



**PLANNING COMMISSION MINUTES**  
**Special Meeting**  
**April 23, 2009**

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

**1. CALL TO ORDER:**

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

**2. PLEDGE OF ALLEGIANCE:** Martin Gantman led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: David DeGrazia, Senior Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

Continue Item 9.A. (9000 Sunset Boulevard) to Thursday, June 4, 2009.

**ACTION:** Approve the Planning Commission Agenda of Thursday, April 23, 2009 as amended. **Moved by Commissioner Hamaker, seconded by Commissioner Bernstein and unanimously carried.**

**5. APPROVAL OF MINUTES.**

Continued from Thursday, April 16, 2009.

**A. April 2, 2009**

**ACTION:** Approve the Planning Commission Minutes of Thursday, April 2, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

**6. PUBLIC COMMENT.**

GLORIA LAMBERT, WEST HOLLYWOOD, commented on and objected to the building under construction at Norton Avenue and Sweetzer Avenue.

ED BUCK, WEST HOLLYWOOD, commented on neighborhood compatibility.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Bernstein gave his respects on the passing of Councilmember Sal Guarriello.

Commissioner Hamaker requested the meeting adjourned in the memory of Lovedy Brydon.

Commissioner Guardarrama spoke and gave his respects on the passing of Councilmember Sal Guarriello.

Vice-Chair DeLuccio gave his respects on the passing of Councilmember Sal Guarriello.

Chair Altschul spoke and gave his respects on the passing of Councilmember Sal Guarriello and former commissioner Bud Siegal.

**A moment of silence in memory of Sal Guarriello.**

**8. CONSENT CALENDAR.**

**A. 1048 N. Curson Avenue.**

**Extension Request 2009-001:**

Continued from Thursday, April 16, 2009. Applicant is requesting to extend the approvals previously granted for the construction of a five-unit, three-story, plus a mezzanine level residential condominium building.

**ACTION:** 1) Approve the application; and 2) Adopt Resolution No. PC 09-860 as presented, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING EXTENSION REQUEST PERMIT 2009-001, EXTENDING THE APPROVAL OF DEMOLITION PERMIT 2005-024, DEVELOPMENT PERMIT 2005-036, MODIFICATION PERMIT 2005-021 AND TENTATIVE TRACT MAP 2005-010, UNTIL FEBRUARY 16, 2011, AT THE REQUEST OF 2K COMPANY, LLC, FOR THE PROPERTY LOCATED AT 1048 N. CURSON AVENUE, WEST HOLLYWOOD, CALIFORNIA.". **Moved by Vice-Chair DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

**9. PUBLIC HEARINGS.**

**A. 9000 Sunset Boulevard.**

**Conditional Use [Tall Wall] Permit 2008-001:**

Continued from Thursday, January 15, 2009, Thursday, April 2, 2009 and Thursday, April 16, 2009. Request to erect a 12,492 square-foot tall wall billboard on the east face of the existing high-rise.

Applicant requested a continuance to Thursday, June 4, 2009.

**ACTION:** 1) Continue to Thursday, June 4, 2009. **Moved by Commissioner Hamaker, seconded by Commissioner Bernstein and unanimously carried as part of the amended agenda.**

**B. City-Wide.**

**General Plan Amendment 2009-001, Zoning Map Amendment 2009-001, Zone Text Amendment 2009-002:**

Continued from Thursday, April 2, 2009. The request is a recommendation to the City Council to consider replacement of the Interim Zoning Ordinance with permanent standards regarding permitted heights, maximum average unit sizes in the R4 and R3C zoning districts, parking structure slope and trash placement standards.

**[VERBATIM TRANSCRIPTION]**

*Provided and certified by Written Communications, Inc.*

**Altschul:** *Our next and final public hearing is Item 9.B., General Plan Amendment 2009-01, Zone Map Amendment 2009-001, Zone Text Amendment 2009-002. The staff report will be given by David DeGrazia and the Applicant is the City of West Hollywood.*

**DeGrazia:** *Thank you, Chair Altschul. At the Planning Commission meeting on April 2<sup>nd</sup>, the Commission continued this item with the direction to do additional noticing. Staff sent notices to all property owners and occupants in the R3 and R4 Zones. The Commission also directed staff to provide more information on the development of the maximum average unit sizes and the economics of the proposed amendments. Therefore, John Kaliski from Urban Studios is here to speak about the studies and we hope to have Kathy Head from Kaiser-Marsten here to speak about the economics of the proposal, however, she has not yet arrived. In response to concerns raised at the April 2<sup>nd</sup> meeting, staff has scheduled the following items to be discussed at Planning Commission meetings as part of the General Plan update throughout the summer: Urban design, parking, traffic, housing, social services, economic development and infrastructure. On June 4<sup>th</sup>, 2007, the City Council unanimously adopted an Interim Urgency Ordinance or IZO that modified development standards for multi-family construction in the R3 and R4 zoning districts. It limited the average new unit size, reduced allowable building heights to three stories, 35 feet, and set a minimum net residential dividend for a project. The IZO was approved to better provide new multi-family construction that meets the housing needs of the West Hollywood community. In the years before the economic downturn, the City had been experiencing a period of increased applications for new residential development. Staff had observed trends among new applications including an increase in the number of units proposed for demolition per project and an increase in size of new units compared to the demolished units. Meanwhile, the City has an unmet need for affordable housing and housing for smaller households with limited land area within which to meet these housing needs. Interim Urgency Ordinances provide temporary relief while the City develops permanent and comprehensive regulations to address the urgency issue or issues. Interim Urgency Ordinances take effect immediately*

upon adoption and expire at a date set by the Ordinance. The Council initially extended the IZO through June 4<sup>th</sup>, 2008 and subsequently extended it until June 4<sup>th</sup>, 2009. Pursuant to State Law, the Interim Urgency Ordinance may not be extended again. If no permanent amendments are made to the Zoning Ordinance, the standards will revert to what they were before the IZO was adopted. Therefore, pursuant to State Law regarding Interim Urgency Ordinances, staff is bringing forward this package of proposed amendments to permanently address the issues outlined in the IZO. As previously stated, the purpose of the Interim Urgency Ordinance was to address the number, size and type of dwelling units being built in the City. Therefore, staff recommends the establishment of a maximum average unit size requirement for projects located in the R3 and R4 zones. This requirement will encourage a greater mix and balance of unit types within any individual new project and will discourage projects containing a smaller number of larger units than is otherwise permitted on a multi-family zone property because the amendments will mandate a maximum average unit size, which is currently not required. In order to determine what the maximum average unit size should be, staff worked with the consultant to perform a feasibility study. Based on the study, staff recommends a maximum average unit size of 1,400 square feet in the R3 zone and 1,100 square feet in the R4 zone. These sizes were shown to allow for a wide variety of unit mixes. In order to maximize parking and consequent dwelling unit yield in new projects, staff recommends increasing the maximum allowable driveway slope for subterranean garages from 15% to 20%. The increased slope shortens the ramp allowing for increased maneuvering room in the garage and additional parking spaces. The increase in spaces assists in achieving the maximum allowable density on the site providing the possibility for more housing units. Since the increased driveway slope makes it more difficult for the City's trash haulers to access solid waste and recyclable material storage areas in subterranean garages, staff recommends revising these storage requirements. The revised standards would ensure that a new project that proposes a driveway slope of greater than 15% be required to provide the storage at a grade, at grade or provide an alternative means of bringing the solid waste and recyclable materials to grade such as a lift. As part of the General Plan outreach, an issue that has been identified is new building heights and their compatibility with existing structures in neighborhoods. To respond to this concern, staff performed a detailed height survey in the City to determine where possible reductions in maximum allowable height might be appropriate. Using this targeted approach, the areas for reduction included most of the R3C zone and two areas of the R4 zone, one north of Sunset Boulevard and the other in the central portion of the City on both sides of Crescent Heights Boulevard. These areas would retain the reduced heights established by the Interim Urgency Ordinance, which is a reduction from four stories, 45 feet, to three stories, 35 feet. Targeted areas were selected for height reduction based on the predominant height of existing structures in these areas. Locations where heights were mainly two to three stories were targeted for height reductions. Areas of predominantly three and four stories were left with four-story height limits. In order to ensure that new residential projects in areas with reduced heights could still maximize the development opportunities and build to existing densities, feasibility studies were conducted using typical sites in the R3C and R4 zones. The studies found that it was still possible to build the maximum amount of units under current density standards even with reduced heights. The

*proposed reduction in height in these targeted areas will not only encourage...or only address compatibility issues in these locations, but also encourage smaller units by allowing the same density in a smaller building envelope. It's important to note that this is not a down zoning. We are not decreasing the density that is currently allowed in these areas. It is a height decrease. The State of California has adopted regulations that require local jurisdictions to offer density bonuses and concessions to projects that provide on-site affordable housing. Projects may utilize SB1818 incentives to increase allowable heights by one story and to achieve a greater net residential dividend. Since any project in the City building over 10 units is required to build on-site affordable units and therefore becomes eligible for the SB18 incentives, it is assumed that they will utilize the extra story of height allowed. For example, a project located in the R4A zone with a three-story 35 feet height limit could build the four stories 45 feet with the use of SB1818. In order to address the issue regarding the number, size and type of dwelling units currently proposed in the City, staff recommends that the Planning Commission recommend to the City Council the adoption of the proposed revisions to the General Plan, Zoning Ordinance and Zoning Map. I would now like to turn the presentation over to John Kaliski from Urban Studios who will do a short presentation and be available for questions regarding how these maximum average unit sizes were determined.*

**Kaliski:** *Oh, you want me to sit over there? Well, thank you very much, John, and thank you Commissioners for letting me speak. I will be very brief and somewhat informal. I think that it's important to recognize what we were asked to do and what we were not asked to do. We were asked to basically do two or three things over the course of several months. The first thing we were asked to do was pretty much what David said, which was to test the IZO and over the course of our study to test some of the emerging concepts and to see whether or not it would be possible for a project to realize the underlying yield on the site. So depending upon what we were testing for, you got slightly different results, but most of the time we were looking at the major constraints being height, three stories or four stories depending upon whether we were looking at R3 or R4 lots and the other major constraint of course was parking and we went through several iterations of how to think about parking. How we did our work was fairly straightforward. We reviewed the IZO as it existed when we started and we used those criteria and assumptions in our work. We started off with lots that were prototype lots. They had certain dimensions associated with them. They were given to us by staff. The basic idea was that, okay, if you're looking at a lot that has this type of width and this type of depth and you limit it to 35 feet, initially this was for both the R3 and the R4, could a developer theoretically produce the yield and what would that yield look like. Not so much in terms of design, but in terms of unit size. As the work progressed, we increasingly tried to build in assumptions that are natural assumptions having to do with other City of West Hollywood zoning code requirements such as setbacks, open space, some of the issues having to do with units facing the front of the street with the driveways, etc. One of the things that became quickly apparent particularly on smaller sites was that if one utilizes City of West Hollywood ramp standards as they exist right now, we did not really get a very good yield particularly on smaller lots like parking. We looked at parking scenarios that were at the surface. Those were less successful for a variety of reasons than ones that went underground and when we looked underground, we did ultimately come back to the City and say,*

*you know, it might make sense to look at other ramp standards that other surrounding cities are using and the ones that we specifically utilized were City of Los Angeles, which we have some familiarity within our office, but we also looked at Beverly Hills and Santa Monica and some other cities. But, and we ended up basically recommending a kind of hybrid between existing West Hollywood standards and somewhat steeper ramps. The main effect of that was that it allowed us to get more cars underground and more cars underground meant that regardless of what type of unit mixes we looked at, it made it more possible to approach the number of units that the underlying zoning allowed on the site. As this all came together, a second question emerged and I think it's probably what a lot of people are concerned about, which we were constantly being asked is how do you encourage projects incrementally over time that balance lots of small units versus very large units that address some of the issues that staff had identified in earlier studies having to do with trends of increasing unit size, how do you address things like people potentially looking at properties and saying, well, and it's mentioned in the staff report in terms of this dividend of units idea, that if projects are or sites are redone over time, you know, are there ways that one could encourage new developments such that you don't end up with a lot of very big units even though there might be a higher yield under the site or end up with mixes of units that are not conducive to what some of the City's housing goals were and that was where the issue of the average unit size emerged from. We then went back and tested this idea in terms of the work that we had developed, which I believe has been presented to you in a couple of different forms. And what we found was that we kept hovering around the same numbers based upon the City's two fundamental questions to us, one having to do with balance and one having to do with yield. And what those were, were that on the R3 lots, we have consistently found numbers that hover around 1,400 net square feet per unit and for the R4, 1,200 net square feet per unit and I guess after your last meeting, staff contacted us and they asked us based upon some of the comments, some questions and that was the point at which we were given an average lot size as opposed to a prototypical and just based on some back of envelope calculations while we were having the conversation, I basically said, well, you know, if you go based upon the average lot sizes, the numbers for the R4 are going to trend downwards. When we actually...since time was of the essence, when we actually went back and did the work more rigorously, we found that it did trend downwards from like 1,235 square feet or so, which was where the numbers had been to around 11...but instead of going down say to 1,150 or below, it only got to 1,180 or something like that, so that's why in our work that you see before us, we're still saying the numbers that we presented the last time are still the numbers which are the 1,400 for R3 and the 1,200 for R4. We've also looked at it in relationship to some of the comments that we know have been made which people have spent a lot of energy on and we took those very seriously and in the office at least we've gone and we've run all the scenarios that anybody has told us and what we find is that the numbers always keep hovering around the same numbers. I mean they go down a little depending upon what type of criteria you ask or they go up and so that's...we still feel like even with some of the comments that people have made, which you'll probably hear about for sure and know about, that the numbers stay even. Another thing that we've been asked about is this whole issue of gross to net. And the simple thing for me to say about that is it goes back to the initial questions that we were asked, which I think David presented in his presentation. We were fundamentally asked questions about numbers of units and sizes of units and how to achieve balance and yield at the same time. We were not asked questions about how to create fabulous West Hollywood architecture. And*

*given the questions that we were asked, our feeling is that looking at it from a net standpoint is still more fundamentally straightforward than going to gross, which starts to account for all sorts of other things. So what...in conclusion, what does this fundamentally mean for us at least as consultants? Well, I think there are two conclusions that we have with regard to the average unit size and some of the other recommendations. One is we think that what it does incrementally over time or it trends, it doesn't literally make anybody do anything, but what the trend would be over a long period of time is that it would tend to limit projects from maximizing unit counts with small or efficiency units and two, it would limit projects containing a few number of larger units than is otherwise permitted on a multi-family zone property. And what I mean by that is, one of the scenarios that we all between ourselves and staff talked about is West Hollywood's a very desirable place. People want to live here. Why wouldn't somebody, you know, look at some of these lots and decide that it makes a lot of sense to build two or three or four or five, you know, really lovely and fantastic townhouse units? Well, that might be fantastic for that project and I certainly would probably love to be able to afford to live there myself, but given the question we were asked, which is how do you encourage the person who might consider a project like that to move closer towards what the yield of the site would allow, the average unit size number would have a tendency, we think at least, to encourage that. At the same time, the opposite is also true that the goal is not to end up with a whole bunch of little units and the City already has some requirements in the Zoning Code that talk about that. So again, the average unit size would tend in a gross sense to send a signal to somebody thinking about a project to begin to manipulate the unit sizes and the unit numbers so as to move away from having all 500 square foot units or something like that. And so that's really what it is. It's meant to be a simple trending mechanism in terms of unit count and unit numbers and that's about it. So I'll stop there and as David said, I'm happy to answer any questions if I can be helpful.*

**Altschul:** *Are there any questions at this time? Donald?*

**DeLuccio:** *I just have a couple of questions. About the driveway slope, you're recommending 15 to 20 percent, to change from 15 to 20 and you mentioned you did a survey of various cities and this is...is this sort of an in between or do some exceed 20%?*

**Kaliski:** *No, I've never seen one that exceeds 20%. 20% is the City of Los Angeles number. They have shallower transitions than what City of West Hollywood requires and we did talk to staff about that and I mean I've designed projects in the City of Los Angeles, I've never had anybody come back and bug me about their cars bottoming out, but I think that there are some other considerations that are important in West Hollywood, some of which the City of Los Angeles is not as sensitive to mainly having to do with pedestrian environment, back of sidewalk, and so that's to a certain degree I think in the recommendations that I think are before you. There's some additional transition zones that have to do with the fact that this City's more progressive with some of the pedestrian criteria.*

**DeLuccio:** *Okay. And then I guess later we'll talk about net versus gross some more 'cause I...*

**Kaliski:** *Sure.*

**DeLuccio:** *...think you...I think we may have some questions 'cause I think you really covered it rather quickly and...*

**Kaliski:** *Sure.*

**DeLuccio:** *...I know there will be some speakers who will be speaking about it.*

**Altschul:** *Any other questions now? If not, thank you, sir.*

**Kaliski:** *Thank you.*

**Altschul:** *John...David, who is our next consultant? Is Kathy here?*

**DeGrazia:** *Yeah, and then our next consultant is Kathy Head from Kaiser-Marsten and she will speak about some of the economic issues.*

**Head:** *Hello, I'm Kathy Head. I am Managing Principal of the L. A. Office of Kaiser-Marsten and I was really counting on that wallboard thing taking a while, so the fact that you moved it threw me off on my timing, so sorry for being late, but here I am. I'm here to talk about the financial ramifications of this, so I used John's plans when I was looking at the financial ramifications, but I know next to nothing, not even enough to be dangerous about urban design. So my analysis is strictly financial, so you just use it as one of the pieces of your evaluation tool when you're looking at this, recognizing that again for consistency sake and because there were good plans used, I just ran a couple of pro formas using John's plans so that I personally could get a sense of what kind of ramifications occurred when you reduce those unit sizes. A handout was passed out to you that's just a summary of my findings and analysis, but I'm just going to run through it relatively quickly. And I had three major topics and those were, what's the financial impact, what kind of development scope issues will arise and how does this fit within your housing goals? And so the financial impact, I think the first thing to think about is, and I think it's a little bit of common sense, is you know, you've all looked at, since 2007, 2009, again when you're looking at this issue is that folks have been coming in and building very large units. And the reason that they're building very large units is because they're making more money for building large units. And so by definition, if you reduce the size of those units you will reduce the amount of money that these people are making. I mean I think that's just true. Okay? Now, I think some things have been done in the plans that you're looking at to mitigate that to some extent and the primary thing that has been done to mitigate that impact and it's very important is the ability to get one level of subterranean parking to serve all the parking needs for the project with more units that are smaller. Because one reason somebody would want to build big units is so they can minimize the amount of parking that from both a zoning standard and a market standpoint they need to provide. Because you don't need to provide four parking spaces for a big two-bedroom*



*unit, but you need to provide four parking spaces for two smaller two-bedroom units. So, but to the extent that you can get all that parking on one subterranean level, you're effectively neutral as to how many spaces that is because once you've dug it and once you've built it, it's just paint and asphalt to figure out how many spaces. So I think that is a big mitigating influence is that ability to get on one level. Okay and so I think that will start to have some influence on the advantageousness of developing the smaller units. Another interesting thing I found and I'll tell you, I have never seen this before in the data I've looked at for housing prices. In West Hollywood in the last year, we looked back to a year of data before, you know, since really it's six months ago and a year because of the fact it takes a while for the data to come in, so it's before the big crash, is that the sales price per square foot of units typically falls as the unit gets bigger. So the absolute value of the unit is higher, but the price per square foot is lower. So small units tend to have high per square foot values and big units tend to have lower per square foot values. That is not true in the data we looked at in West Hollywood and in fact it was fairly dramatic. And even isolating out for the new product versus older product, the data that we got said there was a significant premium for big units being paid and it's bearing out on a per square foot basis. So that amplifies the fact that the market and the financial opportunity really has been focused on these big units. So this change will have an impact on the financial wherewithal (talking over).*

**Guardarrama:** *Excuse me, I have a question.*

**Head:** *Sure.*

**Guardarrama:** *Is there a reason for that being different in West Hollywood?*

**Head:** *You know, 'cause I've never seen it before, I'm going to have to say there is. I think it may be...you know, I don't know. I wish I did because I think it's a really interesting piece of data. And if it had just been like \$20 or \$30, I would've said okay, it's just a data glitch.*

**Hamaker:** *Is your research distinguishing between condos and rentals?*

**Head:** *We only did condos.*

**Hamaker:** *Thank you.*

**Head:** *We only did condos and we did them for a range of units that were 1,000 to 1,250, 1,600, 1,800 and 2,000 plus. Some of it is, because of the fact that your newer product has been bigger, is that the data weights towards...you know, the newer product is going to be more expensive no matter what, no matter...and so if you had some smaller units, I could have an actual apples to apples comparison. So I mean I'm not going to stand on the notion that it would go across the board, but it just seems, I mean it just seems to me that because people are building it and that's what they're choosing to build and because people are paying a high price for it, it's sort of two pieces of data that tells you people want big units. There is a market for big units, which of course lies in the face of your demographics because your demographics are small families, you know, they're small households.*

**Buckner:** Well, wouldn't it also be a possibility that people who have larger families don't move into West Hollywood because the units aren't there for them to live in?

**Head:** Well, I mean I think that's...that can always be true. Sure, I mean, but the units are, the units are plenty big, so if the developers were perceiving the need for three and four-bedroom condos, in these 2,000, 2,200, 2,500 feet, you could clearly build a three or four bedroom condo. I mean, so the development market is telling you that they think big two-bedroom units is what's selling. Not to say it wouldn't sell. I mean, obviously, you know, the West Hollywood market is a very strong market. It's going to have demand no matter what you build, I mean because of its geographic location and its amenities, etc. It's a great market. So it's one of those, if you build it, they will come. So I don't...I mean small units will sell, it's just the development community is telling you, you know, and that's for as I said, this is strictly a financial analysis. There are tons of policy reasons to make changes.

**Buckner:** And the economy's changed a little probably since your statistics.

**Head:** That's right. That's right. And everything has started, you know, has come down. No question. Absolutely no question.

**Altschul:** Does the fact that costs of construction is theoretically down in this particular economy, does that impact your analysis in any way?

**Head:** Well, it's down to the same, you know, for big units as it is for small units. My assumption is on the big units they're doing luxury finishes as well so they're having some higher prices than you would at smaller more affordable prices. On the other hand, if you do two small units, you're building two kitchens and four bathrooms and if you're doing a larger unit, you're building one kitchen and two, two and a half bathrooms. So the expensive items are more economical to build in a big unit than they are in a small unit because you're amortizing that cost over a larger space.

**Altschul:** So you're saying, I think I'm hearing you're saying that in West Hollywood because if you build it they will come, if we build small units they will sell to the extent that is possible in today's economy...

**Head:** Oh, absolutely.

**Altschul:** ...and if you build big units they will sell to the extent that it's possible...

**Head:** Oh, sure.

**Altschul:** ...in today's economy.

**Head:** Yeah, sure. It's just a matter of how it...what it folds to is how much money a developer will make and how much land is worth. I mean, that's going to be the variable.

**Altschul:** So, given the fact, given the fact that anything that is built will sell, from an economic standpoint is there any reason to just sort of pluck that choice from the property owner/developer and co-opt it for a public policy that may or may not be of benefit to anybody?

**Head:** Well, I think that's your decision.

**Altschul:** Thank you. Kathy, I like your answer.

**Bernstein:** Are you saying though in West Hollywood right now that it costs more per square foot to develop a smaller unit, but you can sell a larger unit for more per square foot?

**Head:** That's exactly what I'm saying.

**Bernstein:** So what you're saying is there's a tremendous financial benefit for a developer in building larger units.

**Head:** That's exactly right. That's exactly what I'm saying. Okay, so moving on, because that was financial impact. So the development scope implications, one thing that I noticed and I recently worked on a project in an unnamed city that had 54 units and 19 floor plans, which is just bizarre. I mean, because what a developer and construction will have you...and I...hopefully John will back me up on this, you want as much consistency in your floor plan and as few variations as possible to keep your cost efficient. So the more floor plans you have and more they don't line up with the other floor plans the more cost you have. So the notion, you know, and especially in a small project that you're going to have a lot of different floor plans and a lot of different sizes will again create a construction inefficiency conceivably, potentially. Not necessarily, but it's something to think about. It's an item to think about and it's certainly something the developers will think about. And having said that, I go back to the point that I've now belabored to the point that I can stop belaboring it, because the...so far the market has said they'll pay premium prices for bigger units, that idea of building a mix of unit types is a little bit contradictory to what they'd want to do from a financial standpoint. What they'd want to do is build a few really giant units and sell them for a lot of money. I mean, that would be the goal from a financial standpoint. So moving on, so from the housing goals standpoint, so the...one of the items in the proposed rezoning was to establish what the housing goals of this rezoning were. Conveniently enough, my first point is no longer true, so we'll just skip the first point on my outline that I handed out, which for the people that don't have my outline was that there was a requirement that there be at least three times as many units replacing any demolished units. Apparently that's no longer true, so I'm sorry, I misunderstood that. Okay, so moving on from that is the express goal of the rezoning is to create more units in the community. That's one of the major reasons for this proposed rezoning. Well, changing the average size threshold of units to reduce the average size will likely achieve that goal. You will likely see development occur. You will not...I do not believe you will see development shut down in the community and so you will implicitly get more units by reducing the size thresholds. That is my conclusion from what I see.

**Buckner:** And you base that belief on?

**Head:** The belief that people will continue to develop. Because what will happen is in fact if it's a detriment to the financial conditions of a project, which I believe it is, eventually what will happen is land values will adjust to reflect the requirement. Just like any kind of exaction or requirement, zoning, setback, parking, etc., they all influence...any type of zoning action that a city takes influences the supportable value of a piece of property and so it won't happen immediately, it's not like landowners will immediately say, oh, darn it, now my land's worth less than it was, but eventually everything falls into, back into equilibrium. So on your residentially zoned properties, which is what we're talking, we're talking R3 and R4 where you don't have an opportunity to build something else, eventually this new standard will take place. I will say, and I didn't mention it when I was talking about financial, if you look at my summary table, which is the third page on the handout, I ran some really conceptual pro formas. Much like you can't hold John to the design, you can't hold me to, you know, really specifics on these numbers, but their order of magnitude, they're good relative comparisons of with the existing zoning, what's happening, and the proposed zoning, what the impact is and if you look at the R3 existing versus the R3 proposed, your average unit size being developed in R3 now is in the 1,600 square foot range. The requirement being proposed is 1,400 square feet. When I ran that all the way through and keeping in mind I've got parking all on one level of subterranean parking, so the parking costs are equalized, it's not that big a difference. You know, if you're in a 1,600 square foot world and you go to a 1,400 square foot world, it is not...and in my analysis, in the existing plan you'd have four units and in the proposed plan you'd have five, just fitting into all the footprints, etc. So picking up that extra unit at the slightly smaller size mitigates the financial difference.

**Buckner:** For the R3.

**Head:** For R3. When you go to R4, it's a whole different story. That's because in your R4 development people are building 2,000 square foot units and the proposed standard is 1,100 square feet. So that's a much more significant difference in what the...the product type being developed from what's being developed now to what the limitation would cause. So there's a relatively significant financial implication to that change.

**Bernstein:** Can you...I believe what you said is that this will work to increase the number of units that are produced once land values have dropped sufficiently to make it economically feasible, can you project what kind of drop in land values we're going to need to see in order for this to work?

**Head:** In R4 it's about...based on these numbers about 14%, so you could say 10 to 15%.

**Bernstein:** Okay.

**DeLuccio:** And the units will go up eight, you ran from eight to 23?

**Head:** Yeah, because I used John's plan for the 23 on the R4, so I looked at that and then the eight was to get myself to the 2,000 square foot, 2,500 square foot units, I'm sorry.

**DeLuccio:** It seems a drastic difference to go from eight to 23.

**Head:** But if you look at the square footage of the two projects, it's 20,000 total square feet versus 25,000, so it's not as significant in the total square foot. It's just 'cause I have eight really big units and he has 23 1,100 square foot units.

**DeLuccio:** You're actually picking up more density.

**Head:** It's...you know, it's a little bit, but I mean and again, that's why I said nobody should go out and try to build my pro forma because I was just trying to get as close as I could to an apples and apples comparison. So just order of magnitude, if you said 10 to 15%, I think you'd be good. It'd be good to go on that.

**Bernstein:** Does your pro forma touch on population density? In other words, you're talking about almost a tripling of unit size, but do you have any projections in terms of the number of people?

**Head:** I didn't do that, but I mean I think just as a matter of my judgment is, the 23 units would probably have a similar population per unit as the eight units. I don't think you'll have larger families in the eight larger units. I think you'd just have a different type of household.

**Bernstein:** So you don't think families are moving into larger units, families with children for instance?

**Head:** Well, I mean I think so far and I think...and you asked the question earlier, I think so far that has not been built to in this community. The development community has not built that product type and even with the big units, they haven't been building family units, they've just been building big luxury units. So I don't think it'd be...I don't think it...I think the bigger units are probably actually generating a smaller population base than the 23 smaller units would when you multiplied it out.

**Altschul:** When we rewrote the Zoning Code last, the theory behind reducing the parking standard for a three bedroom unit to the same as that of a two bedroom unit was theorized to be as an incentive for families to move in and children would not require parking spaces. In your study of West Hollywood today, do you think that that's a valid statement, an invalid statement or something that you can't address?

**Head:** Well, I mean I think it's a valid statement conceptually. I think your development community didn't follow it up by building family units.

**Altschul:** So, and but realistically, is it still something that could or should be strived for or is it just still pie in the sky?

**Head:** *That I can't answer.*

**Altschul:** *Okay.*

**Head:** *So, I just have a couple final points, which was on the goal of getting more affordable units. I'm at the end of my outline. I think it's really important to recognize that the total sales price for these smaller units will be lower than the total sales price for the bigger units. I mean I think that's just true, but the kind of prices we're looking at, and I was looking at 1,100 square foot units. I know there's a 1,100, 1,200 square foot issue, but just if you stick at 1,100 for the purposes of this discussion, you know, we're looking at units in the \$660,000 range and when you go to the 14,000 square foot units, we're looking at units that are almost \$900,000.00. So even though they're more affordable than the product that have been...had been being built, that was a lot of B's, prior to the moratorium, it's still prices that, you know, your workforce, the workforce that you're looking at, that 80% of the people on your list earning \$36,000 or less, I mean clearly this is not, with the zoning change is not going to make any material impact on your low and very low income population. I mean it's merely just going to make less expensive, expensive units. So I don't think it...I don't think this goes a long way in helping with the affordable housing goals.*

**Buckner:** *So you don't think that this change is going to really address the issue of all of our families that are waiting that need affordable units because there's not going to really create enough?*

**Head:** *That's correct.*

**Buckner:** *And they wouldn't be able to afford these units anyway.*

**Head:** *Correct. And with that cheerful conclusion, I am done.*

**Altschul:** *Thank you so much, Kathy.*

**Head:** *Sure.*

**Altschul:** *It's good to see you.*

**Head:** *Always a pleasure. I'll just be back here.*

**Altschul:** *David?*

**DeGrazia:** *Oh, thank you, so that concludes what we have for now. We're available for questions.*

**Altschul:** *All right, are there any further questions to staff before we start the public testimony and with respect to the public testimony, we have 20 some odd speakers, I think we should allow everybody three minutes to speak. They are quite a few issues to be discussed under this comprehensive study and this comprehensive presentation. So you will have three minutes to speak. Please state your name and if you so desire, your city of residence. Prior to that, are there any questions of staff right now?*

**Yeber:** Yeah, actually I have two questions. I wanted to hear the whole presentation from staff and their consultants. A few things. David, we spoke earlier and we were talking about, this was brought up by yourself and Mr. Kaliski regarding the slope which leads to the whole amend...requirement that there be either that the garbage disposal and recycling bins be at surface or there's some sort of mechanism to get them up to surface and I was wondering if you could basically just again tell me how you envision that happening or how you thought developers might tackle that. Is there a loss of parking obviously if there's some sort of mechanism in the garage that has to bring, you know, because obviously you can't put a dumpster in an elevator. You've got to have some other device to bring it up. And are we absolutely certain that Athens has difficulty or any other garbage disposal getting a dumpster up through regular means on a 20% slope?

**DeGrazia:** Well, I guess I'll start out by saying today the maximum slope that anyone is allowed is 15%, so by increasing it to the 20% max, we were trying to provide some more flexibility for developers especially based on the fact that we found through the studies with John Kaliski that that sometimes could increase the parking in the garage by one, two spaces, which was helpful. When we did increase that maximum or the proposed maximum, we spoke with our Public Works people at City Hall. Their concern is that anything over 15% they see as being dangerous for those scout vehicles who have to go into those buildings and bring out the trash. They're worried about runaway vehicles or a runaway bin and from what their experience is, this is already an issue even at the 15%. So there's some liabilities issues with that and they didn't want to increase that. Secondly, they felt that it was okay if the levels we're at now, they just didn't want to go beyond that. So in order to still keep the increased slope, we're putting in that requirement that if it's going to be over 15, then it has to be at grade or they need to have the lift. So you're entirely right that may cause them to lose parking spaces, but it's something that at least at this point the City policy is that although Athens or other trash carriers may say they can do that, it's still just not a very safe way to do it and there's always a possibility that we'll have a different trash carrier at some point who will not want to do that.

**Hamaker:** But David, if the point, was the point of increasing the slope to get more parking spaces?

**DeGrazia:** It was.

**Hamaker:** Then if the increased slope is going to require less parking spaces because of the trash, what's the point?

**DeGrazia:** Because they can keep the trash at grade and then still use the garage space for extra parking spaces.

**Keho:** Right and I would like to say that there...you know, on some projects, courtyard projects for example, they already allow them to go to 20% and that had begun to be a problem with trash collection. So over the last several years, when people have been proposing that, you may have noticed that you're starting to see more trash and recycling on grade because we've

been bringing that up in our design review process and so the developers are saying, okay, we can locate that on grade and they can find a place on the property that's adequately screened, it's not going to cause a problem for the neighbors and then have a sidewalk access for the trash and recycling. There's also some other projects, I don't believe they finally chose to do it, but there's some other ways that you can get trash to the grade, to the...up to the ground without having an elevator. It could be some sort of small lift or something like that rather than a full elevator.

**Altschul:** There have been approximate...what, to my recollection, there have been at least a dozen variances given to allow the 20% slope. Do we have any data or any experience with that to tell us how it worked, how it's been working or has it been constructed yet?

**Yeber:** Or even a better question, do we have any data from other cities that there's a problem with the 20% slope? I mean I guess that's what I'm trying to get at is, if...I'm cert...I would find it hard to believe that other cities aren't as concerned with public safety as we are and if it's not an issue for every other city surrounding us regarding the 20% slope, why is it an issue for us? And I'm just wondering if Public Works, you know, has done their due diligence and looked at other Public Works Departments and seen if it truly is a problem. I guess that's where I'm just...it's very fuzzy for me, this whole slope issue and this...I almost feel like it's almost a made up requirement on our part and I would just hate for us to go through this misdirection only to say, well, a developer doesn't want to put trash on grade. I know I personally would prefer to see, you know, the garbage below grade and hidden for us to end up losing space because it's counterproductive.

**Keho:** I guess if we increase....

**Altschul:** Excuse me, this sort of tends toward discussion rather than question. Okay, at this point can we keep it to question and then discussion? Let's not let....

**Yeber:** So let me...why don't I go on with other questions. The economic, your economic consultant mentioned that there was a developer incentive was to be able to park on one level and with our size lots, with a single lot, not a dual lot or a lot that's been...you know, several lots have been assembled, have there been many people attempting to do several levels below grade? I would think that they keep it at one level and then build according to what they can park and so I'm sort of wondering how that becomes an incentive when it was already in place. I mean the conditions are already in place to not allow them to go below grade, to go a second level below grade.

**DeGrazia:** Well, and now Kathy can correct me if I'm wrong on this, but I believe the incentive that she was talking about was with that increased slope that it's possible to get usually a couple more parking spaces in there and you're right, usually the units are determined by parking first and the vast majority of residential buildings in West Hollywood just do one level. It's very rare that anyone does two. It happens very...once in a while, but not too often.



**Yeber:** So it's not really an... 'cause I thought it... I thought I was hearing her that it was a developer incentive so that they could park... they didn't have to explore a second level. And I guess my comment was, they're not exploring a second level.

**Keho:** No, it's not an incentive in the way that we use incentive as something extra. She's just saying that it's a benefit by increasing the ramp slope, we get more parking so that's beneficial to the developer. They can put more cars there.

**DeGrazia:** And then therefore perhaps an extra unit.

**Yeber:** Okay and then lastly, what prevents a developer... this was asked before and I'm not sure it's been addressed yet, what prevents a developer building the same size unit within the average unit size throughout the entire project?

**DeGrazia:** As last time I said, there's no requirement that's going to keep someone from doing that and we're not proposing that that's the case. We're thinking that this is something that will encourage it and as John was saying will be as a long term increase a variety of units. I don't know if John has anything he'd like to say to further address that?

**Kaliski:** That issue was balance. It wasn't....

**Keho:** Right, and....

**Hogin:** He needs to go to the microphone.

**Kaliski:** David's right. What we were really getting at was the extremes, not what was in the middle. What we were saying was that, and Kathy Head mentioned this in terms of the trends, if the goal was to encourage fewer projects over the long run that had a few very large units or if the goal was to try to encourage not to have a lot of little tiny units, then by putting the average unit size you sent a signal to trend towards neither of those extremes, but we were silent on, you know, if somebody wanted to build all two-bedroom units and they wanted to hit the middle and they could make it work.

**Yeber:** Okay, thank you, and then last question for staff, and Commissioner DeLuccio brought this up, was... had... has the City actually studied, done as much study with a net approach versus... I'm sorry, a gross approach versus the net approach and what would be the... what was the rationale used for going in the net direction?

**DeGrazia:** I'll let John speak further to this, but the real goal was we wanted to focus on unit size. The purpose of the IZO was not for building articulation or neighborhood compatibility or any of those things and those are all things that we're looking for and we think are great and we intend to explore further in the General Plan process, but the explicit reason for the IZO was to get a unit size and type and in speaking with John and then John doing studies and also having studied the gross method after that came up at the last meeting, we still felt like to get at unit size, if that was indeed our goal, net was the way to go.

**Yeber:** Okay, thank you.

**Bernstein:** I have a question. If we simply change the parking slope and reduce the parking requirements, wouldn't then the net effect if I'm understanding correctly be to tend to decrease unit size and increase number of units?

**DeGrazia:** It certainly could. It would decrease cost as far as having to provide those parking spaces.

**Bernstein:** So wouldn't then that also tend to provide less expensive units without having to wait for a 15% drop in land value?

**DeGrazia:** I'm going to defer to Kathy on that one.

**Head:** Is this on? I think to some extent that would happen, they'd get another unit in, but the pattern as I understand it that's been occurring recently is big full floor units and so yes, some of that is dictated by the fact they want to be able to park on one level of subterranean, but in fact as it stands right now with the big units that have been developed, they could've built more parking on that one level of subterranean than they needed for that design. So it's not a one to one relationship. There is some perceived benefit to the big units.

**Bernstein:** Okay.

**Altschul:** Stay there Kathy a minute, Joe has a question.

**Guardarrama:** Ms. Head?

**Head:** Yes.

**Guardarrama:** Did I understand you correctly when you said that because of increased construction costs, developers don't generally like to build various sizes of units because they like to stack them up on top of each other?

**Head:** Yes.

**Guardarrama:** Okay, so if we by effectively just reducing the average unit size or setting an average unit size, what we're essentially saying is even though you can build these larger units and smaller units and still come out the average, what we're going to get is a lot of average units?

**Head:** Well, not necessarily. I mean, the thing...what I was trying to convey, I mean 'cause you can get them to fit and John's plan, you know, I'm sure a developer's plans can make a variety of unit types and you do see that in projects. You don't see all these uniform units in a lot of projects, but you...you know, if you have an eight unit project, you don't want to have four floor plans because your contractor who comes in and builds is looking at four different sets of plans, so it's just inefficient. So you want to have as few floor plans as you can while maintaining the marketability and the desirability of your project and stacking is important.

**Guardarrama:** All right, thank you.

**Head:** Sure. Am I staying?

**Altschul:** Thank you. No, I don't think so. Any further questions?

**DeLuccio:** Well, yeah, I know we want to hear from the speakers and I know we need to have more discussion on net versus gross 'cause that...I know we'll hear from the speakers on that. I really want to know more about that and also I want to be sure before we actually make a recommendation to Council that we get back to the affordability factor of this...of the IZO when it becomes permanent 'cause I'm a little concerned now about having affordable units.

**Altschul:** Is this a question?

**DeLuccio:** Well, yeah, I'd like to know how this will further our goals for the City to have affordable units.

**Keho:** Right, I guess our proposal was that this would not automatically result in affordable units in the term affordable that we tend to know it as being affordable to low and moderate income people. We know that that's not going to happen and it's difficult to try to find a way to develop housing that becomes more affordable even for workforce housing, so that's always a struggle we're trying to look for. So while we know it's not going to bring the housing price down to where we wish it could be, it brings it down somewhat and makes it more affordable to some more people. It doesn't make it more affordable to a large group of people that we like...that we wish it could be, but it does bring it into more people that could afford it.

**Altschul:** Thank you, Barbara please?

**Hamaker:** Yeah, John, I...this may be for Kathy also. In the SB1818 bonus story for affordable housing, if someone in the R4 zone decides to build that extra story, there's an increased construction cost because there's a difference between five stories and four stories in the way its constructed. Is that correct?

**Head:** That's correct.

**Hamaker:** So was that...is that figured in any of your costs?

**Head:** I didn't do anything with a fifth story.

**Hamaker:** Okay.

**Head:** So I...but you're right. When you go to five stories, you go to a different factor.

**Hamaker:** In your opinion then, if...would it discourage people from using SB1818 and building that fifth story because it would be too expensive?

**Head:** *To the extent that they can pay the inclusionary in lieu fee, probably yes. To the extent they have to provide the affordable unit on site then they would go for the density bonus.*

**Hamaker:** *Thanks.*

**Altschul:** *Any further questions from the Commission to staff at this time? If not, we will open the public testimony portion of the public hearing and again you will each have three minutes if you need it. Please state your name and if you so desire your city of residence. And we'll begin...excuse me, it's been requested we take a short break. We'll take five minutes.*

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:45 P.M. AND RECONVENED AT 7:50 P.M.**

**Altschul:** *If everybody would please take their seats, we have a long list of speakers and we'd like to get started. Please take your seats. Donald, Marc. Donald, Donald, Marc, hello? Okay, we'll just take one more minute, but if you'll please take your seats, we'll be ready to go. We'll start with David Hill to be followed by Kim Schneider. And hopefully by the time Mr. Hill gets to the microphone Donald will be back. Please proceed.*

**Hill:** *My name is David Hill. I'm a resident of the City of West Hollywood. First of all, I'd like to acknowledge the amount of work staff and their consultants have put into this report, 212 pages. I got 180 seconds. Staff has apparently had two years. I've had five days to review this. Even though I've heard the presentation, this is complicated stuff. A lot of what I've heard is, well, this is probably true, a lot of speculation. So forgive me if I still have some questions. I don't know why we need to propose an amendment to the General Plan outside the ongoing process when the draft General Plan update is due this summer. If we want more units in our small city, why would we tighten height restrictions? I've heard the presentation, but I still don't know where these match numbers of 1,100 and 1,400 square feet come from and I can't determine how this would interact and overlap with requirements and restrictions already on the books. Why do we have this 1950's time warp mindset when all around us people are building and converting lofts for a contemporary lifestyle, some call live, work, play? To quote from the report, developers typically propose a unit size and type based on demand. So in this severe economic downturn, why do we want to stop builders from giving people what they want? I don't know why we want to restrict mom and pop property owners but continue to encourage deep pocket developers to build bigger and better behemoths. Even single condo projects, we often have multiple design workshops with many opportunities for input from the community. Until I and the close to 26,000 affected citizens have a real opportunity to study and discuss these major and significant restrictions on how we build in our city, I don't know who thinks this is a good idea or how many think this is a good idea. I don't know why this is so urgent. I don't know why we have to do this tonight. Thank you for your attention.*

**Altschul:** Kim Schneider to be followed by Dorin McGough.

**Schneider:** Good evening Commissioners. And I want to thank you John for making sure that the residents were well informed and could be here tonight. Thank you. I find it difficult to respond to the rezoning amendment that I have had only six days to review, but my initial response is number one, to allow the ordinance to expire. The urgency of passing this amendment tonight no longer exists in light of the current economic climate. If stated correctly, the City has received only one application in the last two years for any new development. I propose the City allow this ordinance to expire so that the residents can have more time to review the 212 page document and have better questions and input. The City can then adopt the revisions into the General Plan. My second point is the exclusion of families in the already existing design of the City, but in the report it said that the average household is approximately one and a half people. Existing West Hollywood housing stock is generally around 1,200 square feet. It's not practical to house families of three or more people in 1,200 square feet. So essentially we are excluding families from our city. It seems that this amendment is proposing to maintain existing average unit size which will perpetuate the practice of excluding families. If the City's housing goal, if the City's housing goals include affordability then tonight's proposal will do nothing to advance that aim. Even at 1,200 square feet average, no one making \$36,000 a year can afford them. A perfect example is the new development at 901 Hancock where two units both under 1,200 square feet just sold, one for over \$1 million and the second for \$950,000. The calculation method, my third point, I'm quoting from the staff report, page seven, about including affordable units and average unit size calculation. Staff continues to believe that using net unit size is the most effective way to achieve the City's goal of addressing unit size, etc. This type of math seems to be based more on wishful thinking and guesswork than logic and evidence. In conclusion, I reiterate that there is so much in this report that every time I think I know something, it opens up a can of worms for a million other things and I would like to have more time to read it, digest it and hope that the City would allow this to expire. Thank you.

**Altschul:** Dorin McGough to be followed by Mark Howell.

**McGough:** Hello, I'm Dorin McGough and I'm very sorry to hear about Sal's passing. And in Sal's memory, I'd like to go back to the beginning. I've lived here since 1973, so I lived on North Kings Road originally and then I moved to North Sweetzer where I live now. And in the beginning of cityhood, I always think that those principles are something that we should look to. Of course, we grow and then there are developers and then everything gets confused and then bigger is better and, you know, and we lose affordable housing and we lose the heart of a city. We lose the soul of a city. And that's what I don't want to see in West Hollywood. I love living here and I want that for the people that come to West Hollywood. I'm for restrictions. Let's not turn West Hollywood into something else. People want to live here why, okay? Location, location, location, but besides the fact, West Hollywood has a charm. Why do I want to go to Laguna Beach? Because Laguna Beach has its own charm. So I would say, let's keep the integrity of our city, you know? Greed doesn't work. We're finding that out now and with the downturn in the economics, you know, we see greed doesn't work. So what I'm saying is, let's keep what West Hollywood was

*all about which was the architecture, the physical appearance, and I'm very against the new density and height. Someone previously brought up Santa Monica and Norton. Neighbors have referred to that building as the ugliest building in L.A. And that's in West Hollywood? That's what we were against. That was everything we were against. So let's, let's get back to the integrity. Yes, we all knew in the beginning we wanted growth, we all knew that West Hollywood would grow and nobody's against that, but the how is important. Do we want to sell the city out? I don't think so. There's a building being built at 1253-1255 and all I can say is I'm very, very fearful of what will go up there. So thank you very, very much for listening.*

**Altschul:** *Mark Howell to be followed by Harriet Segal.*

**Howell:** *Hi, good evening, thank you for hearing me. First I want to thank everybody involved. I know how much effort goes into all of the work that you do and it's a tremendous undertaking and I'm impressed by a lot of what I've heard here. I have so many thoughts right now and I did not prepare a statement tonight. I came kind of late to the party. I didn't have time to evaluate what you're doing, but I do want to comment because based on the things that I've heard just sitting here tonight, I'm really afraid that the positions that are being taken or the discussion that I've heard, you're trying to achieve an end result I think and you're going about it the wrong way and I think I'm speaking from a fairly informed perspective because I've lived in West Hollywood both as a tenant and I own historic property in the City now and I also own properties that were purchased more for development. And I've also developed very successful property in the City of Los Angeles and I've done it without increasing the size of the units or going crazy with growth. I've done it with respect for the neighborhood and I think that, you know, urban design and an importance on the esthetics can actually drive a developer to as high a profit margin as just going for size and scale and units, and I think that the City perhaps might, you know, should really go back to the drawing board and look at how you incentivize a developer's desire to make something beautiful that's going to be a lasting contribution to the City and I feel like I've lost some of you, but that's what makes West Hollywood such an amazing place to live. You drive down these streets, you know, Crescent Heights for instance, and there are some properties on Crescent Heights that, you know, from my perspective as a fan of good architecture, I think might be good targets for development and there are other, you know, two story buildings there that I would seriously want the City to dissuade a developer from coming in and taking down. A couple of other points, I think that...well, neighborhood compatibility is just a huge factor and I think that that should be foremost in terms of evaluating how the City moves forward with zoning. I think it might be a good idea to have instead of studies being drawn with conclusions that are being drawn from facts to actually talk to some developers whose work you respect, whose work you really respect and you say these are the kinds of buildings that we want built in West Hollywood and ask those people, how did you achieve profit here? How did you make that a worthwhile venture for you, for your investors? How did you make that work? Instead of, you know, contracting studies, which are all great and the data is fantastic, I think there are other ways to approach this that I think would really be beneficial. Thank you.*

**Altschul:** Harriet Segal followed by Jeanne Dobrin.

**Segal:** Good evening, Harriet Segal, West Hollywood. I apologize, I did not read the staff report because I was not going to speak on this. It was only during the presentation I heard something about the ramp going from 15 to 20%. Now my building is 30 years old and I don't know what our ramp is but it is a fairly steep ramp and sometimes when you're going out, unless you're a huge SUV, you can't see who's on the sidewalk. If you decide to have a steeper ramp, you might want to consider having a little buzzer that goes beep-beep that allows people that are walking by on the sidewalk to be aware that a car is coming out or a light that flashes or something. I think that's a minor thing compared to the size of the units and everything else, but it's just something that I personally have found difficult going up my steep driveway and it does...my car does, what do you call it, flat out or bump out or whatever it's called. Thank you.

**Altschul:** Jeanne Dobrin to be followed by Edward Levin.

**Dobrin:** Jeanne Dobrin, resident of West Hollywood. I feel that Ms. Kathy spoke brilliantly and I will address some of the things she said. But first of all, number one, architect Ric Abramson who's here tonight has lobbied for 20% slope for at least two years. In fact, he said that on one of his projects at 16½ feet proposed, that it was only one and a half percent more than the 15% and Terry Slimmer quickly corrected him to say that this is 10% difference. Pedestrian safety of 20% is very compromised because people cannot see as they drive rapidly up their driveway like they drive always in West Hollywood cannot see the sidewalk. Harriet is right. I appreciated Ms. Kathy's brilliant presentation, but I think I heard her speak of three and four parking spaces for large units. People, nothing over two parking spaces exists in the West Hollywood zoning ordinance. I had been fighting this for several years. A two parking spaces maximum for any size unit or number of bedrooms. Wrong. In fact, last year Mayor Land and Mayor Pro Tempore John Harmon proposed increasing the number of parking spaces to more. At the present time, one bedroom needs one and a half parking spaces. A two bedroom needs two parking spaces and a five bedroom would need two parking spaces. I hope that we lobby for something for better than that. And of course, the developers love to build multi bedroom units because they only have to provide two parking spaces. Wrong. Less than 5% of West Hollywood residents are under the age of 18. West Hollywood is an adult community and it consists mostly of, not all but mostly of single family households and two partner households. In fact, I think almost everybody with the Commission except, with the exception of Mr. Bernstein, is either a one or a two family household and I myself have one. Ms. Kathy says demolitions are to result in the construction of replaceable more units. That is supposed to be the purpose. That has not been the case. It hasn't occurred. We recently had 15 units demolished, old people and seniors thrown out of their units and 16 were built and this is all wrong. I feel that...I disagree with my fellow realtor there who says that we need to build units for large families. Yes, large families, they would like to be able to afford them too, but I feel that we have to address the community that really lives here and that is single fam...single and two partner households primarily. Although in my condominium building, we all pay the same thing and there's a five member family.

**Altschul:** Thank you Jeanne. Edward Levin to be followed by Lynn Hoopingarner.

**Levin:** Thank you Chair. Edward Levin, resident of West Hollywood. I support what I'd imagine the goals of this ordinance to be, which is to try to find some way to make more reasonably sized units in the City and as I understood the Interim Zoning Ordinance, height and mass and bulk was an issue and if its...we're now being told, well, we never really considered that, but if it's not an issue, why the reduction in height? Clearly it's an issue. Clearly in terms of neighborhood compatibility, we need to find a way to not build massive over-scaled buildings in the City in the residential neighborhoods. And in order to effect that, and this is why I've said it on previous occasion and I'll say it again, that using gross square footage per unit rather than net square footage is a better way to achieve that. It won't make any difference at all in terms of the unit mix. The staff report says we think it's a better way of achieving unit mix, the consultant didn't actually say that, he wasn't asked to look at it, I don't know any architect who will tell you that using net versus gross makes a single bit of difference on that. But it will do is it will allow you to control the mass and the bulk in addition to the unit size. But some of what we're being asked to look at in the specifics of this ordinance simply aren't supported on the basis of the reports we've heard. We're told the...well, let's have 1,100 square foot average in the R4 neighborhoods and we're being told by the City's own consultant that their numbers keep coming out to 1,200 net. We're being told by the City's economic consultant that that's economically infeasible until such time as property values drop as much as 15%. So clearly something doesn't make sense. Now in terms of the unit mixes and I think in trying to achieve a unit mix is an admirable goal, but if you look at this, 1,100 square feet, even 1,200 square feet, 1,100 square feet doesn't really quite work and the exhibits that I prepared, Exhibit...it's actually Exhibit D and Exhibit E, which you'll see that when you start looking at those unit mixes, they simply don't work. Yes, you can make small units and large units in combination, but too many times what's going to happen with 1,100 square foot averages, you're going to get...on the 23-unit project, you're going to get 23 1,100 square foot one bedrooms. It's the only thing that makes any sense. To try to make two bedroom, you're going to need to make tiny one-bedroom units. To do it, you're going to have to end up with 900 square foot one bedrooms, which the market simply won't support. You're going to get absolutely no unit mix the smaller you go. So I really think that the goals may be admirable, but this ordinance as written is not going to achieve it and I think the better way to go would be gross square footage, even better than that would be floor area ratio, but there simply isn't enough time to study this and so I thought I'd be able to support moving forward on it, but I really think that this whole thing needs more time and that you need (talking over).

**Altschul:** Thank you very much Ed.

**Levin:** Thank you.

**Altschul:** Lynn Hoopingarner followed by Joseph Clapsaddle.



**Hoopingarner:** Lynn Hoopingarner, citizen of West Hollywood. I am even more confused, you know, why we are discussing an ordinance designed to achieve more affordable housing with a document that in no way achieves more affordable housing. We are in the process of revising our General Plan. I am again unclear as to why we are discussing these proposed changes exclusive of the General Plan as a minute piece of it instead of in the context of the General Plan. What is the rush? Why are we excluding issues such as parking and height averaging? Staff has specifically excluded these elements from this discussion and I think that they're critical to some of these decisions. Such as the fact as Jeanne pointed out, you do not have half a car. You have a one bedroom house with two people living in it with two cars. There's no such thing as a half a car. Our streets are crowded enough as it is. There's no parking as it is. It's time to address the parking in the context of all of this and not exclusive of this. The economics are also just a little baffling to me. How is driving down the value of the properties by reducing an entire floor of development possibility, which reduces housing, so we take a floor out of the four stories, you could take it down to three stories, that's less housing. So if we're about achieving more housing, how does reducing heights achieve more housing? My head hurts. This is just very confusing. The economic impact of that is the lower property value, less sales, lower prices, less property tax. There is an economic impact, not just to the property owners, but to the City. So staff, I don't understand the math. You reduce the property values, you reduce the property tax income therefore there is an economic impact. This is going to be impacting more than 50% of the properties in West Hollywood. It's time to look at things in the full context for the whole City and not just a rush...I mean, 200 pages, five days to review it, we are working people. We don't get to do this for a living. We don't have time to read 200 pages and respond in five days. Please, look at this as a whole and not as bits and pieces. Thank you very much.

**Altschul:** Joe Clapsaddle, Joe Clapsaddle to be followed by Ed Buck.

**Clapsaddle:** Joseph Clapsaddle, resident of West Hollywood. Good evening. Commissioners, I have nothing of substance to say with regard to adding to what the speakers before me have said. I just think that we've been given a task, which doesn't accomplish I think what all aspects of the community are seeking. If a word comes to mind after listening to the consultants and to the staff it's discombobulation. I am completely confused about how this would help us in any way. So I would urge you to allow the Interim Zoning Ordinance to expire, to integrate the tremendous opportunity we have with our General Plan to create an ordinance which will give us the ability to have creative solutions to all of the issues that surround this and I thank you for your attention.

**Altschul:** Ed Buck followed by Patrick Spillane.

**Buck:** Ed Buck, City of West Hollywood. You know, I've heard a lot of people come up here and say 300 pages, I feel like a monkey working on a math problem, I can't understand this. We've been doing this process for a year. Most of those 200 pages are boilerplate. They're documents that have been available for some time. More importantly, anytime you do anything in zoning, it's like a mobile. You're going to change something here and the balance will be set off there. We should move forward with this ordinance because the stated

*goal is...was clear. As we move forward, let us not be so concerned with the profit of the developers. Let's remember, we live in the creative city. Let's put people over profit. We will build a city and they will come. The reason they want to come to West Hollywood isn't because we have nice buildings here, but because we have a soul and a heart. And if we decide that we are going to sell that out, well then let's just sit here tonight and make all those properties 10 stories. That'll make them more valuable. Follow the economic argument to its logical conclusion and we should allow a property owner to put a nuclear waste dump on their property because we'll increase our tax base. That's not what it's about. This is about the people who live here. And that should be our guiding principle. Thank you.*

**Altschul:** *Patrick Spillane to be followed by Lauren Meister.*

**Spillane:** *Hello, Patrick Spillane, I'm a resident of West Hollywood and also a property owner in an R3C zone. I'm also a full disclosure real estate developer and develop commercial mixed use and residential projects. I have no projects in West Hollywood. I'll tell you that the maximum average unit size is bad planning. Good planning sets a framework by which creative people can create good communities that respond to the market at the time in which those buildings are being built. You cannot regulate the market. The market will either respond to the regulations you put in place and do something or it'll move on. Right now the average unit size is something that will not fly. You will not attract development to the City, you will not create values, you will not create affordable housing, you will not create more opportunities. Right now the City regulates density by the number of units based on zone and the square footage of the lot size. Nothing that's being proposed changes that. You're not going to really change or increase units. You're just simply restricting units, which means you're changing the envelope, so why don't you focus on looking at the envelope of the buildings so that you can create good contextualism in our neighborhoods? My R3 zone house sits next to an R4, yet I have the same building envelope as my next neighbor who has more density. That makes no sense to me. If I'm in a moderate or medium density zone, I should have a different envelope as should the R4 next to me. So I think those are the bigger issues that we really need to address and clearly the General Plan process is going to do that, but it's a mistake to start trying to create economic regulation at the planning because it's always a mistake. The market is constantly moving. The ICO, IZO was responding to a bubble economy that no longer exists. It's really not necessary. Not to say that the old zoning makes sense because the units you got responded to the planning that was in place. It's no magic the number of units that developers built. They looked at the number of units that the lot allowed, they looked at the four floors, 45 feet, they looked at the number of parking spaces they could get into that garage that was available to them whether on grade or subterranean, and generally speaking with some exceptions, that's what you got. And if that resulted in a 1,600 average unit size or an 1,800 average unit size, that's what you've got and there are several developers right now that are trying to market their properties that are pretty woefully sad that that's how they planned their buildings because they're not going to be able to sell for the values that they need to make any money. So*

*their banks will be dealing with that issue. But again, that's the market. You can't legislate it. Do good planning, create setbacks and zoning envelopes that people can respond to and respond to the time and place in which those buildings get built and that's how you create a vibrant natural community. Thank you.*

**Altschul:** *Lauren Meister followed by Elyse Eisenberg.*

**Meister:** *Lauren Meister, resident of West Hollywood. Good evening. Excuse me, I appreciate staff's work on this report, but I remember when the ICO was being introduced and the primary reason for its inception and its urgency was to slow down the loss of affordable and workforce rental units. This report talks about the benefits of smaller units over larger units, but we're still not talking about affordable units. The fact remains that we're losing existing affordable and workforce rental units at a greater rate than what's being created by SB1818. I thought the City's housing goals, what West Hollywood was founded on 25 years ago were about protecting tenants and keeping existing units and creating affordable rental units. I go back to the real issue at hand, how do we protect our existing rental units? The reason for the IZO's inception to begin with, let's take a holistic approach, let's talk about reinstating height averaging, basing parking requirements on square footage, incorporating transitional zoning and doing some real analysis on what affects SB1818 has had on our community, are we losing more affordable units than we're gaining? And I just wanted to bring to your attention an article that was in the Times. Most of you probably saw it last Wednesday, "Judge tosses out parts of housing density law." A Los Angeles County Superior Court Judge Tuesday tossed out portions of a City law approved last year that allows developers to build taller buildings in exchange for setting aside some units for affordable housing. Judge Thomas McMeans' ruling throws scores of proposed developments into doubt because it prohibits the Planning Department from processing any project applications in which density would be greater than what is authorized by State Law and this was an L.A. case, City of Los Angeles. So anyway, thank you.*

**Altschul:** *Elyse Eisenberg followed by Sharon Sandow.*

**Eisenberg:** *Elyse Eisenberg, resident of West Hollywood. I would like to say that I'm speaking in favor of the proposed, of the staff report and the proposed changes, certainly in terms of our neighborhood, one of the R4 neighborhoods that's recommended for down zoning, which is something our neighborhood gathered together last year to request. We noticed all of the neighborhoods with our agenda saying that down zoning was going to be an issue and we had a unanimous consensus that that was what we requested. So certainly we would like to support that. One of the things I would like to talk about that I heard tonight, there was a tremendous amount of focus on the developer's profit and I would like to echo what Ed Buck said that really the focus should be on public policy. A few Planning meetings ago, one of the commentators pointed out that in terms of the required housing that needed to be developed for the City, the City has already far surpassed the luxury housing quantity that would be requested, but what we haven't focused on are the workforce and the affordable housing and I think the...whatever the kinks in the recommendations, I think limiting and making an average size unit is a good way to achieve that. And I*

*don't see anything wrong with an entire building that has one size unit if the average is 1,100 square feet. I also think what the economic adviser said that you build it, they will come because this is West Hollywood. What Jeanne said that was made perfect sense is you build for the people who are here. I don't think that West Hollywood is a family oriented community and even if we built larger units with more housing that they will come. I unfortunately am not a parent, but if I was, I don't think I would want to live within a couple of blocks of a nightclub district, which is the majority of this city and we attract a certain type of people to live here and most of the people who do live here who have families, even in large units move out to areas where they have yards and a different kind of school district. So I think the focus on developer's profit and trying to build for families that don't exist here is not realistic. One of the issues that I thought the...I appreciate all the work that was done by the economic analysis, but I think a key component was missing and that is the analysis was based on the developer's profit, but what about the profit to the City and the tax revenues? I would stipulate that if we built a lot of smaller units, our tax basis will probably be greater than fewer large, more expensive units. And I would also say that saying the market demand for larger units is there, I would agree again with the developer that spoke just before me that that's not the case. I live in a building of 100, 102 units that has turned over more units of a smaller size in the same neighborhood as a 15-unit building a block away that hasn't sold out in three years. Thank you.*

**Altschul:** Thank you Elyse. Sharon Sandow to be followed by Grafton Tanquary.

**Sandow:** Sharon Sandow representing the West Hollywood Chamber of Commerce and I don't want to repeat the same thing that you've heard all night tonight, but ultimately the urgency which brought us into this place two years ago has no longer...is no longer in existence. It's not an urgent issue. It's something that the General Plan will be addressing in a short period of time and I think that we need to allow for the General Plan to be put into action and to take place. Also, excuse me, additionally we don't want to be legislating out families and I think that some of what this document does does legislate out the potential for families moving into this community and I think that that is not a good goal to have. Thank you.

**Altschul:** Grafton Tanquary to be followed by Arie Friedman.

**Tanquary:** Good evening, I'm not shy so I don't mind repeating what other people have said before. I've lived in this City for 50 years. I was married here. I bought a home here and my two children were born here.

**Altschul:** State your name please.

**Tanquary:** I'm sorry, I'm Grafton Tanquary, I live at Lafontaine at the corner of Fountain and Crescent Heights, a beautiful old building owned by Mark Howell and his associates and I want to say he's doing a great job keeping the building up. It's very hard with these old buildings. As people have mentioned, the City placed a moratorium on new construction because they were concerned about the increased size and these large buildings that were being built locally. And

*yet staff has recommended that in...that along Crescent Heights, the four-story buildings be permitted and with the provisions of Senate Bill 1818, that means they're going to be five stories high. Once you start building five story buildings on that street, you're going to have some very unhappy people. You may not have blood in the streets, you may not have heads rolling, but there's going to be a lot of discontent. And I submit that in agreement with other speakers before, we need to find some way to require compatibility and average heights on the...on our residential areas, especially those areas around Crescent Heights in the center of the City. Thank you.*

**Altschul:** *Arie Friedman followed by Anson Snyder.*

**Friedman:** *Arie Friedman, I did not read the 200 pages because no notice was sent to me this month and also in 2007, when you did the new ordinance, you did not send any notice to me or to my colleagues. Now on 2007...from June 2007 and to this day, only one application has been submitted, so you are going to shut down the developers and if the City of West Hollywood wants more condominiums owner, it cannot be accomplished within the limitation proposed. Maximum height of 35 feet for R4 zone is too low and should stay 40 feet, 45 feet. Unit size of 1,100 square feet is far too small for those who wish to live with roommate or for individual who wish to have children. So let it be expired and I analyzed some of the assumptions that I read and you will need two stories subterranean parking because the 20% slope, if you don't have an alley, you have to have the trash can in the parking and it's not enough if you want to have more units. So, let it be expired. Thanks.*

**Altschul:** *Anson Snyder to be followed by Todd Elliott.*

**Snyder:** *Planning Commission, good evening, Anson Snyder, City of West Hollywood. Got a couple of comments on this. Having been a practitioner, a planner by background, having written policy for the City of Los Angeles and prior work, and as a banker, I can walk through the real estate and the finance and some of the pro forma costs. Fundamentally, this was brought forward two years ago as an emergency ordinance. My question is, just what's taken place over the last two years to bring this policy forward? We're getting it in almost the 24<sup>th</sup> month. Typically, I would consider working at which stakeholders have been spoken with in developing this policy, bring this policy forward, and then look at some of the practitioners when you're rolling out a policy. We want to make sure it's implementable. With this group right here, there are many practitioners, architects, developers, bankers, attorneys, all who can look at this policy and say, hey, in real life how would this be implemented? I ask that if we haven't done it we go back and we include those members of our community that will put this to play. Next question I have is a fundamental, you know, what will the impact on small info projects, less than two units, 10 units be? And looking at what the impact on development fees including the affordable housing in lieu fees will be. I think those are considerations. I'm an affordable advocate, housing advocate. I sit on the West Hollywood Community Housing Corporation Board. Those in lieu fees go a long distance towards the work that we do. The Housing Corporation I think spoke about this at the Board meeting. I wasn't there and I don't know if the Housing Corporation took a stand on it, I'm just speaking for myself personally. Next up is the EIR. I know the City Attorney*

*asked that there be a negative declaration. I actually asked the Council reconsider its position. I think there should be greater discussion now that sits around these development standards and their potential impact on the neighborhood, city and region. Finally with the IZO, data was presented tonight. I think the data really needs to be flushed out a lot more. I think it should be transparent to the community and show it to the practitioners, does that work? The sample that was included in the package, I would say and certainly having been a banker, let's look at the sustainability. Let's not look at the projects that have been over the last couple years. Let's go back and flush out that data. So where have we been, where are we now and where are we going? And I think it's an important thing to look at. Finally, when I read this on the goals, what are we looking for, smaller units, fewer demolitions or fewer planning applications? I don't think the proposal here will deliver. Please take it back.*

**Altschul:** Thank you, thank you Anson.

**Snyder:** Thank you.

**Altschul:** Todd Elliott followed by Ric Abramson.

**Elliott:** Good evening, Todd Elliott, the City of Los Angeles resident. I'm following up on my comments from the last public hearing on this matter and I guess my initial thought which many people have said is what's the rush? The market conditions are very different now such that allowing the IZO to expire and thinking through the process wisely and carefully makes a lot more sense. I notice in the staff report there's a response to my prior comments about how market rate housing may be distributed throughout the region and that that's speculative. I don't think it's speculative at all. I think it's actually evidenced in your staff report and firmly committed to by your consultants that that is the demand 1,600 to 2,000 square foot units. So I pose the question again, are we going to analyze within the environment if those units aren't built in this area, where will they be built in the region? And the environmental document that you have in front of you does not do that. I think clearly the key issue that's driving all of this is parking. I've been doing business in this community for 25 years and I can continually hear the question, how are we going to work the parking? But that's not brought up in this document. It's not carefully thought through. It's to be addressed later and in environmental parlance, that means piece meal, that means thinking not at the whole of the action, but of parts of the problem. I agree with Mr. Snyder that we are not carefully looking at how this will affect in lieu fees for affordable housing. Smaller projects of less than 10 units would have an average unit size of 1,100, which means smaller buildings, our in lieu fees are based on square footage. They would drop considerably. I don't want to just offer criticism, I want to also offer solutions. I think the solutions on the table are adopt or not adopt and I think one solution that you could look at is further studying this over a 90-day period. Not that many planning applications would come forward. There'd be an opportunity for the advanced planning subcommittee to work with the business community and residents to carefully flush out an ordinance, a recommendation to the City Council that would be well crafted. So I would ask you to reject this and think it through further. Thank you.

**Altschul:** Ric Abramson followed by Chris Kirby.

**Abramson:** Good evening Chair and Commissioners, I'm Ric Abramson, resident of West Hollywood. I think there's been a great deal of very positive input tonight and, you know, there's been a lot of discussion about the number of pages and the complexity of this document. And ultimately this discussion is about making a city and making neighborhoods and, you know, two years ago when the urgency ordinance was brought forward, I actually have a copy of the staff report and it says Council members expressed the need for comprehensive review and revision to existing multi-family development standards. And we were sort of told at the time and I think as a community we understood that it was necessary to take a bit of a time out under the auspices of coming back two years later and looking at a more comprehensive solution, understanding that zoning itself needs to account for all its variables, whether it's height, density, parking, open space, setbacks, the affordable requirements, some of our new green building requirements. As I mentioned at the last hearing that over the last three years, this community and our Council have implemented a number of new ordinances which have affected the size and the massing and the articulation of our buildings. So we're now at this point two years later where everything has been condensed to unit size and unit type, and frankly when it comes to unit type, I don't see anything in this language which in one iota affects whether somebody builds a two-bedroom or one-bedroom, and so now we're sort of reduced now to unit size and, you know, I agree with the consultants that when a unit size cap is put into place, there may be a tend to trend in a certain direction over much time, but we're talking about a General Plan process is coming up and a subsequent Zoning Ordinance that these tend to trends over a long time, I think we really shouldn't be counting on that. So ultimately, you know, what we need to understand is that this particular ordinance as written does not address density in any way, whether two years ago, today or tomorrow, if it was a 10-unit project, it's still a 10-unit project. And in many respects from where we were a few years ago, we're actually going to be larger. We understand that with affordable housing, it's a concession for an extra story, so there will be projects that are five stories and 55 feet. And in fact, with allowable projections if you allow rooftops, for example, you do buildings that are 65 feet to the top of the roof deck. So I think in terms of solutions that we want to promote, I have a whole slew that I would like to suggest, but I think the challenge is defining the question of where we're going, is it bulk, massing, articulation, parking, etc.? Thank you.

**Altschul:** Gene Smith, that will be our last public speaker. Oh, I'm sorry, Gene if you'll step back just one minute. Chris Kirby? Chris Kirby? Correction, Gene Smith, and that will be our last public speaker.

**Smith:** Gene Smith, West Hollywood, property owner in R4 zone, which will be changed to three stories, 35 feet where with SB1818 would be four stories, 45 feet. So I'm asking you the same question that I made last time that you please consider a provision to allow 45 foot height and four stories for construction of a single family residence in an R4 lot, either vacant lot or in conjunction with existing multi-family housing with no demolition. This would not be affected by SB1818. Height would still be consistent with new multi-family housing projects, which use SB1818 for another story. So you'd still maintain the

same height. This provision could tip the scale preserving existing affordable units by making it feasible to add existing multi-family housing to existing structures. Without this provision, it would be more feasible to demolish existing affordable units and simply build a whole new project four stories in height. Unit averaging would still apply, so we would not end up with larger over scaled buildings, blocky buildings. That would not be a problem. That would not be an issue. This is a minor fine tuning of the ordinance. Could help the City and would certainly help the neighborhood. Please consider it. Thanks.

**Altschul:** Thank you and with that, that concludes the public testimony portion of the public hearing, however, I suggest that we not close the public hearing because there may be a request for some questions or some dialogue with some of the people that testified. However, at this point let's take a five or seven minute break

### **THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:45 P.M. AND RECONVENED AT 9:00 P.M.**

**Altschul:** Ladies and gentlemen, could you please take your seats and we'll resume and conclude our discussions about this topic. All right and turning toward the discussion of this issue, I suggest what we start with is everybody each individually give a brief statement as to what you're feeling, where you stand on the issues that this presents and we'll see where there is a consensus and where there isn't and then pursue further discussion on the areas that need it. So who would like to start?

**Buckner:** I'll start.

**Altschul:** Please, Sue.

**Buckner:** I'm at the end. We'll go that way maybe. I...when I first read and I was reading my packet, I had certain reactions to it. My first question and concern was I felt that why are we doing this now when we have a General Plan in the works and even though the staff has indicated that there's consistency with the General Plan, it's consistency with the General Plan that may not be the General Plan when we're finished with this process. So that was one concern and I'm wondering why we're doing that now. I also believe that the reason for the ordinance, the interim ordinance in the first place is not quite existing at this point in our...the way the economy is right now and I'm concerned also that this is not going to increase the affordable housing units that we so desperately need. So those are my three main issues. I also couldn't quite understand, I'm not an Engineer, about the slope of the driveways and how that would impact it and also if they have to build a lift or something, that's just going to increase the cost of construction, so I don't know how that's going to remedy that problem.

**Altschul:** Okay, thank you. Who'd like to go next?

**Buckner:** Thank you.



**Altschul:** Joe?

**Guardarrama:** *My view of the IZO was that we were putting something into place that would disincentivize the tearing down of existing affordable multi-family homes and make it so if developers wanted to build on these lots that were occupied currently by existing multi-family structures, that they built units that were compatible with the existing neighborhood, meaning that monstrosity two-bedroom units weren't built that priced out neighbors or that priced out every neighbor. And so I think the IZO accomplished that goal, but I think that this revised version accomplishes the latter goal a little better and I think that's what we heard from both consultants tonight, especially from Ms. Head. So in that case, I'm perfectly pleased with this because I think the alternative of letting the IZO lapse and there be...and there being this sort of lawless state that we had back a few years ago is something that the Council seriously has indicated on not one, not two, but three occasions that they want. So with that...oh, and I have one more thing to say. I'm on the Design Review Subcommittee and we have seen buildings that have incorporated their garbage on the ground level even when they had subterranean parking and they've done so in decorative and sensitive ways to the neighbors, so I'm perfectly fine with the proposed slope for the parking, especially since it has the transition zones. So those things being said, I'm definitely in support of the staff recommendation.*

**Altschul:** Thank you, who'd like to go next? Barbara?

**Hamaker:** *Well, first of all, I appreciate what everybody said in the audience. I thought it was...I felt like I was taking a course for credit here listening to what everybody had to say because they were such interesting ideas. I also had a philosophical sense that we're sort of five years too late and that we're designing, we're planning for something that had we been psychic, we should've done five years ago, but we weren't. Or 10 years ago and that we don't really know what the future is going to bring because I really think we're in a new era. I think we're in a new era politically and we're in a new era with new generations coming forward and new ideas and new technologies and younger people who want to live in different kinds of environments. So I'm certainly feeling that at this point there is no urgency to continue this ordinance and I would much prefer to let it drop since the General Plan is coming up and really dig into this because this is all really fascinating to me, oddly enough. You know, to most people they would think we're all crazy in this room, but I love what everybody said and I'd love for us to come up with 10 different kinds of courtyard housing. You know, we have a courtyard housing thing, let's have a live work housing, you know, have all different kinds of housing and let architects come in and design something really wonderful rather than restricting them. I definitely have to state that SB1818 is going to allow five stories in residential areas in R4 zones and we can't do that. I just cannot see five stories in residential zones. I just think it's wrong. As much as I love affordable housing, it's fine on the major arteries, but not...it cannot happen that we allow that R4 to let them get that SB1818 incentive. So that's where I'm leaning right now.*

**Altschul:** Thank you. Who would like to go next? Alan?

**Bernstein:** I'm so glad we rescheduled this from the 2<sup>nd</sup>. I was transfixed by all the public testimony. I want to thank everyone who showed up. I heard a lot of different viewpoints, but I really literally in every single person heard just a great deal of genuine love for this City. I think that's something that everyone up here can relate to and it was just a very inspiring public hearing for me. I, you know, I was also very touched by Joe's comments about Sal and about his standing up for seniors and I am a person with a family here in the City. I have three children. I frequently have a nanny, which I'm fortunate enough to be able to afford and I not too infrequently if you know me have my mother with me and I could not do that in 1,100 square feet and I couldn't do it in 1,400 square feet to tell you the truth. I know that there was an urgency ordinance two years ago, but I am also aware that there was a more recent urgency ordinance from our Council about families in rent controlled, rent stabilized apartments and the priority that the Council found to make it possible for them to stay in this City and I am aware particularly because prior to being on this Commission, I was on an Advisory Board that tonight we really are an Advisory Board more than we are a Commission and I'm not sure where the Council views this right now, but I know that there are many families here and I respectfully take a bit of exception to the idea that we are supposed to move on once we have children. I like raising my family here in West Hollywood. I am aware of the pros and cons and it is not something that we would say to seniors. It is not something we would say to persons living with disabilities. You are old. You are feeble. You need to move on to where we are better situated. This is a wonderful place to have a family. And I don't understand why we don't want larger units and therefore I can't support that idea. It's just an idea as a goal unto itself. And I think from what John said, we're going to have more conversation and I may have other things to bring up, but I'm not finding myself having an easy time supporting this recommended replacement ordinance and that's where I am right now.

**DeLuccio:** Well, time is running out, so we'll have to make a recommendation to Council whether we support it or not. I am...but I don't think it's quite there yet. I'm a little concerned about the limitation of the square feet of each of the units. I don't...1,100, I live in 1,100 square foot house and my bedrooms are very tiny. I think...I don't know why we didn't look at floor area ratio for example the same way we addressed it with the commercial buildings in the City. Net versus gross has come up and I don't think so far staff has fully addressed the pros and cons of that. I think they seem to be set in their...your ways right now to recommend the net, maybe because of the time restraint involved here, but I don't think we fully have fleshed out the net versus the gross. Floor ratio, I don't really see much height averaging addressed in this IZO, which you want to make permanent. Scope of the slopes, how the driveways of 20%, I'm not convinced it should be 20%. Maybe I can go along with that. That's like I think the least of what's going on with this recommendation here. But I do think the more serious issues do have to go with what do you recommend to Council, what...do you recommend a square footage for the size or do you...is it a floor area ratio? I just don't think we've fleshed all this out and then we have the...what you're telling us that the General Plan is moving along and I think I'm hearing that this would be sort of in sync with the General Plan? But is that what I'm hearing?

**Keho:** *I guess I'm not sure. So when you say sort of in sync....*

**DeLuccio:** *General Plan is on track right now?*

**Keho:** *Yes, it is.*

**DeLuccio:** *Working the General Plan?*

**Keho:** *We're working on the General Plan.*

**DeLuccio:** *And then...and usually you do a General Plan first and then you flesh it out to a zoning ordinance.*

**Keho:** *Correct.*

**DeLuccio:** *We're sort of doing this backwards here.*

**Keho:** *And we're...and that's...and there's a very specific reason why that's happening. That's because it was an urgency ordinance and there's a time limitation.*

**DeLuccio:** *I know, I understand that.*

**Keho:** *So we always knew that this was going to come back to us before the General Plan would have finished, so that was always understood.*

**DeLuccio:** *I guess my concern is that once we get through with the General Plan, I just know, I've been on this Commission for so many years and John has also, when we get through with the General Plan Amendment, I can guarantee you we will go back and be...and we'll be addressing this again.*

**Keho:** *Right and to the...that's exactly right. The General Plan will have certain items that will address residential issues and then the Zoning Ordinance would have to be changed after that, so you're correct.*

**DeLuccio:** *Right, this could be a major...where...this all...to me, this is right now being...this is a Band-Aid approach to me right now. I know two years ago was very necessary that the Council did what they did, but right now I just don't know if a solution is here. I would...I want to recommend something. I would love to recommend something to Council, but I just don't think it's fully fleshed out and we're just...I think we're doing it just 'cause we need to rush it along to Council or the IZO will expire.*

**Altschul:** *Okay, Marc?*

**Yeber:** *Yes, to sort of dovetail on Commissioner DeLuccio's Band-Aid analogy, I sort of feel like it is a Band-Aid on a healed sore. I am a little concerned that we haven't given this enough time. I really appreciate the work that's been done so far, not only by staff, by the consultants, and I really appreciate the public coming out tonight and speaking, you know, on this issue. It's helped me a lot to sort of understand what are some of the issues at play*

here. I am concerned that we haven't studied the result of letting the IZO expire and the few months or, you know, six month time period, if we just let it expire and let things revert to what they were, I'm not sure we will see much significant change in development because of our economic environment. It was also mentioned throughout our discussion several times, was mentioned that the proposed ordinance, you know, doesn't mention anything or doesn't focus on anything beyond unit size, number and type and as it was pointed out by one of our speakers, I'm not even sure where type is addressed anywhere in here. It's really focused on unit size and the number. So type really hasn't been, you know the unit type has not been addressed and that also leads me to my question, why can't we consider other issues result around these kinds of projects? Why can't we consider bulk and articulation? I know it was said that, well that's not what the mandate was, but that doesn't mean we're forbidden from, you know, taking it in that direction and certainly the affordability issue wasn't addressed. I mean, if you look at the affordability alone, the economic consultant has actually said, you know, has presented some numbers that make it really not affordable to live there. We have not addressed that issue and I think that in itself was the crux of the IZO. It may not have been explicit in the staff report back in 2007, but it certainly was, you know, the reason why we are...why that IZO went into place. Some of the comments for me that made a lot of sense were that, you know, by us inserting this ordinance is not really considering, you know, is taking it out of the context of the updating the General Plan. It doesn't address the issues in any creative fashion. It sort of puts, plugs numbers in and I'm not sure that is always a successful strategy. The focus should be on neighborhood context and not strictly on the size of the unit. It was mentioned...as I said before, it was mentioned about the loss of affordability, but this really does not address that and then so...and then finally, you know, I look at the...all the materials from the consultants and they're valid reports, but I...I'm not certain that the consultants were given the right frame work with which to study this issue. So I too don't think I'm comfortable supporting this ordinance as it stands right now.

**Altschul:** I think that contrary to what a lot of people have said that it is necessary to do something. I don't believe we can just sit back and let the IZO expire without plugging up some of the holes in the situation. There is an aspect of this that I find not acceptable and not desirable at all and that is mandating sizes of units. I don't think you mandate 1,200, 1,100, 1,400. If you want smaller, I think you incentivize. You don't penalize. So taking that out of it, how then do we prevent the flood of applications for really oversized growth that came in and that hit us before the downturn and we can't expect the downturn to solve this problem for us, because people that own property or people who have filed applications before and were frozen out because their applications weren't deemed complete before May 21<sup>st</sup> of whatever year it was, are going to come right back and file the same applications because those applications are worth money. And even if they can't finance them or they can't build them at this particular time, they can get two year extensions and two year extensions and two year extensions and then if the economic downturn continues there is stagnation and if the economic downturn doesn't continue, there's overdevelopment and overblown construction like there was before the IZO. So there has to be something done. So, and we I believe need to recommend something. My suggestion is to look at the height averaging and unfortunately

*we're in a time crunch and I don't know why it came so late or it came to us at a time when the time is so short, but it did and I think I would like to look at an answer as height averaging as the answer and the restoration of the parking standard of one parking space for...rather an additional parking space for a three-bedroom apartment and more bedrooms each having a parking space. I think those two things of itself will do most of what we need to accomplish to solve the eminent problem and in fact probably the long range problem. I think the...I think the 20% driveway slope is certainly something that is doable and should be done. Whether or not there should be buzzers, beepers and mirrors and all that kind of stuff, obviously that's not...that's in the details, not in the overall Plan, but those are always encouraged when people are driving out of driveways. We have mirrors in my driveway and, you know, hopefully I remember every day to look at them. Sometimes I don't. But so given that, John can you tell us what's you've gotten...I saw you writing things down. What have you gotten with total consensus, what have you gotten with partial consensus and what do we need to further look at?*

**Keho:** *I think it's...I didn't write anything down where it looks...oh, exception of maybe the slope. That might be the one that has the most...*

**Altschul:** *Do we seem to have total consensus on the 20% slope?*

**DeLuccio:** *Yeah, that's the least of it.*

**Altschul:** *Everybody? Okay, we have 100% consensus on the 20% slope to recommend to the Council. Can we go for 90% on something else?*

**Keho:** *On the slope, then I guess that include the trash, the slope and the trash all is one thing.*

**Altschul:** *Trash is totally up there with the slope.*

**Keho:** *Okay, so there we go. The other one that looked like it was split was whether or not to recommend letting the IZO expire versus doing something 'cause it seemed like there was a couple of...and I don't know.*

**Altschul:** *Well, don't we have to let it expire? We can't renew it.*

**Keho:** *Yeah, the ordinance will expire, but it's, well, recommending not doing anything at this moment in time.*

**Altschul:** *Ah-ha, all right. How many recommend not doing anything at this time? Can we...Commission...Marc Yeber, Barbara Hamaker...*

**DeLuccio:** *Wait a second, I think Alan has a question.*

**Bernstein:** *I mean, I just think, I think, I think we all want to do something. I just the concern is, can we get something done by June 4<sup>th</sup>, 2009 or do we want to do something better?*

**Altschul:** Well, the question right now is, how many people say let's do nothing and let the IZO expire and revert to the former zoning ordinance? Yeber, Hamaker, that's two. All right, what is the next issue that you see?

**Keho:** Let's take a look here. I guess unit size, it looks like that was...there wasn't really any...'cause some people didn't...

**DeLuccio:** Can we look at a range of unit size? Sizes instead of just restricting it to 1,100 and for an R4...

**Keho:** Sure.

**DeLuccio:** ...(INAUDIBLE) for an R3. I would like to look at a range of unit sizes.

**DeGrazia:** Let me just clarify, I just want to make sure everyone is understanding. We're not requiring every...we're not requiring an average....

**DeLuccio:** It's a maximum.

**DeGrazia:** It's a maximum averaging size.

**DeLuccio:** I think it needs...I want to look at a range, the range....

**DeGrazia:** For that maximum.

**DeLuccio:** Well, I want to....

**Altschul:** Just a minute. Add a range of sizes to the list to take a poll to see whether or not there are people that support that.

**Keho:** Chair. Can we have...Mr. Kaliski would like to....

**Altschul:** Mr. Kaliski, please?

**Kaliski:** Maybe I'm misunderstanding what people are saying and so I'm happy to be corrected, but what's being proposed is not a limit on maximum unit size.

**DeLuccio:** We understand that.

**Kaliski:** If somebody wants to build a 2,600 square foot unit, they can under this. All that's being proposed is if they want to build a 2,600 square foot unit, somehow they have to balance that with something else.

**Altschul:** Right, but that is mandating unit size.

**Kaliski:** No, it's not.

**Altschul:** Yes, it is, it's mandating unit size to create an average.

**Kaliski:** *In that sense it is, yes.*

**Altschul:** *Okay. So it is telling a developer if you want one 2,600 unit square foot size, you have to put in three 400 square foot units in order to come up to the four units that you're allowed on your small little lot. It's mandating size of units under whatever, however, whatever mechanism you wish to call it. You call it average, it's an average. But you're saying you have to calculate this rather than you don't have freedom of choice.*

**DeLuccio:** *of range.*

**Altschul:** *Freedom of range, freedom of choice, freedom of the ability to craft the look, the FAR, the design, whatever of your building the way you want it to...the way you want it. It has to average 1,200 square feet for each one-bedroom apartment. That's a constriction. That's a constraint.*

**Kaliski:** *It is a constraint.*

**Keho:** *Right. Maybe another thing to move on to that I don't think it was...had really been talked about was the reducing the height limit. If you...you know, because it sounds like there's still a lot of concern over the size of the units. The height, reducing the heights hadn't been brought up, it doesn't sound as much by the Commissioners (TALKING OVER).*

**Guardarrama:** *I have no problems with the reductions in the original IZO.*

**DeLuccio:** *And with the height? I don't...I'm not as concerned about the height. The only concern I have about the height is when you reduce the height, you...are you building out more of the envelope?*

**Keho:** *No, because the building still has the same setbacks. So it's...*

**DeLuccio:** *They still have the same setback. So how are you...okay, we're not down zoning, correct?*

**Keho:** *Correct.*

**DeLuccio:** *So we're not reducing density?*

**Keho:** *Correct.*

**DeLuccio:** *So how are we then eliminating height and building for...on the same envelope...*

**Keho:** *Right.*

**Guardarrama:** *They have to build smaller units.*

**Keho:** So they have to build smaller units 'cause they're instead of having four stories, 25% of the buildable area will be gone. So if they want the same number of units....

**DeLuccio:** You have smaller units, but you're not reducing density. You're not reducing...it's not down zoning or reducing....

**Keho:** Correct, 'cause if they could build 10 units, they can still build 10 units instead of (Talking over).

**DeLuccio:** I'm not as concerned about the height of them, I'm just more concerned about taking away more of the, you know, the green, the open space to be....

**Keho:** Right and that wouldn't be changing, the setbacks and the common open space requirements are all the same.

**DeLuccio:** But I think it goes back to height averaging ties into this actually. That's the way I would be....

**Altschul:** Okay, let's be focused on the proposals in front of us. Alan, you had something you wanted to...?

**Bernstein:** I'm chAlanged because you threw out the idea of revisiting height averaging, which actually to me is a very interesting idea. The problem for someone like me who came on to the Commission after height averaging is I don't have anything in front of me to know actually what that would mean, so I'm not in a position to move on it. I find the way, and I live in the neighborhoods. I live in the area that's largely affected by this. I find the way we're achieving the height reduction crude and it concerns me because I don't...I don't doubt that it's not down zoning, but I also don't doubt that it is reducing property value of properties that I suspect are overwhelmingly owned by individuals and family trusts and the crudeness of the solution chAlanges me although revisiting it as a conversation, which it sounds like height averaging would, is something I'm absolutely open to talking about.

**Altschul:** Joe?

**Guardarrama:** I don't think height averaging has anything to do with what we're talking about tonight. What we're talking about tonight is reducing the pressure on owners of multi-family homes to sell them to developers who will then tear them down and rebuild them at a profit, thereby getting rid of this affordable housing. Height averaging has to do with whether this building that we're proposing matches or fits in with the neighborhood. It has nothing to do with the economic pressures that caused the crisis. So that's why I don't think we should talk about height averaging.

**Altschul:** But it does in a way because when you maximize the R4 potential to its fullest without considering height averaging and compatibility with the residential streets as we used to do, it increases profitability. So it does, height averaging does tend to reduce profitability and in that way, it accomplishes a little



*bit toward what is being suggested toward average size of apartments, but it does it in a way that it doesn't tell a developer you must, you know, calculate to the square foot what each apartment is so that you can come to this particular average.*

**Guardarrama:** *I understand exactly what you're saying, but height averaging depends on the properties that are immediately adjacent to it and what the staff has proposed is a uniform standard for a certain type of zoning so a certain plot of land, if we use height averaging as a way of as being the great leveler, a certain plot of land that is next to a single family home might be more prejudiced than a certain plot of land that is next to a three-story apartment.*

**Altschul:** *Yes, that's a possibility. Donald?*

**DeLuccio:** *And I have a concern about...I mean, first of all, I don't think height averaging should ever have been taken out of the Zoning Ordinance. This goes back to 2001. We're talking about eight years later, so if we went back and we looked at height averaging, I'm not so sure we can look at it in the way it was in the ordinance. It meant if 50 percent I think of the street was a certain height, at least 50 percent of the street with a certain height, you couldn't go over...you couldn't build to the zoning...if you...say it was 50 percent was 35 feet of the street, you couldn't build...realize 45 feet if you could go that high. It was something like that, right?*

**Keho:** *No, there was several different components to it.*

**DeLuccio:** *Yeah.*

**Keho:** *And it all had to do with taking the top floor and moving...and setting it back from the front. So....*

**DeLuccio:** *Well, I guess some....*

**Keho:** *Someone could always build that fourth floor, it's just maybe they couldn't have built it all the way to the front of the building, it might have been only in the rear 25 feet or something like that.*

**DeLuccio:** *Yeah, I...we could revisit it, however, what I'm saying is that it's been so long ago that even a lot of the...unfortunately a number of the streets have been destroyed, that if you go back and try to apply the same height averaging we had back then, I'm not so sure that you're going to realize...get much out of it in terms of height averaging. I think we're going to find that you could actually realize the true height of that neighborhood because so many of the streets have changed. I don't want to...so, so maybe perhaps Joseph is correct in the sense, maybe this is not a con...maybe height averaging is not a conversation for what we're going to be recommending to the Council, you know, when the IZO expires. I actually would like to put FAR on the table, floor area ratio. I don't understand why we haven't looked at that in comparison to the way we look at it for commercial buildings and also again you already put range of square foot, the range of the square feet on...to look at. You know, I think...but I think the consultants already explained how that works. Have you surveyed other cities, if they have a restriction on the square footage of units when you put this proposal together?*

**DeGrazia:** We were told that that is not a common requirement.

**DeLuccio:** Okay, so that raises a red flag with me.

**Altschul:** Thank you, Marc?

**Keho:** Most cities, if they have unit, they do it the other way around. They're trying to get larger units.

**Altschul:** Marc?

**Yeber:** I just wanted to interject here. I'm just wondering, a lot of ideas are being thrown about and I'm a little concerned that we're going to take a ordinance that we...I think generally can think that needs to look at the study even further and we're going to make it even worse by just throwing these ideas out and not allowing staff enough time to look at some of these ideas, height averaging, how does that fit in, FAR, all this. And maybe John you can clarify, I know we're up against, you know, a very tight deadline, but if we were to send this back and say we need additional study with maybe some of these ideas before we can move forward, what would that take in terms of your time and then obviously the process to get it to Council, get a first reading and then, you know, anticipate their, you know, their further suggestions.

**Keho:** So it would entail you making a recommendation to Council that you don't believe that the ordinance as presented is adequate and so you would need additional time and you would ask...you would have to recommend to Council now because there's not any more time to continue it here for the Planning Commission and you'd make the recommendation to Council that here are the issues that you think need additional study and so you would be asking the Council yes, we need additional study so that, you know, the ordinance would be brought to them as well because it's going along, but your recommendation would be not to adopt the ordinance and instead let it expire and instead do additional study and implement an ordinance in six months or however long it would take to do it.

**Altschul:** And then do a tally that so many Commissioners recommended for the study of height averaging, so many Commissioners recommended further study of inclusionary of more parking spaces per bedroom, so many Commissioners wanted FAR, all seven Commissioners agreed with the slope situation and then let the staff decide how with this diversity of opinion given the lack of time and the lack of ability to analyze really everything that needs to be analyzed to do this in A-one shape, that they want to present it to the Council for the Council's final resolution. That's what I would suggest.

**Yeber:** Well, just to make it clear 'cause I'm not in favor of going back to the old ordinance. I do want to see us move forward on this. I'm just not comfortable moving forward with it as this stage. There are too many questions unanswered and I think we're not doing our due diligence. If we don't flush out some of these answers and try to get this as tightened up and as solid as possible....

**Altschul:** *I think everybody sitting here would agree with you...*

**Yeber:** *Right, so....*

**Altschul:** *...and I think....*

**Yeber:** *But I just don't want it to be framed that we want to go back to the old way. We just want to see a better ordinance here.*

**Bernstein:** *John? First of all, based on what Marc's saying now, I understood the straw poll that Marc and Barbara voted for it differently. I...we're in agreement on that. My question is, we have a compatibility finding and it seems to me as an interim thing, if things are coming in that are simply grossly out of scale of the neighborhood, we have a finding that permits us to say this is not compatible and we don't approve it. So it does seem to me and I'm curious if other people feel this way that we have a mechanism for the interim period while we're getting staff to review and revise this for handling out of control proposals and applications.*

**Hamaker:** *Well, I'd just like to say, I really don't think there are people standing in line to develop this. They're not waiting at the door for this to expire.*

**Altschul:** *They're not standing in line to develop it. They're not standing in line to turn shovels. They're standing in line to get entitlements that they can sell.*

**Hamaker:** *But do we have anything ready to be entitled? Entitlements take a long time.*

**Guardarrama:** *All they have to do is file the application.*

**Keho:** *Right, so I guess to clarify....*

**Altschul:** *All they have to do is file an application and get it deemed complete.*

**Hamaker:** *Well, it has to be deemed complete.*

**Altschul:** *And some of those applications were already filed and put on the ice shelf because of the IZO. You know, we can't close our eyes to the fact....*

**Hamaker:** *Well, that was not...*

**Yeber:** *Wait a minute.*

**Hamaker:** *...in the staff report and...*

**Yeber:** *Hold on, there's been several ordinances that we have passed along with the IZO that staff would still have to take time to review before they could consider any application deemed complete. Is that correct?*

**Keho:** Well, let me explain the projects that are in the works. So obviously there are projects we've had for two years, now the Interim Zoning Ordinance, so anything that's come in in the last two years has to comply with the current regulations. So we don't have anybody who's in the pipeline, you know, that...except for a couple that I think we have a lawsuit on, involved in that are just waiting there for the Interim Ordinance to expire because we had those applications withdrawn. You know, so there's some that changed the Interim Zoning Ordinance itself, but the others were withdrawn as applications. So we don't have applications sitting in our office waiting for the Interim Ordinance to expire and we haven't had any conversations with people wanting to develop new projects because right now the ordinance is what it is and so if anyone came in to us saying we want to build a project that meets the old regulations, you know, we can't say that yes, you go ahead and submit that because we couldn't accept...we couldn't bring it in and then deem it complete. So we really aren't having any conversations with anybody who's waiting to develop.

**Hamaker:** And the IZO expires June 4<sup>th</sup>, so there's always the possibility if we don't act tonight that the Council will go ahead and act on the staff recommendation.

**Keho:** Correct.

**Hamaker:** If we do allow it to expire in June, that's let's say five weeks from now, six weeks from now, it would give us maybe a month or two months to actually work on what we're all, you know, thrashing around here and come up with something. Are you feeling that those two months, you know, would be the Achilles heel?

**DeGrazia:** Well, I would think at that point, go back to what a lot of the Commission members have said that maybe then you want to roll it into the General Plan process so it's all looked at in a comprehensive....

**Hamaker:** But that...but David that's adding months and months and months and months and months. I'm saying...Joe is shaking here his head that the world is coming to an end, the sky is falling and we have got to do this and I now...I just don't have that sense and I adore Joe, I mean, you know, I just....

**Guardarrama:** That's why there's seven of us with different opinions.

**Hamaker:** And I have no evidence to support him or to support my opinion. So I, you know here I am making opinions and that's no good. That's no way to make public policy. It's ridiculous.

**Altschul:** I think that it's perfectly obvious that we will not ever achieve a consensus this evening, a unanimous consensus or even a majority consensus as to how to approach this. I suggest that the staff has taken down our individual approach...our individual directions and our individual thoughts toward what approach should be taken to this. Since there is a time crunch, it should be taken I believe to the Council with these comments, with these...with the direction on 100% with the garage slope, let the staff between now and the meeting that just precedes June 4<sup>th</sup>, further analyze what they feel would be

*helpful for the Council to analyze to resolve this situation, but I don't feel that we have the time nor are given the wherewithal between now and when the Council would have to take some kind of direction on this or action on this to make it...to make our thoughts cohesive and to make our thoughts cogent enough to form a direction.*

**Guardarrama:** *Mr. Chair?*

**Altschul:** *Yes.*

**Guardarrama:** *May we take just a roll call vote to see how many of us are in favor of having the IZO not expire and have there be no time lapse?*

**Altschul:** *You can't have the IZO not expire.*

**Guardarrama:** *I'm sorry, to have the IZO not expire without a replacement ordinance.*

**DeLuccio:** *We can do that.*

**Altschul:** *To have the IZO not expire without a replacement ordinance?*

**Guardarrama:** *Yes.*

**Altschul:** *Does that also...does that imply that we have to craft the replacement ordinance?*

**Guardarrama:** *No, it's just our preference for there not to be a time lapse. So....*

**Altschul:** *I think that's very appropriate and very good.*

**Guardarrama:** ***So I move that we vote to....***

**Hogin:** *The most...you want some help?*

**Guardarrama:** *Yes, please.*

**Hogin:** ***I think the motion you're trying to make is to recommend to the City Council that it adopt a replacement ordinance before the expiration of the IZO.***

**Guardarrama:** *Yes.*

**DeLuccio:** ***And I'll send that. I'll second that.***

**Altschul:** ***And that it further incorporate the thoughts that each of us had, either individually or collectively with respect to the component parts of the ordinance as it has been proposed by the staff. Is that acceptable?***

**Guardarrama:** ***Yes, that's acceptable.***

**Yeber:** *Can I add one other thing? Can we make some clarification that there was no con...there is no consensus on the ordinance that's before us? I mean, would that be actually....*

**Altschul:** *Well, I think that's obvious by the motion that's been made.*

**Bernstein:** *So we have a motion that they should do something before June 4<sup>th</sup>, but we have no idea what it is?*

**Guardarrama:** *Yeah, because what, what we're basically saying is that we don't want to go back to the way things were two years ago.*

**Bernstein:** *Okay.*

**Altschul:** *And that the....*

**Buckner:** *What more information is Council going to have that we don't have now?*

**Altschul:** *They'll have more.*

**Buckner:** *Oh. Okay.*

**DeLuccio:** *Hopefully they'll have our input that we're giving this evening.*

**Altschul:** *They will have our input as to what elements that we think should've been or should be further analyzed, what elements would perhaps correct the situation that none of us really want to happen and there will be at least more time to get it perhaps crafted and perfected to the point where they could take it and make ice cream out of it.*

**Yeber:** *Wait a minute, can I make a simple suggestion? Why don't we just vote the way we need to vote because Council can...doesn't have to be in line with us. I mean, they understand the urgency of this matter as well as we do and let's say we say we...there's no consensus, we cannot recommend this ordinance, they can still turn around and say, well, we kind of feel....*

**Altschul:** *We have a motion on the floor. If that motion fails, then we can turn to this.*

**Yeber:** *I understand that. I'm not making another motion. I am having discussion on the motion that's at the table. I don't understand the motion that's being made, if it's within the power of the Council to either accept or deny our decision here tonight.*

**Altschul:** *Not only is it within their power, they have the total power. We don't.*

**Yeber:** *Right, so why are we...we're clearly not comfortable with what's on the table, so why are we saying, you know, we don't have a decision here, we're throwing it to you to make the decision?*

**Guardarrama:** *I, I...the reason I made the motion is because I got a sense that both you and Barbara didn't think that the conditions that warranted the initial IZO warrant a replacement ordinance.*

**Yeber:** *No, that's...I don't think that was anywhere in our....*

**Guardarrama:** *Okay, well, it's...I...I'm getting a nod from Barbara, so that's how she feels and....*

**Hamaker:** *Yeah, but I'm only one of seven, so....*

**Guardarrama:** *And then there are other Commissioners that don't want a window of opportunity to be opened, that want a law similar to....*

**Yeber:** *Okay, but they can make that decision.*

**Guardarrama:** *Exactly.*

**Yeber:** *They can override any decision we make here, so....*

**Guardarrama:** *Absolutely. And we are asked to make recommendations to them all the time.*

**Yeber:** *Right. And but there is no recommendation from us.*

**Guardarrama:** *The recommendation is not to change the status quo significantly and revert it back.*

**Altschul:** *The recommend....*

**Yeber:** *Well, that is not part of what's before us.*

**Guardarrama:** *It's essentially what is before us.*

**Yeber:** *Okay, I cannot support this.*

**Altschul:** *Well, then....*

**Yeber:** *I can't, absolutely cannot support this.*

**Bernstein:** *Well, then...we can go forward with this motion. I'm probably not going to support it, but I have to point out that on the chance that it may carry, I do feel the need to articulate more fully the process problems that I have because we're telling them to get something done before June 4<sup>th</sup>, which in theory I'd love to do. But I think the process is not going to allow that to happen. I think the financial considerations haven't been...I guess I'm going to lay it out because if it passes, we're done and I feel like I need to put on what my problems are. I think the proposal is fundamentally somewhat anti-family. I don't think it's elicited enough input from my neighborhood, from the neighborhoods. I think there are economic impacts that are very negative to*

*owners and are not justified by producing affordable housing, which if we could produce more affordable housing and protect existing affordable housing tenancies, of course, that would be very, very important and very valuable, but I don't see any way that this can be crafted in a timely fashion into getting done what of course I'd like to get done, which is to have something in place by the expiration of the IZO but I don't think it's our fault that it came to us on April 2<sup>nd</sup>. I think that the train....*

**Altschul:** *That's totally correct. And also this like several other instances in the last several years where there has been a rush to do something, but apparently not enough time to let the process take the kind of play that it needs and at this particular point since there is this really close deadline, I don't believe we have any other choice but to support Joe's motion to pass it on and if it's going to be addressed in a proper manner and if the situation that caused the whole thing in the first place is to be corrected, they've got to do it because we don't have the time to do it.*

**Bernstein:** *Well, John, as you know, when we rush process in this City, we get into trouble, so I think although there is a cost in not getting this done by June 4<sup>th</sup>, we should be very cautious about recommending that they rush process and get it done by June 4<sup>th</sup>.*

**Altschul:** *Anybody else have any comments...*

**Hamaker:** *Yeah, I just have a...*

**Altschul:** *...before we take a vote?*

**Hamaker:** *...a quick one to Alan. Alan, you've used this phrase several times and I'm so curious, you say well, I live in the neighborhoods. Where do you think all of us live? We all live in the neighborhoods.*

**Altschul:** *Good point.*

**Hamaker:** *What are you talking about?*

**Bernstein:** *Well, actually I think that you live on the east side and I think that several of the other Commissioners live on the west side. I have always, and perhaps it's just how we call it in the middle part of the City, but we tend to call that area in the middle part of the City the neighborhoods. I certainly didn't mean to suggest other people don't live in neighborhoods.*

**Hamaker:** *Okay, 'cause I never heard that before and I kept thinking where does he think we live?*

**Bernstein:** *Well, come hang out in our part of town. We have a lot of fun in our part of town too.*

**Hamaker:** *What street do you....*

**Bernstein:** *We love....*



**Hamaker:** What street do you live on?

**Bernstein:** I live on Harper south of Santa Monica.

**Hamaker:** Okay.

**Bernstein:** And come visit us.

**Hamaker:** I'm on Harper (TALKING OVER).

**DeLuccio:** Okay, can staff....

**Altschul:** Wait, wait, wait, this is....

**DeLuccio:** Can I say something?

**Hamaker:** I, I just have a....

**Altschul:** Wait, hold it. Take a breath. Twenty minutes, 20 seconds. Twenty minutes, God forbid.

**Buckner:** Twenty minute breath.

**Altschul:** All right, Donald?

**DeLuccio:** Yeah, I'm not going to talk about neighborhoods. Okay, first of all, can you please repeat the motion? 'Cause what I actually want to convey is that I, you know, Joseph, I did second your motion, but I want to convey to Council that I am in support of having a replacement ordinance in place after June 4<sup>th</sup>, but I want to convey that this is not...what's before us is not acceptable.

**Altschul:** That's what his motion does and it will be read to you and you have every ability as do every single one of us and does every single person out there in the audience to call every single member of the Council and sug...and tell them what they think between now and then, (323) 848-6400, ask for your particular favorite Councilman or Councilwoman or Councilperson.

**DeLuccio:** Can I finish please? Okay. So let me just finish. Okay, so, and this is no offense to staff, okay? I think staff has actually supplied us with a lot of valuable information, but I don't think it's been fleshed out. So it's nothing personal against staff and you can hear it this evening by all the folks that have come out that they, they've...they're not...and we represent our Council members, but we also represent who should be representing the community out there and if I don't...and I really feel there's loose ends to be tied up from everybody that's spoken this evening as well as up here. We're not comfortable with it either, so I just can't...I...so I want to be clear that if I'm supporting your motion Joseph, it is that I do want to see a replace...would like to see a replacement ordinance in place, but we're not there with this.

**Buckner:** Agreed.

**Altschul:** That I think is a given in the motion. Is there any other comment before we take a vote on the motion on the floor and if there is not, will the staff please read the motion?

**Hogin:** The motion is to advise the City Council that the Commission wants to see a replacement ordinance for the IZO in place before the expiration of the IZO and to transmit to the City Council all of the individual comments that have been made by the Commissioner regarding the specific proposals put forth by staff. That's the motion.

**Altschul:** And bring...right.

**Hogin:** Let me add one more thing, which is that the recording secretary tells me that he will also endeavor to prepare a verbatim transcript that will include all the comments that we've heard from the public as well and put that in front of the City Council...

**Altschul:** Wonderful.

**Hogin:** ...at the hearing, so they'll have the benefit...

**DeLuccio:** Can we see those?

**Hogin:.** ..of all your thinking.

**DeLuccio:** Can we see those at the next meeting? At our next meeting in two weeks to see if we individually agree with what's in the Minutes?

**Hogin:** Yeah, he said (TALKING OVER).

**Altschul:** Well, I think if you don't agree with the verbatim transcript, it's too late.

**DeLuccio:** When is it coming before Council?

**Hamaker:** Can't disagree with it, it already exists.

**DeLuccio:** Well, is somebody taking that down right now?

**Yeber:** When...can you tell me when this is coming before Council?

**DeGrazia:** We'll go on May 18<sup>th</sup>.

**Yeber:** May 18<sup>th</sup>, okay.

**DeLuccio:** So we'll have a meeting before that.

**Yeber:** *I just don't see how this is going to two weeks, three weeks from now they're going to be able to get any further in understanding this study, so...*

**DeLuccio:** *But Marc, that's not what we're saying. The Coun...we're not...that's not what we're saying to the Council. We're just making a...we're saying the Council...we want...some of us, we don't know how you're going to vote for it.*

**Yeber:** *That's all fine, but it's, it's....*

**DeLuccio:** *We wanted something in place, but we're saying....*

**Yeber:** *It's just talk.*

**DeLuccio:** *This is not just talk.*

**Altschul:** *Yes, it is. However, let's not have cross talk. One at a time please. If we're ready, may we have a roll call?*

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

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

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

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

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

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

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

**Bernstein:** **No.**

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

**Hamaker:** **No.**

**Gillig:** **Commissioner Yeber?**

**Yeber:** **No.**

**Gillig:** **Chair Altschul?**

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

**Gillig:** **Motion carries, four ayes, three nos.**

**Altschul:** *Thank you very much. Thank you very much to staff for its extremely hard job and its extremely hard work, it's extremely short time and unfortunately it has to end this way or begin this way, whichever we call it and I wish it were different. And thank you very much to our two wonderful consultants. We'll take a five minute break so the room can clear and then we'll continue with the rest of our short agenda.*

*//wci:rg*

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

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:50 P.M. AND RECONVENED AT 10:00 P.M.**

**10. NEW BUSINESS.**

**A. Planning Commission Meeting Date Amendment.**

**ACTION:** 1) Officially schedule Thursday, July 2, 2009 as a regularly scheduled meeting. **Motion carried by consensus of the Commission.**

**11. UNFINISHED BUSINESS.** None.

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

**13. ITEMS FROM STAFF.**

Susan Healy Keene, Director of Community Development, stated she has accepted the position of Community Development Director for the City of Beverly Hills.

**A. General Plan Update.**

Susan Healy Keene, Director of Community Development, stated an update will be presented to City Council on Monday, May 4, 2009, regarding the revised community telephone survey, which included the Russian community.

**B. Director's Report.** None.

**C. Planning Manager's Update.**

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

**14. PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, commented on Susan Healy Keene's departure and spoke regarding extension requests'.

ANSON SNYDER, WEST HOLLYWOOD, commented on the Interim Zoning Ordinance and recommendations.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Yeber questioned the differentiation between the entitlement process and construction process and wished Susan Healy Keene all the best.

Commissioner Hamaker questioned the feasibility of a commissioner going on final site-visits with a planner.

Commissioner Guardarrama wished Susan Healy Keene all the best.

Commissioner Buckner wished Susan Healy Keene all the best.

Commissioner Bernstein wished Susan Healy Keene all the best.

Vice-Chair DeLuccio wished Susan Healy Keene all the best.

Chair Altschul requested an update of the court decision regarding SB1818, and how it affects the City of West Hollywood.

- 16. ADJOURNMENT:** The Planning Commission adjourned in memory of *Sal Guarriello, Lovedy Brydon and Bud Siegal* at 10:15 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 7, 2009 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 7<sup>TH</sup> DAY OF MAY, 2009.

  
CHAIRPERSON

ATTEST:

  
COMMUNITY DEVELOPMENT DIRECTOR