

**Official Transcript**  
**City West Hollywood Planning Commission**  
West Hollywood Park Public Meeting Room – Council Chambers  
625 N. San Vicente Boulevard, West Hollywood, California  
Thursday, March 6, 2025

**Commissioners**

Chair Michael A. Lombardi  
Vice Chair David S. Gregoire  
Commissioner Rogerio Carvalheiro  
Commissioner Lynn M. Hoopingarner  
Commissioner Stacey E. Jones  
Commissioner Erick J. Matos  
Commissioner Andrew Solomon

**Staff Present**

Nicholas Maricich, Director, Community Development Department  
Francisco Contreras, Long Range Planning Manager  
Garen Yolles, Acting Planning Manager, Current and Historic Preservation Planning Division  
Antonio Castillo, Senior Planner, Current and Historic Preservation Planning Division  
Paige Portwood, Associate Planner, Long Range Planning  
Laurie Yelton, Associate Planner, Current and Historic Preservation Planning Division  
Vanessa Villanueva, Senior Environmental Planner, Rincon  
Isaac Rosen, Deputy Legal Counsel  
David Gillig, Secretary

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CHAIR LOMBARDI: Good evening, everyone. I would like to begin this evening with the land acknowledgement. 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, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples. And it is 6:32p.m., and I would like to call this regularly scheduled Planning Commission meeting for the City of West Hollywood to order.

And now for the Pledge of Allegiance. Commissioner Carvalheiro, would you please lead us in the pledge?

COMMISSIONER CARVALHEIRO: (Conducts Pledge of Allegiance).

CHAIR LOMBARDI: Secretary Gillig, may we please have roll call?

DAVID GILLIG: Thank you, and good evening, commissioners. Commissioner Solomon.

COMMISSIONER SOLOMON: Here.

DAVID GILLIG: Commissioner Matos.

COMMISSIONER MATOS: Present.

DAVID GILLIG: Commissioner Jones.

COMMISSIONER JONES: Here.

DAVID GILLIG: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Present.

DAVID GILLIG: Commissioner Carvalheiro.

COMMISSIONER CARVALHEIRO: Here.

DAVID GILLIG: Vice Chair Gregoire.

VICE CHAIR GREGOIRE: Here.

DAVID GILLIG: Chair Lombardi

CHAIR LOMBARDI: Present.

DAVID GILLIG: And we have a seven-member quorum.

CHAIR LOMBARDI: Thank you. Item #5 is approval of tonight's agenda. Are there any questions before we make a motion to approve the agenda? Commissioner Solomon?

COMMISSIONER SOLOMON: Yeah, I would just ... I know that we have a continuation of a prior public hearing on a zone text amendment as it regards to notice on development agreements. Last Monday night, we had a joint study session with the City Council. While there was no formal action taken, I think that the message across the room and the measure was fairly clear that the Planning Commission should not weigh in on development agreements.

Granted, this is a zone text amendment about the noticing for a development agreement. But given how that conversation took place and what I presume to be planned specific action and codification from the City Council to specify our role, I question whether or not, absent that direction from Council, if this is something that we should be discussing and recommending to Council, a notice requirement on development agreements one week directly after we had a study session where we essentially got slapped on the wrist saying no more development agreements for the Planning Commission.

CHAIR LOMBARDI: Okay. Thank you, Commissioner Solomon. So this does nudge upon a topic that gets very close to our recent meeting. So before ... there may be some other people that want to speak too. I think maybe our attorney can help guide us in this because I know that the procedures may have an impact on how we proceed.

ISAAC ROSEN: Thank you, Chair, and thank you, Commissioner Solomon. I would say ... you know, I think my recommendation, or Legal Counsel's recommendation, would be that the Commission consider an act on the zone text amendment tonight for several reasons.

I think first, the Commission by law has to provide a written recommendation in order for the City Council to consider the item. And so we are in an instance where the City Council would be unable to consider or act on the zone text amendment if Planning Commission were unable to make a recommendation. And that recommendation could be whether or not the Commission as a body was in support of the proposed zone text amendment or if there was consensus among the body that, in light of the joint meeting there were concerns about, the Planning Commission's role, that could certainly be a component of the recommendation and the continued public hearing. But I think for that reason, Legal would suggest the Commission consider the zone text amendment.

It also comes from an existing Council directive. And so absent having a commission's recommendation, the council as a legislative body in charge of policy would be unable to consider whether in light of the joint meeting or any other policy considerations they wanted to act on it in its present form. And so for those reasons, that would be my recommendation. I'm happy to answer questions about the process or procedure.

CHAIR LOMBARDI: Commissioner Solomon, did you have any?

COMMISSIONER SOLOMON: Yeah. I guess in some ways, to me, that study session was clear as mud in that ... I guess no formal action was taken, but I know there was a lot of discussion about a formal action being taken at some point from the Council to the Planning Commission, well, directed towards about what our role will be. And Isaac, as the Assistant City Attorney, can you maybe shed some light on if that is indeed being worked upon, ...

ISAAC ROSEN: Absolutely.

COMMISSIONER SOLOMON: ... language to do so, and what the timeline of implementation is at the council level?

ISAAC ROSEN: Absolutely, Commissioner Solomon. So yes, there are discussions about how to ... and I don't know exactly what that looks like, but there have been discussions about how to memorialize the consensus or direction provided in the broad sense of the joint meeting. I think you're absolutely right, Commissioner Solomon. There was no formal action or no formal change to the process yet at this time. So I do think it's not the last time that the Commission, and certainly not the last time the Council, will consider next steps or a change in policy. But at this time, there's no existing change that impacts this zone text amendment.

I think the other piece is, irrespective of what may ultimately result with respect to how development agreement projects are processed, a zone text amendment under planning and zoning law always will come to the Planning Commission and by law has to include a recommendation before the City Council can consider it. So in that sense, that component of the process won't change because it's set out under planning and zoning law.

CHAIR LOMBARDI: I share your concerns, Commissioner Solomon. Personally, at the moment, I feel like there's opportunity in terms of how we handle the actual item when it comes to, if it's agenda'd and we discuss it today, that there's ways we could handle the item and we could get a temperature check on how we want to actually formulate that discussion in light of your concerns. I know also the Vice Chair has something that he would like to say. I don't know if that relates on this topic or if it's a different ...

VICE CHAIR GREGOIRE: It's the same topic.

CHAIR LOMBARDI: Okay.

VICE CHAIR GREGOIRE: I guess a further question for Staff. So in light of the study session and Commissioner Solomon's comment, it's unclear to me that the City Council ... obviously there's been an election since the direction was given. It's unclear to me whether the City Council, based on the study session, would want us to move forward with this. Would it be possible or appropriate just to move to table this to a date uncertain pending further direction from the City Council on how they would like to see the Planning Commissioner address these items?

COMMISSIONER HOOPINGARNER: Excuse me, Chair.

CHAIR LOMBARDI: Yes, Commissioner Hoopingarner?

COMMISSIONER HOOPINGARNER: As a point of clarification for Legal, this item relates to notifying the public about development agreements and projects relating to development agreements. It doesn't necessarily relate to Planning Commission at all and Planning Commission's role in a development agreement. It relates to the noticing, relating to a development agreement up to and including the noticing relating to a City Council meeting regarding a development agreement.

So in light of that, to me, it's about the noticing relating to development agreements. Whatever that process around development agreements may be in the future, it's still about noticing for development agreements. Is that correct?

ISAAC ROSEN: Yes. I would say, Commissioner Hoopingarner, it relates to Planning Commission insofar as it is a zone text amendment that impacts the provisions within the zoning ordinance. And at this time, the Planning Commission does currently have a role with respect to development agreement projects. And so it does relate to the Planning Commission, but I believe it's a fair way to say that the crux of the proposed zone text amendment, without going too much into that absent actually opening the public hearing, relates to transparency and public process.

To the Vice Chair's question, I don't know ... I would say that in regards to seeking possible direction or staff seeking additional follow-up from the City Council, I would say the zone text amendment is the mechanism in which to do that because the City Council couldn't consider an act on the language that staff is putting forward until it comes back to them. They can discuss, certainly, development agreement projects and future direction on Planning Commission's role. But ultimately, absent a recommendation either for or against the zone text amendment, the Council won't be able to consider whether or not it still reflects their priorities and their prior directive.

VICE CHAIR GREGOIRE: Is this the appropriate time to be discussing how we resolve this at the time of approving the agenda?

ISAAC ROSEN: I would say we're talking about approval of the agenda, so it's relevant to the extent that the Commission's deciding whether or not they want to table the item. However, I would say for more substantive discussion, it would be more appropriate to actually open the public hearing and then the Commission as a body can deliberate more about the scope of how they feel about the text.

VICE CHAIR GREGOIRE: In theory, if Commissioner Solomon wanted to make a motion to approve the agenda, that would include tabling this item to a date uncertain? He could do that?

ISAAC ROSEN: Commissioner Solomon could make that motion. It would not be my recommendation. And I think, expect Staff also would have a recommendation from their perspective about its consideration. And I think if there was a motion to continue it to a date uncertain, the purpose of continuing it is meant to be for Staff to conduct additional research or follow-up.

Because the City Council is the final arbiter and the final decision maker, the Planning Commission would be unable to continue it indefinitely, if that makes sense. So there would have to be sort of a specific ask associated with continuing it to a date uncertain.

CHAIR LOMBARDI: So I'm just going to throw my two cents in as the Chair. I mean, it feels like ... I see how this item leaves something to be understood for the context of us reviewing it today. But also, if we do continue it to a date uncertain, it leaves the item in a very gray area for Staff and for what it means for us and also means that there's that much less direction in terms of what people here may be looking for from City Council. So I would be happy when we get to that item to take a pause after we hear the Staff report or any public comment and say, what do we want to do today? And perhaps the discussion is just a little bit different in light of our joint session and some of the concerns right now.

That would be my recommendation. I mean, we do need to move this meeting forward. So obviously anyone is welcome to make a motion and then we can vote on it, but I do think there's ways we can navigate this when the item comes to be. That being said, it can be very frustrating to continue an item after we've heard it and gone through everything. So perhaps that also is how we frame any vote that we make and what that direction would be if we hear the item.

COMMISSIONER HOOPINGARNER: I would move to approve the agenda.

CHAIR LOMBARDI: Okay, so we do have a motion. Would anyone like to second the Chair ... Chair, wow, Commissioner Hoopingarner's motion?

COMMISSIONER SOLOMON: I'll second the motion.

CHAIR LOMBARDI: Okay. Thank you.

COMMISSIONER SOLOMON: Just to ...

CHAIR LOMBARDI: Seconded by Commissioner Solomon.

COMMISSIONER SOLOMON: ... put this to bed so that we can move on and discuss it.

CHAIR LOMBARDI: Thank you, and you can hold me accountable to that too.

DAVID GILLIG: And the motion passes unanimously with seven ayes to approve the agenda as presented for March 6, 2025.

CHAIR LOMBARDI: Thank you. Item 5 is approval of the minutes dated February 20th, 2025. Does staff have any adjustments or notes? I'll take that as a no.

DAVID GILLIG: No.

CHAIR LOMBARDI: Okay. Thank you.

COMMISSIONER JONES: I'll move to approve.

CHAIR LOMBARDI: Thank you. Moved by Commissioner Jones, seconded by Commissioner Hoopingarner.

DAVID GILLIG: And the motion passes unanimously with seven ayes approving the minutes of February 20th, 2025 as presented.

CHAIR LOMBARDI: Thank you. That brings us to Item 6, Public Comment. I do want to note that we have an item that's on Consent calendar. It's 1130 North La Brea, the Total Wine & More Project. So if anyone here does wish to speak on that item, because it's on Consent, public comment would be the time to speak. And you have two opportunities, one being now and one near the end of this meeting as well. And with that being said, Secretary Gillig, do we have any public comment?

DAVID GILLIG: Chair, I have no public comments for this item at this time.

CHAIR LOMBARDI: Okay. Thank you. Item 7 is the director's report.

NICHOLAS MARICICH: Good evening, Chair, Vice Chair, members of the Planning Commission, Nick Maricich, Director of Community Development. First of all, I want to say thank you for participating in the joint study session with the City Council last week to discuss development agreements and the public benefits policy. We hope you enjoyed the Staff presentation. And the discussion that followed was very helpful for us as staff and hopefully to you as well. As Isaac mentioned earlier, we are looking at how to best memorialize what we heard from the Council, and so please stay tuned for more on that. I'd also like to thank Assistant Director Jennifer Alkire and City Attorney Lauren Langer for their leadership with the Staff presentation, and Legal Counsel Isaac Rosen and Kellan Martz for their support as well.

This past Monday, the City Council reviewed the Planning Commission's recommendations and moved to adopt the proposed amendments to the Pacific Design Center Specific Plan with some minor changes that were incorporated at the Council. I'd like to thank Associate Planner Adrian Gallo for his hard work on this project.

Finally, I'd like to thank members of the community for turning out in the rain last night at Plummer Park for our first community workshop on the Zoning Improvement Program for Housing, or ZIP. As a reminder, this is a program to update local zoning requirements in support of new housing opportunities as part of our implementation of the city's adopted and certified housing element. And these workshops are an opportunity for the community to participate in the process and share their experience and ideas for the future of housing in the city.

We had a good turnout last night, and Staff and our consultants facilitated small group discussions around the room. And we got very helpful input from those in attendance. I did see a couple of you there as well, and thank you for participating. I want to acknowledge and thank Michelle Montenegro, Associate Planner, who as the Project Manager did the heavy lifting and putting together a very successful event. So thank you so much to Michelle. I'd also like to thank our Long-Range Planning Manager, Francisco Contreras and Tahirah Farris, Senior Planner, for providing support on this as well as well as all the staff who helped support the event.

And if anyone missed out and is still interested in participating, we do have one more workshop planned at this stage in the project that's going to be online next week on Tuesday, March 11th at 12:00 p.m. on Zoom. And you can register and find out how to access the meeting at [engage.weho.org/zip](https://engage.weho.org/zip), Z-I-P.

That concludes my report for tonight. Thank you for your ongoing service to the community. I'd be happy to answer any questions.

CHAIR LOMBARDI: Thank you. Do my colleagues have any questions? Okay. Thank you.

NICHOLAS MARICICH: Thank you.

CHAIR LOMBARDI: Item 8A is a Consent calendar item, 1130 North La Brea Avenue. This is a follow-up report regarding a six-month operational review, which was required under one of the conditions when we heard this item. This is just a receive-and-file, so there's no staff report or discussion at this time. And we can move along to Item 9, public hearings subject to Housing Accountability Act.

DAVID GILLIG: Chair, could we get a motion on this, please?

CHAIR LOMBARDI: Oh, sorry.

DAVID GILLIG: Thank you.

CHAIR LOMBARDI: I forgot to ask that we would include that during approval of the agenda since we had such a hearty discussion on the other item, so let's formalize that. Would anyone like to motion approval?

COMMISSIONER SOLOMON: I'll motion ...

COMMISSIONER JONES: I'll second.

COMMISSIONER SOLOMON: ... to approve the Consent Calendar.

CHAIR LOMBARDI: Okay. So it's motioned by Commissioner Solomon and seconded by Commissioner Jones. Thank you. Okay. Item #9, Public Hearings, Section 1, subject to the Housing Accountability Act.

We do not have any items today, so our first hearing of the evening is Item 10A, other items that require public hearing under the law. And this is for 8945 Santa Monica Boulevard. This is regarding a proposed change of use from a restaurant to a nightclub with full alcohol service, dance floor, live entertainment and an outdoor patio for the property I just mentioned located in Santa Monica Boulevard, West Hollywood. And I believe we now have a Staff report.

LAURIE YELTON: Good evening, Chair Lombardi and commissioners. Before you this evening is a request to allow the intensification of use from restaurant to nightclub with live entertainment, including go-go dancers and a DJ and a small dance floor within a portion of the interior space. The project site is located at 8945 Santa Monica Boulevard.

DAVID GILLIG: One moment, please.

LAURIE YELTON: There it is. The proposed nightclub use would convert the existing restaurant space named The Wild into a nightclub that would maintain the same name. The current tenant space has occupied this space since November 2023 as a restaurant. Prior to this tenant, the space was occupied by the Saint Felix. The interior of the space is approximately 1,147 square feet, with an existing 185-square foot outdoor patio area fronting Santa Monica Boulevard.

The restaurant use currently includes alcohol as an incidental use, and the nightclub would also include full alcohol, a DJ booth, two go-go platforms and a 280-square foot dance floor within the interior of the restaurant during the evening hours. The Wild will serve food and proposes to operate daily between the hours of 9:00 a.m. and 2:00 a.m.

The proposed venue would operate primarily as a restaurant during the daytime hours, and during the evening hours would take on a nightclub characteristic, including live entertainment. The DJ booth and go-go dancer platforms will be located within the interior of the building and will be used exclusively indoors. The restaurant and nightclub use are located at the front of the tenant space facing Santa Monica Boulevard, with approximately 30 feet of kitchen and back of house area at the rear, including two doors which would mitigate noise from the neighbors to the north along Keith Avenue.

The project includes standard noise mitigation conditions, including but not limited to the rear door being closed after 10:00 p.m. nightly. The change of use from restaurant to a nightclub with food service is not expected to result in significant environmental impacts. The proposed nightclub will maintain the operational characteristics of a restaurant while introducing a small dance floor and incidental live entertainment without expanding the existing floor area.

In January, the applicant hosted a neighborhood meeting. One member of the public joined the meeting, but did not raise any concerns or have any questions. Additionally, one support letter was received as well as a petition in support of the nightclub use request with some signatures. Overall, the proposed use is well suited for this site and the surrounding neighborhood within this lively nightclub and restaurant-focused area along Santa Monica Boulevard.

The applicant's request for a nightclub allows for the ability to include live entertainment and dancing with full service of alcohol, which would serve to further enliven this important entertainment and dining area within the city. The project is conditioned so that measures will be taken to minimize the impact to the nearby residents and businesses. Therefore, Staff recommends approval of the project as conditioned. This concludes my presentation. Staff and the applicant are available for any questions you may have. Thank you.

CHAIR LOMBARDI: Thank you. Are there any clarification questions for staff before we move on to the applicant's presentation, if we have one, or public comment? No? Okay. I'll also ask, are there any disclosures? No? Okay. Does the applicant have a presentation today? Yes? Okay. Please approach the podium, state your name and city of residence. You'll have up to 10 minutes to present.

LOUIE CANO: Good evening, commissioners. My name is Louie Cano and this is the owner, Bryan Franklin, of The Wild. Hello. Not much to say, any different than Ms. Yelton here. This is the ... oh, it's not showing it. I got to share my screen. Sorry. One second. I'm in the Zoom. Sorry. How do we share? Okay. How do I have the ability to share my screen?

CHAIR LOMBARDI: That would be an IT question that I cannot answer, but maybe someone who can.

LOUIE CANO: Okay. We were connected earlier. I guess it might have disconnected. Here we go. Share. Where's it at? There we go. Yep. Okay.

DAVID GILLIG: Restarted your time to ten minutes.

LOUIE CANO: Sorry about that. No, how do I get this to share? Is it visible? There we go. Yeah, so this existing restaurant, we're changing the use from a 47, as Laurie said in her staff report. The business is not changing at all. It's existing. It's operating. It's been functional since November 2023, merely making some changes to allow for some entertainment that is not allowed under the current license.

In regards to entertainment as they need now, they have to file an entertainment permit with the city. And it would be more effective for them, and cost effective, to have a permanent conversion of the license. We've filed an application with the Alcoholic Beverage Control to convert the license to what's called a Type 48 Public Premise License versus a Type 47 license, which is a bona fide eating place, restaurant requirement. Changing the license will allow us to have the entertainment that we feel is inclusive of the neighborhood and the community.

And that's basically it. Nothing else is changing. We're just changing for the entertainment purposes. Bryan, you want to add anything?

BRYAN FRANKLIN: Nope, absolutely.

LOUIE CANO: I can go over the presentation if you'd like, if you have any questions. In regards to any noise issues, the one main thing that I see here is that the restaurant has ... 50% of the interior is of the back of house, which has a kitchen. This type of license doesn't require food, but we would like to offer it as a service to our customers. And the kitchen separates the front of house from the back of house. If there were any concerns for noise, it would be from the north side out that back door. But there's a parking lot. There's no residential abutting the property. So currently as we understand, people who work in the kitchen can't even hear the entertainment that already exists, which is the DJs and the live dancing.

One other point is that in the evening after 8:00 p.m., they will remove chairs and tables from the dining area to allow for dancing. And that's merely it. They were changing that area so they can dance and have live entertainment. Any questions?

CHAIR LOMBARDI: Okay. Thank you. Are there any questions for the applicant? Yes, one. Commissioner Hoopingarner?

COMMISSIONER HOOPINGARNER: Just two quick questions. On your Page 1 on the image that you're showing, there's these fireboxes that appear to kick out into the right of way. But they're not on the plans. So I'm just wondering how much they protrude into the right of way.

BRYAN FRANKLIN: Fireboxes? We only have those out during cold weather temperatures, but they're actually the exact same circumference ...

COMMISSIONER HOOPINGARNER: They're parallel with the planters?

BRYAN FRANKLIN: Yes, exactly.

COMMISSIONER HOOPINGARNER: Okay, because from here, they kind of look ... the one looks kind of like it sticks out. So I was just curious about that.

BRYAN FRANKLIN: Yeah.

COMMISSIONER HOOPINGARNER: Okay. And #2, on Page A600, you have a queuing plan. And pertinent to our conversation with your neighbors down the street, this shows a single line queuing. Is that your intention? Because the resolution does include a double line queuing, but the queuing plan shows a single line.

BRYAN FRANKLIN: Yeah. I mean, we would love to have queue. I mean, let's be honest, right?

COMMISSIONER HOOPINGARNER: We would love to have you have a queue.

BRYAN FRANKLIN: Yeah, exactly. I mean, that's what we're doing. I think ... I believe it's single. I mean, when there ever has been a line, which I think is just traditionally during Pride weekend where we've had one, we've had a single line in front of our ... down the way in front of our own ... we didn't impede on the sidewalk, and we always have full-time security that helps keep things clear.

LOUIE CANO: Yeah, yeah. I think it'll just be the single-line queuing, and they have a security guard there when there is queuing to make sure they're not obstructing the public walkway.

COMMISSIONER HOOPINGARNER: Because again, you have a tree right in front of your entrance. So that was my concern.

LOUIE CANO: Okay.

BRYAN FRANKLIN: Okay.

COMMISSIONER HOOPINGARNER: Okay. Thank you.

BRYAN FRANKLIN: Thank you.

CHAIR LOMBARDI: I have one question. How operationally ... and apologies if this was included somewhere and I missed it, how operationally do you plan to use the rear door on your property?

BRYAN FRANKLIN: We only use the rear door when the staff enters for the beginning of shifts, which is generally about 7:00 p.m. And then they exit ... that's how they exit when we close at 2:00 a.m., 2:30. Obviously, the bar closes at 2:00. They leave about 2:30. But it's just entrance and exit.

COMMISSIONER HOOPINGARNER: But trash? Taking out trash?

BRYAN FRANKLIN: Yeah, we take out ... I wish we were busy enough to take out enough trash during the day. But yeah, we definitely ... the bin is in the back. But it's not very often, especially during the course of the day, the course of the experience.

CHAIR LOMBARDI: Any other questions? Okay. Do we have any public comment for this item?

DAVID GILLIG: Chair, we have received no public comments for this item.

CHAIR LOMBARDI: Okay, so I don't need to open the public comment portion of this hearing. And we would offer you rebuttal time, but there's not much there. So I don't know if there's anything else you want to add. Otherwise, we can close this portion and begin deliberation up here. Oh, are we all good? Oh, Commissioner Matos?

COMMISSIONER MATOS: Oh, I was just going to ask to start deliberation when the time is [ correct ].

CHAIR LOMBARDI: Thank you. We appreciate your time. We'll move to deliberation now.

COMMISSIONER MATOS: Thank you.

CHAIR LOMBARDI: Commissioner Matos, do you want to start?

COMMISSIONER MATOS: Yes. Thank you, Chair Lombardi. Just want to voice support for this item. I think that The Wild is such a valued member of the community. As someone who actually attends nightlife in West Hollywood, I can tell you that The Wild is one of the most well-run operations on Santa Monica Boulevard.

I think that this is going to breathe new life to your space. I think that this is going to breathe new life to the community, bring new attractions that will bring people and hopefully get you aligned. I would love to see that. And I know that you guys have done a lot of great events for the sober community and disco-themed events thanks to Public Safety Commissioner Tod Hallman. So I just want to voice support for the item and say that I will move approval of the staff recommendation when the time is correct. Thank you.

CHAIR LOMBARDI: Okay. Thank you. Would anyone else like to speak? Commissioner Hoopingarner?

COMMISSIONER HOOPINGARNER: Yeah. I support any effort to revitalize, vitalize the strip and the neighborhood. I have my safety concerns, so I hope that that we can make sure that that's taken care of, cognizant of the fact that that intersection is very crowded on many nights. And I would worry about people getting knocked off into the traffic and things like that. So that would be my single concern. But I'm 100% behind anything that helps your business be better. That's my job in the real world too. And I wish you luck. Thank you.

CHAIR LOMBARDI: Thank you. Commissioner Carvalho?

COMMISSIONER CARVALHEIRO: Yeah. I'm 100% behind this project. I also agree that diversifying the business model, if that's what you're doing, is supportive. And I'd like to make a motion to approve the item according to the staff report.

COMMISSIONER MATOS: I'll second.

COMMISSIONER SOLOMON: I'll second.

CHAIR LOMBARDI: Oh, wow. Well, Commissioner Matos did mention motioning previously, so he'll take the second. But we'll just hear any other final comments or concerns for that matter. Commissioner Jones?

COMMISSIONER JONES: Yeah, I don't ... I'm sorry. I don't want to be silent. I just wanted to voice support for the project as well. I think in intensification of use, a lot of the concerns that I would normally have if it were a new ... a completely new organization or outlet, I would maybe have some more concerns. But it seems like you know what you're doing, and I appreciate that. So yeah, to Commissioner Hoopingarner's point, I think any time we can zhuzh up the Boys' Town strip of Santa Monica Boulevard, we're here for that, or I'm here for that. So I fully support the motion as is.

CHAIR LOMBARDI: Commissioner Solomon?

COMMISSIONER SOLOMON: Nothing to be said that hasn't already been said. I just haven't said it yet. Echoing support that you hear across the dais. We wish your business well and want to support you and see you thrive.

CHAIR LOMBARDI: Vice Chair Gregoire?

VICE CHAIR GREGOIRE: I, too, am in support.

CHAIR LOMBARDI: Likewise, I am. And I will keep it short, but I carry all the same sentiments. So I'm only keeping it short to keep this meeting moving, especially considering we have a contentious motion and second over here and even another one. So with that being said, we'll move along to voting.

COMMISSIONER JONES: Just have to say this never happens, by the way.

DAVID GILLIG: And the motion passes unanimously with seven ayes, approving Resolution #251597 as presented. We do have an appeal process for this item. 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 10 calendar days from this date to the City Clerk's Office. Appeals must be in writing and accompanied by the required fees. The City Clerk's Office can provide appeal forms and information about waiver of fees. The appeal deadline will be Monday, March 17th, 2025 at 5:00 p.m.

CHAIR LOMBARDI: Thank you.

BRYAN FRANKLIN: Thank you very much.

LOUIE CANO: Thank you, Commissioners.

CHAIR LOMBARDI: Thank you. And we will give Staff a moment to get set up. Our next item ... our next hearing item is 10B, zone text amendment, Expanded Noticing and Engagement for Development Agreements. This is a public meeting to provide a recommendation to City Council regarding neighborhood meeting requirements and an increased public hearing noticing requirement for projects seeking development agreements citywide in the City of West Hollywood.

Perhaps we go through the staff report, and then can assess how we want to proceed from there as a commission. Are we ready for the staff report? Thank you. Yes.

PAIGE PORTWOOD: Good evening, Commissioners. My name is Paige Portwood, Associate Planner in Long Range Planning. I'm joined tonight by Long Range Planning Manager Francisco J. Contreras. This item is a zone text amendment regarding community outreach and noticing for projects requesting development agreements.

On May 20th, 2024, the City Council directed Staff to draft a proposed zone text amendment with specific direction to require mailed notices within a 1,000-foot radius for new projects seeking a development agreement for a public hearing and to require a neighborhood meeting for any project seeking a development agreement, including standalone billboard projects. Staff proposed an amendment at the January 16th Planning Commission meeting for recommendation to the City Council.

The Planning Commission held a thoughtful deliberation on the item and moved to continue the item with modifications to the zone text amendment, which included adding language to require a neighborhood meeting for new project applications within a designated time period and allowing extensions per the community development director's discretion. They also recommended that Staff reconsider the notification period in advance of a public hearing for projects seeking a development agreement which have been deemed complete, and to conduct case study research of neighboring jurisdictions on their requirements for noticing and neighborhood meetings for development agreements and lastly to recommend to the City Council in the final report to expand noticing requirements for construction projects.

Since the January Commission meeting, Staff worked on the following revisions to the zone text amendment to align with the direction and recommendations by Planning Commission. Under the Development Agreement chapter of the Zoning Code, Subsection 19.66.020(E.1), it pertains to a neighborhood meeting being held not more than 60 days after the application date, encompassing the policy for new applications.

Under Subsection (E.2), projects with an application date prior to the effective date of the ordinance, upon approval, a neighborhood meeting is required to be held not less than 90 days before the next scheduled public meeting. Subsection (E.3) allows extension to these timelines to be granted at the community development director's discretion.

Additionally, Staff recommends modifying the language to Chapter 19.74, Public Hearings and Notice, to expand the noticing requirements to 1,000 feet for projects seeking a development agreement. This is consistent with the proposal on January 16th. However, staff did take this opportunity to refine the language for clarity.

This concludes our presentation. Thank you, and we are happy to answer any questions.

CHAIR LOMBARDI: Thank you. Do we have any disclosures at this time? Well, I had ... my disclosure would be that I had conversations with community members regarding this item.

COMMISSIONER MATOS: Oh, I, too, had conversations with members of the public about items contained in the staff report.

COMMISSIONER JONES: Same.

COMMISSIONER SOLOMON: Same.

VICE CHAIR GREGOIRE: Same for me as well.

CHAIR LOMBARDI: Is that clear, or do we need to all raise our hands to that to help?

ISAAC ROSEN: Chair, I think that's fine because the ...

CHAIR LOMBARDI: Okay, thank you.

ISAAC ROSEN: Yep.

CHAIR LOMBARDI: Okay. Do we have any questions for ... well, okay. Before we do questions of Staff, I understand that we've already had a little bit of discussion about this item. So we can ask questions of Staff.

COMMISSIONER HOOPINGARNER: I would like to ask a question.

CHAIR LOMBARDI: Okay. Laurie, if you could bring up ... or not Laurie. Rohan, would you please bring up the first page of your presentation? Because this is what I really want to make sure we have clarified with Legal, that the direction from Council was to require mailed notices for new projects seeking a DA for public hearings. So it's about public hearings, any public hearing, regardless of whether it's coming to this body or Council, et cetera, Correct? Or SAASC or whoever.

PAIGE PORTWOOD: Yes, that's correct.

COMMISSIONER HOOPINGARNER: Okay, and the same with the neighborhood meetings. So it's about any DA, regardless of the hearing or the meeting, correct?

PAIGE PORTWOOD: Correct.

COMMISSIONER HOOPINGARNER: Thank you.

CHAIR LOMBARDI: Okay, thank you. Commissioner Jones?

COMMISSIONER JONES: Yeah, thank you. Just to note that I was not here for the discussion at the January 16th meeting. It was a meeting I had to miss because of out-of-town work all hands that I had to attend that week, that day. I would like to get some context for the addition of the ... again, in comparing the staff report side by side from this meeting and the last time it was discussed on the 16th, I want to understand where the provision about projects that have already been deemed complete requiring neighborhood meetings, because that was not language that was included in prior. And I understand that may have been discussed, but I would like to ... I want some context for that, please.

PAIGE PORTWOOD: Yes, I'll start. Thank you, Commissioner. The last item that we presented in January actually only encompassed projects that have been deemed complete. And it was a recommendation by the Commission to include the new projects to require a neighborhood meeting. It was a point of discussion and deliberation of whether or not the Commission wanted to include pending or deemed complete applications that are currently in the pipeline. And it was determined in the final motion, as Staff understands, to encompass all projects.

COMMISSIONER JONES: Okay. Okay. That's all my questions for now. Thanks.

CHAIR LOMBARDI: Commissioner Matos?

COMMISSIONER MATOS: So just to follow up on that point, this as written before us today would encompass projects that have already had an application approved that are in the pipeline, not just ... my understanding was that it was new projects, meaning if there's an application that's submitted, it's subject to the new rules, but if projects had already submitted an application and it was already in process, that it wouldn't be included.

FRANCISCO CONTRERAS: No, that's not correct, Commissioner Matos.

COMMISSIONER MATOS: Okay. So could you elaborate?

FRANCISCO CONTRERAS: Yeah. So as written, we have right now that for a neighborhood meeting, for all new applications, right, 60 days after they've submitted the application, and that in order to capture all of those projects that were already in the ... all the development agreement projects that are already in the pipeline, that they would hold a neighborhood meeting not less than 90 days before their next public hearing. So those are the ones that are already in the pipeline. So they would have to have a neighborhood meeting prior to either going to the Planning Commission or prior to going to the City Council.

COMMISSIONER MATOS: Okay.

FRANCISCO CONTRERAS: And that was to capture those projects already.

COMMISSIONER MATOS: That was the deliberation that was had by my colleagues about 60-day versus ...

FRANCISCO CONTRERAS: Correct, correct.

COMMISSIONER MATOS: Okay. Thanks for the clarity.

COMMISSIONER HOOPINGARNER: I believe the conversation around 60 days was at that point, they were tantamount to already being done and in production. And so we felt that 60 days was just too short of a timeframe to do anything meaningful in the terms of a neighborhood meeting because at 60 days, people have already written up their analysis and you've got to have your noticing in for meetings, for hearings, et cetera. So that's why we said 60 days was too short.

FRANCISCO CONTRERAS: Yeah. And I'll add also, Commissioner, that we did add that ... and that was already in our previous text amendment, but we added that little caveat that extensions could be granted by the Community Development Director at their discretion in case there were instances where somebody just needed a little bit extra time or just needed a little bit more, you know, in order to get to their public meeting. So we provided a little bit of flexibility in there for some of the applicants.

CHAIR LOMBARDI: Commissioner Carvalho?

COMMISSIONER CARVALHEIRO: I'm sorry, I'm going to ask the question again just because I want to be clear. Projects that are already in the pipeline will need to have neighborhood meetings?

FRANCISCO CONTRERAS: That's correct.

COMMISSIONER CARVALHEIRO: They've been deemed complete and they need to have neighborhood meetings?

FRANCISCO CONTRERAS: That's correct.

COMMISSIONER CARVALHEIRO: Before they come to Planning Commission, even though they might not come to Planning Commission because Item 10C on our last meeting gave 60 days, or we talked about 60 days as exactly what Commissioner Hoopingarner was referring to, and we all understood that it's not enough time. So how does this work with what we discussed last time? If it's just going to City Council, but you're saying that it's deemed complete and then has to come to Planning Commission and in between those two windows you have to have a neighborhood meeting, but it has to get to City Council within 60 days, potentially, because we never ... I don't recall, we didn't make a motion on that.

COMMISSIONER HOOPINGARNER: No, that's housing. That's not billboards and development agreements. Development agreements don't have the same timeline.

COMMISSIONER CARVALHEIRO: Okay. Okay.

CHAIR LOMBARDI: Yeah.

FRANCISCO CONTRERAS: That's correct.

COMMISSIONER HOOPINGARNER: So to your point, though, I think my question would be those projects that ... and we discussed this, those projects that have already gone through SAASC, that is a neighborhood meeting.

COMMISSIONER CARVALHEIRO: Right, exactly. That is a neighborhood meeting.

COMMISSIONER HOOPINGARNER: And we discussed that. And therefore, I think we need some more granularity around those projects that have been deemed complete that have already gone through SAASC and are on their way to this body versus those bodies that have been deemed ... or those projects that have been deemed complete but have not been to any public hearing.

And I think that was the distinction we tried to make, but probably wasn't made clear in our final resolution. And I think there is a big distinction in that if they've already been through SAASC, that is the neighborhood meeting in the absence of a proper in-advance neighborhood meeting. So I would exclude those from the pool of projects that need to have a ...

CHAIR LOMBARDI: So I do want to make sure that we're ... because we're getting very close to deliberation here. And this is all great. Like we should have this conversation. So please, I'll try to remind you if you don't ...

COMMISSIONER HOOPINGARNER: Well, but it's back to clarifying what the staff report was, and I think that may have been missed. Help me.

CHAIR LOMBARDI: Okay. So any other questions for Staff? Otherwise, we can proceed to public comment.

COMMISSIONER SOLOMON: I've got a question for Staff.

CHAIR LOMBARDI: Yes.

COMMISSIONER SOLOMON: And this was brought up in the first instance of this public hearing, but question for Legal. You don't have any issue with changing the rules on an applicant after they have a deemed complete application. I mean, as a lawyer myself, this isn't criminal law, but especially given the amount of litigation that the city has already seen in regards to the billboard program, it's dubious to me that we can change these requirements after something has already come through with a deemed complete application.

ISAAC ROSEN: So Commissioner Solomon, it's a good question. I would say it's not changing anything associated with project entitlements or approvals. The step to add a neighborhood meeting for greater transparency is meant ... or the intent of it is just meant to create another avenue for notice as opposed to changing the requirements associated with entitlements or project approvals specifically.

So the application process is not in itself being amended. I would say the neighborhood meeting component provides just the opportunity for additional comment.

COMMISSIONER SOLOMON: I mean, there has to be a degree to this. If we voted on an ordinance that said you need to have 17 neighborhood meetings before ... and we put that into effect after a deemed complete application, you could give the same guidance that you just gave for not affecting the actual entitlement. But nonetheless, that is clearly an onerous, burdensome thing that we have required after someone has vested rights.

ISAAC ROSEN: The intent, and I believe Staff's intent, in how it was meant to capture the Commission's January meeting was that it would be a neighborhood meeting done before the public meeting where there would be a discretionary decision about the underlying entitlements and improvements.

So in that sense, it's essentially, I would argue, akin to an additional noticing requirement for public comment. I would say it does not augment the existing timeline for the project because it's meant to occur before a regularly required scheduled public hearing. So whether that be at the Planning Commission level, I think the discussion among the Commission at January's meeting was how to capture projects that maybe had different timelines. But I do think at the time of deliberation, certainly the Commission could decide whether or not they feel it is a burden on existing projects.

COMMISSIONER CARVALHEIRO: So the Planning Commission and SAASC do not count as public meetings?

ISAAC ROSEN: Planning Commission counts as a scheduled public meeting.

COMMISSIONER CARVALHEIRO: Oh, sorry, Design Review. It does not qualify as a public hearing?

ISAAC ROSEN: And I would say potentially in deliberation, Staff might be able to speak. I know there's already been some discussion about how to think about SAASC and if there's clarification or desire from the Commission to potentially amend the drafted language.

COMMISSIONER CARVALHEIRO: Great.

CHAIR LOMBARDI: Commissioner Hoopingarner?

COMMISSIONER HOOPINGARNER: I just would like to have Legal clarify a statement by Commissioner Solomon. He stated that once a project is deemed complete, they have vesting. And is that, in fact, true? They have vested rights and that nothing can be changed from that point forward in their application even if tomorrow, Council votes to require all billboards to be pink?

ISAAC ROSEN: I would say it's project-specific. Certainly ... and the Commission is aware there are projects that come through this body that are HAA projects where there are vested rights at the time of the deemed complete date.

COMMISSIONER HOOPINGARNER: But these would not be?

ISAAC ROSEN: Well, the ordinance is meant to include projects that include development agreements. It's not limited just to billboard projects, but I would say there's ... I wouldn't want to speak definitively on the record about the scope of vested rights on a specific project.

COMMISSIONER HOOPINGARNER: That was my point, that vesting may or may not, in fact, accrue upon a deemed complete application.

ISAAC ROSEN: Correct. I would also note the development agreement in itself is the vessel by which ...

COMMISSIONER HOOPINGARNER: Which you create vesting?

ISAAC ROSEN: ... the parties negotiate an agreement for the length of the agreement, the length of the DA.

COMMISSIONER HOOPINGARNER: Of the vesting. Got it. Thank you.

CHAIR LOMBARDI: Thank you. Any other questions?

VICE CHAIR GREGOIRE: None for now.

CHAIR LOMBARDI: No? Okay. Do we have public comment? Anyone wishing to speak?

DAVID GILLIG: Chair, we have no public comments for this item.

CHAIR LOMBARDI: Okay, then. Shall we move along to deliberation? And I'm just going to start by, obviously, there were some questions posed at the ... up front of the agenda. So I'm just going to start by saying if there's things that we think need to be updated or changed, this probably is an opportunity to capture that. This is probably also an opportunity if we're looking for direction or we want to kind of ... maybe we can all state where we think this wants to go, where to move forward, as we speak, so that we can get a little bit of a straw poll here and understand how a resolution would be formed in light of some of the concerns that were raised at the front end of tonight's meeting. So I'm just going to ask if Commissioner Solomon wants to go first, but by no means you have to.

COMMISSIONER SOLOMON: Sure. I guess I kicked it off at the beginning and laid out some of my concerns. Let me ask a question back to the Chair, though.

CHAIR LOMBARDI: Yes?

COMMISSIONER SOLOMON: Regardless of the action taken tonight, and I'm thinking of three off the top of my head that we support, we don't support, or we give no action, this goes to Council, right?

CHAIR LOMBARDI: That's my understanding, is that this will then be packaged and sent to Council with whatever direction we provide. But Legal could clarify.

ISAAC ROSEN: Sure. Yeah, I would like to clarify. I would say the obligation under state law is that the Commission make a written recommendation with respect to the zone text amendment to move it forward.

So, Commissioner Solomon, I think it's true that there are options available to the council. And as you pointed out, it could be a recommendation, it could be language amending the proposed code or it could be a recommendation that the Commission as a body can't recommend the zone text amendment.

COMMISSIONER SOLOMON: I was going to say, can the recommendation be no recommendation? With that in mind, in laying out the concerns that I laid out at the top of the meeting about process, I won't be supporting this tonight because it's going to go back regardless to the place where it should go, to Council. Just talking about ... just looking at this ZTA from a process standpoint, I'll repeat what I said earlier, but I think the instructions ... the sentiment in the room was pretty clear, that development agreements are not for the purview of the Planning Commission.

So does that extend to how we notice a development agreement coming in front of us? I can't honestly say yes, it does or no, it doesn't. And absent having that sort of clear guidance, which I know several of us asked for whenever we gave comments during that session, let's not just have this be a sort of kumbaya session, let's actually have a formal recommendation, I think absent having that, I don't want to weigh in on how we notice for these agreements coming forward.

On the merits of this ordinance, looking at ... and I know we asked for this when this public hearing came around the first time, but looking at what other cities are doing, it is clear that we are already doing more than almost all, and no one is doing more than we are already doing. So this rumor that ... I think that this plays into the fear of greedy developers who are out to steal the town while no one is looking, when if you actually look at the 500 feet that we already do require, in San Francisco, it's 150 feet.

So that's ... we're going to get into this on the merits. But just as far as process goes, I think that it makes sense to me to say, hey, we heard the room. DAs are on you, Council. You all can make a decision. And by the way, the last direction given by the council was from a different council. So I would like to see Council handle this hot potato, so I will not be supporting this going forward.

CHAIR LOMBARDI: Okay. Thank you. Vice Chair Gregoire?

VICE CHAIR GREGOIRE: I asked earlier if it would be appropriate to do a motion to table to a date uncertain. What about a motion to table until we receive further guidance from the City Council? I guess I'm agreeing with Commissioner Solomon that we did ... there have been changes on the City Council, and we did receive guidance from them at the recent study session where they seem to be expressing a desire for us to back off on recommending things with respect to development agreements. Would it be problematic for me to make a motion to continue this until such time as the City Council requests that we move forward and consider this matter?

FRANCISCO CONTRERAS: Thank you, Vice Chair Gregoire. So there are several reasons why Staff is strongly directing proceeding with the hearing and a recommendation at this time. So under California planning and zoning law, any proposed ZTA must be reviewed by the Planning Commission, I think we've kind of established that, which must make a formal recommendation to the City Council, whether that recommendation is to approve, conditionally approve or deny.

So the Commission does not have the authority to indefinitely delay or effectively terminate the legislative process through a continuation to a date uncertain. Only the City Council as the acting ... acting as a legislative body can decide the ultimate fate of the ZTA. So while the Planning Commission may consider that recent Council feedback and whether ... there's raised questions about whether this ZTA remains a priority, the proper venue for clarifying or modifying the Council's direction is the City Council meeting itself.

So by forwarding the Planning Commission's recommendation, positive, negative or otherwise, the Commission is fulfilling its legally mandated role and provides the Council an opportunity to confirm or change course. So a recommendation to deny, if that's the ... reflects the Commission's position, is just as valid and important as a recommendation to approve because it does give Council a clearly documented basis to evaluate the proposal.

So that is why it's just in best practice for the Planning Commission to move forward and make that recommendation. And as I mentioned, if the Council has, in fact, shifted direction, really the most efficient path forward is for the Planning Commission to hold the hearing, compile its findings and forward that recommendation. The Council can then confirm its stance or request additional changes. But avoiding or delaying that [ step ] can really create some administrative inefficiencies and further confusion down the road.

VICE CHAIR GREGOIRE: Thank you so much. In light of that answer, I'll be joining Commissioner Solomon in voting no on moving this forward. But I'm not sure this is really the direction the city wants to go in at this time, especially about requiring a neighborhood meeting for deemed complete projects. Also, I'm not sure there's sufficient support for this at this time. So I'll be voting no.

CHAIR LOMBARDI: Okay. Thank you. And I know that Commissioner Jones and Commissioner Erickson (sic) [ Matos ] have questions. I'm just going to jump in with one really quick one.

So I just want to note, but I want to get this from Legal too, depending on how a motion is crafted, we could be voting yes on a recommendation to not, just to ... so we'll be aware. We'll figure it out.

ISAAC ROSEN: Chair, I think that's a good point. And I just ... to the Vice Chair's question, I do think the motion that could be drafted, since the Planning Commission does have that obligation to make a recommendation, the recommendation could encapsulate, if it's the concurrence of the body, that it's not recommending that the City Council adopt the zone text amendment because of X, Y and Z because of concerns about the Council directive and whether it's still a priority.

So hopefully that provides some clarity in terms of just the ... and the other thing I want to note procedurally is ultimately, if the Commission's written recommendation is along those lines, what the city would do since it has to be a written recommendation would bring it back at the next meeting on Consent just to memorialize whatever it is, if it's not to move the zone text amendment in substantially final form forward.

CHAIR LOMBARDI: Okay.

FRANCISCO CONTRERAS: Chair, if I can add ...

CHAIR LOMBARDI: Yes.

FRANCISCO CONTRERAS: ... also one more thing. And there may be just one component of the ZTA that's really problematic. So the way that we've written it, there is a section, E1, E2, E3. You may like E1 and E3, but not E2. So you can also strike out E2 as your final recommendation to the City Council. If you think that, I don't know, a 1,000-foot radius is too much, then you want to revise that to 500, you're within your purview of recommending those changes as well.

CHAIR LOMBARDI: Sure. Okay. Thank you. Just two really quick thoughts. It could probably be as simple as not being recommended because we want to get more feedback or direction from City Council. And also, I'm just going to say my concern is the whole element touches on development agreements, all encompassing. So that's where I'm a little confused. But Commissioner Jones, if you want to voice your opinion.

COMMISSIONER JONES: Sure. And I ask for some grace because I wasn't at the last meeting, so walk with me down this road just for a moment. So my takeaway from last week's meeting wasn't so much ... I'm not of the mind that we can't vote on this tonight. I am not in a position to support this as it is currently proposed in the staff report. But my takeaway from last week's meeting was more along the lines of as Planning Commission, we should not be basing our votes for a project that has a development agreement on the composition of the development agreement and/or the public benefits package. That was more my understanding there.

So I don't have an issue voting on this this evening. I think what I'm more concerned about ... this might get a little existential, but I have two primary concerns. One is about the radius, 1,000 feet. And again, I understand the intent here is good. We always want people to be heard. Most people just want to be heard. We want people to be heard. But 1,000 feet, especially given the size of our city and especially given the location of a lot of these products, does seem excessive to me. And I understand that it's the direction that Council handed down. And if everyone feels strongly that it should be 1,000 feet, I can get behind that. Personally, I think it's excessive. If you think about a city like San Francisco that is super-high density, it's 150 feet. Again, I think that it seems excessive.

My other primary issue with this is the application of this to applications that have already been deemed complete. I cannot in good conscience get behind that. I don't feel comfortable with that. I feel like we're changing the game on people. I always want things to be fair to people in the community, to applicants. And I don't feel like I can ethically get behind changing the rule since someone's application has been deemed complete. I just don't feel comfortable with that. I don't think it's fair.

One of the other pieces of feedback we got last week from the mayor specifically, and I think a couple of the other Council members mentioned it, was that it takes these projects a really, really long time, even sometimes to get from SAASC to Commission, not to mention going to Council, not to mention any kind of appeals that might happen. So to that end, adding this ... again, to me, I'm okay with it being net new a neighborhood meeting requirement. I'm fine with that for projects that are that are going to be new. But I don't feel comfortable with it being for things that have already been deemed complete. I just ... I can't in good conscience get behind that.

I think one of the things I was really thinking about in reading through the staff report earlier this week was that it's always really hard to tow this line between really wanting ... of course we always want people to be involved. We are all up here members of the West Hollywood community. We always want people to come and comment. We want people's voices to be heard. But a lot of times people don't know about things until it's already very far down the path. And I think what we see a lot of times, and yes, there are some exceptions, is that people have community meetings and neighborhood meetings and nobody comes, or there's like two people there.

And so again, I think the intention is good and is right. But even tonight, we don't have anybody from the public here to comment on this item, which tells me a little bit about my concern. It's like I want there to be a way for people to come and comment. To me, that would be at SAASC, at Planning Commission. But again, I don't object to the neighborhood meeting outright. I just ... it's a concern that I have, and it's something ... it's like you can't know what you don't know.

If you're a member of the community and something starts happening and there's a project, you're like, what is this? I didn't know about this. I understand the frustration there. It's probably happened to most of the people up here. But it's also just part of the public process. It's like ... here's an analogy I can think of. All of a sudden there's a new musician that you just love. And what you don't know is that that person has actually been a musician for like 15 years. You're just now finding out about them. So it's not like they weren't there before.

And in many of the same ways it feels like there are these projects that have been ... they've done all of the things they're supposed to do. They've done all of the checklists. And then it gets to a point, again, with these things that have been deemed complete where we're going to require that they have a neighborhood meeting? Again, I'm not opposed to the neighborhood meeting outright. I'm not. It's more just about for things that have been deemed complete. Again, I just ... I said I might get a little existential in thinking about the nature of these things, but I want people to participate, of course. But I also want to make it fair to the people who are applying.

So as it stands right now, again, I don't have a problem voting on this tonight. But I do ... I cannot get behind the way this is currently worded, again, the deemed complete component. And again, I don't feel great about 1,000 feet. Again, we're a city of 1.89 square miles. I think that's right. I mean, if I'm thinking about a development agreement, why not just notice the entire city? We're that small. I mean, I'm not actually suggesting that we do that. But it just begs the question of, how far do you go with it, you know?

So again, I don't want to be an outlier necessarily, but I feel pretty strongly about this. And those are my thoughts. Thank you.

CHAIR LOMBARDI: Thank you. I see Commissioner Hoopingarner, you've requested to speak, then Commissioner Matos, then Commissioner Carvalho.

COMMISSIONER HOOPINGARNER: Thank you. I agree with Commissioner Jones. And as we discussed in January, the deemed complete thing, we were trying to thread the needle between those that had been deemed complete but not gone to any ... into SAASC or anything else. And I think it just doesn't make any sense to try and dial back and drive it into a neighborhood meeting a project that's already been deemed complete.

So if I were to make a recommendation, it would be to just ... that ship has sailed. The deemed completes are done. Let's just strip them out of the conversation, okay, and go back to the original intent of Council, which was to expand the noticing around development agreements because the development agreements were large and impactful. And sometimes that 500 feet, especially when you have projects on Sunset and on the boulevards, that 500 feet just doesn't get to any actual neighbors that are going to be impacted. And that was the intent behind the 1,000 feet. And from a practical standpoint, going to your noticing agency and saying, here's your radius map, it's 500 feet, it's 600 feet, it's 1,000 feet, it's nothing. And from a cost perspective, it's nominal when you're talking about hundreds of millions of dollars in projects.

So the point of the initial item from Council was to increase public engagement and transparency, and the 1,000 feet I would be behind because that was the intent. As I asked for her to show the item from Council, it was about transparency and, once again, transparency around the development agreement noticing process, regardless of Planning Commission's role. Okay?

So to me, whatever happened on Monday night last week is not germane to this conversation. That whole thing is going to be resolved at some point in the future when Staff comes back to Council with a recommendation for changes in the ordinance, et cetera, et cetera. But this is entirely about noticing around development agreements as a whole. Has nothing to do with anybody's role. There could be a process tomorrow where development agreements go to historical or go to some other commission because of whatever reason. This is around noticing around that process.

So I would support Staff's recommendation for the 1,000 foot noticing, which was the original intent from Council, and strip out the deemed complete projects, all of them. It's just too crazy making, too confusing and inconsistent. And I just don't feel that it serves our process well.

As a point of information on the whole, "Ooh, it takes so long to get through SAASC," I would ask staff exactly how many SAASC meetings were canceled in the past year. A number of them. And they were canceled not for lack of quorum, but for lack of agenda. So it's not a process issue. It's not about Staff's causing a problem or Planning Commission is causing a problem, it's the projects just aren't ready. And the fact that we've had how many, I've lost count, we've had a number of canceled SAASC meetings in the past year due to lack of an agenda. So I don't feel that that ... I think that's a red herring in terms of what are the process delays.

And finally, to my question of our city legal counsel on the 24th, state law is state law. We will continue to have to vote on development agreements. And she pointed out that some of the constraints of our current development agreements are because of our own zoning ordinance and that our development agreements have to include those elements from the zoning ordinance. That being said, until that changes, development agreements that are going to come to this body can't change because the zoning ordinance is the zoning ordinance. But again, none of that has anything to do with this item. This item is entirely about noticing around development agreements regardless of the body hearing the item.

So with that said, if I were to move this motion, it would be to move it forward with the 1,000 feet, stripping out the deemed complete and ideally keeping in the construction noticing. But hey, a girl can dream. And those are my thoughts.

CHAIR LOMBARDI: Thank you. Commissioner Matos?

COMMISSIONER MATOS: Thank you, Chair Lombardi, and thank you, colleagues, for those wonderful remarks. I'm going to make a couple remarks. I think when we look at this item, it's a zone text amendment. It's not a development agreement. So that makes me think that per staff's recommendation and per the discussion that happened in questions, that in order for this to move and for us to not circumvent the process, the Planning Commission has to deliberate it. I think we're there. So that's the first thing.

The second thing is, I do agree with Commissioner Jones and what Chair Hoopingarner said, the first part, which is this should not apply to applications who have already been deemed complete. I was actually here for the conversation. I did not gather from our conversation that it was the intent to encompass all projects regardless if they had been deemed complete or not. But sometimes being on the dais is like being in the twilight zone. So I would not support this item unless there was consideration of removing all applications that have already been deemed complete.

I'm going to get Central Valley for a minute because that's where I grew up. And I haven't used a football analogy in a long time, but having applications that have already been deemed complete be subject to new rules is like changing the rules of the game in the third quarter on the third down with 15 seconds left on the clock. It just does not make sense. I don't think that we should be doing it, and I'm not going to support that. So that's the first thing.

The second thing is, our city is very small. Our city is about 1.8, 1.9 square miles. When you look at 1,000 feet, if you break it down, quarter mile. 1,000 feet is right around a quarter mile. That is a huge part of this city. I'm all for public transparency. I've said that on the dais time and time again. This city is doing public transparency measures that no other city is doing. So I just want to visit that conversation for a minute because I know that there is a member of the public ...

members of the public that have always concerned about transparency. I'm also concerned about transparency. But if you look at Item 10B, specifically Exhibit E, Case Study Research on Other Jurisdictions' Requirements, you can clearly see that comparative to similar cities in the surrounding region, that we are doing the absolute most. We are the leader in public transparency. So I just want to dispel any rumors that there's no transparency in the city of West Hollywood when it comes to applications or projects because if you look at the text, we're actually doing the most. And we're doing the most in discretionary and nondiscretionary approvals. So I just want to throw that out there.

I do think that I would be open to discussion to Commissioner Jones' point on what is an appropriate amount. We can make a recommendation to Council. That's what we're here to do. The council is the elected body of the people. They ultimately make the decision. But I think that we can have a discussion and provide a recommendation even if that recommendation is to reconsider a 1,000-square foot noticing. So I'm open to having that conversation.

But just to encapsulate the first part, I'm not willing to support a recommendation to Council on this unless we take out the applications that have already been deemed complete. It's unfair to applicants to change the rules in the third quarter. And that's all I'll say. Thank you.

CHAIR LOMBARDI: Thank you. Commissioner Carvalheiro?

COMMISSIONER CARVALHEIRO: I'm just going to repeat a lot of what's already been said. Well, I won't repeat a lot of what's already been said. But my point of view is that in regards to public meetings, the 500 ... I'm looking at it from a slightly different perspective. 500 feet maybe turns out five people if we're lucky. For a contentious project, maybe ... like for the Melrose Triangle meetings that we had last week, there was maybe five, six people. So going to 1,000, I think it's okay. We might get more people, but I think it's going to be the same sort of energy level that shows up. So I don't know if it's going to make that much of a difference. So I could support the 1,000 radius.

I absolutely cannot support approved DAs or approved projects because it's like when building codes are updated at the beginning of each year. And we don't expect projects that are already in the system to update all their drawings according to the new building code; they stay in the year that they were submitted. So I kind of see the DAs and having them go to public hearings in the same sort of light. Why would we do that to already approved projects? So that would be my recommendation, not to ... to pull out the DAs that have been approved, or approved projects.

CHAIR LOMBARDI: Okay. Thank you. I'm just going to try to recap a couple of notes that I have. But also, I don't want to repeat what's been discussed. I appreciate all of the thoughtful comments that we've had thus far, though. I'll just start by saying with regards to vesting rates on projects or the idea of changing things mid-design, as someone that works in the design community, I do see it happen on projects, including projects that I've worked on. I think it's very messy, it creates a lot of headache and there is definitely a cost and time associated with it, setting up, preparing for a meeting, there may be additional consultants that need to get brought in, drawings, all that documentation. So it is a lot to ask of a project to then suddenly be like, "By the way, now you have to do this." And I've found it frustrating to be on projects where suddenly the tables have turned and things are different and then you have to navigate that, so I do want to put that out there.

I do, however, feel it's sensible to include neighborhood meetings. I like that idea in concept. I think that transparency is important. Getting outreach to the community is important. I definitely feel like it's just out of step to require that on any projects that have already gone to the Design Review Subcommittee of this Planning Commission, or especially sent to Arts and Advertising Subcommittee, since those all have development agreements, so they all would go through that step. So that just doesn't make sense to me, to have an after-the-fact neighborhood meeting, or again, as I just stated, for any project that's already through design and developed a work plan and now they have a different work plan as they're trying to move it forward. It just doesn't make sense to me.

My recommendation would be to take those elements out of the zone text amendment that we're looking at today. And with regards to what we're dealing with today, I do feel like we have an obligation to address zone text amendments, so that's why we're talking about it today. I'm glad we got to this point. It's regardless of what the matter is. Where I have a concern is that we know that there has been a change to City Council and there feels like there's a change of sentiment, but that hasn't been truly memorialized to date. And this does nudge upon all of the aspects of development agreements, all encompassing to zone text amendments. So we should review zone text amendments, but we're also opining on things that relate to development agreements. And I don't know if we have full clarity. It feels like there's a different sentiment than there was in May, if I've got it right from the staff report.

And that being said, I also do want to agree with Commissioner Matos that the exhibits presented show that we're going well beyond many other cities with regards to how we're noticing. I still think we could increase it to 1,000 feet and that would be great, especially with the amount of engagement that we get as Commissioner Carvalho noted. But I don't know, it's hard to make opinions on those things or say yes to this without understanding where City Council is. Personally, that's how I feel. It's hard for me to be clear about that.

So I would be ... my preference would be that we take out the things that we don't like or adjust the things that we don't like, clean this up, and I would personally prefer to vote on a motion that does not recommend this moving forward, but rather that City Council review the item for their overall vision and then at that point decide what they want to do and how they would bring it back to us. And that's my thought there. Maybe there's more discussion. Commissioner Solomon?

COMMISSIONER SOLOMON: Well, if there's more discussion, I'll back off. But I guess as we've gone around the horn, I haven't really heard a consensus. It does seem like there's a consensus on the deemed complete applications, but I don't know that this body has any sort of consensus on each individual prong of what's being proposed. However, this is not the last bite of the apple, which goes to my original point. Regardless of what we do or say, this does go to Council.

So with that being said, and knowing that this sees the light of day after us and it moves off of Staff's work plan and that it does proceed legislatively as it should, I'd like to make a motion to close the public hearing and not recommend ...

COMMISSIONER HOOPINGARNER: [Indiscernible] already a motion.

COMMISSIONER SOLOMON: Oh, I'll ask the chair then.

CHAIR LOMBARDI: Well, please continue what your ...

COMMISSIONER SOLOMON: My motion would be to close the public hearing and not recommend the ZTA in front of us.

COMMISSIONER HOOPINGARNER: I'm sorry, Chair. Point of order. I've already indicated on everyone's screen that I would like to make a motion.

CHAIR LOMBARDI: I can tell you that my screen does show your motion now. Okay, so I'm going to make the call. Fine, it's on the screen. I know that we've had this issue before. Let's hear your motion. And then I do want to make sure there's more discussion because we've got two different methods of motion just happened.

COMMISSIONER HOOPINGARNER: Of course. First of all, I'd like to clarify a couple points. One, this is noticing for development agreements only, i.e., large projects. So this is not about changing noticing for everything in the city. So I think that's an important point to be very clear about.

Secondly, it is our job to deliberate and decide and make a recommendation to Council. Yeah, Council can change. Council does change our recommendations. But it's our job to make a recommendation to Council. And in reference to our neighbors and how they notice, to be clear ... to be clear ...

CHAIR LOMBARDI: So I do want to ... because this is getting a little confusing for me now as Chair. So you said you had a motion, ...

COMMISSIONER HOOPINGARNER: I do.

CHAIR LOMBARDI: ... but I haven't heard the motion.

COMMISSIONER HOOPINGARNER: My motion is that we strike all references to the deemed complete, that we keep Council's original directive, which is 1,000 feet noticing for development agreements as they directed. And that's my motion. I will leave it to my colleagues to decide whether or not we should also include the discussion about construction noticing for neighborhood meetings, but it would be my preference to keep them. But my motion is that we move this to council with our recommendation to notice all projects for development agreements with 1,000 feet as their original directive requested and to exclude any project that is deemed complete as of the time this becomes ... if they choose to vote on it. But deemed completes would be completely excluded.

COMMISSIONER MATOS: I just want to say ... is it okay if I just say something?

CHAIR LOMBARDI: Yeah, yeah.

COMMISSIONER MATOS: I know there's a motion. I'm not negating that. What I was going to say ...

CHAIR LOMBARDI: My concern is that the motion might not capture ...

COMMISSIONER MATOS: I said in my comments that I'd hope that we would have thoughtful discussion and deliberation. If my colleagues are open to that, great. I hope that's the case. But I will ... sounds like we'll figure it out. But I disagree that there's no consensus here because I've heard consensus on one issue and a willingness to discuss the second issue. And that's where I'm at. Just putting that out there. Sorry to interrupt your motion.

COMMISSIONER HOOPINGARNER: And I just would make a point of information that in this chart, it's 500 feet, 500 feet. Beverly Hills is up to 1,000 feet depending upon the project. 500 feet, 500 feet. And it's only San Francisco that's 100 feet ... 150 feet. And ours is also 500 feet. This is only to recommend to Council that the noticing be 1,000 feet for development agreement projects, i.e., large projects, which was their original intent of the item directive from Council.

CHAIR LOMBARDI: Okay. We can see there's a second. I'm not sure that I'm on board with recommending it as it is, so that's my concern at the moment. But did you have a comment?

COMMISSIONER JONES: I do have a comment.

CHAIR LOMBARDI: Commissioner Jones.

COMMISSIONER JONES: And again, I don't want to mess everybody up here. I'm not going to second this motion. We can talk about voting on it. But two things. One, it seems like a bit of a leap to go from no neighborhood meeting to going to a neighborhood meeting plus 1,000 feet. I just think 1,000 feet is a lot.

Also, I had to ask myself this question in reviewing this, and maybe I should have said this first. Why is the DA the trigger? Why can't it be the size of the project? Not all large projects have development agreements. Why wouldn't it be something that's more tantamount to the scale of the project or all billboards plus projects of a certain size? We're getting into uncharted territory here. This is why I'm having problems getting behind this. It just seems ...

COMMISSIONER HOOPINGARNER: I believe it's because the development agreement is engaged because it's something beyond the scope of our existing zone text.

COMMISSIONER JONES: Fair.

COMMISSIONER HOOPINGARNER: So that was the trigger on the development agreements, 25 is the reason you need a development agreement is because they want something that isn't allowed by our code. So that's the trigger to notify the neighborhood, hey, something unusual is going on. You think there's a General Plan X and a Code Y, but that's not what this proposed project is. And that's the reason for that.

CHAIR LOMBARDI: Okay.

COMMISSIONER JONES: Okay.

CHAIR LOMBARDI: Vice Chair Gregoire would like to speak. Are you ...

COMMISSIONER JONES: I'm finished, yeah. Thank you.

CHAIR LOMBARDI: Thank you, Commissioner Jones. Vice Chair Gregoire?

VICE CHAIR GREGOIRE: Yeah. Obviously, the City Attorney recommended that it would not be appropriate for us to continue this matter. So I probably should speak to the merits of it. I would say I'm fairly indifferent to the 1,000 feet. I'm not against further transparency. I'm not sure it's really necessary. 500 feet is more than what most jurisdictions require, but I don't have a strong feeling either way.

Although I do agree with I think the majority of my fellow commissioners on the deemed complete projects. I think we should recommend that they be exempt from the neighborhood meeting requirement. But frankly, I'm torn between whether we should just be voting not to recommend staff's recommendation and to send that to the City Council. Like I said, I'm not ... I'm torn about it. I think I'm leaning towards voting no, we shouldn't recommend this move forward at this time based on what was said at the recent study session. However, you now have my thoughts on the substance of the ZTA language.

CHAIR LOMBARDI: Thank you. Well, personally, I'm comfortable with moving this forward without a recommendation with the 1,000 feet, without taking ... without any retroactive clause to projects that are deemed complete or have already gone through SAASC and design review and even leaving the construction noticing, but without a recommendation and seeking more direction from City Council. And then it would come back to us again and we can look at it again. So that's where I feel we are.

I know we have a motion and I want to keep this meeting going. So I don't know if we have a second right now. I don't feel like we're aligned with the current motion. But does anyone want to second this motion?

COMMISSIONER HOOPINGARNER: To be clear, if Council decides that they want to change it to 50 feet, they would be able to. The point is to bring to them what they asked for, is our discussion about noticing for development agreements. And to boot it, and as per Mr. Contreras' point, that's not our job. Our job is to make a definitive decision.

CHAIR LOMBARDI: I do not have the tools, in my opinion, the tools or direction to make that decision definitively right now. That's why I feel that way personally.

COMMISSIONER SOLOMON: Chair, can you repeat what you ... I mean, it sounded like a motion. It sounded like it could be one.

CHAIR LOMBARDI: It could be a motion if someone wants to do it if there's no second to this motion. So I'm going to first ask, is there a second to this motion?

COMMISSIONER MATOS: I just want to know if the body is open to discussion on the 1,000 square feet thing like we had talked about or if no one is open to discussion with that.

COMMISSIONER HOOPINGARNER: I would be willing to discuss 750 or something like that. The point was increased noticing for large projects.

COMMISSIONER MATOS: Yeah. If someone wants to make a motion, I will vote on it as long as we have discussion on the 1,000 square feet because I think it's too much. And it does not include any projects that have applications that are deemed complete.

COMMISSIONER HOOPINGARNER: I'm willing to amend my motion to 750 feet as opposed to 1,000 feet.

ISAAC ROSEN: I think just for procedural note, we did have the pending motion from Commissioner Hoopingarner. There was not a second. So I think it's now up to the Commission. I know we also had a prior first ...

COMMISSIONER MATOS: Did we?

ISAAC ROSEN: Well, you had mentioned or, Commissioner Solomon had articulated ...

CHAIR LOMBARDI: We had competing motions, one on the screen and one verbal while someone was speaking. So that was ... yeah. I do want to make sure that everyone feels heard here, though.

COMMISSIONER SOLOMON: Yeah, so the motion on the floor is Commissioner Hoopingarner's, and there isn't a second. I can bring my motion back to see if that has a second, which is to not recommend approval.

VICE CHAIR GREGOIRE: I will second that.

CHAIR LOMBARDI: Okay. And I know that there was a desire to get some ... so we have a motion by Commissioner Solomon and a second by our Vice Chair. I know that there was a desire to have some discussion on the radius. I'll just start.

Apologies, but I'm just ... for me, the radius, it's hard to make a determination right now. So I kind of feel like we're doing it on the fly. But Commissioner Matos did want to get some feedback on that. So does anyone want to speak now on that, or Commissioner ...

COMMISSIONER CARVALHEIRO: I would just ... I mean, I might just repeat what I said. The 500 feet sometimes brings out a good number of people. Sometimes it doesn't. So I'm just looking at it from that point of view. Does it really hurt to go to 1,000 feet? Will we get so many people that we fill up this auditorium? Maybe if we're lucky, but I think I've only seen that once in the 10 years that I've been on commission. So as a measure to make a decision on 1,000 feet, that's what I'm looking at because I have nothing else to look at.

COMMISSIONER HOOPINGARNER: So can I ask a question about the motion? Is it to just reject this staff report ...

CHAIR LOMBARDI: Yeah, we can get that restated again.

COMMISSIONER HOOPINGARNER: ... completely? I do want to make sure this thought is completed, though. So there will be ... this would come back to us, correct, Legal, one way or another?

ISAAC ROSEN: Well, so the motion on the floor, as I understand it, and the point for the motion maker and the second, would be that the ... the motion would be that the Commission does not recommend the zone text amendment to Council. I think if there's anything else from the motion maker and the second that they would want captured by that written recommendation, because ultimately the written recommendation, if that's the action, would come back on Consent to the Planning Commission, would go up to the City Council and they would consider this zone text amendment. They could provide alternative direction. They could institute a different process, a different ZTA, and in that case it would come back to Planning Commission. But this is specific to the zone text amendment that's in front of the body.

CHAIR LOMBARDI: Thank you for the clarification. So depending on the extent of the changes that were made, it could come back to us or not? Yes?

ISAAC ROSEN: Correct.

COMMISSIONER SOLOMON: I'll say as the motion maker, I'm amenable to a written ... to amending the motion to include written instruction about why we would not approve this tonight if there are others that would vote in favor of not recommending and then saying why.

CHAIR LOMBARDI: Okay. Question for the motion maker and seconder. Commissioner Solomon, did you want to also have revision in the text as part of your motion with regards to what we're calling the retroactive noticing on projects? Because that's ... we don't change the text. That stands as it is right now.

COMMISSIONER SOLOMON: I mean, I certainly feel as I've heard from others that it should not apply to deemed complete applications. But I feel like that sentiment is encompassed in the broad no recommendation.

CHAIR LOMBARDI: Does that feel clear to Legal?

ISAAC ROSEN: Yes. I would say the motion on the floor, there's a written recommendation that would come back to the Commission that the Planning Commission, if the motion's approved, does not recommend the zone text amendment in its present form, including language that says the zone text amendment could be applied to projects deemed complete?

COMMISSIONER SOLOMON: Yeah. I would include ... I mean, if we're going to get into the granularity of why we aren't recommending, I think that's an obvious one that's sticking out for a lot of people. I also personally have concerns about 1,000 feet. Feels like it was grabbed out of a hat. It's not any sort of scientific, that the lumens of billboards are more visible here or there. It feels like a nice, big round number that was just a double of what is currently the standard which matches the highest standards.

I don't know that we have to include language that says 1,000 feet is overly broad. My point of the motion was just to not recommend approval.

COMMISSIONER HOOPINGARNER: So to be clear, the motion is that there would be no ... your recommendation is that there be no neighborhood meeting for any project with a large development agreement ... with a development agreement?

COMMISSIONER SOLOMON: That is included in my motion.

COMMISSIONER HOOPINGARNER: Okay. Thank you.

VICE CHAIR GREGOIRE: So as the seconder, so I'm not sure what the motion is now, but look, I think we've all stated on the record our concerns and our objections to recommending this to the City Council. My understanding is if we vote not to recommend it, that that will go to the City Council. That's not going to come back to Planning.

CHAIR LOMBARDI: And this would also come to Consent for us first before it goes to City Council. So if there's a need to tune our feedback a little bit without getting caught into the weeds right now ...

FRANCISCO CONTRERAS: That's correct, Chair and Vice Chair. So what we would do is that we would bring back a resolution stating denial of the proposed ZTA, or the no ... not to proceed recommendation with the findings based on your conversation today. And so that would be spelled out as findings for denial of the ZTA, or recommendation for denial of the ZTA to the City Council.

VICE CHAIR GREGOIRE: Do we have to include everybody's various reasons for why they didn't feel like we should recommend this to the city council tonight?

FRANCISCO CONTRERAS: We have to include findings. So I mean, we can summarize and put it in themes as to why the Planning Commission didn't make that recommendation.

ISAAC ROSEN: So just another point of clarification. So bringing it back on Consent, it doesn't mean that the hearing is continued, right? So the written recommendation needs to be clear enough as part of the motion. So right now, what we have as a motion is that, and if it's voted on by the Commission, that there would not be recommended approval ... the city ... the Planning Commission would not recommend approval of the zone text amendment considered at the 29 March 6 meeting, and that there's also concerns, and this is to the motion maker, that there's concerns about language that the ZTA not be applied to projects deemed complete and also concerns about 1,000 feet being overly broad.

So currently, that's what the motion states. And so that would be part of the written recommendation that would come back on Consent for why the Planning Commission was not recommending that the City Council approve the zone text amendment.

COMMISSIONER SOLOMON: But to the Chair's question as this does come back on Consent, if we do want to ... for the purpose of getting the meeting moving along, we can spell out ...

ISAAC ROSEN: I want to be conscientious. The item coming back on Consent would be to capture the motion. And so I think if the motion maker and the second wants any other reasoning for why they are not recommending approval of the ZTA, that should be part of the motion.

COMMISSIONER SOLOMON: I'm fine to leave it as is with those two points that you ...

VICE CHAIR GREGOIRE: I'm okay as the seconder for it.

COMMISSIONER HOOPINGARNER: Okay. I would just like to further clarify that the ZTA as proposed by Staff is to require a neighborhood meeting, the radius is another conversation, but to require a neighborhood meeting. So the motion and the second is to say we recommend that there be no neighborhood meeting related to development agreements. Is that correct?

CHAIR LOMBARDI: That's not what I heard.

ISAAC ROSEN: Commissioner Hoopingarner, I think the motion is that the Planning Commission ... if it's approved, the Planning Commission is not recommending approval of the zone text amendment. And as part of that recommendation to the City Council not to approve, there would be a reference to language in the zone text amendment that references projects already deemed complete. And there would be a reference as part of that motion to concerns about 1,000 feet being overly broad. But the larger motion is just that the Planning Commission, and again, depending on the motion on the floor and what happens, would be that the Planning Commission not recommend approval of the zone text amendment.

COMMISSIONER HOOPINGARNER: I appreciate that, Isaac, but I want to be just super-clear because we're not just saying no ... according to the motion I'm hearing, we're not just saying no to 1,000 feet or 750 or whatever, and we're not just saying no to the deemed complete. We're saying no to the entire concept of a neighborhood meeting. Is that correct or not?

ISAAC ROSEN: The Commission is saying no to the current zone text amendment that's on the floor.

COMMISSIONER JONES: Can I ask a question?

CHAIR LOMBARDI: Yeah. Commissioner Jones has a question. And I thought there was maybe some consensus that we're looking for feedback from Council on what they want.

ISAAC ROSEN: Sure.

COMMISSIONER JONES: Can I ask a question?

ISAAC ROSEN: And sorry, I have one more point of clarification from our Assistant Community Development Director, which is that most projects, development agreement projects, already do require a neighborhood meeting. So it's not ... the motion is specific to the zone text amendment, the four corners of what's in front of the Planning Commission this evening, as opposed to a broader recommendation regarding the concept of neighborhood meetings.

CHAIR LOMBARDI: Okay. Commissioner Jones?

COMMISSIONER JONES: Okay. I think I know the answer to this question, but I want to ask. Is there an opportunity, should this not this motion not pass, to make a motion whereby we are recommending approval of the ZTA with amendments as have been discussed tonight, e.g., not including anything that's been deemed complete and potential reduction of the noticing radius? Is that also an option?

ISAAC ROSEN: Yes.

COMMISSIONER MATOS: I feel like we're splitting hairs here because either way it's going to get to the council.

COMMISSIONER JONES: 100%.

COMMISSIONER MATOS: And either way, we're noting the reasons why we're ... the changes that we would like to see.

COMMISSIONER JONES: Right. I just don't want to recommend denial outright. That's all I'm saying.

COMMISSIONER MATOS: Yeah. I mean, I'm ... yeah. I'm there.

COMMISSIONER HOOPINGARNER: Stacey, that was my motion.

COMMISSIONER MATOS: I agree with you, Commissioner Jones.

COMMISSIONER JONES: But you said 750. I don't ... I mean, I'm just saying I don't ...

FRANCISCO CONTRERAS: So Chair, if I can add as well, as part of our write-up in our staff report for the City Council review, we do include a very thorough explanation of what happened at the Planning Commission meeting. We include the Planning Commission minutes. So the City Council will understand that there was some hesitation about moving forward particular aspects. So depending on which way we go, that summary is going to be in the staff report.

So if you were to decide to move forward with a revised ZTA, we would still include the commission's consternation about certain aspects of the proposed ZTA. So just wanted to add that as another potential option because we do that as part of the development of the report.

CHAIR LOMBARDI: For me, what I feel like I was experiencing up here, only going to speak for myself, but if this helps with what I was thinking and where I think the motion came, I think what got lost in all the questions as this motion happened, was that there was also the idea that we're just ... we're not approving it now, but we're looking for additional direction and feedback from City Council. And so that was the part that really wasn't stated in all of this. But then we talked about it, but there was a lot of talking here. That's where ...

COMMISSIONER SOLOMON: No, I think that's a good point. I think I would be amenable to including that. I mean, that is the crux of the whole thing, is whether or not we should be doing this, ...

VICE CHAIR GREGOIRE: Yeah, I agree as the seconder.

COMMISSIONER SOLOMON: ... so asking council for direction.

ISAAC ROSEN: Okay. So with the pending motion and second on the floor, I'll ask the motion maker and the second just based on what my notes reflect. So for that pending motion, it would be that the Planning Commission was not recommending approval to the city council of the zone text amendment presented at the March 6 meeting. That would include language in the motion that the

zone text amendment not be applied to projects that are already deemed complete, concerns about 1,000 feet being overly broad and that the body was looking for additional direction from City Council with respect to the Planning Commission's role in the ...

COMMISSIONER SOLOMON: In development agreements.

VICE CHAIR GREGOIRE: Sounds good.

ISAAC ROSEN: In the development agreement. So I'm asking verbal confirmation ...

COMMISSIONER SOLOMON: Yes.

ISAAC ROSEN: ... from the motion maker and from the second.

VICE CHAIR GREGOIRE: Yes.

ISAAC ROSEN: A verbal confirmation from the second.

CHAIR LOMBARDI: Are there any other questions before we vote?

COMMISSIONER MATOS: Can you clarify what a yes vote and a no vote means on this, please?

ISAAC ROSEN: Yes. A yes vote would mean that the Commission as a body was voting to not recommend approval of the zone text amendment to the Planning Commission, not recommending approval of the zone text amendment presented this evening on March 6, with the added direction regarding and explaining the Planning Commission's reasoning for not recommending approval.

CHAIR LOMBARDI: Okay. So shall we vote?

COMMISSIONER SOLOMON: [ Call ] the question.

VICE CHAIR GREGOIRE: Let's do it.

DAVID GILLIG: The motion passes, noting four ayes and three nos. That would be Commissioner Hoopingarner voting no, Commissioner Jones voting no and Commissioner Matos voting no. This is a recommendation going towards the City Council, and there is no appeal process for this.

CHAIR LOMBARDI: Okay. Thank you. Are we good to continue up here? Does anyone need a break? Is there a request for a break? We have consensus? Okay. We'll take a five-minute break.

(Break)

CHAIR LOMBARDI: Thank you for your patience. We're going to continue this meeting. And our next item is 11A, New Business, 1000 North La Brea Avenue Project. This is a draft environmental impact report. And this is a public comment period. So we're going to have a staff report, and then the idea is to have opportunity for the public to comment on this item.

I would suggest, I'll just get it up front now, that when we get to questions for Staff, maybe we start with just questions that clarify this process or anything related to that and then hear the public, get their feedback. And then this is the Commission's opportunity to also provide any of their comments. But of course, when we get to questions of Staff, if there's something you feel needs to happen before public comment, please do so. Okay. Thank you. We'll begin with the staff report.

ANTONIO CASTILLO: Thank you. Good evening, Chair Lombardi, Vice Chair Gregoire, members of the Commission. My name is Antonio Castillo, Senior Planner with the Current and Historic Preservation Planning Division. The purpose of this item this evening is to provide the Commission and members of the public a forum to provide comments to Staff and the city's CEQA consultant on the adequacy of the draft environmental impact report for the proposed mixed use development project at 1000 North La Brea Avenue.

The environmental document has been prepared for the city by Rincon Consultants to evaluate the potential environmental effects that would result from development of the proposed project. I'm joined this evening by the city's CEQA consultant, Vanessa Villanueva, Senior Environmental Planner with Rincon. In just a moment, Vanessa will provide an overview of the CEQA process and the status of the CEQA analysis. Afterwards, we will be gathering comments on the draft EIR.

The Transportation and Mobility Commission held a similar meeting on February 19th to gather additional public comments. Staff recommends that the Commission provide comments limited to the draft EIR, but not deliberate the merits of the project or describe ... or I'm sorry, or decide to support or oppose the project at this time. In the coming weeks, Staff will gather all comments and work with Rincon to respond to each comment received during this period.

The final EIR will include responses to all written comments received as well as verbal comments made by the commissioners and members of the public at this meeting. Subsequently, the Planning Commission will hold a public hearing, go through the standard process of deliberation and ultimately take action to recommend to the City Council whether to approve or deny the project and certify the final environmental impact report.

The comment period began when the draft EIR was published on January 23rd for a 45-day period, ending on Monday, March 10 at 5:00 p.m. The draft EIR continues to be available on the city's website for review and download, and hard copies are available at City Hall as well as the West Hollywood Library. At the end of Vanessa's slides, we will provide contact information for anyone that wants to provide any comments on the draft EIR up to the March 10 deadline.

And with that, I will pass this over to Vanessa.

VANESSA VILLANUEVA: Good evening, members of the Planning Commission and the public. My name is Vanessa Villanueva. I am with Rincon Consultants and the Project Manager for the 1000 North La Brea Project EIR. As Antonio mentioned, I am here today to provide a brief overview of the project, the CEQA and EIR process and a summary of the environmental analysis as well as take any comments from the Commission or public on the project.

Starting with a project overview. The project is located at the northeast corner of the North La Brea Avenue/Romaine Street intersection, approximately 300 feet south of Santa Monica Boulevard. The site consists of an approximately 1-acre lot, consisting of three contiguous parcels at 1000 and 1028 North La Brea Avenue. On-site development includes a 11,906-square foot warehouse building at 1020 and 1028 North La Brea Avenue and included a concrete batch plant owned and operated by CEMEX at 1000 North La Brea Avenue. I say included because the previous tenant, CEMEX, applied for a demolition permit approved in December of last year and has since vacated the lot. Previous operation of the concrete batch plant included the production and shipment of ready-mix concrete.

The land use designation is Commercial, Regional Center with a mixed use overlay and the zoning is consistent with that land use designation and is also Commercial, Regional Center. The site is in an urban area characterized by a mix of commercial uses predominantly to the north and east, Romaine Street and a warehouse, commercial and residential uses to the south and North La Brea, additional commercial uses including the West Hollywood Gateway shopping mall to the west. I want to point out the nearest sensitive uses are the multifamily residences 300 feet south along North La Brea Avenue.

So the project would consist of demolition of the remaining warehouse building for construction of a 34-story, 352-foot tall mixed use residential and commercial building with 514 apartment units and 30,000 square feet of commercial retail use on the ground floor. Of the 514 apartment units, 128 are proposed as affordable and workforce units and 386 are proposed as market rate units.

The project would have a subterranean floor with ... subterranean floors, two subterranean floors, with 153 parking spaces and additional parking spaces on Floors 2 through 6, consisting of 521 parking spaces. As mentioned, the ground floor would consist of the 30,000-square foot commercial retail space, whereas the remaining floors, 7 through 34, would have those 514 apartment units. On the rooftop, the project would have an outdoor garden space and an emergency helipad structure. Other amenities interspersed would include outdoor gardens, fitness center, recreation rooms, a library and an outdoor swimming pool with a pool deck.

This is an overview of the major components of the project and a comparison of the residential units and parking. So as mentioned, the project would include affordable units comprising 25% of the total apartment units. That's the breakdown there of the unit type. The project would include 674 parking spaces total. When compared to the required parking spaces per the municipal code, it is 923 parking spaces. However, the city is prohibited from enforcing a minimum parking requirement on the project. Of those parking spaces, 584 are residential and 90 are commercial/retail. And the project would also provide bicycle parking located on the ground floor of the driveway access points, totaling 394 bicycle parking spaces.

The project would provide up to seven offsite billboards, a combination of static and/or full motion video, totaling 24,465 square feet of advertising area of varied dimensions shown there. This is a rendering of the project looking north along North La Brea Avenue. This is a rendering looking south. And this is a rendering looking at the western facade of the project along North La Brea Avenue.

The parking garages would have separate access points. So beginning with the driveway marked #1 along North La Brea Avenue, this is a driveway where commercial patron vehicles and overflow resident vehicles would enter and exit the subterranean parking garage. I also want to note that the project would reduce the number of driveways on North La Brea Avenue from five that are currently there to this one located at the northwest corner of the site.

Moving on to Romaine Street. The project would provide two driveways. Driveway #3 would provide access for resident vehicles entering and exiting the above-ground parking garage. And Driveway 2 would provide access to the respective onsite loading areas for the residential and commercial retail components.

So these are the project entitlements for the project. It would include a demolition permit, a development permit, an administrative permit, a sign permit specific to the seven offsite signs, a development agreement and a zoning map amendment.

So moving on to the CEQA and the EIR process. So CEQA was enacted in 1970 and establishes the requirements for the environmental review process. It requires state and local agencies to evaluate and disclose the significant environmental effects of a project to the public and decision makers. It also provides an opportunity for agencies and the public to comment and through this process identifies ways to avoid or reduce environmental effects through mitigation measures or project alternatives.

So this is the general overview of the CEQA process for an EIR. It begins with the notice of preparation, which for this project included an initial study and a 30-day scoping period with a scoping meeting. At the scoping meeting, we obtained the public's initial input about the potential environmental impacts and general concerns. We are currently in a 45-day public review period in which we have the draft EIR out for circulation and where the public and public agencies have another opportunity to provide comments on the EIR. We are also concurrently preparing the final EIR, which will include responses to public comments on the project.

So CEQA requires that we analyze the 20 environmental issue areas listed here. It's typical in an urban environment that issue areas such as agriculture and forestry resources, for example, are not as much of a concern as other issue areas, such as air quality or noise. For this project, as mentioned, we did conduct an initial study, which scoped out some of these environmental issue areas and identified these for further analysis. So these are the issue areas that were looked at in a closer detail in the draft EIR. I want to point out those in bold are issue areas where we identified that the project would require mitigation. Of note, we also included aesthetics. However, pursuant to SB 743, aesthetic and visual impacts of mixed use projects on an infill site within a transit priority area shall not be considered significant impacts on the environment. Although aesthetic impacts associated with this project would not be considered significant, an evaluation of aesthetics relative to public views, scenic vistas, light and glare were still addressed in the EIR for additional information. I also want to note that no significant and unavoidable impacts were identified for the project in any of these analyzed issue areas.

So these are the mitigation measures that were identified for the project. Beginning with cultural resources. We identified these four mitigation measures relative to inadvertent discoveries of cultural resources, including a workers environmental awareness program training that would train construction workers and non-archaeologist personnel on how to identify any resources that are

discovered throughout construction. Relative to geology and soils, we included a mitigation recommending project consistency with identified recommendations in the project's geotechnical investigation report. And we also identified mitigation relative to paleontological resources, similar to the reasoning on why we identified mitigation for cultural resources.

As part of our analysis and based on the various Phase 1 and 2 environmental assessments conducted for the project, there is soil contamination located on site. And due to that, we identified these four mitigation measures. So HAZ-1 requires regulatory agency oversight with agencies, including DTSC or the Regional Water Quality Control Board, up to three agencies, but only one of those three would be the agency that would ultimately oversee. We also identified mitigation for soil and groundwater management, the need for a sub-slab vapor mitigation system and, due to the groundwater table being 20 feet below ground surface and the proposed excavation for the project being 32 feet below ground surface, a groundwater disposal mitigation measure.

For hydrology and water quality, we identified the same measures identified in GEO-1, requiring consistency with the geotechnical investigation measures and all four hazards measures that you see above due to the high groundwater table compared to the proposed subterranean parking levels.

For tribal cultural resources, we identified the same cultural resources mitigation measures with the added TCR-1 and 2, which requires retention of a Native American Monitor and Native American Monitoring based on consultation with the Kizh Nation. Although no tribal cultural resources were identified for the project, they still expressed concerns and were invited to monitor ground-disturbing activities upon Native soils.

Alternatives analyzed for the project included a no-project alternative, a commercial base density alternative, and a mixed use base density alternative. Alternative 1 assumes that the warehouse building located at 1020 and 1028 North La Brea Avenue and foundations remaining of the former CEMEX concrete batch plant would remain without any additional site modifications. Because disassembly and demolition of the equipment and office building would have occurred regardless of approval of the project, this alternative assumes that actual no-project conditions would consist of the warehouse building remaining as the only on-site structure.

Under Alternative 2, this would create a two story, 51,700 square foot commercial building with one subterranean parking level and 91 parking spaces, no billboards.

The mixed use base density alternative would create a seven-story, 141,450 square feet mixed use building consisting of 184 residential units, of those units 37 affordable; and 13,000 square feet of commercial retail use with one subterranean parking level consisting of 250 parking spaces, also no billboards.

This table is a comparison of the proposed project, the no project alternative and the two zoning base density alternatives, one commercial and one-mixed use. In our analysis, we found that although the no project alternative would result in less impacts across all analyzed environmental issue areas, it would not fulfill any of the project objectives because it would not redevelop and improve the visual character of the site by replacing an industrial use with a mixed use building and would not provide a range of affordable and market rate housing units near multimodal transportation networks nor contribute to the economic base of the city by concentrating residential density with serving commercial uses within a larger commercial core.

Under Alternative 2, compared to the proposed project, it would develop 375,000 square feet less and be 337 feet shorter. Alternative 3 would develop 285,000 square feet less and be 302 feet shorter. Both Alternatives 2 and 3 would have one subterranean level, no billboards, be zone compliant and have less overall impacts because it would be a less intensive use. However, because both would still require excavation, all mitigation measures identified for the proposed project would still remain applicable. Alternative 3 would cover all project objectives, although to a lesser degree whereas Alternative 2 would only cover one objective for a building compliant with the city's Green Building Ordinance.

In terms of the environmentally superior alternative, we did find that the no-project alternative, because it would lessen or altogether avoid project impacts, it would be the environmentally superior alternative. However, if the no-project alternative is the environmentally superior alternative, CEQA Guideline Section 15126.6 requires that another alternative that could attain most of the project's basic objectives be chosen as the environmentally superior alternative among the other alternatives. Therefore, for this reason, because Alternative 3 would consistently reduce environmental impacts while maintaining consistency with all eight of the project objectives, it is the environmentally superior alternative.

That concludes my presentation. To reiterate, the purpose of tonight is to obtain the public's input for the potential impacts that should be considered as part of the final EIR. We will be taking note of all verbal comments tonight, but also recommend written comments so that we could thoroughly include them in the record. Please direct all written comments to Antonio, information provided on the slide here. And we are accepting comments until Monday, March 10th, 5:00 p.m. Thank you.

CHAIR LOMBARDI: Thank you. Appreciate it. Do my colleagues have any questions for Staff about the process or anything you'd like to get out before we hear public comment? No? Okay.

COMMISSIONER HOOPINGARNER: Just one.

CHAIR LOMBARDI: Okay. Commissioner Hoopingarner?

COMMISSIONER HOOPINGARNER: Just a point of clarification. In your presentation, you 12 identified the square footage of the advertising space on the billboards as 24,000-and-something 13 square feet. But in the draft EIR, it's 29,000. Which is correct?

VANESSA VILLANUEVA: Just a second. We'll check that.

COMMISSIONER HOOPINGARNER: Okay. Thank you.

CHAIR LOMBARDI: Any other questions? Are we comfortable getting feedback after public comment on that, Commissioner Hoopingarner? Yes? An answer ...

COMMISSIONER HOOPINGARNER: That's fine.

CHAIR LOMBARDI: Okay. Thank you.

COMMISSIONER HOOPINGARNER: I just wanted ... it was a point of clarification because 27 that differed from what was in the EIR, so that's fine.

CHAIR LOMBARDI: Okay. Secretary Gillig, do we have any public comments?

DAVID GILLIG: Chair, we have no public comments.

CHAIR LOMBARDI: Okay. We have no public comments. Any comments up here or questions? Anyone? Please, someone? No one? Commissioner Solomon?

COMMISSIONER SOLOMON: As it relates to the soil geology, this is my first EIR to go through up here, so cut me a little slack, but I understand that we're in the Phase 1 testing. And we do know that the dirt is contaminated at least at the surface level, someone correct me if I'm misspeaking, but I'm curious as to how that process will proceed with the ultimate question of, how dirty is your dirt? There's another spot in town that could use a lot of dirt, so that would have an environmental impact if we could cut down. But if you could walk me through maybe what the soil testing looks like.

VANESSA VILLANUEVA: So pointing back to the... Sorry, not to answer your question with another question, but do you mean the soil testing as part of the Phase 1 and 2 environmental site assessments or the coordination and testing that would be done as part of the mitigation?

COMMISSIONER SOLOMON: I guess more to the first question that you asked, when we go from Phase 1 to Phase 2.

VANESSA VILLANUEVA: So a Phase 1 site assessment is the first step in identifying potential concerns with a site regards to contamination. It could include some boring on various locations of the site scattered around, and those soil samples are then taken to a lab and then processed. And that's where they determine what exactly are the contaminants on site.

COMMISSIONER SOLOMON: And it's Phase 1?

VANESSA VILLANUEVA: Yes, yeah. Phase 2s sometimes going to just more detail on those specific contaminants or just more ... are a follow-up to a Phase 1. So this project had multiple Phase 1 and 2 reports conducted, and that's where it was determined that there's contaminants on site, petroleum hydrocarbons, volatile organic compounds. And based on those findings, that's where we recommended regulatory agency oversight.

So depending on the regulatory agency that continues to oversee the project remediation, they will then recommend more detailed measures that the project would have to implement as it's getting constructed. But the first step is requiring just that regulatory agency oversight.

ANTONIO CASTILLO: Chair, if I might add, so Commissioner Solomon's question will be responded to also in writing as part of the final environmental impact report. So we welcome comments. If there's any clarifying questions on process or procedure, we're happy to answer those. But otherwise, we'll take the questions and comments to be included in the final EIR.

CHAIR LOMBARDI: Okay. Additional questions or comments? Commissioner Hoopingarner, did you have more? I know we're waiting for an answer as well.

COMMISSIONER HOOPINGARNER: I defer to my colleagues.

CHAIR LOMBARDI: Okay. Anyone over here to my left? Comments? Feedback? Commissioner Jones?

COMMISSIONER JONES: No.

CHAIR LOMBARDI: Okay. I do have ... there's one that I would like to bring up. So as is noted in the project description, there are potentially seven billboards. It's noted that there's a potential change in policy that will allow the billboards. Completely understand the idea of how that could help support housing and make that more economical and viable as a project. All makes sense to me. But because we're looking at an environmental impact report and that's not currently something that's allowed in the code, if I understand correctly, that's my first note that I want to point out. So I would presume that that would trigger an assessment of whether or not mitigation measures are needed, are necessary for the project with an assumed amount of billboard in square footage.

I will also note that there's reference to signage policies. Most of those, though, pertain to on-site signage. So the seven potential signs, some may be full motion, some may not, unknown, are in addition to any regular type signage, the building names, the storefronts, that kind of stuff. So there's code reference to conforming with our signage policies for on-site signage.

But with off-site signage, it's not as clear, but what we do have is a policy for the Sunset Strip. And actually, in that environmental impact report, there's an Appendix B that was the lighting study. And in that report, there were thresholds that were set. And one of the big ones is luminance, which is the directional light that would be radiating out from the surface area of signage. And that was set at 300 candela per meter squared.

In this report, there's a lot of notes of 600 nits, or 600 candelas per meter squared. That's actually double the threshold of the Sunset Strip, which is something that's been part of an EIR and a report that's been pretty vetted. So I see that as a good precedent. That report references Illumination Engineering Society-recommended practices. I'll also say it was based around a lighting zone of LZ4. LZ4 is the most dense, most highest threshold. At the moment, the only registered location for LZ4 is specifically Times Square in New York City. So that's one benchmark that we have in our city right now and a report we can reference, that's 300 candela per meter squared. I would think that this Project A in the text would probably want to set a threshold that aligns with other standards that we have.

And then I know that there's an open area in terms of where policy is going. I totally see how the billboards support all this. But just looking at it from an environmental impact study, I would think that we'd want to understand what the recommended practice is for an LZ3 zone, what that level or threshold would be, put those limits in there, but also look at the impact in terms of where the billboards are in their placement. So it feels like it's a gap that's in there. And the outcome may be that there's no mitigation measures that are necessary, but it does seem like it's the first time we've seen so many billboards. So I just think that it's better to deal with these things up front.

That's the only item that I wanted to add right now. Commissioner Hoopingarner, did you have more?

COMMISSIONER HOOPINGARNER: A couple. So thank you for bringing that up. That was at the top of my hit parade. Throughout this document, there's a statement, and I'm going to read it into the record. "Of note, during the recent October 7th, 2024 City Council regular meeting, City Council directed City Staff to explore and subsequently draft a zone text amendment to codify policy in the WHMC that would permit off-site signage outside of Sunset Boulevard in commercial zones on Santa Monica, Fairfax, La Brea, when off-site signage is associated with mixed use developments providing a higher percentage of affordable units. Note, not a defined term. Although this direction is in its preliminary stages and additional details are not known at this time, the project currently exhibits a general consistency with the type of developments that would be targeted under this prospective zone text amendment."

So my first question is, at what point does an EIR and the CEQA process allow a prospective zone text amendment that hasn't been written, that hasn't been vetted, that hasn't been seen by the public, that hasn't been voted on, that has not been approved to be considered as a means to remove a study point from an EIR? So that's question #1. Because this is not addressed in the Land Use Policy section, which is very explicit that there are no new billboards allowed on those other arteries. It's part of our general plan. And in the absence of an actual codified decision by Council, how is it appropriate for an EIR to make a statement that, gee, once upon a time it was discussed and they're thinking about it, so we're not going to study this, we're not going to address it, because it's a thought?

And to be clear, I read the actual item from Council. And it states, amongst other things, that it must include a higher percentage of units that are permanently affordable. But it does not define it, and it's left to Staff in its research to come back with a definition of what that means. We don't know if this project meets that standard or not.

It states that the city ... in the Staff's analysis of this item, it states that, "The city will likely need to hire a consultant to draft guidelines for this new policy. Staff would need further direction from Council on the details to include in this policy, including the types of off-site signage allowed, et cetera." Again, why is this abstract thought being included as if it's an adopted policy?

And this statement is repeated on Page ES11 and throughout the document as if it's a fait accompli, ignoring the fact that there's a new council since that decision was taken, that this was not a unanimous decision by the council when it did vote and it certainly hasn't been through the required public process. It does not state ... will these billboards have to meet the same thresholds as the Sunset Arts and Advertising Program, the policies there, the creativity threshold? Because that is a vetted process which these billboards haven't gone through at all. So my questions relate to answers all around this whole process as by law allowed in the CEQA process and the fact that we're talking about assuming a policy has been adopted, which is only a discussion.

Throughout the document, this refers to one of the green benefits of this building is its daylight corridors. But it only refers to it, again, in the abstract. It does not in any way identify these daylight corridors. And a look at the plans show that these daylight corridors are blocked entirely on the north and south sides by billboards and on the east and west sides by units, so there is no daylighting in the corridors. So I'd like to understand in this environmental impact report that cites the green

benefits of the daylight corridors of this building. How does that happen? Because it's not specified, it's not identified, yet it's listed in the abstract.

I have a question as to how many trips the removal of 49,000 cubic yards of soil will be. And I don't see that addressed in the traffic study. We just had a conversation in this city about 27,000 trips in order to refill the Melrose Triangle, and this is not addressed at all in the traffic study.

The project characteristics table on Page ES3 completely excludes the billboard information, the advertising space, the illumination space. And again, I would like to answer the question of the difference between what's in the published document versus what staff showed in their presentation.

On Page 1-5, Underwater Supply, the question was asked by the public, "How much groundwater will be pumped during construction?" And the reply in the document is that it's addressed in Section 2 under Project Description. It is not. There is no answer.

On Page 2-11, with the diagram that you presented on the loading and the ingress and egress on the residential side on Romaine, it's unclear as to why the residential loading zone is insufficient for a moving van and what are the transportation impacts of moving vans parking on the streets for upwards of 514 units.

There is no discussion in the transportation study or in the plans for any delivery zones for UPS, USPS, FedEx, Amazon, DHL, food delivery. I got to think that there's going to be a few delivery vehicles for a building of 514 units. Also on the plans, there is no identification as to the rideshare pickup and drop off points for those same 514 units. It is also not addressed in the traffic study.

On the Romaine side, there appears to be 48 feet of a driveway, a double-banked driveway, which does not seem to comply with building and safety, which would substantially redesign this project and beg the question, again, about the adequacy of the transportation study.

The Cumulative Projects table on Page 3-4 is vague and incomplete. Some projects list a height but not square footage or units. Other projects, like #5, just say it's 30,000 square feet of a residential building, no units, no height. It's just a bunch of numbers. There's nothing consistent you can analyze.

Page 4.1-7. "In our General Plan Policy, LU1.2, consider the scale of a new development with its urban context to avoid abrupt changes in scale and massing." The EIR does not address how 34 feet change in all directions to two stories at best, in proposed project seven stories, is not abrupt.

Policy LU16.8, "Carefully integrate offsite signage into new development so that the building and not the sign is the primary use of the land." My question is, what percentage of the south facade alone is covered by billboards? At what point, if there is more billboard than building, is the primary use billboards and not building?

Policy LU17.1, "Prohibit the use of signs, pole signs, flashing and animated signs except as part of a creative sign program." This goes right back to the question about City Council's directive about maybe adding new billboards, but this general plan policy says specifically that it has to be part of a creative sign program. I will also note that throughout our General Plan, we are very careful to use such lovely words as consider and strive and enhance, but this particular code says prohibit.

So how does this EIR, which has chosen not to address land use, address the fact that this particular land use policy, literally Policy LU17.1, is not addressed at all by the EIR?

Policy LU17.3, "Allow imaginative signage that is a positive contribution to its surroundings through the use of creative sign permits and the execution of a comprehensive sign program." How are these proposed seven billboards that are prohibited in the current Zoning Ordinance and General Plan and comprising 29,000 square feet that are all just flat surfaces considered imaginative? And where, again, is this addressed in the Land Use section?

Page 4.1-14. "The development of the proposed project would introduce new sorts of light and glare," to Chair Lombardi's point, "however, these sources would be typical of a development surrounding the site and the project would comply with the policies and regulations of the city's General Plan and Zoning Ordinance relating to signage, lighting and illumination," when, in fact, as I just cited, they don't. So that statement is incorrect as pertains to the current Zoning Ordinance, near as I can tell by my reading of the actual ordinance.

4.1-16. "The EIR states that the proposed neighboring projects would be 'visually cohesive.'" With this project, there is no analysis, no renderings, just a statement. What is the data and justification relating to this statement? There's no information about the relating project except for a couple of shadow lines.

4.9-6, Land Use. "The impact of LU1. The proposed project is consistent with SCAG's 2020 and 2045," da, da, da, "applicable land use and planning goals and policies of the city's general plan and the city's zoning ordinance upon approval of the project zoning map amendment." So once again, we have an EIR that is presenting a circular argument that says the project doesn't comply with the zoning ordinance or the zoning map, but once you change the zoning map, hey, it's going to comply. That's a complete circular argument. Either it complies or it doesn't. If it doesn't comply, then you have a mitigation option. But it doesn't comply, and the statement that the proposed project would not conflict with applicable land use policies because if you change it, it doesn't conflict. Moving on.

4.9-13. "In discussing the abrupt changes in scale and massing, the authors find this 'consistent with the general plan' using the following language. Although the project would increase the scale and massing on the project site in comparison to surrounding development, the design of the building considers this change brought by the proposed development." What does that mean? That sentence makes no sense, and it does not explain the supposed consistency.

4.9-15. Back to our billboards. It talks about the consistency because the billboards are flush with the buildings and would not protrude from the buildings. But how is a square billboard flush to the surface in the building and covering 75% of the surface, "carefully integrate so that the building and the sign is not the primary use of the land"?

4.9-16. Bear with me. I only have two more. Goal LU-17. "Ensure that on-site signs are an asset to the city. Intent. Require that the amount and placement of on-site signs is visually attractive and provides high-quality imagery for the city." This is back to Chair Lombardi's comment about the metrics used are the equivalent of Times Square. The response to this is nonresponsive. It simply says that the signage will comply with code and not be too bright, but there is no light study and we're talking about 29,000 square feet of billboards.

4.10, Noise does not address the metrics that will be there for months pouring 34 floors of concrete.

EV charging stations are cited throughout the document as the great thing that will happen for greening in this building, yet they're not on the plans and they're not in any way discussed in any specific way as to how much EV charging stations. I will note that the governor has signed a law that requires that the state of California not sell anything but EV cars within the next 10 years. These buildings as we approve them, we don't have code for this yet, should clearly address the fact that we're looking at potentially 514 EV cars. And that's not even discussed even though this environmental impact report cites EV charging stations throughout with no data and no specifics.

And finally, the traffic study does not address the issue of the turning radius on the U-turns and the backup into Santa Monica Boulevard for all ingress into the commercial driveway, which is in the mid-block. The only way for southbound vehicles to arrive at that large grocery store as proposed is to make a U-turn at the corner of La Brea and Romaine. That is potentially a very large traffic impact, especially given the volume that's being proposed and its proximity to the intersection of Santa Monica and La Brea, which is already a hugely congested intersection. And what light changes are necessary in order to mitigate that traffic impact and/or should that driveway be in a different location?

I thank my colleagues for their patience. Those are my questions of the authors of this environmental impact report. Thank you.

CHAIR LOMBARDI: Thank you. Anyone else on the Commission have comments? I do want to clarify one thing that Commissioner Hoopingarner brought up because it was in reference to what I said. The report that we're looking at, this EIR, states 600 candela per meter squared. The Sunset policy, which was based around LZ4, which is like Times Square, was determined for West Hollywood to be 300, half that. So the number in there right now is not Times Square. It's double what the Sunset policy is. So I just want to clarify that. Any other questions or comments for the EIR. Commissioner Matos?

COMMISSIONER MATOS: I just have a quick question for Staff procedurally. Commissioner Hoopingarner raised the issue about vehicle traffic created by the debris and dirt leaving the facility. I know that in the municipal code there's a requirement for a truck route established in advance with the city, et cetera, et cetera. Is that sufficient? Is there precedent for that? Or is that issue typically also addressed in the EIR?

ISAAC ROSEN: Commissioner Matos, I think most appropriately, Staff will collect those questions, including the applicability of the section you mentioned and Commissioner Hoopingarner's questions and respond to those as part of the next step.

COMMISSIONER MATOS: Got it. So I would ask if that provision of the municipal code requirement, if the plan for that would also be included in the final EIR. That's just a question I would raise.

ISAAC ROSEN: Noted. And I know staff is working to diligently take down all the questions for purposes of that next review.

COMMISSIONER MATOS: Perfect. Thank you.

CHAIR LOMBARDI: Any other comments, feedback? Okay. We don't have to take any action on this, so we can move along if Staff and Legal agrees with me. Is there any clarification over there?

ANTONIO CASTILLO: Sorry, Chair, can you repeat that question?

CHAIR LOMBARDI: We were going to move along unless there's anything we need to do right now. I don't believe we need to vote on anything. I think we can move to the next agenda item. Are we good to go?

ANTONIO CASTILLO: Yep, yes.

CHAIR LOMBARDI: Okay. Thank you.

ANTONIO CASTILLO: Actually, Chair, before you move on, just wanted to clarify Commissioner Hoopingarner's question regarding the square footage. It was the 29,465 square feet. Thank you for pointing that out.

COMMISSIONER HOOPINGARNER: Okay. So what was in the staff presentation was incorrect?

ANTONIO CASTILLO: Right.

COMMISSIONER HOOPINGARNER: Thank you.

ANTONIO CASTILLO: That one digit was off.

CHAIR LOMBARDI: And just to reconfirm, we do have no public comment, correct, Secretary Gillig, on this item? Okay. Great. Yeah, no, I want to double-check too. If there's someone here that wants to speak on this item, we'd love to hear it right now before we move on. Okay. So we don't have anyone.

So 12, Unfinished Business, no items. 13, Excluded Consent Calendar, also no items. Items 14A and B, Planning Manager's Update, including Subcommittee Management.

GAREN YOLLES: Yes. Good evening, Chair, Vice Chair, and commissioners. Garen Yolles, Acting Planning Manager with the Current and Historic Preservation Planning Division. For our upcoming agendas to the Planning Commission, the following meeting on March 20th has been canceled due to no agenda items.

The next meeting after that would be on April 3rd. Right now we have two public hearings. The first is an appeal of the director's approval of a minor amendment to a previously-approved 100% affordable housing project at 910-916 North Weatherly Drive. The second public hearing is a zone text amendment on shared housing buildings and units.

The following meeting in April on April 17th is also canceled due to the Passover holidays, so the next meeting after that would be on May 1st. That meeting, we currently have a Consent item that's a receive and file of the general plan and housing element annual progress report. And we also have scheduled tentatively two public hearings, the first one for a conditional use permit amendment at 8300 Sunset Boulevard and a zone text amendment for electric vehicle charging stations.

Now I'll quickly go through the subcommittee upcoming agendas for our design review subcommittee. We have a meeting scheduled next Thursday, March 13th, regarding a mixed use project located at 401 North Robertson Boulevard, the southwest corner of Robertson and Ashcroft Avenue. And for our Sunset Arts and Advertising subcommittee, we have a meeting scheduled on March 27th for a proposed billboard project at 8760 Sunset Boulevard. That's the Mutato Muzika building in the city.

And before we close, I want to ... oh, and that concludes my presentation. If there's any questions, happy to answer.

COMMISSIONER JONES: Just to be clear, you just mentioned ... I want to make sure this is syncing with what David Gillig sent through in our email reminder for tonight's meeting. The SAASC meeting for March 27th has been canceled? The Mutato project, that's been canceled? That's what I see on ...

COMMISSIONER MATOS: Yeah, that's what we talked about last time.

COMMISSIONER JONES: Right, sorry. My source of confusion is from hearing ... I see. Never mind.

COMMISSIONER MATOS: At the last SAASC meeting. It's listed in two places, but I see. Okay. Thank you. Thanks.

GAREN YOLLES: Yeah, design review was canceled, and so SAASC was.

COMMISSIONER JONES: Sure. Got it. Okay. Yeah, that makes sense. Thank you.

COMMISSIONER MATOS: So to clarify, SAASC is canceled on the 27th?

GAREN YOLLES: No, there will be a SAASC meeting in lieu of the design review subcommittee that was canceled.

COMMISSIONER MATOS: Got it. And it's still at 7:00, right?

GAREN YOLLES: Yes. For now, the two ... both design review and SAASC are at 7:00 p.m.

COMMISSIONER MATOS: On the 27th? Okay.

GAREN YOLLES: Yeah.

COMMISSIONER MATOS: Thank you.

CHAIR LOMBARDI: Any comments, questions?

COMMISSIONER JONES: I do. I mentioned this as a possibility at the last SAASC meeting. I will not be at the March 27th SAASC meeting. I have a work commitment. I cannot miss it. So unfortunately, I will not be there. But it will come to Commission at some point.

COMMISSIONER MATOS: We'll miss you.

COMMISSIONER JONES: I'll miss you too.

CHAIR LOMBARDI: Okay. Thank you, Commissioner Jones. I think I stated this at SAASC, but ditto on the March 13th design review meeting. I am out of town, work, so I will not be at that. I will miss you all. And noted on SAASC. I'll make sure that I'm there on March 27th so we have quorum. Anything else? Anyone?

Okay. Item 15 is Public Comment. Do we have anyone that would wish to speak on general items, which could also include our Consent item that I mentioned at the start of this meeting?

DAVID GILLIG: Chair, I have no public comments.

CHAIR LOMBARDI: Items from commissioners? Anyone? Commissioner Jones?

COMMISSIONER JONES: Yeah, I just want to extend a congrats to everyone who was just reappointed. I am very happy to be doing this work with you. It's truly such a privilege to serve, and I hope we all get to keep working together. So that's all I wanted to say.

COMMISSIONER MATOS: Ditto. Congratulations to everyone who got reappointed. It's been the honor of my life to serve with all of you on this body, this fine city. Thank you for everything you guys do. Thanks for showing up. Even when we disagree, I think that everyone remains cordial and friendly. And I really appreciate that, so thank you.

CHAIR LOMBARDI: Thank you. I share that sentiment. And I appreciate everyone's efforts here, and I'm excited that almost all of you at the moment are still here. And so congratulations.

I have one super-minor housekeeping item. Secretary Gillig, I don't know, speaking of Twilight Zone up here, so when we did breeze by the approved ... sorry, the Consent item earlier, we had formalized that motion and second since it was part of the agenda. I never saw anything to vote for on screen. I didn't vote, but my vote would be yes for that. I just realized after I don't ever remember tapping anything. It was, but we didn't ... we took the added step with Legal to have a motion and second on the approval of the Consent item. My vote is yes, just for the record.

DAVID GILLIG: Noted. The digital voting had it also.

CHAIR LOMBARDI: Oh, it did have it? Okay.

DAVID GILLIG: Yeah. It did not show on the screen, but it was behind the scene here, yeah.

CHAIR LOMBARDI: Oh, okay. Great. Thank you. I just wanted to make sure we weren't missing anything. Anything else? Okay. Then I will adjourn this meeting. And noting that our next regularly scheduled Planning Commission meeting is canceled. Our actual next meeting will be on Thursday, April 1[3]th, 2025, 6:30 p.m. here at West Hollywood Council Chambers. Thank you.

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**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held on this 3<sup>rd</sup> day of April 2025 by the following vote:

AYES: Commissioner: Carvalho, Hoopingarner, Jones, Matos, Solomon, Vice Chair Gregoire, Chair Lombardi.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



MICHAEL A. LOMBARDI, MIES LC LEED AP BD+C  
CHAIRPERSON, PLANNING COMMISSION

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY

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