



**PLANNING COMMISSION MINUTES**  
**Special Meeting**  
**July 29, 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 6:35 P.M.

**2. PLEDGE OF ALLEGIANCE:** Anne McIntosh 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: Laurie Yelton, Associate Planner, Francisco Contreras, Senior Planner, Terri Slimmer, Transportation and Transit Manager, 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:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, July 29, 2009 as presented. **Moved by Commissioner Buckner, seconded by Commissioner Hamaker and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. July 16, 2009**

Vice-Chair Yeber notated on page 3 of 3 under Commissioner Comments; he stated the comment was referring to the planning coordination with outside utility agencies in conjunction with utility boxes, telecommunication boxes, and stand pipes.

**ACTION:** Approve the Planning Commission Minutes of Thursday, July 16, 2009 as amended. **Moved by Commissioner Hamaker, seconded by Vice-Chair Yeber and unanimously carried.**

**6. PUBLIC COMMENT.** None.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Altschul requested the Palmer 6<sup>th</sup> Street Properties vs. the City of Los Angeles regarding affordable housing requirements agendized for clarification.

8. **CONSENT CALENDAR.** None.

9. **PUBLIC HEARINGS.**

A. **8375 Fountain Avenue.**

**Minor Conditional Use Permit 2008-015, Variance Permit 2008-002:**

Continued from Thursday, July 2, 2009. Applicant is requesting to construct a rooftop wireless telecommunications facility on an existing multi-family building.

**[VERBATIM TRANSCRIPTION]**

*Provided and certified by Written Communications, Inc.*

**DeLuccio:** *The first public hearing is a continuation of an application by Omni Point Communications at 8375 Fountain Avenue. And I...David, how many speaker slips do we have on that?*

**Gillig:** *Three.*

**DeLuccio:** *We have three speaker slips? Okay. I think at this point we'll...the public hearing's still open, so we'll continue it. Yes, John.*

**Altschul:** *I'm going to recues myself because I was absent at the last meeting when this was heard.*

**DeLuccio:** *Okay. Thank you. Before we hear from the public, do any of the Commissioners have any questions? Then we will move right on to public hearing if I can get the slips. Who is the first speaker?*

**Yeber:** *Do we not want a staff report real quick?*

**DeLuccio:** *Do we...oh, we usually do a staff report. Do you have anything?*

**Yelton:** *Good evening, Chair and Commissioners. This item was continued from the meeting of July 2<sup>nd</sup> in order to allow the opponents to gather additional information. To date, the applicant has not provided Staff with any information. This concludes my presentation, and Staff is available if you have any questions.*

**DeLuccio:** *There's no questions. Sorry for the oversight. We have a speaker named Jonathan Canes. Are you here for this item, Jonathan, or the SoHo House? Is Jonathan here?*

**Female:** *Is Jonathan here?*

**Canes:** *Yeah.*

**DeLuccio:** *Are you here to speak on this item or the SoHo House?*

**Canes:** *I'm sorry. I didn't hear the question.*

**DeLuccio:** *What item are you here to speak on, sir?*

**Canes:** *Say that again.*

**DeLuccio:** *What item are you here to speak on?*

**Canes:** *I'm here to speak on the nightclub.*

**DeLuccio:** *Okay. Thank you.*

**Canes:** *On the top of the Luckman.*

**DeLuccio:** *We will get to that in a little bit. Thank you.*

**Canes:** *Okay. Thank you.*

**DeLuccio:** *Okay. So we have three speaker slips. We'll give each speaker three minutes. The first speaker is Courtney Schmidt.*

**DeLuccio:** *Well, we'll give the applicant a chance at the end for some rebuttal.*

**Schmidt:** *Thank you. And just to clarify, does the applicant receive three or ten minutes?*

**DeLuccio:** *Are you the applicant?*

**Schmidt:** *I am the applicant.*

**DeLuccio:** *Would you like to go now or wait to hear what other folks say? Or, you know, 'cause the continuation was to hear from some folks that were opponents. What...I'll give you, right now we'll give you five minutes. Would you like five minutes? Is that enough time?*

**Schmidt:** *I'd like ten, if possible.*

**DeLuccio:** *I think at this point, since this is a continuation, I'll allow you five minutes.*

**Schmidt:** *Okay. Thank you very much. Good evening. My name's Courtney Schmidt, representing T-Mobile this evening. I want to clarify Staff's report. The applicant was not the one that was suggested to add additional information into the record. It was the surrounding residents that were suggested to add additional information into the record. We're before you this evening requesting a minor Conditional Use Permit because we are in an R-4 zone. We're also before you this evening and requesting a variance because we are on a building and in an area where there are not 80-foot buildings in the R-4 zone. Just to clarify some information on the design. We have 12 antennas proposed to be located in three different areas on the building. The southeast corner, the southwest corner, and the west side of the building. These are...excuse me...photo simulations looking northeast at the building, and those screens are hiding the antennas. They are five feet from existing parapet. This is looking northwest from the building. Again, five feet from the parapet. These elevations were corrected just a bit, and they are in your package this evening. All the dimensions on the elevations were correct. There was just a little difference in the, the heights that were identified from grade level on the right hand side. I'd like to pay close attention to the one on top here. This is the east elevation. So this is looking west. If you can notice, the top elevation there is an elevator hatch. I want to make note that that elevator hatch is existing, and it is 2.6 inches above the existing parapet. So above that, we are only extending above that by 2.4 inches above, above the existing elevator shaft. Why do we need coverage? T-Mobile needs to provide additional coverage and capacity to a large residential community that has poor coverage, and especially very poor in building coverage. Our coverage objective in this area is from La Cienega to Sunset, North Crescent Heights to Willoughby. The coverage objective is not Sunset Boulevard. The intent is to provide in-building coverage to meet the demand of wireless, voice and data services. We're no longer using our cell phones just in our cars or in businesses. We're*

not just driving up and down Fountain using our cell phones. We're in our homes. We have a cell phone. Our significant other is utilizing a cell phone in that same unit. Some of us have cell phones provided to our children. So there are multiple users in one particular unit, and in this instance, where we have multi-unit buildings, we have lots of users in every single building. This is our coverage map that we create to show our need for coverage. The blue triangles represent our existing sites and the locations as to where those antennas are pointing. As you can see, in the middle here, you have a pink dot. And that, that starts our intended coverage objective area. Yellow is not good in building coverage. White is bad. And green is good. So we're trying to fill that hole in between our existing sites, the site on Sunset and the two sites to the south on Santa Monica Boulevard. This is after the site is installed. So we have very good in-building coverage, and on top of that, very good coverage. We're able to hook up to our existing sites, the one on Sunset and the two below on, on Santa Monica Boulevard. Why a residential neighborhood? When we look at a residential neighborhood and we need to improve the coverage in the residential neighborhood, we look for commercial buildings. We look for institutional uses where we can install our antennas. Unfortunately, in this particular area, those two don't exist. There was quite a bit of time discussed about why we can't shoot down from Sunset. If we shoot down from Sunset, we actually overshoot our coverage objective area and interfere with our existing sites on Santa Monica Boulevard. We have to be in the area where we're trying to provide coverage. In conclusion, our variance findings are simple. The absence of a facility in this area results in poor in-building coverage. There's no existing building in this area that's at least 80 feet or outside the residential area to meet our height and location requirements. After a thorough review of the area, this is the only available rooftop to meet our coverage objective. If this is denied, T-Mobile's prohibited from providing adequate coverage in this area of West Hollywood. Our hardship is, due to the strict application of the ordinance, it has the effect of prohibiting service. T-Mobile's not alone. The demand for coverage is no longer in the commercial areas. It's in the residential areas. 17 percent of us no longer have land lines, and that number's increasing. Thank you very much.

**DeLuccio:** Thank you. And I notice you had another applicant with you this evening who's available for questions.

**Schmidt:** Yes, correct.

**DeLuccio:** Pankar Saxena?

**Schmidt:** Yes.

**DeLuccio:** Thank you.

**Schmidt:** Thank you.

**DeLuccio:** Okay. If there's any questions, we'll let you know. Okay. We have one other speaker, and that's Andrew Caple-Shaw.

**Shore:** Yes.

**DeLuccio:** And the reason we continued this hearing this evening was 'cause you have some opposition to scientific expert evidence you were disputing. And if the Commission's amenable, I will give you five minutes since you are the only opponent here this evening.

**Caple-Shaw:** Yeah. Well, while I'm setting up, that's because we had tried to space this out so that we could spread it between people. But we have some folks who got caught up at work. And I just need a moment if I can to get this connected.

**DeLuccio:** And so why don't you start by stating your name and city of residence for the record?

**Caple-Shaw:** My name is Andrew Caple-Shaw. I am a resident of 8440 Delongpre in West Hollywood, the building directly behind the project site. I will try and cover this as fast as I can. Members of the Commission, at the last meeting to discuss this project, you heard from a number of residents on, of the block in question who spoke about their strong dislike of the idea of having a space station built right outside their windows. Each of them believing West Hollywood, particularly a south facing portion of Delongpre, looks better with sunshine and palm trees than a nine foot tall orange fence concealing electrical equipment. The Commission had voted three in favor of stopping this project when the issue of need arose. Does the need for this project outweigh the negative impact on the landscape? In reviewing the application, we found a number of misleading statements, some of them bordering on criminal. Quite simply, we believe that the Commission was lied to, if not outright, then by omission. First, there's the assertion this would improve 911 and emergency service. That claim, as written, neglects to mention that modern wireless GSM devices have an emergency setting. Even if you don't have a SIM card and you aren't in a T-Mobile service area, your phone will use another GSM carrier's signal to get you through to help and triangulate your position. Their competitors have great coverage in the area, and achieved it without variance permits, a point that's going to be relevant later, but now is important only to show that this is one of many cases where you were misled. Second, and going to the PowerPoint, they used the water sprinkler analogy at the last meeting to say why they needed this tower. Well, the best place for a sprinkler head on my lawn might be 20 feet in the air in the middle of the street on Delongpre. But I can't build there because there are laws. If I came to you, you would say, find another way. So let's use the sprinkler head analogy here. If someone has a sprinkler set-up, the best thing to do is put the sprinkler head right in the middle of, let's say, that circle is the lawn...put it right in the middle and have it broadcast out. But what if they can't? What do they do? They put sprinkler heads in different places to make sure that the area in question is watered. Cell towers are no exception. This request isn't about need. It's about a lack of planning on T-Mobile's part. What T-Mobile has done is, they've built their existing sites far enough apart that they've left a gap in the middle, that center circle representing that gap. That's how they've come up with this assertion that only a few properties meet the need because only a few properties are in that hole that they have left for themselves. Could they still do it in a different way? Absolutely. It would just cost more money and require either the moving of towers or the construction of new towers. And why bother with that when you can just take advantage of the fact that you're a huge multi-national corporation and can threaten Federal pre-emption at hearings like this one? Using their specific maps...these are their maps...to illustrate this concept, those blue sites being the towers, if we remove that one and had repositioned it here, that one here, that one here, all of a sudden your area is covered. But again, you'd have to build more towers on the outside to meet this need. Finally, the most important issue, and I've got to talk fast here, because we haven't even hit the key question, is there a need? This is a zoom-in of the maps on the current application. First, it's important to note that these maps were not put together by scientific research. I had a meeting with the nice lady who just spoke to you. I was told that the driving force here, a lot of the times, is consumer feedback. Someone saying why they were dropped...why they dropped T-Mobile and went with someone else. This isn't science. This is a formula driven by market data. And they won't even make public the formula by which they calculate this need. We want experts to challenge their data, but we can't hire the right experts because they won't share the raw data or the formula with us in the form of anything other than the results they achieve, which is this map. They make their claims, but they won't show their work. We were, however, able to find some data on the quality of T-Mobile coverage in the area using somewhat scientific approach. This is their claim about the current and potential coverage in the area. See, as we go to potential coverage how all that green gets filled in. Well, we had another expert assessment using bright green once again to articulate where you get best possible

coverage. I'm sorry it's a little fuzzy here, but it's white, is poor all the way up to green is the best service that T-Mobile offers. 90 percent of this is in the darkest level of green. So the question is, where did we get our map? Who are we relying on in terms of our research? This map that you see here comes from [www.tmobile.com](http://www.tmobile.com). 911 service, you're misled. Tower relocation options and the lack of long-range planning that boxed them in here, that fact was withheld. The fact that competitors have done this without variance permits was omitted. And finally, and I might have to go over ten seconds if you'll allow here, the question we really need to ask in light of these maps is as simple as, are you lying to the Commission now or are you lying to your West Hollywood customers every day? Thank you.

**DeLuccio:** Thank you.

**Bernstein:** I have a question.

**DeLuccio:** You have a question, Alan?

**Bernstein:** Can you clarify a little bit more about your expert? Are you saying that your expert claimed that there is proper coverage? Is T-Mobile or....

**Caple-Shaw:** I'm saying that we couldn't get data to contradict their data because their formulas and the raw information they used to put into those formulas to calculate results was not provided either in the application or to us upon request. So we can't hire the right expert to refute data unless we got data that we can refute. The best we could do is go out there and see if anyone else had done research studies. And the only information that we had as far as the coverage here is that currently, the entire area that they mark as yellow on their own maps that they use to sell cell phone service, which Mr. Yeber pointed out at the last meeting, he gets great reception on Fountain, and I get great reception in my building in the basement through cinder block and steel walls, so that they get best possible coverage.

**Bernstein:** So when you say our expert, on the slide that you showed, what you really mean is that their information suggests something different.

**Caple-Shaw:** That was a level of, I guess, sarcasm would be the, the point.

**Bernstein:** Okay.

**Caple-Shaw:** But going back to, if the concern is that we don't have an expert, again, I would say until they make their research available, we can't get an expert.

**DeLuccio:** Okay. Anybody else have a question? Then we can give the opportunity to the applicant to do rebuttal. Is Courtney Schmidt...I'll give you up to five minutes for rebuttal, 'cause I know that he presented a lot of information in a short period of time.

**Schmidt:** Sure. Thank you. And I'd also...

**DeLuccio:** You're welcome.

**Schmidt:** ...once I'm completed, I'd like to have the additional package, the arc engineer from, from T-Mobile come up and give a little bit of an explanation. He's the engineer that assists in putting these together as to why some of the, the speaker's information.

**DeLuccio:** Well, you'll need to do that within your five minutes.

**Schmidt:** Very good.

**DeLuccio:** So you may want to save a couple of minutes for him to do so.

**Schmidt:** First of all, I'd like to reiterate the fact that no additional information by the speakers, his presentation, was provided to you from an expert. His information that he received is from T-Mobile's website. T-Mobile's website is a good tool to check the approximate coverage in a particular area. But the engineering maps and drive test data that the engineers for T-Mobile use to accurately represent the current coverage area is not used on these websites. These websites are used...our website is identical to Sprint's, is identical to Verizon so that they're all on the same playing field. They don't utilize the same information as if we are utilizing and reviewing information from a field perspective. Looking at dropped call data. Looking at drive test data. Reviewing customer complaint areas. Reviewing where our existing sites are located. T-Mobile doesn't go around and just build sites because they feel like it. They build sites because they have a demand. They are a financial responsibility to their company to ensure that they are building the best network possible. Each site is like a puzzle. And we have to fit those puzzle pieces together to ensure that we have the best coverage possible. Putting a site on top of a building on Sunset will give us lots of coverage, but as our demand increases, as our customer base increases, the need for sites for capacity reasons increase as well. And that doesn't mean that we would not have a site in this particular residential area if we move sites around. It means that we need to provide coverage where there is a demand. And we're no different than any other carrier. He never explained whether or not Verizon has good coverage here, if Sprint has good coverage here. He never presented any evidence to that. The fact of the matter is, T-Mobile is here. We have coverage maps that show in certain areas that we have no coverage at all. We were actually just out there, the engineers had their phones with them, and as you're driving up King, there is no coverage even outside. I'd like to ask the engineer to come up to just give a little bit more information as to why we can't just simply move sites around and meet our coverage objective.

**DeLuccio:** Okay. And sir, would you please state your name and city of residence for the record?

**Saxena:** Good evening. My name is Pankar Saxena. And I'm a resident of Simi Valley. Just to go back on the analogy that the gentleman was sharing...we just cannot move the sites, as Courtney just said, I reiterate again that it's a puzzle. So we cannot put everything together. So we build our sites based on the demand, based on the need, and we pick our sites based on the location, what's available. So it's not easy to just move all the sites around to cover one area. Given the constraints that some of the people are interested in putting a tower or based on the demand where we want to get coverage. So if there are any further questions, technically, I would be more than happy to answer.

**DeLuccio:** Thank you. Any questions? Okay. There's a question for Courtney.

**Yeber:** Just real quick. You mentioned in your rebuttal here that your engineers just recently were going up King's Road and at a certain point, you lost coverage just walking on the road. And I'm just trying to understand. Do you have the same equipment that a consumer would have in terms of cell phones? Because, again, I, I mentioned this at the last meeting that I've been a T-Mobile customer who, for the last five or six years, have lived in, on Fountain Avenue for the last 20 years. I walk around a lot, drive a lot. I've never experienced a dropped call, a lessening of signal anywhere in West Hollywood, whether I'm out on the road, whether I'm in my apartment, or in, down in the basement which is a concrete structure. So I'm trying to figure out how is it that your data, the comment that you basically said, you know, you lost a signal.

**Schmidt:** Uh-huh (AFFIRMATIVE).

**Yeber:** Walking up King's Road.

**Schmidt:** Yep.

**Yeber:** I just...I'm trying to figure out if it's the same equipment that the consumer uses.

**DeLuccio:** You want to try and answer that?

**Schmidt:** Right. We were actually in a car, and the, the engineers were in the back seat. And we were driving up King's Road, and if you recall, the, the propagation map that was up on the screen earlier, there's a little bit of white. White is bad. No coverage. And he looked at his cell phone, just like the same cell phone that you have, and there were no bars. No bars available at all. As you drive closer to Fountain, and actually go north of our building...

**Yeber:** Right.

**Schmidt:** ...where the speaker lives, that particular area is covered by the site on Sunset that we spoke about the last time. Our coverage objective is not north of Fountain. Our coverage objective is....

**Yeber:** Santa Monica? Santa Monica Boulevard?

**Schmidt:** No. Our coverage objective is basically from our building to the east to, to Crescent Heights south to...I'm sorry, I mentioned this earlier...south to Willoughby and west to La Cienega.

**Yeber:** Okay.

**Schmidt:** The....

**Yeber:** I'm right in the center of that area, and I walk around, drive around. Again, I've never experienced that in the last six years. So....

**DeLuccio:** Do you have any other questions?

**Yeber:** Yeah. So, okay. So the next question is, if you felt so strongly about the data that you're collecting, has it, have you ever corroborated your own data with an outside or independent source?

**Schmidt:** We do. We have, we, we represent very similar applications in other jurisdictions. In fact, earlier this week, we had an application in another city that hires their own outside consultant to review our data. And that outside consultant works in several cities, and he takes our data, our maps, and reviews them, knows where our other sites are located, and confirms yes, they need this site, no, I think that they need to move further south, east, west, what, whatever the case may be. So there are several cities out there that review our data with a third party. He then presents his results at the hearing with us. Like I said, that happened earlier this week. Very similar situation. Residential neighborhood. He presented the same data, confirmed our information, and we proceeded from there.

**Yeber:** Was that done though, for this particular situation?



**Schmidt:** *In this situation, we have our own engineers who are actually not just employees of T-Mobile, but employees of a third party who do the exact same, the exact same analysis as what the T-Mobile employees do. And, and that is how we come up with these propagation maps. That is how we come up with our drive test data to determine exactly where we need to be. It's, it's, it's...the, the big issue here to, to look at and remember is that there's not just a few people on their cell phone at once. So there's lots of traffic. Traffic are the people on their cell phone. And it's not just talking on the cell phone. It's data.*

**Yeber:** *Right.*

**Schmidt:** *Which takes a lot of frequency. So as the sites around our hole reach their capacity, where they can't handle that many users at one period of time, then a hole is created. And the hole's not created because it's a poor design. The hole's created because there's demand. There's additional users on that network. We are no different than any other carrier out there.*

**DeLuccio:** *Okay. Did you get your question answered, Mark?*

**Yeber:** *Yes. Thank you.*

**DeLuccio:** *Any other questions?*

**Buckner:** *Yes. Courtney, you indicated earlier that the, that it's based upon demand. User demand.*

**Schmidt:** *Uh-huh (AFFIRMATIVE).*

**Buckner:** *But you talked...you didn't say...I'm not sure whether you're talking about current demand, that you're having difficulty fulfilling the current demand for your customers, or whether this is an expectation of future demand.*

**Schmidt:** *This is current demand. And these sites, when they go into planning, and when T-Mobile decides to spend money in a particular area, that happens a year, two years in advance of when we actually get to a hearing like this evening. So it, it's demand that we had a year and a half, two years ago that then is ramped up to the point where we get to this evening. So it was previous demand, current demand, and then obviously the marketing people can see that that demand is continuing to increase, or those dollars would be filtered elsewhere.*

**Buckner:** *I want to ask you, Chair. Commissioner Yeber asked you a question. I don't, didn't feel, didn't experience that you really answered it with regard to the, whether or not there was verification on this particular requirement by some outside engineer or whatever. You talked about other projects that you were doing that you've had corroboration by outside or third party parties. You didn't answer that. This, was this looked at? Do you have a report? Anything that you presented to Staff with regard to, to that?*

**Schmidt:** *My response was that other cities require us to do a third party, so that they hire a third party. And that person represents the city and the residents' concerns. So in this instance, your Code, your process does not require that. But internally, our own system, we have employees of T-Mobile's and then we have third party engineers that review the same data, that work together to determine and confirm that we're putting together the best network that we possibly can. Again, I want to reiterate, when we have an area and we have a need for, for coverage, it's a great need, because these sites take a long time to develop, and they are not necessarily cheap. So when we are going to spend money, we're going to spend the best dollar that we possibly can for that coverage.*

**Buckner:** Thank you.

**Schmidt:** Uh-huh (AFFIRMATIVE).

**DeLuccio:** Okay. There's no further questions? Thank you.

**Schmidt:** Thank you.

**DeLuccio:** I think I'll leave the public hearing open for a moment. Deliberation. Mark, did you want to start?

**Yeber:** I just wanted to ask, first of all, clarification from our lovely Christi. Our City Attorney, to clarify the City's position, Planning Commission's position in light of Federal regulation when it comes to this item. And what kind of leeway we have in trying to make sure that we're making the best possible decision for both T-Mobile and the residents, but also looking how this potentially could, has implications for future similar applications, but also variances in general.

**Hogin:** Good evening, Commissioners. This application actually puts you in a position that's slightly different than what you're accustomed to, 'cause ordinarily, you're looking at just the land use impact sort of unfettered by anything other than our own General Plan and our zoning ordinance. But in the area of wireless communications and telecommunications, the Federal Government has determined that it has a national interest in making sure that the telecommunications infrastructure is produced notwithstanding certain land use impacts that may be felt locally. And toward that end, the Telecommunications Act limits the discretion that the cities have, and in particular, limits the basis on which you can deny an application to place a telecommunications facility at a certain location. The evidence that you would need...the applicant has satisfied what it is required to satisfy in order to establish the application and its need. In order to determine that you would deny it, you would have to find that there is another location where the, it could be placed that would satisfy the same technical objective as the applicant has stated that it needs. And that's what you would need. And the court cases have looked at this time and time again, as recently as this week, a city found itself with a denial of a facility overturned because the record didn't establish enough evidence to support the city's finding that there were alternative locations. So if you think there's an alternative location to the one that's being proposed, you need to find specific evidence that supports that that's going to meet the technical objective in this case of T-Mobile.

**Yeber:** Well, I think that's where I'm having difficulty here, is because we don't have any evidence indicating that other buildings in the area would be better suited for this tower. This, the applicant did mention that there are no tall buildings in this vicinity. And there are actually several. Whether they can accommodate a tower easily, I'm not sure. But there are several buildings that are seven, eight stories that were built before the City became a city along Fountain Avenue or just, you know, half a block in or so forth. And then the second thing is, going on the same track, is we don't have evidence either corroborating or conflicting with the need that they are stating. And so I, I understand that, you know, if all those things were in place, we need to move forward. But we don't have all those, that information. And so I'm a little uneasy here.

**Hogin:** If I may, what you have is the record in front of you. The record in front of you has evidence that T-Mobile has produced that establishes that this site meets its technical objectives. So that's all the evidence that T-Mobile has to put forward in order to advocate for its, its application. What, what the Federal Telecommunications Act prevents us from doing is basically saying, we don't like that site, try again. And send...that's, in the past, that's kind of how cities have operated until we found a spot that worked both from a land use perspective and a telecommunications perspective, cities

and planning commissions would say not there, find somewhere else. And the telecommunications company would come back a couple of times till we found something that worked. The Federal Government and, and supported by the court cases, have basically put an end to that and has said to the cities, no, if you want to put it in another spot, you have to have a record that establishes that that alternative spot meets the technical objectives. So we would need a competing report that shows you that there is another site where it could be put that would work equally well. Then you could turn one down and say, well, we, you know, we prefer the other site because it would also work. So you have to look into your record and see not that there's an absence of evidence that there might be an alternative, but rather that there's evidence that supports a finding that there is an alternative.

**Yeber:** So we, I guess, if I understand you correctly, then I couldn't suggest then continuing this and allowing the City or asking, requesting the City to do such a study or find out if it's even possible? So that it can represent the residents in a more adequate and, and equal fashion?

**Hamaker:** In other words, whose responsibility is it to find this other evidence?

**DeLuccio:** Yeah.

**Yeber:** Right.

**Keho:** Well, one of the difficult things is, you know, the City doesn't have a budget for doing studies such as this, so we wouldn't have the funding source right at the moment to do that. So that's something that, you know, I don't know if the applicant would be willing to pay for us to do an alternative study, but then also we would have to figure out which buildings would we take a look at. And so there's multiple different issues. And so if we pick one and that one doesn't show that it's an adequate location, would, would you then want us to go look at another building and find out if that one looks.

**Yeber:** Right.

**Keho:** And so how, how far into the investigation would we go?

**DeLuccio:** Can I jump in? I just want to understand this so we can maybe move this item along here. The, the issue...some folks are questioning whether...even some of the Commissioners, whether that's, if even the coverage is necessary. If they need the additional coverage. Is that something we can even discuss?

**Hogin:** Well, it's important to know whether or not this is needed.

**DeLuccio:** Okay.

**Hogin:** And...but you, you can only judge based on the evidence that's in front...

**DeLuccio:** Right. But the evidence is not...what we're struggling with up here is that there's no third party verification. Our zoning ordinance doesn't require that, and as the applicant stated, some cities do require there be a third party verification. So that's what we're struggling with here. We're not...I'm struggling with it, I know. I think Mark is. That we're not hearing, we're not convinced that they need the coverage, Number 1, and we're not also convinced that this is the right site. They did come forward and said they evaluated a number of different sites, but again, it's, again it's hearsay. They're saying that we looked at this, three or four different sites, and for different reasons, those were not viable sites. And this is how we decided on this site. And that's...there's really...there's no like third party verification to say that. They're just saying that. And if

*you read the Staff report, I mean, I know they're testifying under oath, but when you read the Staff report, they're just calling out different sites. But I'm not convinced that from what they're calling out and what they've stated that they did enough due diligence.*

**Buckner:** *Well, Chair. I think that the reason, if I recall, that we continued the item was for this very reason, to allow the opponents to, if they could, present some kind of scientific or evidence. I think at the last time we had the same question of Staff, and Staff indicated that we didn't have the funding to do this independent third party study.*

**DeLuccio:** *Right.*

**Buckner:** *And so we're back to where we were.*

**DeLuccio:** *Back to where we started from, because there's nothing in the ordinance that states that it's necessary that they do that. So at this point, does somebody want to entertain a motion?*

**Bernstein:** *Yes.*

**DeLuccio:** *So can we move this along? Go ahead.*

**Bernstein:** *I'd just...I'd like to confirm just with Staff what Christi seems to be stating. We are satisfied with the sufficiency of the evidence that the applicant has shown us.*

**Keho:** *Yes.*

**Bernstein:** *Okay. Based on that, I think our hands are tied, and clearly Federal law supersedes either our law or the law of the State of California. And there is sufficient reason to find the variance, and therefore, **I will move this, although my recollection from the first part of this hearing was that the applicant suggested that they could work with our department to soften the visual impact of their proposal for the neighbors to the north. They weren't talking about changing the scope of the project, but they said that there were ways of softening the impact. And I would add to the Staff recommendation that request that they do work to soften the visual impact.***

**DeLuccio:** *Does somebody want to second that motion?*

**Guardarrama:** ***I'd like to second the motion. I think to clarify what they had suggested from the last meeting was that they were going to do the surround all the way around, not just on three sides, I think it was. So I'd like to second it because I don't see any legal basis for not approving this.***

**DeLuccio:** *Okay. Great. No further discussion. We'll close the public hearing. We did not do that. And then we'll take a roll call. I will say one thing. Maybe, you know, down the road when we...we're going to go through a whole General Plan process. Then we're going to go through zoning ordinances again. Maybe then we can re-address looking at third party verification. Maybe some years down the road from now. So at this point, David, will you please do a roll call?*

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

**Bernstein:** ***Aye.***

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

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

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

**Hamaker:** **Aye.**

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

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

**Gillig:** **Vice-Chair Yeber?**

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

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

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

**Gillig:** **Chair Altschul, Commissioner Altschul recused. Four ayes. I'm sorry. Five ayes. One no. Motion carries.**

**DeLuccio:** *And would you please tell us the next steps on this? Is there a appeal process, David?*

**Gillig:** *The resolution the Planning Commission just approved, memorialized as the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.*

**DeLuccio:** *Thank you. Do you guys need time to set up the next, this SoHo House applicant? Okay. We're ready to right, move along here. Okay. So when Commissioner Altschul gets back, we will get started. Welcome back.*  
//WCl:rg

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

**B. 9200 Sunset Boulevard (SoHo House West Hollywood).  
Administrative Permit 2008-014, Development Permit 2008-010,  
Development Permit 2008-029, Minor Conditional Use Permit 2008-  
004, Parking Use Permit 2008-004, Final Environmental Impact  
Report:**

Continued from Thursday, July 2, 2009. Applicant is requesting a tenant remodel to convert office space on the Penthouse (13<sup>th</sup>) and Sky Penthouse (14<sup>th</sup>) floors of the Luckman Building into SoHo House West Hollywood, a private members-only restaurant and social club with accessory alcohol service. Also, a request to convert office space on the ground floor into a spa and retail facility with associated café operated by a separate entity, for the property located at 9200 Sunset Boulevard, West Hollywood, California. The proposal includes the provision of off-site parking, located at 9201 Sunset Boulevard, West Hollywood, California.

**[VERBATIM TRANSCRIPTION]**

*Provided and certified by Written Communications, Inc.*

**DeLuccio:** Okay. So our next hearing is for 9200 Sunset Boulevard, the SoHo House, intensification of their use and certification of a final Environmental Impact Report and we're going to get a staff report. Are you ready?

**McIntosh:** Yes, good evening Chair DeLuccio and members of the Planning Commission. I'm delighted to be able to introduce this application to you tonight. Francisco Contreras from our staff will be giving the staff report with project details, but I wanted to set the context for your decision. One of the things that West Hollywood does and will continue to do is be an entertainment, dining, leisure and nighttime destination in the Los Angeles area. We are proud of our Sunset Strip history and we regularly receive requests for new establishments to keep what we have to offer fresh and current. The City has a lot of history reviewing and monitoring destination uses on the Sunset Strip. In my mind, this application for the SoHo House is the exact kind of use we are seeking to attract to the City. This is a very exciting economic development opportunity for us. It will keep the energy of the Sunset Strip alive and we hope help retain and attract more high quality businesses. With regards to the location and site appropriateness, it really couldn't be more ideal. This will be located in an existing building so it requires no new square footage. It's essentially a tenant improvement and a use of currently unused vacant space. Also, it will be located on the top floor of one of our highest buildings, away from the ground floor, away from the street and residences. This is an ideal proposal for West Hollywood and specifically for this space. We feel that the analysis we've done, which we'll explain to you tonight for the project is very thorough and believe that the Commission should feel comfortable approving this application. And now as I said, Francisco will provide you with the staff report. Thanks.

