



PLANNING COMMISSION MINUTES
Regular Meeting
September 3, 2009

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

1. CALL TO ORDER:

Chair DeLuccio called the meeting of the Planning Commission to order at 6:34 P.M.

2. PLEDGE OF ALLEGIANCE: Stephanie Mullen, Senator Fran Pavely's Office led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Adrian Gallo, Associate Planner, David DeGrazia, Senior Planner, John Keho, Planning Manager, Anne McIntosh, Deputy City Manager/Community Development Director, Christi Hogan, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

1) Continue Public Hearing Item 9.A. (9040 Sunset Boulevard) to Thursday, October 1, 2009; and 2) Move Public Hearing Item 9.B. (8900 Beverly Boulevard) to Consent Calendar as Item 8.A.

ACTION: Approve the Planning Commission Agenda of Thursday, September 3, 2009 as amended. **Moved by Commissioner Altschul, seconded by Vice-Chair Yeber and unanimously carried.**

5. APPROVAL OF MINUTES.

A. August 20, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, August 20, 2009 as presented. **Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, commented on the General Plan proceedings, stated his concerns with the timelines and would like to see more public participation in this process.

7. ITEMS FROM COMMISSIONERS.

Commissioner Altschul commented on the General Plan process. He encouraged all members of the public to participate. The next General Plan meeting is Wednesday, October 7, 2009, Plummer Park Community Center at 6:30 P.M.

8. CONSENT CALENDAR.

A. 8900 Beverly Boulevard (9.B.):

Applicant is requesting to amend conditions of approval, to allow the removal of two mature ficus trees on the southeast corner of Beverly Boulevard and La Peer Drive.

Adrian Gallo, Associate Planner read into the record the following amendment to Resolution No. PC 09-883, Section 2.1) ... *"This amendment approves the removal of the two ficus trees on La Peer Drive and replacement trees shall be planted where feasible within the public right-of-way surrounding the project site. The quantity and species of trees shall be determined by the Facilities & Field Service Division. The developer shall pay all costs associated with the removal of the existing trees and planting of new trees";* and

2.2) *"Prior to removal of the ficus trees, the developer shall contribute \$2,500 to the Street Tree Master Planting Account to plant additional street trees in the City."*

ACTION: Approve the application; 2) Adopt Resolution No. PC 09-883, as amended " A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, AMENDING DEMOLITION PERMIT 2004-026 AND DEVELOPMENT PERMIT 2004-035, TO ALLOW THE REMOVAL OF TWO FICUS TREES AT THE SOUTHEAST CORNER OF BEVERLY BOULEVARD AND LA PEER DRIVE FOR THE MIXED-USE DEVELOPMENT LOCATED, AT 8900 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Moved by Commissioner Altschul, seconded by Commissioner Buckner and unanimously carried.**

9. PUBLIC HEARINGS.

A. 9040-9056 Sunset Boulevard.

Administrative Permit 2006-006, Billboard Permit 2006-001, Conditional Use Permit 2006-007, Demolition Permit 2006-008, Development Agreement 2006-001, Development Permit 2006-010, General Plan Amendment 2006-001, Specific Plan Amendment 2006-001, Vesting Tentative Tract Map 2006-004, Zone Text Amendment 2006-001, Environmental Impact Report:

Applicant is requesting to construct a 268,805 gross square foot mixed-use hotel project including amendments to the General Plan, Sunset Specific Plan and Zoning Map to permit increased height and density in a new expanded target site.

ACTION: 1) Continue to Thursday, October 1, 2009. **Moved by Commissioner Altschul, seconded by Vice-Chair Yeber and unanimously carried as part of the amended agenda.**

B. 8900 Beverly Boulevard

Demolition Permit 2004-026, Development Permit 2004-035 (8.A.):

Request to amend conditions of approval, to allow the removal of two mature ficus trees on the southeast corner of Beverly Boulevard and La Peer Drive.

ACTION: 1) Moved to Consent Calendar as Item 8.A. **Moved by Commissioner Altschul, seconded by Vice-Chair Yeber and unanimously carried as part of the amended agenda.**

C. 8418 Sunset Boulevard. (Sunset Time Mixed-Use Project)

Draft Environmental Impact Report.

Public comment on the Draft Environmental Impact Report only, for a proposed project to demolish existing structures on-site to develop 149 hotel rooms; 40 residential condominium units; 5 affordable units; and up to 35,456 square-feet of commercial and entertainment space with subterranean parking.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

DeLuccio: So now we will move to C, which is a Draft Environmental Impact Report for 8418 Sunset Boulevard. And David will give us the staff report?

DeGrazia: Yes.

DeLuccio: And tell us what's expected of the public and the Commission this evening.

DeGrazia: I certainly will.

DeLuccio: Thank you.

DeGrazia: Let me...give me a moment to get the Power Point up here for you. All right, the Draft Environmental Impact Report, the DEIR, for proposed Sunset Time Project was released on July 28th, 2009. This meeting is an opportunity for interested parties to comment on the adequacy of the DEIR in assessing and mitigating the project's impacts. Written comments may be submitted to the Planning Division through Thursday, September 10th, 2009, at 5:00 p.m. The meeting is intended to receive comments on the DEIR only. It is not a meeting on whether the project itself should be approved. The verbal comments received from the Planning Commission and the public

regarding the DEIR as well as any written comments received during the review period will be addressed in the Final EIR. Hearings on the approval of the project itself and all related permits will be held at a later date. The project site is generally bound by Olive Drive to the west, Sunset Boulevard to the north, DeLongpre Avenue and commercial and residential uses to the east, and Fountain Avenue and a multi-family residence to the south. It encompasses four contiguous parcels on the southeastern corner of Sunset Boulevard and Olive Drive. Additionally, the proposed project includes a conversion of 14 existing studio apartment units into at least seven affordable housing units at 990 Palm Avenue located approximately .6 miles southwest of the project site. The applicant is proposing to construct up to 149 hotel rooms, 40 residential condominium units, five low income affordable units and up to 35,456 square feet of commercial and entertainment space. The proposed project would include a maximum floor area ratio in the SSP of 2.28 and 32 dwelling units, including the affordable housing units in the R4 Zone. The proposed, the project proposes to provide 426 subterranean parking spaces. The proposed uses would be located within four buildings: the Sunset Hotel and residences, the Olive Hotel and residences, the Olive residences and DeLongpre residences. And as I said previously, in addition an off-site affordable housing building would be provided at 990 Palm Avenue in an existing residential building owned by an affiliate of the applicant. In the Palm Avenue building, 14 studio units would be converted to at least seven one-bedroom units. I'd now like to turn it over to Melissa Hatcher from EDAW, the environmental consulting firm who prepared the Draft EIR.

Hatcher: Good evening. For the benefit of the public and for the Commission, I'm going to give a very brief overview of what's contained in the Draft EIR. I'll start with a little background on the environmental review process. Back on July 1st, 2008, we prepared and distributed the initial study for the project and we held the scoping meeting on July 30th, 2008. We took the comments we received during the scoping process and used them in the preparation of the Draft EIR. The Draft EIR was prepared and released for public review beginning on July 28th and the 45-day review period extends through September 10th. So we're tonight at step number seven. We had a meeting last week at the Historic Preservation Commission meeting and we'll take the comments that we receive here tonight as well as the Historic Preservation Commission meeting and any written comments that are submitted by September 10th and we'll use those to prepare the Final EIR. The Final EIR will go back out for a 10-day public review before it comes back here to the Planning Commission and the Planning Commission will then send it on to City Council, so there will be two more opportunities for public review before a decision can be made. Before I go into the findings in the Draft EIR, I'll just go through quickly the types of impacts that we have. The first category is no impact. This means that there's no change to the existing environment. The second category is a less than significant impact, so although there will be a change to the environment, it would not exceed the thresholds of significance. The third category is less than significant impact with mitigation. So if you think of a threshold as a bar, the less than significant impact with mitigation actually exceeds that bar and we've added measures in order to reduce it to below a level of significance. Whereas a significant and unavoidable impact exceeds the threshold bar and even after implementing mitigation measures would still remain significant and unavoidable. Starting with the category of less than significant impacts, I'll talk about esthetics. The proposed project is located within the Sunset Specific Plan and in accordance with the Sunset Specific Plan, it would provide a view portal along Sunset Boulevard that would actually open up a new view of the Los Angeles Basin that does not currently exist from Sunset Boulevard. The proposed project, the building along Sunset Boulevard would be seven stories, so we are adding height along Sunset Boulevard and we did a visual analysis looking at four different viewpoints to determine the impact to any of the neighboring uses. Although the project would represent a change to the view shed, we would not create a significant impact. The proposed project includes a large screen video sign that would be located on the Sunset Boulevard building and so a lighting analysis was prepared to determine the impact on the adjacent uses. Because the city

does not have a threshold for lighting, we used the City of Los Angeles threshold of three foot candles above ambient lighting on residentially zoned properties and with the project design features that limit the light levels, this project would be less than the City of L. A.'s threshold of three foot candles and would be less than significant. We also did a shade and shadow analysis to look at the impacts of the new buildings on the adjacent residential uses. December 21st would be the longest shadows, but it would not shadow any of the adjacent buildings for more than two hours in any given day, so the impact's less than significant. For cultural resources, there are six existing structures located on the project site. These were assessed. There was a historic resources assessment prepared and none of the buildings meet the criteria for a local, state or federal listing, so their removal would be less than significant. We also did a records search and site survey for archeological and paleontological resources and found that they are not likely to be present, so the impact would be less than significant. Moving on to geology and soils, a portion of the Hollywood fault actually runs through the project site and the site has been designed so that none of the structures would be located on the fault. It's actually where the new driveway parking area would be. The proposed project would be required to comply with City Building Codes as well as the California Seismic Standards. With compliance with these regulations, the impact would be less than significant. The site is also located within an area designated as liquefiable, so again certain engineering techniques have to be implemented in the building construction and design in order to make sure it can withstand any seismic hazards. It would be reviewed by the building officials prior to the issuance of building permits, so compliance with existing regulations would result in a less than significant impact to geology and soils. For public services, we contacted the Sheriff and the Fire Department and they indicated that they would not need new or expanded facilities in order to serve this project. We also looked at the sewer within the project area and there is adequate downstream flow. We checked with LA DWP to make sure that there's adequate water supply to serve the project site. Landfill space as you might be aware is limited in Los Angeles County, but the project includes the City's design features, which require a 50% diversion rate in order to meet the City's required diversion rate. So with implementation of those design features, the impact to landfill would be less than significant. For land use and planning, again this would be less than significant. However, as you can see, the project requires a list of variances and amendments that you would be approving with this project. Once these land use changes are adopted, the proposed project would be consistent with the Zoning Code, the Sunset Specific Plan, the Housing Development and the General Plan. For air quality, we looked at both construction and operational air quality. During construction, the emissions of PM- 10 and PM-2.5 would actually exceed the South Coast Air Quality Management District's thresholds and so there would be a localized impact. Even with complying with the standard of rules to reduce that, the particulate matter would still exceed those thresholds. This would occur during the construction, the combined construction of the southern portion of the site and excavation of the northern portion of the site when two phases of construction happen to overlap. We have implemented mitigation measures that limit hauling, the amount of vehicle miles traveled per day during the construction process, but the impact would still be significant. During operation of the proposed project, we looked at emissions from vehicle trips to and from the site as well as the energy used at the site. The operational emissions would not exceed the South Coast Air Quality Management District thresholds. Similarly, we looked at toxic air contaminants, the possibility to create carbon monoxide hot spots in the area and none of these would exceed the state standards. For noise, we did a similar analysis. We looked at both construction and operation of the proposed project. During construction, there would be an increase in noise in the project area and expose nearby residential uses to construction noise that exceeds City standards. We have implemented mitigation measures to muffle construction equipment in establishing noise disturbance coordinator and minimize PAL driving to try to reduce the noise levels, but it would still remain significant and unavoidable during construction. During the operation of the proposed project, the additional activities at the site as well as vehicle trips to and from the site would not exceed City noise standards. The next issue we looked at is transportation and

traffic. The proposed project would generate over 2,400 net new vehicle trips to and from the site. We looked at all the area intersections and the proposed project would create a significant impact at four of the nearby intersections. None of the nearby residential street segments would be impacted, however. We have implemented mitigation for the intersection of La Cienega and Sunset in order to add a new lane and this would mitigate that impact, but three other intersections, the impact would remain significant and unavoidable. There's no mitigation available to reduce those impacts. We also looked at parking. The proposed project would provide 426 parking spaces. It would actually provide 10 more parking spaces than are required by Code. The impact to parking would be less than significant. In the EIR we're also required to look at alternatives to the proposed project. The first one is the No Project No Build Alternative and this assumes that no project would be implemented. The existing uses would remain in operation and the apartment buildings that are within the project site are currently vacant, but we assumed that they would be turned back to rental uses. This alternative would have reduced impacts compared to the proposed project in every single category however it would not meet any of the objectives of the proposed project. The next alternative we looked at is another portion of the No Project Alternative, which requires us to look at what could be built at the site if we complied with the General Plan and the Sunset Specific Plan. In this case, there would be reduced impacts to esthetics, air quality, cultural resources, geology and soils, noise, public services and utilities, and traffic, and there would be reduced impacts to land use and planning because none of the amendments or zone changes were required. However, under this alternative, the existing parking needs of the City are not currently being met and this would not provide additional parking. The next alternative we looked at is a Phase Construction Alternative. Under this alternative, we assumed that the southern portion of the project site which includes the Olive residences and the DeLongpre residents and the Olive Hotel and residences along with the subterranean parking lot would be developed and that the Sunset Boulevard frontage, the Sunset Hotel and residences would not be actually constructed for another 13 years after the other part of the project is implemented. So we did an analysis for this and during Phase One, there would be reduced impacts to operational air quality, noise and traffic during Phase One. So this means when just the southern portion of the site is operating and the House of Blues remains, there would be reduced impacts. When Phase Two is fully implemented, obviously it would have the same impacts as the proposed project. That alternative would result in prolonged construction impacts however because we're dividing it up into two phases over 13 years. And the last alternative we looked at is the Office Retail Residential Alternative. And instead of developing a hotel along Sunset Boulevard, we would develop office uses and street level retail commercial uses. This alternative was developed as CEQA requires us to look at alternatives that reduce or avoid impacts of the proposed project and this alternative would reduce impacts to operational air quality, noise, public services and utilities. However, it would have increased impacts to traffic. It would actually be worse on traffic than the proposed project. Next slide. We looked at a reduced density alternative and existing use alternative. What this alternative does is retains the House of Blues and the Sunset Boulevard uses that are there today and would construct just the southern portion of the project site. Again, we did this to look at reducing or avoiding impacts of the proposed project and this alternative would reduce impacts to operational air quality, noise and traffic. However, this alternative would not implement the view portal along Sunset Boulevard.

DeLuccio: Can we stop you for a question? Commissioner Altschul?

Altschul: No, no, after.

DeLuccio: Okay. They had to...sorry, go ahead.

Hatcher: *This is the last slide. As I said, the Draft EIR is available for public review through September 10th. We've placed it in the City Library. It's available at the Planning counter and can also be viewed on the City's website. Comments should be sent to David. I've left notices on the table at the back of the room in which this information is covered and we encourage you to submit comments by September 10th.*

DeLuccio: *David, do you have more to add?*

DeGrazia: *No, we're available for any comments that you may have.*

DeLuccio: *Okay, at this time I think Commissioner Altschul, you have a question?*

Altschul: *I'm sorry, I didn't catch your name?*

Hatcher: *Melissa Hatcher from EDAW.*

Altschul: *Yes, Ms. Hatcher. You make statements like once the...this big long laundry list of land use changes are accomplished, unless you know something that I don't know, don't you mean if this long laundry list of land use changes are accomplished?*

Hatcher: *Correct, upon approval would be consistent.*

Altschul: *Thank you.*

DeLuccio: *Okay, go ahead, Marc?*

Yeber: *You mentioned very early on in your presentation about a view portal from Sunset. I wasn't clear what you were referring to on that. I know there's a view portal if you walk down Olive, but I wasn't aware of one from Sunset specifically.*

Hatcher: *This project would create a new view portal. So the way they've designed the building along Sunset Boulevard, there would be a cutout in the building and glass used along the ground floor frontage to allow a view back to the basin and there would be an area where you can walk through the building to access a patio area in the back.*

Yeber: *Oh, it's through the...okay, it's through the actual building from Sunset looking south?*

Hatcher: *Correct.*

Yeber: *Okay. Thank you.*

DeLuccio: *Yes, Barbara?*

Hamaker: *I have a what-if question. There are several other projects entitled already on Sunset Boulevard, one of which is the Millennium Project at La Cienega where you were just speaking of. If there were for whatever reason during...let's say that this project were entitled and that pro...the Millennium Project began construction and there were unforeseen circumstances because it's...the activity is right at La Cienega and Sunset that change the configuration of that intersection, would that trigger a revisit to the CEQA process of this project?*

Hatcher: *I don't want to answer for the Transportation Department entirely, but when we do the traffic analysis, they take into account the other projects that are going...that are proposed to be developed in the area or have been already approved to be developed or could be developed in the area and they take the mitigation measures from all those different projects and look at them holistically to make sure that we don't have that kind of situation.*

Hamaker: *Okay, I was just sort of...that's the problem with a what-if question, I was just sort of what-iffing that some unforeseen reason, let's say we had an earthquake and that intersection had to be reconfigured, if...you don't really even have to answer this. I'm just thinking, because 13 years is a long time. I will be almost 80 years old.*

DeLuccio: *Oh, my God.*

Hamaker: *Scary.*

DeLuccio: *Okay, at this time if there's no....*

Altschul: *What about me?*

DeLuccio: *If there's....*

Bernstein: *Donald, I do, I have...I do have one quick question.*

DeLuccio: *You have a question, Alan, go ahead.*

Bernstein: *Thank you for your report. I'm just curious, the phased construction alternative, one of the five alternatives that you presented, I have to confess, I'm not clear how it's an alternative since I don't believe if this project were approved we could compel immediate construction and in fact it seems to be planned because of the existing tenancy that it may be phased over a period of time. So how is that actually an alternative rather than just something that might unfold under the actual desired intent of the applicant?*

Hatcher: *It's a possibility that could happen, so we needed to analyze the impacts of it so that you have that information before you in case that occurs, but it's not an alternative that's intended to reduce or avoid impacts of the proposed project.*

Bernstein: *Thank you.*

DeLuccio: *John?*

Altschul: *Since you stated that the applicant doesn't have any intention of completing the major component of this project for 13 years, have you analyzed or do you intend to analyze the effect of entitling a project and then delaying its construction for 13 years and what the cumulative effects of having to include all of the adverse environmental impacts in the cumulative evaluation of other projects that might be built during that time. Have you evaluated what detrimental or negative effect that might have or do you intend to?*

Hatcher: *First, to your first point, I didn't say that the applicant intends to develop part of the project in 13 years. That's one of the alternatives. The proposed project would develop the entire site now. So that's just an alternative. For the alternatives analysis, as with the proposed project, we do a cumulative analysis so we do take into account the reasonably foreseeable development. However at a 13-year span, it becomes very speculative to predict what the development would be at that time.*

Altschul: *Well, then where did you get this 13-year figure if it didn't come from the applicant?*

Hatcher: *It's an alternative and we did look at an alternative that constructs part of the project now and part....*

Altschul: *But how did the alternative come to light, that particular alternative?*

DeGrazia: *That was given to us in working in conjunction with the applicant as a possibility.*

Altschul: *Thank you, that was what I wanted.*

DeLuccio: *Okay. Any other questions at this time? Okay, I mean that's something that can be addressed in a Development Agreement anyway. Okay, at this time we're going to hear from the public and then we'll come back to the Commissioners if they have input in regards to the Draft Environmental Impact Report. What we're hearing this evening is comments on the Draft Environmental Impact Report, how well it assesses and mitigates the project's impacts. At a later date, a Final Report will come back to us and at that time we will be evaluating the project, but not this evening, which I just need the speakers to address how well the Environmental Impact Report addresses and mitigates impacts. So we'll start with Patrick Kibby and then Elyse Eisenberg.*

Kibby: *Good evening members of the Planning Commission and I'd like to thank you for the opportunity to speak before you. My name is Patrick Kibby and I'm a resident of West Hollywood and I'd like to be even more specific in regards to my residence. I'm actually one of the 16 property owners who reside at 8401 Fountain Avenue and our condo complex will by far be the closest existing structure to the planned development of the Sunset Time Project. I've seen many of the renderings to date of the project and I've viewed various reports including the DEIR, not in its entirety but in portions related to the planned scope of the development. And very simply stated, I feel the timing and the magnitude of the development will be an absolute jewel of an addition to the quality of life in our fair city and the community at large and if and when it is approved, as all of our related economies have grappled to regain our footing and continue to survive the marketplace, the approval, the hopeful approval and ultimate development of Sunset Time will prove to be one of the best shots in the arm for our local community and property values at large that we've seen in some time. Thank you.*

DeLuccio: *Thank you Patrick. Elyse Eisenberg to be followed by Steve Martin.*

Eisenberg: *Elyse Eisenberg, resident of West Hollywood. I have a few things. One of the things I would like to say in terms of the DEIR, in the EIR for the Sunset Doheny project, there was a wonderful schedule with copies of all of the letters from the public that responded with a chart identifying the responses. I didn't find anything like that in this EIR and I think it would be very helpful if it was included. Also, in terms of what the EIR stated in terms of less than significant impacts, I would dispute that almost category that was listed as the less than significant impact is in fact a significant impact and I would just...I was just making some notes as the slides were going, the view impact. While they're talking about creating a view corridor, in fact they're blocking the view from the Andaz and the view that they have to the L. A. Basin. They're creating a new view for the new tower, but blocking what's existing there. There is also no slides that impact the view going east where right now we have a wonderful view of the Sunset Tower, the Argyle Hotel, which will be blocked substantially if not totally by this view. That is one of the most culturally important pieces of architecture that we have on the Strip and there's no views showing how that will be impacted and I think that would be a huge loss. One of the things that Commissioner Altschul mentioned at a couple of meetings ago, he so eloquently spoke about the fact that every developer is asking for variances on the Sunset Specific Plan and if we grant that and they're asking for significant variances on this project in terms of height and density and if we throw out the document that we've so, so labored over for such a long time, we have nothing to replace it and in fact every single project that's*

proposed for Sunset is asking for variances and Mr. Altschul really hit it on the nose when he said that is really something that needs to be addressed before all of these variances are considered. But in terms of the other significant impacts besides the views, the L. A. Basin, the lighting, they're talking about an LED moving billboard on this project. I would say that would be a significant impact for residences in the area. We're already getting a lot of complaints on the 9200's bright lights in the residents. Shade and shadow, you're talking about a one-story building going to seven stories. I think that's a significant impact with the shade and shadowing all over. In terms of cultural resources, we are losing one of our major important entertainment destinations on the Strip in the House of Venue and not replacing it with anything, as well as something in the report mentions the architectural diversity in unique, a unique piece of architecture like the House of Blues. I have a few other comments, but thank you.

DeLuccio: Okay, thank you Elyse. Steve Martin to be followed by Jeanne Dobrin.

Martin: Steve Martin, West Hollywood. I certainly want to echo almost everything that Elyse had said. There are some of us who slaved over the Sunset Specific Plan and for those of you who were here, you remember that at the time that was what the City Council said was going to be a max and that we felt we were making real important concessions to encourage development on the Strip and I don't think it was ever envisioned that we'd be giving even additional heights and densities to what we were already providing as incentives and that was a long time consuming process and a lot of work was put into it and it should not be ignored willy-nilly. Certainly hotels are very popular and really help the City's economy, so certainly that's a better alternative than office buildings, but even though we're getting a nice view corridor, the heights and the intensity of use and the traffic, particularly on La Cienega, which does not...is not going to be mitigated by restriping, really speaks that this project really needs to be downsized. The signage...well, there's just environmental reasons, esthetic reasons that it really should be looked at and considered carefully before you approve it. It's certainly going to be a large generator of income to the building. Maybe we should figure out a way to share in that. I do have concerns about the off-site affordable housing. Ideally those...the affordable housing should be on-site on DeLongpre. Under certain exceptions we have put off-site affordable housing, but we need to protect the people who are going to be displaced at Palm because once again, we're taking a rent controlled building and essentially telling all those peop...all those folks they need to move. If there are seniors and if there are people who...with disabilities who are low income, those people should be allowed to stay or at least have first crack at the affordable units because unfortunately those people generally did not sign up for...to get on the City's housing list or the housing list was closed. So it would be really unfortunate to see long term residents who really don't have the means to relocate within West Hollywood and not to have the means to relocate anywhere nearby at all to be displaced just to accommodate the developer. So I would be really concerned about that. But it really just seems that the project is too large, so thank you.

DeLuccio: Okay, thank you Steve. Jeanne Dobrin to be followed by Andrew Shaw.

Dobrin: Jeanne Dobrin, resident of West Hollywood. When I make my notes, I usually make them one, two, three, four, five, so I'm going to start out that way. Number one is I agree totally with the brilliant analyses of both Elyse Eisenberg and Steve Martin, who really know....

DeLuccio: Jeanne, I'm going to stop you, I can't hear you. Can you please speak into the mic and we'll start your time over. I really can't hear you.

Dobrin: What am I doing wrong, David?

DeLuccio: *Just lift it a little bit.*

Dobrin: *Okay. Can I start back a little bit on the time? Thank you.*

Bernstein: *I don't think it's on.*

DeLuccio: *I don't think it's on.*

Dobrin: *I thought their analyses....*

Altschul: *It isn't on.*

DeLuccio: *It's not on, your mic.*

Dobrin: *Is that better?*

DeLuccio: *No, can't hear you, hold on one second.*

Dobrin: *I can't hear you.*

Bernstein: *And we can't hear you.*

Dobrin: *Is it on? Well, I guess I'll have to ask God to let me grow. Okay, I'm starting over again. I totally agree with the brilliant analyses by both Steve Martin and Elyse Eisenberg, who...one of them has been a longtime resident and the other one has been a pretty longtime resident. They know what they're talking about. The City wants hotels, of course, for the TOT rather than the offices and there is some justification for that because offices would make more traffic, but to me neither is really acceptable at all. Maryann Lowenthal of the project has stated publically that the House of Blues still has a lease and they don't want to move. I don't know what the 13 years is about, but their lease is 'til 19...2025, which is 16 years away and she said that they would just have to build around it. I would be totally opposed in any way to anybody getting an entitlement at this time and planning to build something 16 years in the future. We have no idea what would happen in between. I think the Commission realizes that from some of the comments that were made. All the cities around here including our city have installed water rationing with penalties. How can there be a justification for this tremendous building with these large number of hotel rooms with...and it said here and Ms. Hatcher said that there is plenty of water capacity. I do not believe that. I don't know if this site is served by the Department of Water & Power as to water or by the Beverly Hills, but both of them, both of these groups have said there is water rationing and penalties. I don't see how the City which claims that it's environmentally sensitive can say that this should be something that should happen. I also wanted to say that...you cannot get me, and I'm only little me, you can't get me to approve in any way anymore billboards in this City. One of the reasons is, I suppose we all know that Beverly Hills, our sister city to the west, doesn't have a single billboard and they do very well as far as tourists and money and revenue is concerned. And one of the reasons you can't get me to agree to that is I'm a great admirer of Lady Bird Johnson. Thank you.*

DeLuccio: *Thank you Jeanne. Is Andrew here? Andrew Shaw? To be followed by Jeff LeBuff.*

Shaw: *Andrew Caple Shaw, 8440 DeLongpre. I wasn't originally going to talk today because I...in light of my most recent visit, it's good to see everyone again. I'm generally of the opinion that this is pretty futile and the lawyers will take over anyway, but a handful of things that I noticed that were just plain wrong. First of all, the misstatement from the actual DEIR, which I'm going to confess, I didn't read all couple hundred pages of, but that*

I did scan, it said there was going to be no impact on residential traffic, but I seem to remember there was substantial negative impact on Flores and Fountain. And even if it didn't say that in there, I don't see how you can put that kind of volume density just north of Fountain and just north of Santa Monica and not have increased traffic on those regions when the only corridor you have to the working places in Los Angeles is going to be down Fountain or an already crowded Sunset and Santa Monica. I just don't see how the numbers being put into this DEIR match up with the reality that it's already crowded on those streets in the morning. I'm trying to read this off of a cell phone. This DEIR grossly neglects the sociological elements that are necessary to try and do a decent DEIR. You've gotta talk to people to figure this stuff out. You can't just take rock samples. For example, you're going to provide adequate parking, but we all know when you provide 150 spaces and then you charge say \$20.00 a night to use those spaces, or \$20.00 during the day or whatever ridiculous parking fee it will be commensurate with the market in Sunset, people are going to find the nearest free parking and what is the nearest free parking? It's DeLongpre. On top of that, this whole idea of this corridor is opened up and it's a great view from Sunset for the tourists and all the business people, but you're going to be going from one floor to four floors and you're going to be blocking out DeLongpre and to some extent Fountain's light. I mean, again I find the parliamentary process here to be borderline ridiculous because I have three minutes to cover so much information and this is just the stuff I knocked off the top of my head because I really think I'm going to be leaving after they start pumping RF signals into my building from the cell phone tower next door, but realistically, people weren't consulted in the drafting and it shows. Some of these numbers just don't plain add up. I can't even keep up with the number of places that this DEIR is off. Those are just the ones off the top of my head, both the discrepancies between the Power Point and the actual DEIR and the discrepancies between the DEIR and just common sense, I don't...someone please tell me, and the...I guess the traffic is the best example. Someone tell me how your common sense driving down the street matches up with the things that you were just told. Again, common sense got pretty much thrown out the window the last time I was here. I don't expect it to be accepted this time. I just thought I'd throw it out there.

DeLuccio: Andrew, thank you for your comments and if you have any further comments, you can write a letter until September 10th. 'Cause I don't know if you've read everything that was on your Blackberry there. But you can submit a letter. I encourage you to do so 'cause you have valid comments. Jack to be followed by Mark Krajewski.

LeBuff: Jack LeBuff, resident of West Hollywood. You know, I agree that this EIR report is so inadequate it's incredible with what's going on up on Sunset Boulevard and with all the issues that are involved in here. There are huge issues and the time frame on this is just unbelievable. But one issue that I really want to talk with...I know and I'm involved in a couple properties up north of this project in the hills, which is City of Los Angeles. And you know, the EIR report says that there are no homes on that hillside that are going to be affected and if there are any, it's insignificant and from that viewpoint going north from House of Blues, there are many homes up there that look right down on House of Blues and there's nothing blocking it except the Andaz Hotel on one side that blocks some of that and fortunately blocks that outrageous LED sign south of the Andaz Hotel that absolutely shocks your senses when you drive by it. And for this Environmental Impact Report to say that the huge gigantic LED that's going on that hotel on Sunset Boulevard wrapping around Olive is not going to affect any of those homes out there is outrageous. I've been in homes up there at nighttime and you can see the flashes from that billboard across from the Andaz that comes into all the homes there. It goes around the sides and up into the sky. This is a new source of light there. It's on from 6:00 a.m. in the morning 'til 3:30 a.m. with moving images and then from 3:30 a.m. to 6:30 a.m. with the fixed images and some kind of lighting for the building. I mean it's just too much. You know, the billboard at La Cienega and Santa Monica, I think it's Rock Wagner or something that was suddenly put in there that's so bright. The Stenlakes who live on Crest Hill had to call and complain about that light. Crest Hill is north of Sunset

one block up and their whole house was light...has been lighted up by that sign and it's still lighted up by that sign. And you know, they talk about giving the City income for this, I mean you really have to look at this carefully. You can't take income from something and take all these residents and let them suffer with a public nuisance and there are Municipal Codes that says about moonlight coming in, any glare, anything that takes from the sky night and views, you really have to look at carefully. And I'd just say one other thing. Most of those homes up there got no notice about this. The ones within 500 feet did, but there are many homes up there that are affected and I wonder if you could have them give notices for a little longer period of time.

DeLuccio: *Okay, thank you Jack. There's a question.*

Hamaker: *Excuse me, sir, I'm...I don't travel La Cienega and Sunset and Santa Monica very often, is that where you said? Where is the new billboard?*

LeBuff: *It's on the...the billboard's been there for a little bit, but it's a real bright one, it's an LED type of thing and....*

Hamaker: *So they dressed it up.*

LeBuff: *They really did. It's one that suddenly lit up the whole night sky and you can see it from anywhere up in there and coming down La Cienega it's on the southeast corner of La Cienega and Sunset.*

Hamaker: *Facing east or facing west?*

LeBuff: *Facing, facing north.*

Hamaker: *Facing north, okay.*

LeBuff: *Yeah.*

Hamaker: *Thank you.*

LeBuff: *It's extremely bright.*

Hamaker: *Thank you.*

LeBuff: *Thank you.*

DeLuccio: *Okay, thank you Jack. Our last speaker Mark Krajewski.*

Krajewski: *Hello, Planning Commission, it's good to see you all again. Thank you for hearing me. My name is Mark Krajewski, I live at 8448 Harold Way and I'm also on the Bel Air Beverly Crest Neighborhood Council and I'm here representing the people that live in the hills north of Sunset. And there were so many eloquent speakers before me that covered so many good topics, I'm going to try to limit mine just to one tonight. But also the...I wanted to just mention that I thought no...as much as I could read of the EIR report, you know, I just kept coming across no impact, no impact, and I just thought that was ludicrous because I think sometimes people forget that, you know, there's a lot of people that live in this city and I think sometimes we just put so much emphasis on business, which is great, we need to generate income and stuff, but we also need to realize that people live here. There are a lot of people that live up above Sunset Boulevard and the issue that I'm going to cover is that they mentioned about the bar and the lounge and the pool up on the top there and that there would be no impact on the neighborhood, but I'm here to remind you guys and I hope that you will remember all the problems that we had with the riot at the Hyatt and with, you know, mainly with the*

amplified music and the private parties and such that they were having up there and what a problem it was causing for all the people that needed...that do work in the immediate neighborhood behind that. What I'm here to really ask you to really look at is that we really need to put some rules into place like you did with the Hyatt, which has worked out very well. The Hyatt or the Andaz now, they've become very good neighbors and they've been just really outstanding in, you know, trying to live up to their responsibilities and their limitations, and I think just to give this development free rein to do what they want to do up on that rooftop, I personally have never thought putting bars and lounges up on 10-story buildings is a good idea, right in the middle of residential areas and I think that's just one of the many areas that you guys really need to look at because it's really going to impact the quality of life in the hills and the surrounding area, you know, Fountain, DeLongpre, Sweetzer, all those areas. So anyway, thank you for hearing me tonight. I really appreciate that. What's this, somebody's glasses that were just up here speaking? Okay.

DeLuccio: *Okay, thank you Mark. Okay, at this time comments from Commissioners. Sue, do you have any comments? Okay, John?*

Altschul: *Well, I tend to agree with Elyse and with Steve and with Jack and Mark and with Mr. Shaw that this EIR seems to be crafted out of faux pas and starting with a conclusion and working toward that conclusion rather than starting from the beginning and working toward a conclusion. I don't see...just to take one example, I don't see how it's possible to take one story buildings and replace them with seven story buildings plus an LED rainbow at the top and not have any significant impacts. So it seems like fiction and I think that this whole thing should be revisited by the staff to look at the points that were raised by the members of the public to see whether or not this is in fact a valuable and a true study that we can rely on. And another thing that occurred to me was there are target sites on Sunset. We've now had several non-target sites file applications as if they were target sites. So the thing that might be valuable to analyze in an EIR is what adverse effect, if any, giving these non-target sites target site status as far as height and density would affect the perhaps vested right that the actual target sites have in future developments because of their status in the Sunset Specific Plan. Is that understandable? Okay, thanks.*

DeLuccio: *Okay, Alan do you have any comments?*

Bernstein: *No, I just want to thank the members of the community for coming out tonight and sharing their questions and concerns and I think all of my questions have been covered.*

DeLuccio: *Okay, thank you. Joseph, you have anything at this time?*

Guardarrama: *No thank you.*

DeLuccio: *Okay, Barbara?*

Hamaker: *I just...John Keho, if you would investigate the billboard issue that that gentleman just spoke of.*

Keho: *Actually that billboard is in the City of Los Angeles.*

Hamaker: *Oh, my God.*

Keho: *So it's right on our city limit line. Yes, it's on the line.*

Hamaker: *Oh, so it's not...we....*

Keho: *It's like one foot outside of West Hollywood.*

Hamaker: *Wow. Okay, thank you.*

DeLuccio: *Marc?*

Yeber: *Yeah, I think I...not that I...I'm not echoing Commissioner Altschul's comments, though I do question the EIR. It feels a little boilerplate to me and doesn't feel specific to this project. I was going through it and I sort of felt like, you know, they're kind of stating the obvious. If someone just gave them the project and didn't actually go out and study the conditions or the context in which this project exists and so I would like, I'd like to see that addressed in some fashion 'cause I'm just not convinced this has been very specific to this project.*

DeLuccio: *I think that's an excellent point actually. I felt the same way actually reading the Movietown and this one. I felt they were very...they're different projects, but I felt that they were very template. That's a really good observation. David, for this hearing this evening, there wasn't a noticing was there, a radius noticing?*

DeGrazia: *We did a 500 foot radius noticing for this hearing.*

DeLuccio: *It's not required, but we did it. Okay.*

DeGrazia: *Yes.*

DeLuccio: *At this time are there any further comments? Okay, then we are...thank you and we'll take a five-minute break.*

llwci:rg
(ITEM 9.C. OFFICIAL RECORDING ENDS).

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:35 P.M. AND RECONVENED AT 7:45 P.M.

D. 7300-7328 Santa Monica Boulevard. (Movietown Plaza Mixed-Use Project)

Draft Environmental Impact Report.

Public comment on the Draft Environmental Impact Report only, for a proposed project to demolish the existing shopping center and redevelop the site with approximately 32,300 square-feet of retail uses, 294 market-rate condominium units, and 76 affordable senior rental units with subterranean parking.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

DeLuccio: *Okay, I'm going to call the meeting back to order and we'll move on to Item 9.D. and it's a Draft Environmental Impact Report for Movietown Plaza Mixed-Use Project and David, you're going to give us another staff report?*

DeGrazia: I am. It may sound slightly familiar in the beginning, but bear with me. The Draft Environmental Impact Report for the proposed Movietown Project was released on July 28th, 2009. The meeting is an opportunity for interested parties to comment on the adequacy of the DEIR. Written comments may be submitted to the Planning Division through Thursday, September 10th, 2009, at 5:00 p.m. Again, this meeting is intended to receive comments on the DEIR only and is not on whether the project itself should be approved. The three acre project site is located at 7300-7328 Santa Monica Boulevard. The site is generally bound by Fuller Avenue to the west, Santa Monica Boulevard to the north, Poinsettia Place to the east and the property line half a block north of Romaine Street to the south. It encompasses approximately the northern three-quarters of this block. The applicant is proposing to construct approximately 371 residential units and approximately 32,300 square feet of retail commercial uses. Of the residential units, approximately 294 would be for sale market rate condominiums and 76 would be affordable senior rental units. 38 would be low income and 38 would be very low income with one manager's unit. The proposed project would include a maximum floor area ratio of 4.1 and provide approximately 866 parking spaces in the subterranean garage. No building frontage would exceed five stories on Santa Monica Boulevard and no building located elsewhere on the site would exceed 10 stories. Demolition of the existing Movietown Plaza Shopping Center would be required to allow for development of the proposed project. This site is currently zoned CC, which limits building heights to a maximum of 35 feet and three stories and an FAR of 1.5, with mixed-use incentives allowing another 10 feet in building height and a bonus .5 FAR. The proposed Movietown Specific Plan would be required to permit greater height floor area and density to modify...and modify open space and affordable housing requirements. Again, I'm going to turn it over to Melissa Hatcher from EDAW to present the Environmental, or the Draft Environmental Impact Report.

Hatcher: Good evening. This project was in a similar time frame to the Sunset Time Project. We released the initial study back in July 2008, and prepared the EIR. The EIR was released on July 28th, 2009 of this year. The comment period same as Sunset Time goes through September 10th and it comes back to the Planning Commission and then City Council, so there's additional opportunity for public comment and responses will be included in the Final EIR. So starting with the less than significant impacts, we looked at cultural resources, the buildings on the site were constructed in 1965 and are not eligible for listing on the local, state or federal register. There are...it's not likely to uncover archeological or paleontological resources. For land use and planning, as David mentioned, this project includes a Specific Plan, so if the Specific Plan were approved, it would allow the project to exceed the height limits, it would allow them to cluster affordable housing units within a single building and restrict those units to persons 62 years of age or older, so senior housing. So upon approval of the Specific Plan, the project would be consistent with the General Plan and the Zoning Code if it were approved. For population and housing, although we're introducing a number of new housing units, it would not exceed the SKAGG regional growth projections for the area. For esthetics, some mitigation is required. The building materials need to be limited to non-reflective building materials and no high gloss paints in order to reduce reflection off of the buildings. The...some of the structures are up to 10 stories, between five and 10 stories, so we did do a visual analysis with...and photo simulations prepared. Although these existing buildings are taller than the existing structures, there is no adjacent sensitive uses located around them and the impact would be less than significant. We did again look at light and glare and shade and shadow, did a shade and shadow analysis. The majority of the project site would end up getting shaded actually and the off-site uses would not be shaded more than three hours on the shortest day of the year. For hazards and hazardous materials, the dry cleaner that's at the project site, there's some contamination associated with that, PCE and TCE, which I don't think you want me to try to pronounce the real one. The project would be remediated in accordance with the Department of Toxic Substances Control requirements and a letter of no further action would be received before construction could proceed. For public services and utilities, we

have some landfill space issues. The proposed project includes mitigation for trash enclosures, for recyclables and establishing recycling program on site in order to reduce the landfill...in order to reduce the amount of trash that's produced in accordance with the City's diversion requirements. We also contacted police and fire and they indicated that there's adequate personnel to serve the proposed project. For air quality, we looked at construction operation. This project would exceed the South Coast Air Quality Management District's thresholds for knocks during the excavation phase and so we have implemented mitigation measures that limit the amount of disturbance and limit hauling. However, that impact would remain significant and unavoidable even with mitigation. For noise, we looked at both construction and operation. The noise levels that would be generated during construction would exceed the City's thresholds, so we have implemented mitigation measures that were required including muffling construction equipment and so establishing a noise disturbance coordinator. Vibration that would be produced would exceed the thresholds that are established by Cal-Trans and that impact would be significant. We have tried...we have prohibited pile driving on the site, however vibration would still exceed the standards and the impact would remain significant and unavoidable. Operational noise would be reduced by installing special windows in order to reduce that during...for the residences that live inside the building. And for transportation and traffic, we looked at a number of intersections. The proposed project would add approximately 5,200 net new daily vehicle trips. There are four intersections that would be significantly impacted and two residential street segments that would be significantly impacted. We have mitigation measures for Fuller at Santa Monica and Poinsettia and Santa Monica to mitigate intersection impacts. However, four intersection impacts and two residential street segment impact...or one residential street segment impact would remain in effect after mitigation is implemented, so that impact would be significant and unavoidable. Moving on to alternatives, we looked at the No Project Alternative. Again, this would retain the existing uses on the site so there would be less than significant impacts and the project...the alternative would be less than the proposed project. We looked at a conforming commercial alternative. This would develop only retail uses and it would be almost 200,000 square feet of retail uses and three stories tall. This alternative would reduce impacts to esthetics, land use, population and public services and recreation. It would have similar impacts to air quality, cultural resources, hazards and noise. It would have greater impacts to air quality and traffic and would not provide affordable housing. Another alternative we looked at is the reduced development alternative. In this development, there would be 187 residential units, 32,000 square feet of commercial uses, there would be four buildings and those four buildings would be limited to a maximum height of four stories or 45 feet in height. The Movietown Specific Plan would not be required under this alternative, would not be implemented. This alternative would have reduced impacts to esthetics, air quality, land use, operational noise, population and public services. It would provide approximately 25 fewer affordable senior units. And so again, the Draft EIR is available for public review through September 10th.

Bernstein: May I ask a question?

DeLuccio: Thank you. Go ahead Alan.

Bernstein: Maybe a clarification. You said the project would generate over 5,000 new trips, but I just wanted to clarify before we go forward, that doesn't I think include counting the trips that are currently generated by the existing use. Are those the additional trips or the total trips that the project if approved and built would generate?

Hatcher: Net new.

Bernstein: So that would be additional?

Hatcher: Yes, it takes into account the existing traffic.

DeLuccio: Barbara?

Hamaker: Yeah, I have a couple of questions. What is a sound blanket?

Hatcher: Actually, can I correct what I just said? It's 52 net new trips, but we did a really conservative analysis on this project in which we didn't take into account the existing traffic, just to be super conservative on the traffic analysis. A sound blanket. A sound blanket is...it almost looks like a moving blanket and they literally pin it up to a fence, either a chain link fence or a wood fence and it's kind of thick padded like a moving blanket.

Hamaker: Okay. I envisioned blankets being wrapped around the machinery like...

Hatcher: Yeah, it's usually around the perimeter fencing.

Hamaker: Okay. I had never heard a term, it prohibited pile driving. I'm familiar with pile driving because of the PDC. Are you saying that this project doesn't...didn't need pile driving with 866 parking spaces and they are able to do it another way that the PDC wasn't?

Hatcher: Based on the complaints that were heard about PDC, the City chose to implement a no pile driving mitigation measure.

Hamaker: Okay, so there....

Hatcher: The (TALKING OVER) reviewed that mitigation measure and we continued to go forward with that as a mitigation measure.

Hamaker: Okay, interesting. Thank you.

DeLuccio: Marc?

Yeber: Yeah, early in the...your testimony, you were talking about, and I believe this is some of the conditions under the Specific Plan that are being proposed, you said that the age...one of the condit...one of the conditions is although our senior, seniors 62 or older, but your report says 65.

Hatcher: I was informed this evening that it's 62 years of age or older.

Yeber: Thank you.

DeLuccio: So that'll be corrected in the Final?

Hatcher: It will.

DeLuccio: 'Cause I think I read 55 also some place.

Hatcher: Yes.

DeLuccio: Okay. Yeah, I read 55 in this and 65. Any other questions? So thank you, we'll hear from the public at this time. Bob Abrahams to be followed by Rob Bergstein.

Abrahams: Good evening Commissioners, Bob Abrahams, resident of the City of Los Angeles. I live several blocks south of the proposed project. My concern is with traffic going south into the Los Angeles residential areas. West Hollywood has always had a, kind of a policy of trying to keep traffic, thru traffic out of residential areas and I would like to see that same be held in regard to Los Angeles that any mitigation measures be taken that are possible to keep traffic leaving the project to go up to Santa Monica Boulevard and not down Poinsettia or Martel down into the residential areas of Los Angeles. That could include things that were done say at the Kings Road Garage where it said no left turn and the curb was a certain way, perhaps a traffic signal at Poinsettia. I didn't see anything about that which would encourage people to go to Santa Monica Boulevard where there is a traffic signal there and perhaps even a cul-de-sac or a half cul-de-sac of some kind in order to again keep the people who are visiting the property, especially the commercial properties from using the residential streets as a way in and out. Thank you.

DeLuccio: Thank you Bob for your comments. Rob Bergstein to be followed by Lauren Meister.

Bergstein: Good evening Honorable Commissioners, my name is Rob Bergstein, I'm the current Vice Chair of the Eastside PAC. I did review the entire Draft EIR. Fascinating reading and of course the following week is when John Keho came to the PAC and explained to us how to kind of cut through to the meat of the matter, so now I know how to kind of do the shortcuts. With any project there's going to be negative impacts. With construction, you know, back in 1922 when my house was built and it was a two year project, I'm sure there were neighbors complaining about the hammering so with progress, with change, there's always construction noise. With the noise, they've done a good job of talking about mitigating any problems particularly with the recording studio to the south and projects at the lot on the east side. Traffic, there'll be some corners that will remain the same, some that will get worse, some will get better. All in all, I think you've done a good job of mitigating this project and I would ask that you deem this report adequate. Thank you.

DeLuccio: Okay, thank you. Lauren Meister to be followed by Tamara Gurevich.

Meister: Lauren Meister, resident of West Hollywood.

DeLuccio: Wait, Lauren's....

Gurevich: Oh, I'm sorry, I thought you....

DeLuccio: Yeah, no Lauren's first then...I'm just...I was just getting ready for the next speaker Tamara, so...thank you.

Meister: Lauren Meister, resident of West Hollywood. I have some concerns that I don't feel were adequately addressed by the DEIR. One is land use and planning. The zoning in that area is currently CC, which allows for three stories and an FAR of 1.5 and with the mixed-use incentives 45 feet and 2.0 FAR. Yet this proposed project boasts heights of 10 stories and an FAR of 4.1 and I don't see how that this is not significant. Regarding population and housing, Table 4-1, which lists projects both approved and in the pipeline, it's missing the Monarch Mixed-Use Projects located at 7113 Santa Monica and 1222 La Brea. Together those projects would add over 330 units. Were those projects considered in the traffic analysis or other sections? A big concern I have is water demand. The State of California has declared a water shortage, a Stage B emergency situation and this is not acknowledged in the DEIR. The Metropolitan Water District has mandated water conservation. We're supposed to reduce usage by 10 to 15%. Our rates have increased. The proposed project will require 11 times the existing

usage. 11 times. This is stated to be insignificant. Yes, DWP will serve and I've never heard of a project that they wouldn't serve, but ask DWP or Beverly Hills Water how it's possible to have water for new projects more intense than their existing zoning allows, yet not enough for our current customers. They don't have a very convincing answer. Good planning means looking at our infrastructure and our resources and water is a limited resource. I'm not saying we shouldn't have a project, I'm saying that we need to be environmentally responsible and just saying we're green doesn't make us green. Thank you.

DeLuccio: Okay, thank you Lauren. Tamara, now you may come up, and then be followed by Barry Wendell.

Gurevich: My name is Tamara Gurevich. I am a West Hollywood resident. I'm not a professional and I cannot judge professionally, but I reviewed that and I could say that I like it. It includes satisfied commercial and the residential needs and what is important for people like me. It includes affordable housing for seniors and I've seen the project develop more than design improvements and it's realization would be, enable the eastside of West Hollywood. That's all. Thanks.

DeLuccio: Thank you. Barry Wendell to be followed by Steve Martin.

Wendell: Hi, I'm Barry Wendell, I live at 1130 North Fuller, half a block north of the proposed project. I intend to write something within the next week, but this is just from the preliminary glance at the report and section, yes, one, it says that it's 1.6 miles to U.S. 101, which would be the major freeway access to the project. It's actually 2.6 miles and not 1.6 miles. And so, and that's getting through Highland Avenue or down from Santa Monica and Western. Yes, two, it says consistent pattern. It's part of a consistent pattern of development and uses, but I don't see anything where this is consistent with anything to the west of Fairfax at all. It's consistent to the corner of La Cienega and Santa Monica or Doheny and Santa Monica, but not consistent to what's currently in our end of the city. Current zoning as someone said is limited to three stories and 10 stories seems quite a bit. The impacts in the environmental impact statement and also what the young woman said was that...I don't know how these things can be enforced about the mitigation as feasible using quieter diesel equipment or less polluting diesel equipment. It says, in the report it says as feasible, but I don't know who enforces that, if anyone. I lived in Park La Brea when the Palazzo was being built by this developer and it was a nightmare. It was extremely noisy. There was paint dust six blocks away from that orange paint that they used on the Palazzo and I'm kind of concerned about that. Where it says, in the transportation section, it says it will not exceed a level of standard service on the roads, but I don't see where that's met. Even now at the corner of Santa Monica and Fuller, the traffic is already backed up from La Brea and Fuller completely and I don't see how this could be better. As a resident of Fuller Avenue, I would like to see it more fully developed. The traffic that will be in their left turn lane coming on to Santa Monica from Fuller could then turn right on the northbound side of Fuller to go up to Fountain Avenue and I think that would be a dreadful impact on our street. Also in terms of the...she was talking about double panning windows but that was in the new building and I'm just wondering for those of us a half a mile away or half a block away, not even half a mile, who have sliding glass doors facing south, what kind of mitigation will we get from the noise and the dust from that area, which is already pretty significant. Okay, that's all I want to say right now. I'll submit more in writing. Thanks.

DeLuccio: Okay, thank you. Steve Martin to be followed by Yola Dore.

Martin: I'm not quite sure what to say. The Draft EIR, the Draft EIR in this is so inadequate. I mean it's such a dog, I feel like I should be up here with a pooper scooper. There's...it looks like there was just perfunctory studies or even considerations of what this is going to have on our residential neighborhoods. The residential streets are going

to bear the brunt of this. We're all familiar with Santa Monica Boulevard, both during rush hour and even on the weekends sometimes it takes me 20 to 30 minutes to get from my house right close to here to La Brea. Now we've all enjoyed the success of the Gateway Project, but at some point in time we have to pay a price. We have to recognize we can't squeeze anymore, you know, any...well, we can't squeeze massive developments in these small spaces. It's just like getting into a smaller size dress or pants, we just really aren't...it's just not going to work. But people are not going to get on Santa Monica and they're going to do everything they can to avoid it, including going up Fuller, creating a huge amount of traffic on an already busy street where seniors and children are crossing the street to go to Plummer Park. There's...Fountain is going to be impacted and then Fountain's also going to be impacted by the Monarch Project, which is going in at the Jon's Market site. There's also...as Lauren said, there's another Monarch Project, which is also very large, but at least those are on major intersections. This is not on a major intersection. Everyone is going to go...not everyone, but tons of people are going to go south into L. A. Nothing's been talked about Warring or Willoughby, which are already messes. It's just...this is not going to work and you're not going to be...you know, you're not going to be able to get fire responses here, ambulance responses, paramedics. Those poor seniors there are going to be stuck. God help them if they need...if they're...if they need emergency services. This is really ill-considered and unfortunately the Specific Plan is just developing into more, something more like spot zoning. Ten stories is absurd. Basically it's absurd anywhere on Santa Monica Boulevard, but it's particularly absurd here. It just cannot work. And this is not being...this is not an example of good planning. It's not even a good example...well, certainly not a great example of good planning and there just has not been considerations for the West Hollywood residents and the L. A. residents. This is just a callous exploitation of an admittedly large site. And I understand that something is going to be built here and even if it's four stories, that would at least be something, but you know, the project the way it is, is totally unacceptable. Thank you for your consideration.

DeLuccio: Thank you, Yola Dore to be followed by Carlos Florez.

Dore: Good evening Mr. Chair and Commissioners, Yola Dore, West Hollywood. Well, I think this development Movietown Plaza is a valuable asset to our redevelopment area. It's green, it's close to groceries, transportation, our parks, many good things. It is mixed-use and of course the most important thing, it has 76 affordable units for seniors. That's a wow factor and it also includes our Trader Joe's. What else could you ask for? And on our east side, say yes. Okay? Thanks.

DeLuccio: Thank you. Carlos Florez to be followed by Maryann. And then Steve Levin.

Florez: Hello, my name is Carlos Florez. I'm in favor of this development. I'm here to support it because I...actually kind of over the hill comments that everyone's saying that it's going to cause more traffic, since the traffic creating West Hollywood is from people living out around Los Angeles, not within the city. And also this is an environmental study and I believe that if we keep spreading out because we're not allowed to build higher, we're actually causing more danger to the environment. If we keep building three-story buildings throughout all of California, we're going to reach San Diego and Arizona and then the water supply, you just imagine how many lines of water we need. Instead of going up, we're spreading out and that's causing traffic and it's bad for the environment. And also, I mean bottom line is, cities are getting bigger, more people are moving in. We have to supply housing, so that's why I'm here to support it. I don't have an issue with 10 stories or 15 stories. Thank you.

DeLuccio: Thank you. Maryann followed by Steve Levin and then Jeanne Dobrin will be the last speaker.

Maryann: *Hi, my name is Maryann, I'm actually the Neighborhood Watch Captain for Formosa, Lexington and Detroit. I'm also on the Eastside PAC. Good evening, I am definitely in support of this project. I know that there's been an issue with...a lot of people have an issue with the 10 stories and everything like this, but the 10 stories are actually not on Santa Monica Boulevard and they Kasden listened to us and have moved them back so that they are farther back and they're not exactly on Santa Monica Boulevard. I believe this is going to bring a lot more income into the eastside, a lot more is going to be going on on the eastside and if we stop developing and we just do build three stories, I don't think it's going to be enough. I mean we want affordable housing for seniors, we want affordable housing for others, low income, so that this city is still affordable for everyone and if it means we need 10 stories, fine. That means that other people can come here and live here besides the people who want to hem and haw and maybe can afford living in a nice house. Not everybody can, so I think there's always a give and take with things like this, so I'm definitely in support. Thank you so much.*

DeLuccio: *Thank you.*

Levin: *Hi, Steve Levin, resident of West Hollywood. I live over on Formosa. First regarding the DEIR part, I read it thoroughly. No surprises in it. I mean we know what the impacts are, they're obvious. To talk about the project itself, I mean we're talking about the single most underutilized piece of property in this city right now. The opportunity that we have as a community to actually exert some control over what happens here is very exciting. Kasden has bent over backwards meeting with commun...with the PAC, meeting with neighborhood areas to figure out what the best use for this is and they have made concessions, they have moved things around, they got a new architect because it didn't look good in the beginning. We finally have a project that is going to be very good looking. It's going to provide us with our retail components that frankly are very much lacking there right now up...excuse me, other than Trader Joe's, the senior housing. The complaints about traffic, right now traffic there is a nightmare because there is no traffic plan. People are entering and exiting out of, what, five or six random areas around that property. Now we're going to have a plan for it, widened streets, there's going to be control over that. Yes, there will be additional traffic, but it will be well controlled. And again, there is no significant impact to the surrounding neighborhoods as far as visual blight or anything like that. We were talking about the Sunset Plan earlier, obviously there's a lot of people impacted by that. We don't have that right now. To do anything less in a project of this scale would be a waste and realistically in 10 or 15 years it would probably be torn down and something new would be put up. So very much in favor of this and I'm very excited that we've reached this point with this project. Thank you.*

DeLuccio: *Okay, thank you. Jeanne Dobrin is our last speaker.*

Dobrin: *I think Curt fixed this microphone. Is that true? Did he fix it? Can you hear me? I took out my hearing aid so I'm not hearing myself very well. Jeanne Dobrin, a resident of West Hollywood. There are 50,000 trips daily on Sunset Boulevard and Santa Monica has 55,000 trips daily. Are we planning now to add another 10% of the already 55,000? I say no. The question about the pile driving has stunned me. For a 10-story building, I don't believe no pile driving. Beware, beware, because some conditions in the Pavilion's Project, which were placed on it by the Planning Commission and the City Council were subsequently allowed to be removed at Von's request by Public Works and Transportation Department. If you want to know later what they were, I'll be glad to tell you. Yes, we do need affordable housing, but I do not feel a mere 46 units on this particular property at the expense of the doubling the FAR and constructing the huge amount of market rate housing really justifies the construction of 46 affordable units. I would like to help those people. I think it's important and don't forget, this is to be 10 stories and the zoning underlining is three and a half, three stories. Early on I heard that the PAC objected to the size of the proposed project and the applicant subsequently reduced the size. This...a while ago when I was serving on Supervisor Edelmans's Committee on the Community Plan, I...we interviewed the Fire Department. The Fire*

Department told us that what they always ask the Supervisors is for when they need equipment and personnel and money. They always ask for more than they need or want and the Supervisors cut them down and feel very pleased about it and the Fire Department go away and they are even more pleased because they got everything they really wanted. So the story is here, the PAC members who have said to me, yes, but it's smaller than it was before. I believe that this is maybe it's rude to say a trick, a trick of developers. They come with something that is simply enormous and then they get it cut down and everybody says, oh, it's smaller than it was before. This place is still too, too, too big. I feel that...the other person just said that this is an under used piece of land, I agree, but Abby Land a couple of years ago said we do not want to have boutique stores in West Hollywood, we want to have markets and some neighborhood serving businesses. This plan will provide for very high end type of retail too. I think that is all mis...very much misdirected here and I feel that the project is still, still too big, but I do want to say that I support affordable housing in this city. Thank you.

DeLuccio: Thank you.

Dobrin: But not 46.

DeLuccio: Okay, thank you Jeanne. Okay, Commission have comments in regards to the Draft, Joseph?

Guardarrama: I don't.

DeLuccio: Barbara? Marc?

Yeber: Yeah, a couple things. First, one of the speakers earlier mentioned water and it's been brought up to us countless times and I was just wondering if this EIR could somehow address that water issue in a more substantive way since this is a much larger project. And then secondly, obviously this project is proposed to be governed by a Specific Plan, but it doesn't really explain the significance or the process or findings of that plan, how it was reached, these particular thresholds, how these thresholds became acceptable versus the thresholds that aren't part of our code. So I think it would be helpful if somehow those are addressed in this report.

DeLuccio: I think I'll throw a wrench into this if I can. This is...this project has a Specific Plan, the other one had a Development Plan, so I want to know for...why they chose a Specific Plan for this versus a Development Plan..

Yeber: Development Agreement.

DeLuccio: Development Agreement.

Keho: And we can certainly....

DeLuccio: And you don't need to answer that right now, but....

Keho: Well, we'll certainly put that in the staff report. I'm not sure if that's really an EIR comment 'cause that's a choice.

DeLuccio: Well they did address the Specific Plan in the EIR, so why if...and the other one they did address the Development Agreement in the EIR, so I'm not sure why it wouldn't...why you couldn't address it in this document, in the final document. And also...'cause that could also have implications on why we're going from a 2 FAR in this site to a 4 FAR. That's a big jump from what's allowed, like a 1.5 and a 2 with some bonuses incentives, but now it's at a 4 FAR. So that is a concern for me. Sue?

Buckner: *I don't really have a comment...*

DeLuccio: *Okay, thank you.*

Buckner: *...but I am concerned though that I don't know how they're going to build a parking structure underground and a building 10 stories without some pilings. I'm not an architect, so I don't...I'd like to understand that.*

DeLuccio: *Okay, so they may need to be addressed. Alan?*

Bernstein: *One thing, I'd like a clarification and also a slight reexamination of the traffic study. First of all, as I read it, it looks like the net trips under this proposal is 5,200, but it doesn't look to me like the delta of increase is 1,600 over existing use and I just would like that clarified now or later, but I'm also curious about the decision to look at existing traffic, particularly in such a bad economy and normally for instance we would consider the impacts of approved un-built projects. So I'd also like to understand how the traffic would be impacted if we looked at this based on full use of the existing thing and I would question because I know the Movietown Plaza, there are only two restaurants listed here, Los Burritos and Yukon and there are other restaurants there and other restaurant spaces and they would be greater trip generators, so I'd like to look at it based on what they are, not simply calling everything other than Trader Joe's, Los Burritos and Yukon specialty retail.*

DeLuccio: *Okay, John do you have anything to add?*

Altschul: *Just a little bit. Yeah, I...I'm sort of puzzled with this whole Specific Plan notion. When the Mixed-Use Ordinance failed for politicalization or other reasons, then all of a sudden all the applications that were pending at the time sort of morphed into Specific Plans and we have, as I can recall, basically two Specific Plans in the City, Sunset Specific Plan, which covers a whole boulevard, and the PDC. I don't think there are any other Specific Plans at this particular point. So if somebody bought a piece of property that they paid an awful lot of money for and it doesn't matter how big it is or how small it is and admittedly Movietown Plaza is rather large, oh, let's call it a Specific Plan and therefore we can get around our General Plan requirements and our Zoning Code requirements. So how does this relate to the EIR? I think as Donald said that it does because we need to think about the environmental impacts in relationship to what we call these large projects and if we call them a Specific Plan just in order to get around the Zoning Code, is that...in due process, is that fair to our environmental obligations? And if that can be simplified into some kind of a paragraph or two that can be analyzed rather intelligently, I would think that that might give some further impact to our consideration of this project.*

DeLuccio: *Okay, thank you. Barbara?*

Hamaker: *Yeah, just a couple more thoughts. I, like Sue, I do have some concerns about the pile driving issue, so I'd like a little more detail about what is used in place of pile driving and what that is and why that doesn't make as much vibration as the other. Also, Yukon Mining has been closed for quite some time so their basically lease has been deprived of the one coffee shop we did have, which is really...not that the Yukon was the greatest, but it's really been...it's a shame. So, other than that, I don't have any comments.*

DeLuccio: *Okay, and I just want to thank everyone that came out this evening. You...and I really appreciate you spoke to the document and that's very much appreciated and that's what we were looking for and at a later time the Final Environmental Impact Report will come before us as well as the project. And....*

Altschul: *Perhaps in place of pile driving, it can be Marathon Communications employees with shovels.*

DeLuccio: *Thank you. Thank you John and you have until...if anybody has any further comments, you have until the 10th of September, David, is that correct, to submit those comments?*

DeGrazia: *Yes, that's correct.*

DeLuccio: *Thank you. Okay.*

llwci:rg
(ITEM 9.D. OFFICIAL RECORDING ENDS).

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Planning Manager's Update.

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

He informed the commission of a possible Joint Meeting with the City Council regarding the General Plan. This is tentatively scheduled for Monday, November 16, 2009.

He provided a Code Compliance update regarding "Guys and Dolls". He stated there was no smoking confirmed inside this establishment.

At the next meeting will be another General Plan presentation, regarding Economics.

B. Director's Report.

Anne McIntosh, Deputy City Manager/Community Development Director, spoke and detailed the General Plan process, timelines, consultants, state components and participation.

She spoke on the possibility of an upcoming Planning Commission and staff retreat.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the recent General Plan community meeting and spoke regarding public noticing.

ELYSE EISENBERG, WEST HOLLYWOOD, commented on the Sunset Specific Plan.

15. ITEMS FROM COMMISSIONERS.

Vice-Chair Yeber commented on the light impact from the Jumbotron video billboard on Sunset Boulevard. He requested staff to look into the conditions regarding the video billboard. He commented on the current health care debate and encouraged everyone's participation.

- 16. ADJOURNMENT:** The Planning Commission adjourned at 8:45 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, September 17, 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 17TH DAY OF SEPTEMBER, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR