



## PLANNING COMMISSION MINUTES

**JANUARY 30, 1997**

West Hollywood Park Auditorium, 647 North San Vicente Boulevard, West Hollywood, CA 90069

### 1. CALL TO ORDER

The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Vice-Chair Litz.

#### **A. Pledge of Allegiance**

The Pledge of Allegiance was led by Vice-Chair Litz.

#### **B. Roll Call**

Commissioners Present:

John Altschul, David Behr, Brad Crowe, Thomas Jones, James Litz, Steve Smith

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Tim Foy, Associate Planner; Thinh Tran, Administrative Staff Assistant

#### **C. Approval of Agenda**

The Commission decided to adjourn to the memory of Gerda Spiegler, and allot four minutes per speaker and 20 minutes for applicant.

#### **Action: To approve the Agenda.**

Motion: Crowe

Second: Behr

Votes: All Ayes (Fischer absent)

Motion carried.

#### **D. Posting of Agenda**

This agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

### 2. ITEMS FROM CITIZENS

- a. **Sybil Zaden**, West Hollywood, expressed opposition to the Beverly Square West project.
- b. **Jeanne Dobrin**, West Hollywood, commented that projects should adhere to the Zoning Ordinance and the General Plan.
- c. **Richard Banta**, West Hollywood, commented on Melrose Avenue's bollards and curbs, and expressed opposition to plans regarding painted crosswalks.
- d. **Howard Armistead**, West Hollywood, commented that while campaigning door-to-door, no residents have expressed support of the Beverly Square West project.

### 3. CONSENT CALENDAR - None

**4. EXCLUDED CONSENT CALENDAR - None**

**5. COMMISSION CONSIDERATION - None**

**6. PUBLIC HEARING**

**A. General Plan Amendment 95-03, Zoning Map Amendment 95-01, Development Permit 95-05, Demolition Permit 95-03, Variance 95-06, Major Conditional Use Permits 95-01, 95-02 and 95-20, and Minor Conditional Use Permits 95-18 and 95-19; and Final Environmental Impact Report**

**Applicant:** Beverly Square West Associates  
**Location:** 9015-9039 Beverly Boulevard and 9014 Rosewood Avenue  
**Case Planner:** Timothy Foy

**Recommendation:** Deny the development permit, demolition permit, variance, and major and minor conditional use permits, and recommend to the City Council denial of the amendments to the General Plan and to the Zoning Map, and certification of the Final EIR, as set forth in the proposed resolution.

Mr. Foy presented staff and consultants: Lucy Dyke, Transportation Manager; Lisa Heep, Planning Manager; Craig Steel, City Attorney's Office; Ray Reynolds, Community Development Director; Thinh Tran, Administrative Staff Assistant; John Chase, Urban Designer; Michael Meyer, traffic consultant; Chris Joseph, main consultant; Michael Brown, noise study consultant; and Susan Franzen, geotechnical consultant.

Mr. Foy presented the staff report.

- a. **Allan Abshez**, Applicant, presented Applicant's report.
- b. **John Kaliski**, Applicant, presented Applicant's report.

Commissioner Litz disclosed that he had worked with Michael Chow (proposed restaurateur of project), has visited other Ira Smedra projects with Mark Brown, been to neighborhood meetings and spoken with West Hollywood West residents.

Commissioner Crowe disclosed that he has known Mark Brown since 1978, but Mr. Brown has not contacted him regarding this project, and also that he has attended West Hollywood West meetings regarding the project.

Commissioner Altschul disclosed that he met with the project's architect in February 1996, as a new member of the Commission, attended a couple of neighborhood meetings, and visited the project site and the Pico/Beverwil project of Ira Smedra.

Commissioner Smith disclosed that he had met with Mayor Koretz and applicant a while back, heard views of the former City Manager, and visited one of the Applicant's other project sites.

Commissioner Behr disclosed that he has visited the site, discussed project with West Hollywood West residents, and was member of the Design Review Subcommittee.

Commissioner Jones disclosed that he has met with architect, Mark Brown, West Hollywood West residents and was a member of the Design Review Subcommittee.

The following spoke from a prepared statement from the West Hollywood West Residents Association (see Attachment A):

- c. **Donald DeLuccio**, West Hollywood
- d. **Nina Parkinson**, West Hollywood
- e. **Jack Vizzard**, West Hollywood
- f. **Tom Wilson**, West Hollywood
- g. **Richard Kaleh**, West Hollywood
- h. **Bill Doebler**, West Hollywood
- i. **Wayne Blankenship**, West Hollywood
- j. **Michael Gottfried**, West Hollywood
- k. **Paul Rider**, West Hollywood
- l. **Joyce Hundal (given time by Janice Farinella)**, West Hollywood
- m. **John Callari**, West Hollywood
- n. **Allen Klotz**, West Hollywood
- o. **Anita Goswami (given time by Roy Wallenstein)**, West Hollywood
  
- p. **Simon Pastucha**, West Hollywood, read letter from Los Angeles Councilmember Michael Feuer, which expressed concerns regarding the project, the City to reduce the scale of the project and look into the alternatives.
- q. **Sonia Berman**, Beverly Hills, commented on decrease in property values and rentability and read a letter from the City of Beverly Hills regarding unmitigable traffic impacts and consideration of the alternatives.
- r. **Carol B. Rodriguez**, West Hollywood, commented on zoning change and history of nearby residents, such as ICM Building.
- s. **Florence Coates**, West Hollywood, expressed opposition to project.
- t. **G. Bruce Traub**, West Hollywood, commented on re-zoning and height limits, and expressed support of staff's recommendation.
- u. **Brent Bussell**, West Hollywood, commented on Ira Smedra's development project in Studio City and reputation, and proximity of grocery stores.
- v. **Carlos Veach**, West Hollywood, commented that EIR is fictional.
- w. **Brian Roskam**, West Hollywood, commented on zoning, traffic, noise and 24-hour operation and expressed opposition to the project.
- x. **James Kyle**, West Hollywood, commented that City is unresponsive to residents and expressed opposition to project.
- y. **John Beldzik**, West Hollywood, commented that residents know what is better for them.
- z. **Charlotte Banta**, West Hollywood, presented pictures regarding traffic congestion, and expressed opposition to the project.
- aa. **Kurt Haber**, Beverly Hills, commented on broken promises of Ira Smedra, traffic and expressed opposition to project.
- bb. **Alfred Haber**, Beverly Hills, commented on traffic, noise and expressed opposition to project.
- cc. **Charles Winkler**, West Hollywood, commented that grocery store competition between project's anchor tenant and Hughes and Gibson & Cooke, would lead to adverse impacts.
- dd. **Adam Gilbert**, West Hollywood, commented that the project is incompatible with site and should follow the rules of the General Plan and Zoning Ordinance.
- ee. **Martin Strudler**, West Hollywood, commented that project needs to be smaller and on height variance.
- ff. **Irvin Jaffe**, West Hollywood, expressed concern that this project would force him out of business.
- gg. **Ingeborg Sesanto**, West Hollywood, commented on noise, traffic and safety for children in neighborhood and that emotional aspects should be considered.
- hh. **Harry Prongue**, West Hollywood, commented that project should be in-character with neighborhood and that it is too large.

- ii. **Joseph Boodaghi**, West Hollywood, commented that has moved from two other locations to West Hollywood West due to noise problems and expressed opposition to the project.
- jj. **Richard Blons**, West Hollywood, expressed concern regarding ingress/egress of cars from project's facilities and opposition to the project.
- kk. **Dennis R. Powell**, West Hollywood, commented that this project is in disregard of the General Plan and resident's concerns and the EIR is unrealistic.
- ll. **Douglas E. Bernard**, West Hollywood, commented on zoning and that alternatives are inadequate and expressed opposition to project.
- mm. **Jeanne Dobrin**, West Hollywood, commented that EIR is inadequate and expressed opposition to the project.
- nn. **Christine Bogoian**, West Hollywood, commented that traffic and circulation would become problematic.

Mr. Abshez rebutted. Mr. Kaliski commented on alternatives.

The Commission discussed the following:

- alternatives
- process of approval of alternatives
- decision/impact of not certifying the EIR

Mr. Ira Smedra commented that there was lack of feedback from community and requested a continuance. He also agreed to complete traffic study prior to development of project.

Ms. Goswami stated, in response to the request for continuance, that she (representing West Hollywood West Residents Association) would be opposed to this proposition.

The Commission discussed the following, regarding the EIR:

- loading requirements
- traffic study adequacy
- parking requirements
- process for adding an addendum to EIR
- certification of EIR

Ms. Dyke and Mr. Meyer responded to questions regarding parking/traffic issues of EIR.

Ms. Franzen responded to questions regarding water table.

**Action: To close the public hearing regarding the EIR.**

Motion: Altschul Second: Jones  
 Votes: All Ayes (Fischer absent)  
 Motion carried.

**Action: To recommend to City Council the certification of the EIR.**

Motion: Altschul Second: Crowe  
 Votes: Ayes - Altschul, Crowe, Jones, Litz, Smith  
 Noes - Behr (Fischer absent)  
 Motion carried.

**Action: To close the public hearing regarding the permit applications.**

Motion: Smith Second: Behr  
 Votes: Ayes - Behr, Crowe, Jones, Litz, Smith  
 Abstain - Altschul (Fischer absent)  
 Motion carried.

**Action: To approve Resolution PC 97-111.**

Motion: Crowe

Second: Smith

Votes: Ayes - Altschul, Behr, Crowe, Jones, Smith

Noes - Litz (Fischer absent)

Motion carried.

## 7. PUBLIC COMMENT

a. **Anita Goswami**, West Hollywood, thanked the Commission.

## 8. ITEMS FROM COMMISSIONERS

- a. Commissioner Jones stated that his comment regarding senior housing for the Beverly Square West project was based on architecture not use.
- b. Commissioner Behr stated that that these five alcohol Conditional Use Permit applications of Beverly Square West need to be applied individually by the tenants, and requested staff to look into a discrepancy in the Zoning Ordinance in Section 9.513.
- c. Commissioner Smith thanked staff.
- d. Commissioner Altschul thanked staff, consultants and Mr. Steele, and would like to see active and open dialog between developer and residents in the future.
- e. Commissioner Crowe thanked Mr. Foy for an incredible job.
- f. Commissioner Jones inquired about period of validity of EIR. Mr. Steele stated that there is no time limit.
- g. Commissioner Smith stated that he would like to mitigate impacts of construction and wanted to remove paragraph regarding construction on page four of EIR, but did not want to complicate the discussion.

## 9. ITEMS FROM STAFF

### A. Director's Update - Ray Reynolds

None.

## 11. ADJOURNMENT

**Action: To adjourn to the memory of Gerda Spiegler to a regular Planning Commission on February 6, 1997 from 6:30 PM until completion at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.**

**PASSED, APPROVED AND ADOPTED THIS DAY OF FEBRUARY 20, 1997.**

**CHAIRPERSON:** \_\_\_\_\_

**ATTEST:**

**COMMUNITY DEVELOPMENT DIRECTOR:** \_\_\_\_\_



WEST HOLLYWOOD WEST RESIDENTS ASSOCIATION

RECEIVED JAN 28 1997

## **PUBLIC COMMENT**

### **presented January 30, 1997**

To: Planning Commission, City of West Hollywood  
From: West Hollywood West Residents Association  
Subject: Comments on Requested Discretionary Permits, Land Use and Final Environmental Impact Report (FEIR) for the Proposed Redevelopment of the Chasen's Property on the northeast corner of Beverly Boulevard and Doheny Drive, known as Beverly West Square

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West Hollywood West Residents Association (WHWRA or West Hollywood West) is an organization of residents in the area bounded by Melrose, La Cienega, the West Hollywood city border/Beverly Boulevard, and Doheny Drive. The western portion of West Hollywood West is adjacent to and directly north of the proposed project site. West Hollywood West Residents Association hereby incorporates by reference into this January 30, 1997 Comment, its public comments submitted to the City on January 4, 16, and February 1, 1996 on the Original Draft Environmental Impact Report (ODEIR), and on September 5 and 16, 1996 on the Recirculated Draft Environmental Impact Report (RDEIR).

WHWRA stated on January 5, 1996, "We are not opposed to the development of the property. We are concerned about the size and effects of the project on our neighborhood."<sup>1</sup> WHWRA realizes that it is part of an urban environment with competing interests. It understands that balancing those interests is not an easy task for the City. It also has learned through this EIR process that the western regional street circulation system is already seriously compromised, and that whatever development is approved for this site must be of a size and use which can be sustained by the local and regional street infrastructure. That is essential to the preservation of a livable residential neighborhood, a viable business community and a still-navigable surrounding street circulation system.

The time is past for any and every proposed project to be approved, no matter what impacts will be sustained by the surrounding community. The existing traffic circulation system indicates that very careful consideration must be given to any development in relation to the ability of the street infrastructure to absorb the traffic which it will generate.

West Hollywood West is the largest low density residential area in the City. Neighborhood Preservation is important to every resident. It is a goal in the City's Strategic Plan. WHWRA sincerely hopes that the City will be guided by its General Plan Land Use section, and cautioned by the Traffic and Circulation Element. All of us who have worked on this project have come to realize

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<sup>1</sup> WHWRA Testimony dated January 4, 1996, Comment Letter T, Appendix A of FEIR.

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that in order to maintain the viability of the whole City, the traffic circulation and parking issues must be seriously and constructively addressed. There is very little choice left.

With that in mind, we begin our comments on the proposed project and Final Environmental Impact Report with the land use issues raised by the proposal.

## I. Land Use

### A. General Plan and Neighborhood Preservation Policies

The State of California requires cities to have a General Plan, which functions as the foundational document for urban planning. General Plans are comprehensive documents which address many elements important to cities including urban design, housing, traffic and circulation. The purpose of a General Plan is to provide guidance to that local government. Specific ordinances then flow from the General Plan. Zoning ordinances flow from the principles expressed in the General Plan. A General Plan shows the citizens of that government the long term planning objectives for that city. It is a readily available public document.

The West Hollywood General Plan sets out clear parameters for development and the protection of the low density residential neighborhoods. The West Hollywood General Plan took three years and \$900,000 to craft. It represents compromises among all the various competing interests. The General Plan documents how West Hollywood should balance its competing interests. **And it's the law.**

WHWRA maintains that General Plan Objectives and Policies, especially for high occupancy/ activity uses, have not been fully considered in any of the EIR documents. The proposed project's objectives, as stated in the ODEIR and RDEIR, completely disregard these policies which help protect and preserve low density neighborhoods such as West Hollywood West.<sup>2</sup> We quote from the General Plan:

#### **"a. - Neighborhood Preservation: Low Density**

**Objective 1.26** - Provide for the retention and maintenance of existing residential neighborhoods which are primarily developed with single-family houses and duplexes and ensure that new development is compatible with and complements, in scale and architecture, existing structures where a distinctive neighborhood character exists. (Sub-area 15, map designations R1.1 and 1.2).<sup>3</sup>

#### **"6 - High Occupancy/Activity Uses**

**Objective 1.33** - Ensure that uses characterized by high occupancy or intensity of activity or unique use which may yield adverse impacts on adjacent uses be sited, designed, and managed to mitigate such impacts.

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<sup>2</sup> WHWRA Public Comment dated September 5, 1996, Comment Letter J, Appendix B of FEIR.

<sup>3</sup> West Hollywood General Plan, page 73.

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*Permitted Uses*

**Policies 1.33.10** - Mitigate the impacts, **by limiting the number**, controlling the locations or using other restrictions on the development of commercial uses whose activities could adversely impact adjacent residences, schools, or other uses, such as **alcohol sales, gasoline stations, automobile and truck repair and parts, 24-hour markets, fast food establishments, entertainment (nightclubs, concert halls, dance clubs, etc.), video arcades, restaurants and bars, and adult businesses.** (II.1 and II.7) [emphasis added]

*Development Standards - 1.33.30 - Require the following mitigation measures for high occupancy, high intensity activity, and unique commercial uses:*

- a. limitation of ambient noise generated by the site on adjacent uses;
- b. enclosure of all visually unattractive facilities and equipment;
- c. **limitations of frequency of location so that the cumulative presence of such uses does not result in physical or economic blight or adversely impact adjacent residential uses;**
- d. provision of adequate parking;
- e. siting of site access so that it does not adversely impact adjacent uses;
- f. use of architectural design styles, materials, forms, massing, and scale which is consistent with and complements adjacent uses;
- g. incorporation of extensive landscape to create a visually-pleasing appearance; incorporation of lighting on the building to emphasize architectural details, materials, surface treatments, and/or colors, and avoidance of "garish", excessively bright, or glaring illumination, use of site lighting which minimizes spillover onto adjacent residential properties;
- h. possible limitation on hours of operation (I1, I6, I7 and I8.)"<sup>4</sup> [emphasis added]

Within an approximate one-mile radius of the proposed project site are seven food markets, three within walking distance: Hughes Market (24-hour), across the street; Gibson and Cooke four short blocks to the north on Doheny Drive; and Pavilions (24-hour), on Santa Monica Boulevard between Robertson Boulevard and La Peer Drive. The other four include a Ralphs Market (24-hour), in the Beverly Connection complex; a Wild Oats on Santa Monica Boulevard; Quinn's on Melrose; and Whole Foods on Crescent Drive. Three of these seven already are open 24-hours. Surely there is no pressing need for another. (See attached map<sup>5</sup>)

A resident on the 9000 block of Rosewood Avenue, Rod Roberts, made the following comments at the January 4<sup>th</sup>, 1996 hearing before the Planning Commission: "... You know, when I first started attending the development meetings... the premise was that we were being told that the residents of our area needed another 24-hour supermarket and another 24-hour drugstore. Well, I have Hughes, I have Ralphs, I have Pavilions, I have Gibson and Cooke for supermarkets. I have SavOns, I have

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<sup>4</sup> West Hollywood General Plan, pages 85-86.

<sup>5</sup> The map is a marked-up map from the ODEIR.



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Thriftys, and I have Rexalls for drugstores, all of which are 24-hours, except for Gibson and Cooke. We do not need another supermarket and we don't need another drugstore."<sup>6</sup>

In the formulation of its decision on this proposed project, or any of the proposed alternatives, West Hollywood West Residents Association respectfully requests the Planning Commission to take into consideration these General Plan Objectives and Policies which specifically recommend ways to protect the low density neighborhoods. WHWRA does not want the traffic, noise, nuisance, and crime that a 24-hour operation of any kind can bring. Nor can the street system support the traffic which will be generated by yet another 24-hour market across the street from an existing 24-hour market (Hughes). The West Hollywood West area does not need another market or drugstore.

West Hollywood West Residents Association understands that this site will probably be redeveloped. WHWRA requests that redevelopment be guided by the General Plan Objectives and Policies for the protection of the residential neighborhood. It further requests that the trip generation and the site ingress and egress be supportable by the local and regional street infrastructure. With the future project trips and the existing Chasen's trips as assigned in the ODEIR and the RDEIR, the intersections surrounding the Chasen's site become Level of Service F (LOS F), the designation that indicates the greatest possible congestion.<sup>7</sup> That is the amount of development that the street infrastructure can support, barely. Any more traffic will produce gridlock.

### ***B. The Rules Were Here First***

As stated above, the General Plan, and the zoning ordinance which flows from it, are readily available public documents. These documents are the rules for guiding developers, community members, City staff and decision makers. These rules are in place for a purpose - to maintain balance in our fragile urban environment, and to communicate to everyone what is acceptable and what is not. The proposed project is not acceptable, as documented by 263 petitions submitted to the City on March 16, 1995, public comment submitted by WHWRA beginning in April 1995 in the EIR process, the Staff recommendation, and by the numerous comments made by community members at several public hearings over the last two years.<sup>8</sup>

The proposed project requests a change from residential to commercial zoning. The proposed Beverly West Square project was designed to fit within the zoning requirements of a zone that is not even in place on the property. The zone change would be an enormous advantage to the proposed project, while the neighboring residential and business community would suffer the impacts.

"If the applicant could not develop an economically viable project on this site given the adopted general plan designations and zone designations, he made a poor business choice in securing the property. The residents of West Hollywood, Beverly Hills and Los Angeles are under no obligation to

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<sup>6</sup> Rod Roberts public comment, as stated in the FEIR, Comment B-61, page II-36.

<sup>7</sup> RDEIR Table 16 and WHWRA Public Comment dated September 5 and September 16, 1996.

<sup>8</sup> See attached receipt by City of West Hollywood for 263 petitions dated March 16, 1995. The three volumes of the FEIR include the public comment. Staff recommendations are in the report dated January 30, 1997.

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accept an oversized project with unmitigable significant environmental impacts simply because of the applicant's apparent failure to perform the appropriate due diligence when considering his purchase."<sup>9</sup>

WHWRA strongly supports the Staff recommendation against approval of the proposed General Plan and zoning map amendments, zone change and the zoning variances.

### ***C. Zone Change = Further Erosion of the Residential Neighborhood***

The proposed project requests zoning change from residential to commercial. It is incumbent upon the City to consider the long-term consequences of present actions. Allowing commercial, rather than residential, development on any of these parcels can seriously detract from the residential character of West Hollywood West, and in particular, Rosewood Avenue.

#### **1. R1-B(PK) Is Still Residential**

Most of that portion of the project which abuts Rosewood Avenue is zoned R1-B(PK). The site at 9014 Rosewood is zoned R1-B. The underlying zoning of R1-B(PK)-zoned land is still residential. Because the northerly portion of the site is currently a surface parking lot does not mean that the zoning is open. Planning should not be reactive to an application because the applicant desires something other than the existing zoning. Under the County Chasen's was permitted to acquire all of the residential property to provide adequate parking. That does not mean that those parcels are removed from the stock of residential land. This is acknowledged in the City's zoning ordinance and the Staff report which states "Staff is unaware of any residential lot in the City with parking overlay which is used for anything except parking."<sup>10</sup>

Rosewood is a residential street - designated in both the General Plan and zoning ordinance as such. Rezoning and allowing development on that portion of the site currently zoned as parking overlay sets an extremely dangerous - and for WHWRA, potentially disastrous- precedent. The Chasen's site is not the only one along Beverly Boulevard which includes land adjacent to Rosewood that is zoned for parking overlay. If the City allows a zone change and commercial development on the R1-B(PK) overlay zoned parcels at the Chasen's site, the City may face requests from other property owners. If the City allows rezoning and removal of the overlay designation at the Chasen's site, how will the City deny it at other sites? Must we residents fight this great battle to protect our neighborhood AGAIN AND AGAIN?

There is no justifiable reason for rezoning the parcels fronting Rosewood from R1-B and R1-B(PK). Above all, there is no justification for rezoning the parcel at 9014 Rosewood - which is *still* developed with residential uses. The property's current use as storage does not mean that the structure is not residential, or that it is not viable as residential.

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<sup>9</sup> WHWRA Comment dated September 5, 1996 as stated in the FEIR, Page III-120.

<sup>10</sup> Staff Report dated January 30, 1997, page 4.

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## **2. The Chipping Away of Residential on the South Side of Rosewood Must Stop**

Under the County of Los Angeles, residential development on the south side of Rosewood Avenue and Bonner Drive was chipped away bit-by-bit over the years to serve the interests of the commercial development on Beverly Boulevard, which often creates significant noise and nuisance impacts on the adjacent residents. Over 25 residential parcels have been cleared and paved over dramatically altering the character of Rosewood. WHWRA protests the proposed rezoning and removal of the house at 9014 Rosewood, which would unnecessarily continue this trend. Removal of this house- aside from being unjustified- would leave only two residentially-zoned parcels on the south side of Rosewood between Almont and Doheny.

Further, the ODEIR for the proposed development shows that both of these remaining dwellings would be impacted by shade and shadow of the development- potentially decreasing their desirability as residential sites and potentially increasing the risk that razing, rezoning and reuse might one day be sought for those parcels, too.<sup>11</sup>

WHWRA knows that the two additional residential parcels at the southeast corner of Almont and Rosewood are vacant and potentially at risk for removal. The very real possibility exists that within a few years, all or nearly all of the housing on the south side of Rosewood west of the 8800 block may be gone. If this occurs, what barriers would there be to development of the entire block between Beverly and Rosewood with commercial uses? And consequently, what effect would this have on weakening the residential character of the north side of Rosewood? And on Ashcroft, Dorrington and Rangely?

### ***D. No Justification for Zone Variance***

The proposed project is not only asking for a zone change at 9014 Rosewood, it is also asking for an exception to the zoning rules before that zone change is even granted! The proposed project requests a zone variance to allow greater height along the Rosewood frontage. The granting of a zone variance typically requires that an applicant demonstrate that there is some hardship associated with the land itself that justifies an exception to the development regulations within the zoning ordinance. Such hardships typically include such things as parcels of unusual shape or slope, or the desire to preserve some particular natural or historic feature of the site. The Chasen's site is nearly rectangular and of minimal slope. The parcel at 9014 Rosewood is even less irregular. It is inconceivable that a zone variance based on hardship could be granted for a parcel that is flat, rectangular and developed compatibly with the surrounding parcels.

Whether or not an economically viable project can be built on this site without the zone changes and variances required of this application - without, in fact, the use of the 9014 Rosewood parcel at all, is no justification for granting the height variance on the basis of physical qualities of the site or necessity for economic reasons.

Without the variance, the proposed project would have to be notched or cut back to meet height requirements. Modifying the proposed project to bring it in line with zoning requirements (if the zone

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<sup>11</sup> FEIR, II-96-97.

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change is approved) would likely decrease the shadow impacts of the structure and therefore could be a good thing as far as Rosewood residents are concerned.

### ***E. Size and Scale***

The proposed development is completely incompatible in size and scale with surrounding uses. In regard to commercial uses, the proposed development does not harmonize with or reinforce the commercial character of Beverly Boulevard in West Hollywood. Rather, it is in complete contrast with other commercial development. Most existing commercial developments on Beverly are single story, and many are associated with the design industry cluster. The proposed structure is far larger in height and depth than the existing commercial development. Leaving aside for a moment the impacts and incompatibility of such a large development with the surrounding residential neighborhoods, the wisdom of granting zone changes and zone variances for a development so out of scale with the surrounding commercial uses must be called into question.

Further, the proposed development is of a different character than most of the surrounding uses. The proposed project is more of a mass commercial nature - much more typical of the commercial uses in the Beverly Center area of Beverly Boulevard than along West Hollywood's section of Beverly Boulevard. The question must be asked whether the introduction and intensification of these uses on the Chasen's site might have a negative effect on the design-oriented character of Beverly Boulevard.

The proposed project would loom like a fortress over the one and two-story residential and commercial structures in the adjacent West Hollywood neighborhood. An example is the huge blank façade of Ralphs Market on the east side of Detroit Street, in West Hollywood. As the Staff report states, "The building is so much larger than its neighbors that it becomes an exception to, rather than a part of, the development pattern of the surrounding West Hollywood area."<sup>12</sup>

### ***F. Conditional Use Permits***

WHWRA opposes the granting of two Major Conditional Use Permits for liquor sales for offsite consumption and three Minor Conditional Use Permits for liquor sales for onsite consumption. Chasen's had one liquor license for its one kitchen in an approximately 24,000 square foot restaurant. The proposed project requests three Minor Conditional Use Permits for one kitchen for a maximum of 9,500 square feet of restaurant space.

In West Hollywood West's experience, the difficulty with conditional use permits is the associated detrimental impacts of parking and traffic circulation problems, and noise and nuisance to the residents nearby. The City should have learned a lesson with Le Colonial. Restaurants with late night hours, heavy limousine and taxi traffic, late night patio dining and often inadequate parking have proven to be controversial business options. For nearby residents, it has proven to be a nightmare.

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<sup>12</sup> Staff Report dated January 30, 1997, page 9.

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## **II. Traffic, Circulation and Parking**

Regarding traffic, circulation and parking, West Hollywood West Residents Association again reiterates its detailed responses in the five previous comment submissions of January 5, 16, February 1, 1996, on the ODEIR and, September 5, and 16, 1996, on the RDEIR, and its disagreement with some of the methodologies and conclusions therein. WHWRA hereby states its disagreement with the responses contained in the FEIR to those previous disagreements.

### **A. Certification of the EIR**

With reference to the above disagreements, WHW opposes certification of the EIR, because the methodologies used in both Traffic Studies are flawed and the conclusions are therefore skewed and misleading, and do not reflect the real impacts of the project-generated traffic on the local and regional street system.<sup>13</sup> The project-generated traffic will overwhelm the already overloaded street system. WHWRA welcomes and agrees with the Transportation Commission Traffic, Circulation and Access Subcommittee comment which requests: "...the Planning Commission to consider very seriously that there will be enormous impacts both to local traffic and circulation and to the City's status under the Countywide Congestion Management Program, if this project is approved."<sup>14</sup>

West Hollywood West Residents Association requests that the Planning Commission deny certification of the EIR.

### **B. A Chasen's or Chasen's-like Project Fills The Surrounding Streets**

In Table 16 of the RDEIR, the Future No Project column includes a Chasen's or Chasen's-like project which generates approximately 2,000 daily trips, and 2,224 daily trips on Saturdays. In the AM peak traffic period, this tips 13 of the surrounding intersections (including the Doheny/Third and Doheny/Burton Way intersections arbitrarily eliminated from the analysis in the RDEIR) into LOS F which means they are approaching gridlock. In the PM peak traffic period, 21 of the surrounding intersections become LOS F. This means that this is the amount of traffic generation that the street infrastructure will support and the traffic conditions will begin to be congested.<sup>15</sup>

### **C. Understatement of Project-Generated Trips**

WHWRA objects to the RDEIR conclusion that adding 72,500 square feet of intensive retail use has a negligible traffic impact.

The conclusion in the RDEIR is that the addition of 72,500 square feet of intensive retail uses to the Future No Project (which includes the future projects, and the 24,000 square feet of Chasen's allotted traffic generation) will have a negligible effect (a few hundredths of a point on the Vehicle to Capacity

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<sup>13</sup> Letter from City of Beverly Hills dated September 20, 1996 and February 1, 1996, Comment Letter V, Appendix B, FEIR; and WHWRA letters included in FEIR.

<sup>14</sup> Comment Letter R, FEIR.

<sup>15</sup> WHWRA Comment dated September 16, 1996, pages 3-4, Appendix B, FEIR.

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ratio in the intersections) on the local and regional road system.<sup>16</sup> This is supported by a lack of adequate and complete traffic analysis of the project area, where traffic is already reaching critical mass, plus the subtraction of the future project and Chasen's trips.<sup>17</sup>

WHW believes the EIR skews the amount of traffic generated by the proposed project, and therefore grossly minimizes the traffic impacts which is misleading to both the public and the decision makers.<sup>18</sup> The City of Beverly Hills also states in both of its Comment Letters to the Planning Commission that it believes that there are serious flaws in the methodology employed to analyze the trip characteristics of the proposed project.<sup>19</sup>

***D. Subtraction of the Chasen's Trips from the Project-Generated Trips in the ODEIR, RDEIR and the Final EIR Responses***

The Future No Project trips (which include Chasen's plus the trips generated by the 82 Future Projects) will all be NEW TRIPS on the street system.<sup>20</sup> The Future projects may not yet be built, or are being built, and Chasen's has not generated a huge number of trips for many years, if ever, and not in the remembered past of many of the long-time residents, with the exception of special events. Also, it has been closed for over two years. These will be NEW TRIPS on the roadway and should be treated as such, as pointed out by both WHWRA and Beverly Hills.<sup>21</sup>

This makes it possible for the three documents to seriously understate the traffic impacts on the surrounding area, and to mislead the public and the decision makers about the extent of the traffic impacts of the proposed development.

West Hollywood West Residents Association requests that the Planning Commission take into account the project-generated 6,593 daily trips and the 10,7234 weekend trips, and the peak-hour trips listed in the ODEIR.<sup>22</sup>

***E. Understatement of Significantly Impacted Intersections***

Aside from the understatement in the RDEIR, Table 16, of the actual traffic impacts, there are several unmitigated intersections, some of which are not acknowledged in any of the three documents under review, or are arbitrarily eliminated although they will also affect the traffic circulation. Doheny Drive/Burton Way was a significant impact in the ODEIR, but this intersection was dropped in the

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<sup>16</sup> RDEIR Table 16.

<sup>17</sup> WHWRA Comment dated September 16, 1996, page 3.

<sup>18</sup> WHWRA Comment dated September 16, 1996, pages 3-4.

<sup>19</sup> Letter from City of Beverly Hills dated September 20, 1996 and February 1, 1996, Comment Letter V, Appendix B, FEIR.

<sup>20</sup> Response J-4, FEIR III-19.

<sup>21</sup> Letter from City of Beverly Hills dated September 20, 1996 and February 1, 1996, Comment Letter V, Appendix B, FEIR; and WHWRA comment dated February 1, 1996.

<sup>22</sup> Table 8, Technical Appendices, ODEIR.

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RDEIR, although the proposed project itself had not changed. The same occurred for Doheny/Third Street.

WHWRA believes that some of the proposed mitigations are not feasible, resulting in an understatement of significantly impacted intersections.

***Signalized Intersections***

Intersection	Mitigation Feasibility	Impact	Reference
Doheny /Beverly	Mitigation infeasible City of West Hollywood - and further aggravated by bus stop which is not discussed	Significant unmitigated impact	RDEIR III-A-121 WHWRA 9/5/96 p. 8 WHWRA 9/16/96 p.9
Doheny /Santa Monica	Mitigation infeasible City of West Hollywood	Significant unmitigated impact	RDEIR II-4
Doheny /Third	Mitigation infeasible - City of Beverly Hills	Significant unmitigated impact	ODEIR IV-B-61 and 70 Eliminated from RDEIR
Doheny /Burton Way	Mitigation infeasible - City of Beverly Hills	Significant unmitigated impact	ODEIR IV-B-62 and 70 Eliminated from RDEIR
Doheny /Sunset	Mitigation questionable because queue spillback analysis not done	Possible significant unmitigated impact	WHWRA Comments 9/5/96 p. 8
Beverly / Santa Monica	Mitigation infeasible - City of Beverly Hills	Significant unmitigated impact	City of Beverly Hills letter V, Appendix B, FEIR and RDEIR, III- A-121
Beverly / project entry/exit	Secondary Impact	Significant unmitigated impact	WHWRA 1/25/96, p.4 WHWRA 2/1/96, p. 4

*(continued on next page)*

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***Unsignalized Intersections***

Doheny /Rosewood	Mitigation infeasible	Significant unmitigated impact	RDEIR III-A-122, 126 WHWRA 9/5/96 p.8 FEIR III-12
Doheny /Ashcroft Doheny/ Dorrington Doheny/Rangely	Not considered significant but traffic shifting is noted	Significant unmitigated impact	RDEIR III-A-130 WHWRA 9/5/96 p.4
Alley east of Doheny / w/Rosewood, Ashcroft, Dorrington, Rangely	Not considered important. Important to WHWRA.	Significant unmitigated impact from spillover traffic	Not on the Map Not Analyzed <i>Will Traffic Ignore It?</i> FEIR Response is No Impact
Beverly /Almont	The importance of this intersection to WHW access is never discussed.	Significant unmitigated impact	ODEIR-Not on the Map RDEIR - Unacceptable mitigation and no analysis WHWRA 1/25/96 p.3 WHWRA 9/5/96 p.5 WHWRA 9/16/96 p.7
Doheny /Doheny project entry/exit	Not analyzed as an intersection. Secondary impacts not analyzed	Significant unmitigated impact	WHWRA 1/25/96 p.4

***F. Request for Neighborhood Study***

To do a comprehensive neighborhood traffic and access study after its completion, if this project is approved, would undoubtedly be essential to attempt to ascertain if it were possible to disperse the gridlock, but too late. But to state that it is not possible to predict where the huge amount of traffic that will be generated will go, with all the tools that are available, simply begs credulity. An intersections system analysis would identify queue spillover and specify where diverted trips are going.<sup>23</sup>

Traffic flow analysis can be predicted by various types of methodologies. Both the ODEIR and the RDEIR show that there is going to be an enormous unmitigated impact from project-generated traffic. The FEIR states that it no longer recommends any mitigation for Rosewood Avenue running east from Doheny because of the inevitable consequences of shifting the traffic.<sup>24</sup> That intersection will have an unmitigated impact. The FEIR states that the impact on the streets to the north cannot be predicted. WHWRA believes it will be impossible to dump that amount of traffic on Doheny's one north-bound lane and not have queue spillover onto all the residential streets running east between Beverly and Santa Monica Boulevards. The City of Beverly Hills also requests "... that the traffic

<sup>23</sup> WHWRA comment dated September 5, 1996, pages 7-8.

<sup>24</sup> FEIR III-12.



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study include an analysis of the spillover impact of the overloaded arterials into residential areas. The delays that are expected on Doheny Drive may promote the use of residential streets as alternatives to heavily congested intersection approaches.<sup>25</sup>

### **G. Substandard North/South Secondary Arterials**

The two north/south streets on the proposed project's borders, Doheny Drive on its western border, and Robertson Boulevard which is one and a fraction of a block to the east, are substandard-width secondary arterials, with only one traffic lane in each direction.<sup>26</sup>

### **H. Parking**

"Conformance to the City of West Hollywood parking standards does not, alone, justify a conclusion that the impacts of the project are insignificant. Substantial evidence must be provided to support the conclusion that parking impacts are insignificant."<sup>27</sup>

Parking for the proposed project (although in excess of code requirements) is inadequate. If this project were approved with this amount of parking, it would immeasurably increase the circulation and back-up problems which would already exist from the project generated traffic. The proposed project would provide 78 parking spaces for all the employees of the 96,500 square feet of intensive retail use. Pavilions alone (31,000 square feet), which is two-thirds the size of the proposed market, has 80 employees on a peak shift. There is no parking plan which would indicate whether sufficient parking is being provided.<sup>28</sup>

### **I. Limousine Parking**

Where will limousines park? In the garage? Are there any spaces long enough to accommodate them? During Chasen's active operation on special event nights the limousines parked bumper to bumper on Almont, Rosewood and Ashcroft with impunity. These are all permit parking restricted streets, especially at night. There was no enforcement effort to move them. There could be twenty to thirty or more of them at a time. The same thing occurs now on Bonner and Rosewood for Le Colonial patrons. Is that what would be planned for this project? WHWRA strongly objects to this permissive practice and the breaching of the Permit Parking restrictions in the evenings. It requests the Planning Commission to address this issue, for this project or any other that may be approved.

This is one of the major reasons why restaurants, bars and nightclubs should not be permitted adjacent to residential areas, when there is no facility provided for limousine parking.

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<sup>25</sup> Letter from City of Beverly Hills dated September 20, 1996 and February 1, 1996, Comment Letter V, Appendix B, FEIR.

<sup>26</sup> WHWRA comment dated January 25, 1996, page 2.

<sup>27</sup> Letter from City of Beverly Hills dated February 1, 1996, included in Comment Letter V, Appendix B, FEIR.

<sup>28</sup> WHWRA comment dated September 5, 1996, pages 11-12.

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### **III. Other Environmental Impacts**

#### **A. Noise and Nuisance**

Construction noise was a significant impact in the ODEIR. If the proposed project is approved, WHWRA must be assured that adequate conditions and viable enforcement mechanisms are in place.<sup>29</sup> West Hollywood West remains concerned about nuisance from the proposed project.

#### **B. Air Quality**

Significant impacts have been identified for the short-term. WHWRA believes that the air pollution from the multitude of cars would create a significant long-term impact.

#### **C. Security**

WHWRA is aware that private security guards are proposed for the Beverly West Square project. In WHWRA experience, this is not enough. West Hollywood West residents remain concerned about the potential for crime, especially with the intensive retail uses and late night activity associated with the proposed project.

#### **D. Groundwater / Geotechnical / Risk of Upset**

WHWRA residents remain concerned about impacts due to the high water table. Groundwater impacts may be mitigated at the site but the effects on the surrounding area are permanent. WHWRA is concerned about subsidence, particularly with the groundwater situation.

#### **E. Shade & Shadow**

The effects on the surrounding area are permanent. Shade in residential areas can reduce the desirability of that area to be residential. Staff notes this in their report.<sup>30</sup>

### **IV. Alternatives**

As required by CEQA, the EIR briefly describes some alternatives and provides some analysis. WHWRA understands, as pointed out in the Staff report, that not enough detail has been submitted to the City regarding each of the alternatives for the Planning Commission to make a decision or recommendation tonight.

The EIR clearly shows the fragility of the street infrastructure. From what cursory information is already available regarding the alternatives in the EIR, all of the alternatives have significant unmitigable traffic impacts. Any one of these alternatives would require a Statement of Overriding Considerations.

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<sup>29</sup> WHWRA comment dated January 4, 1996, page 6.

<sup>30</sup> Staff Report dated January 30, 1997, page 4.

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It is possible that the EIR may be certified, and an addendum be used in the decision-making process for a future proposed project.<sup>31</sup> The addendum process does not require public review on its own, however, WHWRA would expect a public review process.

**A. *“Development in Accordance with Existing Zoning” Alternative***

WHWRA notes that there is one development alternative in accordance with existing zoning that the EIR has left unmentioned and unanalyzed. This would be development of the Beverly frontage with retail uses of the same character and scale as those which exist along most of Beverly Boulevard within West Hollywood and development of the Rosewood frontage with new 1 and 2 unit dwellings in accordance with the existing R1-B(PK) zoning. There are six existing residential parcels on the subject site facing Rosewood that could be developed with new residential structures. No new subdivision actions would be required. Residential development is a viable option on Rosewood Avenue, as evidenced by the five new two-story residences currently under construction near Rosewood and Sherbourne.

**B. *Proposed Project has Greatest Number of Impacts***

WHWRA applauds the EIR's examination of alternatives. However, the neighborhood should not have to be subjected to the alternative with the greatest number of impacts. It would leave residual effects on the surrounding residential and commercial development and would establish dangerous developmental precedents.

**C. *Statements of Overriding Considerations***

WHWRA agrees with the Staff report: “As determined in the Environmental Impact Report, this project has unavoidable significant environmental impacts and staff believes that the benefits do not outweigh these impacts and thus the project is recommended to be denied.”<sup>32</sup>

As stated in the FEIR, “The benefits of statements of overriding consideration accrue to the developer, since projects with significant adverse impacts cannot be approved without the statement of overriding considerations. They are not written for the lead agency's convenience.”<sup>33</sup> WHWRA reminds everyone that Statements of Overriding Consideration are written to show the public that the benefits outweigh the costs.

WHWRA agrees with Staff that there is not enough information for the Commission to approve any of the proposed alternatives.

As stated in the Staff report, “all of the alternatives in the EIR would need a Statement of Overriding Considerations for the alternative to be approved.”<sup>34</sup>

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<sup>31</sup> Staff Report dated January 30, 1997, page 28.

<sup>32</sup> Staff Report dated January 30, 1997, page 3.

<sup>33</sup> FEIR II-83.

<sup>34</sup> Staff Report dated January 30, 1997, page 28.

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WHWRA strongly opposes any Statement of Overriding Considerations for the proposed project. As shown in the EIR volumes and in the public comment, there are significant impacts associated with the proposed project, which cannot be mitigated and will irrevocably impact the traffic circulation on the local and western regional street system.


#### V. Summary

WHWRA requests the following of the Planning Commission:

- Equitably balance the competing interests in the community to maintain livable residential neighborhoods and a viable business community;
- Recommendation against certification of the EIR;
- Denial of the requested zone variances- particularly variances for height and setbacks;
- Denial of the requested conditional use permits for alcohol sales;
- Recommendation against the proposed general plan text and zoning map amendments, and requested zone change. Keep Rosewood residential.
- No action on the alternatives discussed in the EIR. There is not enough information.
- Denial of a market, drugstore or any 24-use on this site.

West Hollywood West Residents Association asks the Planning Commission to support the recommendation in the Staff report to deny all discretionary permits on this proposed project.

Thank you for your attention.



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Transportation Commission  
Charlie MacKinney, Interim City Manager  
Ray Reynolds, Director of Community Development

Public Comment to the Planning Commission of the City of West Hollywood  
by West Hollywood West Residents Association

January 30, 1997

Lisa Heep, Planning Manager

Tim Foy, Project Planner

Joan English, Director of Transportation and Public Works

Lucy Dyke, Transportation Manager