**Contreras:** Thank you and good evening Chair and good evening Planning Commissioners. So on the screen is an aerial overview of the project site. Basically on the western edge of the City bounded by Sunset Boulevard, Doheny Road, Cory Avenue and the City of Beverly Hills. Now I want to explain to you basically the four major components of the project. On the Sky Penthouse of the Luckman Building, the very top floor, the applicant is proposing to convert office space into the SoHo House, a private membership, members only restaurant. There will be a restaurant, dining room on this floor as well as a lounge, a games room and a kitchen. On the penthouse floor, only a portion of the penthouse floor, the applicant is proposing to convert additional office space to the SoHo House reception area as well as additional dining room, multi-media lounge and another satellite kitchen, a smaller kitchen. A dedicated elevator would actually bring members directly from the parking garage to this level to the reception area. Now on the ground floor, the proposed project also proposes to convert existing office space into a spa, retail and café. So the café is approximately 1,200 square feet and it will actually be replacing an existing café on the ground floor. This part of the project would actually be operated by a different entity other than the SoHo House. Now to accommodate the parking required for the proposed project, there will be on-site and off-site parking. On-site obviously on the parking garage, which is accessed through Cory Avenue, and the off-site parking located behind the Sunset Medical Plaza Building at 9201 Sunset Boulevard. There is a new 102 space parking structure behind this building, which will accommodate the additional parking required for the project. And if I can quickly flip through another presentation, I wanted to give you basically an overview of the SoHo House and give you just a little bit of description of what the SoHo House really is. SoHo House is a members only restaurant and social club. It's not a nightclub or a bar whatsoever. It's really intended to be a private environment where members can experience high quality food, high quality drink service, relaxing drawing room, socialize and meet with friends and clients, and basically enjoy a quiet and private ambience. On

*the screen I'm showing you images from the SoHo House in New York. Dancing and live entertainment is not permitted. It's prohibited except as authorized through a Special Event Permit. SoHo House actually doesn't generally host special events. The exception might be special events or parties that they might have for the Academy Awards or for the grand opening galas. In fact, in 2008, the SoHo House did hold a series of nighttime special events at the Sky Penthouse at the Luckman Building. They were pre-Academy Award parties for about 250 and 300 people, so which basically mimicked the maximum operating or the maximum operations of the SoHo House during any of these special events. No complaints were actually filed by the public with the Code Enforcement Division or with the Sheriff's Office during these events and the Sheriff's Department, Public Safety and Code Enforcement Divisions have actually indicated that there's not a cause for concern regarding the proposed project. At this time, I'd just like to provide you with just a brief overview of the Environmental Impact Report. In short, the proposed project would result in significant adverse impact to traffic at two intersections. That would be the intersection of Cory Avenue, Sunset and Doheny, and also to Doheny Drive and Santa Monica Boulevard. All other environmental factors are basically considered less than significant or no impact whatsoever. Now if the Planning Commission did want to approve the project as proposed, the Commission will have to make a finding that the benefits of the project outweigh the impact, these traffic impacts at the time of approval. This Statement of Overriding Consideration is actually attached to your Draft Resolution and it finds that the project's benefits outweigh the project's significant impact to traffic and that therefore these impacts are considered acceptable in light of all of these benefits. Now the Public Benefit Analysis is attached to your staff report as Exhibit L. Briefly, it finds that the project will implement general planning goals and goals and objectives of the Sunset Specific Plan for this geographic area and specifically to this site. It would also have a very positive economic and fiscal impact as shown in the report. With that, staff would like to recommend that the Planning Commission approve the project as conditioned in the Draft Resolutions. The project applicant has worked in good faith with the City to ensure that any identified and perceived potential impacts of the proposed project can be mitigated. So in addition to the mitigated measures in the EIR, the applicant has agreed to additional conditions, particularly to the SoHo House component of the project. Those are included in your resolution for your review as well. Staff is recommending that the hours for the interior dining areas throughout the SoHo House be restricted from 7:00 a.m. to 2:00 a.m., but we do...to operate during 7:00 to 2:00 a.m. We'd also like that the...to address noise concerns at the outdoor terrace area of the open air terrace areas be closed at midnight daily. So staff did prepare a memo that was presented to the Planning Commission earlier before the hearing with additional support letters from the public, about 38 letters all in support of the project, as well as a petition from homeowners residing at Sierra Towers who are also in support of the project, and as well as a petition from homeowners in Beverly Hills that live within a walking distance of the Luckman Plaza also in support of the project. The memo also contains just some minor revisions to the language in the Resolution that staff would like to clarify. So that does conclude my presentation. Both City staff and our environmental and economic research consultants are here to answer your questions. We do request that the Commission hold your questions until after the public testimony so that we can respond to all of your questions and also those of the public during the public testimony. I do want to mention just briefly, Cathy Pespalas from Chris Joseph & Associates, our EIR consultant is here. Terri Slimmer our Transportation Manager is here. Captain Buddy Goldman with our Sheriff's Department is here. Warren Whitaker with our Traffic Consultant PMC DKF is here. Lance Harris with Economics Research Associates is here, and as well as Jerry Cristoff from Venacklis & Associates who is the noise consultant. So, we're all available to answer your questions at the end. Thank you.*

**DeLuccio:** Okay, thank you. Did I hear you had some modifications to this Conditional Use Permit or submitting something later?

**Contreras:** *It's actually included in the memo. There was just some clarifications to some of the language in the Resolution and so they're fairly minor, just clarification points that might've been a little bit confusing before.*

**DeLuccio:** *Okay. Thank you. Okay at this point, let's have disclosures. We'll start with Sue.*

**Buckner:** *Yes, I would like to disclose that I was able to tour the site, penthouse site with Jeffrey Seymour from Seymour Consulting Group along with Robert Colonian from Afriat Communications. I went and visited the site, walked all around and also we discussed the project, nothing more than was contained in the staff report.*

**DeLuccio:** *Great. Alan?*

**Bernstein:** *I have toured the site. I have toured the New York SoHo House facility. I have been to Cecconi's, which I believe is also owned by the applicant. I have had conversations with the applicant and his representatives. I've had conversations with community representatives, particularly Ms. Bobbi Elliott who contacted me several times to discuss her opposition, although we actually never were able to connect to talk about that. And in all of these conversations, we discussed matters solely contained within the staff report that relate to this.*

**DeLuccio:** *Thank you, John?*

**Altschul:** *I've had several conversations and meetings with the applicant and with the business operators and additionally with a resident of the adjoining city, Mr. Nick Gruff. I had one meeting, conversation meeting with him and all that was discussed were things that were contained ultimately in the staff report.*

**DeLuccio:** *Joseph?*

**Guardarrama:** *I too met with the applicant and the applicant's representatives. We discussed things that ultimately became part of the staff report. During a recent trip to New York City, I toured the SoHo House there. I have also been to the SoHo House in New York City a couple of times in the past.*

**DeLuccio:** *Barbara?*

**Hamaker:** *Yes, I toured the facility with the representative Mr. Seymour and I made an attempt to discuss things with Bobbi Elliott and I apologize we didn't connect. This has been a busy month for me and we...I didn't ever actually meet with her, but I toured the site, both the Sky Penthouse and the one below it and was very happy to get back in the elevator because I do not like heights.*

**DeLuccio:** *Marc?*

**Yeber:** *Yes, I had a brief meeting with the applicant's representative from Afriat and discussed, briefly discussed some of the items that were contained in the staff report.*

**DeLuccio:** *And I had a meeting with Robert Colonian whose representative for the applicant and that's the extent of my communications. Yes?*

**Buckner:** *I want to add that I also had met with the applicant I'd forgotten before the last hearing, so I just wanted to disclose that as well.*



**DeLuccio:** Okay, thank you. Okay, at this point, if there's no burning questions right now from the Commission, we do have like 70 speakers. So each speaker will have two minutes, but first we'll start with the applicant who will have 10 minutes and we have three applicants up front, Steve Afriat, Jeff Seymour and Joe Mani. Yeah, and then we also...well, and then we also have Mark Lehman who's available for questions. So we have 10 minutes, yes, combined and Steve you want to start and maybe....

**Afriat:** Yes, you've got it all worked out to the second, Mr. Chairman. Commissioners, I'm Steven Afriat, very proud to be representing SoHo House. At this time I would like to introduce to the Commission and the public Shelley Armistead who is the General Manager of Cecconi's and with your blessing this evening, the future General Manager of SoHo House.

**Armistead:** Good evening. My name is Shelley Armistead and I reside in Santa Monica.

**DeLuccio:** And then we're going to have to ask you to fill out a speaker slip when you're finished. We don't have one?

**Armistead:** I did. Okay.

**DeLuccio:** We have one? Okay.

**Armistead:** I did, thank you.

**DeLuccio:** Go ahead please.

**Armistead:** I'm the General Manager of Cecconi's West Hollywood and the perspective General Manager of SoHo House West Hollywood. On behalf of the founder of SoHo House, Nick Jones, who's sitting over there, and myself would like to thank you for taking the time to review and consider our application. We would like you to know that we are committed to being good neighbors and would be honored to extend our residency in West Hollywood. And thank you for your time.

**DeLuccio:** Thank you. Have you filled out a speaker slip?

**Armistead:** I did.

**DeLuccio:** We'll find it then.

**Armistead:** Thank you very much.

**DeLuccio:** Thank you. Okay.

**Afriat:** Thank you Shelley. Commissioners again, Steven Afriat, representing SoHo House. Before I begin, I want to acknowledge the extraordinarily hard and able work of the Community Development Department and in particular Francisco Contreras who did an extraordinary job to get this in front of you this evening. We appreciate the hard work of the City Staff. SoHo House is a private members only dining establishment founded in London approximately 15 years ago. It is not a nightclub. With various locations in England, one in New York and another opening soon in Berlin, SoHo House West Hollywood will be the newest venue. Of all the choices that they had on the West Coast of the United States, they chose West Hollywood. Unlike many of its predecessors, SoHo House West Hollywood will not include hotel rooms. It will instead be located in the penthouse and Sky Penthouse levels of Luckman Plaza and will feature a dining room, bar, lounge and outdoor terrace with a shallow pool. As an organization, SoHo House

does not rent space for third party events nor host special events. In fact, SoHo House has voluntarily given up the four Class A Special Event Permits to which each establishment in the City is entitled on an annual basis. These are events where streets are closed off and significant coordination of public safety personnel is required. Membership to SoHo House is strictly limited with two nominations from existing members as well as the approval of the local membership committee that's required. Upon admission, each member may bring up to three guests per visit. Reservations would be required for both members and their guests and photo identification will be required at two different locations in order to enter the establishment. To encourage on-site parking, SoHo House will provide complimentary daytime valet parking at Luckman Plaza and discounted evening valet parking also at Luckman Plaza. All guests must enter through the P1 level, clear security there then take one or two private elevators, one of the two private elevators to the penthouse level and once again clear security. During daytime hours, employees of SoHo House West Hollywood will park at the new parking structure located at 9201 Sunset. In the evening, in order to be sensitive to our neighbors, employees would park on-site at the level P3 of Luckman Plaza. After hearing concerns from our future neighbors, SoHo House stepped up and offered to conduct a full Environmental Impact Report. In addition, we have reached out to both residential and commercial neighbors in both West Hollywood and Beverly Hills and while we have a large number of supporters in our audience tonight, you have already received dozens of support letters. So we're going to be respectful of the Commission's time and have asked many of our supporters to curtail their remarks. However, in the meantime, could everyone in the audience this evening who is here to support SoHo House please join me in standing up? Supporters of SoHo House please stand up. Thank you all very much. Members of the Commission, we thank you for your time and your ongoing consideration of this project and again thank City Staff. We would be happy to answer any questions at the close of our presentation once you've heard from the public and at this time I'd like to invite my colleague and friend Jeffrey Seymour who represents the building owner to conclude our presentation. Jeff?

**Seymour:** Thanks Steve. Mr. Chairman, my name is Jeff Seymour. I'm with Seymour Consulting Group. I reside in Westlake Village, and I'm going to put this plug over here. First and foremost, on behalf of my client, Mani Brothers Real Estate Investment Group, we too want to express our thanks to staff. This has been a monumental job, Mr. Chairman. And Francisco Contreras and Anne and John and all the rest have been absolutely outstanding. We also want to urge the approval of SoHo House. We believe SoHo House will be a significant and positive addition in West Hollywood and on the Sunset Strip. I'm going to be blessedly brief, Mr. Chairman. I actually have two specific issues I want to speak about tonight, one being noise and one being security.

**DeLuccio:** Which I'm hearing noise right now. Can you please turn it off? Thank you. Sorry, we won't take that away from your time.

**Seymour:** Mr. Chairman, the...in regards to noise, as you probably know, city staff has recommended 21 specific conditions relating to the control of noise and they include the installation of a glass wall along the entire perimeter of the Skyway penthouse, replacement of existing metal screens in Luckman's garage with acoustical louvers along the alley between the garage and Cynthia Street. Also, the City has issued conditions requiring an initial sound demonstration prior to the issuance of public, of the public eating license and again within one month after SoHo reaches full capacity and yet again within six months after the issuance of all of our entitlements. In addition, Mr. Chairman, we agree with the conditions concerning the hours of construction and in relation to security, again I want to reiterate what Steve had said in regard to access. All members and their guests of SoHo House will have their access from downstairs in the Luckman on-site parking facility. There will be no access from Sunset Boulevard, only through the on-site parking. In addition to the 24-hour security detail that is already here at Luckman, we are

going to provide security personnel to patrol Cory Avenue as part of an enhanced commitment to addressing traffic and noise issues. Finally, in response to concerns regarding paparazzi, we will be installing cameras atop the roof at Luckman to photograph numbers of helicopters flying over Luckman for submittal to the FAA. If those helicopters are at all doing anything that would be illegal, the FAA has told us that they will be subject to citation. So in closing, Mr. Chairman, again I want to reiterate our honor, our support and our looking forward to SoHo House becoming a part of the City of West Hollywood. At this time I would like to introduce Joseph Mani representing the Mani Brothers for a few comments. Thank you, Mr. Chairman.

**DeLuccio:** Thank you.

**Mani:** Thank you Commissioners. I'm Joseph Mani. I'm a resident of Beverly Hills and I'm here representing Mani Brothers Real Estate Group. I would like to say that we have been a member of the community for many years and are committed to ensuring West Hollywood's success. We feel SoHo House is a perfect addition to the Sunset Strip and we would be proud to have them as a tenant at Luckman Plaza. Simon Mani, Daniel Mani and I are all here tonight and available to answer any questions you may have and we would like to thank staff for their hard work and thank you for your consideration tonight.

**DeLuccio:** Thank you. At this time we'll hear from the public...you have more time.

**Seymour:** One more, one more point, Mr. Chairman. What we are going to do is we have a team of our experts here coming from traffic and the Mani Brothers and the rest and we're here to answer any questions that you may have or staff may have in regard to SoHo and its moving to West Hollywood.

**DeLuccio:** Okay, very good. Why don't we hold that until we hear from the public speakers and then we'll come back during rebuttal and then if we need to ask questions of the experts? First speaker is Felicity Huffman to be followed by Sharon Sandow.

**Huffman:** Sorry, she wants to stay with me. Hi, I'm Felicity Huffman and this is my daughter Georgia. We live in Hollywood and we have for 12 years now, and I'm a member of the SoHo House. I've never experienced none of the paparazzi crazy that you're speaking about. My experience with the SoHo House is it's very community oriented. It's a quiet, peaceful place where you can go and have dinner. They are also very community oriented. They have readings that I've gone to. They support the arts and I feel like...I love Hollywood and I feel like more places that we can have...oh, look, there I am on television and I have no lips. Anyway, I still have no lips. The more places that we have where communities can...where the people can come together, the better. Libraries, SoHo House, those kind of places. I know most people don't put those words together, but I actually do. That's it and I'm now going off to dinner in West Hollywood. Okay, thank you.

**DeLuccio:** Thank you. Okay, Sharon Sandow followed by Francisco Daniels.

**Sandow:** Good evening, Sharon Sandow, resident of City of Los Angeles and West Hollywood Chamber of Commerce and we have taken a position of supporting the SoHo House in this project. SoHo House is a private upscale membership club. It is not a nightclub. The impacts are far outweighed by the benefits, which this brings to the City of West Hollywood. Thank you.

**DeLuccio:** Thank you, Francesca Daniels to be followed by Joseph Clapsaddle.

**Daniels:** *The Italian version. Good evening. My name is Francesca Daniels, I'm a 40-year resident of the Sierra Towers. When I learned about the SoHo House private club project on the rooftop of the Luckman Plaza, I immediately drafted a petition and obtained 84 signatures from the Sierra Towers neighbors. I spoke in opposition to the project on May 21<sup>st</sup>. Today, on July 29<sup>th</sup>, following many hours of meetings with each manager of the SoHo House project and the applicant, the Mani Brothers, on behalf of myself and other homeowners at the Sierra Towers, I'm here to speak in support of the project. I'm convinced that the impact issues are being very carefully addressed by the management of SoHo and the applicant and that we can rest assured that any issues that have been overlooked or that come up later will be addressed with the same care and consideration. I want to thank the Commission for the work you've done to walk us through so many technical issues. I want to thank the managers of SoHo for their cooperation and the tireless hours and willingness they put into meeting with us individually and as a group to answer all questions. Good luck to you.*

**DeLuccio:** *Thank you. Joseph Clapsaddle to be followed by Grace Katzman.*

**Clapsaddle:** *Good evening Commissioners, my name is Joseph Clapsaddle and I'm a resident of West Hollywood for 16 years and I live on Carol Drive, which is approximately a block from the proposed SoHo House at 9200 Sunset. I am here in support of the staff's recommendation, both as a resident of West Hollywood and as the immediate past Chair of the West Hollywood Chamber of Commerce. It has been my privilege to be a guest at the SoHo House, two locations in England and in the New York House and I thank Mr. Jones for selecting West Hollywood as the home, as a proposed home for the SoHo House on the West Coast. I think there has been a tremendous amount of research studied by the staff for which I thank you all very much and by the Mani Brothers whose citizenship in West Hollywood, whose corporate leadership in West Hollywood is exemplary and I trust them to fulfill all of the obligations of this proposal and I certainly trust the management of the SoHo House. Thank you very much.*

**DeLuccio:** *Thank you. Grace Katzman followed by Erez Chaim.*

**Katzman:** *I have lived in...I've lived in that part of Beverly Hills and West Hollywood for 50 years and I am very proud of the new building that went up. It is...well, brought dignity and everything that a person would like. And I think...I wish them luck and I hope them that they will be very successful. Thank you.*

**DeLuccio:** *Thank you.*

**Chaim:** *Hi, my name is Erez Chaim, I live at 1111 Sierra Alta. I've also lived there for 10 years and I've seen what they've done to the building. It was...it changed the neighborhood. Now I go walking and I stake there down the street and I look forward to other beautiful stuff that is going up, so I'm totally for it. Thank you.*

**DeLuccio:** *Thank you, Jacque Weisman to be followed by Charles Shorter. Is Jacque here? We'll see who comes up. Then the next speaker will be Allegra Allison after that, after the mystery speaker who's going to state his name.*

**Shorter:** *I will. Hi, my name is Charles Shorter, I live in Los Angeles and I'm here in support of SoHo House West Hollywood. I've been a member since 2005. In my experience and both in observation at functions primarily it's a quiet, comfortable place to do business. I will say that on weekends and at nights, it gets a little more lively, but most of the members unfortunately are 40 somethings like myself and we're way past our being lively and making too much noise phase. I think that those of us in the entertainment community will find this to be a welcome addition to the community. Thank you for your time.*

**DeLuccio:** Okay, thank you. Allegra to be followed by Laurence Whiting.

**Allison:** Allegra Allison, West Hollywood. I think this is exactly where we want to go on Sunset particularly. This is the Sunset Strip and this club is a dinner club that goes back to the glamour. It's kind of like if Spago was being built now, the now version of Spago on the rooftop and I did a site visit too. The space was a lot smaller and after looking at the pictures on the websites, they have couches. It's an intimate space and I don't know what much I can say after Felicity because she's a perfect example of the people who will be members. And Shelley, for instance, the General Manager, has two children. She wouldn't be running a wild nightclub. And the smaller issues, the lights, ambient music will be out in the pool area, which is not impacting anything. There are six foot glass walls. On the north side, on the Sierra Towers side, there will be no people walking at all. And it's...I don't want to take up your time, it's lovely. The helicopter issue, I can't imagine that a lot of paparazzi can afford to rent helicopters. So thank you and I hope you guys vote for this project. Thank you.

**DeLuccio:** Thank you. Laurence Whiting to be followed by Nick Grove.

**Whiting:** Good evening, Commissioners, staff. I speak on behalf of myself as Vice President of the Pacific Design Center and also for Charles S. Cohen, President and CEO of the Pacific Design Center and a resident on Sierra Towers. During the construction phase of Cecconi's Restaurant, I personally had occasion to acquaint myself with Shelley Armistead and her team and I was immediately impressed not only with their superb efforts in creating an exciting destination restaurant in a long dormant locale, but with their sincere desire to embrace the community including local schools and organizations to help the less fortunate. In other words, not just a business, but a good neighbor. With SoHo house, we believe that there is a significant opportunity to create an iconic highlight in West Hollywood, already a center of creative development. Far from its characterization by some of the nightclubs, SoHo House as it is in New York and London offers a brand of elegance and prestige and would undoubtedly contribute to both the economic vitality of the City as well as to our reputation as a world class destination. We strongly urge approval of this project. Thank you.

**DeLuccio:** Okay, Nick to be followed by Martin Norton.

**Grove:** Good evening, my name is Nick....

**DeLuccio:** Gordon, Martin Gordon is next. I'm sorry.

**Grove:** No problem. Good evening, my name is Nick Grove, I'm a resident of Beverly Hills. I seem to be the only person who is in opposition of this, who is given a meeting. So thank you very much for that, Mr. Altschul. And thank you for the staff for all your hard work on this project. I want to raise a number of different issues that are of concern. We talk about a good neighbor. I think we all understand what a good neighbor is. It's difficult to imagine a good neighbor who is awake 19 hours a day operating within a couple hundred feet of your two children's bedrooms, one...both of whom are two years or younger. This is a facility that has...is asking to operate it hours that are very different from the other facilities that are similar to it. The rooftop of the Hyatt is asked by the City of West Hollywood to suspend operations at sunset. The rooftop at the London Hotel, only a couple blocks away, is asked to suspend operations I believe at either 8:00 or 10:00 p.m. For some reason, this organization is asking for and it is being recommended that they can operate until 2:00 a.m. and though they say they will close their doors at midnight, it says very explicitly they will not lock them. A number of other issues of concern, when noise was measured, we looked at a 90% threshold. We didn't look at peak noises. As I can tell you, if I scream right now, that scream represents a small fraction of the time that I'm taking to speak to you, but that scream will wake up the elderly

residents who live as close as 75 feet from this project as well as the young children who live there. There are a number of other concerns in the FEIR that I want to raise with you. One is that for some reason we are using a number for parking spaces of 5.5, yet a club is required by the City of West Hollywood to have 28 spaces per 1,000 square feet and a spa's recommended 10 spaces per 1,000 square feet. There are a number of other concerns that come up in the FEIR concerning noise, concerning DJ music, using as a baseline noise that's generated in the City of New York as opposed to here without stated limitations....

**DeLuccio:** I'll need you to wrap up. Your time's up.

**Grove:** I'd be happy to wrap up.

**DeLuccio:** Please, well your time's up. I'm sorry.

**Male:** Can I give him some of my time?

**DeLuccio:** No, we don't give, we don't give time away. I'm sorry, your two minutes are up.

**Grove:** I want to thank you very much. I will say that I have no problem....

**DeLuccio:** Thank you, I'm moving on to Martin Gordon at this point and then Joyce MacRae is next. I'm sorry, sir. If I let you go over then everybody else is going to go over.

**Grove:** I understand, thank you for your time.

**DeLuccio:** Thank you.

**Gordon:** My name is Dr. Martin Gordon, I'm a resident of Beverly Hills at 811 Cynthia Street. I don't know if you're aware that there's a medical facility outpatient surgery center which does good things that you limit operations of. You also limited the lighting in their parking lot and they must be out by 7:00. You can't start a surgery that's going to last later than that. In this environment to do outpatient surgery, it would be a good thing and it'd save people a lot of money, but you limit that. I don't understand how you can come into a family neighborhood and feel that this is an appropriate place for this nightclub. The traffic concerns are not remedial. If you've ever been on Sunset Boulevard going east between 4:00 and 8:00, it's impossible to move. It's going to be much, much worse. The lights now are garish. They were put up without our consent and you made the lights in the parking lot of this surgery center be changed because of your citizens. Now you can impose this on my family and my family neighborhood without any input from me. The traffic, the noise, the helicopters, this is just not right. The total disregard of this family environment by your Council is unbelievable to me. How can you so capriciously apply municipal ordinances to one, one facility and not to another? The dichotomy of your choice of enforcement is beyond me. I can't believe, I thought you were better people than this to push for something that doesn't belong in this location. We are here because we care about our neighborhood. We are here because there were problems brought up and you just seem to totally ignore them. I don't understand you. Thank you very much for your time. And please consider this.

**Hamaker:** Excuse me, sir, what is the address...excuse me, sir? What is the address of the medical facility you're speaking of?

**Gordon:** The medical facility is on San Vicente right near Cedars Sinai.

**Hamaker:** And it's a hospital medical....

**Gordon:** *It's a hospital medical facility with an outpatient surgery center.*

**DeLuccio:** *On the corner of San Vicente and Beverly Boulevard.*

**Gordon:** *Correct.*

**DeLuccio:** *Okay, thank you, sir. Joyce MacRae followed by Marcus Nicolaidis.*

**MacRae:** *I'm Joyce MacRae and I live across the street from the Luckman Building opposite the garages, but I think someone else will address that issue, which hasn't really satisfactorily addressed. I'll tell you just sitting here as a longtime conservationist and someone who's worked for making humans' lives more comfortable most of my professional life, I find it so sad, so sad that everyone seems to have lost track of the fact this is, as Dr. Gordon points out, a residential area first and foremost. Yes, we're at the tail end of the Sunset Strip. I don't think Mr. Luckman, who is a prominent architect, built the building with the thought that it was going to be anything more than an office tower. But here we are talking about turning over the residential area of DeLongpre and Fountain to some communications whatever it is. That's a residential area. The whole city is full of really wonderful residential areas and I think there are a lot of people here who appreciate that fact. The quiet and the serenity of our little neighborhood on Phyllis and Cory has already been disrupted by Boa, which was somehow snuck in there without any of us knowing about it. That's only been in operation six weeks. There's double parking all up and down Cory during the day, trucks parking up and down. I talked to the manager about it. Oh, yes, we'll...eventually we will have a garbage chute. Hasn't been put in yet. They truck the garbage up and down the street all day long. They truck the laundry up and down the street. I just would like to say that it would be nice to know that the world is not full of just greed, that there are people who want to leave something for the other generations of the children that Nick talked about who are throughout the neighborhood.*

**DeLuccio:** *Thank you.*

**MacRae:** *And I ask you to consider that.*

**DeLuccio:** *Okay, thank you very much. Marcus Nicolaidis to be followed by I think it's Deedy Oberman.*

**Nicolaidis:** *Good evening, my name is Marcus Nicolaidis and I'm a resident of Los Angeles for the past three years. I'm currently the General Manager of the House of Blues on the world famous Sunset Strip. Tonight I'm here to speak on behalf of the SoHo House, a project that I strongly support. My career in the hospitality business began in New York City over 10 years ago and I witnessed firsthand the SoHo House making a positive impact in a neighborhood, both attracting the right kind of customer and raising the value of businesses in the community. With the addition to the SoHo House, we would be adding another high end venue on the Sunset Strip that will help attract the right customers to existing hotels, restaurants and businesses. I want to stress the SoHo House is not another nightclub. It is a social club, a gathering place that wants to provide a place for its members and their guests of Los Angeles. Thank you for your time.*

**DeLuccio:** *Thank you. I believe it's Deedy Oberman to be followed by Dave Carstens.*

**Oberman:** *Okay, I'm Deedy Oberman. I live on Cynthia Street in Beverly Hills. I've been living there for 36 years. Except for the northeast corner of the Mani Building, this building is surrounded by residential property. Any increase of the already existing noise, lights, traffic, parking would directly impact residents of all of the neighborhood surrounding the building. That includes West Hollywood, L. A. and Beverly Hills. Now*

*that Boa is in full swing, there is enough change to our quiet residential neighborhood. We don't want or need more impact. Drive down the alley that borders the south side of the Mani Building and take a look at the amount of garbage and other debris that is now lying on both sides of the alley. It's not only disgusting to look at, it attracts rodents and all kinds of scavengers. At the last meeting of the Planning Commission, the Mayor of Beverly Hills was here. She was unable to attend tonight. She shares the concerns of all the residents who will be affected and we have her full support. There will be definite impacts felt by the City of Beverly Hills. This is regarding traffic flow on to the streets of Beverly Hills, traffic jams originating from the Cory/Sunset intersection, already designated a category F intersection, which is the worst category of traffic. The City of Beverly Hills is very concerned about the SoHo House patrons illegally parking their cars in the residential side streets. Requiring the number of patrol cars, parking enforcement vehicles and tow trucks, the increase in the number of those. The City of Beverly Hills may find it necessary to establish regular DIU checks, checkpoints for cars entering Beverly Hills streets. All of these are matters of concern for Beverly Hills residents and I thank you very much.*

**DeLuccio:** Thank you. Okay, it's Doug Carstens followed by Shana Eddy.

**Carstens:** Good evening, Mr. Chair and Honorable Commissioners. My name is Douglas Carstens. I'm an attorney with Chatham, Brown & Carstens.

**DeLuccio:** Excuse me, sir, I'm sorry. Will you please turn your cell phones off so we can hear the speakers? Thank you. And please, don't take away from his time.

**Carstens:** I already had seven seconds I guess.

**DeLuccio:** We'll give you your full time.

**Carstens:** I appreciate it. I appreciate that whole two minutes and I don't know that I'll be able to get through everything, but you do have our comment letter. I'm here on behalf of the Beverly Hills/West Hollywood Neighborhood Association and we submitted a letter dated June 22<sup>nd</sup>, 2009, which we stand by in full. It's not been responded to sufficiently in the final EIR. We are here in opposition to this approval. It has significant impacts that are avoidable if you would deny the project. They are not unavoidable because they...the project can be denied. We ask that you do not override these significant impacts and make them worse. The traffic is already bad enough on Sunset. It doesn't need to be made worse. There were numerous petitions that were submitted in opposition to the project. That should be mentioned. They're there in the EIR. I know staff mentioned the petitions in favor. Anyway, starting with noise impacts, we had a number of comments. We had a noise expert named Neil Shaw with Menlo Scientific Acoustics who submitted a large number of questions, none of which were answered in the final EIR. People have talked about peak noise levels. Noise will be a problem. There are twin fallacious assumptions in the EIR that ambient noise levels are high. If you go in those neighborhoods, you'll find that they are actually very quiet. They're not high ambient noise. And the other assumption is the noise generated by the project would be low. That's fallacious. Traffic is already bad and will be worse. Parking has been mentioned. Public safety, we requested that the history of the SoHo House in New York and other locations be disclosed and that request was refused. We reiterate that request. Esthetics and lighting, we mentioned as a potential significant impact that should be addressed. I think Commissioners asked about that and noise and traffic. I have about 10 seconds. I think I can finish. We also asked what the water usage of the spa's going to be. We asked if this could be limited only to the SoHo House. In conclusion, we request you deny the project and I thank you for your time.



**DeLuccio:** Thank you very much. Shana Eddy to be followed by Robert Culp.

**Eddy:** Hello, my name is Shana Eddy. I live on Cynthia Street in Beverly Hills. I have a two-year-old....

**Altschul:** Excuse me, Mr. Chair, would you ask Ms. Dobrin to stop her conversation?

**DeLuccio:** Ms. Dobrin, please behave yourself. Sorry, I apologize.

**Eddy:** I have a two-year-old daughter and a two week old daughter. I moved to Beverly Hills because it's a peaceful, lovely part of Los Angeles. And I have spent time in both the SoHo House in London, I've stayed several times in New York and spent time there. While I don't know what qualifies you for a nightclub, I do know what qualifies you for a belligerent and drunk and late nights and paparazzi and I've seen all of that at the, at both of those clubs. I've spent 15 years in the entertainment business. It's not like I'm new to what many of these people are talking about. While much of the time they do operate as a sort of, you know, straightforward restaurant on, you know, you don't stay open until 2:00 in the morning unless you're intending to stay...there's no restaurants in West Hollywood or maybe there are, which need to stay open until 2:00 in the morning unless they're intending to have drunken people driving down the street more or less into my backyard. I'm very concerned and I'm very opposed to this project. I'm very concerned for my family and while I don't take issue with people having fun, I do take issue with people having fun at the expense of my daughters. Thank you.

**DeLuccio:** Thank you. So Robert Culp to be followed by Louise Krakower.

**Culp:** Commissioners, thank you for hearing us. My name is Robert Culp. I live in West Hollywood. I came here to speak out against SoHo House and from what I hear thus far, while I don't intend to change that point of view, I think key to this issue utterly is staff's report. Clearly in staff's report, if it's followed, are the guidelines that would be necessary to make this a plus instead of a dreadful minus to the community. If staff's report is followed, I think it'll work. If staff's report and its recommendations and conditions are not followed, you got a really big mess on your hands. Thank you.

**DeLuccio:** Thank you. Louise to be followed by Jonathan Kanen.

**Krakower:** My name is Louise Krakower. I live on Cory Avenue, which we don't see a close up of. I'm directly opposite the valet parking entrance and exit of the 9200 building. And before I continue, I don't want to take too long, I'd also like to ask the audience how many people in this audience can prove or if you'll stand up that you are also residents of West Hollywood.

**DeLuccio:** I need to ask you to address the audience, to address the Commission please, not the audience.

**Krakower:** I'm asking if everyone in the audience....

**DeLuccio:** You need to look, you need to look at us and address us please.

**Krakower:** I'm looking at you. I don't want to take my time up. I'm asking if the people in the audience would stand up who are actually residents of West Hollywood and live within say 2,000 yards of the 9200 building. I just wanted to make sure. I just want to quickly if I can to say that I sent a sort of video diary. I had no problem with Boa going in and it's great to have a restaurant up the street and I had no problem with the idea of SoHo House going in right opposite my house, but the one thing that I do have a problem

*with is when Boa had a special event. The street became unbearable. The traffic and noise from the valet parkers was unbearable and it went on and on and on, and it took us neighbors to call the Sheriff's Office twice. There was no security on the street. The valet parkers drive these beautiful expensive cars up Cory and destroy the gearshifts of all these beautiful cars. So the noise was unbearable, the loudness, and this was because of the event. Every car was parked illegally on Cory and you have to understand, Cory, and it's selfish of me, I live opposite and our entire street is a residence. So the Sheriff's weren't there, they had to be called twice and when they arrived, they simply drove...well, there you go. I'm just making a case that you amend a lot of these things so that drivers don't go in and out with valet.*

**DeLuccio:** Okay, thank you. Jonathan Kanen to be followed by Elyse Eisenberg. Is Jonathan here? Okay, so Elyse to be followed by Marcus Buckingham. You're up Elyse.

**Eisenberg:** Okay. Elyse Eisenberg, resident of West Hollywood. I'm speaking in favor of SoHo House tonight. I haven't been to the New York SoHo House, but I have been many times to the London SoHo House. A founding member is a close personal friend of mind and I've been there many times. I was extremely excited when I first heard that SoHo House was coming to West Hollywood a couple of years ago. As a member of the entertainment community industry, I was hoping to be a member and immediately called them and asked if he would sponsor me. I am absolutely sympathetic to the concerns of the nearby neighbors in terms of noise and parking and traffic. It's been a major concern of mine in general for projects along Sunset Boulevard. In the case of this particular project, I'm supportive of it because I think we need an upscale destination place like this in an existing building as opposed to all of the new projects that are being built up and down Sunset. I also lived for many years for the last 15 years on the same street where Spago's is and it really wasn't a big problem. I think a lot of the concerns that many of the nearby residents have in terms of traffic and paparazzi just from my own experience and some of my neighbors' experience with Spago's eventually working with the City, it simply wasn't a problem even during Oscar time. I think this is a good project. I think we've lost a lot of destination projects in West Hollywood like Spago's, like Tower Records, potentially House of Blues, and we really need something. I think this is an exciting project that a lot of people throughout Los Angeles are looking forward to seeing in the City and it's wonderful that it's coming to West Hollywood. Thank you.

**DeLuccio:** Thank you. Marcus Buckingham to be followed by Shelley Armistead.

**Buckingham:** Hi Commissioners, my name is Marcus Buckingham. I'm a management consultant business author. I live at 639 North Arden, just down the street. I'm a founding member of SoHo House in New York and married with two little kids who expect me home I guess rather shortly. We joined in New York the SoHo House and they must've given us special dispensation for us for a special event 'cause we had our son's baby shower there and alarmingly our first Thanksgiving in New York lunch was held there. We moved to L. A. about eight years ago or seven years ago now and now we go back to New York every Thanksgiving for Thanksgiving dinner, so I'm very much in support of having SoHo House come to West Hollywood just so that I won't have to fly back to New York every Thanksgiving. I joined because the people there are the people that I know and like and respect. They are as one of the other members of the public said about my age, 40 something-ish with kids. We're not out late at all. I think in general we're having dinner, we're having lunch, we're talking with other members of our community. I couldn't be more in support of SoHo House and I thank you for your time.

**DeLuccio:** I see...thank you, I see Shelley's getting up again. You already spoke. We found your slip. Thank you very much. Chris Bonbright followed by Robert Stone. Chris had to leave? Okay, is Robert Stone here? Is it...well, I have a Robert Stone here.

**Stone:** Robert Stone's good for now. Maybe Howard's coming later. Robert Stone, 2333 Boone Avenue, Venice, and while in support of the SoHo House, while my residence here is barely relevant. I do have a residence in New York that is within the immediate community of SoHo House and I'm a founding member there. I've heard the term nightclub used and frankly since I've been a member there, I've never heard live music. I've never heard DJ music. It is an organization that strictly and very aggressively shuns publicity and therefore in order to not attract paparazzi and public attention, but more importantly there are two other qualities that have gone relatively untouted, one of which is as the gentleman before me stated is having a...I consider every bit as much a family club because during daylight hours it is mothers and stay at home dads are encouraged to come to the club with their children and play at the pool and it is very much a family organization with many family events. Two, there is also a strictly enforced rule of no cell phone use and no cameras within all sort of public social areas at the club and to my mind any place that would strictly prohibit the use of cell phones and cameras of any kind in the City of Los Angeles should be strongly supported even by most people here who don't like it. Thank you.

**DeLuccio:** Thank you. Alek, Alex Keshushian to be followed by Genevieve Morrill.

**Keshushian:** Hi there, I'm Alek Keshushian. I'm a filmmaker, a writer and I have used the SoHo House in New York and in London when I visited there as a place to go during the day to read, to write. I'm not alone in that. There are a lot of writers who will go there. You'll see them with their...I was just recently in New York, the entire place, I...it's like full of writers with their, you know, Apples open and working. A lot of this conversation tonight has been about noise, which is a bit ironic because SoHo House for me is some place I go often times to get away from the noise. And there is no loud music that's played there. No cell phones as the previous speaker said. And as far as the whole idea of...I mean some of the negative stuff that I'm hearing, which has to do with, you know, parking and this kind of stuff, a lot of which is directed towards Boa, which I've never been to in my life, but one of the great things about this space, which I've seen and experienced through SoHo House was during the Academy Awards a year ago when they did a bunch of special events. What was great was being able to finally have some place on Sunset where there wasn't traffic waiting to get in with valets because people would just pull into that parking lot and that made it really efficient, really quiet and when I did...I bring people, it avoided that nightmare which I usually try to avoid on the main Sunset Strip when it's just crazy traffic. And finally, for the few people who said why would anyone need to stay open, you know, past whatever time that they decided, you should stop...I would say that some of us do like to eat a little bit later. That doesn't mean we all want to get drunk and go, you know, bounding through the streets afterwards. Thank you.

**DeLuccio:** Thank you. Genevieve to be followed by Arlen Andelson and then Michele Andelson.

**Morrill:** Genevieve Morrill, resident Los Angeles. Thank you Mr. Chairman and Commissioners. I'm here tonight in support of SoHo House. I am serving in West Hollywood on several boards, the Chamber of Commerce, the West Hollywood Marketing & Visitors Bureau and the Library Park Fund. I think this is a great project for the landscape of Sunset Strip. I applaud West Hollywood for stepping out on innovation, concepts and at the same time balancing the needs of their constituents. SoHo House is a private club. It is not a nightclub. It is not an event space. And I've heard some things about West Hollywood being arbitrary in their conditions and I actually find that West Hollywood rather than making blanket conditions looks at each project specifically and the key word in this is private. It's controllable and everything that the owners of SoHo House have done has been to look at how they manage and control the parking with valet, with additional service, with additional security, and I think that they have addressed very specifically and thoroughly the concerns that the residents have. I think the other thing

*that is part of the EIR that was very significant to this project was that this has a great significance to the economic impact, it generates 300 jobs, it generates 15 million in that employment, it addresses another 7 million in additional visitor spending into the area and in this economic time, I think that's very relative and important for our community. In terms of noise levels, again you've heard from a lot of people here that can speak better to this than I can about the fact that this is a community gathering place and I hope you will support this project. Thank you very much.*

**DeLuccio:** *Thank you. Arlen Andelson to be followed by Michele Andelson.*

**A. Andelson:** *In deference to time, Michele said that I may speak for her. If I run 15 seconds over, please know you've got the other minute 45 seconds.*

**DeLuccio:** *Okay.*

**A. Andelson:** *Anyway, my name is Arlen Andelson and I have been active in West Hollywood community for over 40 years. As the landlord to Cecconi's, I have had the privilege of closely working with the owners and managers of SoHo House now for over two years. I have even worked with and know their landlord in New York. At all times SoHo House has not only met all of their obligations and lived up to all of their representations, but they have always exceeded even my high expectations. They are truly an amazing and wonderful group to work with. They have demonstrated grace, style, urban sophistication, combined with honor and respect for their surroundings. Among the other reasons I am here is because I live two blocks away from 9200 Sunset Boulevard. I live just south of Sunset on Arden and I can see clearly from my house the windows on the top of the 9200 building where SoHo House plans to open. Michele and I often walk the two blocks to Boa since it opened at the Luckman Plaza. Michele and I have a very large investment in our home. We would not jeopardize the value of our home for any reason and we feel SoHo House's presence only two blocks from us will not negatively impact us in any way. I don't believe we will hear any noise. I think any traffic impacts will be minimal. I think they will handle the parking as they have represented. And I'm confident that they will control paparazzi. The way SoHo House operates, we see no reason why....*

**DeLuccio:** *You can finish your sentence.*

**Andelson:** *Am I going to explode? The way SoHo House operates, we see no reason why it will not as it has done everywhere else it locates positively impact its neighborhood. Moreover, SoHo House is a gathering place....*

**DeLuccio:** *I'll have to ask you to wrap up. It's your...you're over your time, but thank you. You're way over. But thank you. We don't give time to other folks.*

**Andelson:** *I can have Michele come up and finish it.*

**DeLuccio:** *Yeah, have her come up and finish. We want to meet her. Come on up.*

**M. Andelson:** *Hi, I'm Michele Andelson and I live just two blocks from the 9200 Sunset building and we've lived there for almost 30 years. And I'm here to speak in support of the SoHo House. I'm not a member, but I have been the guest of a member in New York and I will say it was a wonderful dining experience and it was an oasis from the noise and the craziness and the traffic, the meat packing district. I enjoyed being there and I look forward to going back. Thank you. I urge you to support the SoHo House.*

**DeLuccio:** *Thank you very much. Steven Golightly followed by Lloyd Princeton.*

**Golightly:** Good evening, Mr. Chair, members of the Committee, Steven Golightly, a resident of West Hollywood and a property owner in West Hollywood West. I've been to the SoHo House properties in both New York and three of their sites in London as well as Cecconi's Restaurant in London and I've seen firsthand what a professionally run organization this is. You know, living in West Hollywood is great, but many of us have become jaundiced by the fly by night storefront businesses that call themselves nightclubs. It is my observation that SoHo House does not fall into this category. They're a class operation and they're not susceptible to the loud and unruly behavior that we have unfortunately become accustomed to seeing at these other establishments in our city. If you've had the opportunity to eat at Cecconi's down the street from here on Melrose, you know what I'm talking about. Nick Jones and Shelley Armistead run a first class operation. When Shelley eventually turns her efforts to running the SoHo House facility at Luckman Plaza, I am confident that we will see the same sense of decorum, professionalism and style. Having SoHo house in West Hollywood in my opinion will add a definite star and sense of cache to our community. I encourage you to act positively on this item and do approve the application as our City Staff have recommended. Thank you.

**DeLuccio:** Okay, thank you. Lloyd to be followed by Scott La Staiti.

**Princeton:** Good evening, Lloyd Princeton, I'm a property owner and a local resident on Hilldale Avenue as well as a member of SoHo House. Following on Mr. Golightly's footsteps I echo everything that he said and would just add that living with the noise of nightclubs and being a member of a social club, I know the difference and that clientele is not this clientele. It'll be quiet and will be quiet. I urge you to approve it. Thank you.

**DeLuccio:** Thank you. Scott to be followed by George Waud.

**La Staiti:** Scott La Staiti, Beverly Hills. I'm strongly in favor of 9B, not only as a longtime resident of the neighborhood on the Beverly Hills side, but a longtime tenant of the 9200 Sunset building. I have no concerns about any increase in noise or traffic. As everyone said here tonight, it's not a nightclub. It's a small private members only social club. I'm also familiar with the SoHo organization. I've been nothing but impressed with their operations and I think that this will actually enhance the community and as somebody who both lives and works in the neighborhood and has for a long time, I look forward to it. Thanks.

**DeLuccio:** Thank you. Here comes George to be followed by Nikki Haskell.

**Waud:** Good evening. I'm a resident of...

**DeLuccio:** Can you state your name please?

**Waud:** George Waud.

**DeLuccio:** And your city?

**Waud:** West Hollywood.

**DeLuccio:** Thank you.

**Waud:** I've lived in West Hollywood for 14 years and I'm a member of the SoHo House. I've seen firsthand in England, in New York, the establishment is incredibly decent and civilized place. It's membership is of highest quality professionals who meet at the club to relax after work, to work in a quiet environment and to progress business wise. I strongly favor the SoHo House. Thank you.

**DeLuccio:** Thank you. Okay, Nikki to be followed by Brian Falk.

**Haskell:** I'm Nikki Haskell and I live at the Sierra Towers in West Hollywood. My apartment looks directly on the top of the intended space for the SoHo House and I was extremely concerned and I did my due diligence meeting everyone involved and I am very much in favor of this project. I think it'll add a great cache to West Hollywood, to Los Angeles and I'm very much in favor and I appreciate all your time and energy. I think that everyone has done an amazing job and I think the SoHo House is exactly what West Hollywood needs. I am definitely in favor of it.

**DeLuccio:** Okay, thank you. Is Brian Falk here? F-A-L-K? No, he's left. David Gleason to be followed by Bobbi Elliott.

**Gleason:** Hi, David Gleason, resident of Venice. I've been a SoHo House member for about five years now. I recently relocated from New York to here and when I found out the SoHo House was opening up an establishment here, I couldn't have been happier. Echoing Ms. Huffman's comments, I always see SoHo House, I mean as a member as a place to meet to relax. I see it as an oasis of calm and a place to escape the craziness of Manhattan and I know it'll be the same way here. And one thing people haven't really talked too much about is as a city that sparks to creativity, you need places where creative people can come together and my experience in New York has always been tables full of writers, photograph, you know, photographers, producers, directors, people in advertising. Everybody kind of coming together who might not normally meet each other and creating really interesting and beautiful projects throughout the day and then also throughout the evening. So when SoHo House came to New York, it was a huge boom for New York and I think it'll be the same way for West Hollywood. So I urge you to support it.

**DeLuccio:** Okay, thank you. Okay, Bobbi to be followed by Lindsay Sacks.

**Elliott:** Hello, I'm Bobbi Elliott. I live at Sierra Towers and thank you for the two representatives who I never got to, but thank you for returning my calls. What concerns me tonight is not how good the food's going to be, the camaraderie, all the wonderful people that are going to be there, it's the security, security, security. As I'm sure you're aware of, the murders we've had on our corner at Hamburger Hamlet, the holdups we've had, I can't imagine anything worse than having parking on the side streets, whether it's for the people who go there who are obviously stellar people, what worries me are the employees coming to their cars at 2:00, 3:00 in the morning. I need to be guaranteed that those people, the employees, will be there. The parking, the security are of utmost importance to me. The noise, I guess we'll have to see what happens with the noise. Nobody knows. I don't care if you get massive people in here, they're not going to be able to tell us what the noise level is going to be after 10:00 or 12:00 at night. I hope this won't be a case like the Concord that goes...it sounds wonderful and I'd love to be there, but unless I have security and guarantees of that security, please count me out.

**DeLuccio:** Lindsay Sacks to be followed by Alan Johnson.

**Sacks:** Hi, I'm Lindsay, I'm a resident of Los Angeles. I live on Doheny right up the street from the proposed venue. I had the pleasure of going to the SoHo House in New York City and had a lovely time. It was anything but a loud nightclub. It was...which is the reason why I'm so excited that it is hopefully going to be down the street from my house. I have two small children. I don't like to go out and party 'til all hours of the night anymore and I really look forward to meeting my very mature friends, my elderly friends for dinner at the SoHo House. Thank you.

**DeLuccio:** Alan Johnson to be followed by Brian Sacks.

**Johnson:** Chairman and Commissioners, my name is Alan Johnson. I'm the Managing Director of the Ramada Plaza Hotel and a resident of West Hollywood since 1989. I'm very familiar with the standard of SoHo House operations in New York and London and also their very fine restaurant Cecconi's in West Hollywood. I've reviewed all the plans and forecasts for the proposed SoHo House to be located at the 9200 building on Sunset Boulevard and am very supportive and in favor of this development. It is not a nightclub and it is my opinion it'll have many positive social, cultural and economic benefits to the community. Once completed, SoHo House will employ some 300 new local staff with a total payroll of approximately \$3.3 million. SoHo House will spend a further \$8.1 million within the community on the day to day operations of their project. The new SoHo House will generate close to \$11.2 million in food and beverage sales with the City of West Hollywood receiving sales tax plus additional revenue from business sales tax. A number of guests referred by SoHo House from New York and London will be staying, shopping and conducting business in West Hollywood. This new development increases the City's meeting space capacity. It increases the City's special event capacity. National and international exposure from the project will help marketing efforts for the City worldwide. I strongly support and approve of this project. Thank you gentlemen, and madam.

**DeLuccio:** Thank you. Brian to be followed by Elizabeth Lein.

**Sacks:** My name is Brian Sacks. I'm a resident of Los Angeles and as my wife just recently said, we live right up the street on Doheny and I too strongly support the SoHo House. I think it would be a wonderful addition to the neighborhood and the community and having two young children, I would be concerned if I thought that it would disrupt the neighborhood that I live in, but I don't see any way that it could only be anything but a benefit. Thank you.

**DeLuccio:** Okay, thank you. Elizabeth to be followed by Mitch Kanner.

**Lein:** Good evening, my name is Elizabeth Lien. I'm a writer and a property owner on Doheny above Sunset and I am 14 weeks away from giving birth, so the last thing on my mind is going to a nightclub and I believe that the use of the word in this context is erroneous. I've been to both the London and New York venues and I could attest that it is a very relaxed social atmosphere, a place that I would feel comfortable taking my mother and as I said, I live on Doheny Drive, so my residence is immediately affected, but I believe positively and I wholeheartedly welcome the SoHo House to West Hollywood. Thank you.

**DeLuccio:** Okay, thank you. Mitch Kanner here? Brian Salzman? Is Brian Salzman here? Richard Heyman? Okay. Dehlia Miller is next after Richard.

**Heyman:** Hello. Whoa, hi, my name is Richard Heyman. I live at the Sierra Towers. I've been living at the Sierra Towers for 15 years and I want to just keep it real sweet. Both the building owners and the management of SoHo House are absolutely outstanding groups of people. They've shown an amazing amount of effort to make this work for everyone and I appreciate them very much for doing so. I support them. Thank you.

**DeLuccio:** Okay, thank you. While you're coming up, the next speaker will be Toby Fleischman after Dehlia.

**Miller:** *Dehlia Miller, Los Angeles. Good evening, I came here tonight to speak in support of the SoHo House. I had the opportunity to be a guest of the SoHo House in New York in May. It is definitely like everyone said, private members only restaurant and social club, not to be confused with a nightclub or rock venue like many of the places found on the Sunset Strip. While those are great from time to time, the SoHo House would be a welcome change and not a disruption in any way. Thank you.*

**DeLuccio:** *Thank you.*

**Fleischman:** *Hi, Toby Fleischman, resident of Santa Monica. I've been a member of SoHo House since 2003. I visited the clubs both in New York and in England. I've worked closely with the management of this club, both professionally and personally. I can tell you that they are open and eager to cater to the community in any way possible. I want to just reiterate, emphasize that this is not a nightclub. The extended hours of 7:00 a.m. to 2:00 a.m. are for that reason especially, this is geared towards all type of members, both young and old, families, artists and is solely for professionals in this community and I really hope that you will vote in favor. Thank you.*

**DeLuccio:** *Okay, the next speaker is Christine Fazzino to be followed by Steve Nolte.*

**Fazzino:** *Good evening, my name is Christine Fazzino. I am a resident of West Hollywood, 1001 Hammond Avenue, which is two blocks from Luckman's Plaza. I have lived there with my husband for 10 years. I've held three jobs in the time of the 10 years I've lived here, my third being Cecconi's, which is affiliated with SoHo House. I am in favor of the SoHo House being there only because my love for the State of California and that this is going to create jobs and the huge deficit that the State has and the taxable dollars that will go towards bringing that down. Thank you for your time.*

**DeLuccio:** *Okay, at this point we're going to take a short break. Thank you and I want to remind you that the Commissioners and the public should not interact during the five minute break please. Thank you. Concerning this item, you can talk about anything else. (BREAK). Okay, we're going to get started again. If I can get everybody's attention. If I can have quiet in the room please. Okay. Is Steve Nolte...is he in? He's waiting to speak, so let's give him our attention, followed by Russ Filice. You want to come up, Steve?*

**Nolte:** *Thank you. Good evening everyone, thank you for coming. I appreciate the time. I just wanted to let you know that....*

**DeLuccio:** *Okay, start with your name and city please.*

**Nolte:** *I apologize. Steve Nolte, I live in West Hollywood. I've lived here for two years now. I've worked for the SoHo House Group for about three years. I've had the opportunity to live in London, in New York and now in West Hollywood. I will say that New York being founded, that it's in the meat packing district in New York. I don't know if anyone's ever been there before, but it's probably the busiest and most trafficked and very loud areas. I will guarantee you that the SoHo House is probably the quietest property on that block. I appreciate the time. I'm in full support of the SoHo's Group and I've had amazing opportunities to live in London, to live in West Hollywood and also to live in New York working for the company. Thank you.*

**DeLuccio:** *Okay, thank you. Is Russ here? Is Russ Filice? Okay, then Marc Ware to be followed by Deborah Kaplan.*



**Ware:** *Hi, I'm Marc Ware, a resident of West Hollywood. I sold my house in Beverly Hills last year and made a major investment in Sierra Towers, which is in very close proximity of the SoHo House and I can see it from my apartment. I feel the Luckman Plaza is the optimal location for a club of SoHo House and SoHo House's stature and heritage. It's a place high above the city and with its extensive underground parking ensures that the neighborhood will be quiet and will not have a typical pedestrian and car traffic caused by other clubs on the Strip. Its membership policy ensures that this neighborhood has little possibility of congregating on the walking streets or around the vicinity. SoHo House will solidify West Hollywood as an important destination for the artistic and creative community worldwide. They have clearly demonstrated their ability to operate a topnotch restaurant, Cecconi's. In every area a SoHo House has opened, the neighborhood has been revitalized. This is an opportunity for the City and Sierra Towers to become an even more vital national and international destination. Thank you.*

**DeLuccio:** *Thank you. Deborah to be followed by...Deborah Kaplan, Hal Klein and then Sharon Binder. I guess Deborah's not here. Hal Klein followed by Sharon Binder and then Howard Storm.*

**Klein:** *Good evening, my name is Hal Klein, a real residence of Beverly Hills on Cynthia Street directly behind the SoHo House. Our...the back of our yard backs up to the triangular building of SoHo House. When we first learned of the plan for SoHo House to come to Los Angeles, some of the neighbors and I undertook extensive conversations with Nick Jones and his staff and with the Mani Brothers and their staff to talk about the impact that the project might have on our neighborhood. All the conversations were open, honest and forthright. We found Nick Jones to be an amazing man, his staff to be outstanding. We found the Mani Brothers to be totally honest and open in their willingness to work with us. Many of the conditions that are included in the draft report today came out of the conversations we had dealing with noise and other impacts of the project. I would ask you to be particularly concerned however about enforcing the conditions that we...that you're talking about tonight. The SoHo House no question the work can be an advantage to the City. It's important however that all the conditions are...that are imposed upon the SoHo House and the building be carried out so that we can have some quality of life. I strongly encourage the project. I look forward to working with Nick Jones and with the Mani Brothers to see it to fruition. Thank you.*

**DeLuccio:** *Thank you. Sharon Binder, Howard Storm.*

**Hamaker:** *I think Binder's gone.*

**DeLuccio:** *Is Marie Gordon here?*

**Gordon:** *Yes, I am.*

**DeLuccio:** *Is Howard Storm here? Howard and then Marie Gordon.*

**Storm:** *To begin with I'd like to congratulate the SoHo House....*

**DeLuccio:** *Can you please state your name and....*

**Storm:** *My name is Howard Storm and I live at 1107 La Colima.*

**DeLuccio:** *Okay, thank you. Is that in Los Angeles or West Hollywood? I know we....*

**Storm:** *We're going to have a problem here. It's...I have a Beverly Hills address. We went through this last time.*

**DeLuccio:** Keep going.

**Storm:** Okay?

**DeLuccio:** Thank you.

**Storm:** I would like to congratulate the SoHo House people because I think it is a brilliant move bringing in about 100 people and 90 percent of them don't live in the area and have them stand up and raise their hands for those in favor of SoHo House. And having all these people who are not here, as we came to every meeting, show up tonight and don't live in the area, but are talking for SoHo House. I think it's ridiculous that these people have been given talking points that's the same thing each time. They think SoHo house is not...now I'm talking, may I have your attention?

**DeLuccio:** Please continue.

**Storm:** Thank you.

**DeLuccio:** I can hear what you're saying, but please continue.

**Storm:** Fine.

**DeLuccio:** Thank you.

**Storm:** I don't want to lose that time either. That they've been given talking points. They get up here and they say it's not a nightclub, it's a wonderful place and artistic, it's quiet, and they're very proud of the SoHo House. I noticed too that when we spoke about the petitions that were given out, those petitions were only those in support of SoHo House. No one mentioned the petitions that were against SoHo House. I...it's obvious to me that the cards...the deck is stacked and I think you all should be ashamed of yourself.

**DeLuccio:** Marie Gordon followed by Nic Adler.

**Gordon:** Marie Gordon, Beverly Hills. I have some questions I'd like to ask. First of all, who sponsored the trip to the SoHo House in New York City? And has anyone looked into any of the complaints registered against SoHo in New York City or in their other locations and if there has any...been any crime increase in the areas in New York City, if they...if anyone has contacted local police there to see. SoHo I believe is in New York City and is in the meat packing area, which is primarily commercial. If you're so community minded, why are you interested in a private membership and why 2 a.m.? And if everyone's saying it's so involved with family, who stays up to 2 a.m. with family? Of those standing for the SoHo House before, how many will gain financially or are employed or will be employed in the future with this company? I know that Mani Brothers also owned property downtown and I want to know why this SoHo project was rejected and if anybody can explain those reasons. And are the benefits to the community only financial gains to West Hollywood? And the noise restrictions in Beverly Hills, why are they not the same in West Hollywood, because I know if you want to have a party, it's restricted for a certain time, why isn't it the same for West Hollywood? And where are all the signatures and the petitions for the people who signed against the SoHo House? Who will be addressing these questions?

**DeLuccio:** Okay, thank you for your time. Nic Adler to be followed by Sandra Renard and then Todd Steadman.

**Adler:** My name is Nic Adler, I'm a resident of Los Angeles. I'm also on the Sunset Strip Business Association Board as well as the West Hollywood Library Fund. I own the Roxy Theater. It's been there for 35 years. I guess that would make me an expert on nightclubs. I have been to the SoHo House in New York. It is definitely not a nightclub. We need all the businesses we can get in West Hollywood right now. The Sunset Strip is at a tipping point of losing businesses every day and I think we need to encourage especially someone like the SoHo House that has a wonderful group. I had a chance to meet them myself, very professional. It's very low impact on the community, but we get a gem in the city and I think we need more of them like the SoHo House. Thank you for your time.

**DeLuccio:** Okay, thank you. Is Sandra Renard and to be followed by Todd Steadman? What about Brian DeLowe? Okay, come on Todd.

**Steadman:** Hi, my name is Todd Steadman. I'm a resident of the City of Los Angeles and also Executive Director with Sunset Strip Business Association. The Sunset Strip Business Association supports the SoHo House proposal. The Sunset Strip has been known as an entertainment district for over 80 years and the SoHo House is a great fit for the Strip. It's a unique experience. It'll be an asset to the Strip and West Hollywood. Part of what we do with the Sunset Strip Business Association is we do security, maintenance, outreach and marketing and what I want to let everybody know about is our security services. We contract out with a company called Block by Block where they provide up to 10 personnel that work closely with the Sheriff's Department to provide an extra layer of safety on the Strip. They patrol the entire Strip, the adjacent neighborhoods and the border of Beverly Hills to where the Chateau Marmont is and I want to encourage people to use their hotline, which they are on the Strip between the hours of 8 p.m. and 3 a.m. in the morning and that hotline number is (310) 210-7622, and please we encourage the residents and businesses on and near the Strip to use their services. So if it's noise or disturbance, please use our security ambassadors. Obviously, if it's a 9...if it's an emergency, call 911. I strongly believe that the SoHo House will be an excellent neighbor for residents and businesses and I'm going to leave some of these Security and Quality of Life cards over here and I would encourage everybody to take these cards and use our services. So thank you very much.

**Yeber:** Todd, I have a quick question. Is that number posted somewhere along Sunset Boulevard in various places so that if people don't have that number or don't have it, you know, readily available, they can call?

**Steadman:** Yeah, we have done mailings to try to distribute the contact information to the neighbors that are within the, you know, the Sunset Strip. Obviously, we haven't hit everyone, but we try to. So we encourage people to...you can go to our website at [thesunsetstrip.com](http://thesunsetstrip.com) for that information as well, but I'll leave these cards at the back over here that have that 210-7622.

**Yeber:** But no sign anywhere posted with any business or anywhere along Sunset Strip?

**Steadman:** There's no sign.

**Yeber:** Okay, thank you.

**Steadman:** Thank you.

**DeLuccio:** Okay, thank you. Is Brian here? To be followed by Bria Wentzel. Go ahead.

**DeLowe:** *Hi, Brian DeLowe, I'm a resident of the City of Santa Monica. I'm not a member of the SoHo House, but I've visited it several times in New York as the guest of the member. I'm the Vice President of the Core Hotel Group based here in Los Angeles. Core wholeheartedly supports approving SoHo House West Hollywood as proposed for the Luckman Plaza Building at 9200 Sunset. As an active member of the West Hollywood business community and as the owner and manager of the Chamberlain Hotel located less than a mile away from the proposed SoHo House location, we at Core believe that SoHo House will be an integral part of solidifying West Hollywood's reputation as one of the key destinations in the Greater Los Angeles area for hospitality and tourism. We believe SoHo House will have immeasurable positive impacts on the community and we look forward to welcoming SoHo House into our community. Thank you.*

**DeLuccio:** *Okay, thank you. Is Bria Wentzel here? And what about Joseph Ramaglia? Help me pronounce that. It's sort of scribbled off the end of it.*

**Ramaglia:** *Good evening, my name is Joseph Ramaglia. I'm a Manager at Cecconi's. I reside in West Hollywood and I'm here to speak on the credibility of the ownership who I deal with on a regular basis, Nick Jones and I think what I would like to also address is some of the apprehension that I feel some of the opposition, excuse me, some of the opposition feels in this room due to their past experiences with operators that have come in and once their plans were passed, it was a free for all. Nick Jones runs a very honest, credible business. He does not cut corners and he makes decisions that ultimately will not just be for the immediate dollar that will also be good for the community as well as his employees and people that he represents. Cecconi's has a high end clientele, very different from those of a nightclub. I've worked for nightclubs in Los Angeles that have a much younger, rougher crowd that is not what we endorse and I fully support Cecconi's and SoHo House West Hollywood.*

**DeLuccio:** *And the last speaker, Jeanne Dobrin. I'm sorry, I should've called you up sooner.*

**Dobrin:** *Jeanne Dobrin, longtime resident of West Hollywood. Somebody said I should hold on?*

**Hamaker:** *Yeah, there's something making...oh, it's your earplugs are making noise.*

**Dobrin:** *Start all over.*

**DeLuccio:** *Start the clock over. We're ready for you, go for it.*

**Dobrin:** *Jeanne Dobrin, resident, longtime resident of West Hollywood. You heard Steve Afriat tonight say that the applicant is voluntarily giving up the right to have the four annual special permits that the city allows. Did that make you think that they wouldn't have any special event permit? Not true. As a matter of fact, they will have the right to have 12 of them. He didn't explain to you that that meant Class A Permits. I won't bother to describe to you what that means, but it means something different from what you may have thought. I am concerned because it says that the outdoor amplified music as an amendment to today shall not be permitted unless authorized to a Special Events Permit, so that tells you they will still go on. And Mr. Carstens told you that requests for the operations impacts in other cities of SoHo be looked into and that has been denied. Don't laugh people. Mr. Carstens just won an \$819,000.00 judgment versus West Hollywood City. If this proposal goes through as claimed of course, it will make a lot of money and make a lot of people happy. Now as for the Mani Brothers, they own four buildings on Sunset in West Hollywood and they are great landlords. They are the best, but if despite their very best efforts to control the negative impacts which might result here, do not count on help from Code Compliance. It's underfunded, understaffed*

*and over burdened. I think that if, as Mr. Hal Klein said a few minutes ago, if everything is carried out the way it's in the Resolution and the way it's been told tonight by mostly people who don't have anything to do with West Hollywood, then it will be a successful and good operation, but I think you should pay a lot of attention to the people who live on Cory and what they've already been through recently just by Boa alone, which doesn't enter on their street.*

**DeLuccio:** *Thank you, you did it right in the three minutes. Okay, so now we're going to do rebuttal and five minute rebuttal and I have a slip from Mark Steres.*

**Afriat:** *Mr. Steres is part of our team to respond to questions.*

**DeLuccio:** *Okay and you will be doing the rebuttal, Mr. Afriat?*

**Afriat:** *I will be doing most of it. Mr. Seymour might clean up my mistakes.*

**DeLuccio:** *Okay, thank you.*

**Afriat:** *Members of the Commission, first of all we would like to thank all of our neighbors, those in support of and opposed to the project because we intend to be a good neighbor and we intend to honor all the conditions. So on behalf of Shelley and on behalf of Nick Jones and the SoHo House family, we will not disappoint the City. I do want to clear up a couple of things. First of all, I think it's important to note that everyone who has contacted SoHo House for the project, against the project, questions, concerns were given one on one meetings with members of our team including SoHo House staff. I also want to share because I think it's important for the public to know, there was no New York excursion, no trips to New York that were planned for people. I have never been to SoHo House and if there was one, I'd pretty upset. With regards to the hours, there was some comment made about the London having earlier hours and I was here a few months ago representing the London. The London is only 10 stories tall. This building is 14 stories tall and the London has live music. One of your conditions of approval is that there be no live entertainment at this location, which of course means no live music. There will only be ambient music located there. In addition, there is no dancing, no live entertainment whatsoever. I want to remind the Commission and the members of the public that people must enter SoHo House through P1 that is through the parking garage. No one can park in the outside and walk into the building. The only way to clear security entrance to SoHo House is through the parking garage. In addition, I would point out in your Resolution of support that there will be regular reviews, extraordinary from what I've seen in all the years I've been doing so. Community meetings at three months, at six months and at one year, and this Commission gets to review noise impacts at a six month period. Those are all conditions of approval. SoHo House is a respite for its members to get away from what our neighbors fear. This is not a venue to create noise. This is a venue to be relaxed, to be quiet, to be thoughtful, to collaborate in the creative arts and to be a part of this community in a positive way and to support the surrounding businesses and surrounding neighbors. We assure you we will do right by you and we also know that you will be here to make sure we do right by you. So again, we thank members of the community regardless of your position and we again thank staff for their incredible work and for the patience of the Commission for this very long hearing. At this time, I'd like to turn over the rest of the rebuttal time to Jeff Seymour.*

**Seymour:** *Mr. Chairman, I have nothing to correct. We, we're looking forward to providing a unique environment and a unique opportunity and really a new exciting addition to West Hollywood and to the Sunset Strip. Again, we also want to commend the staff and the Commission. This has been a long, very arduous time for the Commission. We look forward to responding to any of your questions and we are ready Mr. Chairman with our team of members from Mani Brothers aside from SoHo to respond*

*to any of the questions that you or staff may in fact have of us. We look forward to being a part of West Hollywood. We look forward to being a part of what is exciting and good and excellent in the City and also on the Sunset Strip. Thank you, Mr. Chairman.*

**DeLuccio:** *Okay, thank you. Are there any questions of the applicant? Okay, Marc and then Barbara.*

**Yeber:** *Actually it's a question for Jeff. Jeff, you mentioned in your opening about monitoring helicopter traffic.*

**Seymour:** *Yes.*

**Yeber:** *And reporting to the FAA.*

**Seymour:** *Yes.*

**Yeber:** *Could you elaborate a little bit more on that and I'm trying to figure out how you would intervene or have the City intervene since we are talking about Federal air space and it's very difficult to...how do you expect to control that?*

**Seymour:** *Commissioner, I am so glad you asked me that question. We had conversations today with the FAA. The way it's done is we can in fact, if we have what they call the IN Numbers, which we call I.D. Numbers, which are the numbers that are on the tail of the helicopter. We submit a complaint to the Flight Standards District Office in El Segundo. They then have to make a determination if there is a...if the aircraft posed either a safety hazard or it was a...posed any kind of hazard to the community, which candidly you can do. With the gentleman I spoke to today, he made it very clear that if you're having a helicopter hover over a tall, you know, a high rise office building, there are indeed issues that the FAA would in fact investigate. So what they do is we submit in this case a picture of the aircraft with their IN Number. We submit that to the FAA, the FAA is required to go through an investigation. If in fact it is found that there is a problem, then the FAA can in fact cite the owner of the helicopter and it's our view that what most probably would happen is if this really was a problem and candidly, Commissioner, we don't think it will be, but if it should be a problem, we believe that the more the FAA investigates, the more it'll be made clear that there's, there is an issue for helicopters doing that.*

**Yeber:** *So this is an after effect, you can't...if you've got 12 helicopters hovering over any given moment, you really can't do anything to rectify the situation at that moment, all you can do is record the numbers, report it and then an investigation would happen further. Is that correct?*

**Seymour:** *Yeah, it...yes, we...the City of West Hollywood does not have jurisdiction over anything above you. So the only way that we can deal with this is via the FAA.*

**Yeber:** *Okay and then...yeah, I just wanted clarification. I kind of knew that already, but I just...for the audience wanted some clarification on that. Also, what security program is SoHo House or the owner of the building implementing aside from the City's own law enforcement and the Sunset Boulevard's security program? What is the building or the business doing itself to make sure that the surroundings are safe including members, community members and elderly?*

**Seymour:** *Another great question. The way this is going to be...first of all, at the moment at Luckman, Mani Brothers have seven day a week, 24 hour security in the building. We are being required under the conditions of approval to include an outdoor security group that would be walking Cory during the period of time that SoHo House is open and in fact the condition requires that that security person or persons continue to do*

*that through 2:30 in the morning. The idea obviously is to find a way by which we can ensure that this entire area is secure, but just as important that traffic and issues dealing with that are controlled properly. So that is something we are going to be doing.*

**Yeber:** Thank you very much.

**Seymour:** Thank you.

**DeLuccio:** Barbara? And then Alan.

**Hamaker:** Yeah, I'll just address these to Mr. Seymour and if anyone else wants to answer, I have a bunch of small questions, so let me just run down and you can answer them all at once.

**Seymour:** Do my best.

**Hamaker:** Okay. I'm interested for the audience to know because I think the membership of this club is key, who is the membership committee and how do people become members? It obviously involves money. We've spoken about security. What is the general capacity anticipated for weeknight dinners and weekend dinners? There was some mention of SoHo House patrons parking on neighborhood streets. I think you've indicated that they can only go in through the parking garage and then there was also mention from people about where the employees of SoHo House will park. Talk also about the pool on the roof because it's my understanding it's not a swimming pool but a viewing pool similar to what's at the PDC, because there was a mention and comparison of hotel swimming pools and this pool. Thanks.

**Seymour:** Well, let me speak to what I can speak to and at this point that includes the employee issue. We are well aware of the concerns that our neighbors at Sierra Towers have in relation to the 9201 parking facility. One of the things we are going to be doing, although...and we're volunteering the Mani Brothers, who's doing this as voluntarily, is to ensure that SoHo House employees who are parked at 9201 during the day are then moved to the Luckman Building and level P3 during the evening. And we're doing that not because we're fearful of what's going to be happening in the 9201, but because of the fact that it's the right thing to do. It will secure those who will be working at SoHo House and once the employees of the tenants at Luckman leave in the evening, we'll have more than enough parking.

**Hamaker:** So they won't have to cross the street...

**Seymour:** Correct.

**Hamaker:** ...and...okay.

**Seymour:** Correct, the employees, SoHo House employees will be parking at Luckman after 6:00. Now I, I'm going to give this back to Shelley in relation to the operations side of SoHo House so she can answer some of your questions. Thank you Commissioner. I'm sorry, this is not Shelley.

**Afriat:** I can be Shelley when it's Halloween. I'm actually going to answer the pool question. And it is referred to as a reflection pool, but we want to be very clear and straightforward with everybody, it is a three foot deep pool and our guests can, if they wish to, dangle their feet or walk and kind of splash and cool off if they want. I wouldn't think anyone's going to dive into it or anything like that, so it won't be the kind of pool people swim, but it is a pool where if someone wants to take off their shoes and cool off their feet....

**Hamaker:** And it's a very small area. I mean the area that I saw was very...smaller than this area right here.

**Afriat:** Correct, exactly.

**Hamaker:** Okay.

**Afriat:** Exactly, and I'd rather Shelley speak to the membership question. Shelley?

**Armistead:** Hi, could you just repeat the question please?

**Hamaker:** The membership, it's...who's on the membership committee and how does someone become a member?

**Armistead:** The membership committee is comprised of a local group of individuals who are selected by our Membership Directors. And in order to become a member, you need to be proposed by two existing members of SoHo House. Does that answer your question?

**Hamaker:** And that's it. It doesn't have to be someone in the entertainment industry. It can be a member of the community and whoever has....

**Armistead:** Everybody has the right to apply, however SoHo House was founded as a members club for people in the creative industry, so yes, we will always try and stay true to our roots.

**Hamaker:** Okay and do you do any...this is probably...shouldn't even ask this, do you do any kind of background checks or you assume that the member, the original members who sponsor these people know who these people are?

**Armistead:** Everybody is 100 percent accountable for the people they propose and they have to be....

**Hamaker:** Thank you.

**DeLuccio:** Thank you. Alan?

**Bernstein:** My question was also about the security of employees who might be parking across the street and it was answered already, so that was it for me.

**DeLuccio:** Okay, great. There's no further questions of the applicant. At this time, I'm going to leave the public hearing open, but I want to ask if staff wants to...has anything to add at this time?

**Contreras:** Yeah, I think the Commission had a question regarding...Commissioner Yeber regarding perhaps helicopters and how maybe some of that can be avoided. There is a condition, Condition 1412, in the Resolution, which actually requires SoHo House to have a tent or an awning or a similar covering during all of their special events, which will then basically cover that outdoor terrace area which can actually probably preclude some of the helicopters to fly overhead. It may not completely do away with them, if they're even there, but it'll be a way to shield some of the activity and since they're going to have it there anyway for special events, they'll probably actually install it permanently and use it as they see fit.



**DeLuccio:** Are there any questions of staff at this time?

**Yeber:** yes, I have a few questions of staff. Just to clarify for the public, there was some question about the hours of the, I think they call it the Sky Penthouse. There were some...I see it in the conditions here, but if you could just clarify for the public the hours in which it can stay open.

**Contreras:** Sure, so the SoHo House and basically the interior restaurant areas, both on the Sky Penthouse and basically the penthouse, 13<sup>th</sup> floors, they can stay open from 7 a.m. to 2 a.m. They will only be allowed to serve alcohol from 7 a.m. to 1:30 a.m. Now in the outdoor terrace area, basically the pool area, they can be open from 7 a.m. to 12 a.m. midnight and service of alcohol in that same outdoor space will be available from 7 a.m. to 11:30 p.m.

**Yeber:** Great, okay, and then someone also brought up the current situation or condition that exists in connection with the opening of Boa Restaurant in terms of parking, street parking, overflow, double parking and so forth, has anyone looked at that and are there mitigation attempts being made to resolve that, because I know these two are separate issues, there's three separate entities, but have we resolved that or have we looked into that?

**Keho:** I've not...that hasn't been brought up to me as being an issue. I don't know if Transportation Department, if that's been raised.

**DeLuccio:** And Terri Slimmer is going to come up and address that.

**Yeber:** Thank you, Ms. Slimmer. Nice to see you this evening.

**Slimmer:** Darn, I thought I was going to just get the calm in the back.

**Yeber:** Not likely. Not on a project like this.

**Slimmer:** Good evening, Commissioners. Terri Slimmer, the Traffic and Transportation Manager. The Boa opening that everybody was talking about was conditioned under a Special Event Permit and they did not necessarily follow that Special Event Permit and it certainly gives us the experience of what to watch for in the future and the internal discussions have been making sure it's corrected on all the future special events. So that was specific to Boa and we do believe it is correctable.

**Yeber:** And since you have honored us tonight, since I have your attention, it was also brought up about the category F intersection. I know that's been addressed and that'll be a discussion amongst us in terms of overriding circumstances, but can you add anything else regarding the condition of that intersection?

**Slimmer:** The intersections along Sunset are all terrible. We all acknowledge that. We...in the traffic studies now, we have automatically said our intersections along Sunset are F. That is our standard practice. When we are in an F situation, our thresholds say that we can in fact make the situation shall we say a little worse as long as it doesn't exceed a .02 capacity and that is all difficult to explain, but you'll see that as we study this project, the two intersections, both Santa Monica and Doheny and Cory and Sunset exceeded that .02 and I think it was even like .021 or .031, something like that. So it was a minimal increment and we still said that's a significant impact. So as long, if in fact our F intersection had only been .01, we would not have a significant impact under the City's thresholds. So we can in fact make an F a little worse, but not exceed the thresholds.

**Yeber:** *No, but the point is, is that all intersections along Fountain avenue are F. This isn't a unique*

**DeLuccio:** *Along Sunset.*

**Yeber:** *Along Sunset. Is that what I said?*

**DeLuccio:** *Yeah.*

**Yeber:** *This isn't a unique situation on Sunset. It's all of Sunset is impacted.*

**Slimmer:** *All of Sunset we categorize as F. Now if we were to go back and look at them all individually, there will be periods of times when they don't necessarily are F. They might be a D or they might be an E, but for purposes of traffic studies at worst case scenarios, we presume all intersections along Sunset are F.*

**DeLuccio:** *Great.*

**Yeber:** *Thank you very much and then last question for staff, was there any analysis or crime statistics obtained from the New York SoHo House to determine if there was an increase or any change with that activity in New York in a way to anticipate?*

**Contreras:** *Yeah, the only information that we have is basically anecdotal from some of the support letters. I think there was a letter from the Gansenvort, I think it was basically like a...I think it might be a business improvement district within the meat packing district and in fact they said almost the opposite, which was that SoHo House has only had but a positive effect in the neighborhood. We didn't actually acquire any, you know, particular, you know, police data or crime reporting simply because it wasn't necessary to be analyzed under CEQA per se for this particular venue here within the City. But we did actually poll some of the crime stats for this location and those are actually included in your report. And as we mentioned, the Sheriffs don't see any particular problem with this establishment at this location.*

**Yeber:** *But no actual...you didn't call the City of New York or that location to see if there was any increase as a result of the activity connected with SoHo House in New York, right?*

**Contreras:** *Correct, not the New York Police Department.*

**Yeber:** *Okay and then lastly, and thank you so much for indulging me, it was mentioned about the parking requirement. Since this particular establishment doesn't fit neatly into any of our categories, nightclub, restaurant and so forth, how was the parking requirement determined?*

**Contreras:** *We determined the use to be most closely resembling what we see or defined in the Zoning Ordinance as a restaurant. So all the parking requirement for the entire venue, SoHo House venue was as a restaurant, which is nine spaces per 1,000. Because the...there's existing office space there, the way that we do the calculation for parking, we actually give them not necessarily a credit, but instead of the full nine per 1,000, you actually only do the difference between office and parking, which would be where the 5.5 as somebody mentioned during the public testimony.*

**Yeber:** *Thank you so much.*

**DeLuccio:** *Okay and Sue do you have a question?*

**Buckner:** Yes, I have one and I guess I would be addressing it not to staff, but to the applicants. One of the speakers spoke about the garbage that was being collected down in the back of the building and I did visit the site and after hearing that, I'm wondering what they are...what you're going to be doing to transport goods up to the penthouse and for removal of garbage and debris from there because it seems like it wasn't originally designed for this type of venue.

**Seymour:** Commissioner, we are going to be building a chute, a garbage chute. In addition to that, there are rules that the Mani Brothers have in relation to collection. We also have to deal with the reality that the City, and we're picked...our trash is picked up by City, you know, trash collectors. So we're working with the City to try and ensure that any issues dealing with problems with that collection will be taken care of once the...once SoHo House has been built, but they are going to have their own garbage chute or trash chute.

**Buckner:** But Mr. Seymour, the City only collects on certain days. Perhaps they need to arrange for some kind of a private collection so that there isn't debris left in...collecting there. Is that something that you've considered?

**Seymour:** I'll...I would be more than happy to bring that to the Mani's attention. I'm sorry? I'm being told the trash is picked up every day.

**Buckner:** Okay, then that hasn't been a problem other than the speaker mentioning that, is that true?

**Seymour:** Well, I don't know of any. I mean, Joe, do you want to respond to that?

**Mani:** That's the first it's been brought to our attention as the management of the building that that was a growing issue.

**DeLuccio:** Maybe it's something you can just keep an eye on.

**Mani:** Absolutely.

**DeLuccio:** Okay, thank you. Okay, at this point, Joseph you have a question?

**Guardarrama:** Yeah, I have a question for Francisco. How did you or how did staff arrive at the proposed 12:00 close time for the outdoor terrace area?

**Contreras:** It's actually a part of the recommendations through both the noise analysis that was performed as well as basically consideration from the applicant to some of the noise concerns that were brought up. So we basically the noise consultant as well as agreement by the applicant to close that area at midnight, which was the condition that was included in the report.

**Guardarrama:** Okay, thank you.

**Contreras:** Sure.

**DeLuccio:** Okay, I have a question actually of Terri. This evening we will be required to take up a Statement of Overriding Consideration and that was triggered by Traffic, was it one or two intersections?

**Slimmer:** There were two intersections. The late night peak for Sunset/Cory and Doheny Road and then late night also for Santa Monica and Doheny and late night means 9 p.m. to midnight.

**DeLuccio:** Okay, thank you. Alan you have a disclosure?

**Bernstein:** Yeah.

**DeLuccio:** Would you like to do....

**Bernstein:** Yeah, I....

**DeLuccio:** A further disclosure.

**Bernstein:** Sure, if we're done with questions, I had earlier disclosed that I had visited the New York site. I thought during the public comment there was a very reasonable question from the public about who had paid for the New York visit, so I just wanted to expand my disclosure that I serve as an uncompensated Board Member of a 501 C3 called the Family Equality Council. We had board meetings in New York in October of 2008. I paid my own airfare to go to New York. I stayed at the New York Athletic Club under my own dime and while I was there, I did arrange with the applicant's representatives to take a visit to the SoHo House.

**DeLuccio:** Okay, we're going to open this up in a moment and I know John, you want to start, but the way we're probably going to proceed will be...we're going to get to at some point taking a vote on the Statement of Overriding....

**Guardarrama:** Donald? Excuse me, Donald. I'd like to make a similar statement because I too went to the SoHo House in New York. I was on vacation in New York. I paid for every cent of it myself and I took a tour of the SoHo House just to reconfirm my original impressions of it or to have them, you know, somehow contravened. We as a Commission and as public officials must take mandatory ethics training mandated by the State, which is also administered to us by the City Attorney. There are strict gift guidelines in the City of West Hollywood that are stricter than those of the State of California. There are strict gift limits and all gifts must be reported and so I just want everyone in the audience to know that we all received ethics training and we're all very conscious of those rules. Thank you.

**DeLuccio:** Thank you for that, Joseph. Okay, at this point we're going to eventually get to a vote and hopefully, you know, soon, but we need to do some deliberation first and we'll probably be taking up Statement of Overriding Consideration then certify the EIR and then approval of the project and John, did you want to start deliberation?

**Altschul:** Sure. First of all, as has been said repeatedly, this is not a nightclub. This is a restaurant. The definition and the distinctions between a nightclub and a restaurant are quite clear and the fact that people in the entertainment industry where celebrities frequent a venue does not make it a nightclub and it never will. They can have dinner there, they can have dinner apparently all day long up until the wee hours of the morning and I don't see anything the matter with that. But going back a little bit before we get to this, first of all following up on Marc's comments, I do think that staff should look into the situation as to whether or not there is any adverse impact on Cory from Boa that needs to be addressed and that needs to be corrected. If there is, I think we can do it rather easily and I'm sure the Mani Brothers will cooperate in seeing that it's done. You're talking about a new business that's brand new, six, eight, 10 weeks old, and they are going to be some kinks, but they got to be worked out quickly. Secondly, off subject is the question that the doctor raised about the surgical center that has hours that are shorter than the requested hours for SoHo House. This is the former Salek facility that is now owned by Cedars Sinai at San Vicente and Beverly. I recall about a dozen years ago, the hearing to entitle this, I don't recall what the requested hours of operation were, but I'm sure whatever the requested hours were is what they were given and

*Cedars Sinai is not shy and Cedars Sinai's Public Relations Vice President is very active in the City of West Hollywood and if Cedars wanted extended hours, they would come and ask for them and it would be considered. The question of the parking lot's lights were extremely well discussed and there was a major issue and it was handled in the way that it was and if there's a change in circumstances, Cedars could certainly come and request some different lighting issues. And getting back now to the SoHo House, Cecconi's has some very, very interesting and very effective ways of dealing with paparazzi and I suspect they will be quite as interesting and effective when it comes to the SoHo House. I don't have any question or doubt that the paparazzi will be kept at bay. I live above the intersection of Sunset and Horn and as somebody mentioned, I think it was Elyse Eisenberg, for years it was the intersection of Spago and Tower Records. They were both high impact. We lived quite comfortably as a neighborhood with them. Paparazzi was assembled nightly, seven nights a week directly across from the entrance to Spago. They did not in any way adversely impact our quality of life. I don't believe the paparazzi will be assembled in any way at any entrance of SoHo House and if they are, it'll be dealt with. I live in a high rise building, just like Sierra Towers, well not as tall, but...and not as expensive, but we have celebrities there and people who come and visit me or people who hear that I live there, their first question is, what celebrities live in your building? And I'm sure the Sierra Towers people experience that too and I'm sure they have a wonderful quality of life because even though the paparazzi might want to stand outside of their front door on a continuing basis, I don't see them there and I drive by there all the time. So I don't think it's going to be something that the SoHo House neighbors will experience to their detriment. With respect to a Statement of Overriding Conditions, there are people in the community who think that this is a vile term. It really isn't. What it is, is a portal or a door in order to accomplish something that is very well deserved and very community serving and I think it is in this particular instance. Terri Slimmer pointed out that the increment of the traffic that makes it necessary for a Statement of Overriding Considerations is miniscule and I think the basic reason was stated by Nikki Haskell that a Statement of Overriding Considerations is applicable here is the word cache and Sunset needs cache. It had it for years. It still has some of it. It needs a shot in the arm and boy this is going to be the shot in the arm that it needs. So I'm very much in favor of the Statement of Overriding Considerations. This is a venue that's rather unique. Very few of us in this room, less, you know, I'm sure 99 percent plus of the community here will never see the inside of SoHo Restaurant, but 99 percent of us plus never go to the Academy Awards, we never go to the Oscars. We're very, very proud to have them in our community and to have the after parties in our community. This is the entertainment community of the world. And SoHo House is a representation of it and people will come to West Hollywood to stay in our hotels, to spend money in our stores, to eat in our restaurants, knowing that SoHo House is there so they can point to the building and say this is where the stars going. You know, they drive by the Ivy and they can't some of them afford to eat there, but this is where the stars dine. The funeral limousine, what do you call it, the hearse that points out where dead people lived or died goes by my building every day because Diane Linkletter jumped out the window there in 1969 and most of you don't even know who Diane Linkletter was, but she committed suicide there at the age of 19. It's no problem. It's no issue. But this is what makes it the entertainment community and this is what makes West Hollywood exciting and wonderful. So I'm fully supportive of the Statement of Overriding Considerations, the certification of the EIR and the entitlement. Thank you, Mr. Chair.*

**DeLuccio:** Thank you. Let's have some more deliberation before we take up a vote on (TALKING OVER).

**Altschul:** I'm not making a motion, I'm supportive.

**DeLuccio:** *I know you are.*

**Altschul:** *I'm not.*

**Guardarrama:** *I'll make a motion.*

**DeLuccio:** *Joseph?*

**Guardarrama:** *I'm fully in support of this. I'm fully, fully in support of this. I want to put people's concerns to rest. I've been to SoHo House on numerous occasions, a guest of several members in New York and it is...it's a...I almost want to say it's sort of a boring place to be because there's no loud music, there is music, I remember there being music around the swimming pool and there are a lot of people around the swimming pool during the day, but they don't seem...I mean they seem to have left their rowdy days in the past. Everyone is there...everyone who is there is either a member or a guest of a member and everyone seems cognizant that their behavior will reflect badly on that member if they misbehave and so it's a great way of controlling the behavior of the patrons while they're there. It's a quiet place and I'm very impressed with the operators of Cecconi's. I think it was a wonderful sort of entry into West Hollywood so that we could see how they ran a business before they asked for this sort of increased use. And I am fully prepared to support the certification of the Final EIR. I'm prepared to support the Statement of Overriding Considerations and I am prepared to support the approval of the project.*

**DeLuccio:** *Do you want to make a motion?*

**Guardarrama:** *I'd like to make a motion to certify the Final EIR.*

**DeLuccio:** *Okay, do you want to do the Statement of Overriding Consideration first?*

**Hogin:** *You want to move to adopt Resolution Number 09877, which accomplishes both of those.*

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

**DeLuccio:** *Can we fold that altogether? Do....*

**Hogin:** *Yes you may.*

**DeLuccio:** *We don't need to break it out, do we?*

**Hogin:** *No, staff's recommending that you adopt both Resolution 09877 and 08828.*

**Altschul:** *Which is the Statement of Overriding Considerations and the recommended...and the certification of the EIR?*

**Hogin:** *And the adoption of the Mitigation Monitoring Program and then the second resolution is all of the entitlements.*

**DeLuccio:** *Let's do the first one first. We'll do one...each do it separately and you made the motion. I'll second your motion and I actually...I'm fine with that. I, if I can just jump in, I...because I'm very comfortable because there is a Mitigation Monitoring Program in there, which I think was very well put together and it won't even be on the traffic, it also has mitigation for noise, which was not even...was...so they...I think you really were very...you carefully crafted this and it went beyond traffic and you also took in*

*consideration of noise into this because I, I've heard from a lot of speakers this evening concern about the noise and so I'm really glad that we have a Mitigation Monitoring Program that includes the noise.*

**Hogin:** *For clarity Mr. Mayor, the...I mean Mr. Chair, the motion is now just to adopt Resolution 09877.*

**DeLuccio:** *Exactly, and I second that. Is there further discussion?*

**Bernstein:** *Yeah, I just want clarification, that's the Statement of Overriding Consideration?*

**DeLuccio:** *Yes.*

**Bernstein:** *And certifying the EIR?*

**Hogin:** *Yes.*

**DeLuccio:** *And the Monitoring Program.*

**Hogin:** *And the...right.*

**Bernstein:** *And the Monitoring.*

**DeLuccio:** *It's the whole thing.*

**Altschul:** *It's everything but the (TALKING OVER).*

**Hogin:** *It's the Environmental, all the entire Environmental Compliance with CEQA. That's what we're looking at.*

**Bernstein:** *It's spelled out here.*

**DeLuccio:** *Yeah, yeah.*

**Altschul:** *Which is the whole package other than the entitlement?*

**Hogin:** *Exactly.*

**DeLuccio:** *Okay, do we need further discussion on this?*

**Yeber:** *Yeah, I just want to say I also echo Commissioner Guardarrama and Altschul's comments. I first wanted to thank the audience and the community to come out and speak, whether they're before or...I mean whether they're for the project or opposing the project. I really got a better insight to know where people's concerns were, so I appreciate that. I especially appreciate the staff's report and attention to detail on this particular item. I really commend all the hard work that staff put into getting everything handled for this project, so kudos to you. I too could support both the environmental aspect and the entitlement aspect to this, so....*

**DeLuccio:** *Okay, any further discussion on the environmental? Okay.*

**Hamaker:** *I'd like to say something eventually. I don't have to say it at this particular point. Yeah.*

**DeLuccio:** *We'll get to you then. So if there's no further discussion on the environmental, there's a motion on the floor by Joseph to adopt Resolution Number PC 09877, which is all inclusive with the certifying the Final EIR, the Mitigation Monitoring Program and adopting the Statement of Overriding Consideration. David, do you want to take a roll call please?*

**Gillig:** *Commissioner....*

**Keho:** *Chair? And as revised in the memo that we submitted.*

**Guardarrama:** *Yes, as revised in the memo.*

**DeLuccio:** *As it...yes.*

**Gillig:** *Commissioner Guardarrama?*

**Guardarrama:** *Yes.*

**Gillig:** *Chair DeLuccio?*

**DeLuccio:** *Yes.*

**Gillig:** *Commissioner Hamaker?*

**Hamaker:** *Aye.*

**Gillig:** *Commissioner Buckner?*

**Buckner:** *Yes.*

**Gillig:** *Commissioner Bernstein?*

**Bernstein:** *Aye.*

**Gillig:** *Commissioner Altschul?*

**Altschul:** *Yes.*

**Gillig:** *Vice Chair Yeber?*

**Yeber:** *Yes.*

**Gillig:** *Motion carries unanimous.*

**DeLuccio:** *Thank you, now did somebody want to make a motion on the project?*

**Bernstein:** *I'd like...I'm thinking of a comment and then I'd also like to move it.*

**DeLuccio:** *Okay, go ahead.*

**Bernstein:** *I wanted to say that I moved to New York in 1986 and I don't even know if the SoHo House people were there in 1986, but when I went to visit SoHo House, I was sort of shocked because frankly I was younger and wilder in 1986 than I am now and there is a very disreputable club named Jay's across the street from where SoHo House stands and it was a kind of neighborhood that parents don't want to think their 21-year-old is running around in and it is remarkable the change in the neighborhood and certainly let*



*me be clear lest I insult anyone in the neighborhood now, the neighborhood that exists now around 9200 Sunset is not skeevey at all. It's a lovely neighborhood, but I think it's clear that SoHo House at least anecdotally has had a positive impact and when I moved here to West Hollywood, I was younger and was not raising children and I am now raising three children right here in this community and there were several people who spoke and they...most of them are raising two children, so I encourage you to go for it, number three, but my point is, I am very aware of the pull between what this City may have historically been to us and what it is now raising a family and I think speaking from that vantage, this seems like the kind of business that it makes me comfortable to have in my community and I am willing to move this. I don't know if anyone will second it and I suspect that if no one will second what I'm going to suggest, someone else can move it and it will get seconded, but I am aware that Boa serves alcohol until 1:00 downstairs and reading through the EIR and all the other things, I'm not convinced that we need to shut down the outdoor terrace at midnight and therefore, **I would like to move the staff recommendation, but I would like to suggest the single change that we allow outdoor terrace service until 1 a.m. and alcohol sales until 12:30 a.m.***

**DeLuccio:** *And I'll second that because I actually was thinking the same thing. John?*

**Altschul:** *I disagree with that because I think that the staff has made a considered study of this and a recommendation that I think we ought to follow. There can be an expansion of the hours at any time that the business wishes to come and apply for it, but I think we ought to start with what the staff recommends.*

**DeLuccio:** *If I can make a suggestion also on what you just commented on. There's review mechanisms in this resolution I believe at different periods, Francisco? What, are they...when's the first one, is it after four months or six months?*

**Contreras:** *There's a six month review with the Planning Commission.*

**DeLuccio:** *Okay, maybe at that time why don't we...I'm going to withdraw my second right now. I'm thinking....*

**Bernstein:** *Actually I don't think you need to withdraw your second if you don't want to because I'm very comfortable with John's suggestions, so why don't I simply revise it that we give every consideration at the six month review to extending the alcohol and hours one hour on....*

**DeLuccio:** *That's what I was going to suggest, after six months we....*

**Bernstein:** *I'm comfortable with that.*

**DeLuccio:** *We'll consider that after six months, so you're now moving....*

**Bernstein:** *John would you be comfortable with that?*

**Altschul:** *Well, it's a de novo situation, so you know, they can bring it forward at any time they want to, so I'm comfortable with that, of course.*

**DeLuccio:** *Right and they can bring it forward as early as six months. So basically, Alan, you're moving staff's recommendation?*

**Bernstein:** *Yes.*

**DeLuccio:** *And I'm going to second that recommendation and Barbara do you have something you wanted to say?*

**Hamaker:** Yeah, I'll just make a few comments. I first heard about SoHo House probably from a speaker several months ago who got up under citizen's comments and just said how horrible this was going to be with the paparazzi and helicopters and I thought, oh my God, what's this, because I had never heard of SoHo House. So I'm very pleased to have come now to tonight's hearing after reading all of the EIR, which was really an experience to read and I didn't read all of it by any means and it was kind of difficult to read actually, difficult format, to feel that the SoHo House is really a wonderful opportunity for the Strip. I, like probably many people here have, I've lived in West Hollywood almost 40 years. My boyfriend and I used to ride on his motorcycle in 1966 up and down the Strip, so I remember when, don't you hate it when old people say that? And I've seen the Strip go through several incarnations and I think we're going through another incarnation right now and we're sort of growing up the same way Alan mentioned West Hollywood is growing up because the Strip, the age of the people frequenting the Strip is becoming more upscale, more urban, more intelligent, and they like a little bit better venues to attend and I think that SoHo House is one of them and given the number of hotels that have either gotten entitlements or looking for entitlements, I think it's a really indication of the kind of upscale future that West Hollywood needs to have on the Strip. The days of Tower Records and the House of Blues lines around the corner I think are behind us. So I'm happy, very happy with what I'm seeing happen. I'm very happy with what I saw when Mr. Seymour toured me around the rooms up there. I think it's going to be a really wonderful place and I probably will never see the inside of it, but I'm thrilled to know it's there.

**DeLuccio:** Joseph?

**Guardarrama:** I went to the SoHo House several years ago when the meat packing district still smelled like meat and over the years that area has gotten better. It's hard to imagine the area around 9200 Sunset getting any better than it is or that SoHo House causes the improvement of neighborhoods, maybe they're just good at picking neighborhoods. Regardless of that, I think it's just going to be an asset to the neighborhood and one more thing, I was on the Business License Commission when we heard a matter called Bar One, which was located in the City National Bank building directly across the street from the 9200 building and there were actual problems, altercations, shootings associated with that bar, so I in no way would ever want to put anything like that back in that neighborhood and I'm fully confident this is going to be nothing like that.

**DeLuccio:** Thank you. Marc? I'll save it in the end. You had something brief to say?

**Yeber:** Yeah, I too had my initial concerns about this entity, this organization business was about the paparazzi and then when I understood what was in the staff report and illustrated in the plans and then discussed with the applicant briefly, I was assured that basically there was a...several barriers that would basically prevent that...the whole paparazzi scene that a lot of us fear and I did appreciate that there was, you know, that they had to pull all the way into the building in order to have access to SoHo House, thus you know, that was the first line of barrier that prevent any paparazzi from causing commotion to the neighborhood and so forth. So I'm very comfortable with how things are being proposed here.

**DeLuccio:** Okay, good. Sue do you have anything to add?

**Buckner:** Yes, I do. I'm really happy to have heard people speak tonight. I think that there was a much different tone among the people who took speaker slips. I know that there was a lot of effort on the part of the applicant and their representatives to meet with people between the different, the two hearings that we had and I think that they made very strong efforts and I think the neighbors are satisfied now that the project isn't

going to interfere with their way of life in a negative way. I know there were some individuals who felt that, but I think that most the people are satisfied now that the SoHo House is going to be a positive influence in the neighborhood. So I think everybody for all the hard work they did.**DeLuccio:** Thank you. I echo pretty much what Sue has to say. You know, it's not going to be perfect, but you know, we're going to get there. Most, I think...I've seen the tone, it's definitely changed since this has come before us on several occasions. I think staff has done a very good job of crafting conditions in the resolution. Francisco, I want to compliment you and Jon and the entire staff and we have review mechanisms in here which I really feel strongly about so you will be coming, you'll be coming back to us and so this is a work in progress. **So, at this point unless anybody else has something to add on the Commission, the motion was made by Alan to move the Resolution Number PC 08-828 and I second that and was there any revisions to the Resolution, Francisco?**

**Contreras:** There was just that minor one on the Memorandum as well.

**DeLuccio:** Okay, very good. So David can we have a roll call please?

**Gillig:** Commissioner Bernstein?

**Bernstein:** Aye.

**Gillig:** Chair DeLuccio?

**DeLuccio:** Yes.

**Gillig:** Commissioner Hamaker?

**Hamaker:** Aye.

**Gillig:** Commissioner Guardarrama?

**Guardarrama:** Yes.

**Gillig:** Commissioner Buckner?

**Buckner:** Yes.

**Gillig:** Commissioner Altschul?

**Altschul:** Yes.

**Gillig:** Vice Chair Yeber?

**Yeber:** Yes.

**Gillig:** Motion carries unanimous.

**DeLuccio:** Okay, thank you. Thank you all very much.

**Gillig:** The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within 10 calendar days from this date to the City Clerk's Office. Appeals must be in writing and accompanied by the required fees. The City Clerk's Office can provide Appeal forms and information about fee waivers.  
//WCI:rg

(ITEM 9.B. 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.
  - B. **Director's Report.**  
Anne McIntosh, Anne McIntosh, Deputy City Manager / Community Development Director, officially introduced herself.
14. **PUBLIC COMMENT.**  
JEANNE DOBRIN, WEST HOLLYWOOD, commented on recent paparazzi activities and construction conditions regarding the West Hollywood Pavilions.
15. **ITEMS FROM COMMISSIONERS.**  
Vice-Chair Yeber requested staff follow-up by studying the possibility of adding a provision that allows for independent study of issues surrounding cell towers and a possible sub-category of Variances that deal with State mandated regulations.
16. **ADJOURNMENT:** The Planning Commission adjourned at 10:10 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 6, 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 20<sup>TH</sup> DAY OF AUGUST, 2009.

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR