

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: Sept. 20, 2018

12 PLANNING COMMISSION:	STAFF:
13 Stacey Jones, Chair	Antonio Castillo, Assoc. Planner
14 Rogerio Carvalheiro, Vice-Chair	Alison Regan, Staff Attorney
15 David Aghaei, Commissioner	David DeGrazia, Current & Hist.
16 Adam G. Bass, Commissioner	Preservation Planning Manager
17 Sue Buckner, Commissioner	Lauren Langer, Acting Assistant
18 Lynn Hoopingarner, Commissioner	City Attorney
19 Commissioner Absent:	David Gillig, Commission Secty.
20 John Altschul	Consultants
21 And Various Public Speakers.	

22
23
24

1 **Planning Commission Meeting**

2 **Thursday, September 20, 2018**

3 Jones: All right, everyone please take your seats. If you
4 need to have a conversation please move it outside.
5 I'm calling to order this meeting of the West
6 Hollywood Planning Commission this Thursday,
7 September 20th. This is a regularly scheduled
8 meeting. Who's going to be my Pledge of Allegiance
9 selectee tonight? Yvonne Quarker, would you like
10 to lead us in the Pledge of Allegiance this
11 evening?

12 Quarker: It does take a long time to get down here. Place
13 your right hand over your heart. Ready, begin. I
14 pledge allegiance to the flag of the United States
15 of America and to the Republic for which it stands,
16 one Nation under God, indivisible with liberty and
17 justice for all.

18 Jones: Thank you. David Gillig, are you able to conduct a
19 roll call for us?

20 Gillig: Yes. Good evening. Tonight Commissioner Altschul
21 is an excused absence so the voting record will
22 reflect that. Commissioner Hoopingarner?

23 Hoopingarner: Present.

24 Gillig: Commissioner Buckner?

1 Buckner: Present.

2 Gillig: Commissioner Bass?

3 Bass: Here.

4 Gillig: Commissioner Aghaei?

5 Aghaei: Here.

6 Gillig: Vice-Chair Carvalheiro?

7 Carvalheiro: Here.

8 Gillig: Chair Jones?

9 Jones: Here.

10 Gillig: And we have a quorum.

11 Jones: Great, thank you. Item four is approval of the
12 agenda.

13 Aghaei: Move approval.

14 Jones: Great. Do I have a second?

15 Gillig: Move by Commissioner Aghaei, second of the Vice-
16 Chair Carvalheiro, Commissioner Bass?

17 Bass: Yes.

18 Gillig: Thank you. And the agenda is approved unanimous.

19 Jones: Thank you. Item 5, approval of the minutes from
20 our September, September 6th meeting.

21 Gillig: Move by Commissioner Aghaei, seconded by Chair
22 Jones. Commissioner Buckner?

23 Gillig: Thank you. And the minutes are approved
24 unanimously.

1 Jones: Thank you. Moving on to Item 6, public comment.
2 David, do we have any public speakers?

3 Gillig: We do have one, George Bujarski.

4 Jones: Great, thank you. Please state your name and city
5 of residence when you come up to the podium.
6 You'll have three minutes. Thank you.

7 Bujarski: Good evening commissioners, George Bujarski. I
8 reside WeHo. At the Planning Desk in City Hall
9 behind the desk there's a large sign saying in
10 effect, builders be prepared, what to expect, and
11 you know, plan for it, period. About a month ago
12 the large building, the four-story building at the
13 corner of Romaine and Spaulding came up for
14 approval which included request for waiver. There
15 were a lot of comments about the waiver, and I
16 think there were really a lot of comments from the
17 discussion from the commissioners and it ended up
18 in a three-three vote, mostly on the waiver.
19 During the, during the discussion one of the
20 commissioners asked the developer, "Well, given the
21 extra space you're asking for, what would be the
22 effect on the inside of the building?" And the
23 answer was, "No, that would be the same." And then
24 the answer went laterally. I had a, I had an idea

1 that there were differences so I went up to the
2 Planning Desk and in fact from the Design Review
3 Meeting to the Commission Meeting there were no
4 changes whatsoever, same building, same dimensions,
5 and in fact from the very start of the application
6 process there were the same dimensions, the same
7 interior layout. I don't think this is very good.
8 I don't think this is the way the process should
9 work. And then I remembered that at other
10 Commission meetings in the case of other buildings
11 or, you know, projects requesting waiver there had
12 been a question like, "Is this the, is this the
13 presentation before the waivers would be granted or
14 after?" And in those case, in each of those cases
15 it was, "Oh, after the waiver." I think that, that
16 there is a sort of a built-in presumption that
17 shouldn't take place and an expectation and
18 basically not a good approach, because last time
19 the builder has to go back rather than being able
20 to present what would happen without a waiver, what
21 would happen with a waiver. Thank you.

22 Jones: Thank you.

23 Gillig: No other public speakers.

24 Jones: Thank you, David. Item 7, Director's Report.

1 DeGrazia: The Director is absent tonight so no report.

2 Jones: Okay, great. Thank you. Item 8 is items from
3 commissioners. Well, then I'm going to take that.
4 I have two things actually. One, I had talked to
5 John about this and I believe that some other folks
6 had serviced it as well. We have a fairly
7 substantial number of items kind of spread over the
8 course of our next two meetings and I believe
9 unless there was, you know, objection from that
10 that the staff was going to poll the commission to
11 see who was available for a potential additional
12 meeting before the end of the year. Do you have
13 any notes on that or any updates on that?

14 DeGrazia: I believe the commission secretary can address
15 that, the extra meeting that we would like to
16 schedule for December?

17 Gillig: Yeah, we're going to have that agendized on the
18 October 4th agenda for discussion.

19 Jones: Okay, great. Thank you very much. I also just
20 wanted to announce, and it's my bad for not, I'm
21 going to take the hit and say that it was my bad
22 for not announcing this last time. On Saturday I
23 attended the Innovative Urban Design Solutions
24 Symposium at Fiesta Hall in Plummer Park. There

1 were actually quite a few community members in
2 attendance and a number of my fellow commissioners
3 as well. I found it to be incredibly kind of well
4 programmed so kudos to staff on that front, and we
5 had some community members involved in that as
6 well. I believe Rick Abrahamson, who hosted one of
7 the panels, was instrumental in doing that, so I
8 just wanted to give a thanks for that, and I found
9 it to be at once, you know, academic and very
10 accessible, so we'll always make an announcement
11 going forward about those things when I have the
12 presence of mind to do so. So anyone else? No?

13 Hoopingarner: Yes.

14 Jones: Oh, go ahead Lynn.

15 Hoopingarner: Yes, I too wanted to commend staff and council
16 members, Meister and Horvath for putting together a
17 really remarkable event. I have to say that I had
18 relatively low expectations but was very pleasantly
19 surprised by both the turnout, the quality of the
20 content and the fact that people stayed to the very
21 last minute of the event, and I don't -- one of my
22 questions to staff was, was that recorded in any
23 way, because I think there was some substantially
24 significant content that could and should be made

1 available to staff as well as other people of
2 interest in the community.

3 DeGrazia: That was actually run through the council office
4 staff so I'm not sure about the answer to that but
5 we can definitely find out and report back to you.

6 Hoopingarner: Okay, Thank you.

7 Jones: Excellent, thank you. Moving on to Item 9, Consent
8 Calendar. There is none, so we'll move right into
9 public hearings, Item 10A, is 1005 North Genesee
10 Avenue. This is to consider a request to subdivide
11 a five-unit residential building into a common
12 interest development, and I'm going to toss this
13 over to Tony Castillo.

14 Castillo: Thank you, Chair Jones and members of the
15 commission. This item before you is a request for
16 the subdivision of a recently approved 7,100 square
17 foot, three-story, five-unit multifamily building
18 with one level subterranean parking into a common
19 interest development or a condominium. The 6,500
20 square foot site at, at 1005 Genesee is located
21 second property north of Romaine. Approval of the
22 application will allow the townhouse-type
23 development to be subdivided into mul-, multiple
24 ownerships. The building was administratively

1 approved on July 23rd of this year under a
2 Development Permit after findings were made that
3 the development met all applicable development
4 standards and was also found to be consistent with
5 the general plan. The item tonight is for the
6 subdivision request only. Pursuant to state law
7 all subdivision applications must be reviewed and
8 approved by the Planning Commission at a public
9 hearing after making the required findings and
10 since the development was approved administratively
11 the, the development itself, including the
12 development standards and design are, are not
13 before you this evening. It is staff's assessment
14 that the subdivision of this building will not be
15 detrimental to the public welfare and will not
16 impede implementation of the general plan nor the
17 purpose and intent of the provisions of the zoning
18 ordinance and with that therefore staff recommends
19 that the commission approve this subdivision
20 request subject to the findings and conditions set
21 forth in the draft resolution in your packet.

22 Jones: Great, thank you. Any questions for staff? Any
23 disclosures?

24 Bass: I would like to disclose that I live within 500

1 feet but don't have a conflict so I'll participate
2 in this conversation.

3 Jones: Thank you. And now we will tee up the applicant's
4 presentation should they wish to make one.

5 Obogeann: Good evening. My name is Mike Obogeann with Apex
6 L.A. and we have reviewed the draft resolution and
7 we are in agreement with all of the conditions. If
8 there are any further questions you care to ask, to
9 answer.

10 Jones: All right. So I'm going to, are there any public
11 comments, David?

12 Gillig: We have no public speakers.

13 Jones: Great, thank you. Okay, well I'm going to close
14 the public comment portion of this public hearing,
15 brief albeit, brief though it may have been, and
16 move into, we move into deliberation now.

17 Gillig: We have a motion by Commissioner Bass seconded by
18 Commissioner Buckner.

19 Jones: And is this to support staff's recommendations?

20 Bass: Moving staff's recommendation.

21 Buckner: Yes.

22 Gillig: And the motion passes unanimously.

23 Jones: All right, great, and we will now move on to Item
24 10B, 8491 to 8499, Fountain Avenue. We are holding

1 this public hearing to consider an appeal of the
2 Director's decision to revoke a certificate of
3 appropriateness for the restriping of the parking
4 garage stalls for this historic property.

5 Castillo: Okay, thank you again Chair Jones and members of
6 the Commission. This item, this item is an appeal
7 of the Director's decision to revoke the, a
8 certificate of appropriateness that allowed the
9 parking garage to be restriped from 13 parking
10 spaces to 18 spaces within the existing parking
11 garage of an 18-unit apartment building designated
12 as a cultural resource and known as El Palacio. On
13 June 1st of 2015, staff issued an approval for a
14 minor, for minor improvements to the interior of
15 the parking garage including repainting of the
16 walls, the ceiling, the columns and also
17 replacement of the fluorescent tubing, tube
18 lighting to a more compatible light fixture and
19 third restriping of the parking garage to create 18
20 parking spaces. In the application the owner
21 maintained that the parking garage had previously,
22 was previously striped with 18 parking spaces. In
23 support of this claim the, the property owner
24 submitted a copy of a 1985 rent stabilization

1 registration form which indicated that each of the
2 unit included one parking space; however, there are
3 no records in the city's planning files to confirm
4 that a previous parking garage layout once provided
5 18, or 18 spaces or one for each of the 18
6 apartment units. A, a letter submitted by, by a
7 prior tenant before the Director's hearing from an
8 owner that acquired the property a few months after
9 the registration form was submitted to the city
10 stated that while he owned the property between
11 1985 and 1995 there was, there was not a garage
12 parking space available for each of the 18 rentable
13 units in the building. In reviewing the request to
14 restripe the parking garage staff relied on the
15 information provided by the, by the owner, the
16 circumstances of the building as a designated
17 cultural resource, the number of units in the
18 building, the lack of availability of street,
19 street parking in the immediate area and the size
20 of compact spaces allowed in other municipalities
21 to determine the feasibility for allowing
22 additional parking spaces in the parking garage.
23 The city's intent in approving the restriping was
24 also to maximize availability of off, off-street

1 parking spaces for the residents of El Palacio. At
2 the time of the request the garage, for the garage
3 improvements the owner was and still continues to
4 make improvements to the building and the site, so
5 this request was part of a series of other work on
6 the property including rehabilitation of the public
7 vestibules, security systems, HVAC, trash enclosure
8 and various other repairs and improvements to the
9 interior and the exterior of the building. It was
10 staff's understanding at the time that the parking
11 garage floor surface needed to be cleaned and
12 resurfaced as part of the overall garage
13 improvements including the restriping. Given the
14 applicant maintained that the garage previously had
15 18 spaces, excuse me, staff's approval of the C of
16 A permitted, focused on the physical improvements
17 to the building and in addition to the restriping
18 that would, that, that would allegedly replace the
19 spaces that had been removed or had faded away over
20 time. These are some of the, some images of prior
21 to the improvements, and these are images after
22 the, after the improvements with the restriping,
23 the repainting and the, the new lighting. Once the
24 garage improvements were completed sometime after

1 the approval and between early, early 2016 and
2 tenants had attempted to use the, the new spaces
3 staff began receiving complaints pertaining to
4 maneuverability and accessibility in and out of the
5 restriped parking spaces. This was brought to the
6 attention of the owner, and staff met with the
7 owner and his representative multiple times to
8 discuss possible solutions to address the, the
9 parking concerns including modifying the parking
10 spaces or reverting back to the previous layout of
11 13 spaces. In an effort to work with the owner on
12 a resolution staff requested a site visit to
13 inspect and measure the spaces. Instead the
14 applicant provided their own parking layout with
15 dimensions which was included as Exhibit D in, in
16 the staff report dated September 2016. These
17 dimensions were used to continue the dialogue with
18 the owner in an effort to re-, resolve the matter.
19 In July of 2017, staff conducted a site visit to
20 inspect the existing parking conditions since the
21 matter was still ongoing. This revealed that the
22 dimensions of the parking spaces provided by the
23 owner did not take into consideration the
24 obstruction of the columns which were measured

1 approximately 18 inches wide and it became apparent
2 that, to staff that the garage could not maintain
3 the 18 spaces. In February of 2018, the Director
4 considered the revocation of the permit at a public
5 hearing. At, at the meeting the Director heard
6 from the property owner's attorney, the owner's
7 representative and various residents of the
8 property. The owner's representative also
9 presented a, a video which I believe they will be
10 showing after my presentation. I also have that
11 available if, if you need to see it. The owner's
12 team also indicated that that they, I'm sorry,
13 that, that they're going to be showing that video.
14 In making his deci-, the decision the Director
15 acknowledged that staff relied on a provision in
16 the code that allows waivers of parking
17 requirements to authorize the striping of parking
18 spaces that are narrower than the standard width
19 required. The Director further determined that the
20 striped substandard parking spaces created the
21 opposite result of the intended purpose of
22 approving the parking garage restriping. Instead
23 of creating smaller spaces so that all tenants
24 could have one parking space per unit it actually

1 resulted in the reduction in the number of usable
2 parking spaces and this unintended result of the
3 permit was determined to be detrimental to the
4 public safety and welfare and has made the parking
5 in the, in the building more nonconforming. In
6 conclusion, the striping has resulted in
7 accessibility and maneuverability concerns due to
8 the narrow widths of, of, for most of the parking
9 spaces for the residents in the building and which
10 vary in ages and abilities. The city only after
11 learned that the parking garage cannot accommodate
12 18 spaces as currently striped without jeopardizing
13 or putting at risk the safety and welfare of
14 residents and property. The bottom line here is
15 that the, that although staff relied on information
16 from the owner and used provision, provision in the
17 code to allow the restriping as requested coupled
18 with the circumstances of the building as a
19 cultural resource, the number of units and the lack
20 of a-, availability of parking the restriping of
21 the garage has created an untenable layout;
22 therefore, staff recommends that the Commission
23 deny the appeal, affirm the Director's action to
24 revoke the C of A and that the owner be compelled

1 to restripe the parking garage to a more viable
2 layout or revert back to its original layout of 13
3 parking spaces. And with that this concludes my
4 portion. We have Alison Regan, staff attorney
5 along with me and, and Lauren Langer our, our city
6 attorney.

7 Jones: Before we, and I very much appreciate you both
8 being here to answer questions because I, I have
9 asked that the city attorney provide some guidance
10 for the Commission as to how we should be thinking
11 about this from a, from a legal perspective in
12 terms of the way that we should be considering
13 this, but before we do that do we have any
14 questions for staff? Just please limit it to
15 questions as we don't want to deliberate, but --
16 Rogerio, go ahead.

17 Carvalheiro: I'm curious if, to understand, can you define the
18 public safety and welfare hazard in this situation?
19 What have other tenants complained about
20 specifically that is a public safety issue?

21 Castillo: The, the, the concern has been being able to get in
22 and get out of the car safely without hurting
23 themselves or, or damaging property.

24 Carvalheiro: Okay. Now the Director has the ability because

1 this is a cultural resource to approve
2 nonconforming spaces, correct?

3 Castillo: That would apply, that provision applies to whether
4 it's nonconforming, I mean whether it's historic or
5 not.

6 Carvalheiro: Okay.

7 Jones: Commissioner Hoopingarner?

8 Hoopingarner: Just a couple questions. To clarify that the
9 application included an Exhibit B of the Staff
10 Report -- we emailed about this today. Page 1 of
11 Exhibit B was part of the original application but
12 page 2 was a document submitted in the subsequent
13 year, correct?

14 Castillo: Correct. That, that's, that would be Exhibit D,
15 yes.

16 Hoopingarner: So Exhibit B, page 1, did that comply with the
17 certificate of appropriateness application site
18 plan instructions?

19 Castillo: The, the, the project was, was looked at in terms
20 of whether it complies with the Secretary of the
21 Interior Standards, so while the, the layout did
22 not provide the dimensions we, staff was looking at
23 how any physical improvements would comply with the
24 Secretary of Standards and we felt that, that it

1 would including not just the resurfacing of the
2 ground but also the lighting and the painting.

3 Hoopingarner: So the, but to be clear the application itself,
4 which under the guidelines here is instructed to
5 submit dimensions for existing buildings, driveways
6 and parking spaces, both on the existing site plan
7 and on the proposed site plans, that component was
8 not delivered as part of the original application?

9 Castillo: That's correct.

10 Hoopingarner Okay, thank you. In, oh, I'm going to lose what
11 page it's on, but there's a bunch of copies of old
12 advertisements from I think 1949 submitted in the
13 appeal from the applicant. Can you define what a
14 Class A garage is?

15 Castillo: I would, I cannot, no, I, I don't know --

16 Hoopingarner: Okay.

17 Castillo: -- what a class A garage is.

18 Hoopingarner: Okay. I'm questioning this because the applicant
19 is asserting that there was always 18 spaces in
20 this original building and yet those ad-, those
21 advertisements just say there is a garage. It,
22 they don't say that there's a unit for every space,
23 so I was wondering if a Class A garage was a
24 designation that said, hey, we're so good everybody

1 gets a space, and so do, we don't have any
2 information that defines Class A.

3 Castillo: We do not.

4 Hoopingarner: Okay. In addition, the applicant included the
5 owner from 1985's Rent Stabilization Registration
6 form. This was right after we became a city. All
7 the new, all of the, I'm assuming if you own
8 property, because we formed for rent stabilization
9 the first order of business was to inventory our
10 properties and that's what this was from?

11 Castillo: That's correct.

12 Hoopingarner: Okay. Can you help me read where it states that
13 there are 18 parking spaces on this form?

14 Castillo: In the registration form there's a column which is
15 difficult to read because it's (talking over)-

16 Hoopingarner: Oh, is it one of the blackened out columns?

17 Castillo: Yes.

18 Hoopingarner: Ah, that's why I can't read it. Oh, is it, no,
19 that's smoke alarms.

20 Jones: Can you point us just and for anyone watching what
21 page this is on?

22 Castillo: This would be --

23 Hoopingarner: It's not really a page number unfortunately. It's
24 in Exhibit H.

1 Jones: This one right here?

2 Hoopingarner: Yes.

3 Jones: Okay.

4 Hoopingarner: Yes, so apparently --

5 Jones: Those of you at home --

6 Castillo: It's the fifth column to the right.

7 Hoopingarner: So it's the blackened out one, okay. And I assume
8 you have a, a legible document and you're, they're
9 saying that all of these are X'd out as saying that
10 there's 18 parking spaces?

11 Castillo: That's, yes, it, the document says that a parking
12 space is provided. It doesn't indicate where.

13 Hoopingarner: Okay, because it, it's, the, the copy that I have
14 is completely illegible as to how many of these
15 have X's in them. Okay, so, and I want to
16 understand the timeline as it relates to this as
17 well, because the applicant is asserting that this
18 is the primary basis for proving that there were 18
19 spaces. So to be clear, this document is dated
20 something like May of 2015? It's hard to tell
21 again.

22 Castillo: What, I'm sorry which document?

23 Hoopingarner: Or 1985, sorry, yes.

24 Castillo: Thank you.

1 Hoopingarner: Yeah, yeah, this document, yeah, it looks like the
2 signature is dated October of '85 but there seems
3 to be a stamp of May of '8-, of '85, but in any
4 case, it's 1985?

5 Castillo: 1985.

6 Hoopingarner: Okay. And from Exhibit L is it correct that this
7 property then was sold in 1985 to Mr. -- it starts
8 with a G.

9 Castillo: Goller, Nathan Goller.

10 Hoopingarner: Yeah, yes, okay. And so in 1985 he bought this
11 property and said that at that time there were 13
12 spaces?

13 Castillo: Correct.

14 Hoopingarner: Okay, thank you. Those are my questions.

15 Jones: Any other questions from any of the other
16 commissioners? Okay, so we're going to move into -
17 I'm going to ask the City Attorney's office to,
18 just for us and for public benefit to kind of walk
19 us through some of the framework for consideration
20 here as it's fairly nuanced and I just want to make
21 sure that everyone's clear on, on what grounds we
22 should be considering this.

23 Langer: Sure. Actually, I wanted to make two points about
24 this appeal hearing. It's an appeal of the

1 Director's decision to revoke the certificate of
2 occupancy

3 DeGrazia: Appropriateness.

4 Langer: Excuse me?

5 DeGrazia: Appropriateness.

6 Langer: Appropriateness, not certificate of occupancy,
7 excuse me, certificate of appropriateness. So the
8 first point I wanted to make is that you'll notice
9 that staff and the staff attorney are here, and
10 they work to prepare the staff report which put
11 together all of the evidence to support the, that
12 the Director based the decision on and now asking
13 you to base your decision whether or not to uphold
14 the Director's decision and the reason for that is
15 that when we are conducting a revocation hearing in
16 order to avoid a conflict of interest we split the
17 duties, so staff and the staff attorney work to put
18 forth evidence to you, and then my role tonight
19 will be as I always do to serve as legal counsel to
20 the commission to help you work through the
21 decision and make a legally defensible decision.
22 So my role is the same as normal. Staff has a
23 staff attorney here to help him, to help present.
24 If you have questions about the specific evidence

1 that's been presented to you they're more familiar
2 with the, with the factual issues supporting their
3 recommendation to you. The second thing I wanted
4 to point out is the revocation findings that are in
5 the code. They're found at 1980060, and it says
6 that "A land use permit or entitlement may be
7 revoked by the review authority which originally
8 approved the permit if any one of the following
9 findings can be made," and the Director's
10 determination relied on a couple of those findings
11 and so I just want to recite them to you so you
12 know what you're looking at and whether or not you
13 can support those findings or if you're going to
14 find something different. The first one is, "The
15 circumstances under which the permit has been
16 granted has been changed by the applicant to agree
17 that one or more of the findings contained in the
18 certificate of appropriateness can no longer be
19 made and that public health, safety and welfare
20 require the revocation," two, "The improvement or
21 use allowed by the permit has become detrimental to
22 the health, public health, safety or welfare or the
23 manner of operation constitutes a n-, a nuisance as
24 determined by the review authority," and then

1 there's a third potentially relevant finding and
2 that is "The improvement authorized in compliance
3 with the permit is in violation of any code, law,
4 ordinance, regulation or statute." And so the
5 Director's decision is, is in your packet. Staff
6 has put forth a recommendation to you to uphold the
7 Director's decision. It's ultimately up to you
8 after you hear a public hearing tonight if you
9 agree with the findings in the, in the proposed
10 resolution, and we can talk through it, and we can
11 talk through different findings as we do with any
12 other permit to see if you have the evidence before
13 you to support that decision.

14 Jones: Great, thank you. Does the staff's attorney want
15 to weigh in or are we good at this time? Okay, I'm
16 going to move on to disclosures. I'll start with
17 you Commissioner Buckner.

18 Buckner: Yes, I'd like to disclose that I did meet with the
19 applicant, appellant's representative, Ira
20 Handelman, and we discussed matters that were in
21 the staff report and also with the documentation
22 that was supplied to the Commission by staff which
23 is the appellant's comments to the staff report, so
24 we discussed both of those things.

1 Jones: Great, thank you.

2 Bass: I have none.

3 Jones: I want to disclose that I had a meeting with the
4 ap-, appellant's representative to discuss items
5 contained in the staff report and I had a phone
6 call with the appellant's representative today to
7 discuss the letter that was sent in response to the
8 staff report.

9 Carvalheiro: I had a brief conversation with the representative
10 this morning about stuff in the staff report, items
11 in the staff report.

12 Aghaei: I met with the applicant's representative and
13 everything we discussed is in the staff report.

14 Hoopingarner: I met with a resident of the building and walked
15 the actual parking lot.

16 Jones: Great, thank you. So we are going to move into the
17 public hearing for, or the, the, we're in the
18 public hearing, the appellant's presentation for
19 this item and then we'll move into the public
20 comment period after that. Also, I need to make a
21 note. This is my bad. To anyone watching out
22 there at home our closed captioning is not working
23 tonight, our most sincere apologies. We expect it
24 to be up and running again for our next meeting,

1 but I just wanted to call that out. That's my bad.

2 Jones: Yeah, I know. I already noted it. Yeah David, can
3 we increase the, the timer says five minutes right
4 now. Can we increase that?

5 Gillig: Yeah, but, you know, I mean it's normally ten
6 minutes but you have the option to increase that if
7 you -

8 Jones: I th-, I'd like to give them ten. I think that's,
9 just because there's going to be -- Thank you.

10 Reznik: And Madam, Madam Chair, my name is Ben Reznik.
11 I'll be presenting on behalf of the appellant. Can
12 we have the video run first and not count that
13 against my time?

14 Jones: Sure, it's your presentation.

15 Reznik So if you don't mind I think I'd rather have the
16 video presented first, then we'll present.

17 Jones: Okay, that's fine.

18 *(Video presentation).*

19 Reznik: Good evening members of the Commission. My name is
20 Ben Reznik. I'm here with Seena Samimi, my
21 associate partner. We're with the law firm of
22 Jeffer, Mangels, Butler and Mitchell representing
23 the appellant here. I would like to launch right
24 into what I really think the key issues facing

1 tonight and that we're just really dealing with.
2 If, we have to start with the premise of what is
3 going on here. The reason of course the city does
4 not have any records is because this building was
5 built in the 1920s under the county's jurisdiction.
6 There were no parking codes at the time. There
7 were no zoning codes for that matter either.
8 Buildings were built with building permits. They
9 went through the proper channels so this building
10 was legally constructed in the '20's. In fact, the
11 sister building next to it, The Lotus, same
12 architect, same builder, one parking space for
13 every unit, no distinction. It's its sister
14 building. But the reason I raise this is because
15 when a building is built like that and
16 subsequently, in subsequent years zoning laws
17 change, parking laws change, buildings don't have
18 to comply. They be, they become legal
19 nonconforming uses, right? That's the phrase
20 you're all familiar with as, as commissioners. And
21 then the same holds true when cityhood came into
22 being in the early '80s and this city adopted its
23 own parking regulations, parking codes and
24 requirements. They do not apply to this building.

1 They cannot legally. It's a legal nonconforming
2 structure. What does that mean? That means that
3 this building was built without any parking
4 requirements. Parking was provided as an amenity
5 and it was unusual in the 1920s as that
6 advertisement kind of shows from 1931 and '32,
7 class A garage, fancy, all of those things, great
8 for a lot of the Model Ts and a lot of smaller cars
9 in those years for sure, but there is no legal
10 requirement for parking. I know that's a hard
11 concept to accept, but that's the reality and so
12 the question begged is, really we beg the question,
13 if you can't regulate the parking here you can't
14 demand any number of parking spaces, how can you
15 demand that it be 18? How can you demand that it
16 be particular sizes? Yes, we understand there are
17 new codes and codes come into being but they're not
18 applicable to a nonconforming, legally
19 nonconforming structure. So when my client bought
20 this building, 2014, it had quite a few vacancies.
21 The building wasn't well maintained. He literally
22 did structural work, interior work, all kinds of
23 work inside the building, expended well over a
24 million dollars, got certificates of

1 appropriateness to do all that and also worked on
2 the garage. So now the question is what is a
3 certificate of appropriateness? A certificate of
4 appropriateness is a document that's utilized to
5 make sure that an owner of a historical monument
6 not damage or destroy its integrity and it's
7 specifically geared for when you're doing work on
8 character-defining features or contributing
9 features of a building. In many instances is, if
10 you, if you're doing interior work on a historical
11 monument you don't need a certificate of
12 appropriateness. In this case, a lot of work was
13 done and certificates were issued. When it came to
14 the parking and because my client decided that he
15 was going to clean the garage floor, epoxy it so
16 it'd be safe, people won't slip and provide a
17 parking space for every unit, that building started
18 gaining in occupancy, now it had more people, and
19 some tenants were not used to it and there were
20 some complaints raised. As we sit here, as we
21 stand here in front of you tonight we're not
22 arguing that's it's an inconvenience. We know it's
23 an inconvenience. Even the video shows it's tight
24 but it's workable. So what's in front of us is

1 what legal standard can really be applied here to
2 sort of impose a number of parking spaces, in this
3 case 13, because that's the Director decided we
4 should have. And Commissioner Hoopingarner, by the
5 way, the letter you refer to from the prior owner
6 did not say there were 13. All he said is there
7 were not 18. He did not have 18 at the time. In
8 fact, when our client bought it and I, maybe we can
9 go later to the photo that Mr. Castillo had of the
10 pre-striping photo. It went so fast I, I missed
11 it. The garage wasn't really clearly marked.
12 There were no numbered spaces. It was, people
13 parked where they wanted to because the building
14 had eight, nine, ten vacancies at any point in
15 time, so there was no issue. The issue arose when
16 the building filled up because of all the work my
17 client did. So here's the debate and the dilemma.
18 The dilemma is we did have a few neighbors
19 complain, but the majority like it. Is it, that's
20 a reality, the majority want their parking space.
21 They don't want to circle around the neighborhood
22 knowing that they can't find parking. So what's
23 before you today is a, a, an action taken by the
24 Director with a lot of ad hoc rationale looking

1 back saying, oh, maybe the applicant misled us.
2 No, he didn't. The application was complete. Mr.
3 Castillo walked the site. If you look at your own
4 code on certificates of appropriateness no
5 dimensions were required. No dimensions were
6 required because none are applicable. That's what
7 my client was told, so generically there it was, it
8 was approved, and it was done. A year later there
9 are complaints, and so when the staff went to my
10 client and said, look, we're getting complaints,
11 why don't you do something he hired this company
12 and they measured they stalls and they, now you,
13 it's what you're looking at, is that 2016 number,
14 but that wasn't enough and then all of a sudden to
15 our surprise we're looking at a revocation hearing
16 of the certificate of appropriateness, which as an
17 aside I don't know what that means honestly. The
18 reason I say that is you revoked the certificate of
19 appropriateness which indicated that the work done
20 was in con-, in conformity with the Secretary of
21 the Interior's Guidelines for maintaining
22 historical structures. That's all it says. But
23 you don't have the mechanism or the city doesn't to
24 enforce parking on this building, so where are we

1 going? What charade are we playing here? It, it's
2 like, it's like I'm arguing for something that I
3 don't know how it can even exist honestly, but the
4 fact that there's a revocation is really
5 unfortunate, because it's like a black mark against
6 the property owner. It's like the community and
7 the public will think oh this, this is somebody
8 who, who doesn't abide by the rules and, and the
9 law. So we're fighting it. So look at the
10 findings. Even if you assume that the city had
11 some right to initiate this, the findings for a
12 revocation of public health, safety, detrimental,
13 are totally lacking. In the four years we've had
14 those spaces striped, it was since 2015, so it's
15 three years plus, no one's been hurt, no one's been
16 run over, no one's complained, no one came to my
17 client saying, I got dings on my car, you pay for
18 it. No one said anything on that except, yes,
19 there were a few tenants saying, this is difficult.
20 Inconvenience is not the same as public health,
21 danger, safety, so I don't know, and you can't find
22 evidence in the record to support the health. How
23 do you manage this? Look, it's a historical
24 building. My client should be, you know, thanked

1 for the fact that he's putting millions of dollars
2 in maintaining a historical building, elevate it,
3 make people want to live in it, and they do, so you
4 manage it. You know, your smaller parking spaces
5 go to smaller cars, etc. You move people around.
6 You have that right, and that's what they do. And
7 so you get a chance to manage the parking. That's
8 a better alternative than taking, doing a lottery
9 and asking which five tenants are going to lose
10 their parking spaces. So that's a, it's, it's, I
11 present that to you, because this whole case makes
12 no sense, not to mention that under your rent
13 stabilization, that document from 1985 is an
14 important document. It talks about 18 parking
15 spaces. Do you know what that means? That means
16 that if we're forced to remove five spaces, five
17 tenants have a right to go to the Rent
18 Stabilization Board and demand a reduction in rent,
19 because we're removing services. How does the city
20 make a ruling and then force someone to go out of
21 compliance? That's what you'd be doing. That's
22 what the Director did, forced us to go out of
23 compliance in that sense. You know, we have, we
24 put in the record an example of one tenant who had

1 an extra space next to a wall, extra space, and we
2 took it away. He went to the Rent Stabilization
3 Board and he won his case. He got a rental
4 reduction so he didn't lose his parking, he just
5 lost an extra space, so I want to kind of bring
6 this hearing to where it really needs to be. So
7 when we talk about waivers and, and all, there's no
8 waiver to apply here. I mean the staff uses that
9 rationale because they're trying to figure out a
10 way to regulate parking in a building they have no
11 legal right to regulate. That's the difficulty
12 they're having. So one, there's no revocation, no
13 evidence for what --

14 Jones: Go ahead and finish your thought.

15 Reznik: Time's up?

16 Jones: Go, well, it's up, but I'm allowing you to finish
17 your thought. Just be quick.

18 Reznik: So there are no chain circumstances to allow any
19 revocation because we filed an application. And by
20 the way a certificate if appropriateness is a, is
21 a, is a, what, what do they call it, it's a work,
22 you work together with the staff on it. They come
23 to the site, you review, you work together. It's a
24 collaborative process and we got it approved after

1 inspections, so it's not that my client's filed
2 anything that was misleading. There's no public
3 health or safety issues here because, unless you
4 think public health and safety means somebody's car
5 get, it gets dinged, that's, that would be
6 ridiculous, and there's no violation of codes. So
7 with that I'm just asking you, we want a clean
8 record. We don't want to have a revocation on our
9 client's record here if you will as a landlord in
10 your city. He's a, he's an excellent landlord. He
11 spends a lot of money to protect properties and,
12 and the, and the building is thriving. Thank you.

13 Jones: Thank you. Do we have any questions for the
14 applicant or the appellant, sorry? Commissioner
15 Hoopingarner.

16 Hoopingarner: Upon purchase of the property in 2015 --

17 Reznik: I think it was 2014 --

18 Hoopingarner: '14, okay.

19 Reznik: -- and then 2015 the work was done.

20 Hoopingarner: How many of the units had in their lease the right
21 to a parking space?

22 Reznik: I'll ask. My client's back here, but I can tell
23 you that there were quite a few vacancies at the
24 time, so I don't know. Do we have an-, Lloyd, can

1 you help me out, if you know, if you remember?

2 Hussey: (INAUDIBLE).

3 Reznik: Wait, wait you can't, you're going to (INAUDIBLE).

4 Reznik: How many, how many spaces: This is Mr. Lloyd Hussey
5 and he'll, he'll answer the question.

6 Hussey: I don't recall the exact occupancy level.

7 Jones: Just please speak into the microphone. That's all
8 he's saying.

9 Hoopingarner: And your name and city of residence.

10 Hussey: Lloyd Hussey, Thousand Oaks, California. So yeah,
11 it's been four years. It was lightly occupied,
12 perhaps 50 percent occupied and of those tenants
13 many were long tenured even before cityhood. Some
14 of the leases didn't exist so it was a mixed bag.
15 Some of the newer leases that had been initiated by
16 prior ownership did have assigned parking. Others
17 had no parking. It was just by, you know, the, the
18 fact that they'd always parked where they had been
19 parking, so it was really a mixed bag.

20 Hoopingarner: So the count of the number of units that had
21 parking in their lease?

22 Hussey: The actual count?

23 Hoopingarner: Uh-huh.

24 Hussey: It was, you know, perhaps of, of eight, of eight

1 occupied units it might have been six that had
2 actually assigned stalls, but again, as we said
3 earlier the parking, there, there was no visible
4 striping when we bought the building. It had,
5 years ago it had basically worn away with, with
6 time and, yeah.

7 Hoopingarner: Okay. To your video --

8 Reznik: Yes.

9 Hoopingarner: -- and Mr. Reznik, you said that it shows that it's
10 workable. I'm trying to understand. That first
11 car parking in the left of the three-space parking,
12 I think it's a gray Chevy or something like that,
13 when it entered the stall it drove through the
14 middle stall and so I'm trying to understand how
15 that is workable, because if there was a car in
16 that middle stall that could would not have been
17 able to enter.

18 Reznik: My answer would be if there was a car he'd make a
19 wider turn. He'd be more careful.

20 Buckner: Or a three-point turn.

21 Hoopingarner: And so multiple three points, etcetera.

22 Reznik: Well some have done that. Some of our tenants do
23 that. They'll come in and stop, pull back and then
24 go back in again, yeah. Sometimes your vehicle may

1 not have a strong turning radius unless you have a
2 Volvo, but that's another story.

3 Hoopingarner: Okay, yeah, to that point you showed the Smart car
4 getting in the middle between the two, three, in
5 the three-car stall, and then you --

6 Reznik: Actually I think the smart car went to the end. I
7 thought it went to the end --

8 Hoopingarner: Well it's in there twice.

9 Reznik: -- against the wall, right? Okay.

10 Hoopingarner: It's in there twice.

11 Reznik: Oh yeah, yeah, you're --

12 Hoopingarner: So that's followed then by an SUV, but the SUV
13 isn't shown actually entering the garage. It's
14 shown already lined up ready to enter the space and
15 basically h-, having gotten there via the empty
16 space where the video camera is?

17 Reznik: Right, right. So again, take this video as a
18 demonstration of what we're trying to show. If we
19 have a tenant with an SUV we would put him in one
20 of the larger spaces, maybe the corner space,
21 things like that. Tenants are all told in advance.
22 If a tenant comes in they're shown the parking.
23 They know where they're going to park. They know
24 whether they can handle it or not. They can make a

1 decision whether they want to live in this building
2 or not but --

3 Hoopingarner: For new tenants?

4 Reznik: -- no. What's that?

5 Hoopingarner: For new tenants?

6 Reznik: Yes, yes, yeah.

7 Hoopingarner: Okay.

8 Reznik: No, we have quite a few new, new tenants since the
9 owner had bought the building. We, re- reha-, I
10 mean rehabbed it, and yes, we have quite a few new
11 tenants. There are still I believe two remaining
12 tenants, some rent-controlled remaining tenants
13 from long ago, two out of, in the building.

14 Hoopingarner: Okay, and yeah, I guess to the same point the video
15 shows the driver exiting that SUV but they're not
16 actually exiting the SUV. They kind of vaporize
17 and then show up at the back of the SUV, so I was
18 trying to understand the actual, how they got out
19 of the car and, and exited the car because in the
20 video it just kind of poof.

21 Reznik: That's our plan. We're going to poof them into
22 their unit --

23 Hoopingarner: Okay.

24 Reznik: -- right into their unit.

1 Hoopingarner: If you, if you work out that Samantha nose twitch
2 thing I want a piece of that action.

3 Reznik: I think we, we, we hired, hired this company and we
4 said, look, this is what we need to try to
5 demonstrate. They did their best I think and their
6 idea of what would show would, would work. I think
7 you correctly point out the inconvenience. It's a
8 little tight but people do park and get out, right?
9 It, they, they slide through, they, they get out.
10 I think it speaks volumes to say that we've had
11 this for three and a half years now like this and
12 management has not had anybody claim damage,
13 certainly no injuries or, or anything like that but
14 anything like that, so if someone scrapes their car
15 up against a column or something I think we'd be
16 the first to hear it.

17 Hoopingarner: Okay, thank you.

18 Buckner: Commissioner --

19 Jones: Sure, go ahead, Commissioner Buckner.

20 Buckner: Mr. Reznik --

21 Reznik: By the way we intend on, on protecting those
22 columns. I think the, the plan would be just to
23 put something around those two, soften the blow to
24 any, anybody who might rub up against it.

1 Buckner: Mr. Reznik, most of the time when you have a lease
2 you have an assigned parking space with a number on
3 it. This is your parking space. What your, the
4 company that did the review for you about how to
5 manage these --

6 Reznik: Yeah.

7 Buckner: -- parking, they're basically saying, well you can
8 change it. If somebody comes into the building and
9 they have a larger space or a smaller you're going
10 to move around. So your leases do not actually
11 provide an assigned parking space per unit but
12 rather they will have a place to park and all of
13 your tenants signed saying that they're in
14 agreement about that, they might get moved during
15 their tenancy?

16 Reznik: Yeah, we, yeah, but that's basically correct.
17 They'll get an assigned space subject to a
18 relocation, but they will have a space.

19 Buckner: And they sign the lease --

20 Reznik: Oh yeah.

21 Buckner: -- with that understanding.

22 Reznik: Yes, yes.

23 Buckner: And, and does this happen often that you're
24 changing --

1 Reznik: Oh, that Lloyd would have to answer.

2 Hussey: Yeah, yes it, it does, commissioner. In fact, on
3 the unit registration form you can actually elect
4 whether or not parking is assigned or unassigned.

5 Buckner: Okay.

6 Jones: Mr. Bass?

7 Bass: Yes, there are 18 current, currently there are 18
8 spots painted.

9 Reznik: Yes.

10 Bass: And there are 18 units.

11 Reznik: Correct.

12 Bass: So is it my understanding then that, that every
13 single unit in the building has an, has a parking
14 spot as part of its lease?

15 Reznik: Well, it's made available. It's an option. They
16 can, yes.

17 Bass: So what, how many of the 18 units have an assigned
18 parking spot?

19 Reznik: Well, we have 16 occupants right now, so we have
20 two free and I happen to know we have a tenant
21 who's using two spaces because we have a couple of
22 free, so we get, you know, that, that lasts, but
23 what, I guess, the point of your question is
24 whether their --

1 Bass: How many of the units have assigned parking spots?
2 Of the 18 units how many of those have assigned
3 parking spots?

4 Reznik: Well they get assigned subject to being changed if
5 we need to change them based on vehicle
6 arrangements, right? You want to, am --?

7 Hussey: Yeah, all of the tenants that have cars, which I
8 believe is all but one, have assigned parking.

9 Bass: So you have two vacant --

10 Hussey: Yes.

11 Bass: -- and one unit that doesn't have a car. So the
12 answer to my question is 15 units have assigned
13 parking with their rent right now, with their, with
14 their lease?

15 Reznik: Is that right?

16 Hussey: That's my recollection.

17 Reznik: Okay. That sounds correct, commissioner.

18 Bass: Thank you.

19 Reznik: I'm sorry, I didn't follow your question initially.

20 Bass: No, I probably didn't state it very clearly. I,
21 but I, I think we got there.

22 Reznik: Okay.

23 Carvalheiro: Those are all one-bedroom units?

24 Reznik: I'm sorry?

1 Carvalheiro: Are they all one-bedroom units or --?

2 Hussey: There are, there are 15 one-bedroom units and three
3 two-bedroom townhomes.

4 Carvalheiro: Okay.

5 Hussey: Yeah.

6 Jones: Any other questions for the appellant's
7 representative? No, okay. Thank you. So we're
8 going to move into the public comment portion of
9 the hearing. You will have -- David, how many
10 public speakers do we have?

11 Gillig: We have five total.

12 Jones: I'm sorry, remind me how many minutes we usually
13 give, two or three?

14 Gillig: Three minutes.

15 Jones: Three. All right, we'll allow the three given the
16 number of speakers. I want to make sure everyone
17 is heard this evening as I always do. So with
18 that, please when you come up to the podium state
19 your name and city of residence. It looks like we
20 have Lloyd Hussey followed by Holly Perry.

21 Hussey: I just, I want to just recap some of Ben's comments
22 from the perspective of employee, employee of the,
23 the operator. So again, Lloyd Hussey, Thousand
24 Oaks, California.

1 Jones: Thanks.

2 Hussey: And, and I'd like to thank the Commission and staff
3 for giving us this forum and working late tonight
4 to help us reach an equitable resolution to this.
5 So first of all I'd like to just give a really
6 quick historical context to our ownership. Ben
7 eluded to some of this, but when we acquired the
8 building in 2014 it was lightly occupied and
9 suffering from years of deferred maintenance. We
10 embarked on an extensive capital improvement plan
11 both within the framework of the Mills Act and
12 outside of the Mills Act as well to the unit
13 interior, so that included both the garage COA,
14 which is the subject of tonight's hearing but also
15 building system upgrades to HVAC, roofing, exterior
16 facade and so forth. And as we completed our
17 renovations throughout 2016 and 2017 the building
18 filled up and the garage filled up too, so the
19 issue of safety was raised, and I wanted to just
20 give the perspective, you know, as an operator. I
21 think that's completely unfounded. We've, you
22 know, we've not, to our knowledge, no one has been
23 harmed physically in, in any way during our tenure
24 as owners because of the way the garage is striped.

1 I think the heart of the matter is really again
2 around the practicality aspect of it, and I think
3 the video and some of the tenant testimonial will,
4 will bear out that all of the spots are parkable,
5 and we acknowledge that they are substandard and
6 some are narrow, but all of them are parkable. I
7 really want to impress upon the Commission that the
8 striping plan was conceived by a world class
9 parking engineering firm and we, we stand ready to
10 engage a garage management firm that's going to
11 help us manage the garage given the constraints we
12 face, so from a scope perspective that's going to
13 assisting us with allocating spaces based on tenant
14 vehicle size, the available spots and so forth, so
15 today we're almost full with 16 of 18 occupied
16 units and the new tenants are really just as
17 deserving of safe off-street parking. They are
18 willing to cooperate and I, we don't feel that they
19 deserve to have that, the parking taken away.

20 Thank you.

21 Jones: Thank you. I'm going to interject here. As a
22 matter of course can you, can, I'm sorry, can you
23 come back to the, to the podium really quickly.
24 Can you state your relation to, are you the owner

1 of the property?

2 Hussey: No.

3 Hussey: I'm an employee and operate.

4 Jones: Of the --?

5 Hussey: I'm in operations.

6 Jones: For the --?

7 Hussey: For the appellant.

8 Jones: As a matter of course, and I want us to ask this

9 for the record, do we usually allow operators to

10 comment during the public comment portion of the

11 public hearing?

12 Langer: It's usually during the appellant's time that

13 another representative for the owner would, would

14 make the, the, would, would speak for the record.

15 Jones: Okay.

16 Langer: He's representing the property owner appellant.

17 Jones: Okay. Thank you. And given that should this be

18 struck from the record?

19 Langer: No, maybe you could take it off their rebuttal

20 time. It, it, it was an extra minute and a half

21 that they went over their ten minutes, so I think,

22 I wouldn't strike it from the record, but --

23 Jones: Okay.

24 Langer: -- perhaps make it a shorter rebuttal time.

1 Jones: Okay, thank you, teachable moment. Thank you.

2 Holly Perry followed by Peyton Hall.

3 Perry: Good evening. My name's Holly Perry. I live in
4 West Hollywood. I am --Oh, sorry. I am currently
5 a resident at El Palacio. I reside in Unit G. I'm
6 here in support of the current 18 parking spot
7 configuration. I moved into the building because I
8 love the historical aspect from it and I accepted
9 from the time that we signed the lease that the
10 parking stalls were a little tight. As a young
11 woman who arrives home sometimes late in the
12 evenings I feel a lot more safe that I have a
13 parking spot to go to. I have serious safety
14 concerns about circling the neighborhood trying to
15 find a parking spot and walking at night by myself.
16 Providing 18 secure parking spots for the tenants I
17 feel like, even if they are tight, isn't a safety
18 issue. On the contrary I feel like forcing the
19 residents to find off-street parking is a bigger
20 safety issue probably. Please uphold the owner's
21 18-stall configuration. Thank you guys for
22 listening to all of us.

23 Jones: Thank you. Peyton Hall --

24 Bass: May I ask really quick one question, just what kind

1 of car you drive?

2 Perry: I have --

3 Bass: I, I'm trying to consider the video and, and the
4 context of the video with the people that actually
5 live there.

6 Perry: I have a Fiat.

7 Bass: Thanks.

8 Perry: Yes, sir.

9 Jones: And I'm sorry when did you move into the building?

10 Perry: I moved in in the end of May so beginning of June.

11 Jones: So this year, okay.

12 Perry: Yes, ma'am.

13 Jones: Thank you. Peyton Hall followed by Gary Berkowitz.

14 Hall: Peyton Hall, Pasadena, California.

15 DeGrazia: Commissioners, I just want to point out that Peyton
16 also represents the applicant's team.

17 Hall: Thank you, and I, I was going to immediately,
18 David, disclose that I'm a historic preservation
19 consultant to the appellant.

20 Jones: Okay, well I just, I want to be very clear about
21 this. Going forward anything, anyone from the
22 appellant's team so to speak, this will be taken
23 off of your rebuttal time. So I already gave you
24 the courtesy of giving you almost two full minutes

1 over. That doesn't include the video by the way,
2 so I just, you should consult with one another if
3 you're okay with that. All right, proceed.

4 Reznik: He didn't know the rules. I'm sorry.

5 Jones: It's okay.

6 Hall: Thirty seconds rather than three minutes is that
7 the striping is, is not a character defining
8 feature. I would not have expected to be a COA
9 issue and as the standard of practice I wanted to
10 point out that the National Register Program
11 excludes parked areas and particularly parking lots
12 from a consideration of being eligible for the
13 National Register. Thank you very much.

14 Jones: Thank you. Gary Berkowitz followed by Wendy
15 Krueger.

16 Berkowitz: Hi, Gary Berkowitz. I live in the El Palacio. I
17 wanted to just clear up something. The building
18 was built in 1931, not in the twenties. The garage
19 had faint stripes but they were there. Each space
20 was numbered. Everyone parked in the same space
21 every day. Also cars in 1931, because I Googled
22 it, were huge. They were huge touring cars that
23 people drove. There is no way that they could have
24 fit into these tiny spaces, I got to tell you. How

1 much time do I have, three minutes?

2 Jones: I'm sorry, we've been having some issues with the
3 timer. It's hard to see. You have two minutes and
4 22 seconds left.

5 Berkowitz: Okay. I believe that the El Palacio, I'm going to
6 read it, has had historically 13 spaces. Christina
7 Management would agree that the El Palacio was
8 originally, originally designed with 18 spaces.
9 Then how do we account for the fact that it has 13
10 spaces now? This means that at some point in the
11 past a former owner deliberately reduced the amount
12 of spaces from 18 to 13. I find that nearly
13 impossible to believe. Why would he do it? The
14 only reason that came to mind is that the 18 spaces
15 were untenable, they were too small. Also, a
16 Nathan Goller was the owner of the El Palacio
17 between the years 1985 and 1995. He wrote a letter
18 to the community development director confirming
19 that the garage did not have 18 spaces when he
20 bought it. I want to point out that most historic
21 buildings in West Hollywood do not offer enough
22 parking spaces to accommodate all of the tenants in
23 the immediate area. They just were not designed
24 that way in and around 1930. I know this because I

1 have in my 40 years living in West Hollywood either
2 lived in these buildings or looked to re-, to lease
3 the buildings. Oh, excuse me. These buildings
4 include that do not have enough spaces the El
5 Mirador, the Villadest, the La Fontaine, The Four
6 Gables, the Patio Del Moro, the Savoy. They're all
7 within a mile of this building. Believe me the
8 rents they command are not compromised by the fact
9 that some tenants must park on the street. The
10 people have been parking on the street for close to
11 90 years. Also, in the years living in West
12 Hollywood I haven't heard of a single incident
13 whereby a tenant was injured while parking his car
14 on the street. When I leased my apartment eight
15 years ago it came with a comfortable parking space.
16 I most likely would not have rented the apartment
17 if I was offered the space that I have now. It is
18 literally half the size it was originally. The
19 spaces have literally been subdivided. Also, in
20 that film they showed you they didn't show you the
21 row of cars and columns behind where they parked,
22 well behind where they backed up. So I find that
23 when I'm trying to back out of my space and I'm in
24 between a car and a column I have to back out

1 straight and carefully. There are times when I
2 literally get boxed in between the two columns and
3 I'm not sure what to do. It takes sometimes 10, 12
4 turns to get out of there. There's also a tenant,
5 her name is Kylie -

6 Female: Time's up.

7 Jones: Just a note, you are over time. I'm going to let
8 you --

9 Berkowitz: I am?

10 Jones: -- finish because --

11 Berkowitz: Right.

12 Jones: -- you are a tenant of the building and again I
13 gave the, the appellant time --

14 Berkowitz: Yeah.

15 Jones: -- but please, please wrap it up.

16 Berkowitz: She parks between Randy and I and we're both
17 between columns. Well she, she intended to park
18 there. She decided it was not worth squeezing in
19 between us, so she is now parking in The Lotus,
20 which is a sister building owned by the same people
21 and she incidentally is paying a high fee to do
22 that.

23 Bass: Mr. Berkowitz, what kind of car do you drive?

24 Berkowitz: I drive a Mercedes E300.

1 Bass: Thanks.

2 Berkowitz: And it's very difficult.

3 Jones: Thank you. Wendy Krueger?

4 Krueger: Wendy Krueger, El, resident of El Palacio. I am a
5 resident of West Hollywood. This is just simply to
6 urge you to uphold the conclusions of the Director
7 of community development regarding the COA. I have
8 been a tenant of El Palacio since April of 1995 at
9 which time when I moved in my, my parking space,
10 space was designated by a stencil of H2, because
11 that's my unit and I've, still parking in the same
12 place since 1995. My parking space is actually
13 number 17 which was in the video, and also I know I
14 included a photograph of, in my letter. I, I think
15 this is more, this is more than an inconvenience
16 than the ownership, you know, as the ownership
17 points out. I think that there is a threat to the
18 security of my car and the removal of a housing
19 service that was, that's protected by municipal
20 code. For the management to say that dings happen
21 anywhere is absolutely no comfort to me at all. It
22 doesn't mean that I have to put my car in a
23 situation in which they could occur in a more
24 frequent manner. My Volkswagen Golf happens to be

1 a, one of the compact space, one of the compact,
2 only compact car in the entire garage and spot 17
3 is 6 feet 11 inches wide, contrary to what they are
4 saying in their packet of information, because I
5 have a, a column in there, so I have to do a three-
6 point turn and back into the space. The only re-,
7 reason I back into it is so that I can open up the
8 door to get out. There have been instances where
9 people have parked between myself and another
10 neighbor. I have no idea how they got out of the
11 car. It would appear that they got out of their
12 car through the hatchback, and I'm not getting out
13 of my car through the hatchback. I can, you know,
14 maybe this is the time I, you know, call that, you
15 know, senior citizen's card, but this gal is not
16 getting out through the hatchback. You know, they
17 also talk about the safety and they're concerned
18 about accidents on Fountain Avenue. There's
19 nothing to substantiate accidents, car accidents,
20 pedestrian accidents on Fountain Avenue. In 2014,
21 which is the latest information, there were only 16
22 pedestrian accidents, all of West Hollywood; 1.7 of
23 them happened on Fountain Avenue but that could
24 have been on La Cienega or it could have been on La

1 Brea. I don't believe for a second that this
2 management is worried about our safety. If that
3 were the case they would have better lighting in
4 staircase, the adjunct staircase and the, the
5 garden area. They would repair the entry door.
6 Three times this year my entry door, which is a
7 secure door, didn't work, and they would
8 investigate the rodent population which seems to be
9 growing in the courtyard. In 1995, there were 13
10 spaces and everyone else parked down the street, so
11 five people didn't park down the street and that
12 seemed to be fine. They didn't have -- Nate Goller
13 had no problem renting the apartments without a
14 parking space. If the Chateau, if Chateau Park,
15 this management's Christina Development has
16 greedily included parking spaces in each of the new
17 tenant leases and they now can't fulfill their
18 promises because it's impossible to park in those
19 narrow spaces. It's impossible. They sh-, I guess
20 they have to only take applications from people who
21 have Smart cars because that's the only kind of car
22 that can fit in there. That's it. Thank you very
23 much.

24 Jones: Thank you.

1 Krueger: Oh sorry, any questions?

2 Jones: I don't think so. Thank you though. We may call
3 you back up so be prepared. All right, so I'm
4 going to close -- we don't have any more public
5 speakers, David, do we? I'm going to close the
6 public comment portion of the hearing and we are
7 going to move into.

8 Gillig: But we still have the applicant's rebuttal.

9 Jones: Sorry, what's left of it.

10 Jones: David, can you for the record state how much time
11 the applicant has, the appellant has left for
12 rebuttal?

13 Gillig: Two minutes, 30 seconds.

14 Jones: Okay, thank you.

15 Reznik: Huh?

16 Jones: Yeah.

17 Reznik: Sorry, okay. Hi, and, hi, Ben Reznik again with,
18 for the a-, appellant. I apologize for not
19 understanding your rules. It's my first time
20 before your Commission in many, many years. Last
21 time I appeared we were in the other building. So
22 here's what I want to say in rebuttal. In our
23 letter that we submitted, February 13th, which was
24 part of the appeal, we gave you a footnote, we

1 cited an article, gave you the link. The article
2 is, "Pedestrian Killed Yesterday West Hollywood
3 Fountain Avenue." That's right by us. Forcing
4 this owner to take away five spaces forces five
5 tenants to give up spaces. Even if they can find
6 off-site parking and rent it or find it they have
7 to walk through, through that. It is a dangerous
8 area. You know that area of Fountain and L.A.
9 Cienega. You know what it's like. It's, it's a
10 thoroughfare. So it makes, you know, public policy
11 wise, why would be put people at risk? You make,
12 with the Director's decision here he's telling us
13 five people have to be on the street. I just find
14 that, you know, I don't know. I can't, I can't
15 understand that. There's a false premise placed
16 before you and that is it's 13 versus 18. That's
17 not the criteria. That's not the criteria, because
18 the 13 was voluntary. That's the way a prior owner
19 may have wanted to operate because he didn't have a
20 full building; that was his choice. This owner
21 decides that he wants everyone to have a space.
22 Now with respect to the rent stabilization, it is
23 an important document. In 1985, which I believe is
24 when the city, if I recall, cityhood was 1984, so

1 people with buildings had to register. So this
2 building was registered. You have the packet that
3 we, we submitted, in 1985 by the then owner, Pamela
4 Mason, who had to sign an application under penalty
5 of perjury which is right in your application in
6 which she designates the rent, the units occupied,
7 security deposit and then all of the amenities, and
8 for each unit under parking it's X'd in, yes, yes,
9 yes. So prior owner in 1985, under penalty of
10 perjury, submitted an application to register the
11 building and showed that they were, all had parking
12 spaces. Now physically whether everybody was
13 parking at the time or not I don't know. The
14 building was in better shape then, I'll tell you
15 that. There was one vacancy as you can see from
16 the rent stabilization. Unfortunately, the
17 subsequent owner let this building rot and so --

18 Jones: Your time is up. Thank you.

19 Reznik: Thank you.

20 Jones: Okay, now we will move into deliberation, but I am
21 going to keep the public hearing open should anyone
22 on the Commission have questions for anyone who has
23 spoke to us this evening so far. So who would like
24 to start?

1 Buckner: Well I have a question for our legal --

2 Barenbeim: I, I would like to speak.

3 Buckner: Excuse me?

4 Barenbeim: You asked if there was any more public comments. I
5 apologize for having just arrived, but I would like
6 to please speak.

7 Buckner: He didn't take a speaker slip.

8 Jones: Did, did you fill out a speaker slip?

9 Barenbeim: I did.

10 Jones: Okay, I suppose you can, I, I would like to allow
11 you to, to comment, so please give your speaker
12 slip to, to -- I will reopen the public comment
13 portion of the hearing for you. Please, go ahead
14 and give your speaker slip to our secretary.

15 Barenbeim: Let me fill it out.

16 Jones: Please come up to the, to the podium. State your
17 name and city of residence, sir. You'll have three
18 minutes.

19 Buckner: He can fill that out after maybe.

20 Jones: Did he fill it out? Oh, you're filling it out now.
21 I didn't realize you hadn't filled it out.

22 Barenbeim: My name is Glenn Barenbeim.

23 Jones: Please speak into the microphone, sorry. Thank
24 you.

1 Barenbeim: My name is Glenn Barenbeim and I've lived in The
2 Palacio since 1996 and I'd like to convey for some
3 of us who have lived in the building and who deeply
4 love to be there, the fact that Marilyn Monroe
5 lived in my back bedroom, the fact that Stella
6 Adler, the great acting teacher of Brando, lived in
7 my unit and I happen to have written a documentary
8 about Miss Adler, and I just suddenly discovered
9 her ghost was there, I mean all of these things
10 have to some of us enormous meaning, and the
11 concept of historical authenticity, which seems to
12 change definition based on when it's being used is
13 I think for our landlord as well as for the tenants
14 a deep frustration. I've passed out some pages
15 which you can follow if you like, but several years
16 ago when the restriping was taking place the
17 landlord took the opportunity, although it wasn't
18 part of the permit issued or it wasn't listed as
19 one of the activities, he removed a tandem space
20 that had belonged to me since I first started
21 renting and, although I had been assured this
22 wouldn't happen it did in fact happen, and I went
23 to the city of West Hollywood and I filed an appeal
24 and went through a very difficult process in which

1 the city decided in my favor and said that the
2 space should be returned to me. Unfortunately, the
3 only recourse I had was to accept a small rent
4 reduction. I'm in the midst of dealing with a
5 cancer diagnosis. I must say that every time I
6 have to make another appearance having to do with
7 the tenant-landlord issues I, I end up feeling not
8 so well about it, but we had received a notice
9 saying that, from the landlord saying that the, to
10 preserve the arc- architectural design of the
11 building they have restored the configuration of
12 parking lot striping to 18 stalls, and when Eugene
13 Alper from the city came out to check on code
14 compliance he wrote that it indeed, because there
15 were 18 original spaces the landlord was able to
16 restripe like this. In fact, there were never 18
17 spaces. There's no proof of this. There's, you
18 know, when I first went to see Mr. Castillo, who
19 had issued the permit, I was, I said, "Where is the
20 plan for the original 18 spaces?" Well that didn't
21 exist, and in the papers that my landlord filed he
22 says, "Well they don't, we don't actually have
23 those."

24 Jones: Please continue. Just wrap it up as quickly as you

1 can. Thank you.

2 Barenbeim: Thank you. "We don't actually have those papers."

3 So I, I know that I can explain what the situation

4 is and that is that there are, it's always been

5 historically the case that the on-site manager has

6 not been given a parking space. There are also two

7 additional small units which were maid's quarters,

8 service quarters back in the thirties which have

9 not been occupied for years but are being counted

10 in the 18 spaces. In, in fact that there are, the

11 fact of the matter is that there are 14 rentable

12 units, one of which because it was the on-site

13 manager he didn't get a space, and there are two

14 units which haven't been occupied for years and

15 that's how the 18 spaces even, you know, came into

16 play. Indeed, for the 13 rentable units, other

17 than the resident manager's who has never had a

18 space in the garage until the current one who

19 actually has three cars, and two of them are

20 usually parked there, and I, I don't fault him

21 this, I'm just saying that that's, this is how

22 those numbers came about. When the hearing officer

23 issued a, a ruling in my favor the landlord filed

24 an appeal which he eventually --

1 Jones: Sir, I do need you to wrap it up as soon as
2 possible. Like you're, you're well out of time. I
3 will, please continue, but I would, please wrap it
4 up.

5 Barenbeim: Okay. I would just like to point out that the
6 argument that was used when my tandem space was
7 removed, which is apparently illegal according to
8 the ordinance on the first page, says, "The area
9 referred to by Barenbeim is his tandem space, could
10 never be used for parking a vehicle. The specific
11 area of the covered parking facility is bifurcated
12 by a structural steel and concrete column and
13 cannot be used for parking." Now there are six
14 columns that are in the 18-space plan bifurcated in
15 order to accommodate those 18 spaces. The land,
16 landlord goes on and says, "State law requires
17 landlords to exercise due diligence and to act
18 reasonably to protect occupants. It would
19 constitute negligence on the part of the current
20 landlord to allow the vehicle into the area of the
21 covered parking facility that could damage a
22 structural steel and conc-, concrete column and
23 force a collapse of the structure. This would
24 endanger lives and cause significant damages." Now

1 this is opposite to the filing that was made two
2 days ago in which the claim was that there is no
3 issue about safety, that it's not a problem. You
4 know, this is the argument that was made two years
5 ago when it was effective to say, don't give him
6 his space. It will because deep structural damage
7 because of these columns and it's these very
8 columns that are, yeah, thank you. Thank you.

9 Jones: Thank you. I have a quick question for you.

10 Barenbeim: Yes.

11 Jones: So to be clear, do you currently have two parking
12 spaces?

13 Barenbeim: No, I have one space.

14 Jones: One space as per the old striping or one space as
15 per the new striping?

16 Barenbeim: One space as per the new striping.

17 Jones: Okay, thank you. Any other questions for the --

18 Carvalheiro: Yes, yeah, you mentioned there used to be a
19 manager's unit that was converted to a rentable?

20 Barenbeim: No, I'm saying that, that an on-site resident
21 manager has always had one of the apartments in the
22 building --

23 Carvalheiro: Yeah.

24 Barenbeim: -- and he has never been given a parking space.

1 Carvalheiro: You mentioned another one also.

2 Barenbeim: Okay?

3 Carvalheiro: Did you mention two that didn't have parking
4 spaces?

5 Barenbeim: There are two additional closets. One is a
6 basement that flooded years ago that I have no
7 knowledge of having been used for a very long time
8 and the other, the last time I saw it, was being
9 used as the on-site repair person to store excess
10 lumber and plumbing supplies. There's no windows
11 in it.

12 Carvalheiro: And they've been converted to one-bedrooms?

13 Barenbeim: No, they are, they have not been converted to
14 anything. I'm just saying that the, in order to
15 come up with 18 units there are 18 spaces with a
16 front door but only 16 of them have been rentable
17 since I have been in the building since 1996.

18 Carvalheiro: Okay.

19 Bass: Really quickly, what kind of car do you drive?

20 Barenbeim: I drive a Kia Optima.

21 Bass: Thank you.

22 Barenbeim: Although I must say it's, you know, it's the
23 equivalent of, of if you bought a airline ticket
24 and you discover the airline has oversold and they

1 tell you that they want to measure everyone's back
2 sides because you might not require a full airplane
3 seat.

4 Jones: Thank you. Any other questions for this resident?
5 Okay, we're in a little bit of a unique situation
6 here, because generally speaking the rebuttal would
7 come following all of the public comment, but in
8 this case we had a short rebuttal that was followed
9 by public comment, so I'm going to look to the city
10 attorney here, how should we best handle this to
11 be, do our due diligence to be as fair as possible
12 to our, all parties?

13 Langer: Sure, I asked Mr. Reznik if he wanted another 30
14 seconds to rebut.

15 Reznik: No, that's okay.

16 Jones: Okay, no. We will likely have questions for you
17 based on some of that, some of that comment but as
18 long as you're okay.

19 Buckner: I would like to ask a question of Mr. Reznik.

20 Jones: Okay, well we can move into that now, as I'm going
21 to again fully close the public comment portion of
22 this hearing. Speak now or forever hold your
23 peace, and we will move into deliberation, but I'm
24 going to keep the public hearing open so that if we

1 need to have a dialogue with any of the appellant's
2 representatives or the appellants that we can, we
3 can speak to them. So Commissioner Buckner, with
4 that being said.

5 Buckner: This last speaker brought up an issue that I'm
6 confused about because my understanding was that
7 there were 18 rentable units that required 18
8 spaces of parking based upon your argument, and, so
9 in fact do we have two units that are nonconforming
10 and not able to be rented? Because normally in the
11 city of West Hollywood in order to rent it you h-,
12 you have to have a space but these, this is a, a
13 historical building and so a lot of the rules don't
14 apply. So do we actually have 18 rentable units or
15 are we, are you fully rented with the number --

16 Reznik: The answer is we have 18 legally habitable units
17 that can be occupied. Right now 16 are occupied.
18 I think Mr. Barenbeim, boem, was referring to some
19 non-habitable type space where there is storage
20 going on. He said no windows and closed. Those
21 aren't habitable spaces. You know, it's not a
22 legally habitable space.

23 Buckner: So then there's probably 18 spaces that are there
24 but only 16 of them are --

1 Reznik: Oh no, no, no. What he was referring to were not
2 part of the 18 units. Go ahead Lloyd.

3 Hussey: So there, there --

4 Reznik: State your name please.

5 Hussey: Oh sorry, Lloyd Hussey. There's, there are 18
6 rentable apartments, and state law requires the
7 resident manager to live on the property and he
8 occupies one of the units.

9 Buckner: One of the 18 units?

10 Hussey: One of the 18 units, yeah.

11 Buckner: So then --?

12 Hussey: There may have been a, a, you know, a unit many,
13 many years ago in the basement, you know, in, in
14 the utility room. We've seen a toilet bowl down
15 there bolted to the floor. It looks like it may
16 have been part of a, you know, that's all that's
17 left of it. It's near the, you know, near a
18 utility space, but it's not an apartment. It's not
19 part of the building anymore. There are 18
20 rentable apartments in the building.

21 Buckner: Okay. All right.

22 Carvalheiro: And the manager lives in one of them?

23 Hussey: The manager lives in one of them, that's correct.

24 Carvalheiro: Historically the manager wouldn't have a parking

1 space?

2 Hussey: That's not true. It's up to the discretion of the
3 owner whether or not the manager gets a parking
4 spot. In our case we converted a, a tenant to
5 manage, to manager. He already had a parking
6 space.

7 Jones: I think what he's asking, I think what he's asking
8 is, did the manager historically have one? As to
9 whether or not it's your, up to your discretion
10 doesn't, it doesn't really matter. It's not
11 germane to our conversation. I think we're just
12 asking did the previous manager have a parking
13 space?

14 Hussey: The manager during our, our ownership of the
15 building has always been assigned parking, yeah.

16 Jones: Okay.

17 Reznik: But he's on site living there.

18 Jones: Sure.

19 Reznik: So you, he can be a manager, but he's a tenant too.

20 Jones: Sure, I'm also the on-site manager for my building
21 so it's --

22 Reznik: Of course.

23 Carvalheiro: A question for staff. Is it true that state
24 demands, demands that there be a manager on site,

1 living on site?

2 Aghaei: Sixteen or over.

3 Carvalheiro: Sixteen or over? Okay.

4 Buckner: Rent stabilization does.

5 Regan: Under the Rent Stabilization Ordinance if there are
6 a certain number of units, I believe that is 16 or
7 more, there needs to be an on-site resident
8 manager.

9 Carvalheiro: Okay, thanks.

10 Jones: Sure, Commissioner Hoopingarner go ahead.

11 Hoopingarner: So the applicant stated that there were six maybe
12 renters upon purchase, correct?

13 Reznik: No, I think he said there were maybe about eight or
14 so that were vacant, so I think we had about ten
15 tenants in tw-, in tw-, is that about right?

16 Hussey: That's about right.

17 Reznik: That's about right, yeah, about ten tenants that
18 were in occupation in 2014, so it would have been
19 about eight vacancies.

20 Hoopingarner: Okay, I'm not sure what you were referring to
21 earlier when you said six, but okay.

22 Reznik: I may have said six to eight, because we didn't
23 have that locked in, that number, when you asked.

24 Hoopingarner: Okay, so of the ten tenants who were in residence in

1 2014 when this was purchased how many were still in
2 residence with their assigned parking spaces when
3 this restriping occurred?

4 Reznik: Okay. Did you hear the question?

5 Hussey: (INAUDIBLE).

6 Reznik: Did, did they all have parking spaces?

7 Hussey: To my knowledge, yeah.

8 Reznik: The tenants?

9 Hussey: To my knowledge they did.

10 Reznik: So why don't you state that.

11 Hoopingarner: So how many people were, had leases with assigned
12 spaces in 2014 when you purchased it and had
13 assigned spaces when you restriped?

14 Hussey: I, I don't recall the exact numbers. I joined the
15 company in 2015, but I believe that the majority of
16 the tenants that were tenants when we bought the
17 building had, had parking in the garage. And what
18 was the second part of your question?

19 Hoopingarner: And then how many leases did you sign between the
20 day you purchased and be, the day you restriped
21 where you had assigned parking?

22 Hussey: We've had, we've had some of the units that we
23 renovated already turn, so that, I'd have to think
24 about that, but it's probably a half a dozen or

1 more because we've got 16 occupied units now and a
2 couple of those six that, you know, a couple of
3 those six have turned once or twice.

4 Reznik: I, I, let me go in. Let me try to answer the
5 commissioner's question more directly. So they
6 bought it in 2014. As some tenants left work was
7 done on units and then they were released, so the
8 number of k-, you know, is kind of a moving target
9 all, all the time but from the time they bought it
10 in 2014, by 2015 they did this work, because,
11 because it wasn't until a year later in 2016 that
12 they had to then do the dimensions and show staff
13 that, what the sizes are and what have you. So
14 there was not a lot of time in between there but
15 there was a turn, turnover going on and, and
16 that's, so I don't, that's why we can't give you an
17 exact count.

18 Hoopingarner: I guess my point would be to, I believe it was
19 Holly's statement that she rented in the past six
20 months fully knowing that she had this skinny
21 little space --

22 Reznik: Yes.

23 Hoopingarner: -- and that her Smart car could fit in there just
24 fine. But the people who rented prior to that had

1 an agreement with a, a space --

2 Reznik: Right.

3 Hoopingarner: -- that was assigned --

4 Reznik: Right.

5 Hoopingarner: -- and to the Rent Stabilization Code, if I read

6 this correctly and legal can correct me, those

7 downsizing of spaces were a downsizing in their

8 agreed upon space and so I'm, my question is how

9 many of those people are still in the building and

10 are now parking in a downsized space from what they

11 were originally entitled to in their original

12 lease?

13 Reznik: I see, okay. So in the lease, even if they get a

14 space, it doesn't guarantee a size space. It says

15 you get a space.

16 Hoopingarner: And it's not an assigned space?

17 Reznik: No, not assigned, a size. You don't get a

18 particular dimension space. The lease doesn't say

19 your space will be 8 by, you know, 20. It doesn't

20 say that.

21 Hoopingarner: But, or a numbered space. Like you're space number

22 five?

23 Reznik: Yes, that it could say, that it could say, yes.

24 Hoopingarner: Okay, so your space --

1 Reznik: But it won't give you that.

2 Hoopingarner: Okay.

3 Reznik: The rent-controlled part though is, so I think I
4 understand your question now. So to the extent
5 existing tenants, let's say who had a larger car
6 now found themselves in a smaller space -- well no
7 one filed with rent stabilization except Mr.
8 Barenbeim, and the reason he did as he said
9 correctly, he had a tandem space and he was unhappy
10 that he was given now one space, not two. He said,
11 oh, I, I should be entitled to the tandem and the
12 Stabilization Board agreed with him and said, yeah,
13 that's a reduction in services. You're, you know,
14 instead of two spaces you get one, okay. But n-,
15 but in terms of the spaces being slightly reduced
16 in size no one's applied for that. No one asked
17 for a reduction. They had their space. So I'm,
18 I'm assuming now, and I, I don't have the specific
19 facts for you that the people's cars and sizes were
20 all moved around and, and fit where they could fit,
21 because no one was left without a space.

22 Hoopingarner: Okay, so I guess I'm a little confused, because we
23 do have two tenants here who have been here since
24 '96, etc., and they're clearly unhappy --

1 Reznik: Correct.

2 Hoopingarner: -- but did not file. Can we speak to them to
3 understand?

4 Reznik: Right.

5 Hoopingarner: Were you aware of this process, I guess Wendy and
6 Gary?

7 Hoopingarner: Come to the, can you come to the --?

8 Berkowitz: I'm not completely aware of the --

9 Jones: I need to --

10 Berkowitz: -- I'm not completely aware of the details but I
11 was told that in the event that you are, you have a
12 space taken away or the space is drastically
13 reduced you can get monetary compensation, but I
14 found that the monetary compensation was very
15 small. What I wanted was my space back, not \$100 a
16 month. They're not equivalent.

17 Hoopingarner: Okay.

18 Berkowitz: That's why I didn't do it.

19 Jones: Sure. I need to note for the record I'm going to
20 reopen the public comment period just so that we
21 can have -- Lauren, is that your recommendation --

22 Langer: Yes, if you're asking --

23 Jones: -- so that we can have a dialogue?

24 Langer: -- questions --

1 Jones: Okay.

2 Langer: -- of members that have already testified.

3 Jones: Okay, I'm reopening it as per the, the last
4 speaker. Commissioner Hoopingarner, do you have
5 additional questions?

6 Hoopingarner: No, that's, that's, that was my point is about
7 understanding the existing contracts in place with
8 the existing renters and the existing space that
9 they thought they had which was then downsized kind
10 of with, with the stroke of a pen, so I wanted to
11 understand how many of those are there, how many of
12 them still exist in the building and, you know,
13 frankly I'll go to my little comment which is,
14 maybe those renters should be given priority to the
15 good spaces, I don't know.

16 Jones: That, that leads into my question actu-, oh sorry,
17 Commissioner Bass? So I want to be clear on the
18 number right now to the appellant. If you could
19 please come to the podium. How many parking spaces
20 are currently open in the garage at the building?
21 Is it two?

22 Reznik: By open you mean unused right now?

23 Jones: Correct.

24 Hussey: I believe we have, I believe we have three, three

1 vacant stalls. I'm not 100% sure, but I believe
2 that's --

3 Jones: Three vacant stalls?

4 Hussey: Two or three, yeah.

5 Jones: And you said that the, does the on-site manager,
6 and I only reference this because it's the only
7 point of reference that I had. It was from one of
8 the public comments. Is the on-site manager using
9 two spaces right now or one?

10 Hussey: He, he has, he has one assigned spot and he
11 occasionally parks a, basically a, a subcompact car
12 in one of the unoc-, unassigned spaces, which is
13 unassigned. It's one of the smallest spaces in the
14 building. There's actually a letter from him and a
15 picture that shows the two cars together.

16 Jones: So let me ask you this, have, have you ever worked
17 with the tenants to, the existing tenants, to maybe
18 like get another space that would be more, that
19 would be better for them? I mean I understand that
20 they're small but, you know, I mean Miss Krueger
21 had noted that, that her space is so small. I mean
22 has accommodation been made for some of the tenants
23 who have been there for a long time to maybe get
24 them into a more suitable parking space? I'm just

1 wondering if this could have not, you know, been
2 worked out just as a kind of Gentleman's Agreement
3 if you will?

4 Hussey: Yeah, I've had, I've had discussions with a number
5 of the tenants and I'm, I'm in discussion right now
6 with, with one tenant in Unit I2 who has expressed
7 an interest in potentially switching with another
8 tenant.

9 Jones: Is that tenant here tonight?

10 Hussey: He, he is not, no.

11 Jones: Okay.

12 Hussey: No.

13 Jones: Okay.

14 Hussey: So yeah, we've had conversations with --

15 Hoopingarner: But have you had any --

16 Reznik: I don't know that our client --

17 Hoopingarner: I'm sorry.

18 Reznik: -- has necessarily given priority to older existing
19 tenants who were there pre the restriping, but I
20 think the criteria, as I was told or was
21 understanding, had to do with size of cars and who
22 would fit best where for maneuverability. It
23 wasn't about convenience. So just because somebody
24 may want it, hey, I want my old large space back,

1 we have to look at the good of the entire
2 enterprise and the whole building and all 18 people
3 using it and that's the standard being applied
4 today.

5 Jones: Sure, but we also want you to honor your, your
6 existing agreement. So currently there are three
7 tenants in the building --

8 Reznik: Well we are honoring --

9 Jones: -- who were there prior to the restriping.

10 Reznik: We are honoring our existing agreements. The
11 existing agreements do not provide or require a
12 certain size --

13 Jones: Size of space, I understand.

14 Reznik: -- of space.

15 Jones: I understand that. I understand that.

16 Reznik: Technically, yeah.

17 Jones: There are three tenants who, there are three
18 tenants in the building who were there, who had
19 parking spaces prior to the restriping?

20 Hussey: No, there are, there are more than that.

21 Jones: How --?

22 Hussey: I don't know the exact count. I would s-, I would
23 estimate seven.

24 Jones: Okay, well let me ask you this. Are there any

1 tenants in the building right now, I hope that you
2 have this information, are there any tenants in the
3 building right now who were there prior to the
4 restriping who didn't have a parking space before
5 and who now do as per the restriping?

6 Hussey: No.

7 Jones: Okay, those are my questions, at least for right
8 now.

9 Hoopingarner: And back to, to be clear, the existing leases with
10 the existing tenants had a referenced parking space
11 by number which by definition had a size per your
12 diagram of the existing, wherever it is. There's
13 too many pages in here. You had an e-, a diagram
14 of the previous --

15 Reznik: That's an old diagram. We did not submit any
16 diagrams or have ones of the previous.

17 Hoopingarner: So in this, in this diagram that is in Exhibit 10B
18 --

19 Reznik: Right.

20 Hoopingarner: -- excuse me, Exhibit C, page 1, it's only one
21 page, this is the diagram of the previous layout of
22 the parking.

23 Reznik: Okay.

24 Hoopingarner: And so --

1 Reznik: So this is not our diagram. Well, I'm sorry, I'll,
2 I'll wait for the question.

3 Hoopingarner: I'll let staff tell us where this diagram came
4 from.

5 Reznik: I can tell you, and then I guess staff could
6 confirm. The prior owner applied to the city to
7 change this from apartment building to a, a --

8 Hoopingarner: Condominium?

9 Reznik: No, a bed and breakfast and submitted as part of
10 the application this. It was a going to be a bed
11 and breakfast kind of a facility. That's where
12 this comes from and then it died. The application
13 never went anywhere.

14 Hoopingarner: Okay, so --

15 Reznik: We didn't do this.

16 Hoopingarner: So I guess my first question would be to the
17 tenants who have been there for decades, is this
18 diagram, does this in fact represent the striping
19 that has been in place since you've been a resident
20 since 1996, however, whenever it was?

21 Jones: I mean have they seen this?

22 Hoopingarner: It's what's in the package.

23 Jones: Sure.

24 Hoopingarner: Yeah.

1 Jones: But I don't assume that everybody here tonight has
2 had time to review the packet. I just want to be
3 clear. If you need to take a look at it please
4 come up to the, to the dais and take a look.

5 Hoopingarner: So it's, to be clear to the viewers at home this is
6 Exhibit C.

7 Hussey: Yes, that's it.

8 Krueger: You said that these were straight.

9 Reznik: You might want to go to the mic. What, what, what?

10 Hussey: She said --

11 Reznik: Go ahead, I'm sorry. Go, you can explain to them.

12 Krueger: Ah.

13 Reznik: Oh sorry, I'll hold it, I'll hold it.

14 Krueger: Yes, Exhibit C is correct except for nine and ten.
15 Those were straight. They were not, they weren't
16 angled like that.

17 Reznik: So it's not correct?

18 Krueger: So it's, it's not correct, yes.

19 Hoopingarner: Okay.

20 Krueger: I mean there just were two spaces there but they
21 were, the line would have been straight.

22 Reznik: Parallel.

23 Krueger: Or parallel parked, yeah.

24 Hoopingarner: Okay, so in short then to the size of the spaces

1 these would be correct dimensions?

2 Krueger: Yes.

3 Hoopingarner: And so in your lease you had an assignment to a
4 space by number?

5 Krueger: Number two.

6 Reznik: Yes.

7 Hoopingarner: Number two. So you were number two, and you had a
8 space of this size for two decades?

9 Krueger: Yes.

10 Hoopingarner: And so the owner upon restriping reassigned you
11 number two?

12 Krueger: No, I'm number 17 now.

13 Hoopingarner: Oh, so you're no longer, so you have a new number?

14 Krueger: New number.

15 Hoopingarner: So it is not the same number as on your lease to
16 Mr. Reznik's point that the tenant is guaranteed a
17 space just not by size but the lease points to
18 space number two, but you no longer have space
19 number two?

20 Krueger: That's correct.

21 Hoopingarner: And space number two on the new diagram, I don't
22 think we have space numbers on the new diagram. So
23 can you point us to where you're now parking in
24 space number two, because this, the, the applicant

1 gave us this, this map and it --

2 Reznik: Yes.

3 Hoopingarner: -- doesn't have space numbers on it so I, I don't
4 know where space number two is.

5 Krueger: It would, it's num-, it's S.

6 Reznik: They're all S.

7 Krueger: Just refer to it as --

8 Hoopingarner: They're all, that's a sub, that's just sub --

9 Krueger: It means subcompact.

10 Hoopingarner: -- subcompact.

11 Krueger: It says 7 foot 8 inches, but that includes the
12 width of the pole so.

13 Hoopingarner: Well that I understand, but just which space is it?
14 Is it even near where you used to park?

15 Krueger: Yes, it's the exact same space. It's this one.

16 Hoopingarner: So --

17 Krueger: There were two spaces here. There are now three
18 spaces here.

19 Hoopingarner: So when you come in the driveway, turn left, one,
20 two, three, that's now space number 17, but that's
21 your space?

22 Krueger: Correct.

23 Hoopingarner: So it's in the same general geography but just
24 resized and renumbered?

1 Krueger: Correct.

2 Hoopingarner: Okay.

3 Jones: But have we confirmed that the leases for all of
4 the tenants who were there prior to the restriping
5 have assigned spaces next to them and is there --
6 I, I should also ask a provision just in terms of
7 what a landlord is, is able to do as long as
8 parking is still being provided, is that still in
9 compliance with the terms of the lease? I mean
10 again these are questions that, I, I just want to
11 make sure I understand because I, I don't want to
12 get like drilled down too much. We need to
13 consider this under a certain set of terms and
14 findings and I want to be sure that we're
15 structuring the conversation to that end?

16 Langer: Yeah, I think you're trying to understand the
17 changes.

18 Jones: Correct.

19 Langer: The scope of the changes.

20 Hoopingarner: And I don't --

21 Reznik: So --

22 Hoopingarner: -- want to get into rent stabilization's bailiwick,
23 but this does tie into it and I think, you know,
24 we're trying to make a planning decision but

1 there's implications obviously.

2 Reznik: Yes, I, so two points if I, if I may on that
3 Commissioner. The exhibit you pointed to, the, the
4 13-spot exhibit which has angular spaces, which we
5 now know from the tenants was wrong, but it, like I
6 said it was submitted for a bed and breakfast.
7 Remember Mr. Borenbeim, Barenbeim said he had
8 tandem spaces. They don't appear on this, and the
9 reason they don't appear on this is this is not
10 necessarily accurate. He had a tandem space, and
11 he got a rent reduction when we took that away, so
12 Exhibit C is not a basis upon which I think anyone
13 can decide and determine that is what was on the
14 ground at the time. There were places -- again,
15 the building was very old, worn out. The lines
16 were, were worn out, and, you know, people kind of
17 moved around. And so I just want to point out
18 Exhibit C is not accurate at all for, for many
19 reasons. Secondly, on the question of rent control
20 you, we gave you an email or I think you saw it
21 from Mr. Castillo back in 2015 when he visited the
22 site, talked to our client about the certificate of
23 appropriateness in his email. He says, "And by the
24 way, the reduction in these sizes of spaces may

1 trigger a rent stabilization rent reduction. You
2 should know that." So that email isn't in the
3 record. Staff knew it, we knew it. It was raised.

4 Jones: Okay, we're only talking about what's in the staff
5 report right now, so I don't want to, I don't --

6 Reznik: In the staff report, yeah, that, the email? Oh you
7 mean the --?

8 Jones: Well you said that there was something that's not
9 in the staff report. I only want to, we're only
10 here to discuss items that were contained in the
11 staff report.

12 Reznik: Oh, I see. So this, that email from Mr. Castillo
13 and the response from our client, Mr. Taylor, is in
14 our rebuttal letter. We, we attached it, so it's
15 in your record, and we showed it because we wanted
16 to show you this was a collaborative process and
17 the notion that we have to deal with potential rent
18 stabilization. We knew and it was raised and
19 discussed.

20 Jones: Okay, does that answer your question?

21 Regan: I'm sorry, I need to jump in and correct the record
22 for a moment.

23 Jones: Sure, please do.

24 Regan: It's not, it wasn't a tandem space that he had. If

1 you look again at Exhibit C he was parking in the
2 corner. If you can look, he had space number eight
3 and then he was parking in that corner. That was
4 his second space.

5 Reznik: Well he, he said the word tandem which is why I'm
6 repeating.

7 Regan: Well that's an incorrect use of that word.

8 Reznik: I assume you knew what he said.

9 Jones: It's not a true tandem space in the sense that it's
10 not front to back, and I'm assuming that's our, per
11 our code the definition of a tandem space?

12 Regan: Correct.

13 Jones: The way that he was using it was that one car would
14 have to pull out to let the other out, but it's not
15 a true tandem, so okay. Thank you.

16 Hoopingartner: Thank you, because that's, that was my confusion.
17 So in effect then to Miss Krueger's point this is
18 the diagram without the exception of the
19 straightening of spaces nine and ten, and he was
20 simply parking in that vacant corner. Since he had
21 that space number eight he could squeeze two cars
22 in there?

23 Regan: Correct, and that configuration was verified by Mr.
24 Castillo's independent inspection on the ground.

1 Hoopingartner: Okay, thank you. That clarifies that.

2 Jones: Any other questions for the applicant at this time?

3 Bass: I have one for staff that may or may not lead to
4 one for the applicant, I'm not sure.

5 Jones: Okay, go ahead.

6 Bass: Help me understand nonconforming standards for, for
7 these historic buildings, specifically the
8 applicant is telling us that they had, we, we
9 really can't govern their parking. My
10 understanding and, and again I come at this without
11 any, any legal training at all, but my
12 understanding is that, that basically like there's
13 a snapshot in time, like when we become a city or
14 at, at a certain point at which whatever conditions
15 they have at, at that moment, which would have been
16 parking, are appropriate, but if they change it
17 from that then at that point in time the city has
18 some jurisdiction. Help me understand that a
19 little bit.

20 Langer: I think that's a pretty good understanding of the
21 nonconforming ordinance. It's not that if you were
22 built before a cityhood the rules never applied to
23 you. I think that's sort of a, a misstatement of
24 the rule, it's that it wouldn't be fair to apply

1 brand new rules to a very old building so they get
2 to maintain the status quo that they have from
3 before the new rule and if they want to expand or
4 change in some way then there's an opportunity to
5 make them come into compliance with new rules so
6 that's a statement of nonconforming generally.
7 This one is a little bit challenging because the
8 building is, is so old and I think the question
9 that everyone's trying to understand tonight is
10 what was the original condition? That is the,
11 there's, there's evidence on both sides. Was it
12 originally 13, was it originally 18? So everyone's
13 trying to work out what is the condition they're
14 required to stay at and then if they change.

15 Bass: So a follow up. The 1985 document shows that there
16 were 18 spots. That seems very clear to me.

17 Langer: Yeah.

18 Bass: But --

19 Langer: I'm going to let, I'm going to let staff address
20 that --

21 Bass: But, but, but let me --

22 Langer: -- but finish your question.

23 Bass: -- follow up with my question.

24 Langer: Yeah.

1 Bass: But all the evidence that we just had a very
2 lengthy conversation and it was confirmed by Mr.
3 Castillo's visit was that there were 13 spots when
4 they submitted this application. So with
5 nonconforming status, even if it was 19-, in 1985
6 it was 18, let's, let's just as-, for the purpose
7 of this question only, assume that that's accurate,
8 that there were 18 spots at that point in time. At
9 some point between 1985 and Mr. Castillo's visit or
10 1996 when these folks moved in it was reduced to
11 13. At, at what point does nonconforming go into
12 effect? Does it go into effect in 1985 because
13 that was their maximum or does it go into effect at
14 the point they applied for this COA at which point
15 it was 13?

16 Buckner: Or does it go into effect at the time it was
17 designated an historical building?

18 Langer: I don't think it goes into effect when it was
19 designated historic.

20 Bass: Where's that snapshot in time is what I'm trying to
21 understand.

22 Langer: Right. I think --

23 Reznik: And I, I would like an opportunity to comment on
24 that if --

1 Bass: I do have a follow up for you and, and, just to
2 keep --

3 Regan: (Talking over).

4 Bass: -- with this whole train of thought once I get this
5 answer.

6 Langer: The evidence that the city has in its record is
7 that there were 13 spaces. That's what the
8 existing floor plans show. That's what the records
9 from the property owner from the '80s shows, so
10 that's, that's what the evidence that the city has
11 been relying on shows that, that for many years it
12 operated with 13, so if that were to change I think
13 it would be appropriate to say that the new parking
14 rules would apply. There, there's parking rules
15 with respect to number and there's parking rules
16 with respect to size. So at some point if they
17 start changing the parking new parking spaces
18 should meet new standards and that's with respect
19 to, with depth, all of these things that we now
20 have in our code. It's not to say because the
21 building is historic we can never apply what are
22 generally applicable parking standards for all
23 buildings now in, in our code, so --

24 Bass: So I, I, I just, really on that I, because I'm, I

1 have a whole, I want to get to a point here with
2 ultimately a question for the applicant and, and
3 that is I, I want to also -- you said that all the
4 evidence that we have, I want to just highlight for
5 the record that the entire conversation we had just
6 prior to me asking this question in response to
7 Commissioner Hoopingartner's questions, the
8 applicants or the appellants themselves even
9 acknowledged that there were 13 spots in that
10 conversation, so the evidence presented here
11 tonight in this conversation identifies that there
12 were 13 spots in the conversation right there. So
13 my question is, I bring, bring to you, why the COA,
14 if you're not required to get one, why did you ask
15 for it in the COA if you weren't required to get
16 it?

17 Reznik: That's a good question, Commissioner. So the
18 person who filled out the certificate of
19 appropriateness application had work that was the
20 subject of an appropriate C of A. There were
21 fixtures being changed. There were certain other
22 things done within the garage that did require
23 that. It was I would say an over inclusive
24 application. If you look at the five items they

1 listed in there, the last one being, oh, by the
2 way, I'm going to restripe the garage to 18.

3 Bass: The, the, "oh, by the way" is something you're
4 adding now. It's not on the document.

5 Reznik: Yes.

6 Bass: Okay. No, no, the, the, the flippant, "Oh, by the
7 way" isn't on there. It's the --

8 Reznik: Item 5 in the application.

9 Bass: Yeah.

10 Reznik: Item 5 in the certificate of appropriate,
11 application says we're going to restripe, but if
12 you look at the first few items before that they
13 were appropriate subject of that and your own code
14 when it comes to the certificate, I have it right
15 here if you'll give me just one second, so Section
16 19.58.090, Certificates of Appropriateness is the
17 section, "It's required for alteration, demolition
18 and removal of individual cultural resource or
19 contributing cultural resource," etcetera.

20 Alteration is defined as and basically changes to
21 the specific, "specified character defining or
22 significant physical features of an architectural
23 or architectural appearance of a cultural
24 resource." So this, the application for the

1 certificate of occupancy filed in 2015 signed by
2 the then manager of the building says, we're going
3 to do, remove fluorescent tubing, lighting
4 fixtures. That clearly requires a certificate of
5 appropriateness.

6 Jones: So what you're saying is that --

7 Reznik: Replace lighting --

8 Jones: -- so what you're saying is that the certificate of
9 appropriateness included the parking but was not
10 limited to the parking. It was required for other
11 renovations --

12 Reznik: Right so --

13 Jones: -- that needed to be made to the garage?

14 Reznik: Yeah, so Item 3 is replace lighting with correct,
15 with, with period correct fixtures.

16 Bass: Right, but there's, there are five items on there.
17 I, I'm looking at it but --

18 Reznik: So and then when they threw in the, the, you know,
19 the striping for 18 spaces, it says, "As originally
20 designed and city registered," okay, put that in.
21 I'm just maintaining it. As soon as I saw it I, I
22 realized that. A certificate of appropriateness is
23 not required when you're painting parking spaces,
24 okay? So he threw it in there to be kind of all

1 inclusive. Again, they did everything with
2 certificates of appropriateness, followed all the
3 rules. I think this was an overly broad
4 application. Now a snapshot, and this really key
5 to our entire case, because I think you were asking
6 the right question, the snapshot is not at any one
7 point in time, because it may have changed,
8 different owners, different operators, different
9 levels of occupancy. Sometimes you had more cars
10 or less cars. The snapshot is when this building
11 got its certificate of occupancy, when it became
12 legal, 1931, 1932 when it was constructed and
13 completed. The snapshot is this is a building with
14 18 legal units and no required parking. That was
15 the law. The parking that was built and provided
16 was to try to get more rent, to be able to have a,
17 a nicer building, to attract more tenants, but it
18 was voluntary. It was not regulated. That's the
19 snapshot, and by the way the city attorney is
20 right. The fact that it's historic is irrelevant
21 to the question of legal nonconforming rights,
22 because even buildings that are not historical, if
23 they were built legally and a city subsequently
24 changes the rules you can't force them to go back

1 and change it. That's why they were legally --

2 Bass: But, but if you were to renovate it in any way you
3 would have to bring it up to all of the pertinent
4 codes, correct?

5 Reznik: So the renovation here is, it's only if you're
6 expanding the uses. That's when you lose legal
7 nonconforming status, the uses are not expanded.
8 It's an 18-unit apartment building. The envelope
9 is the same. The, the frame is the same,
10 everything remained the same.

11 Aghaei: Excuse me, sorry. The city's -

12 Hoopingarner: I believe our legal has --

13 Reznik: Yeah. Well, go ahead.

14 Langer: I, I just want to make one point about the point in
15 time in which the building becomes nonconforming.
16 It becomes nonconforming when the new code is
17 adopted.

18 Jones: Code, right.

19 Langer: So either at cityhood or when the zoning ordinance
20 was adopted, whatever, whatever that exact period
21 of time when the rules, the parking rules went into
22 effect, that would be the period of time where it
23 became nonconforming because it no longer complies
24 with your new code. That's what nonconforming is.

1 It's not a free pass for rules indefinitely. It's
2 saying you don't have to comply with this new rule
3 until you expand or, or something happens, so it's
4 the period of time that the new ordinance went into
5 effect that triggers what your existing condition
6 was.-- into effect, that triggers what your
7 existing condition was --

8 Carvalho: But if this --

9 Langer: -- and that you, and it can't be made more non-
10 conforming after that point, eventually we want you
11 to come into conformance, but you have some time to
12 do it. It wouldn't be fair to require you to do it
13 immediately, that's the non-conforming theory.

14 Carvalho: But there's no way that this could ever be
15 conforming, because we don't have the depth.

16 Langer: For the number of spaces. It could still come into
17 conformance with the size we require now for
18 spaces, which is about nine -- is nine feet a
19 standard -- eight and a half?

20 Carvalho: But they need to be -- but they need to be 18 feet
21 deep, and there's no way that you could really do
22 that in this structure, so I don't think this could
23 ever be conforming.

24 Langer: It's, I guess it -- bringing -- you -- the theory

1 would be you get more into conformance, you might
2 never be able to meet all of the parking standards
3 that exist today, but we always want to come more
4 towards our rules --

5 Carvalheiro: Sure.

6 Langer: -- than farther away from our new rules.

7 Carvalheiro: Okay.

8 Reznik: So legal non-conforming --

9 Langer: Yes.

10 Reznik: Every ordinance --

11 Langer: But we're in question-and-answer period here, so we
12 should go back to the --

13 Jones: Yes, I'm going to, like, bring this back to
14 Commissioner Bass because --

15 Reznik: I was, thought I was still an--I was answering the
16 -- I'm sorry, I thought I was answering the
17 question.

18 Jones: Yes, the question. Commissioner Bass, do you feel
19 that the appellant has adequately answered your
20 question or do you have -- want to continue?

21 Bass: Yes, I think that answers it. I have another
22 question for Staff, but we can move on with others.

23 Jones: Okay, go ahead and -- go ahead. Commissioner Bass.

24 Bass: Let me come back to it, I'm sorry. I just -- I

1 blanked.

2 Jones: I have a question. Does Staff -- okay, I'm going
3 to make sure that I'm thinking about this in the
4 right way. And looking at the somewhat unreadable
5 document, at the time that the application was
6 filed in 1985, was the applicant stating that there
7 were 18 spaces or that there was the capacity for
8 18 spaces?

9 Regan: Are you referring to the registration form --

10 Jones: Correct.

11 Regan: -- that was filed? It's unclear, well, they
12 weren't necessarily referring to the capacity.
13 It's also unclear where that parking was provided,
14 so it could be that they offered parking to the
15 tenant but it might not have been on-site, so it's
16 unclear.

17 Hoopingarner: It's my understanding that a number of tenants both
18 today and back in the day parked next door at The
19 Lotus, so could that have been the reference to the
20 fact that there was available parking for these
21 tenants, it wasn't necessarily in this building?

22 Regan: Sure.

23 Hoopingarner: Thank you.

24 Jones: Right, but we don't have anything that's contained

1 in the Staff Report to support that beyond any
2 testimony we might've heard this evening, correct?
3 I mean, I'm just trying to -- we have some evidence
4 here that is in conflict with one another, and I,
5 you know, it sets, I think it's why that makes this
6 so nuanced and multilayered, so I'm just, I'm
7 trying to determine, so they were just saying that
8 there were 18, 18 of the units had parking, but it
9 wasn't specified where that parking was?

10 Regan: Correct.

11 Jones: Like in the garage, outside of the garage, whatever
12 the case might be?

13 Regan: Right, and my understanding is The Lotus and the
14 Palacio were owned by a single owner at that point,
15 so there could've been other spaces there next
16 door.

17 Jones: Okay. That isn't --?

18 Regan: Right, we do not know.

19 Jones: Okay.

20 Regan: Yes.

21 Jones: Thank you. Go ahead, Sue.

22 Buckner: Lauren, can you go back to the findings that you
23 read to us in the beginning, because I think that,
24 for me, that's where I need to go to with this,

1 because if we're going to approve the Staff Report,
2 which would require us to affirm the revocation of
3 the Certificate of Appropriateness, we have to be
4 able to make those findings, right? So can you say
5 them again so we can focus on that? Because I need
6 to focus there.

7 Langer: Yes. It's in 1980-060 for Permit Revocation. "The
8 circumstances under which the Certificate of
9 Appropriateness was granted has been changed by the
10 Applicant to agree that one of the more findings
11 contained in the original Certificate of
12 Appropriateness can no longer be made in a positive
13 manner, and that public health, safety, and welfare
14 require the revocation. Or the improvement
15 authorized in compliance with the Certificate of
16 Appropriateness is in violation of any code," so if
17 there's, if this creates a Code violation, "Or the
18 improvement or use allowed by the Certificate of
19 Appropriateness has become detrimental to the
20 public health, safety, or general welfare or the
21 manner of operation constitutes or is creating a
22 nuisance as determined by the review authority."
23 So those are the three relevant revocation findings
24 that the Commission would need to find in order to

1 revoke the Certificate of Appropriateness as to the
2 parking (talking over).

3 Buckner: I'm still having a hard time holding onto that.

4 Langer: It's a lot.

5 Buckner: Do you have --

6 Langer: The findings --

7 Buckner: Can I see that piece of paper?

8 Langer: Staff, Staff prepared some proposed findings, which
9 are similar to the proposed findings that the
10 Director made at, after his Director's hearing, and
11 those are on page -- they start on page 2 of 7 of
12 the Resolution.

13 Bass: Commissioner's, Commissioner Buckner's questions
14 actually reminded me of my question. When it comes
15 to public safety and welfare, we have prescribed
16 parking sizes, parking stall sizes for a reason,
17 and I don't believe it is arbitrary, I believe that
18 those were adopted for a reason. Is it possible
19 that we have those for the public safety and
20 welfare of residents, the size of those, or is that
21 something I'm just grasping at? I mean, has the
22 City already adopted and said, we're adopting these
23 parking sizes because that's what's safe for
24 vehicles?

1 Langer: Yes, I think all parking regulations are for safe
2 and efficient operation of parking vehicles in
3 parking spaces.

4 Bass: Because I think that's what's missing is that maybe
5 --

6 Langer: And entering and exiting.

7 Bass: Maybe we're not being very specific on these spots
8 and saying, you know, you can't have this number of
9 spots for, you know, because it's inconvenient to
10 this person or that person, and I'll tell you, if I
11 can offer some comments here, and that is that I,
12 an ex of mine lives in an old building, where, and
13 he drives a Fiat, at one point, while we were
14 dating, he got his parking spot changed from one
15 side of the parking garage to another because of
16 his Fiat, they said this new person has a bigger
17 car, he, they need your spot, you need to move into
18 this other spot, and that happens, and he was fine
19 with it because it was easier to move in and out,
20 his car than the other person's, so those sorts of
21 things happen, but so the inconvenience factor,
22 although I would hate it myself, I can't see that
23 we can make the findings off of that, but if it
24 truly is the safety and welfare, and I do believe

1 the property maintenance and people's vehicle
2 safety is something that we can consider, and not
3 just physical harm to an individual, but people
4 have a certain expectation that their cars aren't
5 going to get banged up when they pull into their
6 parking garage, a certain level of expectation, I
7 park on the street and I expect mine not to get
8 banged up either, but you should see the bumper on
9 my car, so it happens, but -- so I think that we
10 adopt those sizes for the welfare of our residents,
11 in general, and so although some exception will
12 have to be made because of the historic nature of
13 this building, I just don't know that -- I don't
14 know that this size is accomplishing that, but I --
15 I don't know. I just -- I'm undecided at this
16 point.

17 Jones: I'm -- oh, sorry. Go ahead.

18 Buckner: You know, there's -- these issues are quite
19 difficult, as you can see, we're all having
20 difficulty with this. I think that what we've got
21 going on is a conflict in different in different
22 codes. We say that every--that we should have one
23 parking space per unit, is one of the things that
24 we -- projects that have come before our

1 Commission, that we have that, and everybody wants
2 standard-sized spaces, which requires certain
3 amount of space, but we allow tandem spaces, and we
4 allow compact tandem, and all different ways, even
5 in new buildings that come before this Commission.
6 So it's very confusing because there's parking
7 requirements like size of spaces, which we modify
8 all the time, so -- and then this is non-conforming
9 use, an old building, a historical building, and
10 how is it that it doesn't seem that parking spaces
11 have to do with architectural integrity of a
12 building? So as far as I'm concerned, I'm
13 wondering, why we're even dealing with parking?
14 And is that something that really is required, that
15 there be certain amount of parking in an historical
16 building or that we even, the City even gets
17 involved in that?

18 Langer: Well, we're here because that property owner
19 applied for a Certificate of Appropriateness, and
20 included in that, the restriping of the parking
21 spaces.

22 Buckner: So he put himself in jeopardy in a sense --

23 Langer: And --

24 Buckner: -- by doing that?

1 Langer: -- and I know that the appellant was arguing that,
2 you know, we shouldn't be dealing with this
3 Certificate of Appropriateness, but that's what
4 we're dealing with. It may not be a perfect
5 situation, if it was, we probably wouldn't be here,
6 but that's the permit that was issued for this type
7 of activity, and if Staff has determined that that
8 activity on the site isn't appropriate, they've
9 taken the action to revoke it, the appellant has
10 appealed that decision, and so that's the type of
11 permit that we're --

12 Buckner: So --

13 Langer: -- that we're looking at today.

14 Buckner: So we're also talking about public safety and
15 damage, and there's been evidence provided here at
16 this hearing that there have been no, nobody's been
17 injured in that parking, in the parking garage, no
18 cars have been damaged, and I don't know if we can
19 make a finding that there's a problem here for
20 public safety. It's certainly inconvenient, and
21 it's certainly difficult, and I understand the
22 outrage that the tenants that have been there for a
23 long time, but I'm not sure that we can, since
24 we're asking to make some legal findings, that we

1 can actually make those findings to affirm the
2 Director's position, I mean, I guess if you want to
3 put it that way. I'm having a hard time making the
4 findings and finding that we can actu--for me, I'm
5 not sure I can actually affirm and do that.

6 Jones: Okay. Ms. --

7 Buckner: Because it doesn't make legal sense. And I see you
8 shaking your head, I --

9 Langer: Well, I -- that's the difficult determination that
10 the Commission is being asked to make --

11 Buckner: So we're -- but we're --

12 Langer: -- and can you --

13 Buckner: -- supposed to use evidence --

14 Langer: That is correct.

15 Buckner: -- and the only evidence, the only document we have
16 is the 1985 document that was filed with Rent
17 Stabilization, we don't know whether the parking
18 spaces were provided elsewhere or in the building
19 or how they were, it just says that, so we're --
20 it's a legal docu--it's a document that we're asked
21 to use as evidence but it's not really clear what
22 it really meant, or what it really provided.

23 Langer: Right, and that's the purpose of a hearing, is to
24 weigh the different evidence and decide which has

1 more value to you to help support your decision,
2 that's, that's the difficult decision that you're
3 asked to make tonight.

4 Hoopingarner: But we also have evidence from a living person who
5 purchased the building who said there were not 18
6 spaces in the building in 1985. So we have a piece
7 of paper from the City, and we have a letter from a
8 living person, and per my email this afternoon,
9 Tony, you confirmed that you actually spoke to this
10 living person, and he confirmed what he submitted
11 in writing, yes?

12 Buckner: However, he's not here for us to --

13 Hoopingarner: Cross examine, understood, but --

14 Jones: Commissioner Carvalheiro, I want to go in order
15 here.

16 Carvalheiro: Yes, I agree with Commissioner Buckner. I think
17 the information provided is inconclusive, and I'm
18 going to throw a different spin on this. I used to
19 live in La Fontaine, and I currently live in Villa
20 d'Este, and we have 11 units in Villa d'Este, and
21 we have six parking spaces. The two-bedroom units
22 are required to rent a parking space from the mall
23 at the corner of Sunset and Crescent Heights, the,
24 there are many units in La Fontaine didn't have

1 parking spaces, you either parked on the street or
2 you also rented units up the street on the corner
3 of Crescent Heights and Sunset. Our spaces are 7
4 foot-four-wide, I'm very familiar with that parking
5 situation that was presented in the video, and
6 that's presented in this diagram. It sucks, but it
7 -- no one's going to die from it, I've stopped
8 wearing white pants, you know, because that's
9 obviously a casualty of, you know, parking within a
10 feet -- a foot of another car, but I can't see how
11 we can say that there's, you know, there is a
12 dangerous situation being proposed here, and
13 honestly, when I spoke to Ira this morning, I kind
14 of was shocked that we have spent so much money on
15 legal fees, and so many, so much time kind of going
16 through this through the last year, year-and-a-
17 half, I would like to see sort of a resolution to
18 this. What I see as the, this parking layout,
19 according to my experience at La Fontaine and Villa
20 d'Este, is workable, it is not ideal, but I can't
21 see how we can say that this layout could cause
22 hazard to someone's life. It is inconvenient.

23 Jones: Commissioner Aghaei.

24 Aghaei: I have to concur with Commissioners Buckner and

1 Carvalheiro. I'm not going to reiterate what you
2 guys said, but I agree. The other, I mean the two
3 issues I have is, one, the 1985 Rent Stabilization
4 document that cites that there are 18 spaces.
5 Agreed, we don't know if they were on-site or off-
6 site, but there were 18 that were cited, and the
7 other issue I had is Exhibit 10B, the application,
8 I think it was for this Certificate of
9 Appropriateness, Item 5, it says, "18 vehicles as
10 originally designed." So, yes, I -- I would not be
11 in favor of the rec--of the -- I would be in favor
12 of supporting the applicant's appeal. The
13 appellant's appeal.

14 Jones: Commissioner Hoopingarner.

15 Hoopingarner: So, to the point of "as originally designed," I
16 think we've all agreed, we have no blueprints, we
17 have no record of 1930, so the statement on the
18 application of "as originally designed," I can't
19 make that finding. That there were 18 spaces in
20 1930. In addition, having grown up in Michigan,
21 and being a little bit of a car buff, the cars that
22 they had in 1930 would have never fit in 18 spaces
23 of any configuration in this building, so to make a
24 statement that there were 18 spaces in this

1 building in the original design, I find to be
2 frankly impossible. There were no cars, unless you
3 did have a Model A or a Model T, but all of the
4 cars in the 1930s, and remember, this was a high-
5 end building, this was marketed as a high-end
6 building, we're going to have high-end cars, and
7 those were going to be big cars. We called them
8 boats, because that's what they were. They got
9 gallons to the mile, not miles to the gallon.
10 Again, the finding of the 18 spaces in the 1985
11 document, personally, I see a document where the
12 owner went, oh, I got to fill out this new form,
13 they went, check-check-check down the page, and to
14 my discussions with the renters they were told, you
15 have parking, it's first-come first-served, if you
16 could find a space, you can park, but if you're
17 number 16, you're not going to find parking. And
18 the fact that we have the owner of 10 years, who is
19 an experienced landlord, building-owner. If I
20 understand this is the person that owns Phyllis
21 Morris, and all of the property that's going to
22 become Robertson Lane, this is a landlord who would
23 have changed the parking to increase parking could
24 they, because they understand the value of the

1 parking. That said, as far as the findings,
2 safety, I'm going to have a minor disagreement with
3 a couple of my colleagues. If you've ever had a
4 serious bruise from a door swing, and I know of
5 someone who's had an embolism from a serious bruise
6 and twisting your body to get out of those spaces
7 can cause bodily harm. To speaking to welfare, if
8 you've got to repair your car, that costs money,
9 that affects the welfare of the tenant. If
10 nobody's had any problems in the past three years,
11 great, but I do not think that it's a life-and-
12 death safety issue, but I do believe that there are
13 safety issues in this space. To the second finding
14 in the Staff's Report, that the dimensions were not
15 accurate, I think that's true. On the owner's
16 application, they're in fact missing, the columns
17 were not drawn to scale, and truly identifying the
18 spaces that would be afforded to these tenants.
19 And finally, I'm still at a quandary about the
20 renters that have leases, that had spaces, who had
21 their space size downsized, and at what point do we
22 say, yes, we have ordinances, but never mind, yes,
23 we have renter protections, we're the renter city,
24 you know, we are here to protect our renters, and

1 yet to say, well, but in this case, it's going to
2 help out a couple of other renters but if you've
3 been paying rent here for 20 years, we can go ahead
4 and downsize your space, I'm not feeling very
5 comfortable with that. So, I think this whole
6 process, frankly, could've been managed far better,
7 on the part of all parties. My personal preference
8 would be for the parties to come to a table and
9 figure out a way to work this out, number one,
10 perhaps would be grandfathering in the existing the
11 renters with the better spaces, but that said, I
12 haven't made up my mind yet.

13 Jones: By existing renters, Commissioner Hoopingarner, do
14 you mean the renters who were there pre-stripping?

15 Hoopingarner: Existing prior to the --

16 Jones: Right.

17 Hoopingarner: -- purchase and restripping.

18 Jones: So I have a question for Staff, a procedural
19 question as regards our decision here tonight. Is
20 this a we're supporting Staff's recommendation or
21 we are not, is there any middle ground to which we
22 might be able to come, and I'm not alluding to
23 anything, because I have, don't know what that
24 might be, but I'm just wondering in terms of

1 issuing a decision and coming to a vote, what our
2 options are here. Or could we condition it in a
3 certain way, or is it just a yes or no?

4 Langer: There's not really conditioning from a revocation -
5 -

6 Jones: I knew you were going to say that.

7 Langer: -- the only other option available in the Code is a
8 modification to the Certificate of Appropriateness,
9 that has a different set of findings, I think Staff
10 would have to do some analysis as to whether they
11 would support, if they would have findings to
12 support a modification, some sort of middle ground,
13 but there is no way to condition a revocation --

14 Jones: Okay.

15 Langer: -- you're either --

16 Jones: That's what I thought. I just --

17 Langer: -- revoking the permit --

18 Jones: Okay. Can I ask a question of the appellant?
19 Could you please come up to the podium? That you
20 know of, are there any tenants currently living in
21 the building who are not parking in the garage
22 because they cannot park in a space?

23 Reznik: Anybody? So every tenant has a space. I mean,
24 that's just confirmed. Mr. Hussey just confirmed

1 that for me, so -

2 Jones: Every tenant of the 16 who are currently --

3 Reznik: Every one --

4 Jones: -- inhabiting the building?

5 Reznik: Yes.

6 Jones: Okay.

7 Reznik: Everyone has a space.

8 Jones: Okay.

9 Hoopingarner: And are they using the space?

10 Reznik: If they're not using a space, they, you know,
11 haven't asked us to pay for anything off-site, and
12 there's no street parking on Fountain that I'm
13 aware of, so I don't know where they'd be parking.

14 Hoopingarner: I'd like to -- do we, Mr. -- the two tenants have
15 answers quick?

16 Bass: I think without bringing them up, he said earlier
17 that there is a tenant who couldn't fit into the
18 spots. My recollection of his testimony was that
19 he said there was a tenant who can't fit in the
20 spot and rents next door at some cost.

21 Carvalheiro: Right.

22 Bass: Yes.

23 Jones: Ms. Regan also has something she wanted to add.

24 Bass: I believe that that was what I heard earlier.

1 Regan: At the Director's Hearing, I just want to -- there
2 were five tenants who testified at the Director's
3 Hearing who said they are no longer parking in the
4 garage because they can't do so, so they're parking
5 elsewhere, they're being forced to park elsewhere.

6 Jones: And are any of those tenants here tonight?

7 Regan: I don't know.

8 Buckner: However, it's not part of the Staff Report, we
9 can't consider that information.

10 Jones: But -- that's exactly right, and I waited -- that's
11 --

12 Bass: We have the minutes from the Director's Hearing in
13 our Staff Report, so I would suggest that it is
14 part of our Staff Report.

15 Buckner: But does it say that?

16 Bass: I would need to reread it, I don't recall reading
17 that.

18 Jones: And that was also as of February, and I don't know
19 who still lives in the building and who does not.

20 Reznik: And we would deny that they can't park there, or
21 that they're not parking there.

22 Jones: Okay.

23 Reznik: Mr. Hussey can provide more insight on that.

24 Jones: Okay, thank you. I think it's important for us to

1 consider what's included in the Staff Report, and I
2 don't, I'm not going to take it any further, unless
3 there's anyone in the audience here tonight who is
4 currently a resident of El Palacio who is only
5 parking outside of the parking garage because they
6 cannot fit their car in the space. Okay. I'm
7 going to weigh in where I'm at with this. I've
8 been, you know, just to bird's-eye-view this, and
9 go to 30,000 feet for a minute, when we consider
10 projects, and we have public hearings, or have a
11 situation like this, which I personally never had
12 in -- since I've been on Commission, you know, the
13 biggest complaints that we get are about parking
14 and traffic, and as anyone who has ever been to the
15 City of West Hollywood knows, you know, these are
16 things that we all deal with on a daily basis. I
17 am a neighbor of Commissioner Carvalheiro's, I also
18 live in a legal nonconforming building with some,
19 there's been some liberty given to some of the
20 spaces. I would also just posit the question it as
21 a commercial use, has anyone ever tried to park in
22 the Whole Foods parking lot? At Santa Monica and
23 Fairfax? Yes, exactly. I think what I want to
24 make sure that I, the message that I deliver this

1 evening from my mind is that we are being fair to
2 all of the people who are currently renting in the
3 building, and I, you know, recognizing that there
4 are people who have lived there for longer than the
5 past, you know, since the restriping occurred, but
6 you know, on the one hand, I think about, well, if
7 you can't park in a space then it kind of doesn't
8 matter whether there's a parking space or not, but
9 I also don't want to take viable parking spaces
10 away from people who are actually using them. That
11 corner, which I pass multiple times a day, I think
12 is mostly red zone, I don't think you can park on
13 that part of Fountain at all, so I tend to be in
14 agreement with Commissioner Buckner and
15 Commissioner Carvalheiro and Commissioner Aghaei,
16 and then I don't know that I can make the findings
17 to support the findings we need to make to support,
18 you know, revocation of the Certificate of
19 Appropriateness there by upholding a decision made
20 in the Director's Hearing. I'm struggling with
21 that. Public safety and welfare, I don't know if
22 we have a, it's a pretty broad term, I mean, if no
23 claims for personal injury or damage to vehicles
24 have been filed, I find it hard to believe that

1 there would be reason for us to make a
2 consideration of that. I mean, again, I get that
3 it's an inconvenience, but that's kind of, that's
4 really where I'm at right now. I think I would
5 tend to agree with the Commissioners I noted
6 earlier and move into discussion, but given that
7 there isn't, this isn't a kind of traditional
8 hearing, this is an appeal hearing, unless someone
9 has a modification they want to propose, I would, I
10 think I would likely vote to not support Staff's
11 recommendation at this time.

12 Aghaei: Am I free to make a motion or do we have to close
13 the public hearing?

14 Jones: Do we have any -- do we have any further
15 Commissioner comment?

16 Carvalheiro: The only thing I can add is that I'm a testament to
17 the fact that you can park in seven-foot-five
18 parking spaces, because that's how I've lived for
19 the last three years, when I lived at La Fontaine,
20 they were even smaller, and we dealt with it. It
21 is possible.

22 Aghaei: I, with that, I'm going to make --

23 Bass: I, I -- I just --

24 Aghaei: Okay.

1 Bass: Our chair mentioned earlier wanting to find a
2 middle ground. I would love to do that here, I --
3 I think that the -- I'm going to support the
4 majority on this, because although I think we could
5 find, make those findings, I think they would be,
6 like, would just barely be making those findings.
7 So I think that maybe a COA wasn't required here.
8 I think that, I think that the comments of the
9 Commissioners after I spoke were fairly persuasive,
10 because I really was right on the fence, but I
11 wanted to speak up just because I think that there
12 is, right now, I asked earlier what the count was,
13 and there are 15 spots being used, not 18,
14 currently, from what our calculations were earlier.
15 Maybe there's a way that the landlord could just
16 work with those 15 spots with the people who are
17 there? I know we can't condition it, but I can say
18 it out loud, that I wish that they would do that,
19 and with that, I'm going to support the appeal.

20 Hoopingartner: And I would concur, I think, there's a lot of
21 pieces here that are incomplete at best, but
22 parking is parking, and having an available space,
23 and yes, I would agree with Wendy about having to
24 crawl through the back of your hatchback is not

1 ideal, but I would encourage the landlord to do
2 more than talk, but to actually take some action,
3 this has been going on for two years, and to
4 accommodate those that had leases, that had
5 expectations, that under the intent of our rent
6 stabilization guidelines, would dictate that those
7 tenants be given priority for the spaces
8 commensurate with the spaces that they had when
9 they signed their leases. I think that this has
10 taken far longer than it ever should have. Thank
11 you.

12 Aghaei: I'm going to make a motion to grant the appellant's
13 appeal.

14 Regan: So we would have to come back next month with the
15 findings to support that. We would bring a
16 resolution back next month.

17 Aghaei: Okay, understood.

18 Regan: Or next meeting.

19 Gillig: Commissioner Aghaei, seconded by Commissioner
20 Buckner.

21 Jones: All right, let's call the question to make a note
22 that the public hearing is now closed.

23 Gillig: And the motion carries unanimously. Resolution
24 will be brought back.

1 Jones: All right, I'm going to -- I think we can -- are we
2 okay with just continuing and getting through the
3 rest of our agenda items? Is that okay? All
4 right. Thank you. Please try to keep the noise to
5 a minimum as we're going to continue the meeting.
6 So moving on to Item 11, New Business, there is
7 none. Item 12, Unfinished Business, we have none.
8 Item 13, Excluded Consent Calendar, there is none.
9 Item 14, Items from Staff, 14A, Planning Manager's
10 Update.

11 DeGrazia: None this evening.

12 Jones: Great, thank you, David DeGrazia. Item 15, Public
13 Comment. Do we have any speakers at this time?

14 Gillig: No speakers at this time.

15 Jones: Thank you. Any items from Commissioners? Item 16.
16 No. And with that, I will come to Item 17,
17 Adjournment. Adjourning this meeting. We will
18 adjourn to a regularly-scheduled meeting on
19 Thursday, October 4th, beginning at 6:30 p.m.
20 Thank you everyone for coming out tonight.

21

22 **PASSED, APPROVED AND ADOPTED** by the Planning Commission of
23 the City of West Hollywood at a regular meeting held this 18th day
24 of October, 2018 by the following vote:



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CERTIFICATE AND

DECLARATION OF TRANSCRIBER

I, JENNIFER CANDELA-ALVAREZ, hereby declare as follows:

I am located at 21220 Devonshire Street, Suite 202-B, Chatsworth, California 91311. I am the person who transcribed the foregoing Planning Commission minutes of September 20, 2018. **Staff Present:** Antonio Castillo, Associate Planner; Alison Regan, Staff Attorney; David DeGrazia, Current & Historic Preservation Planning Manager; Lauren Langer, Acting Assistant City Attorney; and David Gillig, Commission Secretary. **Commissioners Present:** Chair Jones, Vice-Chair Carvalho, Commissioner Aghaei, Commissioner Bass, and Commissioner Buckner, Commissioner Hoopingarner. Commissioner Altschul was absent. Various public speakers were also present.

I have transcribed this meeting minutes to the best of my ability and certify that this written transcript is a true and accurate account thereof. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I further certify that I am not of counsel or attorney for any of the parties in the foregoing matter or in any way interested in the outcome of the matter set forth in this transcript.

EXECUTED this 28th day of September 2018 at Chatsworth, California.

A handwritten signature in black ink, appearing to read "Jennifer Candela-Alvarez". The signature is written in a cursive style.

JENNIFER CANDELA-ALVAREZ
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