



PLANNING COMMISSION MINUTES
Regular Meeting
May 3, 2007

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

1. CALL TO ORDER:

Chair D'Amico called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Heavenly Wilson led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Bartolo, DeLuccio, Hamaker, Vice-Chair
Guardarrama, Chair D'Amico.

Commissioners Absent: Altschul.

Staff Present: Jennifer Noel, Associate Contract Planner, Terry Blount, Associate Planner, John Chase, Urban Designer, Terri Slimmer, Transportation Manager, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, John C. Cotti, Acting City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move Agenda Item 9.A. (8300 Sunset Boulevard) to Consent Calendar.

ACTION: Approve the Planning Commission Agenda of Thursday, May 3, 2007 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstentions of Commissioner Altschul and Commissioner Bartolo.**

5. APPROVAL OF MINUTES.

A. April 19, 2007

ACTION: Approve the Planning Commission Minutes of Thursday, April 19, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Altschul.**

6. **PUBLIC COMMENT.** None.
7. **ITEMS FROM COMMISSIONERS.** None.
8. **CONSENT CALENDAR.**

A. 8300 Sunset Boulevard (The Standard Hotel).

Conditional Use Permit 2004-010: Required six-month review of previously issued conditional use permit to convert a portion of existing restaurant area to a nightclub with outdoor smoking area, legalize accessory live DJ music in lobby and restaurant, and extend hours of alcohol service for the outdoor poolside area.

ACTION: 1) Receive and file. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Guardarrama and unanimously carried; notating the abstention of Commissioner Altschul.**

9. **PUBLIC HEARINGS.**

The following item was moved to the Consent Calendar as part of the amended agenda.

A. 8300 Sunset Boulevard (The Standard Hotel).

Conditional Use Permit 2004-010: Required six-month review of previously issued conditional use permit to convert a portion of existing restaurant area to a nightclub with outdoor smoking area, legalize accessory live DJ music in lobby and restaurant, and extend hours of alcohol service for the outdoor poolside area.

Commissioner Bartolo recused herself from the dais at this time.

B. 8969 Santa Monica Boulevard (Pavilions).

Administrative Permit 2006-004, Conditional Use Permit 2006-005, Demolition Permit 2006-005, Development Permit 2006-006, Minor Conditional Use Permit 2007-006, Temporary Use Permit 2007-002, Mitigated Negative Declaration: Jennifer Noel, Associate Contract Planner, provided background information as presented in the staff report dated Thursday, May 3, 2007.

She detailed the background information and stated the applicant is requesting to demolish all structures currently existing on the site bounded by Santa Monica Boulevard, Robertson Boulevard, Keith Avenue and Ramage Street and to construct two new commercial structures with rooftop and surface parking. The larger of these structures will total 54,272 square feet and contain the Pavilions grocery store as well as 2,272 square feet of retail shop or restaurant space.

This building will also provide rooftop parking to help meet the parking requirements of the new development. The second, smaller building will contain 13,327 square feet of commercial space. The project will include up to 4,500 square feet of restaurant use and up to 2,400 square feet of associated outdoor dining. The construction of the proposed project would take place in three phases.

Chair D'Amico questioned and requested a narrative on the widening of Robertson Boulevard.

Terri Slimmer, Transportation Manager, provided clarification and technical information regarding the widening of Robertson Boulevard, just south of Keith Avenue to Santa Monica Boulevard.

Commissioner Hamaker disclosed for the record she met with the applicant's consultant Ira Handleman.

Vice-Chair Guardarrama disclosed for the record he met with the applicant's consultant Ira Handleman.

Chair D'Amico disclosed for the record he met with the applicant's consultant Ira Handleman.

Commissioner DeLuccio disclosed for the record he met with the applicant's consultant Ira Handleman.

Chair D'Amico opened public testimony for Item 9.B.:

DAVID ZYLSTRA, THOUSAND OAKS, Vice-President of Real Estate for Vons, presented the applicants report. He detailed the history of the site and spoke on the existing conditions of the site, the development phasing plan, the fabricated staging structure, demolition, construction, parking and the parking ramp, square-footage, outdoor dining, truck access, traffic circulation, trash and trash pick-up, access points and landscaping.

He requested an amendment to Section 5.19 of Resolution No. PC 07-730 regarding construction parking. He would like the construction workers able to utilize the new roof-top parking deck once it is completed, while they are working on and in the store, prior to opening.

He detailed the current recycling program and requested an amendment to Section 6.17 of Resolution No. PC 7-730; to change the verbiage to: *"if required by State law, they would have a recycling center."*

Vice-Chair Guardarrama questioned the height of the signage at the corner of Santa Monica Boulevard and Robertson Boulevard.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:00 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 7:05 P.M.

Commissioner Hamaker questioned staff if the ingress and egress access points are satisfactory and adequate. She questioned the possibility of a lane line.

HEAVENLY WILSON, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding parking issues.

SHARON M. PARKER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding pedestrian and disability accessibility issues.

DAVID WARREN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the possibility of twenty-four hour permit parking, cumulative traffic impacts, and noises and smell.

NAN WILLIAMS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

ROBERT STADD, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding accessibility issues.

PAUL TAFFEL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding landscape and maintenance issues.

JUDSON GREEN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding accessibility and noise issues.

PHIL TRASK, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding neighborhood compatibility, maintenance, trash and accessibility issues.

KEN DI GREGORIO, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. He had concerns with the location of the trash receptacles.

VICTOR OMELCZENKO, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MINDY BRADISH, WEST HOLLYWOOD, Executive Director, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

Chair D'Amico acknowledged and thanked Mindy Bradish for her service as Executive Director of the West Hollywood Chamber of Commerce.

KATE BARTOLO, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. She stated for the record she recused herself from the dais due to the fact she is within the 500 foot radius of the proposed project site and in conflict.

BRUCE ROGER, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding ingress and egress, traffic mitigation, noise, and delivery issues.

JACKIE YBARRA, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding environmental impacts, off-site sales of alcohol and ambient lighting.

STEVEN ROUSSEY, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JOHN BOEHM, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise and trash issues.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the alcoholic beverage conditions.

JOHN MICHAEL MONTGOMERY, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding environmental impacts, noise, trash, loading dock, and roof-top parking issues.

DAVID ZYLSTRA, THOUSAND OAKS, Vice-President of Real Estate for Vons, presented the applicants rebuttal. He spoke and addressed maintenance and landscaping issues, parking, pedestrian access, trash, recycling, and alcoholic beverage permits.

Commissioner Hamaker questioned the housing units and relocation fees. She requested clarification on the lighting.

Vice-Chair Guardarrama questioned the garbage facilities.

Commissioner DeLuccio requested clarification on the alcoholic beverage permitting request.

Chair D'Amico questioned the traffic mitigation concerns and permit parking. He questioned if the parking could be conditioned.

Commissioner DeLuccio requested clarification on the access point and traffic mitigation along Santa Monica Boulevard.

Vice-Chair Guardarrama questioned and requested clarification of the hours of alcohol sales.

Commissioner Hamaker questioned the cumulative impacts of other projects in the area.

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

Vice-Chair Guardarrama presented the Design Review Subcommittee report. He spoke on the signage and height.

John Chase, Urban Designer, presented the urban design report.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:15 P.M. AND RECONVENED AT 8:25 P.M.

Chair D'Amico moved: 1) approve staff's recommendation for approval, with the following added conditions: a) trash bin shall be moved to the corner of Santa Monica Boulevard and Ramage Street (at least away from the corner of Keith Avenue and Ramage Street; b) staff shall work with the applicant to make the parapet on the north wall, west corner of the building five feet; c) amend Section 5.19 of Resolution No. PC 07-730 to read: "once completed, the roof-top parking deck shall be available for construction crew parking prior to the store opening; and d) amend Section 6.17 of Resolution No. PC 07-730 to read: "if required by State law, there shall be a recycling center".

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio asked for clarification regarding parking and outdoor dining. He stated his support of the project and design.

Vice-Chair Guardarrama stated his support of the project. He had concerns with the current design of the building. He questioned the employee parking situation and asked for clarification regarding the ingress and egress access on Santa Monica Boulevard.

Vice-Chair Guardarrama requested an amendment to the motion: 1) the project shall be brought back to the Planning Commission Design Review Subcommittee for review of: a) the tower (located on the corner of Santa Monica Boulevard and Robertson Boulevard); and b) the wall and sidewalk treatment near Santa Monica Boulevard and Ramage Street.

Chair D'Amico agreed to this amendment.

Commissioner DeLuccio agreed to this amendment.

Commissioner Hamaker had concerns regarding the past maintenance issues and the retailers that will be displaced. She stated her support of the ambient lighting. She questioned the delivery trucks and noise. She supports the project.

Commissioner DeLuccio added an amendment to the motion: 1) no commercial parking permits shall be issued.

Chair D'Amico agreed to this amendment.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 07-730 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2006-005, DEVELOPMENT PERMIT 2006-006, CONDITIONAL USE PERMIT 2006-005, MINOR CONDITIONAL USE PERMIT 2007-006, ADMINISTRATIVE PERMIT 2006-004 AND TEMPORARY USE PERMIT 2007-002 TO PERMIT THE DEMOLITION OF ALL EXISTING STRUCTURES ON THE SITE AND THE CONSTRUCTION OF TWO NEW STRUCTURES CONTAINING A TOTAL OF 52,000 SQUARE-FEET OF GROCERY STORE USE, AND 11,099 SQUARE-FEET OF RETAIL USE, FOR THE PROERTY LOCATED AT 8969 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.B.
Moved by Chair D'Amico, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:

AYES: Commissioners DeLuccio, Hamaker, Vice-Chair Guardarrama, Chair D'Amico.

NOES: None.

ABSENT: Altschul.

RECUSED: Bartolo.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:40 P.M. FOR PRESENTATION SET-UP AND RECONVENED AT 8:45 P.M.

C. 8911 Santa Monica Boulevard (Rage).

Conditional Use Permit 2006-014: Terry Blount, Associate Planner, provided background information as presented in the staff report dated Thursday, May 3, 2007.

He detailed the proposal of a request to add an additional bar within an existing restaurant/nightclub. The requested change is minor and staff does not foresee any negative impacts associated with the change. Crime statistics and a review of recent code compliance cases indicate that this is neither a problem area nor a problem establishment.

Staff recommends approval.

Chair D'Amico opened public testimony for Item 9.C.:

ROBERT KECHTER, WEST HOLLYWOOD, manager of Rage, presented the applicant's report. He provided a brief history of the establishment and stated their request is primarily for a liqueur coffee bar, which will be incorporated into the existing patio area.

Commissioner DeLuccio questioned the location of the coffee bar and verified that it will be inside the establishment.

ROBERT KECHTER, WEST HOLLYWOOD, manager of Rage, stated for the record, it will be located within the establishment.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the type of bar requested, occupancy issues, and stated the access should not be allowed from the sidewalk.

ROBERT KECHTER, WEST HOLLYWOOD, manager of Rage, presented the applicant's rebuttal. He stated there have been no occupancy issues and no recent code violations.

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

Commissioner DeLuccio questioned the access point to the requested bar.

Discussion and details were given regarding the access point and location. It was notated for the record; the public cannot access this bar from the sidewalk.

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

Vice-Chair Guardarrama amended to motion: 1) patrons shall not be served directly from the outdoor area.

Commissioner DeLuccio agreed to this amendment.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 07-718 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2006-014, ON AN APPLICATION OF DONALD RANDALL, TO ADD AN ADDITIONAL BAR WITHIN AN EXISTING RESTAURANT/NIGHTCLUB, FOR THE PROPERTY LOCATED AT 8911 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA", and 3) Close Public Hearing Item 9.C. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Guardarrama, and unanimously carried; notating the abstention of Commissioner Altschul.**

10. NEW BUSINESS.

A. 1342 N. Hayworth Avenue.

Draft Environmental Impact Report (DEIR): Terry Blount, Associate Planner, provided background information as presented in the staff report dated Thursday, May 3, 2007.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

D'Amico: Item 10A, this is a Draft Environmental Impact Report. This is the opportunity for interested parties to make public comment only on the adequacy of the Draft Environmental Impact Report in accessing the project's impacts for the property located at 1342 North Hayworth Avenue in West Hollywood. The Applicant is Mike Dubelko. The location as I said is 1342 North Hayworth and the Planner is Terry Blount. You may begin Terry. Take a moment if you need to and we'll begin.

Blount: Thank you. The Draft Environmental Impact Report for the proposed 1342 Hayworth Avenue town home project was released on April 19th of this year. This is an opportunity for interested parties to comment on the adequacy of the Draft EIR in assessing the project impacts. A separate item will be placed on the Historic Preservation Commission's meeting agenda of May of this month for the same reason. This item is brought to the Commission to receive comments on the Draft EIR only. The Commission Public Hearing on the project and all related permits will be held at a later date. The verbal comments

received from the Commission, the Historic Preservation Commission and the public regarding the Draft EIR as well as any written comments received by staff during the review period will be addressed in the Final Environmental Impact Report. The Draft EIR evaluates potential significant impacts. The environmental review process provides an opportunity for public input into the environmental analysis and response to concern about possible historic resource impacts associated with the proposed project, the City of West Hollywood determined that an EIR would be prepared for this proposed project. The City prepared an initial study to determine whether other issues warranted additional analysis in the EIR. The initial study concluded that the project would not have the potential to create significant impacts in any other issue areas, therefore it was determined that the EIR would study only historic resource impacts. The project site is located at 1342-46 Hayworth Avenue, between Fountain Avenue and Sunset Boulevard. The site is currently developed with a two-story, six-unit apartment complex constructed in 1924. The proposed project involves the construction of a four-story, 16-unit town home development with one level of subterranean parking. Project implementation would require demolition of the existing courtyard apartment complex. Tonight I have two of the consultants who have been working on the preparation of the Draft EIR, Mitch Stone, San Buenaventura Research Associates, who is going to speak briefly about the historic resource impacts and Abe Leider of Rincon Consultants, who is going to speak to the aspect of CEQA regarding project alternatives.

Stone: Good evening Commissioners. I'm Mitch Stone. I'm a partner with San Buenaventura Research Associates. We're historic resources consultants and my purpose is to summarize for you in the briefest possible fashion our involvement with the Environmental Impact Report and the previous reports that were prepared for the property. We are the third of three historic resources consultants to look at this property. The first was Jones & Stokes. Their report was filed in August 2005. The second was Caplich & Kaplan. Their report was completed in September of 2006. And we also looked at a letter that was submitted by Jim Tice, who's an Associate Professor of Architecture at the University of Oregon and that's from July of 2005. In summary, Jones & Stokes found that the property was eligible for the California Register, but they did not – and they did not consider a local eligibility. Caplich & Kaplan found the property was not eligible for the California Register of Historical Resources or for local designation. In our review, we looked mainly at the administrative record. The City of West Hollywood in 1987 suggested through Historic Resources Survey thought the formation of the Fountain corridor apartment grouping a non-contiguous district that's bounded by La Cienega and Fairfax Boulevard and extending along the, formed by Fountain Avenue. In 1992, the City established a courtyard thematic district, which was non-contiguous multiple resource district of 16 properties. What...in discussing this with staff, we determined that the City's conclusion was that the courtyard thematic district was supported by the City's cultural resources ordinance, but the formation of the larger corridor, Fountain corridor district, which was a result of the survey, was not. Well, we had some mainly technical differences of opinion, we essentially concurred with Caplich & Kaplan that the property is not eligible for the National Register, California Register or for conclusion as a portion of a citywide district.

Leider: Mr. Chair and Commissioners, I'll quickly go over the alternatives in the Draft Environmental Impact Report. requires us to look at alternatives to the project in the EIR and gives us guidance on those. They are supposed to reduce the identified impacts as well as feasibly achieve the objectives of the project. So for this project, we looked at three alternatives. One is the standard no project alternative, which would essentially mean no change to the existing property. The second alternative we looked at was simply a condo conversion. Just convert the existing apartments to condominiums with no additional construction. And the third alternative was to retain the buildings, convert them to condos and also construct an additional building in the rear, three stories to accommodate two to four more units. All of these...all of the alternatives that we looked at, there's only one environmental issue, which we assessed, how they may compare to the proposed project and all three would reduce the impacts to the historic resources because the existing building would be retained. The...there was one asked us to do, we looked...we called one the environmental superior alternative, which would be a simple condo conversion alternative.

Blount: That concludes our presentation. If Commissioners have staff...excuse me, questions, staff is available.

D'Amico: I have two questions and maybe you made this clear and I was fumbling while you did, but why were three studies done, either consecutively or, or at the same time?

Keho: Originally an application was submitted to demolish the building and so the City staff was looking at the item and we contracted with Jones & Stokes to see whether or not the building was potentially a historic building. So they prepared a report. At the same time, or a little bit later, the owner of the property had a historic report prepared on their behalf, Caplich & Kaplan. Subsequently, we had two reports that were saying two different things, so in order to make sure that we looked at it one more time, we contracted with this firm over here so that way we could have a third firm take a look at it and see exactly...to review and take a look at the items and see what, what the results would be and then on this final review, which is the EIR, we have all the evidence from both sides and then on this review it turns out it looks like the building would not be considered historically significant.

D'Amico: And that would be why the initial comment that this consultants looked primarily at the administrative record...

Keho: Right.

D'Amico: ...was to really (TALKING OVER).

Keho: They were doing....

D'Amico: Gather...

Keho: Right.

D'Amico: ...gather information from the data already gathered.

Keho: Correct.

D'Amico: Okay. And the, the original application to demolish came I assume with a desire to build.

Keho: Correct.

D'Amico: Not just to make a field.

Keho: That's correct and that was a description that Terry indicated about the town home project.

D'Amico: Right, right, but...okay. Yeah, anyone have any questions?

DeLuccio: The comment on the Jim Tice, the letter from James...is it James Tice. There was another letter that favored keeping...designating as historic. It was Professor....

Stone: Yes, this...Chair Members, Commission, the Jim Tice letter, he was a...he is a Professor of Architecture at University of Oregon. He was a contributor to the courtyard housing in Los Angeles that was, the book was, the primary author was Stefan Polyzoides. It's sort of the, the Bible if you want to say of courtyard housing design. They did a typological study of courtyard housing here in Southern California in the Los Angeles area and this really gets to the...some of the technical questions that we were still...we were grappling with. There's...the main national disagreement we had with Caplich & Kaplan as to whether or not this would qualify as a type of courtyard housing. Caplich & Kaplan thought that it did not. We felt that based on the typological study that was done by Polyzoides that it was and, and in effect that's what Jim Tice was saying in his letter was that he felt that it was the type of courtyard housing.

DeLuccio: That it should be designated historic, right, on the State?

Stone: I haven't looked at his letter in a while and I wouldn't try to summarize his conclusions that way, but he was arguing in favor of preservation essentially yes.

D'Amico: All right, anyone else have any comments before we hear from a member of the public, Todd Elliott, who's the Applicant's rep. Remind me, John, is the Applicant, at this point they get three minutes like everyone else.

Keho: Right.

D'Amico: All right.

Keho: This is a comment hearing, so we're here to receive comments on the document.

D'Amico: Okay. Mr. Elliot, good evening, followed by Heavenly Wilson.

Elliott: Good evening, Todd Elliott, with Truman & Elliott. We're here this evening representing Grovewood Properties, which is the Applicant and we appreciate the work of Rincon and San Buenaventura in preparing the EIR. We'll be commenting in writing to the City and we appreciate the opportunity to address you this evening and look forward to the other comments. Thank you.

D'Amico: All right, Heavenly Wilson. Followed by Jennifer McGlynn.

Wilson: Good evening, Heavenly Wilson, resident of West Hollywood. I'm troubled by the timing of this hearing because it doesn't give you an opportunity to consider all the rest of the public comment that will come in before the public comment period is over. I am anticipating a letter from Jim Tice in response to the very arrogant dismissal of his letter by the consultants. He...I have...I'm definite...my characterization of the dismissal, not his, but he will be writing. The Los Angeles Conservancy will also be writing a letter to support the preservation of this property and I expect also a letter to come from the National Register concerning whether it would qualify for the National Register and I think these are very important documents for this Commission to consider before giving any direction to the consultants and therefore I would suggest you have another hearing after the period of com...public comment is over before the consultants proceed to the Final EIR, which then sets things more in concrete. You should...these are important things for you to consider. Now I do have a problem with their description of several issues. I have several issues with their conclusions. One is their consideration that this does not qualify because it's under the category of a structure which is eligible because it has the distinctive characteristics of a type. This, this is...they're misreading this section because they're saying that it means that this building has to have an excellent standard of artistic value. The provision in the National Register for the National Register has distinctive characteristics of a type, period, etc. That means characteristics that identify it as belonging to that type or period. Doesn't mean....

D'Amico: Hold on one second.

Wilson: Sorry.

D'Amico: Sorry to break your concentration, but we're having a little sound situation so....

Wilson: Yes, there is. Yeah.

D'Amico: We're checking it out.

Wilson: Right, do I get extra time?

D'Amico: Absolutely.

Wilson: Thank you. Okay.

D'Amico: There we go.

Wilson: No, sorry, that's....

D'Amico: David, maybe you can make sure she has an extra minute or so.

Wilson: I'm sorry, I'm getting a bit nervous here.

D'Amico: Don't be nervous.

Wilson: Distinctive in that provision and I have discussed it today with the people from the National Register. It doesn't mean that the structure has to be excellent over and above everything else. It means that it has to have fact...features which belong to that type or period, which my...which this building clearly has. It is very much as Jones & Stokes refers to an excellent exemplar of that period of that particular type of housing, the courtyard housing, which is the most important building type in West Hollywood for various reasons and I could extemporize on that for hours, but I don't have the time. See, they refer to Jones & Stokes reference to it being good and mediocre, but that was not in relationship to this particular category of, of eligibility. On this issue of whether it would be eligible, they say it is in fact an excellent example. So there, there are many errors like this in the report of the consultants, the Rincon Consultants, and the City reiteration of that report is even worse. So I really, really question all of these issues and I think that you really should have another hearing after this...after the period of public comment is over. Additionally, they say...I have a question about the courtyard thematic district reading. They...the courtyard thematic district was...it's described in such a narrow fashion that it excludes many, many of the buildings that would...should be eligible for listing because they represent the history of this very important building type in our City. Now...I'm sorry. I, I could go on for hours, but I don't have the time.

D'Amico: Thank you, Ms. Wilson.

Wilson: I'll talk to you later.

D'Amico: I think there are some questions for you. Heavenly, there are some questions for you.

Hamaker: Ms. Wilson, is this the...one of the buildings that you live in?

Wilson: I live in this building, yes, I do.

Hamaker: In one of these units, thank you.

Wilson: I've lived there since 1981, so I know it fairly well.

Bartolo: One clarification of the...you indicated that you felt that there should be another hearing because there wasn't adequate time to be able to bring in all of the commentary, but in fact, this is just to receive...I just wanted to clarify in case there is a misunderstanding, this is simply to receive comment. There will be ample opportunity to receive additional other comments from the other sorts, constituencies that you're referencing.

Wilson: Yes, but my (TALKING OVER).

Bartolo: You can't...unfortunately, you're not allowed to respond. Sorry about that.

Wilson: I'm sorry (TALKING OVER).

Bartolo: (TALKING OVER) give you a point of clarification.

Wilson: Oh.

DeLuccio: I, I would like...can I ask her to respond?

D'Amico: Please.

DeLuccio: I would like to hear your response.

Wilson: Okay. Well, my response to that is, yes, there is an additional period for the public to continue to comment, but you won't have the opportunity to consider and to consider these comments and give your directions to the consultants accordingly and there are three very important letters that are still to come in from people who really warrant being heard. Plus, additional comments from the public.

D'Amico: Well, actually, Ms. Wilson, it does come back to this Commission as the Final EIR.

Wilson: Yes, but as the Final EIR and that by then it will be set in concrete.

D'Amico: Well, at that point, we have the opportunity to accept its findings or not and in addition, we would I think hear from the Historic Preservation Commission, which really is for all intents and purposes, a body that would have much more expertise on this, and we would look to them, right or wrong...I see your eyebrows raising an astounding distance.

Wilson: I suppose, I can't respond to that, can I?

D'Amico: Okay.

Wilson: Okay, I (TALKING OVER).

D'Amico: Thank you very much. Jennifer McGlynn to be followed by Tom Fuchs.

McGlynn: Hi. I prepared a small statement about 1342 North Hayworth, although even in listening to the consultants speak this evening, I find the same thing that I found when I read the Draft Environmental Impact Report, which is that they seem to contradict themselves quite a bit and I do urge that there's further investigation, you know, more work done as to whether or not 1342 North Hayworth is a cultural resource because having been there and if you just walk around the neighborhood or even look in the draft that you have in front of you right now with the photos, I think it is very clear that it does represent a type that's a beautiful building, but there is actually a courtyard. It does count as a courtyard thematic building and so...yeah. That's pretty much it, thank you so much.

D'Amico: Can you please state your name and city of residence for the record?

McGlynn: Absolutely, my name is Jennifer McGlynn. I live on Sweetzer Avenue in another courtyard building here in West Hollywood.

D'Amico: Thank you very much. Tom Fuchs will be followed by Victor Omelczenko and Mr. Fuchs if you would also begin by stating your name and city of residence?

Fuchs: Hello, my name is Tom Fuchs, a resident of West Hollywood. My concern with the EIR report is I, I don't think it accurately reflects what's going on on our block. I live on, on that block. Specifically, Section Three, the setting, does not take into account two very important factors. The first factor is at the top of the block that 1342 is on. That is to say the east side, on the southeast corner of Hayworth and Sunset, of course, the Director's Guild and across the street from that, not across Sunset, but across Hayworth, it's on the southwest corner of Hayworth and Sunset is a new project, 7950 it's called, pardon me. It's one floor of retail and four floors of apartments. It's under construction, 180 units. Now, the parking garages for both of these have their exits and entrances on Hayworth, only a few feet from the City line. They're not mentioned in the EIR report. They're not in 3.1, they're not...or the table I believe is called 3.1, or in the site description. And perhaps because they're not in the City of West Hollywood, but they do have an immediate impact on the street. They're on the same street. There's no division and so I feel that...pardon me, I'm a little nervous. You can't really get from this EIR that is presently drafted, you can't get the cumulative impact picture very accurately. So I respectfully suggest that the report ought to be reconsidered and redrafted. Thank you.

D'Amico: Thank you, sir. Victor Omelczenko to be followed by Susan Canjura.

Omelczenko: I'm Victor Omelczenko, West Hollywood resident, concerned about the continuing onslaught of development that proposes to destroy our affordable housing stock such as that at 1342 North Hayworth and replaces it with super-sized condominiums out of the reach of the pockets of many of our neighbors. Adding insult to injury here is that the project proposed for 1342 North Hayworth will result in the demolition of a wonderful, very rare specimen of an L-shaped style courtyard apartment building, housing from the 1920's, which is very...not represented very well anymore in West Hollywood. We have here an example of multi-family housing built when our area was still called Sherman. It deserves to be protected. I was happy to see that the initial study does say that there is a potentially significant impact on cultural resources. The historical assessment prepared for the City first by Jones & Stokes determined that the property is potentially eligible for listing on our State of California Register of Historic Resources and one wonders why it couldn't be a City of West Hollywood cultural resource, maybe not as part of the courtyard thematic areas, but as an individual landmark. That said, I think that the Draft EIR prepared by the City and Rincon Consultants and Mr. Mitch Stone of San Buenaventura Research Associates is particularly short shrift to the wonderful immense urban forest that now surrounds the property. There are about 40 trees there. I think that there will be potentially significant impact to the surrounding esthetics and that is a factor in our environmental checklist with the destruction of so many trees yet the Draft EIR, the latest Draft EIR says the impacts are less than significant. Compounding the problem is that the esthetics of the street will also be severely affected with the removal of the canopy that drapes over the sidewalk in front of the property. And frankly, the proposed new development is out of keeping with the characteristics of the neighborhood and another example of a rectangular box with some modernized embellishments in my opinion. I also think that there will be a definite impact on air quality with the removal of those trees, yet the information in the packet that I saw says there is no impact whatsoever. So for these reasons, I do not think that the Draft Environmental Impact Report is adequate and I hope that the final report addresses these concerns and I plan to document my concerns in a letter that will follow up to this report. So thank you for this opportunity, you know, to make our comments on this Draft EIR.

D'Amico: Thank you, sir. Susan Canjura will be followed by Steve Martin.

Canjura: Susan Canjura, resident of West Hollywood for 18 years. Preserving 1342 North Hayworth is clearly a benefit to our city and the EIR does support the historical merit of this building. Two respected entities, James Tice and the firm of Jones & Stokes have found that this building has historic merits. The building has maintained its integrity since the 1920's and is a rare example of the broken L-shaped courtyard housing type. Jones & Stokes found that it meets the criteria for inclusion in the State, the State Registry of Historic places. Two other entities disagreed with the two experts on this, however, their qualifications are not specified in the EIR. The opinion of the noted James Tice who has co-written the definitive work on courtyard style housing should be given more credence than the opinions of a pure review group without similar qualifications. Demolishing this building would be demolishing a piece of West Hollywood history. Actually, the history of Sherman, West Hollywood's name in

1924. *Very little remains in this City from this time period, which means that it yields important information of this history, which is one of the criteria for listing in the National Registry of Historical Places. Do we only care about preserving one or two buildings from each historical period like a museum? Why can't we complete a long overdue historical survey before tearing down more of our historical buildings. We can quibble about the language or the meaning of words like exceptional for example, but all parties agree that this building does yield information important in history and that's one of the criteria for a designation of historical building. The question is what kind of city do we want to live in? One with four-story boxy luxury condos that many of our current residents can't afford to live in or one that reflects a diversity of historical time periods in our current diverse populace? Thank you.*

D'Amico: Thank you very much, ma'am. Mr. Steve Martin to be followed by Ms. Jeanne Dobrin.

Martin: Steve Martin, West Hollywood. Nice to see you Commissioners and I don't live in this building. Just to build on what's been said, you know, we always...in West Hollywood we want to celebrate our diverse city and our city character and how much we're not like Los Angeles and the other urban disasters that surround us, but it just seems we keep on pushing ourselves more and more in that direction, whether we want to, you know, increase the size, the scope and massiveness of development along Santa Monica Boulevard or whether we just seem sort of flimsy in our protections for our unique cultural heritage that's increasingly being replaced by essentially what are big box, expensive condos with some bells and whistles on them. And it's frustrating in that, that I think that, you know, I agree with Mr. DeLuccio that there's some more weight needs to be put on the Tice letter and I think that the Commission should at least be flattered that people want this to come back to you before the EIR because I think that the public respects your good sense. But what we're really looking at here, there is a certain sense that unless something's completely unique that bowls over amateurs like me, that's the only thing that should be preserved. That's really not it. I mean we're fortunate here in West Hollywood because of our unique history, because of our association with the movie industry, we have a lot of wonderful examples, but it's not just an issue of saving the wonderful examples. If this project was outside West Hollywood, people...you know, we have a huge crowd here to preserve it. Maybe we're a little jaded here, but this really belongs...this project along with many, many others that didn't make the Cultural Heritage list, really are part of that ambience and really deserve that second look. And if we're going to maintain our unique character here in West Hollywood, which at this point our history is questionable, but if we're really looking at it, I think we really need to give this building a second chance. So I appreciate your consideration. Thank you.

D'Amico: Thank you, Mr. Martin. Our final speaker is Jeanne Dobrin. If anyone else wishes to speak, please fill out a speaker slip and give it to David. Oh. Ms. Dobrin? You need to use the microphone over there. It's not working.

Dobrin: I was always five feet and three-quarters of an inch, but I've shrunk, so I like this one better. Anyhow, my name is Jeanne Dobrin and I'm a resident of West Hollywood. I read Mr. Tice's letter and while I have been to Venice twice, once in the company actually of one of the Planning Commissioners here that was one time, I don't agree with him about his visit to Venice and comparing the architecture of this premises to Venice. It evokes to me more Andalusia. And by the way, Andalusia is in a country where the fore bearers of one of our Planning Commissioners came from I believe. So maybe he would understand that more than the average person. I think it's heartbreaking to see this exquisite architecture and its great detailing and the wonderful and lush, mature landscaping that is on this premises be destroyed. This project is a little different from some that I've objected to because some of them, although in the City's mission goal I guess it is and maybe the Municipal Code wherever, it says that we want to have more housing and I have objected many times when some places have been destroyed that have eight units and they're going to build eight units. That isn't just building more units. A few more units will be here, but we will be subject to the vagaries of architects of the present day, which Polyzoides is one fine one and Mr. D'Amico is another fine one, but in the end, let us face it, this is a beautiful, beautiful piece of property and I echo a little bit about what Steve Martin said, it's incredible to think that we are seeking to destroy this type of thing. It's supposedly the...an enigma as far as the City is concerned because this City claims that it has great admiration for designs and this will go. Too bad. Thank you.

D'Amico: Thank you, Ms. Dobrin. Barbara, would you like to begin with comments or...

Hamaker: I don't have any comments.

D'Amico: no? Okay, Joe?

Guardarrama: I also don't have any comments.

D'Amico: Go ahead, please.

Bartolo: I've searched through this, the references that when you're looking at an alternative, one of them was a condo conversion. And I'm sorry, I probably...maybe I wasn't listening as well as I might have. What was the conclusion or at least what was the evaluation criteria in evaluating that as an alternative? What were the recommendations?

Leider: The alternative evaluation really had just one resource to look at in comparing the impact of the project to the alternative, and that's historic resources. And so on all three of the alternatives, all three of which kept the building basically intact, it reduced, impassed or resources it wouldn't be demolished. Is that your question?

Bartolo: So there was really no evaluation to compare with?

Leider: Yes, there is an evaluation, but it's a very simple one because demolish the building or don't.

Bartolo: Got it. Okay, fine... thank you..

D'Amico: Which I guess brings me to my comments, which is that 6.3, which is alternate 3 of the possibilities and I'm not actually sure, John, how this does happen, but it feels like as Kate, I believe you're alluding to, someone said, well, we could move people in and sell them...we could sell them off as condos and there'd be no impact. What do you think of that? Hmm, that's an idea. Okay, there would be no impact. But it seems like there's probably a deeper set of thoughts that can happen about that idea, whether they're...whether half the property is developed, some of the historic resources retained as has happened with other projects and it feels like that third alternative of maintaining some parts and pieces and I really don't want to tread into historic preservation land 'cause I probably have a dangerous amount of knowledge about how to save historic structures, but it just, it just...in the reading of this, it feels as if the discussion about ways to maintain parts of the historic structure were not developed in a way that sufficiently I think would explain why it couldn't happen, except for that maintaining it is perhaps a hardship on the developer who wants to get rid of it and build a building, which I think is not...that's not the way to do this right now. So that for me, I would like to have either someone explain why that additional thought can't happen at this point in the process or have someone do it and spend the time and effort and ask maybe the developer to ask their own architects to think about that as a part of the alternate....

Keho: So are you talking about tearing down portions of the project and I believe there was an alternative where we added some things on to the back.

D'Amico: There is and, and there is exactly...I mean I just looked at it, two paragraphs about that and if, if that's the best summary of that, then that's what it is and then you can report back 45 days from now plus whatever time it takes to do that and say yes, that is in fact the best way to do that and/or model that this Commission has adopted in other properties in this City in this neighborhood in which parts of buildings were saved and other parts were not. Gave us more options other than everybody goes and a new building is built or nobody goes and the building remains. So for me, I feel like...I mean it...and it's...I'm not really actually interested in doing that, so much as I'm interested in knowing if doing that, gets us anywhere. And the second part is, I actually feel like the traffic study...the option to not do a traffic study because a traffic study wasn't done, it's a little circular to me and I...so I'm not necessarily again asking that this EIR be expanded to include other things, but I would want someone to explain how in the midst of the biggest development boom in 25 years with, as that gentleman said, all these units pouring out on to their street, the City could decide that it's...that's not an important enough part of this EIR. And someone can. But the part that I read said something about 4:00 a.m. is the peak hour for trips and right there, that makes me nervous and this might be a typo. It might be a typo. And I don't, you know, I don't know, but it just....

Bartolo: I hope it's a typo.

D'Amico: Yeah, it just feels like something slipped and we should, we should know fully what, what the traffic impact is as part of the larger idea of this development versus the historic obviously. So those are my two sets of comments. I hope the process for all those involved is not, is not a dispositive one because this will go before the Historic Preservation Commission. They have three studies to pick and choose from. You could make a case for anything, I would imagine, given all the information out there and everyone who has an idea I'm sure will use them to their own best advantage, but I hope the Historic Preservation Commission will get the opportunity to make a clear recommendation to us about the importance of these structures or lack of importance depending on where we get.

Keho: The Historic Preservation Commission will get to have a commentary just as you are doing. The project is not a cultural resource, so the only items that go to the cult...that go to the Heritage Cult...Historic Preservation Commission are items that are identified as a potential resource or designated. So this won't be going back to them for a recommendation on the project itself. They would be making comments on the EIR on whether or not they think the EIR is adequate and adequately addresses all the impacts and if they feel it adequately addressed whether or not this was a potential resource or not.

D'Amico: And those two statements whether it addresses adequately the impacts and whether or not it is a cultural resource, those are both yes and no questions and I'm sure they're much more complicated than that as well. So we'll look for some clarity on them and in fact we may want to have one of them come and speak with us if that is appropriate. I'll leave it up to you, John, to decide. Kate?

Bartolo: I have a question for the city attorney. Is it appropriate at this time given the limited scope of the role that we're playing in dealing strictly speaking with the Draft EIR and encouraging comments, if I could ask a question of a member of the audience and a former speaker and to an individual I believe is a resident here and it pertains to the process of condo conversion. It's not strictly speaking part of the EIR, but I may ask that question?

Cotti: I would say....

Bartolo: That's really rude, please don't. That's rude.

Cotti: Yes, you can ask clarification of a prior speaker but the project I would remind you is coming back. So yes, you can ask clarification.

Bartolo: All right. Ms. Heavenly Wilson, may I ask you a question quickly please?

D'Amico: Heavenly Wilson come on down.

Bartolo: Was there an offer put forward to the tenants or any discussion by the developer with the tenants of the preservation of the existing structure to convert it to condominiums and were...was that discussion with you an opportunity to purchase your unit?

Wilson: That was a discussion we had. We had a meeting with the developer, Mr. Dubelko. For most of us, the amount of money that she was expecting to get was way out of our league. We wanted I believe \$800,000.00 for each of our units and I'm certainly not in a position to get into a loan like that. You know, and neither, I believe are the Kamura's and the other people have left already, so they, they're not around anymore.

Bartolo: Was there also...was it...now that was...was that the proposed sell price for the units, is that correct?

Wilson: Sorry?

Bartolo: Was that the proposed sell price for the units?

Wilson: Yes.

Bartolo: And was there an opportunity to...for you to group together as tenants, potentially buy the units, by the building from the developer?

Wilson: No.

Bartolo: That was not, okay.

Wilson: No. That was not an option.

Bartolo: Right.

Wilson: I don't believe, no, unless, you know, if some...if there was an option like that, wasn't expressed to us that way.

Bartolo: Thank you. I appreciate it.

D'Amico: All right, if there are no more comments then we...oh. I didn't even ask you. I am so sorry, Donald. It's getting late.

DeLuccio: That's fine.

D'Amico: I don't have my....

DeLuccio: I actually....

D'Amico: Scheming against you is working.

Bartolo: Never seen a conspiracy when simple incompetence will do.

DeLuccio: I just have....

D'Amico: Donald, you're on.

DeLuccio: I won't go away. Anyway, the Jim Tice letter, I know Heavenly Wilson indicated he will be writing a follow up letter 'cause I would hope to see some more analysis of that letter 'cause I don't...I just look...I know the...I just read just like one little paragraph that you commented on the letter previously, so hopefully he'll submit a letter clarifying more by what he meant by designating them as historic...the building as historic. So that's just my comment.

D'Amico: All right. So that will close our discussion and open the comment period for 45 days. Someone will do the math at some point. And...

Blount: Well, just for clarification, the comment period is already open and it closes June the 4th.

D'Amico: Thank you, June the 4th. Send your cards and letters and make your phone calls, and then comments will be addressed and it will be back before us after a visit to the Historic Preservation Commission. Thank you very much, Terry, appreciate all your hard work and your consultants as well.

(ITEM 10.A. RECORDING ENDS).

ACTION: 1) Receive public comment; and 2) provide comments received to the environmental consultants, for the property located at 1342 N. Hayworth Avenue, West Hollywood, California. **Motion carried by consensus of the Commission;; notating the abstention of Commissioner Altschul.**

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Director's Report.

Susan Healy Keene, Community Development Director, provided an update on the West Hollywood Park master plan; which includes improvements to Plummer Park's Fiesta Hall with additional underground parking. She also detailed the proposed City Hall addition, which will be a LEED certified building.

B. Planning Manager's Update.

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

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on landscaping issues.

15. ITEMS FROM COMMISSIONERS. None.

16. ADJOURNMENT: The Planning Commission adjourned at 9:45 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 17, 2007 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 17TH DAY OF MAY, 2007.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR