
11 collectors. It's a state, a state legislation that  
12 we need to enact into our Zoning Ordinance and the  
13 second is criteria for major changes to approved  
14 projects. Both of those were heard with...by the  
15 Long Range Subcommittee this evening. And the  
16 third item is the third, third item from tonight,  
17 which is 8557 West Knoll, which was continued for  
18 lack of time. I also wanted to quickly address  
19 that we...it was mentioned earlier but we do have  
20 the HPC event on the 22<sup>nd</sup> from 6:30 p.m. to 8:30  
21 p.m. at Fiesta Hall in Plummer Park. And finally  
22 very quickly, last but certainly not least, I  
23 wanted to personally and on behalf of the  
24 Department thank Marc Yeber for your years of

1 service, your insight, your guidance over the last  
2 12 years. Thank you, Marc. And that's all I have.

3 **Huebner:** Thank you, Jennifer.

4 **Altschul:** I thought it was 10 years. You get two years bonus  
5 for....

6 **Yeber:** No, it's...so it's four years Historic Preservation  
7 and eight plus years here on Planning Commission.

8 **DeLuccio:** Don't worry, John, you still have more years than  
9 him.

10 **Yeber:** Yeah, don't worry. You're...I won't be able to  
11 catch up to you.

12 **Altschul:** I got more gray hair than him too.

13 **ITEM 15. PUBLIC COMMENT**

14 **Huebner:** Public comment? Victor one more time.

15 **Altschul:** Oh, come on.

16 **Female:** (INAUDIBLE).

17 **DeLuccio:** You have to fill out a slip.

18 **Female:** (INAUDIBLE).

19 **Huebner:** You can take a speaker slip.

20 **Omelczenko:** Oh, Commissioners, what a long night. Victor  
21 Omelczenko, West Hollywood. I've attended Design  
22 Review Subcommittees in the past and I have to  
23 agree with Commissioner Donald DeLuccio and his  
24 request for additional information. I know Roy

1                   that I was maybe out of the room and you kind of  
2                   gave a general overview, but I think maybe it would  
3                   enhance the process for all of you to hear about  
4                   what happened in Design Review and I (talking  
5                   over).

6 **Altschul:**           You would if you'd stay in the room.

7 **Omelczenko:**       Huh?

8 **Altschul:**           You would if you'd stayed in the room.

9 **Omelczenko:**       Yes, and I had to...nature called. And so I think  
10                   it's important to have that kind of information and  
11                   so what I'd like to say is additionally, is that  
12                   the corner of Santa Monica Boulevard and Crescent  
13                   Heights where the former doughnut shop was and the  
14                   Marco's and the cleaners and that, and the  
15                   Walgreen's was supposed to go in there and you had  
16                   all approved a project several years ago where it  
17                   was gonna be a Walgreen's, mixed use and then some  
18                   apartments above it and some affordable units.  
19                   Well Walgreen's is closing down stores nationwide.  
20                   Some of you probably have heard about this already.  
21                   And the City is in negotiations to buy that  
22                   property for \$7 million. Walgreen's had originally  
23                   purchased it in 2001 or so for about \$4 million.  
24                   Looks like a monetarily good deal, but the proof of

1 the pudding is for me, as an individual, just  
2 speaking as an individual new Public Facilities  
3 Commissioner, it will be interesting what the City  
4 is planning to do with this southwest almost one  
5 acre of land and so I'm sure that the city will be  
6 doing public outreach in that. I just heard about  
7 that recently and what I wanted to say in my lat  
8 comment is, Marc, I think I've come full circle  
9 with you too. You've lived here much longer but I  
10 remember when I first was here on a sabbatical  
11 years ago at USC, I went down Kings Road and I  
12 marveled at the houses there, some of the remaining  
13 houses and that, I remember the effort to, to  
14 designate the Monaster house and here we are full  
15 circle again and so thank you for....

16 **Yeber:** Well it was, it was all those houses.

17 **Omelczenko:** All those houses.

18 **Yeber:** All those remaining single family (talking over).

19 **Omelczenko:** And that was looked at by Bruce Kay, you know, who  
20 was the HPC Commissioner along with you who's,  
21 who's now gone, so I just wanted to thank you for  
22 your, you know, service on the HPC years ago as  
23 well as for being a voice here on the Planning  
24 Commission. So thanks, Marc, and good night

1                   everybody. Have a good, have a (talking over).

2 **Huebner:**           Good night, Victor. Carole Prop?

3 **Prop:**                Just a question. With this, do you know if this is  
4                   gonna benefit us financially as far as having more  
5                   people in the neighborhood like that? Is this  
6                   gonna make our, our condos worth more money?

7                   What...you must know one way or another.

8                   The...when, when something gets overrun like this,  
9                   is it a good thing or a bad thing? People in my  
10                  building are asking me the same question. We're  
11                  all asking the same question.

12 **Huebner:**           I know, people still want to live here.

13 **Prop:**                Are people...I mean....

14 **Altschul:**           This is the most, one of the most desirable places  
15                   to live in the region.

16 **Huebner:**           Yeah.

17 **Prop:**                Oh, I, I agree. That's why I....

18 **Altschul:**           Well therefore....

19 **Huebner:**           I can't imagine people would build units if  
20                   they....

21 **Prop:**                But, but, but more units, is that gonna make it  
22                   better or worse?

23 **Altschul:**           But therefore...well when some place is desirable,  
24                   values seem to go up.

1 **Prop:** Right. Well let's hope, let's hope that's the  
2 case. Now the other question I had was our  
3 building is...basically all of our buildings are,  
4 but...

5 **Altschul:** I mean we, why don't we discuss this after the  
6 meeting. (Talking over).

7 **Huebner:** Yeah.

8 **Prop:** Oh, I just was gonna say, our, our buildings are  
9 really three stories....

10 **Altschul:** Why don't we discuss this after the meeting  
11 (talking over).

12 **DeLuccio:** Well first of all, you're entitled to give you two  
13 minutes if you want to speak to us. We can  
14 (talking over).

15 **Huebner:** It's not a conversation.

16 **DeLuccio:** (Talking over) we can't respond to you, but if you  
17 have comments you have two minutes...

18 **Prop:** Oh, okay.

19 **DeLuccio:** ...and you can make comments.

20 **Prop:** Okay. All right, our buildings on our block and  
21 well, you know, are three stories really with two  
22 penthouses right in the corner. This building is  
23 definitely gonna be four stories. Isn't there some  
24 sort of a...does that fit within the realm of what

1 the...what's allowable? Since basically they're  
2 all three stories.

3 **Altschul:** (Talking over). Check with them.

4 **Prop:** Check with you?

5 **Yeber:** Yes. We, we really can't discuss the item any  
6 further since we closed the public comment.

7 **Huebner:** We closed the public hearing. We can't....

8 **Prop:** Oh, okay. I just don't know all the rules.  
9 But....

10 **Yeber:** No problem.

11 **Altschul:** Keep coming, you'll learn.

12 **Prop:** Okay. So they'll let me....

13 **Huebner:** We do.

14 **Prop:** You'll let me know?

15 **Huebner:** Cynthia Blatt?

16 **Blatt:** Hello again. Cynthia Blatt, West Hollywood. Thank  
17 you, Commissioner Shink. Thank you, Commissioner  
18 Lightfoot. Over this past almost year that I've  
19 kind of been stumbling around this new thing for  
20 me, I've come to think about a few things. One is  
21 that with the loss of redevelopment, the main  
22 source of funding for the affordable housing trust  
23 fund disappeared and a lot of the community  
24 response that you see is because it's not against

1                   affordable housing, but it's because the density  
2                   bonus laws and the City's own requirements on top  
3                   of those laws that require a 90% build out of the  
4                   lot and, and all of the concession create this  
5                   community reaction and response. As Sheila said, I  
6                   wish there was something in the Zoning Codes about  
7                   quality of life. So the way I see it is if, if the  
8                   City continued to allow impact fees in lieu of  
9                   putting the affordable housing on site, those  
10                  impact fees could go to replenish the affordable  
11                  housing trust fund. Once they replenish the  
12                  affordable housing trust fund, they then...the, the  
13                  nonprofit developer then has more leverage to  
14                  apply...well more luck of getting low income  
15                  housing tax credits and Federal money to build  
16                  actually units that are affordable, that have  
17                  worked for housing, that can be of a size that is  
18                  reasonable and compatible with the communities in  
19                  which they're built because the density bonus laws  
20                  were originally devised in order to create  
21                  affordable housing at a regional distribution and  
22                  avoid ghettoizing the affordable housing. West  
23                  Hollywood is 1.89 square miles, there are no  
24                  ghettos here. And there's no place that it could

1 even be a ghetto in this 1.89 square miles. So if  
2 we...instead of dictating to the developers how  
3 dense each lot has to be, how high each building  
4 has to be, how many units it must contain, why not  
5 let developers build buildings that really are  
6 compatible with the neighborhoods while  
7 replenishing the housing, the affordable housing  
8 trust fund and allowing the nonprofit developers to  
9 build structures more compatible with the  
10 community. I think that you have much less  
11 community outcry. I think the community and the  
12 developers could work together more cooperatively  
13 and I think that we wouldn't all be so miserable  
14 about this. It's, it's not a happy circumstance.

15 **Altschul:** I think you'll find that most people in this city  
16 are not miserable about life, the quality of life  
17 here.

18 **Blatt:** And I think that you're mistaken. I think...

19 **Altschul:** I think I'm not.

20 **Blatt:** ...that they have...I've lived here since 1983 and  
21 I have seen the changes and if, if you did more  
22 realistic actual...excuse me, not realistic, more  
23 scientific statistical research on what was going  
24 on here, I think you might find something different

1                   and if, and if my statement is anecdotal, so is  
2                   yours.

3 **Altschul:**       Yes, I understand, but I don't see the moving  
4                   trucks going north, east, south and west on a daily  
5                   basis to get out of here.

6 **Blatt:**           Oh, John, you know you, you say that frequently and  
7                   it's not, it's not appropriate to say to people if  
8                   you don't like it here, move to Kansas.

9 **Altschul:**       That's not what I'm saying, Cynthia. I'm saying  
10                  that I don't see people leaving in a mass exodus  
11                  because they don't like the quality of life.

12 **Blatt:**           It's not so easy to leave when you set down roots.

13 **Altschul:**       I'm saying, I'm saying....

14 **Blatt:**           It's not, it's not easy to leave when you own  
15                  property and set down roots.

16 **Altschul:**       I'm saying, I'm saying I find that most people  
17                  enjoy the quality of life here. I'm....

18 **Blatt:**           I've always loved it here, but it's....

19 **Altschul:**       The people I con-, the people that come into  
20                  contact with me are just thrilled. I hear stories  
21                  of people that are absolutely thrilled to live  
22                  here.

23 **Blatt:**           And I would've been one of them until what's  
24                  happened is that you have seven million building

1                   permits hitting at the same time. We didn't know  
2                   what was coming down the pike and I don't know that  
3                   you guys really took a look what was coming down  
4                   the pike either when all these building permits  
5                   were on hold and, and, and renewed in perpetuity  
6                   because there's not, there's not one Federal  
7                   program that allows you to renew your building  
8                   permits in perpetuity and it's an odd circumstance  
9                   and I was here the night that there was a big fight  
10                  about how long to allow building permits to renew.

11 **Altschul:**       Wasn't a big fight, it was a reasonable discussion.

12 **Blatt:**         Okay. Fair enough. Reasonable discussion. But it  
13                   was one that had (talking over)...

14 **Altschul:**       But you see....

15 **Blatt:**         ...contentious issues.

16 **Altschul:**       You, you take reasonable discussions about  
17                   legitimate issues and in your head you build it up  
18                   into a big fight.

19 **Blatt:**         But you know....

20 **Altschul:**       Bring it back down to, bring it back down to proper  
21                   proportion and, and, and go back to smelling the  
22                   roses.

23 **Blatt:**         But I would say that to you too.

24 **Altschul:**       I agree.

1 **Blatt:** You say...you know, let me just say one quick  
2 thing. You say that you hear us. Well if you hear  
3 us, respond to us. Don't say oh, well we hear you,  
4 but you know, tough.

5 **Yeber:** You know, fair enough, but I'd also...you know,  
6 there's a discussion coming up at Council regarding  
7 the multifamily zones. I mean your comments are  
8 valid but they need to be made in that venue...

9 **Blatt:** I will....

10 **Yeber:** ...and it's really difficult for us to take those  
11 under consideration when we have a, an actual  
12 application before us and we have to go by the  
13 policy framework that's in place now.

14 **Blatt:** Yeah, but that policy framework isn't as rigid as  
15 you say. You know, excuse me, not as you say, it  
16 isn't as rigid as you present it to be in all  
17 circumstances because you're ignoring the  
18 exceptions where they exist.

19 **Altschul:** And I think (talking over).

20 **Blatt:** Is this, is this something that somebody left here  
21 or does this belong to...is this....

22 **Altschul:** What is it? What is that? What is it?

23 **Huebner:** That's the City's.

24 **Blatt:** Oh, okay.

1 **Altschul:** So much, so much of the effect of the people that  
2 come and testify on a certain, on a certain  
3 application like happened tonight, when everybody  
4 is here in response to one item, it just has the  
5 taste of, I got mine, but nobody else come in  
6 and....

7 **Blatt:** But that's not true, John, because that's an  
8 assumption (talking over).

9 **Altschul:** There was nobody else here.

10 **Huebner:** Can we, can we just continue this discussion.

11 **Blatt:** Yeah, sorry guys.

12 **Altschul:** Yeah. There was nobody else here. Nobody else  
13 here.

14 **Huebner:** No, we can do this after we close the meeting and  
15 some of us can go home.

16 **Altschul:** (Talking over) feelings.

17 **Blatt:** I'll wait. If you want to do it after we close the  
18 meeting, I, I (talking over).

19 **Huebner:** You can duke it out.

20 **Blatt:** I just want to make this observation...

21 **Huebner:** You can duke it out then.

22 **Altschul:** Close the meeting.

23 **Blatt:** ...about the affordable housing trust fund.

24 **Altschul:** Close the meeting.

1 **Blatt:** That was it.

2 **Huebner:** Thank you, Cynthia.

3 **Blatt:** Thank you.

4 **ITEM 16. ITEMS FROM COMMISSIONERS**

5 **Huebner:** Item 16, Items from Commissioners. Start it

6 Donald.

7 **DeLuccio:** Bye Marc.

8 **Huebner:** Heidi?

9 **Shink:** Bye Marc. We'll miss you, but I'll see you Sunday.

10 **Huebner:** Commissioner Altschul?

11 **Altschul:** Past my bedtime, bye Marc.

12 **Huebner:** Sheila?

13 **Lightfoot:** (INAUDIBLE).

14 **Huebner:** Sue?

15 **Buckner:** Well if it wasn't so late, Marc, we could go out

16 and, and send you off rightly, but (talking over).

17 **Yeber:** We could do that another time.

18 **Buckner:** Another night. Have a good evening and thank you

19 (talking over).

20 **Yeber:** I just want to say to you all thank you. As

21 Commissioner Altschul mentioned, we haven't always

22 agreed but I've always respected the comments from

23 my fellow Commissioners present and past and so

24 thank you very much. You've made it very

1 interesting and I've learned a lot. I've learned  
2 more than you could possibly imagine from this  
3 process. So thank you, thank you, thank you.

4 **Huebner:** Thank you.

5 **Yeber:** Now go home, get some sleep.

6 **ITEM 17. ADJOURNMENT**

7 **Huebner:** That's right. And thank you from the bottom of my  
8 heart. We're adjourned until the next meeting of  
9 the Planning Commission on August 6<sup>th</sup>.

10 //rg

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**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 6<sup>th</sup> day of August, 2015 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Lightfoot, Vice-Chair  
Altschul, Chair Huebner.

NOES: Commissioner: None.

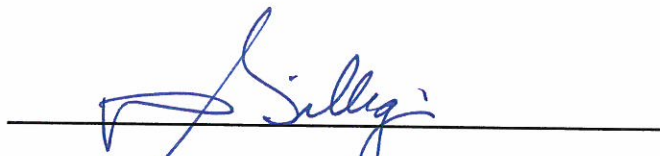
ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Jones.



ROY HUEBNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY