

BEFORE THE PLANNING COMMISSION
OF THE CITY OF WEST HOLLYWOOD
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
In the Matter of Planning Commission Meeting

Address:)
West Hollywood Park Public Meeting Room)
625 N. San Vicente Boulevard)
West Hollywood, California)
_____)

DATE OF MEETING: October 20, 2022

PLANNING COMMISSION:

Stacey E. Jones, Chair
Marquita Thomas, Vice-Chair
Kimberly Copeland, Commissioner
David Gregoire, Commissioner
Michael A. Lombardi, Commissioner
Erick J. Matos, Commissioner
Rogerio Carvalheiro, Commissioner (A)

STAFF:

Jennifer Alkire, Planning Mgr.
Jennifer Davis, Sr. Planner
John Leonard, Director ED
Doug Vu, Sr. Planner
Lauren Langer, City Attorney
Isaac Rosen, Asst. Attorney
David Gillig, Secretary

Planning Commission Meeting

October 20, 2022

Jones: Okay. So, the West Hollywood Planning Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied unseated seized territory of the Gabrieleno Tongva and Gabrieleno Kizh peoples. This Planning Commission meeting is being live broadcast and teleconferenced on the City's website and is also provided on a wide array of streaming media platforms to offer access to the public to the fullest extent possible. You may call in to make a comment and you may also listen into this meeting by dialing 669 900 6833, meeting ID 89199662568 and then press the pound sign. WEHO TV staff have confirmed that this Planning Commission Meeting is currently streaming successfully on Spectrum Channel 10 and online at WEHO.org/WEHOTV. In addition, and as a courtesy, this meeting is also successfully streaming on the City's You Tube Channel at Youtube.com/WEHOTV and on ROKU, APPLE TV, FIRE TV, and ANDROID TV. WEHO TV staff monitor this broadcast on all platforms throughout the meeting and will notify the Planning Commission

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Lombardi: Sure.

Jones: Thank you.

(Group Pledge of Allegiance)

Jones: Thank you. Until we have more robust public attendance again, I will probably continue to call on people that I know to do that so thank you for humoring me. Agenda item three is roll call. David, can you please call roll for us?

Gillig: Thank you. Good evening, commissioners. Tonight, Commissioner Carvalheiro is excused from this meeting due to state conflict laws. So that means his vote for Item 10A, 8901 Sunset Boulevard, will be as...shown as a recusal. Commissioner Matos.

Matos: Present.

Gillig: Commissioner Lombardi.

Lombardi: Present.

Gillig: Commissioner Gregoire.

Gregoire: Here.

Gillig: Commissioner Copeland.

Jones: Present.

Gillig: Vice Chair Thomas.

Thomas: Here.

Gillig: Chair Jones.

Jones: Here.

Gillig: And we have a quorum.

Jones: Great. Thank you. Item 4 is approval of the agenda. We do have a request to move some of the agenda items up. We do have, I believe, one Commissioner recusing from each item. So, this would actually be for the second item with the recusals for the second item. I'd like to propose or move that we move item 14, this is items from staff, the Planning Manager's Update and Subcommittee Management up to...if legal and staff are amenable, to just after the Director's Report. Great. Thank you. Do I have a second?

Matos: I'll second.

Jones: David, could you please take the vote?

Gillig: I'm sorry, who made the motion?

Jones: The motion is to move Item 14 up to just after Item 7, the Director's Report.

Gillig: Thank you.

Jones: Thank you.

Gillig: Motion by Vice Chair Thomas, seconded by Commissioner Matos.

Jones: Actually, that motion was by me, David.

Gillig: Second though?

Thomas: I did it by computer, he did it by voice.

Jones: Sorry. I forget this is here too.

Gillig: And motion passes unanimously approving the agenda for October 20th, 2022, as amended.

Jones: Great. Thank you. Item 5 is approval of the minutes. I will need to recuse myself from this as I was not present at the October 6th meeting. Just kidding. This is being continued to the Thursday, November 3rd meeting. That's my bad, excuse me. So, we will not be voting on it. It will be continued. David, do we need to vote on the continuance?

Gillig: No. It can be by consensus.

Jones: Great. Thank you. All right, moving right along to Item 6, public comment. Do we have anyone in the audience, be it here in the auditorium or on the phone who would like to speak on an item that is not on our agenda of public hearings tonight? If you are, you can fill out a slip. You just need to give it to David here. Do we have any public speakers?

Gillig: Chair, I received no public comment speakers here in Chambers. We do have a couple callers online on the Zoom platform. I'll turn that over to Randy and he will call on them.

Jones: Great. Thank you.

Gillig: If anybody is on the Zoom platform that would like to speak on a general comment, please star nine for me at this time. That will let us know that you're available to comment.

Randy: Our first speaker is Lynn Russell followed by Cathy Blaivas. Lynn, please press star six to unmute yourself. You have three minutes to speak.

Jones: I'd also like to ask that each caller please identify yourself with your name and city of residence.

Russell: Hello. Good evening. Good evening.

Randy: Hello. Good evening.

Gillig: Go ahead, Lynn. You have three minutes.

Russell: All right. Thank you so much. I wasn't sure we were connected. Good evening, Chairman Jones, and fellow Planning Commissioners. Both items on the agenda this evening cause me to once again think about the possibilities beyond our current urban design and architecture duty. For the city to think about having an individual or a team discussing discriminating and discerning eye to determine aesthetic logistics with the applicants before choosing their architect and certainly before pencil meets the paper. There appears to be no such

plan other than the City's special interest projects within long range planning, which appear to focus on special issues but are lacking in the city overall of coherence and overall context. The result is arbitrary pieces of a puzzle lacking relationship to the built structures that we all admire and appreciate have produced an eternally awkward landscape. The concept could actually procedure a further opportunity, which would be improvement of the actual landscape, tree canopy, and things that affect our environmental challenges. This could be accomplished in our small 1.9 square miles. The early builders were knowledgeable about this, they demonstrated it, and ever since West Hollywood inherited much of their thoughtful architecture and the, the remaining architecture that exists between the obvious landmarks, there's a lack of harmony and I believe we've handled it poorly. So, there is always an opportunity to get on a more thoughtful path and I hope that we can be inspired to do that. Thank you so much.

Randy: Thank you, Lynn. That concludes the Zoom speakers.

Campbell: I asked to speak on Zoom, thank you.

Randy: May I please have your name?

Campbell: Yes, Carolyn Campbell. I sent an email into David, but I opted to do Zoom rather than the phone, which I'm not familiar with so I appreciate your accepting that format.

Randy: Sure, of course. Go ahead, Carolyn. You have three minutes to speak.

Campbell: Thank you. Thank you, Committee for allowing the public to come and interact with you today. I'm a long-time home and business owner in West Hollywood. I just have three brief things I wanted to bring up about the 8500 Santa Monica Boulevard Project. There doesn't seem to -

Jones: I'm sorry. I'm sorry to interrupt you, I am. But if you want to speak on the 8500 item, you will need to wait until we get to that item. That's Item 10B in our public hearings.

Campbell: Oh, I'm...please, pardon me.

Jones: Oh, it's okay. I'm sorry to interrupt you I...it's just a matter of process.

Campbell: It's okay. All right. Bye bye.

Jones: Thank you.

Gillig: And Chair, that is our last public speaker.

Jones: Okay. I don't want to deter anyone from speaking,

so if you do want to speak during the public comment portion, whether it's now or during one of the public hearings, just unmute and give us an audio cue. In any case, all right. So, Item 7 is the Director's Report.

Keho: Thank you, Chair, and Vice Chair, and members of the Commission. John Keho, Director of Planning and Development Services. So, I want to give you an update on some City Council action from Monday night that's of particular interest to the Planning Commission. Several meetings ago there was a residential item where there was a lot of discussion about the replacement of units and how they might come back in the building, whether they needed to be deed restricted, affordable, or potentially rent-stabilized units. So, we took an item to Council where we could get clear direction from the City Council on what they would like to select as far as how the city, how we go forward as a city. And so, what they...after a lot of discussion, they decided to elect the replacement requirements for the units that would be for residents who had been in the previous site who are above lower income, for those units to come back

initially as deed-restricted lower income affordable units as long as that does not exceed 35 percent of the total units in th project. If more units are required based on the replacement requirements, those additional units would come back as rent stabilized. So, if there were a lot of units having to be replaced, it could be a combination of both deed-restricted affordable and rent stabilized. The other thing they also asked us to do and gave us direction was to make sure it's really clear in our application forms so that everyone knows up front that this is the requirement so that way when it comes to you, that's all been decided upon and also that, that's they have to provide us the income information on those units before it's deemed completed. So hopefully that will solve some of the problems that occurred in that previous meeting. And there are no planning items on the next City Council agenda so nothing upcoming.

Jones: Does anyone have any questions for Mr. Keho? You could hear a pin drop in here right now. Okay.
Thank you very much, John.

Keho: Thank you.

Jones: All right. Again, per the approval of the agenda and amended form, we will now be taking what was Item 14, I guess it becomes Item 8 now. This is items from staff. We have our planning manager's update. I'm putting Jennifer Alkire on the spot, or we are collectively so thanks for humoring us.

Alkire: All good. Thank you. Can you hear me, okay? Okay. All right, so upcoming on future agendas. In the next meeting on November 3rd, we are going to hear the continued public hearing for 8555 Santa Monica Boulevard Mixed Use Project. We will also be hearing a subdivision for 1236 North Fairfax, that's a new building that has not previously been occupied. And a zone text amendment for gender neutral multi-stalled restrooms. And then on November 17th, we'll be hearing another subdivision for 511 North Flores, a 90-unit residential development at 1317 Crescent Heights Boulevard. An EIR, an Environmental Impact Report, public comment hearing for the project at 9160 to 9176 Sunset Boulevard where the Hornburg Car Dealership was, and a zone text amendment related to non-residential projects on residentially zoned parcels. I will go ahead and go through our sub,

our sub committees now as well. So, Planning Commission Design Review Subcommittee does not have any upcoming items for the next few agendas. The Sunsets Arts and Advertising Subcommittee does have one item coming up. We don't have an agenzized meeting date for that and so we're looking at December 8th. So, I'm looking towards the Sunset Arts and Advertising subcommittee members to let me know if December 8th would be acceptable. Okay. You can let me know when I'm done, just not...

Jones: That's December 8th, that's a Tuesday.

Alkire: December 8th. It is...

Jones: Sorry, I'm looking at November. Yes, okay. Thank you.

Alkire: Is it a Tuesday?

Jones: That works for me. No. It's...that was November again.

Alkire: Okay, great.

Jones: It's Election Day.

Alkire: Perfect. Thank you because I didn't, I didn't put this together, so I wasn't sure. Okay. That's Sunset Arts and Advertising. And then for Planning Commission Long Range subcommittee, we've got November 17th, hotel rooftop additions item, an

item related to parking minimums, and an item related to objective development standards for multi-family and mixed-use projects. I realize those, you know, having three items for the Long-Range Projects subcommittee can be a lot, so we'll just get through what we can get through and then whatever doesn't get heard or adequately discussed we can push off to the next one. And this is all I have for this evening. If you have any questions for me, I'm here.

Jones: Thank you, Jennifer. Does anyone have any questions for...no? All right.

Alkire: If anyone can't make that December 8th date, please let me know. Thank you.

Jones: Great. Thank you. Item 8 is items from Commissioners. Do we have anyone who would like to speak? Commissioner Gregoire, please go ahead.

Gregoire: I'll just, I'll just note that people should be getting their mail-in ballots. Our election is coming up. I think it's what, November 8th? We have a city election for City Council. I encourage everybody to make sure you vote. It's an important time for our city and we have a whole slate of wonderful candidates to choose from. So, get out

and vote, exercise your right as citizens.

Jones: Thank you. Any other comments from Commissioners?
Commissioner Lombardi?

Lombardi: Thank you. One quick FYI for those that are listening in. In particular right now there is a Fountain Avenue protected bike lines virtual workshop so if that's of interest, I say go to WEHO and onto the calendar or maybe staff can provide a link now. But if that's of interest I'd say join and, and I do hope that we can try to avoid these sorts of conflicts in the future because I know I would love to be in that meeting right now. Maybe we could have a second meeting.

Jones: Thank you. Would anyone else like to speak? It's going to be a, no? All right. I do have just one quick comment. I just want to thank Commissioner Thomas, Vice Chair Thomas, for serving in my stead at the last meeting. Apparently, I'm so lucky that the larger item that we discussed, or you discussed is actually being continued, so apparently, I will be able to attend. But in any case, thank you very much. And it's nice to see all of you again in person. And if there are no other comments..., do you want to talk? No? All right. Then we will move on

to our next item, which is Item 9, Consent Calendar. There is none, which takes up to Item 10. Our first public hearing is Item 10A, 8901 Sunset Boulevard. This is the Whisky. This is a public hearing to consider the request to permit the conversion of a static onsite advertising billboard to a new digital and internally lit off site advertising billboard for the property at 8901 Sunset Boulevard. I have had a request from the applicants' representative for a...well, we'll get to that in a minute, to extend the speaking time, but I'm getting ahead of myself. Let's just go ahead to go to the staff report.

Matos: Would we be able to go to disclosures, Chair?

Jones: We can. But I usually do them a little bit later in the...I usually do them after the staff report.

Matos: Okay, thanks.

Leonard: So, the staff report tonight will be presented on Zoom by Jennifer Davis, then I'll make comments afterwards.

Jones: All right. Thank you.

Matos: Chair, I'm going to actually be recusing myself from this item.

Jones: Oh.

Matos: I do live within...

Jones: You should have said so.

Matos: I do live within 500 feet. I am a renter and to maintain the objectivity of the decision-making power of this Board, I'm going to step out.

Jones: Okay. Thank you very much. Sorry.

Matos: Thank you so much.

Leonard: Jennifer, I think we're ready for you.

Davis: Good. Jennifer Davis, Contract Planner for Planning and Development Services. Tonight, we're reviewing a development agreement, zoning map amendment, and sign permit for the billboard at 8901 Sunset Boulevard. And my...here we go. Tonight, the Commission is to review the permits and to make a recommendation to City Council for approval or denial. This, as most of us will know, is the Whisky a Go-Go and it has an existing two-sided V-shaped billboard on its roof. The image on the right shows the building and the billboard in context with the Sunset Clark intersection. Sorry, it's just taking me a bit to change slides. The Whisky is a designated cultural resource and one of the most famous icons on the Sunset Strip. One of the principal, one of the principal goals of the

Sunset Arts and Advertising policy is to help preserve historic buildings. To that end, this project is conditioned to provide a rehab and maintenance plan for the Whisky, which will outline how best to preserve, and if necessary, rehabilitate this historic building. The rehab plan runs for the length of the development agreement term. This project is also conditioned to remain an entertainment venue, further preserving the resource. The project proposes a two-sided billboard over the Whisky. The east facing sign is a 1,000 square foot digital face and the west facing sign is a 500 square foot face, static face. The two faces are supported by a single columnar support mounted on the ground to the rear of the building. This pole support structure allows the building to over...the billboard to overhang the building. The design is sculptural and clad in perforated metal and that is lit from within, except to the rear. This is the south elevation from Sunset Boulevard. The structure is origami-like with its fold, at night will resemble an illuminated lantern over the Whisky. This is the east elevation from Clark Street. This is the west

elevation and clearly shows the smaller static face of the billboard. These images help to show the perforated metal cladding at nighttime at the top left with a slight glow and during the day with the metal fabric itself showing. That's the daytime affect image. The rear support and the top of this structure will be solid cladding to reduce light issues for residences to the north. The top image shows a very striking view of the billboard from a pedestrian point of view. These images show more clearly the areas of the structure that are opaque. The arrows at the top image show the rear and the top panels that are solid. The darker gray areas on the bottom area, image, show those same solid, metal areas. This project was reviewed for design feedback by the Sunset Arts Subcommittee in March 2021 and by the History Preservation Commission a month later. Both subcommittee and commission had similar comments regarding the design. Both liked the structural, I mean the sculptural concept of the billboard. The subcommittee's feedback was that the bulk of the billboard was too large and loomed over the Whisky rivaling it instead of complimenting it. The Historic Preservation

Commission along these same lines was concerned that its proximity to roof appeared to overwhelm the resource below. The HPC preferred a greater distance from rooftop...between the rooftop and the sign itself. That Commission did approve the project six to one as it met the Secretary of Interior's standards. The applicant team took all of this feedback to heart and designed the project. They simplified the form, making it slimmer and sleeker, thus less bulky. They raised the sign up to create separation from the Whisky. The rear support structure was made opaque. The HPC had recommended a condition of prohibiting dynamic, that is changing colored lighting, and this condition is in the draft resolution. They also removed a smaller third sign face. This is a before and after looking at the designs. On the left before, on the right, current proposal, and it shows quite a dramatic redesign. This project is considered an alternative project given that it exceeds the height standard. Alternative projects were contemplated when writing the policy to allow more creativity and for designs which staff could not have contemplated when writing the policy. This

alternative project allowance is important, allowing creativity that is outside the box of meeting all of the individual standards. An alternative project must meet design...the design vision of the policy and provide an extraordinary benefit above and beyond the financial benefits and city content programming. In this case, the extraordinary benefit is providing \$330,000.00 in startup funding for the Rock Walk or Legends of the Strip, depending on what name you prefer, and that's a project that City Council gave direction on. Hold on just a minute. Sorry. A negative dec, a negative declaration, sorry, was prepared for the overall policy which found no significant environmental impacts. The city also prepared a conformance memo further insuring no impacts or mitigation...new mitigation measures being required. I have one correction in Resolution 211394, which is the resolution for the development agreement. In Section 9 it should say Planning Commission and not City Council. And with that correction, staff does recommend approval on this project, adopting these three resolutions and recommending to the City Council that they approve this sign permit, zoning

map amendment, development agreement, thus allowing a new billboard at 8901 Sunset Boulevard. That actually ends my presentation, but I know that John Leonard has some comments, and the applicant would like to share a presentation with you as well.

Leonard: Thank you, Jennifer. Good evening, Chair, Vice Chair, and Commissioners. I just have two quick items that I wanted to touch upon because I think they're key items here. So, first as Jennifer mentioned, the billboard is on a cultural resource property, which houses the Whisky Go-go. One of the key reasons that the City Council wanted to advance the Sunset Arts and Advertising Program was to provide financial support to owners and operators of cultural resources on the Sunset Strip, some of these iconic uses up on the Strip such as the Whisky, such as the Roxy, The Comedy Store. You know, these are all really long running iconic uses on the Strip and through this policy the Council wanted to preserve these buildings, and these uses into the future. So, with that in mind, as Jennifer mentioned, as a part of the development agreement, the property owner will need to implement a property maintenance and rehab plan for the

building and also maintain the use as a music venue for the length of this 30-year agreement. And then lastly, I just wanted to touch upon one comment we received from a neighbor behind the property related to concerns about light and moving images from the digital sign. The sign faces are both angled towards Sunset Boulevard to the east and the west and do not face the back of the property at all. Thus, the advertising area is on the signs, those that would have the illumination and the moving images will not be visible from the residences behind the property. Thank you. And that concludes the staff report.

Jones: Great. Thank you very much. Do we have any questions for staff about items contained in the staff report at this time? Commissioner Gregoire, please go ahead.

Gregoire: You've answered most of my questions at this point. You've answered most of my questions at this point. I had a question about the, I guess the Historic Preservation Commission discussed the internal lighting and recommended that the Planning Commission prohibit dynamic, constantly changing lighting except as approved by the Arts and

Cultural Affairs Commission and that's been added as a condition of this. Are there current...are there currently plans for them to incorporate dynamic, constantly changing lighting?

Leonard: Jennifer, would you like to address that?

Davis: No, there is not. There is not.

Gregoire: Okay. So, the idea with that condition is if, if they were going to make any change of that nature it would have to go before the Arts and Cultural Affairs Commission?

Davis: Well, it...that and or it would need to go back to Planning Commission as a change to the permit itself, if that condition were to change.

Gregoire: So, does the...is that a condition that's...to come back to Planning Commission, is that a condition that's in the draft resolution in addition to the Arts and Cultural Affairs Commission?

Davis: I...are you asking is, is there a condition that they come back to you to change conditions?

Gregoire: Yes.

Davis: No. That is a matter of procedure. If a, if a permit is recommended for approval and then the Council approves it, if an applicant wants to make a change to that permit, then they have to go back

through the process to get that changed. If it's substantial, and that would be a substantial one because it is expressly conditioned.

Gregoire: Great, perfect. Thank you so much. I had a question about glare that's been answered. I had a question about the extraordinary public benefit, \$330,000.00. And I was just curious about the adequacy of that, that number. You know, how does that compare to extraordinary public benefit payments that have been made in connection with other projects? Is there any guidance you can give us on that point?

Leonard: Yes. So, I can address that. It's actually directly proportional to the last extraordinary public benefit payment that Council put in place for the 8730 Sunset billboard. That billboard was before Planning Commission several months ago. I believe the extraordinary public benefit at that time was \$300,000.00. Council increased that to \$500,000.00, but when they heard the billboard and based on the size of the sign, the 330 was calculated to be directly proportional to that 500,000.

Gregoire: Terrific. Thank you. That's very helpful. That's all the questions I have.

Jones: Thank you. Anyone else? Oh, sorry. Kimberly, please go ahead. I'm having a senior moment, I'm sorry. Please go ahead.

Copeland: You're too young for that. I just had a couple of quick questions please. The first one is that I just wanted to confirm that the applicant did not ask for any exceptions on sign size itself with this, with this project. Is that correct?

Davis: That's correct.

Copeland: The other one was the report mentions that there will be programming time dedicated to civic announcements. How is that coordinated and with whom?

Leonard: So, I can address that.

Copeland: Okay.

Leonard: Every digital sign within the Sunset Arts and Advertising Program is required to dedicate 17.5 percent of the digital time to city content. The majority of that is art content. So, our arts division creates and...creates that, that artwork and applies it upon the signs. At this point, we're not putting up civic announcements, we are doing the art component, but the civic announcements or emergency announcements are always...

Copeland: Is that something that could be included as well then?

Leonard: Yes, that is something. So, we've...there are two digital boards up on the Sunset Strip right now, so we are really kind of working through this process at this point. All of that 17.5 percent has been artwork in the past. But as more of the signs are approved and constructed, I think we will look at a program where there's civic announcements as well as the arts component for that 17.5 percent of city time.

Copeland: Okay, thank you. It appears that a great deal of attention has been put into preventing the light intrusion and you mentioned that that should not affect nearby residences, but, you know, in theory. But if in practice there was something that happened, what would be the procedure and the remedy in place for that?

Davis: Upon operate...when this begins to be operated, there needs...there is a monitoring that occurs, so that's within three months of it starting up. Then after that there are at three-year intervals, there's also monitoring. There's also the ability for any, any resident to offer complaint and we will

investigate.

Copeland: Okay. Thank you very much. That's all I have right now. Thank you, Chair.

Jones: Great. Thank you very much, Commissioner Copeland. I didn't forget, I promise. Does anyone else have questions for staff? Sorry, you're next.

Commissioner Lombardi.

Lombardi: Thank you, Chair. I may have missed this while you were flying through the slides. Was there a height comparison on what the previous signage looked like relative to the new height?

Davis: I didn't provide that, but hold on, I think I do have a slide of that.

Lombardi: That would be great.

Davis: If you'd just give me...just give me a sec to find that one. Can you see this table?

Lombardi: Yes.

Davis: So that's the existing. That's, that's the...sorry. That's the existing billboard at 62 feet and this is the new billboard at 8910. Now that's the exiting billboard and I think you're asking about the previous design, is that correct?

Lombardi: Yes, correct.

Davis: Okay. Hold on just a second. Let me stop sharing

again because I have to find that one.

Leonard: And as Jennifer is pulling that up, it's Pages 24 through 29 in Exhibit J and the packet shows the comparison of the height between existing and new.

Davis: This is the previous billboard design. Let me...see, get out of here. Sorry. And you can see this billboard at the top here is the 62 feet and then it was another four feet up here. And this distance between this, this sort of horizontal level of the sign and the roof was 12 feet. If that gives you a comparison. So now it's 89 feet at the top and there's 20...26 feet, if I'm remembering that correct, from the top of the building to the bottom of the billboard. Does that help answer your question?

Lombardi: That does help. I think also the graphic, the rendering on Page 25 of Exhibit J also maybe helps a little bit. Maybe we can discuss a little more of this later, but I just wanted to understand where the previous version of this sign was versus the increase in height. It looks like the bottom of the sign is approximately where the top of the current existing sign is, in the new design, based on Page 25.

Davis: Uh-huh (AFFIRMATIVE). I'm trying to pull that up right now so everybody can see that. Yes, approximately.

Lombardi: Okay, thank you.

Davis: Uh-huh (AFFIRMATIVE).

Lombardi: And then the other question I have relates to the media sign graphic text and logo. The height of that, how does that compare to some of the other projects that we've looked at? And then can you explain how that relates in context to any standards that may be currently under review relative to these billboard projects?

Davis: I'm showing you this one, the media logo sign is on several places on this, but this is a good example of it here. And the, the lettering here is ten inches high. The length of it is about 14 feet. It goes across here. It's a longer logo. We have not measured lettering before. There have only been five billboards approved. Three of...two of which did not have media logo signs on them, the other three did. But the...we measured them in terms of the area that the sort of the media logo, the entire media logo sign took. So, this...it's kind of hard...it's not the apples and oranges, so kind of hard to compare.

And then we are now looking at revising, amending the billboard policy, mostly to make clarifications and corrections and that kind of thing. And this may be one of the items that we're looking at right now where we're looking at creating a maximum of eight inches high for lettering on the logos with a three-inch border all the way around. We haven't tested that, but that is what we're looking at right now as a standard.

Lombardi: Okay, thank you. And do you have any general sense of what that eight-inch lettering height would be like relative to existing signs on Sunset? Media signs...media logos and graphics?

Davis: No, I don't because the other ones we didn't measure a lettering height. I can tell you that street signs according to Rick who has been studying this most, Rick Abramson, they are five inches. So, if that helps in sort of a comparison, the lettering on our street signs is five inches.

Lombardi: Okay. Like roadway signs? Got it. Okay. Thank you. And then I have a question. I just want to make sure I'm understanding some of Commissioner Gregoire's questions. It seemed like we're honing in on a specific item in one of the resolutions. I

wasn't following which, which item that was.

Davis: Okay. I believe that was the condition in the billboard resolution which says that it prohibits dynamic lighting unless it's part of an art project really.

Lombardi: Would it...would this be Exhibit C?

Davis: That is Exhibit C, yes.

Lombardi: Okay. Which item number?

Davis: Which condition? Let me just check. That would be 3.4.

Lombardi: Thank you. You also noted during your presentation of limitation of colored light. I may have missed that. I tried to just do a scan in trying to find a resolution that includes that text about limiting colored light.

Davis: It actually, it actually should have been part of 3.4 but I think in the end we, the HPC just said dynamic or constantly changing. But the applicant said they had no intention of using colored lights. And so if that, if that...if it's the desire of the Commission, we could add that to that condition.

Lombardi: Okay. And then I have one other question that relates a little bit to terminology and how some of this information is described both in the staff

report and in some of the resolutions. I see a lot of notes both in the table in the staff report and then in some of the resolutions as well that make a statement that there is no architectural lighting on the project. But it appears to me that there is. So can you, can you clarify that or maybe we just need to do a, a little cleanup of the resolution to make that covered because we do have these lantern affect façade lighting components in addition to the signage and the signage lighting.

Davis:

Yes. I know we discussed this. The, the architectural lighting in the billboard policy was meant for lighting that is on the façade of the actual buildings and was not part of the structure of the billboard. It's not...of course we didn't foresee all the different types of creative billboards that would come through. So, this one has internal lighting but, I'm sorry, I should put my video on. Sorry about that. So, it doesn't meet the definition of...that we currently have in the Billboard Policy of architectural lighting. So, and if you, if you remember 8730, that one actually did have architectural lighting and it was strip lighting along sort of a first level and at the top

of the building. So that clearly had architectural lighting as it's defined in the Billboard Policy. Again, if we need to clarify that in upcoming amendments, that perfectly fine.

Lombardi: Okay, thank you. Yeah, I think in this case a lot of the projects that we're reviewing are unique billboards, they're architectural elements, but they're not necessarily a building or a façade on a building. And so, you know, the other thing that I noticed is there's a call out, the architectural lighting does not need to be counted toward the signage area. So, one could make the argument that all of this other lighting is then part of the sign and the signage is much larger than it's currently stated. I also feel it is architectural lighting because that's what you'd be using, it's not signage lighting elements, it's the same consistent material and fixtures you'd use with architectural lighting. So, I think it has to fall in one category or the other. And although façade is mentioned, I think it's safe to say this is architecture that's being lighted, and it may be a little clearer to just state all of that in the resolutions. That's my last question.

Jones: Vice Chair Thomas.

Thomas: Thank you, Chair. I just have a couple of clarifying questions. On Page 3 of the draft resolution for the development agreement, it states that the proposed billboard is the same use as this existing stage...static sign, excuse me, and is largely in the same location as the existing billboard. It's considered the same use even though we're going from static to digital.

Davis: It's still...yeah. The use is the billboard.

Thomas: Okay, that...okay. And then the location is in reference to the...

Davis: Where it sits above the building and the sort of V shapeness of and it's on the roof in that general location.

Thomas: Okay.

Davis: It's not the exact location but the general location.

Thomas: Okay. And then should we ask the questions about the Rock Walk. Is staff prepared to answer that or should we ask that of the applicant?

Leonard: I can address the Rock Walk a little bit. So, the Rock Walk came forward as a concept from the City Council. It was in December of 2020. Council asked

us to work with business and property owners along this stretch of the Sunset Strip to develop the Sunset Strip Rock Walk. This was something that those business and property owners wanted to pursue. We have had several meetings with them. It has been slow to start because those business and property owners have had some internal discussions and we've just been slow to start that process. And so, one of the things with this development agreement is that the applicant would fund a consultant to design that program and to come up with an actual physical design for the Rock Walk. And then there was also funding within this agreement to construct a portion of that. All of this would return to the City Council for final approval in terms of what the Rock Walk looks like and there would also be public input for that. But really this was a concept brought forward by the Council with input from business and property owners and this is a way to get that moving and get that going. And it would likely be incorporated into other development agreements such as at the Roxy, and Rainbow, or at the Viper Room as well moving forward.

Thomas: Okay. I just have some concerns just to piggyback on Commissioner Gregoire's comment about public benefit. We don't know what this is. We don't know what the Rock Walk is and whether or not the amount that is in the...the amount that's been designated for the public benefit is too low or too high in relation to what this Rock Walk is. And the public benefit that you referenced earlier that went from 300 to 500, I believe that was if we're talking about the same project, it was an intersection enhancement. So, I guess where I'm a little bit confused is if this Rock Walk ends up being something a little bit underwhelming, we don't have the information available to say we would like additional public benefits. But it could be something extraordinary, and so we're kind of at a little bit disadvantage in terms of discussing the public benefit and if we should ask for more of if it's adequate.

Leonard: And I think that the applicant can address some of those questions as well because the applicant is, is the one that will be helping coordinate that consultant and put the program together and understand what the program is. But I would

emphasize again that the \$330,000.00 for this project, there will also be a like amount coming from other projects, other billboard projects on the Strip adjacent to it. So, it's likely we would get closer to a million dollars or so to implement this program, which from us the staff looking at it, seem like an adequate amount to implement the beginning phases of this project.

Thomas: No, I appreciate that. I just, you know, I kind of want to ask for some trees and stuff and I just don't know if that's appropriate if, if what they're proposing is in fact, as I mentioned, something extraordinary then I might scale back from that. But if it's not, then, you know, I'd want to ask for a little bit more to make sure that it's serving the public. So that's just my hang up a little bit but I will wait for the applicant's presentation and then we'll discuss further. Thank you. Thank you, Chair.

Jones: Thank you. Any other questions for staff at this time? I'm going to take that to be a no. Do we have any disclosures from anyone? Commissioner Copeland.

Copeland: Yes, I just wanted to disclose that I did have a meeting with the applicant, and we discussed

matters that were in the staff report. Also, conversation with some residents, same thing, issues that were in the staff report. And I did visit the site during daytime and nighttime. That's all. Thank you, Chair.

Jones: Thank you. Commissioner Gregoire. No? Oh, okay. Thank you. Vice Chair Thomas?

Thomas: I met with the applicant's representative and everything we discussed was included in the staff report.

Jones: Thank you. Commissioner Lombardi?

Lombardi: No.

Jones: Thank you. I will disclose that I did have a Zoom meeting with the applicant's representative yesterday and we did contain only items...or discuss items contained in the staff report. So, with that, we will move to the applicant's presentation. The applicant has ten minutes to present. I do want to note that the applicant's representative has asked for 12 minutes. I think technically that's at my discretion, but I don't like to make decisions unilaterally, so I'd like to ask the rest of my commissioners, fellow Commissioners, if they're aligned with 12 minutes. All right. You're going to

12 minutes. Please go ahead.

Green: Thank you Chair Jones, members of the Commission. If I could get my presentation pulled up, please. Perfect. Thank you. So, my name is Aaron Green. The President of the Afriat Consulting Group and I have the privilege this evening of representing the property owner, the Magliari family here at the Whisky as well as the sign company, Orange Barrel Media, whose the hopeful future operator of this sign. I can tell you that this is a project that we've been working on for at least three years. And we are really excited to be here and to be presenting this project to you tonight because we've done a lot of work. We've put a lot of blood, sweat, and tears into this. And so, the Michael Magliari, a member of the Magliari family is here with me, and we're just really excited to be here. You know, I think everybody knows a lot about the Whisky. We've all seen it. We've probably all been there. I know I went there in high school when I had a friend...friend's bands were playing there. It's been an iconic part of the Sunset Strip. It was actually built in 1923, but it's been a family-run business since 1964 when Mario Magleria opened

up the business. And, you know, everyone from world famous rockstarts to my friends in high school played there. And it's really been a fundamental part of the history of the Strip. And we're really excited that this proposal is going to continue to allow it to live for decades and decades to come in its current form providing what it provides to the community. It's also designated cultural resource and that was an action that the Magleria family took several years ago voluntarily. As we covered before, this is the site. There are...it's exclusively the red building, none of those to the left or to the west. And then there's a small parking lot to the rear of the site. Jennifer touched on this briefly, but I just want to speak to it momentarily. So the Sunset Sign Policy specifically creates an incentive for historic property owners to preserve their properties by taking, if they have existing billboards already, and redesigning them, improving them, potentially converting them to digital, in order to help offset the cost of operating a small business, usually a historic business, and also to help stave off the economic pressures that come as Sunset continues to

grow and thrive and there are greater economic opportunities. There's a tremendous policy incentive, and that's one of the things that as the community vetted this policy and as the Council vetted this policy over several years, that historic preservation component was a big, big piece of it. Jennifer also mentioned and brought up some images. You know, there was a previous design for this project that went both through SASC and HPC. And after those hearings, even though we were allowed to go forward and recommended for a certificate of appropriateness in HCP, I think everybody on the project team took a deep breath and we heard the feedback about the design as it related to bulk, where it felt like the sign was sitting on top of the building. And so, we spent the better part...actually, more than a year, working on a redesign of the sign. And what we've done is we've taken, and we sort of removed some of the bulk of the super structure and we focused more on creating something more refined, something more nuanced, inspired by origami. We still have maintained some of the components of internal illumination through perforated metal, but we've

reduced those. So, there's actually no more...there's no more color, internal to the structure.

Previously that was something that we had, but that entire sort of aspect has been removed. We're not even going to be putting color into the structure.

I know that was a question. The other part, and this is sort of, still embodies pieces of what we had before, but we've made portions of the sign solid to the rear as well as the entire pole. So only the front component of the sign will have any sort of illumination. And it will be using perforated metal with a matte finish, very similar to what I have here. And so, what that does is it creates a lightness and a transparency for somebody who is actually experiencing the sign on a day-to-day basis. It'll still allow for the lantern like affect and it'll still allow for being able to see and experience the origami. But what it does is it creates with the additional height we're proposing, to allow the two to really exist on their own. They can be on the same property, but no longer are the billboards sitting on top of the roof. There's a pole structure at the rear and then they are allowed to sort of be their own while being at the

same site. So as Jennifer showed, this is what we are proposing now. And as you can see, we have several faces. This is the eastern face. One of the things I'd like to note, and Jennifer covered a lot of this so I'm not going to speak to all of it, on the top right-hand corner you can see what feels like a little bit of a projection and it's actually a fold. And what it does is it's designed to block any sort of light because this is our, our digital side and it's designed to block and capture any light to ensure that nothing seeps up to the north to our neighbors to the north. One of the other things I'll point out here is the, the company identification signage to Commissioner Lombardi's question. We're proposing ten-inch lettering here which is consistent with what was approved at the two prior Orange Barrel signs at Evilly and at 9165 at the House on Sunset. And it is smaller than the lettering of at least one other sign that was approved by the Commission previously. This is the east face of the sign. This is our static face. It's smaller and so what you'll notice that we have greater articulation in the folds, in the origami folds that are created. This is all perforated,

which means during the day it will feel lighter. During the evening, it will feel lighter. And what you also begin to see here is some of the perforation underneath. And really this is us looking north on San Vicente here. There is where you really begin to get to experience the origami. And I want to stop for a moment and acknowledge and thank Rick Abramson. You know, he spent a tremendous amount of time with us working through design and we would not have landed with this inspiration and with this design without his help. And so we are, we are very grateful that he took the time to really work with us to get where we are now on this. This is the underside of the sign. We don't expect and we're sort of sitting almost like right at the intersection, like right on the corner. We don't expect a lot of people to sort of stand and look up. But what you can really see and feel here again, and I would note that renderings are imperfect right there in our...you know, we can't get exactly the same level sort of experience that one will have when they stand in the real world. So, it's, it's hard to feel exactly just how light the structure will be. But imagine if you will that

we've got this, you know, as the actual material and there's going to be a tremendous amount of lightness when you're standing underneath it compared to a solid mass. So, this is the rear of the sign and as you can as Jennifer mentioned, unlike the previous version of the sign, the entirety of the rear and the entirety of the pole is now solid. Previously it was 60 percent perforated. And it did have a lantern-like affect in the rear of the sign. We've eliminated that entirely to ensure that there's no way that there could be light trespassed to the north. This is also from our view study and what it is is you can see the, the orange hashed area is where the current billboard is, very similar also to where the prior sign design was that went through HPC. And what you'll note is that its existing location and the proposed location really blocks the skyline for our neighbors to the north. So, one of the benefits of raising the sign also creates a better view of the sky...city skyline for our neighbors to the north. I wanted to just bring this real quickly. So, there's a 27 foot, eight inch separation between the roof of the Whisky and the

bottom of the sign at its lowest point. When we went through this redesign process, we spent a lot of time as well with our historic preservation consultants. The resource itself is so important to us. And so again, while HPC was comfortable with our prior design, we looked to see how we could improve. And with this separation, the art historic consultants at the Historic Resources Group have told us, and you've got this report in your staff report, that the separation is really better for the Whisky because there's no sort of sitting on top of one another. They begin and they are their own entities. We're going to have as called for in the staff report...oh, sorry, called for in the Sign Policy, a tremendous amount of control and automated control over the light and the light...and the internal illumination for this sign. The other thing I just note and while this isn't a technical component, you know, Orange Barrell's offices are literally three blocks down the road. Their employees walk and drive Sunset every day, so they are literally a hop, skip, and a jump away if there's anything that needs to be done on this sign. The other thing I'd note is that we

are...Orange Barrel constantly updates its technology to ensure that the, not only for the sign face itself but also for the monitoring to make sure that the sign is always working, but this always best in class and it will be updated over periods of time as new technology becomes available. So, previously the Magleria family designated this building a cultural resource. Chair, I'm sorry, how much time do I have left?

Jones: You have one minute and 45 seconds.

Green: Okay. So, as part of this development agreement, we will also be providing a preservation and maintenance plan, which means not only do we...does the building stay, but it stays in beautiful, excellent, working operating condition and it's required to be a music and nightlife venue in perpetuity...or sorry, for the life of the development agreement, for at least another 30 years. That's in addition to of course the 17.5 percent of arts that will be displayed on the sign the whole time. The Rock Walk, which I'm happy to speak at length about. I've had a number of conversations about how this would work. And in addition, I know that we didn't spend...or staff

didn't spend a ton of time on this, but I want to call out the nearly 62 million dollars that this sign will be delivering to the city through the life of the development agreement. So, when we talked about resources and what will be appropriate, what kind of revenue will be available to provide city services, there is going to be a lot. And so, opportunities for the city staff to be able to take some of this revenue for Council, to be able to take some of this revenue for vital city services will be there and it will be there for a 30 year period. I really want to thank the Commission. I...this one is special to us. It's the Whisky. And, you know, there's...this sign will allow the Whisky to continue to be the Whisky for future generations so that my kids or their kids' friends can play on the stage. I don't have any kids yet. But, you know, we really think that this creates an opportunity in a way that a lot of other signs don't and so I appreciate the Commission consideration. I'm available to answer any questions as is the full project team. Thank you. And thank you for the extra time.

Jones: Great. Thank you. I just want to ask legal a

question. Would this be appropriate time for Commissioners to ask questions of the applicant or should we wait until after the rebuttal?

Langer: Yeah. Why don't you wait until after the rebuttal.

Jones: Great. That's what I thought.

Langer: And that way..

Jones: Thank you.

Langer: You can hear the other comments as well.

Jones: Okay. So now we will have public comment on this item. David, do we have any public speakers?

Gillig: We have a few here in chambers and we have a few on the Zoom platform. We take the members in chambers first. Our first public speaker will be Phil Talley.

Jones: Again, thank you. And because, as you can see, at least I am rusty on in person meetings, I would just ask that you please when you come up to the dais, please speak into the microphone and state your name and city of residence. Thank you.

Talley: Hello. My name is Phil Talley. I'm a long-time resident of West Hollywood and longtime patron of the Sunset Strip. Just here to show my support for the sign. I'm also an Army Vet and this sign will help a lot of people out as far as revenue and what

not. But it's also not the first sign going up on the Sunset Strip, so I don't see why Commission would not approve this. Thank you.

Gillig: Thank you, Mr. Tally. Before we go on to our next public speaker, I want to inform anybody listening on the Zoom platform if you would like to speak, please star nine for me at this time. That will let us know you'd like to speak on this comment...on this item. David Stumpff, you have three minutes followed by Don Timling.

Stumpff: Hey, good evening, Council Members. My name is David Stump. I'm a homeowner here in West Hollywood. I live directly behind the billboard that's proposed. I wanted to point out a couple things. I noticed that in the slide that we saw about the north face slide demonstrates tree canopies there to block the light that do not exist. I love photoshop. It solves so many problems. Also, I heard the presenter state that there would be no light seen from the back of the billboard because of the design and the word no in that really surprises me. The billboard that was just put in a few blocks to the east in the parking lot for the West Hollywood, it casts a huge ray of

light all through our homes, it can be seen day and night. Also, I'd like to add concerns for the fast action digital impact...digital flashing signs on their impacting the driving safety of this very challenging intersection as it already is particularly with pedestrians and the use of alcohol in the neighborhood. It makes a challenging intersection. And I have a question about how much of that mega millions that will provide to the city might go to some homeowners like myself for the devaluation of our own property that we've invested in from the towering billboard that will be completely the focal point of my high elevation house there at 1133 North Clark. Thanks for your time and thanks for letting me speak.

Gillig: Thank you, Mr. Stumpff. Our next and final speaker here in chambers will be Don Timling. You have three minutes.

Timling: Hi, Council Members. Thank you for sharing the meeting. Thanks for working late and letting citizens of the city come and talk. This is very exciting for me to be here. I've lived in West Hollywood for 30 years. I have my business here. I'm an artist. I receive art grants from the city.

I'm really excited about the art projects that are going to be happening on the billboards in the city, so a billboard like this is something that I'm going to personally benefit from. It's very exciting. Like I said, I've lived in West Hollywood 30 years. I'm an AIDS survivor. I almost died here in '96 and I've survived and it's really exciting for me to see all the changes in the city, like the future is now, you know. It's really exciting to be here and see all these wonderful things and progress that's going on in the city. So, I'm all in for progress and seeing this happening. But this billboard is a little strange. Like it's 92 feet tall, which makes it like an eight-story building. So, I'm curious what the Council would think if someone was proposing an eight-story building on an adjacent corner. Different way to think about it. I live behind the billboard. I live in a ten-unit building. There's no one in the building who is excited about this happening. I've talked to some neighbors on the street. There's no one on the street that's excited about this happening. Thank you for your presentation about...with all due respect, the idea that a taller billboard will make

it less intrusive is frankly preposterous. And I invite all you Council members and yourself, sir, to come over to my house and have a look. I would really welcome that. It was brought up about the nature of the safety on the intersection. It's actually a problem there at the light when you're driving south off of Clark Street to go down San Vicente. It really should be a three way light so that people heading south can know you're allowed to go. With the club goes on the area, many people are looking all over. There's a lot going on there and a taller billboard, frankly, I think it's going to create a really big dangerous hazard for the drivers, myself being one of them. I've seen a lot of near misses and a lot of collisions with people in the intersections and a larger, brighter, more distracting billboard, I'm frankly very nervous about it. I love that there's \$330,000.00 that's going to go for a Rock Walk. I think a Rock Walk is really cool. There's one on Sunset Boulevard by the Guitar Store, right? It could be really fantastic. \$330,000.00 seems like nothing compared to the...what the city might lose in revenue from the loss of business on the boulevard because...I have 15

seconds. Could I have a couple more seconds? There are so many hotels and homeowners and residents who are going to be affected by the light facing to the south. The New Edison Hotel, the London Hotel. I know I wouldn't stay in the London Hotel with that billboard there. So that's...we've...there's been a lot of talk about the light to the north, but the light to the south is really going to be extreme and it's going to show so many more people than the light to the north. I'm really surprised there hasn't been discussion about that. Thank you all for your time.

Jones: Thank you.

Gillig: Thank you, Timling. That is our last public speaker here in chambers. We'll move over to the Zoom platform, and I'll let Randy call our speakers from there.

Randy: Thank you. We have two speakers from the Zoom platform. First up is Sharon Seigel. Sharon, please press star six to unmute yourself and you have three minutes.

Seigel: Can you hear me if I do this through Zoom?

Gillig: Yes, we can hear you. Go ahead.

Seigel: Okay. Than you. Sharon Seigel, resident of West Hollywood. I've lived here for 59 years. I've been

to the Whisky numerous times throughout the 70's, 80's, and the 90's. I get the historic importance of this. The presentation appears to be very artsy, however the described origami aesthetics only adds to the monstrosity of this sign. Here's the simple math. The current proposal of the new billboard is 30 percent higher than the existing billboard, 30 percent. The height from the top of the billboard measured from the roof surface is over twice as high. The distance between the top of the roof and the lower edge of the billboard, also over double in size. This was all in the presentation as well as with the documents that I was sent for the Planning Commission and public hearing tonight. It was mentioned about how this would enhance the skyline for those living to the north of Sunset. Really? That is a seriously stretching sell here. Almost insulting. And unfortunately, everyone that lives south of Sunset will have this sign glaring within their view. It was mentioned about maintain the historical integrity of the building. I don't see how this sign would have anything to do with the historical integrity of the Whisky. As a matter of fact, the integrity of the Sunset Strip as a

whole has already been compromised with every new building and sign that goes up. I hope this is not approved. Thank you.

Gillig: For our speakers that are calling in on Zoom, please make sure that you have all other of your devices turned off for the audio, otherwise we're getting feedback. Go ahead.

Randy: Thank you, Sharon. Our next speaker is Zach Nesis. Zach, please press star six to unmute yourself and you have three minutes to speak.

Nesis: Hello. Can you hear me?

Randy: Yes.

Nesis: Fantastic. My name is Zach Nesis. I'd like to wish a pleasant evening to Planning Commission members. I've been a resident of West Hollywood and lived behind the Whisky a Go-Go for many, many years. And while I appreciate the revisions to this proposed billboard structure, a far improvement over the initial design, the additional height increases between the billboard and the Whisky, and the massiveness of this structure are still overwhelming the Whisky. This new billboard's design still makes the proposed billboard structure look like a giant station hovering above the

Whisky. In effect, it serves to deflect attention from the Whisky, a cherished cultural resource. Therefore, I would suggest a new design be found. Something incredibly creative, inspiring, elegant, and minimalistic, making it the iPhone of billboards. Something that would complement the Whisky instead of distracting from it, allowing it to place the new billboard as close to the Whisky as the current billboards are instead of having a looming spaceship high above. Thank you for your time. Goodnight.

Randy: Thank you, Zach. Our next speaker is Cathy Blaivas. Kathy, please press star six.

(Background talking)

Blaivas: Hello? Am I, am I to speak now, David?

Randy: Cathy Blaivas, yes, you have three minutes to speak.

Blaivas: Okay. Thank you.

Randy: Thank you.

Blaivas: Cathy Blaivas, resident of West Hollywood. I appreciate the concept that the applicant feels that this new design has been more respectful to the historic resource. I agree with the previous caller. I think even though I like this design

better than the previous one, I still don't like either design for over this particular resource. The shame of this whole thing is that it appears that the only way owners of these properties feel they can get the resources they need or have the resources they need to maintain and rehabilitate historic properties is by having these billboards. Having said that, this is the future, this is what's going to happen, I agree. I, I, I think the best way to honor these historic properties is to make the billboard as invisible as possible. I don't know how to achieve that, but I think the added height only makes this out to be, you know, a low flying airplane rather than, than hiding it. I agree with the other caller that said what is this going to do to the hotels across the way. Again, I appreciate the different aspects of trying to fit in the applicants...by making the back of it not light up to the north, but I still think it's, it's...I just think it's a problem. And, you know, it's funny because it's, you know, I heard comparison to trying to do something here on the Sunset Strip with billboards to Times Square. Times Square is not a major thoroughfare in terms of, you

know, it's for taxis, very few residents drive to get from point A to point B. People drive through here. It is...every one of these things is such a distraction. So again, I don't know where to go with this. I don't, I don't know what to suggest to any of you, but I just think this is creating, as I said earlier, an even greater eyesore to the Whisky. So good luck with all of this and thank you all for your service.

Randy: Thank you, Cathy. Cathy is actually our last speaker on the Zoom platform for this item.

Jones: Great. Thank you. The applicant will have five minutes to rebut.

Green: Thank you, Chair and thank you for all those who spoke and asked questions and made comments. A couple of things. I think there was a...in no particular order. There was a reference from one of the callers about perhaps we're asking for some deviations from the code or something along those...something along that nature. And I just want to note, we are specifically proposing exactly what's called out in the Sunset Sign Policy as was viewed by this body, City Council, a subject of various community meetings, and a lot of different

discussion. So, all of the sort of different pieces to that are all consistent with the Code and not only the letter, but also the intent. You know, I, I heard a concern from two of our neighbors to the north, and thank you for coming out, about, you know, property values. You know, one of the things that I've seen both in my time and looking historically is that if you look at the Sunset Strip over the last 40 years, property values have gone up. And property values have gone up despite the fact that the Strip has been changing and despite the fact the Strip has been invested in. And I know that individually sometimes there's a concern, but like if something is going to go up near me, my property value is going to go down. But if you actually look at the Strip, if you actually look at the history, if I'd been fortunate enough to buy something 20 years ago, 10 years ago, 30 years ago, despite everything growing around it on Sunset, that property would be worth a lot more. There are already a lot of things happening on Sunset. And I think there was a, a sort of sense that anytime somebody...there's a discussion about a digital billboard that it would somehow

dramatically and sort of fundamentally change the lived experience on Sunset. And if you look at Sunset right now, it's a bright busy space. It's intended to be that way. It's not Fountain, it's not Santa Monica, it's Sunset. Now that doesn't mean that there shouldn't be and there aren't accommodations for neighbors who live around Sunset. But there's a very specific policy in place that is incentivizing creating a vibrant and active area. It's, it's what Sunset is for at least as the city has made that decision over...since, since it's founding from the Sunset Specific Plan onto individual projects that have been approved onto the sign, sign ordinance. And so, I know there are concerns. I heard several concerns about this feels like it's going to be brighter, it's going to be different. There are very conservative restrictions on how lighting can be used on digital signs or internally...well, actually not internally, we're putting them on ourselves internally for the lantern like affect. And this will not fundamentally alter the experience of Sunset as I think some are concerned about. And I think you can look at, you know, Sunset right now and pick any

one sort of project or location and ask if that any one project or location, you know, that new building or whatever it might be, fundamentally altered the experience of Sunset and it hasn't. And I would say this is not a building. This is not a ten-story building. This is a, a sign. And in fact, it's simpler than the sign that was proposed at the Historic Preservation Commission. And we really did get to this design, I know it's taller, but we got to this design after listening. After doing a lot of listening both to the...to SASC, to HPC, to staff, to our historic consultants. And there is not ever a perfect balance when you're building something new. You have to strive to figure out how you get to all of the different places and achieve the best that you can in every single space. And so that's why we spent more than a year revising this design. We really feel like not only does it embody the letter and the spirit of the policy, the Sign Policy, not only does it allow the Sunset to save the Whisky for more than a generation, not only does it give the City nearly 62 million dollars in development agreement fees, and then money for the Rock Walk. And I'm happy to speak to the Rock Walk

as much as folks would like. We really believe, and I think the staff report bears out, that this is the best solution here. And this design with its refinements, with the perforated metal, with the lighting controls, all of those safeguards that are in place will achieve what we have been asked to achieve. What the Council we achieve for historic buildings and make this a positive experience for Sunset. I know I have a little more time but thank you. That's it. I'm available for any questions.

Jones: Thank you very much. Would anyone from Commission like to ask questions of the applicant? I thought you might. Commissioner Lombardi, please go ahead.

Lombardi: Of course, I do have a few questions. So quick question looking at the renderings. So, is there a perforated effect on the underside, the underbelly of the signage as well because in some views it looked like maybe there was solid, maybe it's a combination of both?

Green: The underside does have a perforated affect. Yes.

Lombardi: Okay. And that then sample that you had up of the perforated material, is that the finish? You mentioned that it may be white. It looks very gray in the renderings.

Green: Yeah. So, and I'm glad you brought that up, thank you. So, the finish is a matte white finish. The reason it looks the color that it looks is because renderings are slightly imperfect, and the fact that with the environmental experience, so the light around the billboard, light going through the billboard, that's why it's actually got that sort of light metallic feel, which is what it will look like in the real world. But the metal and the finish is very similar to this. I'm happy to pass around if folks are interested.

Lombardi: Okay. I wouldn't mind seeing it. How did you arrive at the new height?

Green: The new height was arrived at by weary of, I would say probably, I don't know, 16 or 17 different design iterations. Looking, working with staff, working with our architecture team, and with our historic consultants to figure out exactly what honestly felt like the right space, the right separation. And, and trying to weigh and get all of those pieces to fit together as perfectly as they could.

Lombardi: And so, I think that the original design may have been about 12 feet, 13 feet bottom of sign above

the top of the structure.

Green: Twelve feet for bottom of sign to top of structure. Sorry, bottom of sign to top of Whisky. Actually, eight feet between the bottom of the sort of bulk of the structure to the top of Whisky.

Lombardi: Okay. And you're now at 27 feet..

Green: That's correct.

Lombardi: ...eight inches? Did you look at intermediary heights?

Green: We did.

Lombardi: And why did you land on 27 feet, 8 inches?

Green: It really felt like as we began to look at different heights, 16, 18, 22 feet, with that sort of intermediate step, it almost just kind of felt like it was just a little push or a little pull, but it didn't really create the perception of separation. Right? So, without creating a large space, that's where we felt like we needed to be in order to create the experience of allowing both of them to live separately.

Lombardi: Okay. I kind of wish that we maybe saw what some of those other heights are, but I understand you landed at this, and this is your preference. Would you consider a lower height? I, just for the

record, I appreciate the additional separation that's been created, but it, it is quite tall now. It's a substantial change. Is that something that you would consider? I would think it would be a cost savings and it would be easier.

Green: So, modifying the height is not something I think we could just like agree to at a, at a moment's notice. Like there was a lot of work and time that went into figuring out all the different moving pieces. So, I, I couldn't stand here at the podium now and say yes, we can make it two feet lower or something like that. It's a pretty...there's a lot that goes into making a decision like that as you know, engineering wise, everything else.

Lombardi: Okay. How about the media signage lettering? Would you be open to reducing the size of it noting that there's a potential standard in the works that would be more around the realm of eight inches in height?

Green: If that was the consensus of the Commission, we would be open to having that conversation this evening.

Lombardi: Okay. That's it for my questions. Thank you.

Green: Thank you, Commissioner.

Jones: Thank you. Any other questions of the applicant from Commissioners? No? All right. Thank you, Aaron.

Green: Thank you, Chair.

Jones: All right. I'm going to close the public comment portion of the hearing. If anyone has questions for the applicant while we are in deliberation, please signal me so that I can reopen it. Okay. So, we're going to move into deliberation now. And I always go last as Chair. So, who would like to be...who would like to volunteer as Tribute? Commissioner Gregoire, please go ahead.

Gregoire: I have to say I; I support the project as proposed. However, I have to say I'm, I'm conflicted about it. When I sat down to look at it originally, I was concerned about such an interesting, innovative design towering over the historic building. And but I do see it went by Historic Preservation and they did vote six to one in favor of the project. I think I agreed with their, their assessment that it was too large and overpowering for the site and I think I, I do agree with that. Interestingly enough I, I've gone back and forth about the height, right? Because I, you know, to me the, the Whisky a

Go-Go or the older style of billboards that are there, that's a part of the site for me, right? So, it seems like I wouldn't want to have this modern innovative design right on top of the building. So, it seemed to me like a little bit of height was appropriate. But again, a little bit of me thinks it's too high and it does sort of tower over the building. I think there are pros and cons of the additional height, and I'm not prepared to oppose the, the project because of the current height. Obviously, I'm sensitive to the concerns of the neighbors about the light intrusion. I know that's been a problem in other parts of the, the city. I believe the applicant really has made an attempt to minimize that impact and I don't think it's going to be as huge a concern for the neighbors as that they might fear, but we can't obviously provide any such assurance ahead of time. I think the extraordinary public benefit is adequate. It is, it is in align with the other project up the street that we approved a number of months ago. I'm confident that the Rock Walk will continue to be developed and that the funding will be adequate. I'm not concerned that we have to have more detail

on that project to consider the \$330,000.00 to be an extraordinary public benefit. And finally, I support the project because it really...it is, it is promoting one of the city goals of preserving these historic properties. It's so important that we preserve, preserve a property like the Whisky. And given the age of the building, you know, this type of revenue is really important to make sure that the building is around for years and decades and centuries to come. So, on that, I would love to hear from my fellow Commissioners, but I'm prepared to approve the project this evening.

Jones: Thank you. Vice Chair Thomas.

Thomas: Thank you, Chair. So, the project, it seems lop sided as a whole. The static side is half the size of the digital and it seems to swallow up the static element. I'm also concerned about the internal lighting at night and while the project will be see through during the day, it will look solid at night. And I'm concerned about the glow of the project, the down lighting of the project, and I'm concerned about the nighttime experience and how this will interact and impact the guest experience at the Whisky. All in all, it doesn't

feel like there's cohesion between the historic cultural resource and the billboard, and that's probably intentional, but it just really feels like a missed opportunity. And on the subject to public benefits, I love that it includes rehabilitation and maintenance for the cultural resource. I too went to the Whisky when I was 18. So, I love that it's being preserved and it's going to provide a needed, a needed update to the building. But I would like to consider more of a public benefit. What public amenities are we getting that, that make a difference in the lives of the people who are traversing Sunset? You know, can we get some, some street trees, or a shade structure, or an intersection improvement like those are like...are the things I would like to see as part of the public benefit. I, I just...I'm in support of a billboard there. I'm in support of the applicant doing a billboard there, but I know that the applicant can do better because we've seen the applicant do better. And I, I'm interested in hearing from the rest of my colleagues, but, but...I'm just going to kind of leave it there.

Jones: Commissioner Thomas, Vice Chair Thomas, sorry, to

be clear so I just want to be really careful as we're deliberating the project and on the topic of public benefits, because largely I believe that's the purview of Council. Legal, please correct me if I'm wrong, but I do just want to make sure that we're giving a fair shake to kind of the different consideration criteria here. So, I think...

Thomas: Sure. But we've advised before on public benefit.

Jones: Sure. I just mean are...do you feel that the benefit is not extraordinary enough or not extensive enough?

Thomas: Well, it's hard for me to determine that without really understanding the Rock Walk, which is the public benefit that's been presented to us, but we don't have any information about it. So that's what I was saying earlier about I don't, I don't know if I can or if I should advise for additional public benefit because we don't understand the scope of the public benefit that's included. So, I'll leave that out. That's, that's totally fine because I don't...the Rock Walk is kind of nebulous right now and...yeah.

Jones: Okay. Thank you. Commissioner Copeland, you're real quiet down there. Okay. Commissioner Lombardi, go

ahead.

Lombardi: Thank you. I was actually wondering what Vice Chair Thomas felt about the Rock Walk and I agree, it's hard to maybe understand that as an element. I'm not sure regarding public benefit. I feel like I've heard different messages from different people, so maybe we are able to provide recommendation that City Council look at the public benefits and then it's their, their direction from there. I would be open to that. I think we need to make sure that we're being fair and equitable across projects, but I think it's always worth the review and we should make sure that it's in alignment with what the project is getting as a benefit and what they're offering to the city.

Jones: Sure. I just want to make sure that for the purposes of Planning Commission, which is to discuss land use and design, that I don't, I don't know again, deferring to legal, that we can include the public benefits package as it is currently comprised as part of our decision-making process. Do we have to make a finding that supports the current benefits package?

Langer: That's a good question and this has, you know, come

up quite a few times during the different development agreements. And for the most part, the public benefit package is something that's within the City Council's purview. It's a highly negotiated and calculated part of the development agreement. There's a consultant that's on board and it's a part that really is within the City Council's purview. The Chair is correct that what the Commission is looking at is the design, the land use elements. That's why these development agreements come before the Planning Commission to look at design and land use. The one, the one piece that is within the findings is that there has to be an extraordinary public benefit for this type of sign. And so, to the extent the Planning Commission doesn't think it's enough, I suppose you could put that in a recommendation to the Council. But it's really the...I wouldn't want the Planning Commission asking for specific things or a specific dollar figure because you don't have the financial information before you to really be making that type of recommendation. But if you are saying that you need more certainty that the Rock Walk is going to happen, or something of that nature, it could be

part of a recommendation, but it would be a more general recommendation to the Council, make sure that public benefit is adequate. Make sure it's enough.

Jones: Okay.

Langer: Make sure it's extraordinary.

Jones: Okay. So that makes sense and I think we're in agreement here. So, it's not going to be part of our, our vote ultimately, but we can make our recommendations that I would ask staff hopefully can transcribe it into the staff report what would go to Council should this move forward. Is everybody...are you okay with that?

Lombardi: Yes, thank you. I have more insight.

Jones: Everybody feels heard. I just want to make...and also that we're following the letter of the law. Okay, so all good.

Lombardi: I appreciate the clarification. That was just my suggestion to kind of move the ideas that we are discussing forward in some capacity, maybe lightly address them. So other, other thoughts to and or comments. I'll guess I'll kind of just cut to the chase with things. Generally, I do like the project, and I feel that it looks quite elegant,

but I am concerned about the height of the project and I'm curious if there's any consensus here on that. I don't know what we do, though. I understand the applicant seems very hesitant to change the height. I do think that there's some concerns as we've heard from the public today regarding lighting and light trespass, and I have to think why wouldn't we include the architectural lighting provisions. There is clearly architectural lighting on the project. It's a concern. I think that it's easily controllable, I just want to make sure that we're doing our job here as well given everything that we're hearing. I think that this is an easy clean up in the resolutions just to make sure that that's covered and factually correct. You know, I actually do have a thought with regards to glare or brightness, I guess. In particular with the east facing sign that I had not thought of before, but there's a nice regress on the digital signage and in conversations with Rick Abramson, City Architect, we had talked about the possibility of maybe trying to incorporate that element on the east side as well, on the static billboard. That could be a way to maybe help mitigate some of the

effect of that, that sign especially given its potential height that we're looking at. That might be a question for the applicant. I think that's a minor revision to the design, but it's something that could have a significant impact on the, you know, the look and impact on the neighborhood, especially to the north. That's...I'm sorry. That's all I have right now. I'll let you know if I have any other comments.

Jones: Okay. Thank you. Commissioner Copeland.

Copeland: Thank you, Chair. I share some of the same concerns that Commissioner Lombardi just stated. I, when looking at the original design here, it did sort of seem like it was a spaceship landing on the roof, and it did seem sort of you got this ultra-modern hovering over this historic looking building. It just didn't seem like it quite meshed. I think the new design is a bit softer and the impact is lessened, and some height did make a difference. I'm not sure that it needs to be that height, much height as you said. There is a concern about that and I'm not sure exactly what we can, we can do about that at this point. I do really appreciate the cultural resource designation and the support

of that. We need to keep as many of those as we possibly can. You know, the Sunset Strip has a history, and these buildings have a history and it's what people come to see and what people remember experiencing and, and, you know, I'm in support of that. And I, I understand the neighbors' concerns. Is there a, maybe staff, I know there's no one from Code here, but the most similar sign to what's proposed when we're talking about light trespass from the south side that was brought up, what's been the history as far as complaints? Do you know or code calls about these types of things so far? I mean I know we've only had a few, but has there been a history of, of a lot of issues or just a couple of calls? I guess we would have to ask Code Compliance about that, or would you know, John?

Leonard: Yeah. I think that we would certainly have to ask Code Compliance to get the exact specifics, but I think every sign is different, every sign is positioned in a different way.

Copeland: Right.

Leonard: Every sign faces a different direction. There have been some complaints about specific signs,

sometimes but I would say that there's also a lot of things we can do if we get a complaint about a sign. The light can be turned down. The intensity can be changed. So, there are things we've done and in the past when we have gotten complaints about specific signs, we've gone out there and worked with the billboard company to adjust the lighting and do adjust things to make is less, less impactful.

Copeland: Uh-huh (AFFIRMATIVE). Okay. I guess as far as distance, this would be about the same distance as far as the southern exposure as, as some of the other ones. Even though this is, this is...is this higher in height? Is this proposal higher than surrounding, anything similar to that?

Leonard: It varies. Some boards are lower, some boards are higher, yes. And I would say that too for some of the light trespass into hotels, there are digital billboards adjacent to other hotels on the Sunset Strip and we have not received complaints about those boards getting into the other hotels.

Copeland: (Overlapping) about those. Okay. I think that was my only other question for staff right now.

Jones: Great. Thank you. A quick question for staff, has

there ever been an instance, and you'll have to refresh my memory because I'm not recalling things as swiftly as I once did, but can you remind us if there has been an instance, and I hate put you on the spot, but if there's been an instance in which we can conditioned any of the existing digital billboard projects for like light complaints or an additional hearing? Or is that handled by Code Compliance on a, just on a complaint basis?

Leonard: It's, it's handle by City Council on a complaint basis. There's also a number of conditions already within the approvals regarding light. And there's a lot of lighting conditions within the policy itself as well.

Jones: Okay. Thank you. So, it's kind of doesn't matter what I think because I feel like we're not in agreement just yet here. Oh, I'm so sorry. Vice Chair Thomas, please go ahead. Sorry, it's...

Thomas: No, you're fine. One question. Is there anything on Sunset this high? You said there are other billboards that are higher than this or is this...would this be the highest billboard on Sunset within our footprint?

Leonard: Off the top of my head, I believe that the Pendry

digital billboard is taller than this. The Pendry digital billboard reaches the top of that building so that would be higher and there are a number of billboards on the Sunset Strip so I would have to think a little bit. But there are boards that are higher.

Jones: Thank you.

Lombardi: I understand that the Pendry billboard may have been prior to this signage policy. Is that correct?

Leonard: It was approved separately, yes.

Lombardi: Okay. So, I don't know that criteria applies.

Leonard: And if we're looking...there's only been I think four signs approved under this policy so of those four signs approved under this policy, 9165, 9157, those were all lower but there are other boards that are coming through this process that would be at a higher height as well. We're really at the beginning of this process.

Jones: Thank you. And if you want to say something and you're not...I'm not acknowledging you, it's not purposeful, just tap me or say my name or something. Again, I didn't really think it was going to be this...I'm a little rusty after all these virtual meetings. My apologies. So, it

sounds...first, I just want to thank everyone who came out from the public, whether you're or a neighbor who is in support or someone who is, you know, called in or is not in support or isn't happy with the design, we absolutely cannot do our jobs without you. We are here to represent you and be a voice for you, so thank you for coming tonight. We also all, you know, work, and have daytime jobs and recognize this is time out of your evening when you might be doing something else. So, thank you very much for coming out. I'm generally in support of the project, but what I don't know that I feel comfortable with is moving it forward or trying to move it forward and I don't know that we're even at a place where we can do that just yet given some of the grievances people have about the height. And I don't mean...I mean us specifically. So, I guess what I'm curious to know is is the height a deal breaker for you? Commissioner Gregoire, I know you said you had something...this is something you had struggled with.

Gregoire: I, I said that I was torn about the height...

Jones: Okay.

Gregoire: ...like but I think the original plan, given the

nature of the design, the modern futuristic design being too close to the historic structure didn't seem appropriate. So, I think an elevated height was appropriate. It's hard to tell from the renderings, the pictures, how high that actually is. You know, unless you're...until it's actually built, it's too hard to tell. Look, I think the practical reality is even if we were to say we should lower the height by a foot, they're going to have to completely redo, do the project because all of the angling and the light angling and everything is going to have to be changed. I'm not concerned enough about the height to stop the project from moving forward to City Council. I'm not convinced it is too high. You know, I think it's a judgement call. There are people who think the height is...the increased height is appropriate and then there are those who are opposed to the increased height, and I respect both views. But no, I'm, I'm comfortable recommending this to the City Council as is.

Jones: Okay. I do want to state for posterity that I do feel it's a little disingenuous that the height of the sign is being moved up to improve views. Like, I get that for some people maybe their views will

be improved but were the billboard to be lower...it's going to affect somebody's view on Clark Street and surrounding streets. So, I do want to acknowledge that. It's not going to be better for everyone. The look you're giving me right now. Okay. So, I guess I'd like to kind of just take a quick straw poll, because again, I'd like to get us as close to a consensus that each of us feels comfortable with as possible so that collectively we can move something forward or not or make a recommendation that we feel good about. So, Commissioner Lombardi, I hate to put you on the spot, but I do want to...let's talk about the height because I know you have concerns about it.

Lombardi: You know, I usually either have a very neutral or a very strong opinion. I am completely in the middle on this one right now. I realize and acknowledge that to some degree perhaps it's our own doing or HCP's own doing that we have a taller structure and I do think that there were some improvements by creating that separation. However, 27 feet plus is very tall, and I could see benefit to lowering it. But I also recognize all of the engineering and redesign challenges, even if it is going to maybe

save some cost on the construction. So, I don't know. I mean had, had we seen this as it is today, I think I would say lower it. But the fact that we asked to raise it and it's been raised, is why I'm neutral on this right now. I know that does not help. But there's where I am.

Jones: Okay. Thank you. Vice Chair Thomas.

Thomas: Thank you, Chair. So, I just keep looking at this and I can't help but look at it as if this were a building, we would say what is that and why is...you know. It's a lot for this intersection and I'm concerned about people who are driving north on San Vicente. We have an image in the rendering where it's just one word, but in instances where there might be a quote or some, you know, some more working there and people are distracted reading it, it just seemed like it could be a disaster in that intersection, so I have concerns about that as well. And I just...I'm very disappointed in the lack of cohesion between the billboard and the cultural resource. The Whisky is the Whisky, its iconic. It's funky, it's grungy, and I would just like to see that reflected in the design as well. So, the lack of cohesion is a little frustrating to me and

it's just...it's, it's imposing. I think that's the word I'm looking for. So that's all I've got.

Jones: Thank you. Commissioner Copeland, do you have anything that you'd like to add? Again, I'm just kind of gut checking everyone. I'm trying to see if there's any through lines here.

Copeland: I'm actually just absorbing everything I've; I've heard from my fellow Commissioners. So, you'll have to give me a minute. I'm like Commissioner Lombardi I think still I'm still in the middle on this, you know, so...I really don't have so much of an issue with the design. I mean it is, it is different. You know, would I have myself designed something maybe more in key with rock and roll and with the building, maybe so. But, you know, they went through an initial design as Commissioner Lombardi said and we were given an opportunity at design review and historic preservation to give input and thought it needed to be higher and that was done, and it was...the affect was softened and changed, and those changes were made. So, I think we're sort of past that point to complain that it's not the proper design to go with that building. They've already been through these processes. That's just

the way I look at it anyway. And the height, I'm on the fence about. As well, we did ask for height. We got it. So, I'm still...I'm with Commissioner Lombardi, I'm...there are things I like about it, and I think that we asked for and we got what we asked for.

Jones: Sure.

Copeland: This is not something that's brand new. This is not their first design and then we say well, this is not really cohesive with rock and roll and the Whisky. I think the time to do that would have been in the past. And in good faith they've spent quite a bit of time, you know, redesigning and doing some of the things that were asked and addressing some of the things that were addressed. Now, maybe we didn't expect it to be this much height, and that's the one thing that I'm just kind of, you know, neutral about right now. Would it keep me from saying no? No, but...

Jones: Okay.

Copeland: ...I don't think I'd be a no on that, but it is a concern.

Jones: Okay. Thank you.

Copeland: Thank you.

Jones: I will note one...again, I'm not a billboard designer...kind of designer at all, that...but especially not for billboards. It's probably not the billboard that I would have designed, but I actually...I aesthetically think that it's important that the billboard, especially given the age of the building, should be distinguishable from the billboard in some aesthetically identifiable way. So, in that regard, I'm not...I was one of the people who said at SASC that I thought it looked like Section 9 initially which if you don't know is a Peter Jackson movie about a huge spaceship that is hovering over, I believe it's Johannesburg. So, I don't think it looks that way anymore, but I'm not the only voice that matters. So, I also want to note and, you know, I want to give everything it's due, but we have had a lot of conversations in the city both in terms of commercial properties and residential properties about ensuring that property owners have a way to maintain and preserve these buildings and keep them up. And this is...it's not an easy thing to do. It's very expensive. It often means that the use of the building cannot continue for the duration of the repairs. So, I do want to

acknowledge that, you know, a year is a long time to have to redesign. If we change the height, I imagine lots of the other dimensions and other things would have to change as well. But it would also delay the, you know, should it not move forward it would delay the, the ability for the applicant to fund this...the Rock Walk, kind of creation of the Rock Walk Program and the design of that. So, I think that's a pretty great deal for the city and do want to give the applicant their due. So, does anybody want to make a motion?

Gregoire: I'll go ahead and move to staff recommendation to recommend the three resolutions to the City Council.

Jones: Do we have a second or a substitute motion?

Lombardi: I don't know if it would go as extreme to a substitute motion. Perhaps it is. Just want to...I guess there's a question that I have of staff. I recall that there was an item in the resolutions that was included on some of these projects about business, businesses and the ground level remaining in operation. Is that captured in here?

Leonard: Yes.

Lombardi: Okay. Other than a general note to incorporate all

of the architectural lighting as well. But I'm not really...a motion I'd be happy to second other than that revision.

Jones: Would you be comfortable, Commissioner Gregoire, with the motion with the revision...the amendment for the architectural lighting inclusion?

Gregoire: Does staff have a comment on that?

Leonard: So...yes. So, we can look at revising that language when it goes to City Council. I think we'll have to look at two things. I think we...there's language we can add that addresses that. We may have to work on the exact verbiage because of the way that the policy language is written right now. But yes, we can address that and then also look at the policy language later on.

Gregoire: I'm not sure I understand the implications of the suggested language.

Lombardi: I think it covers us a little bit better in terms of light levels and adhering to codes. And it also seems that, that allows that area to be excluded from the signage area, otherwise we'd be technically over the signage area. There is a note within the billboard policy that says architectural lighting is excluded from the signage area.

Gregoire: Yes.

Thomas: And the applicant agreed to that earlier, correct?

Jones: Yeah. That was going to be my next question. Is the applicant amenable to that condition? Please approach.

Green: Just repeat it. I just want to make sure I heard absolutely clearly.

Lombardi: So, I don't think this would have any actual measurable impact in what you're doing.

Green: Uh-huh (AFFIRMATIVE).

Lombardi: But given all the concerns regarding lighting and the fact that you have architectural lighting on your project just to get that included in the resolutions, which means that you'd have to adhere to the light trespass requirements, which are probably already stated...I know they are already stated in aspects of the resolution and some information on dimming and glare. But I think it's all things that you included in your report that you are already doing.

Green: So, to state it another way, we won't advertise on anything that's not the 1500 square feet. Is that what we're...and no, none of the architectural lighting will be there to enhance or anything like

that. That's the question?

Lombardi: Yeah. So basically the...

Green: That's our intent.

Lombardi: Yeah. The lantern affect is the architectural lighting. The signage lighting are those two signs, the static sign, and the digital sign.

Green: Yes. However, that needs to be clarified in language that reflects that intent, we're comfortable with that. There's no intent to use the architectural lighting to enhance advertising or there to be any off-site content.

Jones: Do we want to read that into the...I'm looking at you talking and I want to make sure that we're...

Leonard: I think we understand what the request is, and we will work on language for that for the City Council.

Langer: Great. So instead of reading language changes into the resolution, I think could be part of the motion that the final documents that go to the City Council and the staff report explain this concept of what is to be included and how this, how this lighting should be characterized.

Leonard: I think it's somewhat boiler plate from some of the other projects that you've done. So, there's some

language that says there's no architectural lighting. There's some statements in there that you would take out and there's a, there's a section where you say architectural lighting and then what they referred to the Billboard Policy. That's it. And I think it's just a general, for me, I think it's a matter of referencing what you've done on previous projects.

Leonard: I think that Jennifer Davis wants to make one quick comment on Zoom.

Davis: ...there's no architectural lighting. We could take that finding out. We can recognize that there is some amount of architectural lighting. I just want to note that the Billboard Policy does require that architectural, all lighting, but it actually says architectural lighting is subject to the lighting and operational standards. So, it is captured in all of those standards that the billboard already has to adhere to. So perhaps taking out that finding that there is no billboard lighting would suffice and we could clarify anything else in the, in the resolution. I think that would...that seems to be the kind of cleanest way to do it if that's amenable.

Leonard: Yes.

Davis: Thank you.

Gregoire: Great. In that case, I'll move the recommendation with the change as recommended by Ms. Davis.

Lombardi: I'm trying to press the button, but I'll second.

Jones: Okay. We do have a motion and a second on the floor, so I think we're ready to call the vote.

Gillig: And the motion passes 5 eyes, noting Commissioner Matos as recused and Commissioner Carvalheiro as recused. There is no appeal process. This is a recommendation to City Council.

Jones: Thank you. I'm going to make a recommendation that we take a quick five-minute break. Actually...yeah, let's make it five minutes. We may be here for a bit for the next item. So...oh, please go ahead.

Gregoire: Do I need to state for the record that I'll be recusing myself on the next item 8500 Santa Monica Boulevard?

Jones: So, when we start the item, I will ask you...you can announce your recusal before we kind of launch in. It's not a disclosure, it's a recusal so once you get...

Gregoire: Thank you.

Langer: We can also do it for him if you...were you going to

leave?

Gregoire: Yes.

Langer: We can do it for him after break.

Jones: Okay. We'll do it right after the break then. Thank you.

Gregoire: So, yes, I'll be recusing myself from the Item on 8500 Santa Monica Boulevard because I live within 500 feet of the project.

Jones: Thank you. You ready? Okay. Thanks everyone. There was some...one of my staff had time to prepare themselves. We all had a chance to use the facilities, etcetera, before we stepped back for this item. So, we're not at Item 10B on the agenda. This is our second and...second of two public hearings this evening. If you weren't here earlier or didn't hear him, say, Commissioner Gregoire is...has recused himself from this item as he lives within 500 feet of the project site. So, with that, so the Planning Commission is holding this public hearing this evening to consider a request to demolish a one-story commercial building and construct a new six story mixed use development containing 30 dwelling units, above ground floor commercial space and over a subterranean garage for

the property located at the aforementioned 8500 Santa Monica Boulevard. And with that, I will pass this over to our staff person, Mr. Doug Vu for the staff report.

Vu: So, thank you. Good evening, Chair Jones, and members of the Commission. My name is Doug Vu, and I am the project planner for the proposal before you, which is a request to demolish an existing one-story commercial building and its billboard in order to construct a six story and approximately 33,160 square foot mixed use building containing 30 dwelling units above approximately 3600 square feet of ground floor commercial space over a two-level subterranean garage with 31 parking spaces. The proposal also includes a subdivision to combine the large parcel at 8500 Santa Monica Boulevard with two adjacent parcels into one property and a vesting tentative track map to subdivide the 30 dwelling units into a condominium. So, the approximately one quarter of an acre project site is located at the southwest corner of the Santa Monica Boulevard and La Cienega Boulevard intersection. That contains three parcels, which includes the primary parcel, which is where the

existing and proposed development is located. And also, two narrow vacant parcels that are separated from the primary parcel by the property at 8512 Santa Monica Boulevard, which is currently occupied by the Tail of the Pup restaurant. And obviously, you know, that parcel is not part of this project site. So, the primary project...primary parcel is developed with a one story 1824 square foot commercial building and surface parking lot that is currently occupied by Bikes and Hikes LA. And also, you know, there is a pole mounted single sided 20 by 60-foot billboard located directly behind and above the building. The lot also contains a 15-foot-wide easement that runs parallel to La Cienega Boulevard, but that is not part of the project site. Although the configuration of the three parcels that make up this project site is atypical, staff worked closely with the City Attorney to examine the City's Municipal Code, the Subdivision Map Act, and legal precedent to determine that this condominium project could be approved as proposed. And I would also like to read into the record that earlier today we prepared...staff worked with the City Attorney to prepare a supplemental memo that

provides background information and analysis that was used to make the determination that these three parcels can be combined and considered a project site. And so, I would like to read that memo at this time. So, under the Subdivision Map Act. Numerous questions have come up about the application of the Subdivision Map Act to this project and whether the non-touching parcels can be part of the same subdivision and condominium project. The answer is yes. The non-touching parcels may be included in the same subdivision map as explained for the benefit of the Commission and the public below. The purpose of the Map Act is to secure the orderly development of land. This project includes as part of its subdivision and vesting tentative map, a sliver of land that does not touch the parcel where the building will be constructed. They are separated by a parcel of land that is under different ownership and cannot be utilized for this project. As noted in the staff report, the use, activation, and maintenance of the undevelopable slivers of land are beneficial to the orderly development of land and an improvement over maintaining the status quo. Under the map act, a

tentative map is a map made for the purpose of showing the design and improvement of a proposed subdivision. And under Government Code Sections 66424.5, lots that are not physically next to each other can still qualify as a subdivision under the Act, which is defined as the division by any subdivider of any unit or units of improved or unimproved land or any portion thereof shown on the latest equalized county assessment role as a unit or as continuous units for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, street, utilities, easement, or railroad rights of way. Subdivision includes a condominium project as defined in Section 4125 or 6542 of the Civil Code. A community apartment project as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwellings to a stock cooperative as defined in Section 4190 or 6566 of the Civil Code. As explained below, the project qualifies as a subdivision as it will divide contiguous lots as that term has been interpreted by the Attorney General...California Attorney General. The project

may also constitute a subdivision as a condominium project as defined under the Civil Code. The Map Act does not define the term contiguous. The California Attorney General addressed this ambiguity in a Seminal 1976 opinion that examined whether commonly owned units of land separated by a simple strip of land owned by another constitute contiguous units under Government Code Section 66424. The Attorney General took the position that for purposes of the Map Act...I'm sorry, the Attorney General took the position that the purposes of the Map Act are best effectuated by interpreting contiguous units in Section 66424 as including units which are not in physical contact but may reasonably constitute together a single subdivision project. The Attorney General ultimately concluded that units of land may be separated by facilities other than roads, streets, utility easements, and railroad rights of way and still be contiguous under Section 66424 if the property reasonably can be developed as one subdivision. The Attorney General opinion has been cited with approval by courts as recently as 2015 and by the current Attorney General in 2022. Here, for this particular

project, the lots are contiguous because they can be reasonably developed as a single subdivision project. Facts supporting this conclusion include number one, the lots are located on the same city block. Number two, the lots are separated by a very narrow building and structure. Number three, the lots appear to be connected by a sidewalk. And four, the lots will be part of a single condominium community with the sliver lot serving as common area for the larger...for the larger lots residences. For these reasons, the project is considered a subdivision under the Map Act as it will involve the division of contiguous lots for the purpose of sale, lease, or financing. The Map Act's subdivision definition includes a condominium project as defined in Civil Code Sections 4125 and 6542. A condominium consists of an undivided interest in common and a portion of real estate coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. Insufficient detail to locate all boundaries thereof, the area within these boundaries may be filled with air, earth, water, or fixtures, or any

combination thereof and need not be physically attached to land except by easements for access and if necessary, support. Both Civil Code Sections also separately state that the portions of the real property held an undivided interest in the condominium project may be filled with air, earth, water, or fixtures or any combination thereof and need not be physically attached to land except by easements for access, and if necessary, support. The above definitions do not say that a condominium project must exist on one parcel or adjacent parcels. Instead, they require the boundaries of the undivided common interest and separate interests to be described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The other parcels will be part of the common area of the condominium to be used by the residents and maintained by the homeowner's association for this project. In addition, some questions have been raised as to the ability of a developer to ask for additional FAR or Floor Area Ratio through a density bonus concession. While this concession may seem unfamiliar, it is allowable under the State

Density Bonus Law. Concessions include the following: A reduction in site development standards, modifications of zoning or architectural design requirements that exceed state standards, approval of mixed-use zoning in conjunction with the project if commercial, office, industrial, or other land uses will reduce the cost of and are compatible with the development. And finally, any other regulatory incentive or concession proposed by either party that results in identifiable and actual cost reductions to provide for affordable housing costs or to provide for affordable rents. So FAR is listed in the density bonus law a development standard and has been reduced or modified through concessions. Most notably, HCD supports this approach. The city is obligated to grant the requested concessions unless the city can make specific findings to deny based on substantial evidence that the concession does not result in identifiable and actual costs reductions or would have a specific adverse impact upon public health or safety or the physical environment of a historic resource or would be contrary to state or federal law. The city bears the burden of proof for the

denial of requested concession or incentive. So that concludes the information that was contained in the supplemental memo. And so, with that information, I'd like to continue by describing the project site, which is located in the Santa Monica Boulevard west commercial sub area, which is described in the general plan as a three mile corridor of local and regional commercial establishments with a large concentration of LGBTQ+ oriented businesses that include a variety of restaurants, retail, and entertainment businesses as well as neighborhood serving uses within a walkable urban district. All of the properties adjacent to the project site contain multi-tenant commercial buildings and the boundary with the...and the boundary with the City of Los Angeles runs along the southern parameter of the corner parcel and extends south parallel to La Cienega Boulevard. So, a description of the proposed project. So, the proposed six story plus mezzanine development would contain the commercial space and common residential area such as the lobby, bicycle storage, and garbage and recycling rooms at the ground floor, in addition to a small amount of private living area

for one of the units at the rear of the building. Each of the five upper floors contain a north south open corridor that divides the four one-bedroom units to the west and two two-bedroom units to the east. So, each of the six dwelling units per floor also contain a balcony or deck that provides private open space. In addition to a roof top deck that will provide over 2500 square feet of common open space. In addition, there is a landscaped area with trees and a dog run that is located on the two narrow slivers of non-conforming parcels that are adjacent to the west of the building and they will provide over 2000 square feet of additional common open space for the residents. The two-level subterranean parking garage will be accessed from a single driveway at the southeast corner of the site on La Cienega Boulevard and will provide 31 parking spaces. Finally, the project includes a 56 by 15-foot area at the building's corner elevation that will contain the projects required public art installation that would be approved the Arts and Cultural Affairs Commission. So, this project complies with the city's inclusionary housing ordinance by providing five on-site permanently

affordable units, consisting of three one-bedroom and two two-bedroom units that will be distributed throughout the building. Three of these units will be allocated to very low income and the remaining two units to moderate income households. So, by providing these affordable units at these income levels, the project is eligible for and will fully utilize a density bonus of 46.25 percent, two concessions, and additional waivers under the State Density Bonus Law. So, the first concession is a request for two additional stories that will add 20 feet to the subject sites permitted 45 feet and is necessary to provide the building envelope area for the project's allowable 46.25 percent density bonus. That amounts to a total floor area of 33,196 square feet. The second concession is a request to exclude a little of 7,000 square feet of non-conditioned area in the floor calculation. And this includes 6200 square feet of common elevator and circulation areas on all floors of the building, and 871 square feet at the ground floor, which includes the bicycle parking, trash and recycling, and equipment room. So, with this concession, the floor area for the project is reduced to 33,159

square feet. Moving onto waivers. The first waiver proposal is to increase the maximum building height an additional eight feet two inches for a total height of 72 feet, 3 inches when added to the 20-foot height increase requested under the first concession. So, this additional height would contain a mezzanine for the units on the top floor that allows the project to provide the maximum amount of floor area that its eligible for. And finally, the second waiver proposal is to reduce the minimum 15-foot horizontal dimension for common open space that is required by the zoning ordinance to ten feet. As a result of the projects site plan that includes, you know, those three parcels, the dimensions of the lot, and where the building will be located, and the allowable building area and density, the required ground floor open space is being provided at the portion of the site that is only ten feet wide. So, about a year after the application was originally submitted, the Design Review Subcommittee reviewed the project earlier this year on May 12th. Overall the subcommittee agreed that the project would add more housing to the city and it improve the street frontage along

this key intersection, but recommended revisions to the design regarding placement of the east facing private balconies, improving light penetration and air circulation into the residential units, improving the activation along La Cienega Boulevard, and also the scale and location of the proposed public art mural at the buildings' corner, and finally, also the landscaping throughout the project. So, staff has coordinated with the applicant and other city divisions to address these recommendations resulting in the project before you tonight. So, at this time I'd like to ask the city architect, Rick Abramson, to elaborate more about the projects' building and site design.

Abramson: Can hear me, ok? Okay. Thanks. Yeah. Thank you, Doug. You know, this building is sited on a very prominent corner in the city and so obviously anything on a corner is going to get even greater attention and draw even more importance. So, at the subcommittee meeting there was discussion about the scale and the massing and how it worked within its context. You know, Santa Monica Boulevard historically had been a very lower scaled context, but it is changing. And there are some buildings

that will be coming forward soon that will sort of be shifting that historic context. But for the moment, this where it will be situated will be very prominent. There were a number of very thoughtful moves in this project, and I think we appreciated the applicant team sort of listening to some of the comments along the way and addressing some aspects. One of the things that was of concern originally was the residential entry. It was relatively anonymous, easy to miss, hard to find, especially for guests. And the applicant team has turned around and turned in an actual asset on the western side of the project. There's now a very prominent gateway, breezeway portal type development that I think works exceedingly well and is nicely demarcated. The massing itself is in two sort of tower blocks with a breezeway in between. I think any time that high density housing can integrate day lighting, cross ventilation, we're strongly encouraging that, and I think this breezeway element does that quite nicely. The dwelling units themselves are nicely proportioned and configured except for a few cases where there's some acute angles that will be maybe difficult to furnish, but

to open up creative opportunities for other types of interior solutions and sometimes irregular angles can create things that others never would have thought about. One thing that works exceedingly well I think is the westerly face and to a certain extent the easterly face where combination of recessed decks and projecting balconies provide really nice light and shading to the interiors and a rather sophisticated and elegant cadence and rhythm in terms of visual delight, I guess you might say. And it really helps to break down the scale of a six-story building at this site. In terms of the building performance, that's something we're also very mindful of going forward. It's important that any new buildings really be built in conjunction with the climate and nature to the extent possible. So overall, the materials are generally ecofriendly, except for the south facing elevation which is proposed as stucco. I think cross ventilation is worked out rather well, especially based on the breezeways I mentioned previously and will contribute to healthier interiors for the occupants. Solar raise on the roof also will be a very welcome asset and

provide some shading on a very exposed roof deck because that's the primary common space for the residents, so that works out well. And in general, just the whole series of overhangs, vertical fins, green screen strips on the east façade, roof deck toralis planters, a lot of elements that help to bring this project further into alignment with city goals. At the...let's see. I think there were some other issues that were brought up at the Design Review Subcommittee, some of which may be the applicant will address in their presentation. With respect to the parking that I think it's a very good idea that in a mixed-use project the commercial and residential parking have sort of separation or distinction so there's clarity about where to park and not confusion. So, the applicant is proposing the first level of parking as commercial and the lower subterranean level as residential with an interior gate to provide security for the residential parking. The one anomaly is that there are spaces in tandem in one space additionally in the corner of the upper level for residential, which opens up questions, especially in the evening. Right now, there is as

proposed it's ungated, which means that when all the commercial cars leave, that first level at night will be completely empty except for three cars that are sitting there that are residential, belong to the condominium owners, and they're completely exposed. And so that's something that I think operationally and perhaps some other design strategies can take care of, but as it stands right now that's a condition. You know, there was some comments also in design review about this...a building of this size having one elevator. There is no code requirement or when a second or third elevator makes sense, it's more of a rule of thumb. But in general, when you're exceeding 25, 20 25 units, that's when we generally seen a second elevator start to be considered. Why that's important is elevators go down. They need maintenance, they need repair. And when they go down, sometimes it's for a week. It's not always, you know, a quick fix. And so, if you do have individuals living on upper floors that, you know, have mobility challenges or other things, that's a consideration. And so that was something that was shared with the applicant along the way. Let's see.

I think there was also discussion about constructability on the south side of the building. It looks to us that there's going to be a new development to the south side, we haven't been able to get information but it's in the City of Los Angeles. And given what we know about the city's...City of Los Angeles' TLC, it's...we should anticipate there's going to be a building of similar scale to this one to the south potentially. Maybe the applicant can expand on that if they're aware of what that might be. And then finally, the project does rely on certain landscape strategies for part of their environmental responsive techniques. And going forward since there isn't a landscape architect on the team at the moment, it's likely that once one is because it will be required during plan check, that there may be some modifications there so that's something that we would encourage the team to stay in touch with staff and work collaboratively as the final landscape, species, pallets, locations, you know, planting conditions, and irrigation are determined because, you know, I think they have to go hand in hand for any successful solution. But I think, you

know, overall, the project has integrated many, many thoughtful components and we're looking forward to seeing this finished off, you know, and really refined as a new insertion into the corner at this intersection. Thank you.

Vu: Thank you, Rick. So, in conclusion so as we presented the subject site consists of three adjacent parcels that do not share a common border but can be combined into a project site and approved as a condominium under the Zoning Ordinance and Subdivision Map Act. The project has been analyzed and determined it would not have a significant effect on the environment because it is categorically exempt from the provisions of the California Environmental Quality Act as an infill development project that meets the requisite criteria. The proposed project will redevelop this underutilized site with a new, mix used building that has been thoughtfully designed and finely detailed and incorporates sustainable design principles, which is complimentary to the neighborhood context. The project will also add 30 new residential units to the city's housing stock, including five permanently affordable units that

are pedestrian oriented and accessible to transit that implements multiple goals and policies within the city's general plan. Finally, the project complies with the State Density Bonus Law and is subject to the Housing Accountability Act.

Therefore, for these reasons consistent with state law and the limits on the discretion for qualifying affordable housing projects, staff recommends approval of the project subject to the findings and conditions in the attached draft resolutions. So that concludes my presentation, and we are available for any questions. Thank you.

Jones: Thank you very much, Doug and Rick for that. Do we have any questions for staff at this time about items contained in the staff report? Again, let's please keep this to questions, no deliberation, or opinions, or commenting at this time. Go ahead, Commissioner Lombardi.

Lombardi: I have several questions and I will try to stay as organized as I can here. So, I have general questions and I have legal questions. Should I start with general questions and then...yeah? Okay. So, I guess one thing that has come to my mind, especially as I started to look at these plans in

more detail, is this dog walk alleyway condition. And I am a little bit concerned about the safety of that space. It's intended to be ground floor common area space for the condominium, however it's external to condominium, it's very narrow. Someone will need to, I presume, operate a gate in some capacity and go into this sliver of space. I don't know how well lighted it will be. Someone could follow you in. I mean what's...this seems like this could be a liability for the city for safety.

Vu: I think the Department has reviewed, you know, the improvement to those two narrow parcels to serve as open space for the condominium in concept and I think issues that would address safety, lighting, and those, you know, other types of things, I think, you know, would be refined during the plan check process and I'm also...also I believe that the applicant would be able to speak to that too as well.

Lombardi: Okay. Is there precedent to have common area open space on a not adjacent area to the project?

Vu: To my knowledge, I don't believe that there has been a precedent within the City of West Hollywood, but I could be incorrect so...no, there isn't.

Lombardi: I know we've had adjacent spaces that were next to the building, part of the property, where you did maybe need to walk down the sidewalk to access, but not past or through other businesses. We also had a discussion about the slope of the site. There is a requirement that site slopes for open area ground level spaces need to be less than ten percent. How do you feel about that because that was close when we were looking at...

Vu: Yes.

Lombardi: ...that information.

Vu: Yes. Staff looked at that further and we confirmed that the depth of those two narrow parcels is approximately 219 square feet, I mean 219 linear feet. And given the elevation drop from the front to the rear, the average slope under the existing conditions is about 7.6 percent, so that falls below the ten percent threshold that's established by the Zoning Ordinance. But also keep in mind that, you know, when the site is graded and these amenities are constructed, that the site would be graded to ensure that, you know, the open space and the dog run is usable and therefore, you know, would not have a slope that, you know, would be...I

would consider, you know, I would think it would be significantly less than ten percent or even less than five percent.

Lombardi: Okay. That does have me thinking about the construction challenges given it's less than ten feet wide. You know, the other thing that I noticed looking through the plans is that the size of the units are not shown, and perhaps you could help explain that for clarity. This property is not on an R3 or R4 zoned district. What applies in terms of average unit size?

Vu: Yeah. So, unlike the R3 and R4 zoning districts that establish a maximum unit size, since this parcel is in a commercially zoned area, there are no minimum or maximum unit size requirements. But for purposes of just...well, actually for purposes of establishing the base number of units for the project, I believe like that the average unit size for the one bedroom is about 868 square feet. And the average size of the two-bedroom units is about 1147 square feet.

Lombardi: And because it wasn't explicitly laid out on a table or at least not one that I found on the plans although there were some square footages shown but

it was hard to correlate with what's where, how did you come to these averages and numbers?

Vu: So actually, there is a table on the cover sheet that provides the total square footage of the residential areas. I believe it's 17,000 or so square feet. And then also on sheet A050 of the plans, there is a breakdown of the individual floor areas for each of the units and then a subtotal. And so, staff calculated that by basically dividing the total area of the two-bedroom units to get an average and the same for the one-bedroom units.

Lombardi: Okay. Since there are multi-level units, I don't know how you would know which is what, but I guess since it's an average, maybe that's how you worked through that. Okay.

Vu: Correct.

Lombardi: So, do I have a question about the tall wall or artwork. I think it's pretty explicit in our code that nothing can be above a certain datum line. There are some exceptions including things like building parapet walls. This tall wall is taller than the max height.

Vu: Correct. So, if you look at the elevations, I believe the renderings may be a little bit

inaccurate and that they show that the panel where the public art installation actually extends above the parapet of the building, but if you look at the elevations, I think that's where it's clear and it confirms that the height or the top of that panel is parallel with the parapet wall for the building. And so, in our zoning ordinance, there is a section that identifies specific features that can exceed the height limit. And one of those categories is like you mentioned, for non-occupiable architectural features such as you know, spiers, towers, and things like that. And so, under the code, those features can exceed an additional 12 feet above the height limit. And so, if we assume that the height limit for this particular building is 73 feet, 2 inches, as requested, you know, under the concessions and waivers, then the height of that architectural feature or the mural board actually only extends 42 inches above the height of the roof and therefore, you know, is consistent with, you know, the development standards.

Lombardi: Okay. I don't think this is a spire though, so I'm not sure how we can qualify this as a spire. It's not labeled a spire.

Vu: Correct, I...

Lombardi: Or crown or any of those elements.

Vu: Yeah. I think the zoning ordinance just...it, it identifies, you know, different types of architectural features as examples. I don't think that, you know, it, you know was meant to include an exhaustive list of everything that can be considered a non-architectural feature. But that's, you know, in staff's opinion, we...I believe that that could be considered a non-architectural feature.

Lombardi: There's also a limit to the amount of size of this feature as well, correct? In the Code? I believe it's 25 percent of the roof area or something like that.

Vu: Correct. Correct. So, let's say for instance if, you know, if this feature was, you know, a spier that was in the middle of the floor and placed on the roof, then that 25 percent threshold would limit the floor area that that feature could occupy on the roof.

Lombardi: I don't think it says floor area though. I think it just says size in the Code. What I'm getting at is this is a large...

Elliott: Chair, point of information. I think in fairness and due process, all of these questions shouldn't have to be answered in our presentation. They should be asked of the applicant after our presentation.

Jones: Fair enough. I'm just...I've already clarified and asked the Commissioners to ask questions of staff of things contained in the staff report so again, I just don't want to...it really shouldn't be indicative of opinion. It's not...we're not discussing or deliberating yet.

Lombardi: I'm trying not to. I'm trying to understand. Okay. Moving on. Can you explain for me what the plan is with regard to the inclusionary housing?

Vu: I'm sorry, Commissioner Lombardi, can you repeat the question?

Lombardi: Let me be more specific. So, this is potentially a condo project, and will these be rental units and how is that being planned for, for this project?

Vu: My understanding is that these inclusionary units will be rental units.

Lombardi: Okay. So, some of this delves into some questions for legal as well. Floor area ratio. This is a concrete defined element in our Code, yes?

Vu: That is correct, yes. Yes.

Lombardi: Okay. So, question for legal. Does state law allow for these parcels to be combined in your opinion? I'm trying to understand the request here.

Langer: Yes. And thank you, Doug, for reading that supplemental earlier. The staff had prepared extra information to answer questions that had come up on that point and it was provided in the back of the room and to the applicant and we wanted to make sure that everyone on Zoom could also hear the same information, which is why Doug read that into the record earlier. Yes. When we look at the...we really started looking at this from the definition of subdivision because the applicant has applied for a map for the condominium project and to include those parcels. And so as read into the record earlier tonight, that the Subdivision Map Act does allow these parcels to be combined into one, one map and one project.

Lombardi: Okay. I understand the memo and I guess I have some questions that relate to that. So, it seems like there is precedent and I'd like to understand a little more about it. It appears that this case was in reference to a lot that was separated by canals,

is that correct?

Langer: Yes.

Lombardi: Okay. And then in this case, we have a commercial property.

Langer: Yes.

Lombardi: A developable piece of...a developable piece of land between the parcels as opposed to something that you could not develop.

Langer: Correct. But under separate ownership.

Lombardi: Okay. So, I guess the other question I have is if we look at floor area ratio again, apologies, I'm going to ask again, that is defined as the...well, when you're looking at the area of the building it's the area within the exterior walls of the building, basically all of that space. So, I'm not sure how we can redefine what FAR is and exclude space that one can walk in and around. That's a clear definition, FAR, and how we calculate it. Do you agree?

Langer: Yes, except the State Density Bonus Law provides for mechanisms to deviate or modify development standards and FAR is actually listed in the statute as one of those types of development standards that can be modified or deviated through a density bonus

concession. And so...

Lombardi: Understood.

Langer: Yes.

Lombardi: Understood. And I guess what I'm trying to separate here is the idea of a project with a different FAR and outright redefining FAR as a number and how it's calculated.

Langer: But I, but I think in the end you get to the same...

Lombardi: I'm sure you do.

Langer: ...end point.

Lombardi: Yes. But it gets very confusing when we're not counting habitable space and getting a new FAR when it is habitable space.

Langer: So, on these points, I have a feeling that the applicant probably has...maybe has a lot to say about it for their presentation. So, I think we can also hear from the applicant and hear from the public and then the outstanding questions can be...

Lombardi: Okay.

Langer: ...can be answered.

Lombardi: I'm hoping to hear as much as I can from you to help me make my decisions later today.

Langer: Understood.

Lombardi: I guess that rounds it out for now. Thanks.

Jones: Additional questions for staff? Vice Chair Thomas, please go ahead.

Thomas: Thank you, Chair. Commissioner Lombardi actually asked a couple of the questions that I have. I just wanted for staff, whenever there is housing in a place where there wasn't housing before, sometimes residents get a little nervous, and you address this is in the staff report. But for the public, I was wondering if you could just speak a little bit about the impact on resources, relative to water, grid, emergency services. Because I know that that's something that people worry about when there are more people in a, in a certain area. So, if you could just quickly just kind of talk about the impact on things like water, emergency services, and perhaps the grid.

Vu: Absolutely. Thank you for the question, Commissioner Thomas. So, this issue actually is considered as part of the CEQA exemption for the project as I mentioned in my presentation. In order for this project to qualify for a CEQA exemption as an infill development project, the project has to meet five different criteria in order to do so. And this project actually meets those criteria one of

which is that, you know, the project will be adequately, you know, served by existing utilities. And it's spelled out in detail in the resolution, on resolution 22-1493, which is the resolution for the entitlement of the project. And so specifically, let's see, I believe, let's see..

Alkire: While Doug is finding that, I'm just going to jump in really quick with some other information. The...this is what is envisioned for this site in our general plan. And in the general plan process we went through a very detailed EIR that went through all of the impacts for added population, added employments in situations like these. And this is within those parameters. And so, in that sense, it's been studied on a programmatic level for the whole city. I don't know if Doug has..

Elliott: Point of information..

Vu: Yes, so..

Elliott: If the Commission would like I can read Section 15332 to you.

Thomas: Sure.

Elliott: 15332 of CEQA..

Lombardi: Chair?

Elliott: I'm sorry?

Jones: Do you have a question? Is this permissible? I just want to make sure that we're following order again. Right now, we were just...and I'm...and Mr. Elliot, we're happy to...you don't have to answer all of the questions during the presentation, we can call you back for questions should Commissioners have them later.

Elliot: I was just trying to be helpful.

Jones: Of course. Of course. I just again want to make sure that we're following process here.

Vu: And so, to provide additional response to Commissioner Thomas' question, so if you look on Page 3 of Resolution 22-1493 which is Exhibit A, on the bottom of Page 3 under number four, at the very bottom of the page. The project can be adequately served by all required utilities and public services. So that is the criteria under CEQA for infill development projects. And so, the project site is located within the City of West Hollywood in a dense urban environment that is already served by required utilities such as water supply, wastewater treatment, storm water drainage, solid waste disposal, electric power, natural gas, and telecommunications infrastructure as well as public

services such as fire protection, police protection, schools, and libraries. The proposed project will redevelop the site with a 40,235 square foot building. And so, it goes further on to say that the change and the intensity in land uses can be served by the city's existing utilities infrastructure and would not generate excess demand requiring the need to construct new or expanded off site water supply, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities. Similarly, the project site is already served by the city's fire, police, school, and library services infrastructure. The nominal increases in service population as a result of the 30 new residential dwelling units in this project would not have a significant effect on response times and services demands nor would it generate excess demand requiring new or physically expanded public safety, school, and library facilities. And furthermore, payment of development fees by the project applicant would be used to offset the costs of increased personnel or equipment that could be required in order to maintain acceptable service

ratios, response times, and other performance objectives potentially affected by the incremental increases in the land use intensity within the service areas.

Thomas: Perfect. Thank you. And one or two other questions. The first is the projecting balconies over the public right away that could result in design changes, would those come back to Planning Commission or...

Vu: Actually, so that was something that the city worked with the applicant to redesign. So, the project before you right now does not have any balconies that extend into the public right away. They are entirely within the boundaries of the project.

Thomas: Okay. Perfect. Thank you so much. That's all I have, Chair.

Jones: Great. Thank you. Any other questions for staff at this time? Commissioner Copeland, please go ahead.

Copeland: Hi. Yes, I just have a couple of questions for you. I think some of them have already been asked. One of this has to do with the supplemental information that you gave us tonight because in the staff report we were talking about a little bit different

sort of murky semantics about adjoining. So, this is talking about the AG, talking about commonly owned units of land separated. And you said that it can be separated by facilities other than roads, streets, utilities, easements, and railroad rights of way and still be contiguous if the property can reasonably be developed as one subdivision. And then the example was they are contiguous because they can be reasonably developed. Facts supporting this conclusion include the lots are located on the same city block. The lots are separated by a very narrow building structure, which in this case would be the hot dog restaurant, not canals, I think is what was in the other one. So, this is, this would be a new precedent, is that correct? This has not been done here before in any other project so far in West Hollywood?

Langer: That's my understanding but also there's not very many of these tiny undevelopable strips of land..

Copeland: Right.

Langer: ...that there's not much else to do something with.

Copeland: Okay.

Langer: So that's...it's also an unusual circumstance.

Copeland: It is. Yeah. In the staff report it also states

that these small nearby lots are unlikely to be developed. So unlikely is again, it's not really definitive language. So, there's...is there anything that would prevent these from being sold off separately later and developed with one of the other surrounding projects?

Langer: Well, if they're included in this map as a common area then...

Copeland: That cannot be separated at all.

Langer: It cannot be sold off separately once...if this project is approved.

Copeland: Okay. Is there no landscape architect required for this, this project to be on board at this point?

Vu: At this stage that requirement does not exist. However, during the plan check stage the final landscape plans have to be designed and developed by a licensed landscape architect or a contractor and there is a condition of approval that stipulates that.

Copeland: And that approval would be by, by whom?

Vu: That condition of approval is on Page 23 of Exhibit A. And so, on that page it's condition of approval 9.1 and I'll read it into the record. The proposed project shall comply with all requirements of the

City of West Hollywood's model water efficient landscape ordinance prior to issuance of a building permit, the final MWELo landscape documentation package included as part of the MWELo tool kit shall be submitted for review and approval. And then it details what the landscape plans must include. And then finally it says the plans shall be prepared by a landscape architect or landscape contractor licensed by the State of California.

Copeland: Okay. And the art wall. This is going to be approved separately by the Arts and Cultural Affairs Commission?

Vu: That is correct. That is a requirement for all public art projects.

Copeland: That's not been...we're not at the stage where that can be presented yet to them? Okay.

Vu: That is correct.

Copeland: What would it take to be LID compliant? I know there was something in the staff report that you stated that this project was not at the time.

Vu: I'm sorry, Commissioner Copeland, could you repeat that question?

Copeland: Yeah. If I could read my own notes. I'm sorry. I'll probably come back to that once I can give you

exactly where it was. I'll expand on it a little bit if you're not sure what I'm talking about. I guess the other question that I have right now would be more for the applicant but may come back later with a few more questions for legal if that's okay. Thank you and thank you, Chair.

Jones: Thank you. Commissioner Matos, any questions for staff at this time?

Matos: I do have questions, but I'll hold for later in the meeting.

Jones: Okay. Oh, Commissioner Vice Chair Thomas, please go ahead.

Thomas: Think you. Has any contact been made with Tail of the Pup to find out how this would impact their business?

Vu: City staff has not reached out to Tail of the Pup.

Thomas: Okay.

Jones: Okay. If no one else has questions at this time, I will without further ado ask...oh.

Alkire: Chair, really quick, I have a clarification, I'm sorry. The applicant requested a clarification of a few of the conditions and so we wanted to read those into the record before we move on if possible. They are to the fees. They are in Section

4.0 of resolution 221493. Essentially what we are doing because the...it is a vesting tentative track map; it vests the fees at a certain point in time. So, we're, instead of saying that they are subject to the fees in affect at the time the building permit is issued, we're changing the language to in 4.1b be silent on timing. Note the fee but remove the last sentence...the last part of the sentence that says or the fee in affect at the time the building permits are issued. On condition 4.4, remove the last sentence which reads in the event that the fee schedule is revised by the City Council, all fees shall be recalculated so that they are based on the revised fee schedule in affect at the time the building permits are obtained. In 4.5, remove the same sentence as 4.4 at the end of that one. And then on 4.9, change it to read the fee...so delete all of the existing and change it to read the fees in this resolution are set under fee resolution 22-5534 inclusive of future CPI adjustments provided for in that resolution. And so that would correctly pin the fees to the correct fee resolution. So, we wanted to note that. That's it. Thank you.

Jones: Thank you. It sounds like we have one question for staff.

Lombardi: I didn't get the last item number. I tried.

Jones: Four.9.

Lombardi: Four.9?

Jones: Four.9, sorry.

Lombardi: All right. Thanks.

Jones: Okay. I do want to quickly run through disclosures. Do we have any disclosures from anyone on the dais? Is that a, no? No one has any disclosures. I do not. Okay. All right. Thank you. All right. Mr. Elliott, presumably you'll be the one giving the presentation this evening. Thank you.

Elliott: I have ten minutes?

Jones: You do have ten minutes. Yes, it's being adjusted.

Elliott: I'm going to be very brief. Good evening Honorable Commissioners. My name is Todd Elliott. I'm an attorney practicing in El Segundo. I am a life member of Stonewall Democratic Club, of the NAACP, and an adjunct law professor at my law school, Loyola Law School where I teach land use and commercial real property transactions. I want to urge you to consider three things this evening. This project is protected by the Housing

Accountability Act, which is strong medicine. It's also protected by the Subdivision Map Act, as it has been stated that it has a vesting map. And I am not your lawyer. You have very well-regarded professional staff, and I would urge you that they would not have wasted their time or your time bringing forth this project if they did not believe it complied with both state and municipal law. Now I am going to introduce the architect for the project, the Rome Prize winner for architect, Patrick Ty. I'll be happy to answer any of your other questions including things about the dog walk, the gates, FARs, CEQA exemptions, affordable housing, and Tail of the Pup after Mr. Ty makes his presentation. And I thank you so very much for the opportunity to appear before you.

Jones: Thank you.

Tighe: Good evening, Chair Jones, Vice Chair Thomas, and Commissioners. Thank you for the opportunity to present this new building for the City of West Hollywood. I would also like to thank the planning staff, the city architect and everyone at the city for their help over the past few years that have allowed us to get to this point. We have redesigned

this building so many times and it's really been a puzzle and we're so grateful for all the help along the way. We're having some technical difficulties.

Vu: Yeah.

Tighe: Could you pause the clock?

Vu: Can we have the...thank you.

Tighe: So, we talked about the peculiar site and the site is located at the confluence of La Cienega and Santa Monica Boulevards. The new project will be a six story, mix used residential building consisting of 30 residences. Included are 20 one-bedroom units, and 10 two-bedroom units, five of which will be affordable. There will be 3600 square feet of commercial space located at grade along with two levels of subterranean parking. Could you pause the clock again, please?

Vu: Patrick, it doesn't appear to be working so if you could just let me know I can forward to the next slide whenever you let me know.

Tighe: Okay. You want me to just say next?

Gillig: Yeah.

Tighe: Okay. Next.

Gillig: And your time will be set to eight minutes.

Tighe: Thank you. Here we go. Doug, could Kevin, do it?

Oh, you got it. Okay. Great. Thank you, Doug. Okay. So, I just mentioned the stats. So, I won't go through that again. But I will note the parcel to the west, which Doug talked about in his report. This portion is conceived as an open green space for the residents. This outdoor amenity contributes to the city's larger goals regarding native soil enrichment and providing an urban habitat for wildlife propagation. So, our landscape architecture firm, Studio Gray Green, with whom we've been working is present this evening and Josh Rosen is available to answer questions regarding landscape. So there has been this confusion that we don't have a landscape architect, we are working with a landscape architect and Josh is here tonight to answer questions. So, the following series of diagrams demonstrate the building's response to the site and context and zoning regulations. So, this slide shows the overall massing of the site. This slide shows the 15-foot easement along La Cienega. Two levels of subterranean parking are provided. The building is pulled back at the west ten feet. Commercial spaces are located at the ground level. And then we introduced this void to break up the

massing. This north to south oriented outdoor space allows for circulation, natural ventilation, and light throughout the building. The affordable bonus allows us additional height for the building. And then further articulation and modulation allow for the required private open spaces and for a varied composition of building materials. Common open space and green air areas are provided at the ground level, at the second level, and at the roof levels. Twenty-four canopy trees are provided, and many are planted in native soil, far exceeding most developments in this area. As mentioned, the resident park is located on the western portion of the property. This view shows the view at the corner where transparency is expressed at the ground level at the commercial areas, making a strong connection with the passerby at the street, with the neighborhood, and with the city. And then a larger urban gesture is provided with a curated art piece that marks the iconic corner. The west view shows a staggered composition of voids that make up the west elevation and these are the private open spaces for the units. This is an ariel view at Santa Monica Boulevard that shows the

massing of the building and how it's split or broken with this outdoor circulation piece that runs north south through the building. This is the site plan. On the site plan you can see the 15-foot easement at La Cienega. On the opposite side of the building is pulled back ten feet at the western property line. All of the entries at Santa Monica Boulevard are recessed. And the vehicular entry is located at the lowest portion of the site, far away from the busy intersection. This diagram talks about the trash staging. The staging area is located at Santa Monica Boulevard, and this was all well-coordinated with Athens and with West Hollywood Public Works. This is the program diagram. It shows how everything is oriented around the outdoor central circulation space. I'll go through the floor plans real quickly. The bottom...the lower two levels of subterranean parking, we have 31 parking spaces as well as other service areas in these underground floors. At the ground level there's 3600 square feet of commercial space. The resident entry is located off of Santa Monica Boulevard. Floors two through six show a variety of one-bedroom and two-bedroom units and

they're all separated by this, again, this outdoor circulation core that runs through the building. At the roof level, we provide more than the required amount of common open spaces along with plenty of resident amenities. The high sustainable building will far exceed the requirements of the West Hollywood Green Building Program. A durable and sustainable material pallet is used including metal panel, reinforced concrete, smooth plaster, natural wood, and various screening devices. These are the elevations. The building as you realize is a parallelogram so the straight on revelations don't make that much sense, but we feel like the...we can explain the building better with the renderings that I'll show you. I'll go through the landscaping quite fast. This is the ground level. You can see the park on the west, which is suited with a series of canopy trees. There's perimeter planting around the building, plants that grow up the side of the building in certain areas. And then planting in the parkway. This is the landscape strategy for the second-floor courtyard where there's raised planters and other accent beds for planting. And at the roof deck, we also have raised planters for

shade canopy trees and other forms of vegetation. In general, the planting pallet provides texture and color. The landscape design consists of shade canopy trees, urban habitat friendly pollinator species, and free flowering vines that really do become part of the architecture. A few views. This shows the building at La Cienega and then an up-close view of the building at the corner looking into the transparent area at the commercial area. The lower level...the lower level at the ground is layered, creating an interesting pedestrian experience for the residents and for the visitors to the commercial spaces. And this is the entrance designated for the residents, which is a separate piece from the commercial area for the project. And then to conclude, a view at the corner showing the building standing proud at the edge of the City of West Hollywood. Thank you very much.

Jones: Thank you. Okay. Yeah, I believe there was still about a minute and 30 seconds, David, is that correct?

Gillig: We have two minutes, 15 seconds left for you Todd.

Elliott: I'm Todd Elliott again, thank you, Commissioners. I have ten items you asked about dog walk, gate

liability, FARs, CEQA exemption, affordable housing, Tail of the Pup, Activation, the size of the strip of land, and parking. I don't think I can do them all in two minutes but I'll, I'll start with Tail of the Pup. We've had a wonderful discussion with them. We've been working with them. We've been...they're very excited about our project. We can get you a letter of support. Affordable housing, yes, there will be five units. One issue we have, take umbridge with is that in the report it says two two-bedrooms and three units of 868 square feet. We don't have units that size. 1922030 specifies of comparable size. So, we have one bedroom that were intending to have been rental units. Let's see. I think you may have more questions about FAR and CEQA. We do have a plan to activate the La Cienega side with tables and chairs. We proposed it. The city engineers said no, we can't have it as part of this plan. So, we have to come back and propose it after the project is built, which would include tables and chairs to activate on La Cienega Boulevard. The skinny lots are 12 feet wide and 10 feet wide. And there's a few more items. I'll be happy to answer your

questions. And we appreciate your time this evening.

Jones: Thank you. I think let's do this if you're comfortable with it, why don't we move into public comment. You can do rebuttal and then we can have all of the members of Commission, if they may have questions and then you'll have time to answer without a time limit. Is that okay?

Elliott: Thank you.

Jones: Sure. All right. Thank you. So, we're going to move into public comment. David, can you just give me a quick heads up on how many public speakers we have right now.

Gillig: We have five in chambers and four...

Randy: Five.

Gillig: ...five in Zoom.

Jones: Okay. If there were going to be a lot, I would say let's limit the time. Let's not do that. I'm going to give everybody their due. Okay. So, let's...why don't we start with the in-chamber commentators first.

Gillig: Okay. Thank you. Our first public speaker will be Patrick Shandrick and he will be followed by Darci Kennedy. No Patrick? Darci? You have three minutes

and while she's coming up, for the people on Zoom if you'd like to speak on this item, please star nine for me and we'll give you three minutes to speak. That will let us know you'd like to speak on this item.

Jones: Thank you. Again, if you are at the dais, thank you for coming. Hello. Just please state as a matter of course and into the record your name and city of residence before you start your comment. Thank you.

Kennedy: Yes. My name is Darci Kennedy, and I am a resident of West Hollywood. I'm going to be reading a letter on behalf of Yola Dore who is a 30-year disabled resident of the City of West Hollywood. Honorable Chair Jones and members of the Planning Commission. Accessible. Accessible. I write to you in support of the 8500 Santa Monica Boulevard mix use project, which will include affordable housing, some of which will hopefully serve the elderly and disabled community. There are thousands of individuals in West Hollywood in need of affordable housing and the need grows every day. We need this housing yesterday. There was not a single voice against this project at the community meeting while some have design concerns. Isn't the need for affordable

housing the most important issue in our community?
This project is very well located in West Hollywood with access to grocery stores, cafes, dry cleaners, and other amenities all accessible and within walking distance of the project. This project will provide much needed accessible affordable housing to elder and disabled residents. I am happy to recommend this project to the Commission and hope this project will be unanimously approved. Thank you for your consideration of this important project. Thank you.

Jones: Thank you.

Gillig: Thank you, Darci. Our next public speaker will be Ed Youmans. Ed will be followed by Alex Zamudio.

Youmans: Good evening. I'm reading this letter on behalf of West Hollywood resident Mike Dolan. Honorable Chair Jones and members of the Committee, Commission, private market housing will not produce enough units that can be affordably rented to residents earning 60 percent or less of the area median income. Affordable housing needs spirited developers' investment to ensure that our essential citizens in West Hollywood can find and live, can find and live in housing that is decent, safe, and

clean. We pay for it no matter what. Without more affordable housing, we will continue to see growth in housing insecurity, residents experiencing homelessness, and the associated cost of trying to reshelter our neighbors. These costs manifest in healthcare, human and social services, and law enforcement, and law enforcement costs which are passed on to the taxpayers. Studies from around the world show what solves housing insecurity is a roof over their heads. Our environment demands it. The rural and urban communities for all of Los Angeles continue to decimate the environment increasing transportation, greenhouse gas emissions, and pollutants. The environmental impacts are being seen season after season and as our extreme weather events set new records every year. We can reduce, drive to qualify by using these dollars to build this much needed housing in West Hollywood and our, for our residents and workers that live nearer to where they work, nearer to where they work while also reducing our greenhouse gas emissions. Thank you very much for your consideration and I look forward to seeing more affordable housing built in cities in the area in needed...as needed across the

Los Angeles County. Thank you.

Jones: Thank you.

Gillig: Thank you, Ed. Our next speaker will be Alex Zamudio followed by Kevin Bema.. Bemel, I'm sorry. And Kevin will be our last public speaker in chambers.

Zamudio: Good evening. My name is Alejandro Zamudio. I live in West Hollywood as well. I'm going to be reading a letter from Ms. Patti Raseto, she's a resident from West Hollywood. The letter reads as follows:
Honorable Chair Jones and members of the Planning Commission, I have lived and worked in West Hollywood California for over 25 years. I'm enraged that former Commissioner Hoopingartner believes she speaks the mind of the people in West Hollywood. Her opinion is hers and hers alone. She is not an architect, planner, or anything other than a woman who loves to garden, that which I admire. However, when she trashes projects that include affordable housing, she goes too far. Basta. Enough. As to her letter, and may I note, I have worked in the government and as an executive secretary to attorneys and as the organizer for charities.
Estamos unidos para una comunidad seguro, y donde

todos son bien benidosos. Translation, we are a united as one safe community where everyone is welcome. And it reads on. The worst thing about this letter is the writer thinks she is above the law. Every Commissioner has to disclose conflicts of interests as a commissioner. They need to list assets, clients. Here is a sample of Ms. Hoopengardner's filing as well as the list of clients from her website. And one particular client that includes a massive number of real estate companies. So much ethics. Honest and transparency. So much for...I apologize. So much for ethics, honest, and transparency. And this is from Patti Raseto, again. Thank you for your time.

Gillig: Thank you, sir. And our last and final speaker will be Kevin Bemel. Kevin, you have three minutes.

Bemel: My name is Rabi Kevin Bemel. I'm a citizen of Los Angeles. For the last 16 years I was a chaplain in the United States Navy and then before that I ran a commercial real estate company here in Los Angeles for 20 years. So, I've over the last 16 years of working with people who've had problems to solve in the Navy and in the marine Corp, it gave me a different perspective on the real estate business.

So, some people would contend that housing is a civil right, and others would say that it's not. I'm not here to debate that philosophical question. I frankly find such questions discussed better over bourbon or maybe a nice sotol, you know, something kind of smoky. What I would like to say is that as people who have taken on the responsibility to look after our fellow citizens, we have an obligation to provide them with an opportunity to live their own lives in as dignified a way as possible. And what I found through my time working with people in the military and as you might imagine, many of them are coming from very difficult circumstances, having a secure place to live made a fundamental difference in the quality of their life. And so, I think that as you debate this project, Chair Jones, Vice Chair Thomas, Commissioners, I would ask you to consider what having a place to live would mean to the 30 people, or 30 plus people, who could potentially be residents of this project in a community as lovely as West Hollywood. We're privileged really to have this kind of environment to live in. I don't live that far away. And for many more people to have that opportunity would have I believe, and I hope

you would agree with me, a very significantly positive impact on their lives and then the lives of all the other people with whom they come in contact. Thank you very much.

Gillig: Thank you, Kevin. And Kevin was our last public speaker in chambers. Before I turn it over to our Zoom audience, I do have a comment to read into the record that was received after the close of the public comments. This is from Allen Wilion. He's a West Hollywood resident and he says I am a resident of WEHO, having resided in WEHO since April 1990. I am an attorney and I appear on my behalf and on behalf of Susanne Manners, a resident of WEHO since 1965. I hereby oppose the approval of the 8500 Project on each ground set forth by Lynn Hoopengartner. And now we'll pass it over to the Zoom audience.

Randy: We have nine speakers on the Zoom platform. All speakers please be sure to state your name and your city of residence. Our first speaker will be Ed Levin. Ed, please press star six to unmute yourself and you have three minutes to speak.

Levin: Thank you. Thank you, Chair members of the Commission. Edward Levin, resident of West

Hollywood. I actually have no connection to this project. I don't have a position on the project itself. But at the risk of piling on, I can't sit still in face of another project analysis memo from Lynn Hoopengardner. Look, it's great that Ms. Hoopengardner wants to continue to participate in the Commission process. It's fine that she creates applause from the WEHO commentary, but if she's going to criticize projects under the premature former chair of the Planning Commission as she reminds us, then she ought to do so with a better grasp of the Zoning Code. I'll mention a few items in her analysis that are incorrect. About non habitable FAR. Ms. Hoopengardner complains that the FAR doesn't include almost 6,000 square feet of hallways on a condo floor. These are exterior corridors; exterior space does not count towards floor area. This is very clear. Floor area is clearly defined in the Zoning Code. About height, Ms. Hoopengardner says the project's actual height is 80 feet using low point, but we don't measure height using low point. Height measurement is also clearly defined in the Zoning Code. We measure per 19200808b3, the drawings reflect that. Of seven

stories, the analysis says they're calling seven story a mezzanine. As clearly defined in the Zoning Code, a mezzanine does not count as a separate story. About permeability and common open space, Ms. Hoopengardner says the project doesn't comply per permeability and common open space basic ground level. But permeability and common open space requirements only apply to multi-family projects and residential zones. They don't apply to mix used projects on commercial zone site. Again, Zoning Code makes this distinction very clear. Okay, look. None of this means you have to approve the project. There are lots of issues you're...I trust you'll discuss all the legitimate ones and make an appropriate judgement. As I said before, I don't want to weigh in on the substance of the project. I do, however, want to weigh in about public process. You don't have to be an expert to participate. Anybody can express an opinion. But you should be very wary of offering a technical analysis based on the Zoning Code and land use law if you're not in fact an expert in either the Zoning Code or land use law. It's important that the public and the Commission have real information, not simply an

opinion masquerading as fact. Thank you.

Randy: Thank you, Ed. Our next speaker is Lynn Russell followed by Carolyn Campbell. Lynn, please press star six to unmute yourself. You have three minutes to speak.

Russell: Good evening. This is Lynn Russell of West Hollywood. I will focus on the use of the site and the absence of aesthetics. The word salad rendition of the staff report, what was troubling to me, but this in no way reflects being contrary to providing affordable housing. The site to be described is a lesser gateway intersection of two main boulevards, Santa Monica, West Hollywood's main street, and La Cienega Boulevard, the once vibrant home of the interior design district. The proposed design is far inferior to what might have been accomplished here. In the future, the city would be well served by some strategic design concepts that really embrace these intersections and these sites delivering a higher degree of aesthetic confidence. As it stands, submission with respect...or excuse me, represents rather arbitrary opportunistic development ideas during a rather tense economic and social period. It need not be this dismal

result when thoughtful aspects of the proposed site surrounding notable architecture and fresh ideas are considered. This should be the task of people or an individual with an unaided discriminating eye able to cooperate with the very abled Department of Urban Design and Architecture Studio before things are actually on the drawing board. There would be no need for word salad as I've used the term, to obfuscate or obscure a staff report describing an exceptionally awkward and convoluted project. This project does not compliment the city, its residents, or lend inspiration to the future development of the particular intersection. Authentic high quality and high value architecture with accurate ingredients always speak for itself and does not require such tricky language. Integrity should stand on its own and be recognizable on its own merit. So, I appreciate your thoughtful consideration of this project. Thank you. Bye bye.

Randy: Thank you, Lynn. Our next speaker is Carolyn Campbell followed by Lynn Hoopengardner. Carolyn, please press star six to unmute yourself. You have three minutes to speak.

Campbell: Thank you. Hi, I'm Carolyn Campbell. I'm a three-

decade business and homeowner in West Hollywood and I want to thank the Chair and the Commission for allowing us to speak. I was thrilled to hear Patrick Ty as being the architect. I have long admired his work and as a graduate of UCLA's school of architecture and urban design, go Bruins. Anyway, I did have a comment particularly as it pertains to the developer who is asking for a 65 percent increase as I understand it and the size of the project only a 16 percent increase in affordable housing. Given the value of the entitlement, it is requesting a 65 percent increase in affordable housing seems more equitable. Counting a lot that is not physically attached to the parcel where the project is located should be reconsidered by staff, I recommend. And hopefully this will be sent back for clarifications and changes and set for another hearing. The, one of the presenters this evening mentioned that the building does not currently fit the historical scale of this area, but that things are changing. However, I would like for the committee to think this is, the future is now and to look at the scale and what it's really going to do as far as visual

balance to that corner. And again, I thank you for allowing us time to speak.

Randy: Thank you, Carolyn. Our next speaker is Lynn Hoopengardner followed by Amy Svee. Lynn, please press star six to unmute yourself. You have three minutes to speak.

Hoopengardner: Hi. Can you hear me?

Randy: Yes.

Hoopengardner: Thank you. Thank you and thank you to the Commission. First of all, I'd like to be very clear that as you know I have always supported affordable housing. Those of you who read my letter to Council on Monday night know that I supported what was not voted for other than by Lawrence Mister to do what Planning Commission voted for six to nothing and use one for one replacement housing as affordable, not rent stabilized. So, I have been a longtime advocate of maximizing our affordable housing and want to make sure that we do our very best to do that. I am deeply concerned that staff read into the record a legal memorandum that was not made available to me or to anyone else in the public. The reading, I couldn't even get the code references. I don't have any clue as to what

they're talking about. I have a vague reference to some of these code references, but no ability to research and there's no ability for the public to have a transparent understanding of what this is saying. Furthermore, I'm deeply concerned that this ruling that staff legal is making is because it's a small lot. I don't know what small means. If I were to, you know, buy a lot one house over from mine, am I just able to call that one, one site, one project? Based upon this interpretation, that's what it sounds like. And I'm very concerned about the precedent this is setting. I have no problem with using the lot to be a dog park if you want and, you know, etcetera, etcetera, but the precedent this is setting is very, very concerning to me. And as Commissioner Lombardi thankfully had a chance to review this, and, you know, referenced that that legal precedent related to a canal, the canal was related to the same as roadways and all of the other things I mentioned in my memo. This redefining of the FAR by excluding non-habitable space is, is a calculation not a concession. Notwithstanding the outdoor space, it's outdoors but it's lobbies. It's, it's, ground floor space.

There's multiple areas being included in that exclusion. Most importantly, a lot of the components of this are not defined, refined, and you as the review authority are being asked to transfer your review authority to staff and to remove it from the public process. There is no landscape design. There is no...there are multiple areas that have been pointed out that will have to be transferred to staff for approval and will be removed entirely from the commission's purview and that again, I find very unfortunate precedent. Thank you for your time.

Randy: Thank you, Lynn. Our next speaker is Amy Zvi followed by Susanna Lagudies. Amy, you have three minutes to speak. Please press star six to unmute yourself.

Zvi: I don't have star six on zoom. Can you hear me?

Randy: I can hear you.

Zvi: Cool. Good evening, commissioners. My name is Amy. I've been a West Hollywood resident for 23 years. I'm also the Homeowners Association President of the West Knoll Condominiums. We're six townhomes on West Knoll just below Santa Monica and I'm pretty sure we're within 500 feet of the proposed project.

I have concerns about the 8500 Project. I don't feel that it's that well thought out and after reading Lynn's assessment of the project in WEHOville as polarizing as it may have been, the subsequent community comments, I was happy to know I wasn't alone. Besides learning the Cambridge's dictionary definition of adjoining, Lynns' assessment also pointed out the unprecedented concessions that would be...that would need to be made to approve the height and size of the building. Parking spots, dog park, aesthetics, and art installation masking as advertising aside, I'd be amiss if I didn't mention my disappointed with the proposed height and size of the building. It's a tiny corner lot. If approved, it would be the tallest building on Santa Monica in the area. There are multiple residences on West Knoll, which is basically behind where that is. They all...there's plenty of them that have rooftop decks and those buildings are about three to four stories. And we all enjoy the splendor that is the West Hollywood hills. There are the apartments at 888 which are about 40 apartments and there's a rooftop deck there. There are the 6 units at our development and

as well as six additional units at 914 to 918, which are being converted to condos, all have rooftops. I know that views aren't protected, but we pay premium to live in this neighborhood where the maximum height of buildings has been 55 feet. All these residents would lose a big part of their northeast facing views to the hills with this building. I also worry the project will be potential traffic problem. La Cienega and Santa Monica is one of the busiest...is the most heavily congested intersection in West Hollywood. It can be mired with traffic and many people use our street as a cut through. Adding an additional 30 condos along with commercial space open to the public will surely increase traffic at the intersection. Lastly, the tearing down of point buildings to install massive multi use eye sores is becoming increasingly more apparent in West Hollywood. There's another huge development project under consideration directly across the street, which I know has had multiple concerns. We hide behind the promise of affordable housing as we greenlight Mc monstrosities and ignore the fact that new construction means higher prices and ultimately

can't deliver on that promise. My hope would be that better consideration will be given to this project both aesthetically and practically. Thank you so much for your time.

Randy: Thank you, Amy. Our next speaker is Susanna Lagudis followed by Cathy Blaivas. Susanna, you have three minutes to speak.

Lagudis: Thank you. This is Susanna Lagudis. I'm a three plus year resident of West Hollywood. I live at 1124 North La Cienega, which I believe is within the 500-foot radius notification area for the subject project, but I never received any notice of a meeting to receive community input for this site, which I believe was required in order for the project to move forward. I object to this project for many of the reasons that the previous speaker mentioned that many previous speakers have mentioned actually. But the previous one in particular and its implications and impacts on quality of life and future development in our community. And I have a really hard time accepting that this project is being touted as an affordable housing project, which is something I know we can all agree is urgently needed in our city. I would

urge you to take a closer look at this project and consider its impacts and also consider the, the enormous amount of concessions being given to the developer on this project. Thank you. Thank you, Susanna. Our next speaker is Cathy Blaivas followed by Stephanie Harker. Cathy, you will have three minutes to speak.

Blaivas: Thank you very much. Cathy Blaivas, City of West Hollywood. I guess the first thing I want to say is that I'm getting a little tired of being accused in general of being against affordable housing when there's criticism of a project. Criticism of a project whether it be aesthetic or massing or size, whatever, does not equate to not wanting affordable housing. So that's the first thing that gets my goat. The other thing is, yes, I applaud this developer for the creative means in which they went to get the maximum height and incentives and concessions in order to change this from a 40-foot, 45-foot height building with no affordable to a 70 plus 30 unit with five affordable. It concerns me I guess in a similar way that Lynn Hoopengardner mentioned. It sets a precedent and, you know, I don't know enough about zoning and things like

that, but what would prevent another developer from purchasing a strip of property from the adjacent property to expand on and get the concessions and get the waivers? I think it's; I think a ten-foot dog run between two restaurants is insane to begin with. You're sitting at a restaurant hearing dogs run and smelling God knows what. So again, I'm concerned mostly with the precedent that this sets in terms of non-conjoined if you will, properties. So, I, I agree with the previous speakers who have concerns about the height, the density, and again, for me, how it got to be. So, I applaud the Commissioners for taking this on and thank you of your time and thank you for hearing me.

Randy: Thank you, Cathy. Our next speaker is Stephanie Harker. Stephanie, you have three minutes to speak.

Harker: Thank you. Stephanie Harker, City of West Hollywood. I too have concerns about...well, just recently like ten minutes ago, about how one public commentor is attacking another public commentor. Very interesting. But at any rate, I have more concerns about parking issues, which is always...which always is a concern when you build in West Hollywood. Thirty-one parking spaces for

basically 40 bedrooms and with retail doesn't seem to be enough. And I would have concerns along those lines as to where deliveries will take place at this very busy corner and I don't know what the retail will be, but there doesn't seem to be any place to be able to pull over and park, leave your car, and...or leave your van or your delivery truck while you are unloading to deliver things to both the residents and to the retail space. Eighty feet is 80 feet. You can call it whatever you want. You can call it a mezzanine. You can call it a floor. You can call it a rooftop garden. But it is very, very tall. And to hear from the developers that they're expecting a similar size just to the south, that will be quite a massive block there. You know, a few years ago the city was trying to decide whether to hire a traffic cop for that corner, La Cienega, because it's already so bad and adding this, I hope that they will think about that again. And as far as the affordable housing goes, isn't it just a shame that we have to go through all of this for five lousy units. Why don't we make half and half? We do need more affordable units. And the gentleman, Kevin, I believe was his name, was

thinking that these 31 units would be for that, but the condos I'm sure will be probably exceeding a million dollars apiece so those won't be the poor people who are living there or living here in West Hollywood. They don't have an opportunity to live there. I wish it could be more affordable units. I hope that the Health Department has been contacted to have a dog run between two restaurants with outdoor space. Thank you so much.

Randy: Thank you, Stephanie. Our last speaker is caller with the last four digits 2888. Please state your name and your city of residence. You have three minutes to speak. Please press star six to unmute yourself.

Crockerham: There I go. Thank you. My name is Cory Crockerham. I'm a member of the Southwest Regional Council of Carpenters. I live, work, and recreate in the vicinity of the project. I will be directly I'm...hello? Can you hear me?

Randy: Yes, we can hear you.

Crockerham: I'm sorry. I believe I will be directly affected by the project's environmental impact. The city should require that the project be built with contractors that will hire local, pay prevailing wages, and

utilize apprenticeships...apprentices from the state accredited training programs. Workforce requirements reduce construction related environmental impact while benefitting the local economy and the workforce development. In 2020 a report putting California on the high road in jobs and climate action plan for 2030, California Workforce Development Board concluded that investments in growing, diversifying and upscaling California's workforce would positively affect returns on climate mitigation efforts. South Coast air quality management district recently found a local hiring requirement and result in air pollution reductions. Other cities have not hesitated to apply workforce requirements for private development projects. For example, the City of Hayward incorporated workforce requirements into its general plan and municipal code. The Southwest Regional Council of Carpenters recognizes that West Hollywood is in the midst of an unprecedented shortage of housing for its citizens and it must act quickly to approve housing projects. That said, partners would like to remind the Commission that CEQA compliances is not a bar to development but

rather assurance that development is being conducted with human and environmental health in mind. The city would be doing a disservice to its citizens should it approve the project without the thorough environmental review of its impacts. The city must prepare an environmental impact report for the project, especially given the project does not qualify for the categorical exemptions under CEQA guidelines Section 15332. Exemption requires among other things that approval of the project not result in significant affects related to traffic, noise, air quality, or water quality. The project could in fact have significant affects relating to noise, air quality, and also water quality and therefore environmental review must be conducted and circulated. The project involves the construction of a roadway easement where permanent construction is not permitted. As such the project does not meet the test CEQA exemption. Thank you.

Randy: Thank you, Cory. We have no more requests to speak on the Zoom platform.

Jones: Okay. All right. If in the next minute or so anybody does raise their hand to speak, please let us know. Okay. With that, we'll move into rebuttal.

The applicant will have five minutes.

Elliott: Good evening. Todd Elliott for the applicant. I want to say firstly that there has been no substantial evidence presented to you this evening that would require you to deny this project. Lynn Russell spoke only of aesthetics. Aesthetics is not something under CEQA nor in relation to SB330 and the Housing Accountability Act that the city considers. Lynn Hoopengardner spoke about how deeply concerned she was about precedent, that this was not transparent, yet she was able to hear clearly if she was attending the meeting, the staff read the language of the memo into the, the administrative record. Precedent has already been set. This is state law interpreted by the California Attorney General. It, the State of California Attorney General's opinions preempt the state...the City of West Hollywood's opinions. And I note that in the discussion in the staff report, canal roadways are...canal ways are varied, different than what was described in the staff report, which is parcels connected by a public sidewalk. There is a landscape designer on board and that was pointed out by Patrick Ty. You're not abdicating anything

to staff. You are the Commissioners who make the findings of fact to support this project. Amy from the HOA on West Knoll, we understand that you have concerns. This is not the tallest building on Santa Monica Boulevard. I believe that would be the Empire Building. There is no substantial evidence to suggest that there would be traffic that would cause a need for a traffic study. By my estimation, 50 residents might generate at most 100 trips. The threshold would be 500. Stephanie Harker, thank you for your concerns. Thirty-one parking spaces is the adequate and required amount. The project is not 80 feet tall. And I do think the five lousy units are good idea. Cory, from...I couldn't get your last name, there is no necessity for an environmental impact report. There has been no statements made by you Cory, that would constitute substantial evidence, that is evidence grounded in fact. Yours is just an opinion. And I would welcome the opportunity to speak with you and my friend Dena Titus, a senator in the state of Nevada, would fiercely disagree with you on this point. I still have questions that I believe that Commissioners want answered about the dog park, the gate, perhaps

FAR or CEQA. I've made my point clear on affordable housing under condition 3.3. I've told you that Tail of a Pup is a supporter. There's more to tell you about activation on the La Cienega side that Rick Abramson didn't mention. And I'm happy to go over those topics if the Commission would like me to discuss them. I am running out of time here, so please tell me how I can help you in your deliberations. Thank you for your consideration and I ask you this evening to approve this project. Thank you.

Jones: Thank you, Mr. Elliott. So why don't we go ahead and use this time to ask questions of the applicant. Whatever you want to ask, you know, within considerable reasons. So, Commissioner Matos, you want to, you want to kick us off? If you're not ready, that's okay too.

Matos: (UNINTELLIGIBLE).

Jones: You sure? Okay. Vice Chair Thomas.

Thomas: Sure. I just have a few questions. Okay. My first question is if there, if there was no dog run, how would that impact the project?

Elliott: Well, I think it would substantially affect the project because it's a project amenity and you

would be asking us to change the project with a proposed amenity. And recent case law coming down from the 4th District in San Diego states that Commissions, I should say cities, are not allowed to ask a project applicant to remove a project amenity.

Thomas: I was just asking how it would change the project.

Elliott: It would devalue the project.

Thomas: Okay. My other question is, is there no way to resolve the parking issue with the residential spaces located in the corner of the commercial parking?

Elliott: I think we disagree that they are problematic. But I will say that while we won't commit to hiring a valet, we are looking very closely at that because it seems to make sense and we'll have to wait and see what kind of tenants we get. But it would seem to make sense that at certain hours of the day we might hire a valet service so that we don't have to worry about people backing up and having kind of a crunch. And that's certainly I think sensible on the part of the applicant. I would also say that new state law in, which I'll let the city attorney address, and as of January, makes the parking

requirements basically unbundled.

Thomas: When you say what kind of tenants you'll get?

Elliott: Well, we've looked at having a restaurant. We may or may not get one. It might be something vented or not vented. We've also been talking to museums, believe it or not, to have an ancillary museum space to be an art museum where you could in a tiny space go in and see what is happening in a bigger museum. So, we are...it's a very strange economic environment. So, we are going to have to see what we get and then figure out okay, how can we best use this parking.

Thomas: Okay. Chair, I may have some more questions in a minute but those are my questions for now.

Jones: Okay.

Matos: I'll go ahead and ask the applicant one question.

Jones: All right.

Matos: Thank you for your presentation, Mr. Elliott. I did want to touch on one thing that you touched upon in your comments. You had mentioned that some of the units...you had mentioned that some of the units would be rented and that...

Elliott: It is the...it is the intent...

Matos: Is it okay if I finish the question.

Elliott: Oh, sorry.

Matos: Thank you. You had mentioned that some of the units would be rented and then you had separately mentioned that there was an error in the staff report as specifically as it relates to 868 square feet size for the one-bedroom apartment. So, I'm curious if you could expand on both of those items just a little bit?

Elliott: Sure. I know the code pretty well. Not by heart. But I believe it's Section 1922030, Section A begins with suggesting that the applicant should have a reasonable size. But then when you go down to Section, I believe it is C, it tells you that the units shall be of comparable bedrooms. So, to say that A prevails means, and you hate us attorneys, but I in some ways wish my friend David Gregor were here, would make section, I believe it is C surplusage, meaning giving it to no affect. So, we don't have any 800 and something square foot units. We have...most of the units range from 7 to I think the largest of the one bedroom is 849. And therefore, the applicant is entitled to dedicate one-bedroom units, not proportional size. There's no provision in the zoning ordinance that actually

requires that.

Matos: Mr. Elliott, I appreciate your ability to cite code on command, but I just asked about your comments, sir.

Elliott: Oh.

Matos: Specifically, you know, you had referenced that there was an error in the staff report.

Elliott: Yes, sir.

Matos: That is no longer 868 square feet. So, I'm asking how many square feet, the one-bedroom units you anticipate them to be.

Elliott: Approximately 749.

Matos: Seven, four, nine? And is that all of them being around 749 square feet?

Elliott: The statement on the two-bedroom units is correct.

Matos: Okay. So, on the two-bedroom units it's correct and you're saying that rather than 868 square feet as mentioned in the staff report, the one bedroom units would be at 749 square feet?

Elliott: Yes, sir.

Matos: Okay. Wonderful. And then my follow up question to that is you had mentioned in your comments that you were planning to rent some of the units. So, I wanted to see if you could kind of describe what

your plans were, what size the bedrooms, the units would be that you plan to rent, how many, you know, if you could get into that detail just a little bit, sir. And thank you so much, I appreciate your ability to answer questions.

Elliott: Thank you. Well, firstly let's talk about the affordable units. The intent is to have those be rental units. And with regard the rest of the units, it is a tremendously strange market that we are in right now. And so, we have filed a map. They could be condominiums. They could be apartments. It...we're going to have to see. Remember, I'm the developer's representative, I'm not the owner. I wish that I were. But we'll have to see what, what is the market at that time. Interest rates have gone up tremendously. It may be that it is more of an apartment project. We don't know. We have to see what the market is at that time.

Matos: So, I understand that there's definitely nuance in projects of this nature, but what you're saying is that if there were to be rental units, that the only ones that would be considered rental units are the affordable units, the five of them. Is that correct?

Elliott: No, not exactly.

Matos: Okay.

Elliott: If it were to be rental units...

Matos: Uh-huh (AFFIRMATIVE).

Elliott: ...it could be all rental. It could be some condo, but the intent is for the affordable units to be rental units, not to be condo...affordable condos.

Matos: Absolutely. Because it's very different to have a tenant at an affordable rate versus an owner at an affordable rate.

Elliott: Yes. I had a client; we did have one project with an affordable condo, and they donated it to the city.

Matos: Okay. And then just to clarify one, one thing. The 749 square foot size for the one bedroom, is that across the board or is that an average?

Elliott: That is the...that is not the smallest. It's not an average. It's, it's, it's a size of one of the units. I think the smallest is 726 and the highest is I think 840.

Matos: So, the range is 726 to 840?

Elliott: I believe so, yes.

Matos: Is it...and are those...is that range set? I just ask because it's fairly unusual and grant it I have

been here a short time for the staff report to note a square footage that's incorrect.

Elliott: Well, I would say this, and I worked on Movie Town Plaza, as your building a building sometimes because of fire or other reasons, your square footages could adjust. So, it's not in my experience that staff is usually setting the square footages. It's when they enter into the affordable housing agreement that there's a discussion and designation of the units.

Matos: Yeah, understood. I'm just noting the discrepancies between what you're saying now and what's, what's written in the staff report.

Elliott: I don't understand how staff made that determination.

Matos: Okay. I have follow up questions for staff, but I'll let the applicant continue to answer questions. Thank you, Chair.

Jones: Commissioner Copeland.

Copeland: (UNINTELLIGIBLE).

Jones: Do you want to speak? Do you have questions?

Copeland: I could. I have a couple of questions. Originally in the applicant's project narrative, the application was for 27 condos and the quote was at

least 36 parking spaces. So, and one of those was a three bedroom. So, there's no three bedroom now, right, and it's gone up to 30 condo units, but the parking has been reduced to 31 spaces. Just wondering what...did something happen in the design to cause that, for that to be reduced? And also, they were...it said that the residential parking would be segregated and now there's those two residential tandem spots in the commercial level that we spoke about earlier.

Elliott: Yes. So, to answer the first part of your question, the City requires that a project not have no more parking than is required for...to meet parking requirements. So, it requires ten and ten...oh, I'm going to...15 and...I'm doing this off the top of my head, hold on, give me a second. Thirty-one minus seven is 24, I believe. No. There's 11 required spaces for the commercial. And there are 10 required for both the one bedroom and two bedrooms. So that's how it comes up to 31. You're not allowed to have any extra parking other than what is allowed by Code.

Copeland: Okay. There's...you said the commercial space I read in the report is configured for a single tenant?

Elliott: It's...

Copeland: Or is that going to be divided into individual commercial spaces?

Elliott: It could be. We don't know yet.

Copeland: You're not sure yet how that's going to be...

Elliott: Right.

Copeland: ...divided? I think it said configured for single, so I thought I'd ask about that. The, can you describe the accessibility to the mezzanine?

Elliott: When you say accessibility, could you clarify for me what you...

Copeland: Yeah. I mean that's...what is that going to be used for exactly? And by whom?

Elliott: The mezzanines are all...they're not bedrooms, they're... if I think back to my childhood when we had a rumpus room or nowadays people might have a room that they just use to watch television, but they will have no closets. They cannot be converted to bedrooms. They could use them for a screening room. They could use them to, you know, the...there's a trend, you know, people might have a cocktail party. They might have a get together before they go out to a nearby restaurant. They might, they might order in and watch a movie and have popcorn.

There's a gazillion uses, but it's not a bedroom.

Copeland: Okay. You stated earlier to Commissioner Matos you're not exactly 100 percent sure right now if these will end up being condominiums or all rental units or a combination of, of the two. Is that correct?

Elliott: Yes. Yes, Commissioner.

Copeland: Okay. That's all I have right now. Thank you, Chair.

Jones: Commissioner Lombardi.

Lombardi: Thank you. Sure, I'll ask a couple of questions. So, I actually have some questions on some of the architectural changes. In particular on the elevations, because I know we had discussion during the Design Review Subcommittee and I think that the west elevation in particular had these wood insets basically at the, at the terraces. I see that there's a finish called SP...or SF2, but there's no SF2 labeled. It looks like maybe this is wood but maybe you've changed to a metal panel, and it's gone to a black material. I'm just trying to understand what the changes are here architecturally.

Tighe: Thanks for the question, Commissioner Lombardi.

Yeah. If you look at the material board, those insets are still a wood product.

Lombardi: Okay.

Tighe: It's a thermally wood product. We wanted that wood warm accent against the metal siding.

Lombardi: Okay.

Tighe: Thank you.

Lombardi: Yes. And then it looks like you did add a little bit of a pop of color after our discussions.

Tighe: We did. Thank you for that suggestion.

Lombardi: Is that a stucco material?

Tighe: The stucco, for the...no.

Lombardi: It's pink, coral, what...I'm sorry, what page is the material finish on? Maybe you could describe what that is, so I understand.

Tighe: We have a few pops of color as, as a result of our last meeting. We...from the Santa Monica elevation, there is a vertical element that's a stair tower and it's wrapped with a screen, and we are, we are providing color within that vertical piece. That's a pop of color. And there's a few other places where we added color.

Lombardi: Are you referring to...

Tighe: But we kept the wood, we kept the wood and the

recess for the units because we thought that was a rich material, more rich than if we were to paint stucco.

Lombardi: Okay. Thank you. I thought I saw the wood in the renderings still, but I wasn't certain what was in your elevations.

Tighe: The wood is still, the wood is still in the renderings, yes.

Lombardi: Great. While you're up here, could you confirm what is the restroom situation in the ground level for whoever is working the front desk? Do they have a, do they have a bathroom?

Tighe: They do not have a bathroom.

Lombardi: So where do they go?

Tighe: Well, they were...there really wouldn't be a front desk.

Lombardi: No? So that's...there's no one at the front desk?
There's no...

Tighe: Are we talking about the resident lobby area?

Lombardi: Yeah. And also, a valet was mentioned so it could be that too.

Tighe: Yeah. As of now there's not a valet and there wouldn't be a need for a desk for 30, for 30 units.

Lombardi: Okay. While I look for that sheet, I'm going to go

onto other questions. So, I'm a little bit concerned still about the dog park. I don't understand how this is going to be monitored. It's off site. It's not on site. I guess some people may be able to look down into it, but you know, normally, a space like this is kind of contained within the building and it's not. So...

Elliott: So, you brought up a couple of points and let me respond to that. One was would it be gated and would it be a liability for the city. So, we, we are thinking about that very carefully. We don't mind being a condition to have a security plan for the dog park. So...and, and we understand that it has to be gated, it has to be lit. We're even considering having either poles to...the same way you would with an elevator, to go to 911 and or the sheriff. We don't think that it should be open much past dusk. In general, although if dusk comes at 5:45, some dogs want to go out at 6 or 6:30.

Lombardi: How are you going to control that?

Elliott: I'm sorry?

Lombardi: How do you control that? Are you giving people keys and..

Elliott: Key fob.

Lombardi: And then are you * so they can't go in during certain hours?

Elliott: Yeah. It'll be limited hours, probably 6 a.m. until sundown or thereabouts. And we will be monitoring it. We will have lighting. We're also looking at having security lighting where if somebody is walking through that area after a certain time just like in an office building where it, you know, you're out of the room, somebody walks in, the light turns on. And then there will also be regardless whether it's a condominium or an apartment building, there will be an onsite manager. So, we'll be able to monitor that area and make sure that indeed it is secure and safe. We also envision at one end there might be a smaller dog area and the run might be for bigger dogs. It will not be available to the public, so it is not a liability to the city. But we would accept a condition to have a security and safety plan for that area because we don't want people in there that are not residents of the building.

Lombardi: Okay. Looking at the ground level plans, I do see a desk area so is that just an empty desk, what? How is that person...

Elliott: I think you're referring to an area that is a small area which is like, I want to say clubhouse or area that is...

Lombardi: Residential lobby?

Elliott: Yeah. There is a residential lobby. And there's a little structure behind it that's very small.

Lombardi: But that's not a restroom?

Elliott: No. that's a building and I'm not sure...does that area have a restroom?

Tighe: To answer your question, we do show furniture in the lobby for the residents. That's movable furniture. It could be configured any number of ways, depending on the how the residents want to use the space. It's not a, it's not a fixed desk.

Lombardi: Right now, you're not planning to have anyone that's there on site and then it has no restroom?

Tighe: Correct.

Lombardi: Okay. So, I am concerned about the resident parking that seems like it's not secured and the fact that you have a tandem spot that is very close to the ramp where one would enter into the garage. There's no gate to that portion of the garage. You can just walk in from the street via the ramp.

Elliott: I understand your concern and I think that we can

arrange...go ahead. Please.

Tighe: I can just share some thoughts. This building is a puzzle. The parking was really hard to configure, and we had some challenges. We do have a gate from the street to prevent people from going in. The commercial parking is at P1, and the residential parking is at P2 and there is a gate that separates P1 from P2. There is an issue where two of the parking spaces from P2 are on P1, so there's a problem with two or three spaces and that's something we need to deal with. But we do have a gate separating the overall parking from the public and then gates separating P1 and P2 separating commercial from private.

Elliott: So, can someone just walk into the project at night?

Tighe: No.

Elliott: No?

Lombardi: So how are you controlling those spots or securing those spots?

Tighe: It will be like a, you know, a card or a typical, you know, way to get...

Lombardi: Where is the, where is the gate? Sorry. Could you clarify, I wasn't following where the gate...

Tighe: There's two gates. There's a gate to get into the commercial.

Lombardi: Yes.

Tighe: You press a button to get in. And then there's another gate to get down into your private parking for the residents.

Lombardi: Okay. Where is the gate for the commercial? I see a trench drain. I see the ramp. I don't see a gate.

Tighe: Yeah, it's in the middle of the ramp. It's like a dark...yeah, see the door symbol which is D10.4?

Lombardi: Oh, uh-huh (AFFIRMATIVE).

Tighe: That calls out...it's like a rolling gate that goes up, but that door symbol tells us that that's a door, a roll up door.

Lombardi: And where is the access point to operate that gate? How do you...

Tighe: We'll work that out. I mean we're...just a schematic design.

Lombardi: Okay.

Tighe: We show the roll up door.

Lombardi: Okay.

Tighe: We have...I mean we're missing a lot of things, right? This is just a schematic, but...

Lombardi: But you're planning for a gate?

Tighe: Yeah.

Lombardi: Okay. And then no one spoke about the tall wall, so I do have questions about that. There's a big posting that says to be reviewed by city and you probably heard my questions earlier about the height. And this is a very prominent intersection which makes me feel this is an especially important project and it would be great to understand what the intent is.

Elliott: So, it is not a tall wall. A tall wall has a specific definition in the zoning code. At this point it's proposed as art. The applicant has every right to go before the, before the Arts Commission and work with them and to try to find an artist that creates something fantastic at that particular location. And to do so before the building permit is pulled.

Lombardi: It's hard to understand the context of the project given the amount of surface area and visibility this has. For example, maybe it would be more of a scrim type wall depending on the artwork and we can't understand that right now.

Elliott: Well, I think your question is one of aesthetics and I don't mean by any means to be disrespectful,

but under the Housing Accountability Act and SB330, the Commission doesn't get to control the aesthetics of the building.

Lombardi: It also comes into play in the Code when we're looking at the height of this and where it's located..

Elliott: If you look carefully at the drawings, it has been lowered to be no higher than the height of the building so the rendering is a rendering and the elevation show the art wall to be below the line of the height of the building.

Lombardi: It's aligned with the parapet wall and the elevation and not aligned with the maximum height of the building.

Elliott: If...

Lombardi: But that was my last question. I'm good. thank you.

Elliott: If it would be the Commissioner's pleasure you may condition it that it be no higher than the parapet.

Tighe: Sorry, just to chime in. So that feature is an architecture projection which allows us to go a little bit higher. So, it is within Code.

Lombardi: Okay. I'm still trying to understand what it is, but I get it.

Elliott: Again, we're fine with it being limited to below

the parapet.

Lombardi: Thank you.

Jones: Okay. Any other questions? Go ahead.

Thomas: I have a question about the...there's only one elevator and is it, is it just physically impossible to put a second elevator in there? I, like staff, I have concerns about accessibility, especially for people who are aging in place, people with families, people who are differently abled and that first elevator is inoperable or...

Elliott: I don't know that it's physically impossible, but it is part of the current design. And I will just say I live in a 122 unit building with two elevators, and there's been times when both of our elevators have been out because we replaced them. But we managed to make it work. And I think Mr. Abramson's recommendation that in a building of more than 25 units requiring two elevators is...I don't know where there is any Code requirement for that.

Thomas: I appreciate that but if someone is coming home and they've got eight bags of groceries and...or whatever, that people need elevators, and they need multiple elevators. I'm just trying to figure out

if there's if there is a possibility for a second elevator. I'm just asking.

Matos: If I may, Commissioner Thomas, Vice Chair Thomas, there's also the element of disabilities, right? People with disabilities...

Thomas: I mentioned that. I said people who are differently abled, people who are aging in place, people who have families.

Matos: Absolutely.

Tighe: To chime in that's...thank you for that question. We have two elevators. A commercial elevator and a residential elevator. So, there are two elevators. We cannot physically fit in another elevator.

Thomas: And the commercial elevator goes...

Tighe: Just from the parking to the ground level.

Thomas: Right.

Tighe: And the residential goes from the ground level up and down to the parking.

Thomas: That's what I was looking for was...

Tighe: But typically, a project with 30 units only has one elevator. Fifty is the threshold. Over 50, we do two. There's no Code requirement that says that you need to have two elevators. So yes, it would be more convenient to have two, but not too many

developers put in two elevators for a 30-unit building. Over 50, they would consider it.

Thomas: Okay. I just have one more question. So, I'm very supportive of transit-oriented housing where...and I understand that you've provided the necessary number of parking spaces. However, until we get Metro, until people reduce their reliance on cars, we are where we are. So, I appreciate that you've provided the proper number of parking spaces, but where would you...where do you see people parking if they...when they...if half the building has guests, for example, where would they park in the surrounding area?

Elliott: Well, I did a good thing I hope, Tail of the Pup has no parking and I thought to myself well, we don't want those people parking in the neighborhood and running, you know, thinking they're going to get their hotdog real quick and then inconveniencing the neighbors. So, I do represent the owner the entire block where Sprouts is, where's there's over 400 parking spaces in that building and they're not all used. And I called him, and I said Mike, might you consider letting people got to Tail of the Pup park in your building

and then they can pay a dollar or two dollars depending on how long they stay, and then walk right back? And he said I think that's a great idea and that's good for them and it'll keep them out of the residential neighborhood. So, I think there might be some opportunity given that there's over 435 spaces for people to be able to park in the Sprouts building.

Thomas: Okay. Chair?

Jones: Yes.

Thomas: May I ask one question of staff?

Jones: (UNINTELLIGIBLE).

Thomas: Okay. That's fine.

Jones: (UNINTELLIGIBLE)...additional questions for the applicant at this time. I have just one question and it's not...I really only ask out of curiosity because I'm a patron of Tail of the Pup and I like it very much. So, I noticed and, you know, maybe this is just for, you know, the purposes of the plans you submitted as part of the...part of your submission, but I see that Tail of the Pup is fenced off and I'm just wondering do you happen to know if they plan to kind of fence, it off? I mean right now it's very open. There's the hot dog

that's open where you order and then you can go into the actual space, we'll call it because some of it is open and some of it is indoors. But do you happen to know what their plans are? I can also just ask them. I'm just curious how this might affect. It sounds like..

Elliott: When you say it's fenced off, it's not fenced off.

Jones: Well, in some of the, some of the plans it is. Hold on. Just some other renderings. One second. I promise I didn't make it up because I was just looking at it and I made a note.

*: Chair Jones?

Jones: It's...some of these have page numbers and some of them don't. It's A010. I mean it's literally...it's...unless I'm looking at the wrong thing. I don't think I am. It looks fenced off to me.

Tighe: Chair Jones? I can speak to that. When we designed the project, we didn't know about Tail of the Pup.

Jones: Okay, fair enough. Okay.

Tighe: So, we're willing to work with them and..

Jones: Sure. Okay. Cool. Great. That was my only question. Everything else I think has been answered for, for me. So, unless anyone has anything else for the

applicant, I think we can close the public comment portion of the public hearing and move into deliberation at which time we can also ask questions of staff.

Elliott: And if you need me again, you can reopen the public..

Jones: Thank you very much, Mr. Elliott.

Elliott: Thank you as well, Commissioner.

Jones: Okay. So why don't we kick it off with questions for staff first. Vice Chair Thomas you had raised your hand first so please go ahead.

Thomas: Thank you so much, Chair. As this is a HAA project and we're limited in the ways that we could deny the project, under what criteria can we ask for revisions or changes or...is, is...what does that space look like?

Langer: Well, as you can imagine it's quite limited because of all the state laws that are at play here. Not only do we have the Housing Accountability Act and the Housing Crisis Act that really require the Commission to focus on objective standards that are in the Code, but you also have a complicated package of density bonus concessions and waivers and they all kind of work and fit together. So,

it's a little bit of a broad question that you asked. And so, with a specific request I could answer it in more specific way, but the overarching thing is that we look at objective development standards that are in the code and whether it's meeting those. Other types of considerations can be difficult for the Commission to weigh in on.

Thomas: Got you. Thank you.

Matos: Yes. Thank you, Chair. I have a couple questions for staff so just bear with me. I'll try to make it as quick as possible. It is getting late into the evening. You know, I understand the concessions are allowed under State Density Bonus Law and the West Hollywood Municipal Code is obviously conducive with that. I have a question and it just for the audience sake, it's West Hollywood Municipal Code 1922050E, just wanted to cite that for the record. But my question is more about precedent. Is there a precedent for the exclusion of non-habitable square footage in the floor area calculation to a level similar to this project in previous projects in the city?

Langer: I have two answers to that. One, this is a novel request for a concession. The city hasn't seen this

before. I think it's becoming a little more common. And two, I believe there's already some exclusions in the base definition of floor area of what's included and what's not included. And so, it is a common thing to say when crafting a FAR definition what is included and what is not.

Matos: But the 7...over 7,000 square feet that's been excluded from the floor area calculation, that's atypical, correct?

Langer: We have not received a request for that concession before.

Matos: Okay. And is there any legal precedent whether it be in state law or West Hollywood Municipal Code, that would...that's explicitly stated or maybe perhaps implied in the state law or local municipal code that would actually permit for them to ask for that kind of concession?

Langer: The floor area ratio...

Matos: The exclusion of 7,000...over 7,000 square feet from floor area ratio calculation.

Langer: So...

Matos: Or from the floor area calculation.

Langer: Yeah. It's an interesting way to ask for it. Another way is just to ask for more floor area

ratio. But as I mentioned earlier, the definition of what can be subject...the type of standard that can be subject to a modification through a concession, it lists out different kinds of standards and it says floor area ratio in that list of development standards. So, it's mentioned in the code and HCC supports this approach.

Matos: Okay.

Langer: I can tell you.

Matos: So, the Housing Affordability Act, the state law, it all supports the ability for the applicant to use the concession in this way? That's what I'm concerned about because it's something that we haven't seen before, right? This is a novel request especially in the way that it was asked. But if there's not anything in state law that would support that, that is my concern. That and then the precedent of this.

Langer: I think it's in the definition of development standard and in our conversations with HCD, I think they also support this approach.

Matos: Okay. And then so does that mean it is explicitly mentioned, just for the record?

Langer: Floor area ratio is listed as a type of development

standard that can be modified through a concession or incentive.

Matos: So...

Langer: In the definitions.

Matos: ...thus state law would be conducive with this type of waiver?

Langer: Yes. No one has asked for it in this way before.

Matos: Or concession. Or this concession.

Langer: Yes. It's listed in the statute.

Matos: Okay. My next question is the staff report uses the language throughout the building, I believe it's on Page 14 but I'm not sure. It's under the concessions. to discuss the 7,076 square feet of uninhabitable space, common space, in the build...in this project. I just wanted to kind of clarify what non inhabitable square footage in this project means. Is that exclusive to elevators and circulation hallways and the exterior? Does it have anything on the interior of the unit? Does it have anything in the base floor, on the roof, or anything like that?

Vu: So, to clarify that includes the stairways and elevator shafts that are located on each floor. And so, if you look at...in the project plans, which are

Exhibit E, Sheet A050, there is a table that identifies the total square footage of FAR exclusions by floor. So typically for the second through fifth floors, it's about 1172 square feet of common hallway areas, and stairwells, and elevator shafts. And then on the ground floor, there is a total of 871 square feet, which includes some of the common residential rooms such as the bicycle storage room, the trash and recycling room, the telecommunications equipment room, and, and the hallway as well.

Matos: Okay. Thank you for that clarification. I just ask because, you know, throughout the building seems...it was a little vague and I wanted to get some clarification on that.

Vu: Absolutely.

Matos: My next question is on this item specifically. Are there any time constraints with this item? Have they already requested the extension for any type of extension or anything like that?

Vu: So, we are running against the Permit Streamlining Act, which requires that projects that are categorically exempt from CEQA be reviewed, and a decision rendered within 60 days of the date that

the project is deemed complete. And, and, you know, there have been multiple iterations of this project, you know, as it, you know, has evolved and, and, and been redesigned, and what not. And so, the most recent date in which the project was deemed, you know, complete was on September 1st of this year. And so, under the Streamlining Act, the city has until in essence November 1st to, to render a decision. If the city fails to do that, my understanding is that the project would automatically be approved if the city fails to render a decision within that timeframe. But I can ...

Matos: And when you say fails to render a decision, do you mean beyond a yes or a no? What does that mean? Could you explain that?

Vu: Render a decision, basically would equate to either approving the project or denying the project.

Matos: Okay. So, if the item were tabled for example, and the November 1 deadline passed.

Vu: That is correct.

Matos: The project will be automatically approved?

Vu: That is correct.

Langer: I think it's a little bit more complicated than

that, but the general concept is that the state provides really strict timelines to move these projects through quickly and as Doug mentioned, there's been a couple of iterations of this project where it was almost ready to go and then certain, certain things have changed. There has been a long time to get the project here. And so, I think the city has done an extensive review of the project and gotten it here within the 60 days so we should try and stick to that.

Matos: Okay. And then, then I have a quick...this last quick question. So, the square footage issue. The staff report lists 868 square foot for the one-bedroom units. We've heard the applicant state on the record that there is a different square footage vision for those one-bedroom units and to my understanding from what the applicant said, it falls more in a range, a range of 726 square feet to 840 square feet. I just kind of wanted to see where the discrepancy lied with that and also kind of get an understanding of when the applicant would A, need to finalize that type of information and B, also finalize their plans on whether or not units are going to be rented or sold.

Vu: Yes. So, I'd be more than happy to explain how we came up with that number, but it may be irrelevant at the end because as the project applicant stated, there are sections of the Code that refer to what the requirements for the affordable units are. And after looking at the provisions further, it appears that, you know, the only requirements for the affordable units are that they are proportional to the, to the total unit type within the building and that they are distributed throughout the building. So, what I was going to read into the record if, you know, if you agree is a modification to condition 3.3 under Exhibit A, which is Resolution Number 22-1493. But before I do that, so let me explain how, how I calculated the average floor area. So, it...basically I just used the table that is on the cover sheet as well as the tables that are on, again, sheet A05.0. So, if you look at on the cover sheet on the right-hand side, there is a FAR calculation. And so, the total floor area for the one-bedroom units is 17,367 and since there are 20 units, I just simply just divided that total amount by 20 units to get 868 square feet. That's all I did. And if you look at Sheet A050, I think

where there is a miscalculation is that all of the units on the top floor contain a mezzanine level. And so that includes four one-bedroom units. And then also on the second floor, there is a one-bedroom unit that actually has some ground...some inhabitable area on the first floor of the building, which is at the very rear. So, if you consider those square footages, the actual average is 868 square feet. But like I said, looking at the provisions further after it was brought to our attention by the applicant, it appears that the only requirement for the affordable units is that they are proportional to the unit type. So, in this case there would be three one-bedroom units and two two-bedroom units. And the other provision is that they need to be distributed throughout the building. And so, I would like to, you know, amend condition 3.3 to reflect that. And there's one other minor correction on that same page, pm Page 13 of the resolution, there seems to be a typographical error under condition 2.2 at the very top. And under 2.2 paragraph B it should read a reduced parking ration of .5 spaces per unit instead of per bedroom, so that was a typographical

error that I would like to correct.

Matos: Okay. Wonderful. And then so then there's the second part of the question and I promise I'll yield the rest of the time. I want to respect everyone's s time. So, the second part of the question is when, when can we expect, you know, this applicant, any applicant, to really finalize whether or not they're going to be selling or renting these units?

Vu: So, before the building permit is issued, the applicant has to enter into an inclusionary housing agreement with the city which is, you know, prepared, and administered by the city's restabilization and housing division. And as part of that process, you know, that's when the applicant will be required to identify, you know, where the affordable units are located, and if there are, you know, if there are parking spaces that, you know, are allocated. You know, the city needs to be assured that that the residents of the affordable unit have the same opportunity for parking as, you know, the residents of the market rate units. And so, the applicant, you know, would be working with you know, cities, our SH staff, to

make sure that, you know, the permissions of those, of the agreement address those issues among a lot of other things.

Matos: Got it. And as a hypothetical, is there anything that would go against conditioning an applicant for example to either identify in the resolution or specify in the resolution that the affordable units in a project would be rented versus sold?

Vu: So, I believe there would be. I mean I know that our inclusionary ordinance, you know, has provisions for on sale affordable units. But I spoke with Rent Stabilization Housing Staff today and they said that, you know, although the Code does allow it, you know, the city doesn't have a framework in place yet because in order to, in order to have affordable for sale units, there would definitely need to be a financing structure like mortgage assistance for a first time homebuyers, and the city just doesn't have..we just don't have that framework in place yet. You know, in terms of like identifying, you know, lenders that would work with first time homebuyers for the purchase of affordable units. And without, you know, mortgages...you know, without mortgage

assistance or special mortgage projects, you know, geared towards, you know, those types of buyers, it would be, you know, impossible for a person who only makes 60 to 80 percent of the area median income to even like, you know, have a down payment in order to purchase, you know, an affordable unit. So up until, you know, the city is able to get that structure and framework in place..

Matos: So, what you're saying is that in order to make...meet the requirements based on, we obviously know it's based on the base units, right, and all that thing. But in order to meet the requirements as part of this project for the units with affordable housing, they would have to be rental units?

Vu: That's correct.

Matos: Is what we're essentially saying?

Vu: Correct.

Matos: Okay.

Vu: And, yeah, and the division confirmed with me that even though there are currently no for sale affordable units that are on the market and obviously none, you know, that currently exist.

Matos: Okay.

Vu: So, every single affordable unit that has been created as a result of this ordinance is a rental unit.

Matos: Okay. And there's no way that the applicant would be able to get around that?

Vu: I mean not, not without, you know, the mortgage and financing structure in place. I...yeah.

Matos: Wonderful. That'll...I'll just yield the rest of the time shared just for other people to speak.

Jones: Sure. Anybody else? Go ahead, Commissioner Copeland.

Copeland: Thank you, Chair. I'll try to keep it brief. So just to confirm, the affordable units cannot be excluded from the parking lottery or however they're going to be assigning these? There's a rule that precludes that, so they have just a much opportunity to the parking as the rest. Okay.

Vu: That is correct.

Copeland: What I was referring to earlier on Page 18 under environmental responsiveness was the mention, the penalment sentence in that paragraph talks about the landscape architect, but then the last one talks about low impact development compliance also remains unresolved. Can you basically tell us

briefly what that, that is about?

Vu: That is correct. So, every project in the city, you know, that has landscaping is required to comply with the city's low impact development ordinance. And so, there is an actual packet that the applicant must complete and include with the plans and it has to be reviewed and approved before the building permit has been issued. And I think in fact for this particular project, that packet, you know, the city has already provided to the applicant, and they have completed it. And as far as I am aware, you know, if this project is approved, they will insert, you know, those sheets into the, the plans and submit it for, you know, for plan check when they decide to do that.

Alkire: Can I...

Copeland: Okay.

Alkire: ...really quick. I just want to make sure that everyone and people that are listening in the public understand that the low impact development requirements have to do with storm water drainage going off the property just to be clear. And that is...

Copeland: Especially on a slope that was a concern earlier I

think that was raised. As far as this supplemental information that we got right before the meeting and the lots being contiguous because they can be reasonably developed, would this apply to any property basically separated by one parcel? Like would this be setting a precedent that if I have a building here and there's a restaurant in the middle, but there's an empty building I could buy on the other side of it and turn it into a gym for my residents, we could say that that is...I mean would this apply to anything or would there be exclusions from doing, from doing that?

Langer: So, I always want to be clear...careful when asking a question about precedent because as you all know, we look at every application on its face, on its facts, the facts and circumstances and evidence presented in that case. So, I think we always should be careful to talk about hypotheticals in the future because we don't have all of the information. I think it's important to note that we've never seen an application like this before.

Copeland: Right. There's nothing...

Langer: It's not a common thing.

Copeland: ...in place right now?

Langer: Right. We're not going to...I don't think we should expect to see many more because we've never had one like this before. In this specific case, let's remember that the other lots are non-buildable, nothing else can really go there, which is different than in another project which might have two very buildable sites. And that it's an enhancement to that strip of land versus what is there now. And so, from that perspective, I think we don't necessarily want to speculate about future applications and just look at the application for what's proposed tonight under these rules.

Copeland: Okay. The last thing that I have. What would preclude someone from we talked about a mezzanine area being used for, you know, your man cave, your rec room, whatever. I mean what would preclude as far as Code is concerned with someone saying, you know, I can put a closet here and just make it a nice bedroom, guestroom, or whatever. Is that something that would have to come for a permit, or would that be a, a code violation if it happened? That's, what's the...

Langer: Yes. I would say that...

Copeland: Yes, to both of those?

Langer: You can't do unpermitted work to these units and create more units without permits from the city. And that would be a change to the, to the permits that are being approved today. So, I don't know Jennifer if you have anything else to add to that?

Alkire: That's assuming someone wanted to go in and do unpermitted work.

Copeland: Right.

Alkire: So, if someone wanted to do some sort of work or some sort of construction in that space, yes, they would need permits and we would review that consistent with, with the applicable codes. If somebody wanted to put a bed up there and have that be a bedroom, there's really no difference in terms of the Zoning Ordinance whether it's a one bedroom or a two bedroom or a three bedroom in this case because where we made those distinctions in the past was typically with parking. And now parking is based on unit, not on bedrooms. So, you know, the difference back in the old days it used to be if you go from one bedroom to two bedrooms, now you need more parking.

Copeland: Parking.

Alkire: And so that was, that was a real driver for us, no

pun intended.

Copeland: Now the parking issue has been removed from the...

Alkire: That's been removed as well.

Copeland: ...distinction. Just a curious quick question, do we currently have any kind of relocation assistance fees, right of first refusal in place for small businesses that are displaced for, for larger development? Is that something we have or have explore or...

Alkire: No. That's not something we have in our ordinance. I think that...

Copeland: The question I was asking...

Alkire: ...our economic development department may be looking into that type of thing. But it's not something that we have now.

Copeland: Currently? Okay. Thank you so much. Appreciate it. Thank you, Chair.

Jones: Do we have any additional questions for staff? Go ahead Commissioner Lombardi.

Lombardi: Thank you. I just want to make sure I'm understanding because there was a lot of discussion on the applicant's part in terms of potential changes with the units that would be inclusionary units. So, it sounds like we're getting five one-

bedroom units, that's what I heard.

Vu: No, we're...for the inclusionary units?

Lombardi: Yes.

Vu: We're getting three one bedroom and two two-bedroom.

Lombardi: I feel like I heard otherwise earlier, but please help me understand now. That's correct? The applicant mentioned something about one-bedroom units.

Alkire: I think there was just some confusion about the size of the one-bedroom units that was mentioned in the staff report and the resolution versus what they are proposing with the size of the one-bedroom units.

Lombardi: Okay.

Alkire: I think that stemmed from the fact that each unit wasn't called out in specific size on the plans and so we did the best we could coming up with the average. But the intent is always to have three one-bedroom and two two-bedroom.

Lombardi: Okay. Thank you. And then I know there was just discussion about calculating out the floor area. I don't know why you wouldn't include the mezzanine floor area in the calculation, right?

Vu: So normally a mezzanine area would be included, would be included in the floor area calculation.

Lombardi: Okay.

Vu: Yeah.

Lombardi: I'm going to go back to floor area ratio for a minute. In our Code it's pretty, pretty direct. It says the maximum, maximum gross floor area of all structures permitted on a site shall be determined by multiplying the floor area by the total area of the site. The only thing that it says is after that a basement area shall not be included in calculation of FAR. That's it. Basement area. Not other floors. Does that sound consistent with your understanding?

Vu: Actually, the only thing that's not included in gross floor area would be areas that are entirely devoted to accessing and parking. So secondary rooms like equipment rooms, and, you know... Likewise... Those things are actually included in gross floor area.

Lombardi: Great. Thank you. And then I do have a question about at the very start of Section 7 in Exhibit A, going back to Housing Accountability Act again. It does state that a local government may not deny or

reduce the density of or make it infeasible to develop housing development projects that are consistent with objective local development standards. So, my question is, we're being asked to combine lots together that are not contiguous. I don't think that's part of our local development standard. I would appreciate any additional clarification on this. What's being asked today does not seem to me to be a local development standard.

Langer: I'm not sure I understand the question. Can you clarify it a little bit?

Lombardi: Well, it's saying that we cannot deny a project, reduce the density, or make infeasible to develop housing development projects that are consistent with objective local development standards. But I think we're being asked today about a development standard that is not consistent with anything that's in our Code.

Vu: So, I believe that the objective development standards that are being referred to include, you know, the standards that are identified on Page 12 of the staff report.

Lombardi: Let me be more specifically the combining of lots.

Langer: Right.

Vu: Yeah. I don't think that issue is considered an objective development standard.

Langer: I would, I would agree with that. It's sort of the overarching way that the project is being processed and how it's being considered. And if you start with the, the Subdivision Map Act where they can have a map and a condo that includes all these lots, it's kind of the lens via which the project was being processed through the city. And then if you think about all the components of it, staff has made a determination on how to process this project that considers the Housing Accountability Act, the Housing Crisis Act, the Density Bonus Law, the Subdivision Map Act, advice from HCD, and looking towards what complies with the general plan. And it's through that lens that the staff looked at this project and said this is, this is how these terms are applied. So, I don't...I think Doug is right that the types of objective development standards that the Code is really talking about is the height, the setback, the really quantified development standards that is what the Housing Accountability Act and the Housing Crisis Act are

thinking of when they use that language. So, I made an objective that you can look at. This was...it's more of a just...it's determining what the site is for the overall project. Do you have anything to add to that?

Lombardi: Okay. This is all tying back to the Map Act. And do you have any more details about this 1978 case that sets the precedent?

Langer: Well, I think there's certain questions that come up all the time and there's certain questions that don't come up that much. And we've talked a lot tonight about this being an unusual circumstance. But it is something that the Attorney General has looked at this definition and said that these are, these are what the terms mean. And when you're looking for the goal of promoting orderly development and advancing your land use goals and figuring out the best way to plan your city and to implement projects., the Attorney General said, you know, that these definitions can be applied this way and so again, it's through that whole lens that this project is being viewed.

Lombardi: I only have limited information here, but it seems like there's a difference in terms of what was

separating those lots, and that was a long time ago too, 1978. And they were canals, which seem more consistent with the other examples that were provided. In this case we have completely separate business, a completely separate development in between, not something like a canal.

Langer: Another way to look at it is this is actually a much simpler more straight forward application because it's one city block. There's a sidewalk connecting the two and it's actually going to be used as common space for the residents. I mean it's directly...they're directly tied and directly usable and there's nothing else that can be used that this site can really be used for. So, it's a benefit. It promotes the orderly development of the city, and it advances the city's goals for land use. And so those are all the factors I think that you consider when you look at it.

Lombardi: Okay. Thank you.

Jones: Do we have any additional questions for staff at this time? Okay. So, we can move into deliberation now.

Elliott: Point of information, Madam Chair.

Jones: Go ahead.

Elliott: Do you want to reopen the public hearing?

Jones: Yes. I'll go ahead and reopen the public comment portion of the public hearing. Please go ahead.

Elliott: Thank you. I just want to note that I disagree with planner Vu on that though it's not the developers' intent, it is possible to sell condominiums to low-income people. The developer could finance that if he or she wanted to. So, conditioning that would be a restraint on alienation, which I'll leave to your counsel to explain. Thank you.

Jones: Thank you. I'm going to close the public hearing and we'll move into deliberation. Just as a matter of point, I'm going to ask staff can, whether or not the units in this building that are not the inclusionary units which we know are going to be rentals, be a point of consideration for our decision making here? Because my understanding that we cannot. Whether it's going to be the intent, whether it's going to be condos or apartments for all of the non-inclusionary units.

Langer: That's correct. We do not regulate whether the property owner can make them condos. That's what they have the right to do. That's...

Jones: That's exactly right, okay. I just wanted to make

sure. Thank you. Okay. A lot has been said. Who would like to speak first?

Matos: I just want to ask our City Attorney about the ability to condition the project or add into the resolution that the affordable units be rental units given the insight that we've gotten from city staff as it relates to the lack of a structure to be able to sell them at an affordable rate.

Langer: But they still have the technical facility to do it if it were possible. I actually believe that there's provisions in the inclusionary housing agreement that says what happens if that were to take place. So, I think the city has thought through all the possibilities. But what Doug was saying it's not a common thing. It's not what we see in our housing stock here. But I would not recommend including a condition that requires the inclusionary units to be rental.

Matos: Thank you.

Jones: I'm sorry. I'm not talking first. That's not what the Chair does so someone else please volunteer as Tribute.

Thomas: Okay, Chair. I have some thoughts. Okay. So, we have an obligation to meet housing and the only way

we do that is with density on our major commercial corridors. San Diego...excuse me, Santa Monica and La Cienega is a high-quality traffic stop with numerous transit lines and hopefully where a Metro stop will be in the quasi near future. So, this is an appropriate site because transit-oriented housing is important and it is definitely a drastic change from the one-story store front that we have there today. And it is an HAA project. But I don't think that means that we can't still try to make this the project it can be and right now it doesn't look like it's the best project it can be on a very important corner that will be...only become more important in the future of our city. Aesthetically I would like to see some variation. It looks very corporate and doesn't have a lot of architectural flourish and it's not a very engaging pedestrian experience. I don't want to dismiss the input of design review, but I do think that in the future we need to look at projects and how they will age and even by 2022 standards, this project is not particularly aesthetic. And over time I think that only the location is what's going to make it attractive. But that's not relevant in terms of our

decision today. Just wanted to add that. I would have liked to have seen something a little bit more aesthetic. I don't, I don't love this dog walk situation and I don't like that it's considered common space. I don't, I don't love the project. I don't hate the project. I have concerns about accessibility in parking, aesthetics, and views. But like the last project, it's been brought through the necessary reviews, and it helps us get more housing and so ultimately, I'm inclined to approve the project. I'd like to hear what my colleagues say.

Lombardi: I'll speak very briefly here. I agree with you, Vice Chair Thomas, regarding, you know, aesthetics. I will say that this project didn't feel like it was very amenable to any change, so I think we kind of got what we got. I think there's a lot of issues and I felt like there wasn't even time today to discuss those or that they would necessarily affect any change. There was extensive discussion about the ground level pedestrian experience and that there's quite an opportunity on this project and it seemed like it was being missed. I still feel that way. I still feel there's a lot of issues with the

design of this project and a lot of them may stem from the challenges of the amount of square footage that has been pushed into a very small lot size by way of, you know, a very nonfunctional lot around the corner that's allowing for this additional square footage. I'm very much for housing and I have always felt like an intersection like this in our city is the best possible place for development and perhaps development that has reduced parking as well. So those aren't really the issues that I have. But at the end of the day, we're being asked to make a decision that have ramifications for this project and do set precedent and I can't help but think about the unique decisions that we're being asked to make here. And I'm confused by the mention in the staff report of, you know, adjacent parcels and the justification of, you know, the Map Act and how that applies. And it makes it really hard for me to vote with confidence that this is the right decision. You know, the FAR, I think that that's probably a matter of semantics. I think that the better approach would have been just to say that you're asking for a concession to go for a different FAR. I think that also does set in the

same token a bad precedent for a future project. And we should count the area that's the area and if someone wants a different density ratio, they should state that they're asking for a different density ratio, not change the way that that ratio is calculated. But at the end of the day, the combining of the parcels is making me really nervous and I feel like this is already a unsuccessful project.

Copeland: Yeah, I...Commissioner Lombardi just voiced a lot of my thoughts. I didn't feel comfortable really that this project was quite ready for our recommendation. There were so many issues that needed fine turning, correcting, not quite yet in compliance, this, that, and the other to be done, planning check and safety and security issues with their...the residential parking and the commercial garage. Issues with the commercial frontage and pedestrian compatibility and so on. But the main concern to me is the questionable inclusion of those nearby parcels in the calculations, which absolutely affects everything else. And we did get a last minute, you know, a ruling here, an interpretation here, which we did really did not

have time to review, research. The public did not have time to review, research. One of my many jobs is copy editing. So, when I saw in the staff report the adjoining lots definition, it jumped out and of course I did my own research. And the law dictionary says adjoining in its monological sense means touching or contiguous as distinguished from lying near to or adjacent. Webster's, when it's describing the difference between adjacent and adjoining, contiguous and so forth, says adjoining definitely implies meeting and touching at some point or line. Contiguous implies having contact on all or most of one side. So, there's so many different definitions out there. And we see this that we got, you know, right before we started tonight. So, I think a lot of this is open to interpretation. I would have liked to had more information about this old ruling as Commissioner Lombardi said. And it's, to me it's just too important. I mean we...yes, we need housing, and we need affordable housing and I'm absolutely in favor of that. I probably remember a recent commission meeting where I sort of hammered that point home about the affordable and the one for one

replacement. It's something I'm very concerned about. But not to the extent that I'd feel comfortable moving this forward the way that it is and with the limited information we've had about something very important, so I'd like to hear what the rest of my fellow Commissioners have to say, but right now it's just not sitting comfortably with me because of that, those reasons. Thank you.

Matos: Thank you, Chair Jones. So, when we look at this project, we see a lot of things at play. And we see State Density Bonus Law. We see local municipal codes. We see the Housing Act, the Housing Accountability Act, all kinds of things happening here all at once. A lot of them are outlined in the report. But that being said, you know, this body is allowed to voice, you know, an opinion on this project. I do have concerns about this project. I do have concerns about some of the objectivity of...or lack thereof. for some of the items on this project. Specifically, you know, when Commissioner Lombardi brought up the joining of lots that are not contiguous. The other thing is I do have concerns that are pretty significant around the way that the waivers and concessions are being used in

this project. I'm not a state legislature, I'm not even elected. So, I...my opinion doesn't mean much, but I personally do not believe that state law had anticipated waivers and concessions being used this spirit...this manner, in this manner. So, you know, when we...even when we're talking about some of the units, right, like we're all for housing. Everyone knows that we need more housing to meet our numbers. Everyone knows that we need more affordable housing in this city. Those are very, very important items. I'm even just concerned that the applicant came forward and said that, you know, they didn't have to even rent the units if they wanted to. I think that we're dealing with maybe a resistance to that and that concerns me. And then, you know, follow up with a question. Hey, are we able to, you know, put this in the resolution and we're not. So, I'm a little bit torn on how to effectively move forward. I'm still trying to consider, you know, different conditions that we can add onto this project that will help address some of the concerns that we've heard here tonight, but I'm at a bit of a loss. So, yeah, I mean is it a good, you know, I'm not even going to comment on

if it's a good project or not. It has housing and it's meeting state law requirements. And it's meeting local municipal code requirements. And that's just the reality, whether we love it or we hate it, that's just the reality. So, I'm very torn on this. This is not an easy decision. And I'll just yield the rest of my time.

Jones: Anybody else want to say anything? Okay. This is officially the latest I've even been at a Planning Commission Meeting just for the record. Okay. So, the beauty of being Chair is that everyone basically has already in some way at some point this evening articulated many of the questions and thoughts that I had. But I will try to be specific in some of the grievances that I had had with this coming in this evening and how those have been resolved for me. I had many questions as it sounds like everyone did about the, however we're going to define it, I'm not going to read out of Oxford's English dictionary, but the noncontiguous dog run. So candidly, I feel that the applicant has answered my questions in that regard. I also had questions about the blank wall that have the kind of diagonal facing orientation. It also sounds like to me that

has been answered satisfactorily. Would it be my personal preference to see it before? Yes. But it sounds like that's also just not our process here. So again, these are kind of all my notes I had articulated before tonight's meeting and I'm just listing them out in the way that they've been answered. Let's see. There was some questions about the slope of the sidewalk, we didn't really get into that, but I think that again after reviewing things tonight and hearing people's comments I'm...that's...I'm satisfied with what we have here. What we didn't never get into is the adjacent property to the south on La Cienega, which I know Mr. Abramson had raised. You know, LA has different development standards than we do. But if anyone in the audience doesn't know or who is watching doesn't know, you know, our Governor just signed into law I believe it was late last week, a law that, you know, if you're within a certain distance of a transit hub then that your building doesn't have to have any parking if you're a new project. Just a forewarning that like more of the lower parking is definitely coming forward. I just want people to be mindful of that. I mean as a Planning

Commissioner, what I like really doesn't matter. What I personally like doesn't really have...can't really have any bearing on my decision-making process. So, is this my favorite project ever? No. It's a really awkwardly shaped site. It's a challenging site to build on. There's a slope to it. It's at a major intersection not that I think that subjects it to unfair scrutiny, but it is going to get more attention than it would otherwise. But it provides housing. It's a Housing Accountability Act project. I have some grievances with the parking. I talk about parking a lot usually because It's one of the first thing people come here to talk to us about. I think it leaves some things to be desired. But again, what I'm hearing from staff and from our legal team is that there are very few things that are going to...would enable any of us to reject this project or keep it from moving forward at this point. And that's my opinion, but that's where I stand on this right now. So, what it sounds like to me is that we have two people who are maybe not thrilled about but ready to move this project forward to Council. Is this going to Council? No, not going to Council.

Ready to move it forward. I'm thinking about a potential appeal process, my bad. And then three of us who are, who are not ready to do that. I just...we are on a timeline here. So that's where I stand on this right now. I also would be remiss if I did not thank all of the people...God willing, if you are still on the phone right now, you're in your pajamas, like we're envious. But again, we really can't do our jobs without you. We all live here too. It's a requirement that you be a resident of the city of West Hollywood to even considered being appointment to Planning Commission, so we need to have all of this input. And there have been many opinions voiced tonight, among them our own. But I'm fine...based on everything we've learned; I'm finding it very hard to make a finding that would or not make a finding to support approving this project.

Lombardi: You're finding it hard to...

Jones: I don't see...

Lombardi: ...not make a...

Jones: I'm not finding anything that's airtight enough for us to not...for me to not...

Lombardi: Understood.

Jones: ...feel in good conscious and fulfil, you know, what I view is my civic and legal obligation to move this forward.

Lombardi: I think this is a difficult situation. I do think that regardless of aesthetics there is a certain amount of responsibility for us to make sure that this project works and doesn't cause issues.

Jones: I would agree with that, but I also want to, and I think this has been called into question candidly a little unfairly tonight by a number of people, but, you know, our staff and our legal team have reviewed this extensively. These things don't happen in a vacuum. So, I'm not saying that staff always gets it right, partly does but you know, we're all humans. But again, I'm, I'm not in a position right now where I feel like I can faithfully execute my duties as a Planning Commissioner and not move this forward. I think that I...my feeling is that I would be inclined...I want to move it forward. That's where I'm at. I would, yes. So, we have a motion on the floor by Commissioner Thomas, Vice Chair Thomas and I'm going to second it.

Thomas: The motion is to approve the staff recommendation.

Jones: If you'd be amenable, I'd like to caveat that we do condition it per Mr. Elliott's comment earlier to...for a safety and security plan for the dog park.

Matos: Can that be subject to approval by the public safety commission or the sheriff's department?

Jones: I'm sorry, what was the last part?

Matos: Can the...who would be approving the public safety plan?

Jones: Well, it would be a condition of approval I imagine that would be...

Matos: Staff.

Jones: ...by staff.

Matos: Okay.

Langer: Community Development Director, they can...Planning and Development Services, sorry, John. Planning and Development Services Director, they can confer with the Community Safety Director, but it would be a staff level. I don't think...

Matos: Can we do Community Safety Director on that?

Jones: Unless there's strenuous objection from staff, I don't have...

Thomas: I have no problem with that so...

Langer: Let's find a place to put that and then also Doug had read a few changes into the record, so we just

want to make sure those are included in the motion as well.

Matos: And just...

Jones: (Talking over) operations? Let me see.

Lombardi: While you're doing that, I'd like to make a sub motion or add in as applicable. I think that this project needs to include a requirement that there be no advertising signage component. And I also think we need to be clear on what is being moved forward with regards to the applicant's request to change all of the fee structure. I think it needs to remain as it typically is on a project.

Jones: Just as a point of clarification, isn't there not a billboard on this site right now?

Alkire: There is. This site is not...if they take down that billboard, they can't put it back up. But that's the law. They can't use that board for advertising under the current state of the ordinances. In the future if that changed, then they would have the opportunity just like anyone else to apply for and go through the process for development agreement and get approved for...through a public process and get approved for advertising on that site. I don't think we want to condition this project to preclude

them from applying for something under a future law under a public process. But for right now it is prohibited by the law. What was the second thing you asked about? Oh, the...and then the fee structure has been vetted. We have discussed that and that...and the clarifications that I read into the record is the correct way to move forward on this fee structure.

Langer: Because it's a vesting tentative map. So, it just has the fees to the fee schedule that's in place right now.

Lombardi: Okay. If that's what you prefer. I still am requesting no signage. And then the other component that this art component actually be reviewed by the Planning Commission. It's attached to the building, but it's on a very prominent intersection and we did not see it.

Thomas: I'm sorry, could you repeat that?

Lombardi: The art component, that we haven't seen the design for it, that it actually be presented to us.

Langer: I thought it was going to Art Commission?

Jones: It does go to the Art and Culture...

Lombardi: That's great, but us too.

Thomas: I...does it need to come to Planning?

Jones: There's nothing in the Code..

Lombardi: That's my motion.

Langer: Okay. Hold on one second. You're making a substitute motion?

Lombardi: Yes.

Langer: To approve the project with no signage and that the...with no commercial signage and that the art comes to the Planning Commission..

Lombardi: Correct.

Langer: For presentation, for review, can you tell me a little more about what you're thinking on that?

Lombardi: For review and approval.

Jones: But if the bases for our...and I understand it's attached to the building, and I think that's why it's important too and I acknowledge it's importance. But if our...in my mind it would be the purview of the Arts and Cultural Affairs Commission because we will have already made a determination about the land use element of the project, which is why we're here.

Thomas: Commissioner, is your concern about the materials upon which the art is placed and you want to make sure...so your issue is about the material that the art is going to be on, not the art itself?

Lombardi: My concern is that these play together on a very prominent intersection and I don't see how they're not related and so I think that this is an especially challenging and prominent component of the building. And so, it's unique scenario. And although I would...I actually think going to the Art Commission is great, I also feel like there's information that we do not know right now.

Thomas: I don't feel qualified to make these types of decisions.

Lombardi: I understand.

Thomas: Commissioner Matos, how do you feel about that?

Matos: Thank you, Vice Chair Thomas. I would be inclined to support a motion with conditions on it. I think that there...I'm not voicing any support for any one condition other than I do think that there needs to be a safety plan for the dog park and park.

Thomas: I appreciate that. The specific question was how do you feel about conditioning that the art that will be on the building needs to come to Planning?

Matos: I would ask that it go to a Design Review Committee, or it wouldn't go to Sunset Arts because it's not on Sunset. So, what...could it just go to a design review committee rather than going to full

scale planning?

Vu: So, any public art element for the project would have to be reviewed and approved by the Arts and Cultural Affairs Commission.

Langer: The city has a body that reviews all art projects through specific criteria that wouldn't be applicable here. So, it's not clear what standards or what review the Planning Commission would be looking at if it were to come here. It's...the art isn't something that the Commission...

Thomas: Right.

Lombardi: So, could it be presented to design review but that's it, just the design review subcommittee?

Langer: Presented to...

Lombardi: That's it.

Langer: ...and approve, that's two different things.

Lombardi: Yes. I'm changing. I understand your logic. It's late but I do feel like we need to do something for this project in terms of...

Langer: If it's clear that it's not an approval it's just to present the ultimate art...

Lombardi: Yes.

Matos: And the feedback could just be incorporated into some sort of report for the Arts and Cultural

Affairs Commission for their approval, right?

That's what it would be, right? Am I incorrect?

Alkire: My understanding is it would be presented but we would not be soliciting feedback.

Matos: Ah. Okay, okay.

Jones: Just for more process and input and so you could see the final proposal for the site.

Matos: I see.

Thomas: Commissioner Lombardi, how do you feel about that?
I'm sorry, Chair, I just...

Jones: No, go ahead. It's okay.

Lombardi: Sure.

Thomas: Okay. Just so I'm clear. It goes to Arts Commission. They do what they do. And then it comes to Design Review and then it goes to council or...okay. What's the process?

Vu: No, it...it goes to arts commission for review and approval, and it'll come to the Design Review Subcommittee as an informational item.

Thomas: I appreciate that. But then it goes to Council? No?

Vu: No, it does not.

Thomas: Okay.

Vu: It does not need to go to Council.

Thomas: Okay. Are there any other conditions?

Lombardi: No.

Vu: I have a question for Commissioner Lombardi. So, the draft resolution already contains a condition of approval 2.4 that states that this approval does not include the replacement or reconstruction of the existing non-conforming billboard that will be demolished. Will that be sufficient language, or I mean in essence it basically states that no advertising, no billboard is approved as part of this project.

Lombardi: I mean I would add a sentence to that that clarifies that no advertising billboard shall be constructed on the project.

Langer: I don't think we can condition a project to not be able to apply for something that could be in the code later on. It's not currently allowed on Santa Monica Boulevard.

Lombardi: I understand.

Langer: And by taking down the billboard, they're getting no rights to replace any sign there.

Lombardi: I'm not sure where they would put it other than where the art is, okay. I...so you're saying we can't modify that legally?

Langer: I would not put in a condition that prevents the

applicant from applying for something that could be added to the code at a later time that we don't have information about or evidence of.

Lombardi: Right, I don't know. I'm at a loss now. It's late. I feel like there's a way that we could do this.

Alkire: What if we qualified it and said no, you know, no off-site signage is approved as part of this project. Offsite signage...let's see, is prohibited unless otherwise approved through a public process.

Langer: If signage were to be allowed on Santa Monica, any proposal would come before this Commission just like you saw the Whisky billboard tonight. There would be a full, full public process in the event there it was ever allowed in the future.

Lombardi: Sure. That will come with limitations to it as well. I guess maybe another way to do it would be to say shall not be applied to the building façade.

Alkire: I think in practicality, excuse me, if we were to put a condition like this in, the process to remove the condition would be to come back and have an amendment to the conditions. It's the same process as if they came back to get their billboard. It's actually more robust process to go back and get their billboard. So, we're not creating a larger

barrier than there would already be for them to put signage up if that, if that makes sense. Just another way to look at it.

Lombardi: I don't know. That seems like...it's also hypothetical right now so...I'll defer to the rest of the Commission.

Matos: So...

Lombardi: It sounds like I'm the only one that has this..

Matos: We have two motions on the floor. Is that correct?

Langer: I don't believe there was a second to Commissioner Lombardi's motion.

Lombardi: Correct.

Langer: So, there's just one, the original motion on the floor.

Matos: Let's try to move forward. Is there a way that we combined Commissioner Lombardi's request for design review presentation of the public art space, Commissioner Thomas's request for the security plan to be reviewed at the...was that mine? Oh, sorry. My, well I thought I agreed this Commissioner Thomas. I like to follow Commissioner Thomas' lead. So, my request for the dog park slash park item to be reviewed and approved by the Director of Community Public Safety. Is there a way that my colleagues

would be amenable to combining those two items on a motion and voting on it?

Thomas: I am.

Matos: I'm happy to make it.

Thomas: I mean it's already on the floor so we're just adding to it.

Jones: Yeah. I don't think that we need to bring anything back to Design Review, but again, that's...

Thomas: I don't either, but it's fine.

Matos: I'm trying to go in the spirit of developing consensus and getting us home before 1 a.m. So...

Thomas: So, we...

Matos: Is there no second to this motion?

Thomas: Well, there's already a motion, we just added to it.

Matos: Oh.

Thomas: Yeah.

Matos: Then I'll support that motion.

Thomas: Okay.

Langer: So, we can do a new condition...I was going to say 13.5, I don't what you had that a safety and security plan...do you have language?

Alkire: Yeah.

Langer: If she already has language, go for it. I was going

to do it...

Alkire: Thirteen.5 added prior to issuance of certificate of occupancy the applicant shall prepare a safety plan...I'm sorry, submit...it's late, shall submit a safety plan for review and approval by the Director of Community Safety?

Langer: It's Community...I would do it for both.

Alkire: And the Director of Planning and Development Services.

Matos: Perfect.

Alkire: And then 13.6. 13.6 are we still adding the condition to go back as an informational item to Design Subcommittee? I wasn't 100 percent clear on that.

Lombardi: I'll leave that with the rest of the Commission.

Matos: Where is everyone on this?

Thomas: We...I think we have...Commissioner Copeland, you don't have...you don't...how do you feel about the Art going to design review? So, you're supportive? I'm not, but it's not a big deal.

Matos: So, we can include it then?

Thomas: Yes.

Matos: Wonderful. So, we'll go ahead and include that in there, presentation to the Design Review Committee.

Thomas: Yes.

Matos: Yes.

Jones: And what are they doing at Design Review? I'm sorry, are they going to send it...are they going to comment on it? What are they doing?

Alkire: Informational item to be presented to the Design Review Subcommittee. So do you have the language or... Yeah. Okay. So, I guess prior to the issuance of certificate of occupancy, I think is the timing for the art, I'm sorry. The approved art installation plan shall be presented to the Design Review Subcommittee as an informational item.

Vu: It's building permit.

Alkire: It's building permit, okay. So, it will be prior to issuance of building permit.

Matos: Wonderful. Are there any other requests? I don't even know why I'm fueling this. I'm just trying to help us all out. Okay. So that is the motion.

Langer: And the changes that Doug read into the record also are part of the motion. Okay.

Matos: And the changes that Doug read into the record are also part of the motion.

Langer: In the development permit and the tentative map resolution as well. And any other technical or

clerical revisions to be consistent with these changes.

Matos: No? Right. Oh, I thought you were asking if there were additional changes.

Jones: No. I think that's it.

Matos: Sorry. It's late. Okay. So, is that the motion? Wonderful.

Gillig: And the motion passes with three Eyes, noting Commissioner Gregoria abstaining...recused and Commissioner Carvalheiro absent. And we do have an appeal process. The resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date to the City Clerk's Office. Appeals must be in writing and the required fees. The City Clerk's Office can provide appeal forms and information about the waiver of fees.

Jones: Thank you. Moving onto Item 11, new business, there is none. Item 12, unfinished business, there is none. Item 13 excluded consent calendar, there is none. Item 14, we've already covered. Item 15 is public comment. David, do we have anyone who would

like to speak?

Gillig: We have nobody in the chambers here, but I do believe we have a caller on Zoom that would like to make a comment.

Randy: We do have some who would like to speak. Stephanie Harker, please unmute yourself. You have three minutes to speak.

Harker: Thank you. Stephanie Harker, City of West Hollywood. I want to sincerely apologize for the use of the word lousy. Of course, it was a figure of speech referring to the small number of units and not the quality of the units. I'm happy to know that Mr. Elliott hangs on my every word. And further, wouldn't it be great, and wouldn't it be a better world if wealthy developers would begin to offer more than the scant minimum of affordable housing units required for them to increase their projects? Different ..

(Technical issues, hearing cut off)



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I am located at 21220 Devonshire Street, Suite 202-B, Chatsworth, California 91311. I am the person who transcribed the Planning Commission Meeting minutes of October 20, 2022. Present were XXXXX.

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

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

EXECUTED this 5th day of October 2022 at Chatsworth, California.

A handwritten signature in cursive script that reads "Sherry Coelho".

Sherry Coelho
Written Communications, Inc.