



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**August 6, 2009**

West Hollywood Park Auditorium  
647 N. San Vicente Boulevard, West Hollywood, California 90069

**1. CALL TO ORDER:**

Chair DeLuccio called the meeting of the Planning Commission to order at 6:40 P.M.

**2. PLEDGE OF ALLEGIANCE:** Harriet Segal led the Pledge of Allegiance.

**3. ROLL CALL:**

Commissioners Present: Altschul, Bernstein, Buckner, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, David DeGrazia, Senior Planner, John Chase, Urban Designer, Terri Slimmer, Transportation and Transit Manager, Anne McIntosh, Deputy City Manager / Community Development Director, John Keho, Planning Manager, Christi Hogan, Assistant City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, August 6, 2009 as presented. **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. July 29, 2009**

**ACTION:** Continue to Thursday, August 20, 2009. **Motion carried by consensus of the Commission.**

**6. PUBLIC COMMENT.** None.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Hamaker commented on the National Night Out Against Crime and thanked everyone for their participation.

Vice-Chair Yeber commented on the National Night Out Against Crime and thanked everyone for their participation.

**8. CONSENT CALENDAR.** None.

## 9. PUBLIC HEARINGS.

### A. **8811 Santa Monica Boulevard (Eleven). Conditional Use Amendment Permit 2008-005:**

Continued from Thursday, January 29, 2009, Thursday, March 19, 2009, Thursday, May 21, 2009 and Thursday, June 18, 2009.

John Keho, Planning Manager, representing Christopher Corrao, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, August 6, 2009.

He provided background information and stated the applicant is requesting to extend the current hours of operation, which are 11:00 am to 2:00 am Monday through Friday, and 10:00 am to 2:00 am Saturday and Sunday.

The applicant requests to extend the hours to 8:00 am to 2:00 am Sunday through Thursday, and 8:00 am to 4:00 am Friday and Saturday.

He read into the record a statement of concerns from the West Hollywood's Sheriff's Department.

Staff is recommending approval in part with respect to the request to open at 8:00 am daily, and denial in part with respect to the request for extended hours to 4:00 am.

Commissioner Hamaker questioned the crime statistics.

Vice-Chair Yeber requested clarification of businesses in the area regarding closing hours

Commissioner Guardarrama requested clarification regarding business license protocol and operations if there are problems with a certain establishment.

Commissioner Guardarrama disclosed for the record he made a site visit and met with the applicant and applicant's representatives.

Commissioner Hamaker disclosed for the record she made a site visit and met with the applicant and applicant's representatives.

Commissioner Bernstein disclosed for the record he made a site visit and met with the applicant and applicant's representatives, and discussed matters as contained in the staff report.

Chair DeLuccio disclosed for the record he exchanged messages with the applicant.

Chair DeLuccio re-opened public testimony for Item 9.A

TODD ELLIOT, LOS ANGELES, applicant's representative, presented the applicant's report. He provided a detailed history of the project and spoke on neighborhood meetings, the installed sound mitigation device, noise and sound issues, code compliance tour of the facility, communication between the establishment and West Hollywood Sheriff's Department, and on-going neighborhood communication. He stated there are currently no outstanding code violations. He requested approval of the requested extended business hours.

SHARON SANDOW, LOS ANGELES, West Hollywood Chamber of Commerce, spoke in support of the applicant's request for extended business hours until 4:00 A.M.

JOAN HENIHAN, TOLUCA LAKE, Chair, West Hollywood, Chamber of Commerce, spoke in support of the applicant's request for extended business hours until 4:00 A.M.

ED STERLING, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise issues.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of the applicant's request for extended business hours until 4:00 A.M.

SAM BORELLI, WEST HOLLYWOOD, spoke in support of staff's recommendation.

PAUL NICHOLLS, WEST HOLLYWOOD, spoke in support of the applicant's request for extended business hours until 4:00 A.M.

ARTHUR KHAYAT, WEST HOLLYWOOD, spoke in support of the applicant's request for extended business hours until 4:00 A.M.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

TODD ELLIOT, LOS ANGELES, applicant's representative, presented the applicant's rebuttal. He spoke and detailed neighborhood livability, noticing process, and stated this business needs to stay competitive.

Vice-Chair Yeber requested clarification regarding security issues.

Commissioner Altschul requested clarification regarding [supposed] fist fights at the establishment.

Commissioner Guardarrama requested clarification regarding the sound dampening system.

Chair DeLuccio questioned if the applicant would be amenable to an added condition requiring a sound dampening curtain at the exit doors.

Todd Elliot, Los Angeles, applicant's representative, stated his client would be amenable to this condition.

**ACTION:** Close public testimony for Item 9.A: **Motion carried by consensus of the Commission.**

Commissioner Hamaker commented on the site visit, the deejay music inside the establishment and the lack of sound (music) outside the establishment. She spoke regarding the recent soundproofing and would be amicable to a closing time of 3:00 A.M. She stated businesses need to stay competitive in this economic period.

Commissioner Guardarrama commented on the site visit, the deejay music inside the establishment and the lack of sound (music) outside the establishment. He stated there should not be a noise impact to the surrounding neighborhood. He commented on the establishments' clientele and mitigating the impacts to the surrounding neighborhood in regards to foot traffic. He suggested added conditions: 1) security vehicles patrolling Larrabee Street (with handouts stating "quiet") during the extended hours; 2) food shall be served during the extended hours of operation; and 3) sound dampening curtains placed on the exits (with the approval of Code Compliance). He stated his support of a closing time of 4:00 A.M.

**Commissioner Guardarrama moved to: 1) direct staff to bring back a resolution of approval on Thursday, August 20, 2009 with the following added conditions: a) allowing Eleven to be open from the hours of 8:00 A.M. to 4:00 A.M., Fridays and Saturdays, and opening everyday at 8:00 A.M.; b) security guards shall patrol Larrabee Street; c) security guards shall hand out cards to the patrons going up the residential streets asking them "to be courteous to their neighbors"; d) food shall be served during the hours of extended operation; e) sound dampening curtains shall be placed at the open exits, to the approval of Code Compliance; f) patrons who leave during the extended hours, shall have to pay to re-enter the establishment.**

**Seconded by Commissioner Hamaker.**

**Commissioner Altschul requested: 1) security guards shall patrol Larrabee Street between the hours of 2:00 A.M. and 4:00 A.M.**

**Commissioner Guardarrama agreed to this amendment to the motion.**

**Commissioner Hamaker agreed to this amendment to the motion.**

Commissioner Altschul stated his concerns regarding the neighbors who are disturbed by the noise emanating from the establishment. He supported the West Hollywood Sheriff's Department's recommendation of closing the establishment at 2:00 A.M. He spoke regarding sound mitigation and sound justification. He stated his concerns with the noticing requirements not adhered to by the applicant.

Vice-Chair Yeber stated he was amicable to a closing time of 3:00 A.M. He stated his support of the steps taken by the applicant regarding noise issues. He has concerns regarding public safety issues, and after-hours street activities and disturbances. He stated he would like to see a closing time of 3:00 A.M. for a six or twelve month trial period, then a review.

Commissioner Buckner stated her concerns by allowing this establishment to stay open until 4:00 A.M., other establishments would likely follow this precedent. She spoke on noise issues and neighborhood livability.

Commissioner Bernstein commented on his site visit and had concerns with the early morning hours and video screens visually accessible from the street. He would like to see some kind of conditions placed regarding early morning activities.

**Commissioner Guardarrama added an amendment stating: 1) there shall be no live entertainment, dancers or video visible from the street before 12:01 P.M.**

**Commissioner Hamaker agreed to this amendment to the motion.**

**ACTION:** 1) Bring back a resolution of approval on Thursday, August 20, 2009 with the following conditions: a) hours shall be 8:00 A.M. to 4:00 A.M., Fridays and Saturdays; b) opening daily at 8:00 A.M.; c) security guards shall patrol Larrabee Street; d) security guards shall hand out cards to the patrons going up residential streets asking them "to be courteous to their neighbors"; e) food shall be served during the hours of extended operation; f) sound dampening curtains shall be placed at the open exits, with the approval of Code Compliance; g) patrons who leave during the extended hours, shall pay to re-enter the establishment; h) there shall be no live entertainment or dancers before 12:01 P.M.; and i) video shall not be visible from the street before 12:01 P.M. **Moved by Commissioner Guardarrama, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

**AYES: Bernstein, Guardarrama, Hamaker, Chair DeLuccio.**  
**NOES: Altschul, Buckner, Vice-Chair Yeber.**  
**ABSENT: None.**  
**RECUSED: None.**

**B. 8819 Dorrington Avenue.**

**Variance Permit 2008-003:**

Michael Barney, Assistant Planner, representing Christopher Corrao, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, August 6, 2009.

He provided background information and stated the applicant is requesting an after-the-fact variance that would allow for the conversion of a detached garage into an accessory structure in the rear and side yards of the property. Specifically, the applicant seeks a variance from the single-family home covered parking requirement and from the requirement that roofed accessory structures not occupy more than 50% of the rear yard setback.

He detailed the Zoning Ordinance regulations regarding after-the-fact variances.

Staff recommends denial of the variance to allow for conversion of a garage to an accessory structure.

Commissioner Hamaker questioned the current use of the property.

Chair DeLuccio opened public testimony for Item 9.B

RUDY COLE, BEVERLY HILLS, representing the applicant, presented the applicant's report. He provided detailed background information and spoke regarding current usage of the property and parking. He stated the requested approval would be fair, would not harm the neighborhood and has the support of the people most directly involved. He requested approval.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

RUDY COLE, BEVERLY HILLS, representing the applicant, presented the applicant's rebuttal. He stated and detailed the findings of fact.

Commissioner Hamaker questioned the timelines of the building process.

Commissioner Guardarrama questioned why the applicant continued construction after citations were issued.

Rudy Cole, Beverly Hills, representing the applicant, stated the citations were issued after construction.

Chair DeLuccio questioned the current use of the structure.

Commissioner Buckner questioned the size of the current structure.

**ACTION:** Close public testimony for Item 9.B: **Motion carried by consensus of the Commission.**

Chair DeLuccio had concerns with a circulated petition stating the structure is a garage, when in fact it is not being used as such, it is misleading. He stated the findings cannot be made for a variance.

**Chair DeLuccio moved to: 1) approve staff's recommendation of denial.**

**Seconded by Vice-Chair Yeber.**

Commissioner Hamaker could not support the after-the-fact variance.

Vice-Chair Yeber had concerns with a circulated petition, stating it is misleading. He commented on fire and safety issues and the fact construction still proceeded after a citation was issued. He could not support the after-the-fact variance.

Commissioner Buckner had concerns about construction issues, even after a citation was issued. She could not support the after-the-fact variance.

Commissioner Bernstein commented on "grandfathering".

**ACTION:** 1) Deny the variance; 2) Adopt Resolution No. PC 09-879 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING VARIANCE 2008-003, FOR THE AFTER-THE-FACT CONSTRUCTION OF AN ACCESSORY STRUCTURE IN THE REAR YARD, FOR THE PROPERTY LOCATED AT 8819 DORRINGTON AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.B. **Moved by Chair DeLuccio, seconded by Vice-Chair Yeber and passes on a Roll Call Vote:**

**AYES:** Altschul, Bernstein, Buckner, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.  
**NOES:** None.  
**ABSENT:** None.  
**RECUSED:** None.

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:05 P.M. AND RECONVENED AT 8:15 P.M.**

**C. 9040-9056 Sunset Boulevard.**

**Administrative Permit 2006-006, Billboard Permit 2006-001, Conditional Use Permit 2006-007, Demolition Permit 2006-008, Development Agreement 2006-001, Development Permit 2006-010, General Plan Amendment 2006-001, Specific Plan Amendment 2006-001, Vesting Tentative Tract Map 2006-004, Zone Text Amendment 2006-001, Environmental Impact Report:**

Applicant is requesting to develop approximately 268,805 gross square feet of mixed uses including 102 hotel rooms, 46 fractional-ownership market units, 20 condominium units, and approximately 37,940 square feet of commercial uses, comprised of retail, restaurant, conference rooms and a spa. The project requires an amendment to the Sunset Specific Plan to allow for a maximum height of 128 feet for the hotel component along Sunset Boulevard (Site 7D) and a maximum height of 109.25 feet for the buildings along Harratt Street (Site 7E), as well as an increased FAR of 4.07. The allowed height for Site 7D is 45 to 100 feet and for Site 7E is 35 feet. The allowable FAR is 2.75.

**[VERBATIM TRANSCRIPTION]**

*Provided and certified by Written Communications, Inc.*

**DeLuccio:** *Okay, we're going to call the meeting back to order. Okay, we're now going to do 9.C., Final Public Hearing of the evening and it's...the location is 9040 Sunset Boulevard and we're going to start with the staff report and I think Ann McIntosh wants to start.*

**McIntosh:** *Yes, thank you, Chair DeLuccio. Good evening Commissioners. I just wanted to say a few words again to set the context for our report tonight before David DeGrazia gives the actual staff report. You might be surprised to hear me say this given our staff recommendation, but the proposed mixed use project before you tonight is a unique and exciting opportunity for the City of West Hollywood. We do appreciate the innovative design solutions for this very complex site and the bold architecture. We would like to see a hotel at this end of the Strip. And we'd like very much...we like a lot of what's being proposed. So why are we recommending denial in the staff report? I think one of the challenges we have here is that we did a fairly extensive job, doing some advanced planning for this site 15 years ago when we adopted the Sunset Specific Plan and as proposed, this project currently goes beyond those policy guidelines for the site. So in the*

*absence of some new policy direction, staff does not have the sort of parameters within which to evaluate this project on this site. We'll say that we have learned through the process of trying to implement the Specific Plan that the goal of lot consolidation that the Specific Plan envisions at this corner or these two corners is simply not going to happen. And so we would like to seek your direction. We are hoping that tonight as you review this project and you hear from the applicant and from staff and from community members that you will be thoughtful about what this site might offer and what might be the appropriate use for it and you'll hear that you do have the option of denying the project. If you feel that the project does have merit, we want to hear from you the aspects that you feel can work and then we would go back and work with the applicant to bring that revised project to you, or that project to you in an approvable form. So again, I encourage you to have a good discussion tonight about the land use and what direction we should be taking with this site and with that, I'll allow David to give the report.*

**DeGrazia:** *Thank you. The site is located within the Sunset Specific Plan area. The northern portion of the site fronting Sunset Boulevard is designated as a portion of target site 7D and the southern portion of the site fronting Harratt Street is designated site 7E. The project is a mixed use hotel development of approximately 268,805 square feet. The proposal requires an amendment to the Sunset Specific Plan to allow for a maximum height of 128 feet for the hotel component along Sunset Boulevard, which is site 7D and a maximum height of 126 feet for the buildings along Harratt Street as well as an increased floor area ratio of 4.07. The allowed target site height for Site 7D is 45 to 100 feet and for site 7E is 35 feet. The allowable target height, target site floor area ratio is 2.75. The northern portion of the project site would include 102 hotel rooms, 16 fractional units and 37,940 square feet of commercial uses. The largest building component of this site would be the proposed Sunset Hotel building, which would be approximately 128 feet in height above Sunset Boulevard. The southern parcel would be developed with 20 residential units and 30 fractional share units. The condominium and fractional share units would be located on a landscaped podium that would form the roof of the parking structure below. The building height within this portion of the site would transition from a height of approximately 126 feet within the northern portion of this development area to a height of approximately 32 feet within the southern portion of the site as measured by Harratt Street. I'd like to turn it over now to John Chase, the City's Urban Designer, to talk about the urban design of the project.*

**Chase:** *I wanted to begin this section of the staff report by saying that we just as in all other aspects of this project, we reviewed the architecture and the urban design of the project within the very specific context of the Sunset Specific Plan, the General Plan and Zoning Code of the City of West Hollywood so that when you read the statement the building is not a landmark, it means that it's not a landmark in the sense that the relationships and the benefits envisioned by Sunset Specific Plan and other documents have been fulfilled. It is not a judgment about it being a unique or a memorable building or a striking building in the general sense. So I want to make it clear in what sense we're speaking and that we're using the documents and the tools that we have to evaluate the building in a very specific way. The main things that we were concerned with that led us to...that are part of the reason that staff was recommending denial were that the...there was the lack of public access to views, there were some deficiencies in the design of the plaza on Sunset, and blank façade for the base of the hotel tower along Doheny and that some of the centerpieces of the architecture are not visible from those prominent locations and that there are...this building mass particularly towards Harratt and Doheny in the southern section of the lot that is much greater than was contemplated by the Sunset Specific Plan and has a much stronger impact than was ever envisioned during the creation of that document. And then the sighting of the tower, which is there in order to not block the view of the tall wall, has a, among other effects, has the effect of moving the tower mass further south where it is closer to residential development. So those were the things that we focused on in evaluating the building and I don't want to take too much of your time, there's a much longer urban design analysis section in the report itself and if you have any questions, we're here to answer them. Thank you very much.*

**DeLuccio:** Okay, thank you. I think it...go ahead.

**DeGrazia:** Oh, thanks John, I'd like to now turn it over to Luci Hise. She's from PCR, the firm that prepared the Environmental Impact Report. She will go over some of the comments that were received and the Final EIR.

**Hise:** Thank you. Okay, the Draft EIR was circulated for a 48-day comment period, public comment period from October 17<sup>th</sup>, 2008 to December 4<sup>th</sup>, and during that time period as you recall, there were two Planning Commission meetings held. There were 25 comment letters received on the Draft EIR, three of these were from public agencies and 22 were from individuals or representatives of Homeowners Associations. The common issues that were raised in the letters had to do with land use and more specifically, the intensity of development, emergency access and concern with traffic and limitations of service providers being able to get to an emergency, traffic, more specifically circulation and parking, and historic resources with regard to the building on the site. The purpose of a Final EIR is to respond to each of the comments that are received that raise environmental issues or questions about the content of the document. There needs to be a good faith reasoned analysis in responding to the environmental comments and as you probably saw in the Final EIR, there are other comments that express opinions and those are acknowledged and passed on to the decision makers. Another purpose of a Final EIR is to make any corrections or additions to the Draft that are necessary. The findings of the Final EIR is that the project would result in significant and unavoidable impacts with regard to construction air quality, construction noise and to three intersections and two roadway segments and with these significant impacts, there would need to be the adoption of a Statement of Overriding Considerations, which I'll address in just one moment. Certification of a Final EIR means that the lead agency has considered the EIR, that they've...that the decision makers have reviewed the EIR prior to taking any action on the project and that the Final EIR has been completed in compliance with CEQA. Statement of Overriding Considerations, as I indicated the project would result in significant and unavoidable impacts and that means if that occurs and if a project is to be approved, the lead agency would need to adopt a Statement of Overriding Considerations and essentially what that means is that there needs to be a balancing of the benefits from the project against the unavoidable significant environmental impacts that would occur. So it's essentially saying that the benefits of the project outweigh the impacts that would occur and therefore those impacts may be considered acceptable. And that concludes the portion on the EIR.

**DeGrazia:** Thank you Luci. I'm just going to switch presentations here. Staff did prepare three different slides here to look at. Basically what you're looking at is the target site height and massing in this slide. With the heights that would be allowed and the 2.75 FAR, if you look at the sort of, looks like a brown/gold color, that's the outline of the building that could be built, so it would go from 100 feet at Sunset Boulevard down to 45 feet for a small sliver there in the middle of the parcel and then it would drop down on site 7E to 35 feet. If the site was not considered a target site, the FAR drops down to 1.5 FAR and the height maxes out at 35 feet, both for site 7D and for site 7E. Again, if you look at this, the brown/gold color is that 35 feet height limit. The outline in the back is the proposed structure. If you look at the section here, what we're basically showing is the boundary between site 7D and 7E. The left of the line going through the middle is Sunset Boulevard section at site 7D. To the right, which would be the southern portion of the site, that would be site 7E, which currently would have the 35 foot height limit and would be limited just to residential uses. As Ann was saying, the Sunset Specific Plan was adopted back in 1996. Due to the age of the plan, it is not unusual and staff expects the applicants will seek to amend the Plan for individual projects. In this case, staff is supportive of the proposed mixed use hotel concept for the site. However, staff doesn't support the project based on the following reasons: First, the project places increased height and bulk along Harratt Street in the southern area of the project site where the impact is greater on the adjacent lower scale of residential neighborhood. Second, the project as proposed far

*exceeds the density for the site contemplated by the Sunset Specific Plan and does not meet all of the urban design criteria for an expanded target site. Third, the project has been reviewed in accordance with the California Environmental Quality Act and will result in three significant and unavoidable impacts to air quality, noise and traffic. The proposed...lastly, the proposed project is inconsistent with the General Plan, Specific Plan and the Municipal Code. Based on this analysis, staff recommends the Planning Commission adopt the attached Draft Resolution denying the proposed project. Alternatively, if the Commission would like to approve the project in its current state, then Commission can direct staff to continue work on the development agreement and return at a later date, or the Commission may direct the applicant to revise the proposal and return with a modified project. That concludes the staff report and we are available for questions.*

**DeLuccio:** *Okay, thank you. Unless there's any burning questions right now, maybe we can hold them and get right to the public testimony. And the applicant will have up to 20 minutes and I have this...I have four slips for the applicant, so I'm going to call Steve Afriat up and then you can divide out the time accordingly.*

**Afriat:** *Thank you, if I could ask to hold our time if the Commission's pleasure is to have our model moved so that you and the public can see it a little bit better.*

**DeLuccio:** *Okay.*

**Afriat:** *Thank you.*

**DeLuccio:** *You're welcome.*

**Altschul:** *How about take a three minute break so everybody can get up and look at the model right now?*

**DeLuccio:** *Yeah, why don't we just take a little, like a one minute break so everybody can have an opportunity to look at the model? And while we're doing that, please no discussion. And the public is also invited to come up and look at the model if they'd like. Okay, I think we will continue with the public hearing. If everybody would kindly take their seats. Okay and before we do hear from the applicant, I think we actually should do disclosures. Sue, do you want to start with disclosures?*

**Buckner:** *Yes, I had a meeting with the applicant's representative, Mr. Afriat, and we discussed the project only inasmuch as issues are covered in the report.*

**DeLuccio:** *Thank you, Alan?*

**Bernstein:** *Over the time that I've been on the Commission, I've had several conversations with the applicant and the applicant's representatives about this project where we've discussed matters solely contained within the report.*

**DeLuccio:** *John?*

**Altschul:** *And I have had the same as Alan and about matters that are covered in the...extensively in the staff report.*

**DeLuccio:** *Joseph?*

**Guardarrama:** *I met with Mr. Afriat and Mr. Arnone and we discussed matters that are contained in the staff report and in the exhibits and nothing that wasn't.*

**DeLuccio:** Barbara?

**Hamaker:** Same.

**Yeber:** Yeah, and I had a meeting with a representative from Mr. Afriat's office along with the developer discussing the items that were contained in the report. Also, the Project Architect was a studio professor of mine back in 2001.

**DeLuccio:** Okay and I had a meeting with Mr. Afriat and we discussed matters that are in the staff report. So now would you like to take it away? And you have up to 20 minutes and David, let's, let's get it going. Thank you.

**Afriat:** Good evening Mr. President and Commissioners, I'm Steven Afriat representing the applicant. On behalf of Richard Weintraub, Eric Owen Moss Architects, Latham & Watkins and my firm, we are extremely proud to be presenting this visionary product, which is a hotel mixed use project to transform the western end of the Sunset Strip to you this evening and we thank you for the opportunity. Richard Weintraub has been my friend and my client for over 13 years. This is the seventh project I've worked with Richard on. Besides the quality and the vision he has put into all these projects, I will also share with you that everything he has promised, whether it was Woodland Hills, Downtown Los Angeles, Studio City, Westwood, he has delivered on those promises. Homeowners Associations, Neighborhood Councils rave about the quality of his work and he has built everything he has promised to build and transformed every place he has promised to transform. And I believe that's an important key because we have been waiting to see this part of the Sunset Strip's transformed and Richard Weintraub and this development is the opportunity for the City of West Hollywood to forever change and head toward the future with the Sunset Strip. With that, it is my honor and pleasure to introduce Richard Weintraub.

**Weintraub:** That all sounded pretty good to me. I'm going to keep Steve around. My name is Richard Weintraub and on behalf of my project team, I want to thank everybody here tonight. I want to thank the City Staff and the CEQA consultant for their hard work and I want to thank the Commission for taking the time to hear about the project tonight. I was born and raised in Los Angeles. I'm fourth generation of my family to live in L.A. and this project is one that's really personal to me because I spent an enormous amount of time with my family at the Old Scandia Restaurant and at my grandfather's office down the street where the Caricho Headquarters was, so we have a long history in West Hollywood and a lot of good memories of being there and it's kind of personal and important to me. I've developed a lot of projects around Los Angeles over the last 25 years and I think that DJ has the slide going so I can show a couple buildings. This is a building I built in Westwood, which was try to emulate some...I used...I owned a lot of buildings in West Hollywood along the Fountain Corridor so this was try to emulate the feeling of bringing the cool part of the old courtyard and Spanish architecture to West Los Angeles, which didn't have a lot of good architecture. The next slide, this is St. Vibiana's, which is the original Archdiocese of Los Angeles, which was told it could not be restored and in the middle of the night a Judge got out from the Conser...due to the Conservancy and we were able to restore the building to the way it was finished in 1876. This is the new interior of the building. The next slide is a building that I built on Wilshire in Westwood, which was to emulate the Bullocks Wilshire or deck architecture called the Californian. This is the entrance to the building. And the last project, my most recent project is the Malibu Lumber Yard in Malibu, which was a, sort of an organic reinterpretation of what was there for so long. It's a retail center and we've been very successful with it and it's received a lot of good reviews from Time Magazine on down and really excited about that project. And now I'd like to bring a project like this to the City of West Hollywood and I've worked on this project for more than six years, since I acquired the property and the property on the corner and I'm extremely proud of it and its design

*and what I think would be great for economic development and revitalization of the west Sunset Strip. I'm very fond of Eric Owen Moss's architecture and I think that he's created a really stunning what I really think is an architectural masterpiece. I think the project can get built. I think it's economically viable and what's interesting is, I've said this to some of you Commissioners before and other people, is that when you think of Sunset and Doheny in your head, you think of this really prime corner that you can take yourself mentally in your mind to and you say, well, what is actually on the corner right now and there's an empty old parking lot which is part of my property which used to be a gas station. You have a 1970's Citibank Branch, you have that building across the street which is, you know, apartments and very nondescript and you have a liquor store, and I think that that corner and that part of the Strip deserves a lot more than what exists there right now and I think this project really is the kind of catalyst that will do that to the Sunset Strip. The concept of this hotel is not to compete with the other hotels that have been approved or are existing currently in West Hollywood. It's really meant to be an alternative or the first choice to compete with other hotels in Beverly Hills like the Montage and the Peninsula that give you a much more exciting experience like being able to go out your door and go to a great concert without getting in your car or now going to the new SoHo House down the street and, you know, really create an exciting experience. If you want to go to Beverly Hills, you can turn left and turn right and go right into there. I do think the architecture is landmark architecture. I think that when I think of the Sunset Strip, I don't think of what's happening today necessarily with what has been bleeding out to the City of Hollywood and to Downtown Los Angeles, but what is the viability of the Sunset Strip which beyond my generation has no relevance. Where's it going to be in five and 10 years from today if these other parts of Los Angeles continue to take a lot of vibrancy out of it? I think this is an anchor for the property. I think...I know it generates significant tax revenue for the city, a significant amount of new jobs and will promote the city's economic growth. The experts have said that this project will generate more than \$5 million a year in taxes to the city, which you know the city gets to keep all for themselves in TOT Tax and will enable the city to continue developing, you know, a lot of their social programs and public welfare and seniors' programs. The report says that the project will generate 488 permanent new jobs, which I think is very significant. And I could go on and on, but I know we have limited time, so I'm going to wrap this up by introducing Eric Owen Moss, my architect, who is recently featured in Los Angeles Times as one of the region's visionary architects. And I want to thank you all very much and I want to introduce Eric, so thanks a lot.*

**Moss:** *Thanks very much Richard. Good evening. Privilege to be here. This is a wonderful site, a special site, an iconic site as we know, not only for West Hollywood, but the City of Los Angeles and indeed the region. So it's a unique opportunity to bring this Strip forward and move it into the future and we appreciate the opportunity to do that. This is of course a night shot. The Strip has a particular life during the day and equally unique and somewhat different one in the evening. This is the site, you know, running east/west, Sunset running north/south. Doheny, there's the corner of Sunset and Doheny. There has been a brief mention of the Sunset Specific Plan and we might discourse on that over the next hour or so. We read it very carefully. We think we're attentive to it in terms of its primary goals and aspirations and I think I want to demonstrate that to you. The views are much talked about. The views to the hills are as spectacular as the views to the basin, to Baldwin Hills and to the sea. This is a site from a closer vantage point illustrating the immediate neighbors east and west. This is the corner Richard mentioned briefly the west end of the Strip and has connotations of a special event out of West Hollywood or into West Hollywood, into Beverly Hills, out of Beverly Hills and yet the current state of affairs lacks the energy that we think we can bring to the project and then the view north up to Doheny and a project site which is right in there and a view east on Harratt, which is the southern boundary of the site and then dimensionally just to give you a sense of the scale, north/south and east/west as the project works its way from Sunset to Harratt. Let me say something brief about the*

organizational strategy and the components of the project, again this is Sunset, this is Doheny and the portions which are this yellowish orange are 38 feet high. They're sitting over the garage structure, which is below grade. There's then the component which is the hotel, as you see here in red, and then hotel and housing which surrounds a plaza space in that area. When we analyze it precisely and specifically, you'll see that there are various pieces, various masses of various sizes which link and associate and belong to one another in a very particular way, again I think which is consistent with the intentions of the Sunset Specific Plan. I also call your attention to the roof, will comment on that. That's also an issue in the landmark designation. We paid very careful attention to the roof. Here's the elevation from the north. You can see the retail pieces. As the building builds from the sidewalk moves pedestrians and visitors into the project, pulls the front of the building out so that the lowest portion of the retail reaches toward the street then moves up and then the hotel and the buildings behind. You can see the gardens on the roof. The pool on the roof. The pool itself faces the Strip. The water of the pool will be visible and you can see the gardens here in the plaza. I think this is a useful slide organizationally and I just use it as illustrative of an organizational strategy which I think is in play here. We think this project belongs specifically and only to the corner of Sunset and Doheny. There's nothing generic about this project. There's nothing prototypical. I think when you go through the pieces you'll see that it's very much a response, a tactic, a strategy, an organizational pro forma which specifically belongs to the issues that...what happened? Give me a time out. Okay, so this is the original conceptual idea and what we've done here is to open up...this is the point of automobile entry from Sunset. It's lifted up cantilevered over so that pedestrians can see clearly into the plaza and to a point here which is a slot that lets you into the hotel. This block here was originally this was rotated for a view to the corner and pushed west to open up this space. This block was pushed back meaning toward the south to open up the corner, let west and southern sunlight into the site and then extended, per some discussions that we've had with John Chase, so this glazed elevation also stretches around the corner and down Doheny. So again the specifics belong to a specific tactical strategy. I think we're getting tight on time. I did want to say something particular about the making of the building and the architectural language of the building. The north elevation of the hotel is essentially indented or pushed in in a curvilinear way, so there's a portion of the façade, which is actually a flat plane and as it recedes, it curves and then curves back. So as the curve decreases in steepness, the grid of the glass, again a point made very clearly in the Specific Plan, the grid enlarges, so it goes from a smaller grid to a bigger grid. The glass pieces are actually all orthogonal, meaning they don't curve and at a certain point, the structure of the building, the concrete structure is exposed on that wall. Again here the retail component, restaurant at the base, pushed back, pushed south, opening up the plaza and wrapping around the corner to be attentive to the elevation on Doheny. One other thing, which is I think a general operational principle in the project are these openings and cuts. There are no singular masses or blocks in the building, but this is actually a 20-foot cantilever. There are decks here on the west elevation of the building and in general terms with a plaza, with a deck in this area, with these decks and with the inhabitation of the roof, we think the building really comes to life from every direction and at all levels. This is illustrative of those points, the cantilever, the garage, the opening up of the entrance to the hotel. This is a 58 feet high, 10 foot wide slot into the hotel and the details. And then the view from the south, this is, this is of some importance, a photo(INAUDIBLE) paneled wall facing south, green horticulture canopy roof over the pool roof deck. Conceptually as the project moves from the Sunset Strip side, the glazing, the deck, the indented west elevation here, this is what we call a sky bridge visible from a number of vantage points and then the canopy. Again, details, canopy and sky bridge, elevation from Sunset, comparative building heights and then moving around the project, view from Sunset and Doheny, view straight on from the north looking up Doheny and then again the life of the building at night. Thank you. Jim Arnone from Latham & Watkins.

**Arnone:** Thank you very much. Jim Arnone, I'm a partner at the Law Firm of Latham & Watkins, a resident of the City of Malibu. I'll be very, very brief. What I'd like to add to what's been said so far is a few additional factors that I think are very important for the Commission to keep in mind. First about the scale, I think the primary question raised by the staff report is whether the project is simply too big. We don't believe it's too big. We believe it's appropriate, it's an appropriate scale for this site. I'd like to start first by saying exactly why it has this scale. For the highest end hotel operators to have a successful hotel, they typically look to have a project with about 200 keys. If you're going to have fewer than 200 keys, you have to come up with additional ways of doing financing. This project is going to have 148 keys including the fractional share units and in order to do that, you need to include some equity component where you have real estate assets that can be sold to bring in some non-lender equity into the project. So that's why we ended up with the 20 condominiums and the 46 fractional share units that will operate as a hotel room. So you pull this together and that's where we started from. We needed to have that kind of a project in order to be able to have a viable project at all. So that's how we started there. The staff report talks about the FAR. It says at one point that it's the most intense FAR in the City. That's actually mistaken. It's not even the most intense FAR in its immediate neighborhood. In its immediate neighborhood, you have the Luckman Building, which has approximately a 5.45 FAR, Sierra Towers that has approximately a 9 FAR, the Ondas that has approximately a 5.5 FAR. We also have this, which you have in your packages which shows all of the taller buildings along the Sunset Strip put in order. Ours in there in red, and you see in order where the heights are and you can see that we are not even in the middle of the range. The next one is reorganized by size and you see that we, if I can make this happen right, am I pointed the right way? Yeah, so we're there and this is organized by height, tallest to shortest. So we think for the neighborhood we're just fine. There are 13 taller buildings on the Sunset Strip. Also, when you talk about size, I think fundamentally what we need to talk about are impacts. What impacts are there on the community? And I think the staff report makes, creates a misimpression about that. It talks about moving back the tower portion off of Sunset and says it's to protect the tall wall or the 9000 building. Certainly there is a covenant on the property that requires it to be put back there. It also happens to be good urban design and consistent with the goals of the Specific Plan. The Specific Plan wants to encourage pedestrian activity along Sunset. It asks to have plazas to encourage that kind of activity. David put up an overlay that had our project overlaid with what you could do under the target site that the Specific Plan hoped to encourage and you saw this massive increase in height right at the street. That would be an inferior urban design. That would be inferior for pedestrian access and activity. What we're trying to do here is we're trying to enliven a dead end of the street. You can do that by moving the density off. Then there's a discussion about moving the density back off of Sunset, if what you're doing is putting it too close to Harratt. What Eric showed shows how this is carefully stepped back and the EIR says something very different than the staff report. The EIR says there are no significant impacts on the residential communities. There's no land use impacts, there's no esthetic impact, there's no view impacts, there are no significant impacts on any of these size related matters. So I think it's erroneous to look just at size. There is a significant impact on traffic. As to the traffic, we would point out that the target site that was hoped for would have approximately double the impacts of this project and the little boring two-story or three-story stucco box that you could build without being a target site here would have approximately the same impacts as our project because a hotel does off-peak. My time went by quickly, but thank you for your time.

**DeLuccio:** Okay, thank you. So now we'll hear from the other public speakers and you'll have up to three minutes. Maxine Sonnenberg to be followed by Jonathan Kanes.

**Sonnenberg:** *Good evening ladies and gentlemen. My name is Maxine Sonnenberg and I'm a resident of West Hollywood. I'm a resident that shows up on the images that we've been looking at. I live exactly one block west of this project in a 36-unit complex that is located in between the Luckman Building and this project. And right down the street a little bit further, I understand a hotel is coming in down by the 9000 building. So there will be three major projects in my neighborhood. I strongly suggest that we consider the impact of the existing...existence of these buildings as well as the impact of the construction. And the impact is not limited to this particular structure, which looks like it's going to be very nice when it's finished, but the cumulative impact of all three projects. We who live there will have to live with the impact of the entire gestalt, not just this one project and I think that a Planning Commission should consider it its responsibility to plan for the whole and I hope you will. Thank you.*

**DeLuccio:** *Thank you. Jonathan Kanen to be followed by Sharon Sandow.*

**Kanen:** *My name is Jonathan Kanen, I live at 999 North Doheny Drive and I thank you for allowing me to speak. First of all I'd like to thank the Planning, the staff or the Planning Commission for recommending a denial. I think that West Hollywood originally was called the Creative City. What's happening is that it's becoming a non-creative city. Yes, it's new, all new, but it's not West Hollywood anymore. It's becoming a monster. The traffic is becoming impossible. This...the traffic going up Doheny and turning right to go down the Strip, you can't move at certain times of the day and this is just going to be creating more and more of the same. Plus, I also want to say there's a little deception in the model over there because they're not giving the rise of the hill beyond Doheny, beyond 999. It shows 999, but then it goes right along and shows around the same height, but it's not the same height. It's also higher, the white plastic in the middle there. But most of all, I think Planning Commission has to consider that do they want to plan the destruction of the City of West Hollywood or do they want to create or leave alone the creativity of the city, the smallness of it, there's enough of the bigness of it. We have enough traffic, we have enough problems, we don't need more. I thank you.*

**DeLuccio:** *Thank you. Okay, Sharon Sandow, let me get that correct, and then...thank you, followed by Joan Hanahan.*

**Sandow:** *Thank you, Sharon Sandow, resident of the City of Los Angeles, representing the West Hollywood Chamber of Commerce, Government Affairs Committee this evening. With all due respect to the last speaker, West Hollywood is still the Creative City and leaving the site as it is now, which is a blighted eyesore, does not enhance creativity in this city. The project as we see here today is incredible. It's architecturally significant. It's beautiful. It's imaginative and it is green. We hope that you will approve the project. Thank you.*

**DeLuccio:** *Okay, thank you. Joan to be followed by Joe Clapsaddle.*

**Hanahan:** *Good evening again Commissioners. Joan Hanahan, a resident of Toluca Lake, Chair of the West Hollywood Chamber of Commerce. The Sunset Strip has so many wonderful aspects. What it doesn't have is really great architecture. It has architecture that is good and architecture that has been re-imagined to the best of the ability, but to have a project...my breath is taken away by this. I had no idea. It was...could be such an iconic corner in an area that is really...needs to be reinvented, Sunset and Doheny. I would tend to argue that a project of this caliber would tend to enhance, to further enhance property values of the adjacent residences. There will be a project built here. It's a question of whose project it will be, will it be a gentleman such as Mr. Weintraub who has a deep love of the City and a great family tradition of enhancing everything that they touch and also the work of an architect, Mr. Moss who has projects, major public and private projects all over the world from Russia to Mexico to Spain to Austria to China, New York City, San Francisco in our own country, the houses of*

*Tagaponac in Bridgehampton, New York. I mean celebrated work and green project as well. So I think we have the ability to do something very distinguished here and I'm sure that whatever tweaks need to be done in terms of bringing things into a mold that makes everyone happy in terms of the environment, in terms of mitigating any inconveniences in the neighborhood. I have every confidence that will be done for what is really a small hotel, at 102 rooms and a handful of, as they say up to 148 total units there. It's an empty but significant location now. I think we should take advantage of the opportunity to gain tremendous status for the City and tremendous revenue for the city and to make this happen, so thank you very much gentlemen and ladies.*

**DeLuccio:** *Thank you. Joseph to be followed by Genevieve Morrill.*

**Clapsaddle:** *Good evening Commissioners, my name is Joseph Clapsaddle, I'm a resident of West Hollywood. Have been here for some 16 years and like Madame Sonnenberg, I live a block away from the proposed project. I...my breath is taken away literally. I'm going to be a little emotional now because I feel like tonight something happened here and I think it stems from the past few years when I've appeared before you and been involved with the City. There seems to be a unity and a mutually respected goal in how we're proceeding. I take this from the staff level, from Mr. Chase and from...and I hope this is not inappropriate, but from Ann Browning-McIntosh who I welcome her input on the City and to all of you who have the responsibility for this project. I'm just so proud that I think we can come together and make a project of this significance work. Overriding Considerations have been discussed by previous speakers, but it's an honor for me to come to you and to support this development. Sunset, the Strip is at a crossroads. We've all discussed this. This project, this upscale destination project, this anchor, this iconic look to the western end of the Sunset Strip will be of immeasurable benefit to our community and I urge you to find a way to make it all work. I'm especially pleased that we will be adding a second major architect to our community in Eric Owens Moss. So ladies and gentlemen I won't take any more of my time, but I did want to let you know that I think this is a project which we need to approve, which we need to proceed with. Thank you so much.*

**DeLuccio:** *Thank you, Joseph. Genevieve to be followed by Norman Chramoff.*

**Morrill:** *Thank you, good evening Mr. Chairman, Commissioners. I had a whole speech prepared, but as I was listening to Richard Weintraub and Eric Owen Moss, it occurred to me that it felt very familiar to me.*

**DeLuccio:** *I have to stop you. You need to state your name and city of residence.*

**Morrill:** *Oh, I'm sorry, Genevieve Morrill, Los Angeles.*

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

**Morrill:** *And I had that written down, Donald. Mr. Chairman. All right, so Genevieve Morrill, Los Angeles, and I am so excited that Eric Owen Moss is...that Richard Weintraub is proposing a building here in West Hollywood with this amazing world class architect. You know, it became very familiar to me as I was listening to them that this is so similar to a developer like Richard Weintraub who has the capacity to develop an area of a gateway of West Hollywood on the iconic Sunset Strip and to really signif...he has the capacity to really do what needs to happen to that area. And it would redefine what the future is, as Richard said. You know, I understand the issues that have been put forth by staff about the Specific Plan and I would hope that we would revisit that. It was written 12 years ago. We're in a different environment today. We're in a different world and I would think that West Hollywood as...on the cutting edge of leadership as we are that we would revisit and look at this project. It fits with the City's core values, it's economic development and is eco-friendly. So the question is, does size really matter? This project*

*is not just about esthetics. It's about economics and our world has shifted and shouldn't we adjust with it? Our economy needs this development, the end of West Hol...of Sunset Boulevard has a great opportunity to create a gateway, something that we've always wanted for West Hollywood. So this is a profoundly significant development. I hope you would revisit it and look at reconsidering and approving this project. Thank you.*

**DeLuccio:** *Thank you, Genevieve. Norman to be followed by Elena Goldenberg and then Julie Summers.*

**Chramoff:** *I'm Norman Chramoff, 44 year resident of West Hollywood. I am really glad I listened to everybody because there's this great misnomer. Forty-four years ago when my parents and I came here this was a cheap place to live, but it was ugly as hell, to be honest. You know, some of us hope to grow old here. That is the future. That's what I want to look at. People keep talking about how we've ruined West Hollywood. You know what, I was prettier than West Hollywood then. I've grown old. I want to talk about impacts. I live a block off the Strip and in the middle of the City, do you know what we have problems with? When we have problems with hotels or businesses, we get it mitigated, we scream, we talk to people, do...the eyesore of my life that I can't get mitigated are the two buildings that I face and the tenants in there who stay up all night, can't get landlords to move. When there's a problem at the Standard, we go there, we talk to somebody, somebody does it eventually. There's this great misnomer that there's...that these projects bring terrible impacts on the community. I'd love to open my window and look out at that. I don't open my window anymore because the noise that bothers me are the people who live in those buildings and the buildings are ugly. So I think we need to look at this as not only being the great economic thing for the City, it's gorgeous and for God's sakes, people have to stop saying that, that we've made the City look terrible. It has gotten better and I really have to emphasize, the impact is much more on how we residents handle each other than these businesses. Thank you.*

**Goldenberg:** *Good evening Commissioners, my name is Elena Goldenberg and I'm resident of West Hollywood for 15 years plus. I really love this project. I'm also mother of two children, teenagers, and my daughter works across the street of this future project. And when I share with her about this new project's coming on, she was so excited, she said, "Wow, it's going to bring so much life and business into this side of the Sunset." And I really excited also because it is kind of an empty corner and it is kind of a little bit dead right now and the project and the people who brought it, it's so beautiful especially right now in this economic. We all know what is economic right now and it's going to bring a lot of jobs. I have teenagers, you know, they're growing up, they going to look for a job for some time. Who knows, maybe it's going to be their future and also it's going to bring so much money to the City. We can build a lot of beautiful, more a lot of beautiful things or bring a lot of beautiful stuff. So it's going to be kind of revitalizing Sunset Strip and economic development is going to be great for the City. I am for this project and I ask you to please proceed and say yes for this project. Thank you very much.*

**DeLuccio:** *Thank you, Elena. Julie Summers to be followed by George Murphy and then Harriet Segal.*

**Summers:** *Good evening Commissioners. My name is Julie Summers, proud resident of West Hollywood. As a property owner east of the proposed project, I am in favor of Sunset/Doheny, the Sunset/Doheny project being built. I trust the project will be well integrated into the surrounding area and believe it will revitalize the neighborhood. Thank you.*

**DeLuccio:** *Thank you.*

**Murphy:** Good evening Commissioners, my name is George Murphy. I moved to West Hollywood the first time in 1974 and I've stayed in the area since then. I had a condominium on Olive Drive and I currently reside in a condominium at 930 North Doheny, which is again a half block away from this proposed site. There is a dead zone on Sunset. Scandia left, the Cock & Bull left and what we have is highest best use as a ghost pasture. This...it's nothing there. My wife and I like to go to the Sunset Strip to have something to eat, dine out, so we walk up there and we have to walk to Sunset Plaza to find something. It shouldn't be that way. And this hotel will bring the life it desperately needs and we're right next door to Beverly Hills and we have something to be ashamed of. Now isn't that too bad? And this will help us. Thank you.

**DeLuccio:** Thank you. Harriet Segal to be followed by David Dud and then Esther Baum.

**Segal:** Harriet Segal, City of West Hollywood. The pictures or the photos that Mr. Weintraub showed of the buildings he has done, are just gorgeous. They are just beautiful and this building is very, very nice too. However, Mr. Weintraub had said that the site deserves a lot more than that there is now. I think the key word is a lot more. I mean, there's just so much that you can do on this lot and to encroach on the residential area, there is a significant impact on Harratt. When you're putting up a building that is eight stories, 109 feet, where all the other buildings on the build...on the lots are 35 feet and that is what is allowed. Also, these setbacks, I mean if the building were built like it is, you'd have setbacks of five feet and eight feet. That's nothing. I mean you can practically hand a piece of paper across to the...if somebody is living in those little two-story buildings, they can hand a piece of paper or a cup of water or something to somebody over in the hotel there if it's that close by. The financial aspects are not your consideration. When people come to West Hollywood, they are not guaranteed a livelihood or anything else as many of you recall have been said...a lot of you remember Lester Hirsh. That was his mantra that we do not guarantee a livelihood. Good heavens, if they did, I could ask my condominium to reduce the rents, the Association dues that I pay, we're all getting hardships. This is a nice place, a good place for a hotel and a nice room, but to encroach on the residences is too much. I think it has to be scaled down quite a bit and that's all I have to say about that, so I hope you deny the project and let them go back and redesign it.

**DeLuccio:** Okay, thank you Harriet. Is David Dud here, D-U-D? Esther? Followed by Kate Bartolo.

**Baum:** Esther Baum, resident of West Hollywood. I always used to like it when the people who are living there say they don't want the construction noise and disturbance, but it was all right when their building disturbed the area, but now that it's finished, they don't want any other. I don't think that should be a consideration. I think this is a magnificent building, will add to the City. I remember when there was Scandia and the Cock & Bull and Macombo and the Traccadero and Cerro's and all the places I went to when I was growing up. I think it's wonderful that we have a triple A fund rating because we have the hotel tax income and this will add to it. It will add jobs and ambience. And I think that's what we need, back to where it was in the 30's before things started deteriorating. And I think this is a wonderful city and I'm very proud of it.

**DeLuccio:** Okay, Kate to be followed by Erin Anderson.

**Bartolo:** *Kate Bartolo, resident 8990 Lloyd Place, West Hollywood. I pick and choose the projects that I support very carefully. One of the ones most recently that I'm proud to have supported is the Pavilions, which after 10 months opened. I think it's spectacular. The construction mitigation was remarkable to the point that I'm a block and a half away and I literally experienced no negative impacts. I'm here today to support this project with a request for certain design modifications. In urban planning, small is not always beautiful. It can be boxy. Big is not always better. It can be vertical without articulation. What I think matters about this project is the manner and way in which it's articulated and the massing is broken up. I've...my personal review of this early on was that the elevations really didn't do it justice. I think that the result is really a symmetry of the design and the massing that befits a gateway project, which cannot be underestimated. You know, at Sunset...at Doheny and Santa Monica Boulevard, that potential for a gateway project has long languished. We need one at the northernmost anchor of West Hollywood. Now to be sure, I still believe it needs some design modifications and refinements and I would recommend that it be sent back to Design Review. The...I very much agree, as I always do, with John Chase with regard to the need for an open plaza, more articulation and identity befitting a gateway project at Doheny and Sunset at the corner, at the hotel base. You know, I'm one of those who...I was never really enamored with the Sunset Specific Plan. I very much appreciated the public process, the level of input and the thoughtfulness that went into it. But by the time I began reviewing it, I really saw that it had some inherent flaws. I believe it to be a document from which to build at this point because I think that there are certain flaws that now need to be remedied. These developers are not looking to in any way skirt the process. Indeed they're going through a remarkably complex maze of public approvals, but what I think is important is that we not become straight jacketed by the constraints of the Specific Plan. That Specific Plan is 15 years old and it shows. As it relates to height, I'm related to Mr. Arnone, I did my own assessment. There are 14 other buildings in West Hollywood that are taller. Among them, Sunset...the Sierra Towers is 32 stories and 352 feet. So I support this project. I do agree with Mr. Arnone about the hotel economics. Thank you.*

**DeLuccio:** *Thank you, Kate. Erin Anderson to be followed by Paul Steinbaum and then Jason Roundy.*

**Anderson:** *Good evening, Erin Anderson, a resident of West Hollywood and for those of you who know me, I do just want to make it clear that I'm speaking solely as my personal motivation as a resident of the City. With this project and the requests that are in front of you, I'm hoping that you're agree with me and...excuse me, approve the requests that they've laid before you and set forward a vision for West Hollywood 20, 30 and further years into the future. The restrictions on this application are from a 15-year-old document, as everybody has made clear, and it's impractical to use those for the site. Between several years for construction and several more years before this project would reach its maturity, we I think...I hope can all agree that where some of us might disagree on applying a 15-year-old document to today, at 25 and 30 years those documents and that Plan's findings will be outdated. For businesses, for residents, for people like me and for people who have come here before, it's West Hollywood's progressive nature that is the draw and the shining light. This site, this project has taken that progressive nature and invited it into a built form between its massing, it's articulation and it's this overall site plan and conceptualization. I hope that that same progressive nature will be applied and seen by you guys to pull our collective vision of what West Hollywood can look like in the long term and bring what will be a landmark for real people and a landmark for everyone who sees this building rather than just a landmark as a word in a file in the Minutes in the West Hollywood history. I hope that you'll be able to approve the discretionary requests they've given you tonight and thank you for your time.*

**DeLuccio:** *Thank you.*

**Steinbaum:** He was very articulate. Hi, my name is Paul Steinbaum and I'm a resident of West Hollywood and in fact I'm a resident of 1014 North Doheny, which is the building that is the most directly impacted by this project. It sits in its shadow. Let's just say that I appreciate really good architecture. I find this, this design to be extraordinary and for the most part, I'm excited as well that something is going to be developed on that corner. I think it...I've waited a long time for that corner to be developed. Having said that, I would be less than genuine without saying that I have a responsibility to my Homeowner's Association and to all the people that live in my particular area because we literally are surrounded and will be surrounded, dwarfed and totally immersed by this project. When I went to view the original plan a couple years ago at a grammar school there behind me on Hammond, I think at that time I was concerned about the size and the density and I spoke to one of these gentlemen behind me and I gave them my phone number and I said, "We'd like to be somewhat involved in what's going to be here." I'm now standing before you telling you that nobody in my building, we have eight owners, nobody in the building also next to me which has about 20 people living there, have ever been contacted by the developer nor we ever been in any meeting or we have been a part of any of this development, so we are somewhat angered at that. So I stand before you really basically to support the staff because I do feel that the project as it stands should be denied. I am excited about something to be there. I would hope that the developer would make some effort to talk to us and maybe talk to us about, you know, the height that will now when we sit in our courtyard, we'll just be looking at a glass building. Right now we're surrounded by trees. I have to assume that those trees would disappear and there will just be walls there. That does not appeal to any of us and I'm somewhat concerned also with the talk about real estate values maybe going up with this project. Maybe it will, I don't know about our particular real estate values, I know that I have a relative that lives on Lindbrook in West...in West L.A. and they're right behind Wilshire Corridor and all the Wilshire high rises that went up that now look down into their backyard and they can't even barbecue, they can't sit in their pool without everybody looking down. I'm afraid this building might do that to us.

**DeLuccio:** Sir, you live on the north side of...sir, I have a question.

**Steinbaum:** I'm sorry.

**DeLuccio:** You live on the north side of Sunset?

**Steinbaum:** I live on the south side of Sunset directly next to this project. They're moving their setback right down towards us, so their hotel would be directly against my building and so we would look out our window and just look right at them now.

**DeLuccio:** Thank you for that clarification.

**Steinbaum:** Yeah.

**DeLuccio:** Okay, very good.

**Guardarrama:** Excuse me, sir? What's your address?

**Steinbaum:** 1014 North Doheny and I'm here representing 1006 North Doheny as well.

**Guardarrama:** Okay, thanks.

**DeLuccio:** Thank you. Is Jason here? To be followed by Jeanne Dobrin.

**Roundy:** Hi, my name is Jason Benedict Roundy. I am a resident of the City of West Hollywood. I actually live at 1114 North Park, which is about three blocks away from the proposed development. And I had a bunch of structured stuff to say, but I'm not sure that's really all that valuable right now. Somebody used the term dead zone, which is a really, really good description for pretty much everything west of where I live. It could really use a shot in the arm and I hope we give it one. I have no reason to walk down to Sunset and take a right. I don't bank at Citibank, I don't bank at B of A. I'm a little scared of the Hustler store. So there's no reason for me to do that. I'm not sure if there's actually like an opposite to the term night life, like day life, but it would be nifty if there were such a thing. Like the day spa they're talking about like a restaurant that was actually worth eating at. So there's a lot here which I think actually at least deserves consideration and I know there's all this technical stuff like height and size and stuff like that, and I get that, but something beautiful where we could actually do something before happy hour really wouldn't be a bad idea for the City. Thank you very much.

**DeLuccio:** Okay, Jeanne Dobrin to be followed by Brad Baskin. And Jeanne you have three minutes.

**Dobrin:** Jeanne Dobrin, a resident of the City of West Hollywood. Mr. Moss of course is a distinguished architect and Mr. Weintraub told Mr. Moss what he wanted, but sadly, that desire failed to meet the criteria of our West Hollywood's governing documents. There's a General Plan, the Sunset Specific Plan, the Zoning Ordinance and the Municipal Ordinance. I agree that this would be a beautiful building with one exception. I personally do not like the Sunset façade, which is like...it's a concave wall. If you put an egg up against it, it would fit. Other than that, Mr. Moss has quite a reputation so I bow to that. The...these are a few things that bother me. The building is too massive and it's on a street where our parking, our Transportation Manager has told us that all the intersections, the level of service is F and worst. On Sunset it's 11 stories, on Harratt it's nine stories, which is an insult to the people living in those buildings on Harratt. That's triple of what is allowed under the Sunset Specific Plan. Mr. Weintraub hasn't been able to partner with his neighbors, so this is not a target site and he is seeking all of the benefits of a target site. It cannot be. Another thing that I do not care for and that's up to the initial person, I don't like timeshares. We were able to keep the Lamont Hotel from having timeshares and I think everybody in this room knows that timeshares have a very smarmy reputation. People who have them and don't like them find it impossible to sell them. I do not care for that at all. The taller buildings...we became a city because we didn't want to have tall buildings. I personally started to get involved because of a building that they wanted to build on Doheny of 22 stories. That's a little more than this. But nevertheless, this developer also has an agreement with the owner of the 9000 Building whose west wall has a tall wall on it. And in order to accommodate that, I don't know if it's a secret or a personal agreement that he has with him, he has to site his building in such a way that again it interferes with the Sunset Specific Plan and I think that if they make those agreements between themselves, the City should not be held hostage to what they did...they particularly did. I support the staff and I resent very much...it's really the Development Director is now coming to you and saying in effect we should approve this because it's so wonderful. I think that you should do what our staff has said. Thank you.

**DeLuccio:** Okay, thank you, Jeanne. Brad Baskin to be followed by Nic Adler. Nic Adler will be our last speaker after Brad.

**Baskin:** My name is Brad Baskin. I was born and raised in Los Angeles and had the opportunity to own property on Palm Avenue recently. For four years I lived there.

**DeLuccio:** Yeah, can you please speak right into the mic?

**Baskin:** Yeah, I was born and raised in Los Angeles.

**DeLuccio:** You could lift it up actually if you want. Thank you.

**Baskin:** Thank you. Sorry about that. Born and raised in L.A. and had the opportunity to own real estate in West Hollywood for four years. I just recently sold a condo on Palm Avenue and I noticed throughout those four years and the previous years that just degeneration of the area. I'm a friend of Richard Weintraub's and was actually really excited when I learned that he was working on a project here and asked him if I could come to speak on behalf of it only because I really think the area needs rejuvenation and I think that any type of vote against this project or a project of this type in the area is really allowing the hemorrhage of dollars that's going further east and I think it's time that, you know, just to keep some money in the area and allow these businesses to thrive as they should. I also want to note that I was here for the SoHo House meeting and this place was packed to the brim and I just...I think it's interesting that it seems pretty empty given the scope of this project and so it just seems to reflect the community's lack of opposition in general. Thank you.

**DeLuccio:** Thank you. The last speaker is Nic Adler.

**Adler:** My name is Nic Adler, City of Los Angeles. I am the owner of the Roxy Theater. We've been on Sunset for 35 years. I do also remember when Scandia and Cock & Bull and those places when I was a little kid and how much energy was on this Strip. And people were walking up and down the Strip and that's something that I'd like to see again and I'd like to mention Boa. When you come into the City now and you have the energy of Boa and you turn that corner, it kind of sets you up for what's to come in the City and then it seems like you hit Doheny and the energy goes down a little bit. So to have an anchor and an icon on that would really act as a gateway. I know that's something that we're looking up...at on Sunset is some type of gateway and I think some iconic architecture project like this would definitely be something like that and also I'd like to talk about the project that Richard did in Malibu, which was, you know, in a very iconic place and it's...and it seemed to be difficult to make that location any better, but his project there has definitely brought new life and energy to a place that was very vibrant and I think that's similar to what we have on Sunset. We have a very great base of businesses. The Roxy, the Whiskey, the Viper Room, the Cat Club, we're all very hungry for someone to come in and give us some business and revitalize that area. So, thank you for your time. I support the project.

**DeLuccio:** Okay. So now I'll ask Steve Afriat for the...Jim, for the applicant.

**Arnone:** This is Jim.

**DeLuccio:** You have....

**Arnone:** Jim Arnone.

**DeLuccio:** You have up to 10 minutes. I'm sorry, I didn't mean to interrupt you.

**Arnone:** No problem. Jim Arnone, play acting as Steve Afriat for the rest of the evening. I think this Commission has heard from many of the speakers a tremendous enthusiasm. An enthusiasm to do something special on this corner where something special should be done. I think that's a critically important consideration for this Commission when you think about what to do tonight. There's discussion about the Sunset Specific Plan and how much variance from it you can tolerate. Well, something to keep in mind that the Sunset Specific Plan was crafted about a decade and a half ago. It contemplated that there would be 10 target sites including the sub-sites, that there would be 10 target sites where they wouldn't all be developed, but many of them would be

developed and the purpose was to create economic activity on this, the main boulevard where you're supposed to have economic activity in this City. It has failed to do so. Of the 10 target sites, nine have not been developed at all, one has been only partially developed with some retail. That's the Sunset Millennium target site. There hasn't been the expected and intended consequence of the Sunset Specific Plan. That excitement, that revitalization, the promotion of business activity in the City simply hasn't occurred. So now as we're looking at the last quarter of the 20-year duration of the Sunset Specific Plan, this Commission should ask itself, as the Director has suggested to give...whether you need to give some different guidance to the staff about what should be happening here. There's no reason to think that what hasn't happened for the first 75 percent of the duration of the Specific Plan is suddenly going to happen now. Also, this project is different than currently allowed by the Sunset Specific Plan. Of course, that's why we're asking for a modification. However, it's not different from all of the goals. The key goals it promotes. The Sunset Specific Plan calls for the development of what is referred to as human scale development on Sunset. That's exactly what this does. With the low rise iconic structures right up at the street with plazas, that's what this creates, human scale development. You wouldn't want a very tall wall right on this corner, even though that's what the Sunset Specific Plan would allow as a target site. It also calls for things like the Sunset Specific Plan calls for broad plaza entrances, direct access from the sidewalk. We've got those. It encourages pedestrian activity. We're doing that. It encourages variable building height so you don't have a wall effect and that's what this is doing. This project has variable building heights and there's no wall effect anywhere here. It doesn't block any significant public views. That's what the EIR concludes. It exceeds the Specific Plan standards for open space and landscaping. There are no significant impacts for shadows on any of the residential areas and the height transitions downward as you go to Harratt and the EIR with extensive line of sight diagrams and analysis concluded that the way this has been designed, no accident, that's why Eric designed it this way, it's not going to be even visible to the vast majority of residents to the south. That's why there is no significant impact and that's what the City's EIR concluded, that there is no significant impact on land uses or on the residents to the south. It's going to be shielded with the existing trees. We've offered up a condition that the existing trees would be maintained. If anything were to happen to them that they would be replaced and with those existing trees, you actually won't be able to see anything more than the most modest peek-a-boo view through the trees from right across the street on Harratt. I say that with some hesitance because we aren't trying to hide this building. I don't think people look at this and say this is a building you should hide. We're not trying to hide this building. What...but it's true and that's what the EIR concluded that it will be barely visible to the south. There's questions about setbacks. I wanted to...do I have the clicker? I wanted to mention the setbacks. Let me find the diagram that'll help. So, when we're talking about setbacks, remember that setbacks talk about distance setback from a property line. There is I think an error in the staff report. It refers to the southernmost part on Harratt being 58 feet high. It's actually 32 feet high. There is a 58-foot component setback further, but the first setback is at the 32-foot level and what I wanted to point out if I can do this laser thing is what we have and what we...what we're looking at when you see the setbacks, you see how there is a garage plinth where down here you've got condo units. That's the three-story high condo units. You see the existing trees that'll be maintained. Then you see these figures here are the taller buildings. So when we're talking about setbacks, we're talking about the points there and there that get closer to the property line. So this part is much shorter. When we...when you look in the...at the diagrams, keep in mind that this part, the taller parts are just these points that get close. This structure on the neighboring property is a carport. This is a driveway. This is a big gap before you get to any of the actual apartments that currently overlook a driveway and a carport. Coming over here, you've got the setback from Harratt and by the time you get to the 58-foot component here on the south, which is right there, by the time you get there, the distance between there and the street is approximately 23 feet. So that is not the very small setback that it might otherwise appear to be. There were some comments made

about design issues, about design refinements. It is certainly possible for a condition to be imposed that when you go to...when you go past the schematic site...phase that we're at now to the design development phase, we could come back and have comment with Design Review Subcommittee. I worked on the PDC Red Building. We did exactly that. I worked on the Ondas Project. We did exactly that. In both of those times, there were some concerns about design. Obviously the design will be far more refined and if there's a desire to come back, we can certainly come back at that time. There's discussion about the fractional share units. I mentioned them briefly before. I'll go in more. I want to be clear that these are not South Florida timeshares. These don't have kitchens. These are not the sort of thing that you might be thinking about when you're thinking about a timeshare. These are a financing device. They will generate TOT. We have offered up a voluntary condition to be in the Development Agreement so that they will generate TOT exactly like a hotel room and nobody's allowed to stay for more than 30 days in any of them. So please don't think of it like what you might be imagining of one of those cheesy timeshares. That's not what it is. We're asking for a development agreement. We're asking for a development agreement because there's a basic reality that we need to deal with. I submitted to the City and to the Commission earlier today a letter from somebody who's an expert in hotel and real estate financing. I hesitated about doing it because frankly what he says is pretty obvious. We're in a worldwide recession right now. Things aren't being built right now. In order to build something when there's an opportunity to do so, you need to have land use entitlements already solidified. We will miss the window of opportunity if we do not get a development agreement that has enough duration so that we have entitlements locked up when it is economically possible to proceed then you will miss the window. That's the only way things get done. I have land use projects in many jurisdictions and we are all seeking extended entitlement so that that can happen. It's the reality we face now and without a development agreement with an adequate term, the project can't proceed. Now we presented a development agreement following the City's standard form back in April. I know it's not before you now. I would ask that your direction if you're inclined to approve the project include a direction to staff that they bring back to you a development agreement. We are happy to negotiate with staff about what the terms, the total duration and any financial consideration should be in that, but I would ask that if we don't come to terms at this point, you do what you've done with many other development agreements, like PDC, like Sunset Millennium, and you can approve it as to form and send it to Council for the further completion of negotiations. That is exactly what we did with the PDC, that is exactly what we did with Sunset Millennium. The term and the financial consideration was determined at the next stage. Keep in mind too that this is going to be the economic engine. There were...this is intended, Sunset Strip is intended to be a place where economic activity happens and this is going to generate it's estimated approximately \$5.1 million a year in tax revenue. That's TOT, retail sales and property taxes to the City of West Hollywood alone and a lot more to other entities. In my last few minutes I wanted to say that there was a lot of community outreach done. We did two community meetings with a 500-foot radius. We participated in five city-sponsored public meetings and we had a bunch of additional meetings. Robert Colonian isn't here tonight, so I wasn't able to get a specific response to the gentleman's comment, but we had done a lot of outreach and I thank you for your time.

**DeLuccio:** Thank you. Now we're going to take...we're not going to close the public testimony. We're going to leave it open, but I wanted to see if there's any questions of the applicant at this time. Barbara? And then Marc.

**Hamaker:** Mr. Arnone, can you give me an idea...you're not going to be able to answer this. In the worldwide recession when, if this project were approved, when construction would start?

**Arnone:** You're right, I can't answer this. I can tell you that we're asking for a 10-year term on the development agreement. I...that is something to be negotiated with the City. It's hard to know how much time we will need. I'll tell you from the recent experience with the PDC Red Building, we requested a 10-year term. We ended up negotiating with the City down to seven and a half years for that term. The groundbreaking was about three and a half years into it. I would point out that that was in the boom times. That that was before the recession and that it was supported by the rest of the campus, so if you think in boom times with the special economic incentives, that project had, by having a whole campus to support it, and it took three and a half years, which was only half the time, I was happy about that, I think that you have to realize, you know, at least five years is a reasonable time to expect with something like this and we're requesting 10.

**Hamaker:** Thank you.

**DeLuccio:** Marc?

**Yeber:** Yes, I have just...well I have a lot of questions, but the first one that comes to mind is, with all the discussion and presentation, no one's mentioned the placement of the billboard. It's not illustrated anywhere. I know that's part of this application and I'm just curious to know what the plan was with that and why it hasn't been brought forth on a voluntary basis?

**Arnone:** Certainly. I would say the billboard is not a fully thought out concept very frankly. We applied for this expecting that the billboard would go...that we would have one billboard, no tall walls. We would have one billboard that would go over on this part of the property. This is actually...it's showing the level where the driveway is, but you know that's the part of the structure that on the second and third floors cantilevered over the driveway and we were thinking of one billboard there. Earlier in this process, we asked the architects to come up with a concept of how we can have the billboard fit into the architecture of the design at that part that cantilevers over and we didn't come up with a plan that was satisfactory to the architect and to the owner and so we don't have a fully flushed out plan at this time. As a result, we haven't been able to show it. What I would suggest is if the billboard remains a part of this project, frankly it has become less important to us since we had applied for it originally, if it were to become a part of this project, it could only be as a place holder for future review. We recognize that we haven't shown it to you and therefore you wouldn't approve it without seeing it, of course.

**Yeber:** Thank you.

**DeLuccio:** Okay, any other questions for the applicant? Thank you.

**Arnone:** Thank you.

**DeLuccio:** Any questions for staff at this time? Would you like to start, Joseph?

**Guardarrama:** Sure. I'll start. I walk Sunset Boulevard near this site quite often and as I turn the corner to go east on Sunset from Doheny, especially sort of in the evening hours, I feel very unsafe. It's a blighted corner. It needs something. It's calling for something. The question is whether this applicant's building is that something. I consider myself someone who's very deferential to City governing documents particularly the goals in those documents and the goal in the Specific Plan with its calling out of certain target sites is to develop these sites in a way that brings vitality and adds to the economic engine that feeds the wonderful social services which West Hollywood has been known to provide. This site is vastly underutilized and while I'm deferential to the Sunset Specific Plan in its goals, I think it has utterly failed in terms of developing these target sites and because of

*that, my sort of gut reaction is that an owner need not own Park Place and Boardwalk to develop Boardwalk. Simple as that. Then I turn to the EIR and the consultant said that there were significant unavoidable impacts in the areas of air quality and noise only in the construction phase. That has never stopped us from building a worthwhile development in the past. And then there were significant unavoidable impacts that will be ongoing in four intersections. Just last week we approved the SoHo House that had significant unavoidable impacts in two intersections and that was just a restaurant at the top of the Luckman Building. I can't see how this project which will bring in transient, occupancy taxes, property taxes, will create numerous jobs in construction and ongoing in the hotel and will redevelop a blighted corner. I think that we could live with the four intersections and that is putting aside all the consideration that may come from a possible development agreement. So my next consideration is the design. In my opinion, the design is stunning. I believe that there is a section in the staff report that says the Design Review Subcommittee had certain issues with the design. I did not say that and my recollection was that we did not come to a consensus as to what those issues were. Commissioner Yeber had those issues and they are perfectly laid out, but they are not attributed to him. Commissioner Bernstein had some of them, but not all of them, and I had none, and so I would just like that correction made in the staff report. So with that, I couldn't agree more that of course the design needs to be tweaked especially when it goes from this schematic stage to the actual building documents, we did this with the James Hotel. It came back to Design Review and so I would be perfectly supportive of it going back to Design Review, but I think this is just what this area needs and I think we are very, very lucky to have someone like Richard Weintraub and Eric Owen Moss putting their collective energies into doing this. I feel very lucky for the City of West Hollywood.*

**DeLuccio:** *We're actually...you can ask questions or deliberation. I know Marc had some questions. Let me go to Alan next and then back to you.*

**Bernstein:** *Sure. I'm happy to piggyback on Joe's comments and I will try not to repeat his comments because there is nothing that I disagreed with that he said. I...first of all, I just think it's a stunning building and my hat's off to Mr. Moss and his team for bringing it to us. I think it's beautiful. I had more concerns in Design Review than Joe did. I had fewer I believe than Marc did. I understand that we'll tweak it a little bit. I think there are two things that I'd like to just throw into the mix of our deliberations. One is it is a big building, 4.07 FAR and I understand that that is perceived by the applicant as being necessary to build the building. I also understand that the fractional units are part of the mechanism by which they believe the building will be built and I am very aware as Commissioner Guardarrama was that as worthy as the Specific Plan is, it has not gotten much built, but I would say that if we were to go forward and we were to approve this and to approve it in the way that it has been described, I would not be terribly supportive of a very prolonged development agreement. I mean obviously you would have a period of time, but fundamentally if we are going to give concessions to get this building built, I would like to see it built and when Ms. Goldenberg was talking about her teenagers getting jobs, I have to tell you bluntly, my children are five and three and I would like to think that they would have the opportunity to get jobs while they are teenagers and based on the history of construction of approved projects on Sunset Boulevard, I do not necessarily have reason to be totally optimistic that that would happen. So if a development agreement were to go forward, I would want to see it conditioned in a way that we...you know, that my kids might be able to get a job when they're teenagers.*

**Guardarrama:** *But your vote wouldn't be conditioned upon that, right?*

**Bernstein:** Absolutely...thank you for saving me, Joe. I appreciate that. I also...and this is relatively minor, but I have to say and I would just throw this out for the deliberation, I am still somewhat challenged by how quickly the height comes into play on the very south part of the development and I am conflicted because I love the courtyard and I know that Council talked about a courtyard that we saw a few months back recently and everyone loves courtyards. This is a really interesting wonderful modern interpretation of the courtyard, but I am...I'm not challenged by the mass of it entirely, but I am challenged even given the assurances that Mr. Arnone reviewed that it's not that visible from the street of how quickly to the neighbors it gets up to virtually six stories tall, 58 feet, and I still am struggling with that a little bit and that's enough for me for now. So I will....

**DeLuccio:** Okay, thank you Alan. We'll come back to you. Marc, now you have a combination of questions and deliberation?

**Yeber:** Yes.

**DeLuccio:** Why don't you ask your questions first?

**Yeber:** Yeah. Questions from staff just to help me understand better on how you arrived at your determination. Well, first of all before I do that, are we up against a Permit Streamlining Act with this project in any way?

**Hogin:** No.

**Yeber:** No? Okay. Secondly, it was mentioned by someone in the audience about reconciling the residential impact discussed in the EIR versus what was reported in the staff report. Maybe you could explain that for us and the public?

**DeGrazia:** Sure. I think you have to look at it in two different ways. There are significant impacts as defined by CEQA and then there are impacts that we just as staff see. They're not necessarily the same thing. Just as something can be historic at a local level doesn't necessarily mean CEQA would see it in the same way.

**Yeber:** Okay, great. That's actually what I thought it would be, but I just wanted to get clarification on that. There's been talk about the FAR for this project versus other projects or other existing buildings. Could you give me, if you have that information, some of the FARs of some of the existing buildings along Sunset Boulevard? You know, such as the Andaz, maybe the James Hotel which has not been built yet, just to give us an idea. Put this in context for us.

**DeGrazia:** Sure. 9200 Sunset, which is actually where SoHo House is located, is at a 4.5 FAR. 9000 Sunset, just to the east is at 3.4. The Ondas is at 5.8. The Mondrian is at 5.2. The Medical Plaza at 9201 Sunset, which is on the north side of the street in the same area as the project is FAR of 2.5.

**Yeber:** Okay, so essentially if I understand correctly, I mean this is...it was reported in the report that this is the most intense FAR in the City, but in fact it's not unless there's some other calculation that we're not taking into fact...we're not factoring in here.

**DeGrazia:** Well, there's two things going on. The first is that the City doesn't calculate parking area into FAR, so not knowing what the square footage of the parking areas are in those buildings, we haven't been able to calculate what that would be. The second is we should've clarified in the staff report that the other buildings were built under the County, they weren't built under Cityhood. Or approved.

**Yeber:** So this is simply anecdotal?

**DeGrazia:** Yes.

**Guardarrama:** But David didn't we just reapprove the FAR for the Luckman Plaza increasing it to its current level?

**DeGrazia:** The actual structure was the same but I believe you added floor area ratio through changing pieces of the building on the inside for usable space.

**Guardarrama:** Thank you.

**Yeber:** John Chase, you were talking about earlier the landmark nature and I...if you could just clarify that for me. You...it sort of felt like the building as designed is not yet landmark in its...?

**Chase:** What I was saying was that we were looking for landmark in a very particular sense. You know, clearly the project that's presented to you tonight is a distinctive project. It's a tall building on a prominent site and in a general sense that would be considered landmark. What we were looking for is, is this a landmark within the terms and conditions of the Sunset Specific Plan which had like many other things in the Sunset Specific Plan....

**Yeber:** A lot of design criteria.

**Chase:** And also it had, you know, a kind of trade-off that things are allowed in the SSP in return for public benefits and were those benefits and relationships there. Not so much was this, you know, not a building you remember, not a building that was distinctive or had an unusual architectural vocabulary. So it's not a comment on that aspect, it's really a comment on the relationship to the request in the plan for how a landmark should perform in that sense.

**Yeber:** Great. And then is Terri back there? Ms. Slimmer? She was back there. I was just wondering, again for the benefit of the public, you gave a pretty interesting spiel about the condition of Sunset Boulevard last, at our last session in regards to SoHo House in terms of all of Sunset being category F and how we're able to sort of justify, you know, adding further impacts and what your thresholds are and I thought you did a really good job then. I thought for the benefit of the public you could do an abbreviated version.

**Slimmer:** Could we just run the tape? That was last week.

**DeLuccio:** That was dress rehearsal.

**Altschul:** Push replay, Terri.

**Slimmer:** I'm sorry? Push replay. Let's see if I can recall it. I think as we look at Sunset when we do a traffic study, we rather than take volume and...volume counts for that period, we automatically established Sunset as a level of service F. The City's thresholds call out as long as if we're in a level of service F, as long as we don't increase the capacity, increase the capacity, the volume capacity ratio by more than .02, which is a really complicated modeling thing that, that I can't...if you want something brief, we're not going to do tonight. So as long as we don't surpass this .02, then we don't have a significant impact. The minute we hit .021, we have a significant impact. So, that's the threshold we use for Sunset and because of the traffic on Sunset, we will almost always have that kind of significant impact and that's what you saw last week. We had two intersections in SoHo House. The SoHo House in fact had this project in its cumulative project list so it had two intersections. This one has four.

**Yeber:** Great. And then lastly, there has been mention of target site and either John, David or even Ann, Ms. McIntosh, could you help us define what you consider a target site?

**DeGrazia:** Well, what we would consider the target site are one of the 10 that were listed in the Sunset Specific Plan. They're clearly called out and they were designated. The only way to go further with that is when you ask for an amended target site basically or an additional new target site. The Sunset Specific Plan has specific criteria then that are called out in order to become one of those sites and if you would like, I can read those. I just need to find it in the staff report.

**Yeber:** No, that's okay, I just was...so basically the target sites were defined specifically for the Sunset Specific Plan.

**DeGrazia:** That's correct.

**Yeber:** And...but they...and they have specific criteria of why you chose those specific sites?

**DeGrazia:** That's right.

**Yeber:** Okay. And then I did have one more thing. In your...you mentioned the three reasons why you could not support this project at this stage. It sounded really that you want a project, you want this project to move forward, but at this stage you couldn't support it. One was obviously the increased density of the 4.7. The placing the increased heights to the southern area, which actually is really kind of in the middle of the two sites. It seems like it's straddling the two, you know, the northern end and the southern end. And then removing the designation on Harratt Street from a residential street to something other, mixed use or whatever. And I guess my question is, in the very simplest terms how do you foresee that any of those could be significant impacts, especially like, you know, changing the designation of a residential street to a mixed use street, how...what kind of impacts is that come into play there?

**DeGrazia:** Well, our concern with that is that once the change is done, it would be a legislative change so that would live on whether this project was approved or not. So the concern is that potentially although the uses that are contained there in this project may seem okay, if the project were to go away, that legislative change lives on and at some point somebody could just use strictly commercial right next to residential structures on Harratt Street.

**Yeber:** Okay. Great.

**Guardarrama:** David, wouldn't they have to apply for new entitlements?

**DeGrazia:** They would have to apply for new entitlements, but it wouldn't be like today where there's a protection that that's just residential. It would then just be open in SSP, just like it is on Sunset, so whereas the Sunset Specific Plan sort of put these transition areas in. That would be removed and we would have SSP, which would allow just commercial on Harratt.

**Hogin:** Mr. Chair, can I just jump in and say that some of these issues can be worked out if there's a development agreement because then we can put an overlay and that would define the uses for just that site for just what's been approved, so...

**DeLuccio:** If we decide to move....

**Hogin:** ...I wouldn't...yeah, I wouldn't get too hung up on these details.

**DeLuccio:** Okay if we decide to move forward this evening we could request a development agreement to come back to us.

**Yeber:** So I just want to now move into some of my comments and thank you fellow Commissioners for indulging me. This is such an important project and I just want to make sure that we have, you know, got a lot of information out there and I appreciate the public coming out and speaking either for and against. I got a lot of information from that testimony. I was the third person on the Design Review on it, I, and I did have some concerns more, you know, from a design standpoint. In terms of the architectural language, you know, I was a little concerned. I'm describing it as neobrutalist in its style and not necessarily that that's a bad thing, but I just...I wasn't absolutely sure of it for this particular project and part of the reason is because there are five distinctive components to this project and all five lacked a continuity or cohesion that I couldn't get my head around. Also I was concerned about the urbanistic or pedestrian scale of the project. Not in its entirety, but on the Doheny side. I was really concerned that you have this looming, you know, 100 plus foot building right at the edge of Doheny and though there was a lot of attention paid to Sunset, there was no attention paid to the Doheny side and I was concerned about that. This is a really important site. You know, I think what is being proposed here in concept is acceptable for this site. You know, I wonder if it could be scaled back a little bit more, but you know, I'm not in the numbers and, you know, the development numbers enough to understand what's possible and what's not. So in concept I could approve...I could accept this project, but it's...I sort of feel like it needs some more work before we could, you know, give a green light on this. Thank you.

**DeLuccio:** Barbara?

**Hamaker:** Yeah, thank you everybody for your comments and Marc interesting, you...because you have such a different perspective on it. I agree with much of what my colleagues have said already. When I...I was prepared not to like this. As many of you know, I don't usually like modern architecture and when I looked at the renderings and I looked at the project, I thought gee, I think I really like this. Now what do I do? So, when I...I pulled out my Sunset Specific Plan and I really went through it and I really read the text. I was not involved in the writing of it. I'm...I live on the east side near La Brea and I was very involved in redevelopment, so they were doing this Specific Plan here and we were trying to get rid of a carwash and a homeless shelter on our side of town. And I was very impressed with the amount of care that was taken in developing this and I know how much time everyone spent on it. However, it expresses and describes an era in the world that no longer exists and especially on the Sunset Strip it no longer exists. It could not have foreseen and taken into account what has happened to the music industry and the entertainment industry. And the text of the Sunset Specific Plan talks about office space. You know, that was six years before 911. So much of what was envisioned here could not be built today because of that and because of the price of land. Fifteen years ago no one could imagine what a square foot of land would be on the Sunset Strip. So after going through all of this, I realized and I in fact made a couple of calls to staff, I really think we must revisit the Sunset Specific Plan as quickly as possible because as the applicant said nothing really successful has been built under the Plan. There was something built there that is a shopping mall that is a failed shopping mall and what is still working is the very elegant and wonderful Montgomery Sunset Plaza, which is 80 years old, I think so. Now I agree with all my colleagues, I know everybody is tired, I don't want to go through everything again. I am a little bit concerned about turning the corner from Sunset down Doheny. I would like to see that be a little continuation of the courtyard idea, but I realize that's also an entrance and exit for parking and loading, so it may not be possible. But if there aren't any objections and I know two Commissioners haven't spoken yet, but I would like to make a motion....

**DeLuccio:** You don't get to speak when you're the Chair?

**Hamaker:** Huh? Oh, thank you.

**DeLuccio:** You don't get to speak.

**Hamaker:** **I'd like to make a motion to approve the project and deny the staff report.**

**Guardarrama:** Barbara, since it's going to need a development agreement, I think what we need to do is ask them to bring back a resolution recommending approval to the City Council.

**Hamaker:** Oh, okay. Okay, that's right, exactly. So I would like to make a proposal to make a rec...to bring back a resolution to....

**Guardarrama:** Recommending approval to the City Council.

**Hamaker:** Thank you, recommending approval to City Council. You can see how often I make a motion.

**DeLuccio:** Second for that? And we also need to sort of...we also need to bring back a resolution to certify the EIR with a Statement of Overriding Consideration and also we'd want you to bring back a development agreement. Is that helping you?

**Guardarrama:** Are you seconding her motion?

**Hamaker:** This is a group motion.

**DeLuccio:** **I guess I'm seconding your motion.**

**Guardarrama:** Can I add a couple things?

**Hamaker:** Please.

**Guardarrama:** In the Statement of Overriding Considerations, I think that we should list the amount of transient occupancy tax that we think that the project will bring in, the number of jobs created, both in construction and during operation, the public benefit that the redevelopment of the blighted corner will bring and then also any consideration from a proposed development agreement.

**DeLuccio:** That would be all direction as part of bringing back the development agreement.

**Guardarrama:** Right.

**DeLuccio:** Yeah.

**Guardarrama:** And then I think that...I don't know about you guys, but maybe the development agreement could be brought back or a draft one with the resolution, I don't know, in about a month.

**DeLuccio:** Yeah, how long would staff need to do this? Do you need a month or sooner?

**Hogin:** Well, my suggestion is going to be that you continue the hearing open along with all of that, so we'll pick a date as optimistically as you want and if we don't make that date (TALKING OVER).

**DeLuccio:** Why don't we say September...is there a meeting on September 3<sup>rd</sup>?

**Bernstein:** We have a couple of things on our agenda on September 3<sup>rd</sup>.

**DeLuccio:** The second meet...

**Keho:** September 3<sup>rd</sup> has two EIR comments, so September 17<sup>th</sup> has....

**DeLuccio:** So we're going to continue this to September 17<sup>th</sup>. At that time you'll bring back the resolutions for...one for approval and also the resolution....

**Altschul:** We haven't voted on those resolutions.

**DeLuccio:** Well, wait, if we decide to vote on it this evening. The motion right now is on September 17<sup>th</sup> we will...if we decide to, we'll continue the hearing.

**Hogin:** You know, I never ask this because we can send someone else, but that is the week of the (INAUDIBLE) California City, so I wonder if we couldn't do it the first meeting in October.

**Altschul:** It's also the day before Rosh Hashanah.

**Hamaker:** Then let's do it in October.

**DeLuccio:** Okay, that's fine. If we...first meeting in October is fine. What date is that?

**Keho:** That's October 1<sup>st</sup>.

**Hogin:** October 2<sup>nd</sup>. Whoop, 1<sup>st</sup> I mean.

**DeLuccio:** October 1<sup>st</sup>? Okay, so this is all in a motion right now. We have not voted on this, that we would bring back...a resolution would come back on October 1<sup>st</sup> approving the project. We have to talk about the resolution and get some more direction in a moment on the resolution and also a resolution to certify the EIR with a Statement of Overriding Consideration and the development agreement with the comments that Joseph made, direction he gave this evening and on the reso...we should also talk about something's coming back to Design Review.

**Hamaker:** The Design Review. I'd just like to make one more comment because I usually don't make positive comments about architecture, but what I found...first of all, I have a craft background. I'm a real three dimensional person and I hate boxes and I love the fluidity of the architecture. I loved the movement of the architecture and that's what really appealed to me was that it was in...it is in motion and I'm hoping that the renderings have captured what it will look like when it's built.

**DeLuccio:** Well, that's why we need to....

**Hamaker:** In five years when it's built.

**DeLuccio:** Go ahead Joseph.

**Guardarrama:** *I just want to clarify. I misspoke. I said there were four intersections that had significant unavoidable impacts. I miscounted. Santa Monica Boulevard, Melrose Avenue, Doheny Drive, it's one intersection even though it's three streets. So there's three impacts.*

**DeLuccio:** *So I'm going to make a comment. John Chase, our Urban Designer, do we...if we were to give approval this evening to come back, is there some direction we need to give you as far as design goes? Because I would think this would need to come back to the Design Review Subcommittee for some refinements?*

**Chase:** *Any direction you can give would be great, especially with regard to the things that the Planning Commission had concerns about. We reviewed it for conformance with the Sunset Specific Plan and we had some concerns about physical relationships. If there were any that you wanted to go through and you had a consensus that these are fine, we don't need to do anything, or our issue is more height here or we want more articulation, that would be fantastic. The greater clarity we can have and I think both for the sake of the applicant and for ourselves and what we're trying to bring back to the Design Review Subcommittee would be very nice.*

**DeLuccio:** *Before I call on you, Sue, it's...John, did you have something you wanted to add?*

**Keho:** *Terri, I just want to...before I add something, I guess the question for Design Review is if you want something to come back and be revised before it comes back to you in October or if you're just setting directions to eventually sometime after the approval that they (TALKING OVER). We need clarification.*

**DeLuccio:** *I think more apt would be...it would be down the road.*

**Keho:** *Down the road, okay.*

**DeLuccio:** *After the resolution.*

**Keho:** *And Terri wanted to say something about the traffic.*

**DeLuccio:** *Yes, Terri?*

**Slimmer:** *Let me just clarify intersections. We actually have three intersections that have significant impacts. Sunset/Santa Monica and Melrose is one street intersection, the other is Sunset/San Vicente and then Sunset and Hammond, and then we have two street segments, Doheny Drive and Cynthia Street. So we actually have five significant impacts on traffic.*

**Guardarrama:** *Thank you. John Chase? I'm just one Commissioner out of seven, but it seems like your comments with regard to the fact that this building's not a "landmark" have very little to do with the building's design and a lot to do with the constraints put on you by external factors like the Specific Plan. I think that the direction that I would like to give to you is going forward, just from me and maybe other Planning Commissioners might or might not agree, is to look at this building outside of that because we're saying to you guys, step out of the box that the Sunset Specific Plan is constraining you.*

**Chase:** *If that's the desire, Commissioner, we'd be happy to do that.*

**Guardarrama:** *And make it a landmark in the Webster's Dictionary.*

**Chase:** *Great, thank you for that direction.*

**Hamaker:** Mr. Chair, I'd like to just say that two Commissioners haven't even spoken yet.

**DeLuccio:** Yeah, we want to...we're going to do that. Sue and then John?

**Buckner:** Frankly, I...after I heard Joseph articulate so well my thoughts, I really didn't have that much more to add and I didn't want to be redundant. So, and I too am looking forward to having a very beautiful building at that end of the Strip. It's...actually that whole area has been quite dead and I really look forward to having a place...I walk that Strip a lot. I walk into Beverly Hills and back on my morning walk. So I would like very much to have a beautiful building to look at and a place to walk to and I also felt very strongly that restricted by the Sunset Specific Plan as I was studying and wanting to learn about this project. I felt that somehow or another it just wasn't working anymore and we got...it was a 20-year basic plan and there's only seven years left and this is the only project that's going at all and I think it's a very beautiful project and I, I....

**DeLuccio:** Okay, John. Go ahead.

**Buckner:** That's basically all I really wanted to say.

**DeLuccio:** John?

**Altschul:** Well I think first of all that this is the year that I think all staff reports from now on should be changed and every project should be labeled iconic. And I can't believe I'm going to say that I totally 100% agree with everything that Jeanne Dobrin said tonight, but that happens to be true. I also think the architecture and the design is sensational. Yes, probably it needs some tweaking, but overall it is iconic and I wouldn't use that word about too many projects, but I certainly would use it about this and in terms of the design. I also happen to have tremendous respect for the developer. I think his sincerity, I think his abilities and I think his vision is just unparalleled and I am thrilled that he's decided to use West Hollywood as the venue for one of his magnificent projects, but I think that this is a little bit overstepping at the present time. First of all, it is not a target site and as much as everybody seems to think that the Sunset Specific Plan isn't working, we can't throw it out just by approving one project and we can't throw it out without public process to say you all come and you all tell us what you think about either amending the Sunset Specific Plan to the extent that it has to be amended to accommodate the project that's presented in its present iteration, or let's do something else. I don't know. But it's sort of similar to saying to somebody who lives in an R1 Zone, like Donald and I guess Donald....

**DeLuccio:** It's R1A.

**Altschul:** An R1 Zone like Donald that right next door to you we're going to make it R4 and we're going to put up a 45-unit apartment building at six stories. It's sort of like taking 10 pounds of potatoes and putting it in a five-pound sack. I think that since this is not a target site, it's stretching the envelope, is stretching it beyond I think what is conceptually reasonable and I think that if it could've been combined with the one next door, which obviously it can't, the Sunset Specific Plan would've envisioned something like this. But it doesn't envision something like this and the Sunset Specific Plan again has not been thrown out. My objection/reservation is it's too tall. I think the concept of timeshares is not something that West Hollywood should be receptive to or is receptive to and although Mr. Arnone says this is not like the sleazy timeshares of South Florida, a timeshare is a timeshare and I live part of the year in a community in South, Southern Mexico where they have loads of timeshares and every time I walk out of my building, there's some huckster there wanting to take me to breakfast at a lovely hotel to sell me a timeshare and I can see people, hucksters standing around the Ondas and the London trying to grab 'em to buy a week at the Sunset Doheny project. I don't know that that's

something that we should contemplate. Then with respect to the development agreement, obviously there needs to be one. Ten years I think is an interminable amount of time and it shouldn't be anywhere near 10 years. I think the development agreement also needs to take into account before it is granted, before it is adopted that we have several projects that are already entitled, like the Millennium, the James Hotel that have entitle...that have trip generations and that have significant impacts that have to be figured in the cumulative and if we add this to the cumulative and it isn't built any time soon, then we are blocking somebody who could come in and build, or potentially blocking somebody who could come in and build from exercising the opportunity to put something on Sunset that could be magnificent. You know, the economy, it comes and it goes and it plays an important factor and unfortunately Mr. Weintraub is at a stage where it's very difficult, but I don't think we can throw away our governing documents, our Zoning Code, our General Plan and our Sunset Specific Plan just to accommodate that and if we do, then we have to accommodate the one or two other projects that are coming down the line on Sunset that are again not target sites, but would like to think that they are. The FAR has already been talked about. You're talking about a 35-foot height and a 1.5 FAR, which translates into eight stories and a 4.07 FAR, which I just believe is a little bit, if not a lot, too much. So I think that the concept that Mrs. McIntosh, our dear Director, suggested that the whole thing be considered and reworked. I don't know if the applicant is willing to bring it down. I don't know if the applicant is willing to look for other alternatives but timeshares for his financing. And I don't know that the applicant is willing to say I can do this with a slight advantage and a slight bump in the Sunset Specific Plan, but I'm not going to say throw it away without public process. Thank you.

**DeLuccio:** Thank you, John. I do share your concern about the development agreement being too many years and I think Alan does also. So I would hope staff will note that when they come back with the development agreement. That would be direction from at least a couple of the Commissioners. I don't think we've ironed out direction tonight on...I think everybody feels like there needs to be, except Joseph I'm not hearing it from, needs to be some refinement as far as the design goes on the project. I'm not hearing us flushing it out this evening, but maybe there's time to do that when the documents come back on October 1<sup>st</sup>, should we approve it that way this evening. I would like...of course I'm a little bit concerned...

**Keho:** I guess I wasn't following that, so you want...you are thinking that on October 1<sup>st</sup> for a continued discussion of the design?

**DeLuccio:** On October 1<sup>st</sup>, if we were to vote this evening to bring back documents for approval. At that time, we are going to leave the public hearing open so at that time we can maybe give you further direction on the design. We can't do that?

**McIntosh:** I think you need to just poll the Commission to see what the intent is because what I was hearing is that you're...the Commission, a majority of the Commissioners, and again you'll take a vote, are asking us to bring this project back...

**DeLuccio:** Right.

**McIntosh:** ...but with the appropriate documents.

**DeLuccio:** Okay and that's what I'm...I guess that's what I'm asking, I would be asking also, but at some point it will go...I think we'd want it to go back to Design Review just to...just as a check that what we're seeing here this evening is in reality what will be built because I don't...we don't have...we just have, really have some rough plans. We don't have the refined building plans in front of us.

**McIntosh:** So you would suggest that that be a condition...

**DeLuccio:** Yes.

**McIntosh:** ...in the resolution.

**DeLuccio:** Yes, that would be my...that would be a condition I'd want to add to the resolution.

**Guardarrama:** Yeah, just like we did with the James Hotel...

**DeLuccio:** Okay, thank you, that's....

**Guardarrama:** ...with the Design Review Subcommittee saw it and then maybe the director could sign (TALKING OVER).

**DeLuccio:** I wasn't suggesting that...I understand, I wasn't suggesting that we would be...once we approved the project, we would be sending it back to Design Review to redesign it. So at this point, I think there....

**Yeber:** Wait, can I get some clarification?

**DeLuccio:** Sure.

**Yeber:** So, if I understand, Chair DeLuccio is...because several of us have made comments about making some refinements, possibly softening or some aspect of the current design and so I'm hearing two different things because even Barbara made a similar comment and she's the maker of the motion. So....

**DeLuccio:** So let's hear from Barbara what...Barbara, do you want to rearticulate what you...when you made your motion, your comment on the design?

**Hamaker:** Okay and I...so I think each one of us we could go down the row as Ann said.

**DeLuccio:** Sure, why don't we do that?

**Hamaker:** Yeah, my concern a little bit was when I saw the rendering from Doheny looking north, that the project appeared to hover over the sidewalk even in the rendering and it felt incredibly intrusive on to the neighborhood and on to the street of Doheny itself. I realize that's just a rendering and so I would be interested to see how a...how the courtyard could turn the corner there and it wouldn't be quite so severe and there could be more landscaping. That may not be possible as I say architecturally, but I would be interested to see what could be, excuse me, what could be changed a little bit there.

**DeLuccio:** Okay.

**Guardarrama:** Yeah, in my mind Marc's concerns were going to be addressed in Design Review Subcommittee and since he's on the Subcommittee, you know, he could work with the applicant to arrive at something that....

**Yeber:** I understand that, but I'm hearing two different things and from staff versus what we're...the discussion we're having here and I just want to make sure we're all on the same page. They're saying in...as the motion stands, we're approving the project as it stands.

**Guardarrama:** With the condition that the Design Review Subcommittee.

**Yeber:** But only to see it further developed, not any modifications.

**Guardarrama:** No, no, I think that was just added by Donald at the end. I envisioned that there would be some modifications that the Design Review Subcommittee would have to pass on.

**DeLuccio:** Well, that's not what I'm...that's not what I'm hearing from staff though. Staff is saying we either need to...if we're going to approve the project this evening, then the only modification...I mean only...then what happens is it's almost like a reality check that what we're seeing here is rough when it goes to building then it goes back to Design Review just to be certain that what we approved is actually being executed. Is that...?

**Hogin:** Well, technically you're not approving anything to night. All you're doing tonight is continuing the hearing and directing staff to bring back resolutions of approval, which you're not required to rubberstamp and you never do any ways and so you could...there can be a further discussion and if you find other conditions that you want to impose on it after you've had a chance to have that discussion, you can do that. My suggestion would be this at this point. That the motion be to direct staff to prepare the resolutions of approval including a development agreement with the findings on the Overriding Consideration that have been suggested by Commissioner Guardarrama and to have the Design Review Committee meet in August to make recommendations on it, but maybe what we'll do is continue the hearing date to September 3<sup>rd</sup> as a placeholder. If we're ready to go forward then we will. If not, then we'll kick it over to October 1<sup>st</sup>.

**DeLuccio:** Okay, perfect. I like that suggestion that the next meeting will be...of the Design Review will be on August 27<sup>th</sup> I believe, Thursday, August 27<sup>th</sup>? Is that correct? Because the meeting on the 13<sup>th</sup> was canceled.

**Keho:** Yeah.

**DeLuccio:** So...

**Yeber:** That may not be enough time.

**DeLuccio:** That won't be enough time then to come back to us on the 3<sup>rd</sup> though.

**Yeber:** No, but it may not be enough time for the applicant.

**DeLuccio:** Design Review.

**Yeber:** The applicant to...unless the intention is simply come back. I guess they've already come before us, maybe they should have some further direction so that they...that it's a productive meeting, meaning they come before us the next time and we see a further developed project.

**DeLuccio:** I like, I actually like Christi's suggestion where there needs...that this should be addressed at Design Review the next step on...and the next...there is no Design Review on August 13<sup>th</sup>, is that correct? Can there be a meeting on August 13<sup>th</sup> or is that...was that too soon?

**Keho:** No, we could have one on August 13<sup>th</sup>. I don't see (TALKING OVER).

**Chase:** And that day is currently open now. It was canceled just because there was no items for that meeting.

**DeLuccio:** *That would then give...then at that time, recommendations can be made and we still should leave September 3<sup>rd</sup> open as a placeholder. So I think at this point let's move this along. We can go on and on about this. I...let's not get so much into semantics at this point. At this point, I think that Christi articulated what the resolutions would be.*

**Yeber:** *Well, if she could do it again just so we're all on the same...*

**Hogin:** *So the motion on the...okay, first of all, let me...before I tell you the motion, let me tell you that you are taking no action that binds you in any way on the project tonight.*

**DeLuccio:** *Uh-huh (AFFIRMATIVE).*

**Hogin:** ***So the motion is to direct staff to prepare resolutions of approval of essentially this project and include a development agreement when it comes back to you and include the findings of overriding consideration that Commissioner Guardarrama went through and then to continue this hearing open to September 3<sup>rd</sup> as a placeholder and to have the Design Review Committee meet at August 13<sup>th</sup> meeting to relook at the design and make some recommendations.** Staff can then translate that. If we're ready to go on September 3<sup>rd</sup>, we'll be here. If not, we'll kick it over to October 1<sup>st</sup>.*

**DeLuccio:** *Great, and that's the motion that Commissioner Hamaker made...*

**Altschul:** *Mr. Chair?*

**DeLuccio:** *Yes?*

**Altschul:** *Can I make a request that the motion be broken in two and that the recommendation or the motion to certify the EIR be voted on separately then the rest of it...*

**DeLuccio:** *Okay.*

**Hogin:** *Right and you won't be certifying the EIR tonight.*

**Altschul:** *No, no, but the motion to recommend the certification of the EIR.*

**DeLuccio:** *Tonight. We could do that this evening. We'll...*

**Altschul:** *Be separate.*

**DeLuccio:** *We'll make two motions out of it. First we'll...the one would be to bring back the resolutions to certify the EIR and the Statement of Overriding Consideration be one and then the second one will be the rest, the project and development agreement and who seconded the motion before? Was it...I think I...*

**Yeber:** *Chair DeLuccio.*

**DeLuccio:** *Marc seconded the motion. Okay. You did second it?*

**Altschul:** *I thought Barbara did.*

**Guardarrama:** *Barbara made the motion, Donald second it.*

**DeLuccio:** *I second the motion, okay.*

**Bernstein:** *I do have a question though because I'm on Design Review and I threw out one thing and I'm comfortable with going with the consensus, but I want to know, am I the only one who is concerned about how quickly the height of the courtyard goes up in the back on Harratt, because no one else has really commented on that.*

**Yeber:** *That's open for discussion.*

**Bernstein:** *Well, but it's a small grouping of us and it would be helpful to have a sense of the Commission, if no one else is bothered by that, I don't want to push for something that we don't as a group feel.*

**Guardarrama:** *Okay, I have a sense that I won't be on that Subcommittee when it gets to you, so let me just say what I...my understanding is.*

**DeLuccio:** *Well, actually you know what, you will be on it. I'm going to...we're going to...we spoke, we are going to make some different appointments this evening, but I think out of all fairness since Joseph was there for this, I think we'll keep you on for that meeting.*

**Guardarrama:** *Oh, one more Thursday.*

**DeLuccio:** *Is that okay?*

**Guardarrama:** *Okay. That's perfectly fine, but the EIR says that there are no view impacts from the...from that neighborhood and if you look at the renderings and if you look at the trees they're keeping, it just doesn't seem to me like it's going to happen.*

**DeLuccio:** *And I tend to agree with Joseph. It's my feeling on that.*

**Bernstein:** *John, Barbara, any word from either of you on that?*

**Hamaker:** *I'll defer to you guys.*

**Yeber:** *Yeah, and I...I didn't look at that close enough, but I'm willing to have a discussion and just make sure it's flushed out.*

**Buckner:** *I went by Harratt Street today and looked at the trees and it looks pretty much like with that setback and the trees, I don't think that it's going to be impacting the view, but...I was trying to imagine how high it was and I think it's going to be okay.*

**Bernstein:** *Thank you fellow Commissioners.*

**DeLuccio:** *Does that help you Alan?*

**Bernstein:** *Yes, it does.*

**DeLuccio:** *Okay, so just, so we're looking for you guys to come back with any recommendations, anything we may have forgotten on the design when you guys meet on August 13<sup>th</sup>. Okay, at this point can we now...if nothing further, let's take a roll call, David, and the **first motion would be the direction on bringing back the EIR for certification and a Statement of Overriding Consideration.***

**Altschul:** *A recommendation for certification.*

**DeLuccio:** *That's what it is. We're just this evening recommending, recommendation to bring it back on September 3<sup>rd</sup>.*

**Gillig:** **Commissioner Hamaker?**

**Hamaker:** **Aye.**

**Gillig:** **Chair DeLuccio?**

**DeLuccio:** **Yes.**

**Gillig:** **Commissioner Guardarrama?**

**Guardarrama:** **Yes.**

**Gillig:** **Commissioner Buckner?**

**Buckner:** **Yes.**

**Gillig:** **Commissioner Bernstein?**

**Bernstein:** **Aye.**

**Gillig:** **Commissioner Altschul?**

**Altschul:** **Yes.**

**Gillig:** **Vice Chair Yeber?**

**Yeber:** **Yes.**

**Gillig:** **Motion carries, unanimous.**

**DeLuccio:** *Well not...no, I think...did you, you voted yes? Okay. Okay, now the next second motion would be just a recommendation to bring back the project for approval on September 3<sup>rd</sup> along with the development agreement. And in the meantime, for the...for there to be a Design Review Subcommittee meeting on August 3<sup>rd</sup>...August 20...August 13<sup>th</sup> to relook the project to make sure we're not missing anything and then come back with recommendations.*

**Gillig:** **Commissioner Hamaker?**

**Hamaker:** **Aye.**

**Gillig:** **Chair DeLuccio?**

**DeLuccio:** **Aye.**

**Gillig:** **Commissioner Guardarrama?**

**Guardarrama:** **Yes.**

**Gillig:** **Commissioner Buckner?**

**Buckner:** **Yes.**

**Gillig:** **Commissioner Bernstein?**

**Bernstein:** **Aye.**

**Gillig:** **Commissioner Altschul?**

**Altschul:** **No.**

**Gillig:** **Vice Chair Yeber?**

**Yeber:** **Yes.**

**Gillig:** **Motion carries, six ayes, one no.**

**DeLuccio:** *Okay, very good. Okay, thank you and thank everybody for coming out this evening. This matter will be continued 'til September 3<sup>rd</sup>.*  
//wci:rg

*(ITEM 9.C. OFFICIAL RECORDING ENDS).*

## **10. NEW BUSINESS.**

### **A. Planning Commission Subcommittees.**

#### **1. Appointments to Design Review Subcommittee:**

**ACTION:** Appoint: 1) Alan Bernstein; 2) Marc Yeber; 3) Joseph Guardarrama (through August 13, 2009); and 4) Roberta Sue Buckner (term begins August 27, 2009). **Moved by Chair DeLuccio and unanimously carried.**

#### **2. Long Range Planning Projects Subcommittee:**

**ACTION:** Appoint: 1) Joseph Guardarrama, 2) Barbara Hamaker; and 3) Marc Yeber. **Moved by Chair DeLuccio and unanimously carried.**

#### **3. Business Signage Subcommittee:**

**ACTION:** Appoint: 1) Joseph Guardarrama, 2) Barbara Hamaker; and 3) Roberta Sue Buckner. **Moved by Chair DeLuccio and unanimously carried.**

#### **4. Plummer Park Steering Committee:**

**ACTION:** Appoint: 1) Barbara Hamaker. **Moved by Chair DeLuccio and unanimously carried.**

#### **5. Working Group:**

**ACTION:** Appoint: 1) Barbara Hamaker; and 2) Marc Yeber. **Moved by Chair DeLuccio and unanimously carried.**

**6. General Plan Committee:**

**ACTION:** Appoint: 1) John Altschul. **Moved by Chair DeLuccio and unanimously carried.**

**11. UNFINISHED BUSINESS.** None.

**12. EXCLUDED CONSENT CALENDAR.** None.

**13. ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

**B. Director's Report.**

Anne McIntosh, Deputy City Manager / Community Development Director, stated staff will be taking contract to City Council in regards to the General Plan. As soon as direction is given, a definitive timeline for completion will be forthcoming.

**14. PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, provided a brief history of her in-laws and reminisced about her times on Sunset Boulevard.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Guardarrama thanked staff and fellow commissioners for their support at the Equality California fundraising dinner at the Century Plaza Hotel.

Vice-Chair Yeber requested an update of the Hacienda project.

**16. ADJOURNMENT:** The Planning Commission adjourned at 10:50 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 20, 2009 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 20<sup>TH</sup> DAY  
OF AUGUST, 2009.

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR